"The plan represents a new model for urban development, one that leverages the rich and proud heritage of the Times Square area to motivate public action and private investment."

- New York City Regional Business Council

In analyzing the politics of the 42nd Street Development Project this paper breaks from the major approaches to the study of urban development politics that dominated the field during the 1980s. In particular, the focus on interest group activity represents a rejection of Peterson's (1981) macro-level vision of a unitary interest in development, and the resulting portrait of development policymaking as essentially nonpolitical. While a range of scholars have correctly challenged Peterson's argument for overlooking real political conflict over development (see Stone and Saunders, 1987), his argument has nevertheless remained compelling as a concise economic explanation for observable patterns of development politics. Rather than rejecting Peterson's assumption of a unitary interest on the usual theoretical or empirical grounds, this paper suggests an alternative means of understanding the political pattern he describes. Specifically, this analysis reveals that the perception of a unitary interest (and the resulting nonpolitical policymaking) is itself a politically-constructed outcome of development politics. It is politics, not economics, that explains the perception of unitary support for development.

In formulating this argument the analysis presented here fits more closely with the regime studies that emerged in reaction to Peterson later in the decade (see, for example, Stone and Saunders, 1987; Stone, 1989). It also relies on the concept of an urban growth machine (Logan and Molotch, 1986), and more loosely on Mollenkopf's (1983) concept of the pro-growth coalition. But this analysis builds on these theoretical approaches as well. It focuses on the micro-level processes that contribute to the consolidation of a pro-growth coalition at the local level, rather than emphasizing how federal programs shape local action. The analysis views the growth machine as a constructed product of these processes rather than a coalition among business and the public sector that exists as a given, without regard to time and place. Finally, the analysis uncovers a pattern and logic to the coalition politics observable in contemporary urban development. In this sense it builds on the work of earlier regime studies, which seemed content to demonstrate the presence of meaningful political activity but fell short of identifying coherent and theoretically-sginificant patterns.

The Cultural Politics of Times Square Redevelopment

The 42nd Street Development Project is a publicly-sponsored plan to completely redevelop about 13 acres of prime Midtown land centered around 42nd Street and Times Square in Manhattan. As approved by the New York City Board of Estimate (BoE) in 1984 the project called for the construction of four giant office towers (with 4.1 million square feet of space) around the intersection of Broadway, 42nd Street, and 7th Avenue; an enormous two-million-square-foot wholesale merchandise mart and a 550-room hotel at 42nd Street and 8th Avenue; the renovation of the Times Square subway station; and the preservation and restoration of nine historic theaters along 41st, 42nd, and 43rd Streets between 7th and 8th Avenues.

In all, the amount of new construction is roughly equivalent in density to four Empire State Buildings. The plan is conceptually based on a transfer of development rights (or "air rights") from the low-rise mid-block theater sites to the avenue sites where the office towers, merchandise mart, and hotel will be built. In this way the mid-block scale is kept low, while the avenue developments can exceed the densities that would otherwise be allowed under city zoning laws. (The largest of the office towers would be more than double the city's maximum allowable floor-area-ratio [FAR].) The transfer of air rights is an increasingly common technique that joins historic preservation and new construction in lucrative urban development. It is thereby reshaping the culture of the contemporary built environment around restored landmark structures.

The price tag on the redevelopment project has been estimated at greater than $2.5 billion, making it the largest urban renewal project in state history. The project is publicly-assisted through the condemnation of land, and it is subsidized primarily through city tax breaks. While estimates of the value of these tax incentives vary, one economic analysis placed the dollar value as high as $4 billion over the next century (Neuwirth, 1991).

By all objective measures this project is first and foremost one of massive office construction. What makes the case particularly interesting, however, is that the focus of the public debate centered on the elements of historic preservation and the arts; that is, on the theater restorations, which would expand the city's stock of Broadway theaters by 20%. In the statements of politicians and planners, and particularly in the media coverage of the area (especially that of The New York Times, a corporation - after which the area was named - that has its headquarters on the border of the redevelopment area and has a distinct interest in the success of the project) the office development was justified simply as a means of providing the cross-subsidy necessary for the restoration and operation of the historic theaters (as well as the subway station improvements). This characterization of the project was symbolized by the oft-used phrase "the return of the Great White Way," a reference to the Times Sqaure theater district during the romanticized era of the early 20th century.

The significance of this catch-phrase derives from its relation to the dominant discourse on Times Square. The commonly-

accepted discourse defines Times Square as a symbol of urban decline in America, where crime, drugs, prostitution, and pornography are rampant and, perhaps most importantly, where the streets have been taken over by a menacing subculture of young minority males. Never mind that various street studies (CUNY, 1978; UDC, 1984) present a far more complex portrait of the area (as one of the nation's major tourist attractions and as the city's primary legitimate entertainment district for low-income patrons). Given the widely held perception of the street as a "ghetto street" (a perception supported by the media), a project striving to recreate the Great White Way would hold a particular political resonance. Indeed, this vision of a restored Great White Way was the key to the cultural politics surrounding the redvelopment plan.

Public Hearings and the Politics of Urban Space

There are a number of different levels on which to analyze the political contest over an urban space. A comprehensive analysis must recognize that urban spaces are continually redefined through an ongoing series of contests involving the actions of business interests, public sector actors, and the individuals and groups that constitute the most direct physical users of the space. Through an interactive process, elements of these three groups work to shape an urban space. Although it may sometimes appear that the interests of these three spheres converge and produce highly stable commercial or residential areas, this view is short-sighted. Even in the most stable areas, the dominant coalition of interests from the three spheres must constantly mobilize to resist efforts by new social groups, and state and business actors, to restructure the nature and use of the space.

For example, when certain public officials decide to locate unwanted facilities in a solid middle-class neighborhood - such as treatment plants for garbage or sewage, shelters for the homeless, for drug addicts, for the mentally ill, etc. - residents (and their local political representatives) may engage in not-in-my-backyard ("nimby") struggles to protect property values and prevent the introduction of disruptive social groups into the neighborhood. Lower-income residents of undervalued neighborhoods (and their representatives) may have to fight the efforts of business interests that attempt to initiate a process of gentrification and displacement (often with some state-sector support). And business and real estate interests must compete with the efforts of neighborhood preservation groups to restrict development opportunities in valuable CBD areas.

On closer examination it is apparent that urban spaces are stable only from the most static perspective. More accurately, they are subject to ongoing contests regarding their use and value. (Even an office district, whose character is held quite stable by a massive built environment of towers, is subject to change. This is apparent from recent conversions of older towers to residential use [see New York Times, August 2, 1992], or the integration of

restored historic districts, as tourist attractions, into office districts.) A review of the history and character of the Times Square/42nd Street area illustrates how it has evolved over time as a result of the ongoing contests among a variety of interests including the Broadway theater industry, the adult entertainment industry, real estate developers, sex and drug subcultures, city planners and elected officials, and a population of low-income minority users of the space.

Yet within the process of ongoing conflict over space a state-sponsored redevelopment plan, such as the one for 42nd Street, marks a relatively discrete event around which interests coalesce, organize, and come to the fore. In effect, the contest is transferred to a new level, one which ultimately involves public review, debate, and decision-making in relatively open legislative institutions. Because of the added degree of publicness the nature and emphasis of the debate can be expected to differ from that reflected in planning documents or routine media coverage of the area. And because of the institutional forum the expression of interests will be shaped by the organizational resources of various interested groups and by biases in the system. In any case, the process of legislative approval for a state-sponsored redevelopment project offers perhaps the most overt, focused, and simplified view of the contest over a space.

The Representation of Political Interests

In the case of the 42nd Street Development Project legislative approval was required from the New York City Board of Estimate, the body with primary authority over land use decisions at the time. The Board was made up of three citywide officials - the Mayor, the City Council President, and the Comptroller - with two votes each, and the five Borough Presidents with one vote each. (The Board of Estimate was later ruled unconstitutional on the grounds that it violated the principle of one man, one vote. Land use decisions were subsequently placed under the authority of the City Council.) The Board held a public hearing on the project in October 1984, and then heard additional testimony at the following meeting in November before taking the final vote. During the course of the hearings Board members heard testimony from nearly 200 witnesses, of which project supporters outnumbered opponents by two to one. The Board approved the project by a unanimous vote.

Table 1 provides a breakdown of the affiliations of all the witnesses who appeared to support or oppose the 42nd Street Project including those who testified and those who registered a position only, without providing oral testimony. This breakdown provides useful insight into the public contest over West 42nd Street. To begin with, the table verifies the existence of a solid pro-growth coalition made up of the business community and urban arts/culture organizations, with strong backing from public sector officials. State support was particularly strong from elected officials representing larger districts, and from officials in the

Table 1
Witnesses at BoE Hearing:
Breakdown by Affiliation

Interest Affiliation	Appear/Testify		Appear Only	
	Support	Oppose	Support	Oppose
Business Community:				
Project Dev. Team	16	-	3	-
Bus/R.E. Owners	10	3	11	2
Bus. Assoc's	9	2	2	-
TOTALS	35	5	16	2
Public Sector:				
Elected, Statewide	3	-	-	-
Elected, Local	3	8	-	-
Appointed, State	5	-	2	-
Appointed, City	8	2	5	-
Community Board	1	3	1	-
TOTALS	20	13	8	-
Arts/Culture:				
Urban Design/Cult	10	3	1	1
B'way Theater Ind	7	1	8	-
Motion Picture Ind	1	1	-	-
Cultural Orgs/Insts	3	-	-	-
Architects	3	1	1	-
TOTALS	24	6	10	1
Clinton Community:	-	24	1	17
Construction Ind:				
Owners/Trade Assoc	5	-	3	-
Unions/Labor	12	-	1	-
TOTALS	17	-	4	-
Social Service:	10	-	2	-
Religious:	8	2	1	1

(Continued on next page)

Table 1 (continued)

Garment Industry:				
Owners	2	1	-	1
Labor	-	1	-	-
TOTALS	2	2	-	1
Housing/Tenant/ Neighborhood Assoc:	1	3	-	3
Local Institutions:	-	1	1	-
Unknown/Self:	4	6	23	17
TOTALS:	123	61	66	42

Sources: Stenographic Record of the Discussion on Calendar Number 86, Board of Estimate (BoE) Meeting of 10-25-84; Disposition of the Matters on the Calendar of the BoE Meeting of 10-25-84; Excerpt of the Stenographic Record of the Discussion on Calendar Number 31, BoE Meeting of 11-8-84; Disposition of the Matters on the Calendar of the BoE Meeting of 11-8-84.

Notes: Representatives of the Broadway theater organizations designated to develop and operate theater sites in the 42nd Street project were included under the category of "Business Community: Project Development Team" rather than "Arts/Culture: Broadway Theater Industry", though they fit both categories. Based on the available documents it was not possible to classify seven witnesses who "appeared but did not speak" in terms of support or opposition; therefore, they were not included in this table.

bureaucratic/administrative apparatuses. Additional support came from a unanimous construction industry, from religious leaders with congregations in the area, and from a variety of social service organizations. Opposition to the project came almost entirely from an anti-growth "community coalition" made up of Clinton neighborhood residents and their local political representatives, together with a collection of business and property owners from the project area facing condemnation and displacement. By examining the public positions of the various active interest groups it is possible to develop a clearer understanding of the political conflict involved.

The Business Community

In terms of sheer numbers alone the business community formed the primary component of the pro-growth coalition, with some 50 witnesses appearing in support of the project (almost three-quarters of whom provided oral testimony). Among this group there were three broad categories of business representatives: The first and most numerous category included the designated developers of the 42nd Street project sites and their professional consultants, such as the architects and economists; together they constituted the development team. Among the project developers were real estate powerhouses such as George Klein, the politically well-connected president of Park Tower Realty, who was designated to build the four office towers. (In his book Mayor, Koch identified Klein as at the "top of my list of campaign contributors" for his mayoral and gubernatorial campaigns in 1981 and 1982.) Also appearing in support were Trammel Crow, the nation's foremost developer of merchandise marts (described by a fellow developer at the hearings as "one of the greatest figures in the 20th Century in the development business") who was designated to operate the mart on 8th Avenue; and Jerry Speyer, of the major development firm Tishman-Speyer that was selected to build the mart. Representatives of the Nederlander and Jujamcyn organizations, major owners and operators of Broadway theaters who were designated to develop and operate theater sites, also appeared, as did representatives of Housing Innovations/Planning Innovations, a minority-owned firm from Boston designated (as part of a consortium) to build and run the hotel. Corporate architects Philip Johnson and John Burgee also turned out to support the project and defend their much-maligned design for the monumental office towers.

The second category of witnesses from the business community included individual business and real estate owners and representatives of large corporations. For the most part, it appears that the owners who supported the project had a property or business located in the neighborhoods surrounding the project area and, therefore, stood to gain considerably from an increase in property values and upscale visitors. Corporate representatives appeared on behalf of Xerox and AT&T voicing great enthusiasm for

the potential of a high-tech trade mart where they could exhibit and market new computer technologies. While representatives from a number of major financial institutions also appeared in support, none gave oral testimony specifying the basis of their position.

The third category of business support came from business and real estate trade associations. The associations were organized on a variety of levels, from local groups representing businesses on 8th Avenue, 9th Avenue, and 42nd Street, to state and regional business and real estate associations. Considering the sheer number of businesses represented by these associations one gets a sense of the magnitude and weight of the political pressure emanating from the business community. For example, the president of the Real Estate Board of New York, whose organization represented more than 5,200 members from the real estate community, pointed out that "Rarely is there an issue [like the 42nd Street project] that the membership can unanimously endorse...[I]t is a first for the real estate industry, who have varied concepts of how development should be, to be supportive of one concept like this" (BoE, 1984; 274-5).

The associations, like the developers and the interested business people who appeared, all emphasized the economic benefits of the project - including jobs and tax revenues for the city and the growth of commercial real estate - and expressed their firm convictions that development would also lead to an improvement in the social conditions in and around the area. In this respect they adhered closely to the planning philosophy underlying the Environmental Impact Statement (UDC, 1984). This philosophy held that because of the severity of the social problems in the area only massive economic redevelopment would succeed in effecting a positive transformation.

A relatively small segment of the business community appeared to oppose the project. The opponents were owners of properties in the immediate project area who faced the condemnation and taking of their property for less than the full economic potential - as they saw it, with some justification - and business owners who feared dislocation without any assurance of adequate relocation assistance. (The Brandt Organization, which owned and operated seven theaters and a small office building in the project area, was one of the most determined opponents. Though no one testified on behalf of Brandt, their attorneys submitted a detailed letter of opposition to the BoE [Rubin, Baum, 1984]. In it they argued that Brandt had been excluded from participation in the project even though it had proposed a private redevelopment plan for its properties that would have saved the public millions of dollars. The letter suggested that the Brandt proposal was rejected because of political favoritism and unethical personal connections. More fundamental, though, is the fact that the Brandt plan challenged the assumption that only large-scale, state-sponsored intervention could stimulate revitalization.) In addition, some smaller businesses around the area also opposed the project for fear of dislocation caused by commercial gentrification; that is, by large increases in commercial rents due to rising property values and

taxes. Nevertheless, the considerable weight of the business community was solidly aligned in support of the project, and included some of the most powerful individuals and organizations in the city.

The Public Sector

More than forty witnesses at the BoE hearings held a public office of some sort or another. They included elected officials ranging from U.S. Senator to City Councilmember, and non-elected officials from the Chairman of the PDC to members of Community Boards. While two-thirds of the government witnesses supported the plan, the fact that more than a dozen witnesses from the state (i.e., government) sector opposed the state-sponsored plan requires some explanation. Essentially, the opposition came from the most local level community representatives, with the smallest districts, who were inherently part of the community coalition. These representatives included City Councilmembers, State Assemblymen and Senators, and a Congressman (Ted Weiss), all of whose electoral districts were largely comprised of the project area and/or the bordering areas of Clinton, the Garment District, the Theater District, or the Midtown Office District (see map/figure...) . Manhattan Community Boards 4 and 5, made up of appointed members representing Clinton and adjacent Midtown areas, also opposed the project. (One CB member supported the project despite the official stand of opposition.)

On the other hand, the elected officials who supported the project were those with large enough constituencies that they were insulated from the unanimous opposition of the nearby communities. Both of the state's U.S. Senators, Daniel Patrick Moynihan and Alphonse D'Amato, offered testimony in support of the project; and Governor Cuomo made an appearance that was considered highly unusual, both because of the historical rarity of such an appearance by a Governor and because of the personal rivalry between the Governor and Mayor Koch. Of course, Mayor Koch both testified and cast his two votes as a Board member in favor of the project. Even two former mayors, Abraham Beame and Robert Wagner, Sr., were summoned to support the cause. From the unanimous BoE vote it is clear that two other citywide officeholders, the Comptroller and the Council President, also supported the project, as did the five Borough Presidents, even though none of these officials were registered as witnesses in support. If these seven officials were added to the numbers in Table 1, the overwhelming dominance of state support would be even more evident.

It is also noteworthy that non-elected officials - with the exception of Community Board members and district leaders who have more local, representative roles - were heavily supportive of the project. Some of these officials appeared on behalf of state and city planning and economic development agencies (i.e., the UDC and the PDC) with narrow objectives and no direct representative role. Others testified on behalf of Metropolitan Transit Authority, the

New York City Departments of Transportation and Housing, the Mayor's Office of Midtown Enforcement, and the Police Department. All of these officials reiterated relevant aspects of the basic philosophical premises that were at the heart of the UDC's Environmental Impact Statement (that is, that the magnitude of the social and physical problems required comprehensive state-sponsored intervention; that the density of the office development was only sufficient to cover the cost of public improvements in the form of a restored theater district and a renovated subway station; and that the displaced social pathology of the area would not be replicated anywhere else). Clearly, an extensive city and state bureaucratic machinery was mobilized in support of the project.

Overall, the public sector formed an essential component of the pro-growth coalition. Higher-level elected officials and a mobilized bureaucracy combined to promote the redevelopment project. The only real state-sector opposition came from those elected officials and Community Board members whose districts were largely based in the immediately affected communities, and who were therefore most directly tied to the community coalition. Because of the overwhelming opposition within the nearby communities, these officials had little choice but to reflect the unanimity of sentiment and oppose the project.

The Urban Arts/Culture Community

While the business community and public officials are established components of the traditional urban growth machine (Logan and Molotch, 1986), the third major group supporting the project is a relatively new player in the arena of development politics. This component of the pro-growth coalition was formed by a variety of civic, professional, and business groups concerned with promoting the arts (especially Broadway theater), historic preservation, and urban planning and design objectives. The fact that more than 30 witnesses from these groups were present - making it the second largest category of supporters, outnumbered only by the business community - attests to their importance as part of the pro-growth coalition.

Eleven arts/culture organizations were joined together in a group called the President's Council in order to speak more effectively with one voice on planning issues such as the 42nd Street project (they had also been active on another issue of concern, the Midtown zoning revisions of the early 1980s). (The eleven members of the Council are the New York chapters of the American Institute of Architects, the American Planning Association, and the American Society of Landscape Architects; the Architectural League; the Cultural Assistance Center; the Municipal Art Society; the Landmarks Conservancy; the Parks Council; the Public Art Fund; the Regional Plan Association; and the Women's City Club of New York.) Because the city and state agencies behind the 42nd Street plan were essentially concerned with economic development objectives these arts/culture organizations felt that

there was a need for critical review and advice on issues of aesthetics and urban design, which the President's Council could provide. While the City Planning Commission (CPC) was officially responsible for evaluating issues of urban design, the CPC staff was not actively involved in the project, despite a prominent role played by its chairman, Herbert Sturz (Fainstein, 1985; 2). (One of the recommendations presented at the hearings by the President's Council was to make comprehensive Times Square planning a major focus of CPC efforts.)

In general, the President's Council and its member organizations supported the redevelopment project, but the witnesses were very critical of a number of its particular aspects. The criticisms focused on the enormous bulk and somber design of the four office towers (and the need for tighter legal restrictions on future development above the theaters or transfers of air rights from these sites); the lack of adequate provisions for the future operation of the theaters; the possible demolition of the historic Times Tower (an issue left for future determination by an advisory council yet to be named); and the overall lack of input afforded to the civic associations on planning and design issues. Their "essential conclusion" was that "the 42nd Street project is an unfinished proposal" (BoE, 1984; 252). Approval for the project should be granted in phases in order to ensure continued public input and oversight.

Indeed, when the heads of the member organizations of the Presidents' Council testified they were so critical of certain aspects of the plan, and so insistent that certain changes be made, that it was difficult to see their testimony as support for the project. The message they conveyed was one of opposition to the plan as presented, with support conditional on changes that would address aesthetic concerns. At the least, they called for a postponement of the final BoE vote pending a negotiation and resolution of the outstanding issues. Nevertheless, with the exception of one member-organization (the New York City Landmarks Conservancy) all of the members of the Presidents' Council went on record as supporters of the plan they criticized. Several unaffiliated architects also offered support as design professionals in spite of similar aesthetic criticisms that they made.

On the business side of the arts, the League of Broadway Theaters and Producers, and individual owners and producers, formed a solid bloc of support from the theater industry, with more than a dozen persons appearing on behalf of the project. (Two other organizations from the Broadway theater industry that were designated as developers and operators of theater sites in the project were counted as members of the business community/project development team in Table 1.) These witnesses supported the project as a means of eliminating the blight of the area and displacing the threatening sub-cultures that allegedly deter fearful suburbanites from attending Broadway theater. As the chairman of the Shubert Organization testified, legitimate theaters and the city as a whole "paid the price for a deteriorated 42nd

Street" because of its "notorious image which has inhibited tourism ... and menaces New York's stellar attraction, the legitimate theater" (BoE, 1984; 211-12) There was, however, a notable absence of representation at the hearings from the actors and stagehands affiliated with Broadway theater; the only speaker from among these groups - a set designer - opposed the project.

Additional support from the arts community came from representatives of several other cultural institutions and organizations. For example, Nat Leventhal, the President of Lincoln Center (and former Deputy Mayor under Ed Koch), emphasized the parallel between that project of high-cultural production, approved by the BoE nearly 30 years earlier in the face of similarly high costs to the local community, and the 42nd Street project. (According to Caro [1974; 1014], the Lincoln Center project involved the demolition of 7,000 units of low-income housing and the construction of 4,400 new dwelling units, 4,000 of which were luxury housing.) He encouraged Board members to be equally bold despite strong community opposition, since history had proved the value of such culturally-attuned development and would certainly do so again. He argued that: "Just as the creative proposal twenty-seven years ago to transfer a blighted West Side neighborhood into the world's foremost performing arts complex launched a renaissance in a large area of Manhattan, so will your proposal of the 42nd Street project in all likelihood have that result today" (BoE, 1984; 184-5). To prompt the Board members further, he added: "You may never have a better chance to strike a blow for civilization" (187). Indeed, Leventhal was quite astute in illuminating the similarities between the two projects; Lincoln Center stands as perhaps one of the earliest models of a major redevelopment project aimed at redefining space through arts-based cultural production - a model applied here in the case of the 42nd Street redevelopment plan.

Thus, despite some stinging criticism, a community of urban arts and culture organizations and professionals provided a solid bloc of support for the project. Although the project was not aesthetically refined enough for many in this category, the components of historic preservation and arts production were enough to secure its support. It is clear, however, from the unaddressed concerns and the complaints about the lack of input that the urban arts/culture community was a disadvantaged partner in the pro-growth coalition; no other partner expressed such detailed criticism of the final plan.

The Construction Industry

More than twenty witnesses from the construction industry appeared and provided enthusiastic support for the project. The witnesses included contractors, laborers, and representatives of the unions and building trades associations. The support from this group was unanimous and unequivocal; for the most part it was framed as an openly-stated desire for construction jobs. A

representative from the Carpenters' Union laid it on the line: "We candidly declare our self-interest in the construction of this good project ... which will represent a windfall of jobs to the 10,000 people in the construction industry ... [a level] not seen since the construction of the World Trade Center" (BoE, 1984; 276). The president of the New York State and New York City Building and Construction Trades Council was equally direct, declaring: "The building and construction trades, of course, are selfish in its interests in the jobs [the 42nd Street project] would create for our industry." He noted further that "Labor is in full support ... [and] to keep the peace here [at the hearing], we have another thousand [witnesses] downstairs we asked not to come up" (BoE, 1984; 217-19). The witness did make a point of mentioning the broad advantages of the plan as well, including the permanent jobs, tax revenues, and subway station improvements that would accrue to the benefit of the public at large. Indeed, the appeal for jobs was often supplemented with descriptions of Times Square as a "cancer" on the body of the city that had to be removed to restore its economic health.

Yet, as critics from the Clinton neighborhood pointed out, construction jobs could be created as easily through any other type of large-scale construction project sponsored by the state, such as low-income housing development. The jobs did not depend on the details of the plan, only on its magnitude. Moreover, residents accused the construction workers of residing outside of the city and having little interest in the long-term impact of the project. In any event, the emphasis on jobs suggested that support from the construction industry had little connection to the specifics of the project.

The Social Service Sector

A dozen witnesses appeared on behalf various social service organizations in support of the project. Several of the witnesses represented job training or other work programs and based their support on the need for the creation of construction jobs. Roughly half of the social service organizations provided aid to travelers, immigrants, victims, and the like, and operated out of offices located in the Times Square area. They were, therefore, closely tied to the tourist industry. The Travelers' Aid Services Program, for example, provides emergency assistance to "stranded travelers and tourists" and, therefore, chose its Times Square location because of "the attraction Times Square has for many tourists" as well as its central location (BoE, 1984; 382). Their testimony contained a certain paradoxical quality; that is, they supported the project because it would reconstruct a dangerous Times Square, yet they served the mass of tourists who were drawn to the area as it was.

Religious Leaders

Religious leaders, mostly with congregations in and around the Times Square area, provided the moral firepower for the redevelopment plan. As one clergyman presented the issue, the depravity of Times Square surpassed even biblical proportions:

> That the present conditions on 42nd Street even came into being and then proliferated is a heinous civic blot that makes Sodom and Gomorrah's offense seem mildly evil. I cannot believe there may be even one caring person who believes that such pervasively corrupting conditions should exist, conditions that consign human life in the Times Square and Clinton communities to such base levels that human beings have no value except as exploitable products, things to be used, bought and sold into a slavery of narcotics, and crime, and slime, and sleaze, in order to gratify the greed of merchants and property owners for whom human dignity is meaningless (BoE, 1984; 206-7).

To sit by passively and allow the conditions in Times Square to persist was, in effect, a crime against God and humanity that could not be tolerated. Consequently, a vote for the project represented the only morally-correct course of action.

This position reflected the choice among two options only, the 42nd Street project versus no action; it did not evaluate the 42nd Street plan against other possible courses of action aimed at addressing the social conditions of the area. Another clergyman, representing the bishop of the Greek Orthodox Archdiocese, summed up the available alternatives in this way: "If the price we must pay for ridding ourselves of that cesspool on 42nd Street is a line of office towers, I say so be it" (BoE, 1984; 222).

Still, a minority of the religious leaders opposed the plan on the grounds that it would contribute to housing problems and suffering among Clinton residents. For these leaders (including the Executive Director of Catholic Charities), it was essential to challenge all "public policies that directly or indirectly promote displacement or homelessness" (BoE, 1984; 296).

The Garment Industry

Several owners of garment manufacturing firms testified in favor of the project. In general, they anticipated positive benefits from the rejuvenation of the area at the northern boundary of the Garment District. On the other hand, the Federation of Apparel Manufacturers (FAM) - with 5,500 member firms employing some 150,000 workers - opposed the project, as did the International Ladies' Garment Workers Union (ILGWU). Despite their support for Times Square redevelopment both groups expressed grave concerns over the displacement of jobs and businesses that might result due to conversions of manufacturing spaces. As the FAM director put it:

> [W]e are pleased with the prospect that the 42nd Street redevelopment project will bring a needed rebirth to the entire Times Square area ... We also wish to caution you as seriously as we can not to consider these benefits at the expense of the New York garment industry and the price we will pay if you were to proceed ... without first creating indispensable legal instruments that will prevent such a mart from shattering the viability of many in the industry (BoE, 1984; 206).

FAM argued for expanded protection for the Garment District as a condition of approval for the project. Specifically, FAM wanted stricter limits on the conversion of manufacturing lofts to other uses, and additional restrictions on the apparel-related uses of the merchandise mart. An informal agreement had already been reached to convert the mart from primarily fashion to high-tech uses in response to studies showing adverse effects on the garment industry - including even the UDC's own data. (The author of one such study testified that there was no evidence supporting the need for an apparel mart, which, on the contrary, would lead to job losses and no increase in buyers for the industry.) Manufacturers would support the project only when extensive protections for the garment industry were made legally binding.

Still, opposition from FAM and ILGWU was highly specific. These groups did not oppose the redevelopment project in general. As the ILGWU representative testified, the group was not "strictly speaking" in opposition (BoE, 1984; 159); it simply wanted more protection for the garment industry. Indeed, with certain protections this industry would have joined the larger business community in support of the project. Until that point they would remain allied in opposition with those local businesses that were most immediately threatened by the project.

Clinton Residents

At the hearings, opposition to the project was concentrated in a virtually unanimous group of some 40 Clinton residents who registered positions. Many of these opponents identified themselves as members of a loose organization called the Clinton Coalition of Concern, but others did not state an affiliation. All spoke vehemently against the project on the grounds that it would lead to gentrification of the Clinton neighborhood and extensive displacement of its low- and moderate-income residents, while at the same time providing an unwarranted "give-away" to wealthy developers and big businesses. Residents described the project variously as "the most outrageous land graft in the history of New York City" (BoE, 1984; 230), "one of the most insane and criminal land grab deals of the world" (226), and so on. For the Clinton residents the conflict was therefore framed along class lines, and the project worked like traditional urban renewal by displacing the poor for the benefit of the wealthy (Fainstein, 1985; 1987). They

questioned why the developers did not "do it the American way ... as most real estate deals are made, by going out and acquiring the property in the marketplace rather than utilizing the force of law" (BoE, 1984; 323).

As those most directly exposed to the area, Clinton residents actually preferred the status quo to the project being presented for approval. Therefore, project sponsors simply added insult to injury when they defined the project as an effort to clean up Times Square for the benefit of city residents. Clinton residents regarded "the constant invocation by the project's supporters of the sleaziness of present street conditions as a coverup by which Clinton's original demands for neighborhood improvement [were] cynically used to justify a tax giveaway to real estate developers" (Fainstein, 1985; 7). One resident even suggested, perhaps hyperbolically, that the project was actually "designed to remove us from our homes under the guise of getting rid of pornography" (BoE, 1984; 229). There could be little doubt that a project of this scale would create enormous development pressures on the last low-income neighborhood in Midtown Manhattan.

The Politics of Times Square Redevelopment

The preceding survey of the interests represented and expressed at the public hearings on the 42nd Street project illustrates some important points about the nature of the political conflict. The analysis of interest group activity demonstrates that, at this level, the conflict pitted a strong pro-growth coalition against a localized community coalition with minimal organizational resources. The pro-growth coalition centered on a core triad of interests including the business community, the state sector, and a community of urban arts and culture associations and enterprises. These groups all shared a particular interest in the project as it was specifically formulated.

Additional support came from the construction industry, and an assortment of social service organizations and religious leaders. These groups formed a second level of support, since they had no direct interest in the specific project at hand; instead, they had a more general interest in any project that would create a large number of construction jobs or attempt to alter the social dynamic of the Times Square area. This is evident from the testimony given by these secondary groups, which exhibited little concern for the specifics of the project (and indicated no involvement in their formulation) and focused instead on the importance of taking some action. In contrast, the testimony from the core support groups dwelled heavily on the importance of particular project components, reflecting their direct interest in the formulation of project specifics. The objections from the arts and culture community indicated, however, that this sector was a relatively disadvantaged partner among the three core groups.

In fact, the considerable criticism of the project from the arts/culture community, made on aesthetic grounds, reflected the

fundamental line of division among the partners in the pro-growth coalition. The arts/culture groups largely shared a common concern that the project - with its emphasis on four giant, stodgy office towers and its lack of provisions for the future operation of the theaters - failed to go far enough in recreating the culture of a historic theater district. In part, the debate appeared to be one of economics versus aesthetics, and for the arts/culture community the project sacrificed the latter to the former. Brendan Gill, chairman of the Landmarks Conservancy, was among the most vocal opponents from the President's Council, and summed up the concerns among the civic groups when he stated (at the UDC hearings on the Environmental Impact Statement in the spring of 1984):

> We are concerned about losing Times Square as we know it: as a lively and dazzling entrance to the theater district. We have seen no evidence ... that the addition of four million square feet of conventionally dreary office space is necessary to achieve the stated goal of the project; on the contrary it will drastically affect the character of the area, not for the better but for the worse (quoted in Fainstein, 1985; 6).

Nevertheless, due to the elements of high culture included in the project the arts/culture community remained an important part of the pro-growth coalition. This community clearly supported the project out of its own self-interest; that is, it saw the preservation of the historic theater structures and the creation of new Broadway theaters as important achievements for the arts community. The aesthetic disagreement really focused on how, precisely, a new Times Square culture should be constructed.

Indeed, the pro-growth coalition was well-organized and powerful. The core groups included some of the most prominent individuals and corporations in the field of commercial real estate development, as well as the most dominant individuals and organizations in Broadway theater, and the most influential politicians in New York State. By the time of the BoE hearings these groups (particularly the business and state sectors) were connected by years of negotiations and cooperative planning. There were, of course, divisions within the business community, within the state sector, and within the arts community as to the desirability of the project; however, in each case the more powerful faction stood in support of the project. Within the business community only those with the most local investments in the project area (i.e., the existing business and property owners) opposed the project. On the other hand, nationally active real estate developers and corporations, and state and local business associations, supported the project.

Within the state sector the divisions of support and opposition operated along two axes: the first was based on district size, with opposition coming from the elected officials and Community Board members with districts smaller than the borough level that centered on the immediately surrounding neighborhoods.

These politicians had little leeway for action given the unanimity of opposition among neighborhood residents. The more powerful elected officials with larger districts and broader constituencies overwhelmingly supported the project. The second axis of division revolved around the distinction between elected and non-elected officials; the predominant support of non-elected officials (with the exception of those with local representative roles, more political than bureaucratic/administrative) reflected a mobilized bureaucracy pursuing the development agenda of the most powerful city and state political actors.

The Broadway theater industry was divided as well, though the division is barely discernable from the pattern of witnesses at the BoE hearings. While only one stagehand appeared and spoke against the project (arguing that Times Square would become Dallas, Houston, or Los Angeles), the fact is that the Actors' Equity Association (representing some 35,000 actors and stage managers) and its organizational offshoot dedicated to theater preservation, Save the Theaters, Inc., "jointly withheld approval of the plan" (Goldstein, 1985; 23). These groups had become bitterly skeptical of city planners and their appreciation for the theater district after the city allowed the demolition of two historic Broadway theaters (the Helen Hayes and the Morosco) in 1982 to make way for the construction of John Portman's long-awaited Times Square Marriott Hotel. It seemed that the city had been launching a development assault on West Midtown - which included among other things the massive Westway highway project, the convention center, and the new high-density zoning district - that showed utter disregard for the viability of the theater district.

The 42nd Street project failed further to recognize the interests of the theater industry by neglecting to provide landmarks designations for the 42nd Street theaters or to provide for their future operation; by threatening to dislocate theater-related businesses; by threatening to disperse a criminal population into the streets of the theater district; and by imposing an office-tower aesthetic in "near-total ignorance of the area in which [the towers] are to be built" (Goldstein, 1985; 24). In essence, Actors' Equity and Save the Theaters felt that "although not asked to help develop the policy for the project the theatrical community was invited to ornament it" in an effort to "legitimize the plan" (Goldstein, 1985; 24).

Despite their lack of support actors and stagehands were virtually invisible at the BoE public hearings and constituted a weak source of opposition. On the other hand, a vocal bloc of Broadway theater owners and producers, constituting a more dominant economic interest group, formed an important component of the pro-growth triad of interests. So, as with the divisions within the business community and the state sector, the more powerful segment of the theater industry firmly supported the 42nd Street project.

This suggests perhaps a necessary condition for successful redevelopment; namely, that the dominant interests behind each of the various public and private sectors must support the project. While it may be unrealistic to expect empirical support for a

unitary interest in development, this situation is approximated closely enough when there is a predominance of support from business, public officials, and culture organizations.

In sharp contrast to the powerful pro-growth coalition, the community coalition primarily consisted of individuals from the Clinton neighborhood with few resources and little organizational backing. Most of the opponents who listed an organizational affiliation appeared as members of the Clinton Coalition, a neighborhood organization active on housing and related issues. Other witnesses appeared simply as individuals reiterating the general neighborhood position. What is most notable about the opposition, therefore, is how localized and limited it was. There simply was no broad-based citizen opposition expressed, nor any opposition from a significant citywide organization.

Virtually the only resources of any significance for local opponents came from their grip on local political representatives. Although these were not the most powerful city or state political figures, they were a vocal and united bloc (that included Congressman Ted Weiss), and therefore a source of valuable support for Clinton residents. There was a widespread feeling among community activists, Community Board members, and other observers that the public had been excluded from the planning process from the inception of the project through the BoE hearings, in spite of repeated calls for participation (Brendle, 1985, 25; Neuwirth, 1985, 27; Fainstein, 1985, 5). After the first BoE hearing date, however, public officials began to make an effort to respond to neighborhood concerns. And, as Fainstein argues, "The key intermediaries in translating outside pressure into concessions were the elected officials rather than the planners, who until this point had remained obdurate" (1985; 5).

In fact, the concessions came directly from the elected officials, and really involved no modification of the 42nd Street project as formulated by the planners. Shortly before the second hearing date Governor Cuomo and Mayor Koch announced that they would provide $25 million in city and state funds for low- and moderate-income housing projects in the Clinton neighborhood, as well as other community services. Most local residents and officials felt that the housing money should come from the developers who were receiving generous public subsidies rather than from the public coffers that must serve all city residents; indeed, this was the principal point of conflict in last-minute negotiations among local legislators, representatives of Community Board 4, and the staffs of the Mayor, the Governor, and the BoE (Brendle, 1985; 26). But in the end the concession came from the state sector, not from the business interests. Still, it is unlikely that there would have been any concessions at all without the efforts of a united bloc of local political representatives. It seems that this group played a mediating role between the pro-growth coalition and neighborhood interests.

Non-interests and Non-decisions in the Legislative Arena

While the data on the witnesses at the BoE hearings says much about the political conflict surrounding the 42nd Street project, it provides an incomplete picture of the conflict of interests. The inherently distributional nature of land-use decision making renders it a quintessentially political sphere. Publicly articulated interests do not necessarily exhaust the full range of interests gaining or losing from a land-use decision. Other interests can and must be deduced from patterns of actual public use of a space, from the sources of redevelopment initiatives, and so forth. The data on witnesses must therefore be examined as much for the interests it does not reveal as for those that it does.

For example, we know from the UDC's Environmental Impact Statement (1984), from the CUNY street studies (1978), and from simple observation that the Times Square area was the city's primary low-income entertainment district. Based on the street studies, the number of low-income residents who used the area for legitimate entertainment purposes may have even rivaled or surpassed the entire group of about 50,000 Clinton residents. Clearly, the loss of such a unique and important resource for so large a group constitutes a significant distributional impact.

Yet, whereas more than 40 witnesses turned out from the Clinton community to oppose the project, only one unaffiliated witness spoke on behalf of the city's low-income minority population that stood to lose an easily-accessible, centrally-located district of cheap fast food outlets and discount first-run movie houses. (Street studies during the late 1970s indicated that the cheap action movies, and not the adult establishments, were the most heavily patronized entertainment facilities in the area [Winnick, 1978].) He pointed out that "There is no way for the people who are coming to 42nd Street ... [who] only have minimum money ... to pay the forty and forty-five dollars that it takes to go into a legitimate theater" (BoE, 1984; 326-7). Regarding this low-income minority group, he noted: "I have heard about nothing about what their pleasures are and what is going to exist for them" (327).

The under-representation of area patrons can be explained more convincingly by Olson's (1965) logic of collective action than by the disavowal of any legitimate political interest among this group of Times Square patrons. The group is unmanageably large and diffuse, made up of individuals who by definition have few economic resources, and have largely non-economic and intangible interests (i.e., that of leisure entertainment) in the area. By way of contrast, Clinton residents, though a very large group, perceived a vital economic interest in defending their housing. Of course, it is also essential to note that the low-income population of Times Square had already been identified in the public debate as a source of the area's decline.

Given the economic value of the adult entertainment industry one might also expect considerable opposition from the owners and clients of sex-related establishments in the area. The failure of these interests to mobilize publicly reflects more about the dubious neutrality of the "black box" imagined at the center of the

pluralist process than problems of collective action. The industries of sex-related entertainment, legal and illegal alike, were already publicly vilified as both symbol and source of decay in the area; indeed, a central stated objective of the entire 42nd Street project was the clean-up of these activities. As a result there was little to be gained for the legal sex-entertainment industry from mobilizing as an interest group in the public arena, despite its vast economic resources; in this arena it was already denied the status of a legitimate participant. Rather, it seems that the adult entertainment industry must compete for urban space through the raw power of the purse alone; in other words, it is the highest bidder, paying top dollar rents to commercial landlords with undervalued properties in advantageous locations.

In sum, it hardly seems a coincidence that the two groups most notably absent from the hearings were already labeled as culprits for the area's demise in the dominant political/cultural discourse on Times Square. Regardless of its veracity, this discourse - as defined by politicians, investors, planners, and the press - played an important role in structuring the political conflict and the relative status of various interests. By denying legitimate interests to the low-income patrons of cheap action movies and fast food outlets, and to the adult entertainment industry, supporters contributed to the perception of unanimous support for the redevopment project.

Aside from these unrepresented opponents of the project there were also a number of major institutions in the city with a substantial economic interest in the completion of the project which failed to appear in support at the hearings. Among these institutions were the New York Times and the Ford Foundation (located on East 42nd Street), as well as corporations such as NBC and AMEX. While one may question whether these institutions had a real concrete interest in the project, the fact is that they had previously provided funding and organizational support for street studies and/or proposals for the revitalization of the area. Representatives of NBC, AMEX, Salomon Brothers, the Dreyfus Corporation, and other corporations and law firms were members of the board of The City at 42nd Street, Inc., the non-governmental organization whose plan for the redevelopment of 42nd Street grew out of efforts by the Ford Foundation and provided the prototype for the state-sponsored plan considered by the BoE (The City at 42nd Street, Inc., 1981). Nevertheless, none of these organizations attended the hearings in order to support the final proposal. Even those representatives of major financial institutions that did appear (e.g., those from Chemical Bank, American Savings Bank, and Goldman, Sachs & Co.) did not provide oral testimony indicating the basis for their support. In this way they limited their publicly-stated interest in, and connection to, the project.

It is not entirely clear why organizations that expended resources to promote a redevelopment project would fail to appear publicly on its behalf. Suffice it to say that these organizations have alternative methods of pursuing their interests; that is, they

are not required to submit to the workings of a "black box" along with everyone else. By providing funding for studies, formulating proposals, and serving on the boards of non-profit development corporations these institutions can ensure that their interests are accommodated early in the process. They possess the resources that enable them to initiate action aimed at achieving their objectives; thus, they obviate the need for participation at such a late stage in the process, when final public approval for the project is decided. Major institutions can establish the choices that form the basis of an unfolding decision tree, which finally culminates in the simple yes or no decision made in a public legislative body. In effect, these institutions enjoy the power to set the agenda on such development issues (Bachrach and Baratz, 1962?).

In sum, the BoE hearings on the 42nd Street Redevelopment Project illustrate a number of problems with the articulation and recognition of interests in a pluralistic, public decision-making process. For large groups with limited resources and less tangible interests, the obstacles to collective action may prove insurmountable; for other groups, the system may have already denied them the legitimate status required for participation as a player; and for some, they possess sufficient resources to initiate and define the alternatives from the start.

In fact, an important deficiency of traditional pluralist theory evident in the Times Square case is its failure to recognize the sequential nature of public decision making, and the fact that some players enter into the process much earlier than others. Pluralism assumes that interest articulation occurs more or less simultaneously for all players, and can then be metamorphosed into a compromise outcome. As the Times Square case demonstrates, however, power comes into play by determining the point at which one can enter into the process and attempt to shape the further sequence of alternatives. The foundation of the 42nd Street plan began with the initiatives from the business community (culminating in The City at 42nd Street proposal); then, when state approval and backing were needed public officials and planners worked within the contours of this plan and modified it to suit public and private objectives more truly.

At the BoE hearings the arts/culture organizations, and especially the Clinton residents and their representatives, all spoke about their exclusion from the planning process despite repeated requests for participation. The relative weakness of the Clinton residents in particular was apparent from the fact that they had to rely on this public forum to make appeals for changes in the project, at a time when the alternatives were essentially reduced to a yes or no on the plan as presented. For all the purposes that such hearings might serve, they are a poor forum for negotiating changes in a project.

The attention to the concerns of Clinton residents that came at the BoE hearings did contribute to the establishment of a community housing fund, but this money represented less a change in the plan than compensation for its detrimental impacts. In the end, there was something pitiable about the emotional Clinton

residents who stood at the podium pleading for attention to their plight from BoE officials who had long since left the hearing in the hands of their proxies. The signal being sent was that the decision was a foregone conclusion. The fact that the Clinton residents had to rely on the BoE hearings for an opportunity to influence the project was a simple indication that they were really lacking the resources needed to shape the project at an earlier stage in the planning process.

When the Board voted unanimously to approve the project it seemed that the outcome had been predetermined. Despite two days of hearings at which the project's merits were contested and debated, the project still represented years of planning and cooperation among the state and private sectors. The BoE vote understandably reflected the active state involvement in the project, the support from major elements of the business and arts/culture communities, and the lack of any broad-based public opposition. In this sense, the Board's action was a reasonable reflection of societal interests. On the other hand it can be argued that the BoE hearings were hardly part of the decision-making process at all, since all the essential decisions relating to the project had already been made during the planning process. The BoE decision was reduced to a yes or no, effectively precluding public debate over alternative plans for the area. In this sense, the BoE hearing served more as a legitimating event than a decision making one.

Board Politics

The comments made by Board members during the roll-call vote indicate some important points about the nature of the project and conditions for its approval. The Assistant to the Mayor reiterated the compromise proposal offered by the Mayor and the Governor to provide $25 million to the Clinton community for housing assistance. The Council President and the Manhattan Borough President also applauded this plan, which they felt provided the necessary protection for Clinton residents and enabled them to support the project. It seemed irrelevant that Clinton residents and representatives continued to oppose the project on the second hearing date, even after the announcement of the $25 million community fund.

The Manhattan President and the Council President also asked for final assurances that the modified resolution would preclude the possibility of future air rights transfers or the demolition of historic theaters in the project area. As noted previously, UDC involvement meant that the project was not bound by the New York City zoning code, and therefore the air rights transfers were technically irrelevant (though, conceptually, the project transfers bulk from mid-block theater sites to the corner sites of the office towers). Land use determinations were made by the UDC according to the authorization set forth in the BoE resolution. For the theater sites as well as the other sites, any proposed major changes - such

as the demolition of theaters - would seem to require the approval of both the UDC and the BoE.

Nevertheless, the components of the project relating to historic preservation (including the concept of air rights transfers to other sites), and the creation of a theater/arts district, were central to the political support for the project. As the comments of the city officials indicated, there was some tension regarding the degree of commitment among project planners to the cultural project of reproducing the historic theater district. City officials remained actively concerned about these issues up to the last minute, and demanded assurances that the UDC would not be able to deviate from their intent. As a result, the resolution was amended to require only theater uses for specified sites, and to prevent building additions above theater structures or the transfer of air rights for the 99-year term of the UDC lease. The fact that these modifications were made in spite of their legal redundancy (according to the city's Corporation Counsel [BoE, 1984b; 3]) attests to the political saliency of the arts and preservation issues.

Redefining the Politics of Urban Development

This analysis of the political contest and contestants - both revealed and unrevealed - at the BoE hearings on the 42nd Street project illustrates some fundamental points about the new politics of urban development. To begin with, it is no longer sufficient to conceive of pro-growth coalitions simply as alliances among elements of the business community and the public sector. Rather, it is necessary to recognize that, in a meaningful way, a community of urban arts/culture groups - including design professionals, preservationists, and arts businesses - has become a central component in the paradigm of an urban "growth machine." While Whitt (1987) noted this change in the 1980s, it has remained to be shown how and why this new pattern exists. As the Times Square case demonstrates, the incorporation of this arts/culture community has significantly altered the nature of political conflict and debate surrounding urban redevelopment.

The arts/culture community has been drawn into the urban growth machine by the inclusion of preservation- and arts-based components, which clearly advance their causes, in development projects (Green, 1982). The practical effect of this is that even though aesthetic debates are not eliminated from development politics they are essentially confined to being debates among project supporters, rather than being a source of conflict between supporters and opponents. In other words, aesthetic objections do not serve as mobilizing issues for an anti-growth opposition. This is clearly evident in the Times Square case, where aesthetic issues were a major focus of the public debate, but never really threatened to derail the project because the debate was largely contained within the pro-growth coalition.

Furthermore, the arts/culture community is especially

important because it speaks for a much larger constituency of higher-income, better-educated urban residents. The objective of using redevelopment to culturally redefine (and thereby reclaim) space can, therefore, be elevated to a new role in the political debate where preservation- and arts-based cultural production is involved. That is, cultural redefinition is made central and explicit in an effort to generate support from higher-income residents. Simply put, high culture can be offered as an alternative to threatening minority urban subcultures (or to any undervalued space in the form of a blue-collar neighborhood, an outdated manufacturing district, etc.).

By framing redevelopment in this way the growth machine can take control of the environmental debate. In development politics, there are frequently environmental concerns - such as air quality, endangered species, water and soil contamination, etc. - that threaten to pit the better-educated, higher-income urban residents against the growth machine. By introducing preservation and the arts into development projects, as alternatives to social and physical decay, the environmental debate is recast along social and aesthetic lines. In other words, the environment is defined as a social rather than a biological system, and what becomes relevant in development politics is the focus on improving the social environment rather than protecting the biological environment. The effect is a realignment among environmentally-concerned segments of the public, as the higher-income, politically-efficacious constituency is relocated, by the nature of the debate, from the anti-growth to the pro-growth side.

This phenomenon is clearly evident in the politics of Times Square redevelopment. In this case the debate was defined as the construction of a historic theater district versus the continued dominance of crime, drugs, and pornography; in other words, the environment was defined in social and aesthetic, rather than biological, terms. In a city chronically afoul of the Clean Air Act there was remarkably little concern over the impact on air quality due to the increased traffic congestion that would inevitably accompany four million square feet of new office space. Several witnesses (including a traffic consultant) argued that the EIS seriously underestimated the adverse effects of the project on air quality, but the issue never became politically salient. Even The Clean Air Campaign - a citizens group active on planning issues that had fought and defeated the Westway highway project - was nowhere to be found on the 42nd Street project. In fact, the environmental debate had already been defined on social terms and, as evidenced by the lack of broad citizen-based opposition, the attentive public was solidly behind the social and cultural project of theater restoration.

Conclusion

This analysis suggests several important considerations related to ongoing debates in urban research. To begin with, there

was no unitary interest behind the 42nd Street Project in a literal sense. There was opposition not only from unanimous local residents, but also from members of the business community and the public sector, groups that are usually assumed to be unified growth supporters. As earlier regime studies demonstrated, there was meaningful political conflict surrounding the project.

From another perspective, however, the overwhelming predominance of support, aside from highly localized opposition, might reasonably approximate the kind of broad-based support for development described by Peterson. Nevertheless, this study does more than just add to a definitional endgame. It demonstrates that the overwhelming support for the project did not simply result from the abstract operation of an economic imperative. Rather, support was politically constructed according to a coalition strategy centered on cultural politics. In sum, the Times Square case suggests that the new pattern of urban development, involving preservation- and arts-based cultural production, deflects opposition by incorporating the arts/culture community into the growth machine and recasting the political/environmental debate in a way that predisposes higher-income urban residents to support redevelopment.

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DIALOGUES OF TOLERATION: ERASMUS AND BODIN

Gary Remer
Department of Political Science
Tulane University
New Orleans, LA 70118

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INTRODUCTION

There is no necessary link between dialogue and toleration. First, not all defenders of toleration value dialogue. Mystics and spiritualists, for example, justify toleration on the ground that truth is internal and cannot be forced. But because they view truth as a matter of the spirit, not reason, they eschew dialogue. As one Dutch Anabaptist states: "The Christian faith is not a word pronounced by the mouth, but a true eternal force, a divine operation . . . which no one can know but he who receives it. It does not consist . . . in words outwardly pronounced, but in the experience of the living, true, just and eternal God and his Christ."[1] Second, not all dialogues are tolerant. Some are didactic, where the speaker possessing knowledge instructs his unenlightened interlocutor. For example, Thomas More's Dialogue Concerning Heresies is not an investigative dialogue between peers, but a didactic, authoritarian dialogue between More, who knows the truth, and the messenger, a youth in danger of being lost to the Lutheran heresy, who is ignorant of the truth. In this case, dialogue becomes More's vehicle to reclaim the youth. There is no toleration of heterodoxy here, no question that anything besides More's opinion is legitimate.[2]

Nevertheless, although dialogue and toleration **can** be distinct, there has been, in fact, a long-standing connection between the two concepts. Thus, while dialogue is not significant to all arguments for toleration, it remains central to the most famous defenses of toleration, like John Milton's Areopagitica (1644) and John Stuart Mill's On Liberty (1859). For both Milton and Mill, toleration promotes discussion, which, they believe, will lead to the discovery of more truths. The same nexus between toleration and dialogue is found in the U.S. Supreme Court's "marketplace of ideas" theory, which assumes that free speech should be protected because truth will emerge from the free interchange of ideas.

Dialogue has also traditionally been defined as tolerant. For example, Socrates' claims of ignorance, in contrast to More's profession of knowledge, suggests that his dialogue's conclusion has not been predetermined and that interlocutors in the Socratic conversations are truly free to express their opinions. And Cicero explicitly defends, in his dialogues, the liberty of speakers to state their opinions and to form their own judgments. "But let everyone defend his views," Cicero writes in the Tusculan Disputations, "for judgment is free: I shall cling to my rule and without being tied to the laws of any single school of thought which I feel bound to obey." Similarly, he writes in the same dialogue: "you must use your own judgment; if you are content with yourself in approving the right, then you will not only win a victory over self . . . but over the world of men and things."[3] Alluding to the tolerant nature of the Socratic and Ciceronian dialogues, Rudolf Hirzel argues in his classic Der Dialog that real dialogue, like that found in democratic Athens, presupposes freedom of thought and speech.[4]

The relationship between dialogue and toleration is the focus of this paper. I examine here how two different thinkers in the sixteenth-century, Desiderius Erasmus (1466-1536) and Jean Bodin (1530-1596), develop theories of religious toleration based on the model of dialogue. While both view dialogue as a model for toleration, I argue that each presents a different version of dialogue from which he derives a separate theory of toleration. In the section on Erasmus, I discuss Erasmus's "tolerant" dialogue, which is best exemplified by De libero arbitrio, diatribe sive collatio (On Free Will: A Disputation or Comparison), a one-

sided conversation with (and refutation of) Martin Luther, published in 1524. Erasmus offers in De libero arbitrio a traditional conception of dialogue, in which the speakers are engaged in a common search for the truth. I show that Erasmus looks backward to Cicero in developing his conception of dialogue. Erasmus, however, also anticipates Milton and Mill's case for toleration, which deems toleration a means to truth. The expression of opposing opinions, for Erasmus, allows the listener to compare viewpoints and to decide which is the most probable. Like the present-day "marketplace of ideas" approach, the Erasmian dialogue requires that the speakers adopt a certain degree of skepticism.[5] Although the interlocutors have their own opinions and argue for them, each speaker must entertain the possibility that he may be mistaken and, consequently, that he may ultimately adopt another position. Lacking certainty, the speakers in the Erasmian dialogue must tolerate other views. They must also respect each other because, Erasmus argues, civility promotes the discovery of truth.

In the section on Bodin, I argue that Bodin puts forward an alternative version of the tolerant dialogue in the Colloquium heptaplomeres de rerum sublimium arcanis abditis (Colloquium of the Seven about Secrets of the Sublime), which was completed in 1588, but circulated in manuscript form until the first complete printed edition was published in 1857.[6] Like the Erasmian dialogue, this dialogue between representatives of seven different religions is open: speakers are permitted to state their opinions and to decide for themselves. In fact, Bodin's dialogue is less restricted than any of Erasmus's because, in contrast to Erasmus's dialogues, the Colloquium includes non-Christian speakers, who are presented as every bit the equal of the Christian participants. But while diversity of opinions is found in both forms of dialogue, the speakers' goal--and the dialogue's--differ. In the Erasmian dialogue, or the Socratic and Ciceronian for that matter, the goal is to work together to find the truth, or at least to move closer to it.[7] Implicit in this vision of dialogue are the assumptions that (1) there is a single truth and that (2) the greater the consensus, the more successful the dialogue. In the Colloquium, however, these assumptions are rejected. The speakers do not pursue a single, common truth. Rather, they offer up their particular versions of the truth, unwilling to change their own positions.

From the perspective of the first dialogue, Bodin's Colloquium is a failure; the speakers do not even try to agree. But I argue that Bodin's dialogue is successful when judged on its own terms. The speakers do not agree on the truth, the Colloquium suggests, because truth--especially religious truth--is complex, and each speaker represents a different facet of that multifaceted truth. And though the speakers remain firm in their initial convictions, they gain from the dialogue a clearer perception of their own opinions. By comparing their views with one another, the speakers come to better understand their own truths, the sum of which constitutes the whole truth.

The difference between these two forms of dialogue has practical implications for toleration. A traditional dialogue like Erasmus's, with its monistic conception of truth, is exclusive. It presumes that if x is true, then y must be false. And it only tolerates in areas that are not yet known. Thus Milton, the oft-presumed herald of contemporary freedom of speech and press,[8] would have banned Catholicism because it conflicted with "known" truths.[9] As long as truth is in doubt, according to Milton, debate must be permitted: "To be still searching what we know not, by what we know, still closing up truth to truth as we

find it . . . this is the golden rule in Theology."[10] But, Milton reasons, we can know that Scripture is absolutely and solely authoritative, and because Roman Catholicism denies this proposition, it should be proscribed. Regardless of whether the opinion in question is Protestantism or liberal democracy, however, the message implicit in the first kind of dialogue is that once a conviction is held with certainty, there is no reason to tolerate competing ideas. Because dialogue aims at truth, then dialogue and diversity's raison d'être ceases when truth is known. By contrast, Bodin's dialogue accepts a pluralistic conception of truth. It notes that simply because x is true, does not mean that y cannot also be true. Therefore, this second type of dialogue can tolerate contradictory opinions, even when the opposing sides are convinced of their own truth. Truth, in the Colloquium, is not a monopoly maintained by force, but a shared commodity divided between different, mutually tolerant persuasions.

ERASMUS

Humanism, Dialogue, and Skepticism

Desiderius Erasmus was born in Holland, the illegitimate son of a priest. He rose during his lifetime to become a celebrity of international stature based on his far-ranging scholarship in biblical, classical, and theological studies. And to this day, Erasmus is the best known humanist of the sixteenth-century.[11] His reputation as "prince of the humanists" is rightly deserved. His vast corpus bespeaks an intense interest in the endeavors and studies characteristic of the Renaissance revival of the studia humanitatis known as humanism.[12] But above all, Erasmus demonstrates the humanist's concern with rhetoric, the most distinctively humanistic area of study.[13] All Erasmus's writings, including those not specifically devoted to rhetoric, are composed with an eye to their persuasiveness. It is with this attention to oratory that he writes of himself: "Erasmus taught nothing except eloquence."[14]

An important rhetorical tool for Erasmus was dialogue, a common genus during the Renaissance. The Quattrocento humanists had favored dialogue as a literary genre, and Erasmus followed their example.[15] There is an important difference, however, between the dialogues of Erasmus's predecessors and Erasmus's own. The Quattrocento humanists' dialogues did not generally concern religious issues. The Reformation had not yet brought doctrinal matters to the fore. But Erasmus did make use of the dialogue to deal with religious issues, especially after the Reformation had begun.

Erasmus did not discuss all religious issues in dialogue form. He reserved the religious dialogue for nonessential doctrines. For Erasmus, the fundamentals of faith could not be discussed. These doctrines that were essential to salvation had to be accepted without question. Nonessential doctrines, however, were not obligatory and could be questioned.[16] These nonessentials were adiaphoral, literally "things that make no difference."[17] Therefore, dialogue could be applied to them. As long as the speakers could agree on the fundamentals of faith, they were permitted to disagree on other beliefs. Erasmus makes this point in Inquisitio de fide ("An Examination Concerning Faith"). In this colloquy between a Catholic and a Lutheran, the Catholic discovers that the Lutheran, though reputed to be a heretic, adheres to the doctrines of the Apostle's Creed and is, therefore, orthodox. Erasmus

suggests through this dialogue that Catholic and Lutheran can retain their beliefs and discuss their differences because the two only differ on nonessentials.

When the issues debated are not essential to salvation, the speakers may adopt a skeptical attitude toward their own beliefs. In the colloquy Convivium religiosum ("The Godly Feast"), Erasmus depicts an intellectual exchange between nine educated laymen who interpret Scripture without impinging on the fundamentals of faith. As the character Eusebius says there of his own scriptural interpretation: "Whether it's correct I don't know; I'm satisfied that the idea isn't irreverent or heretical." The interlocutors there do not claim certainty. They only seek to find the most probable scriptural interpretation.[18] Similarly, in his Disputatiuncula (Little Disputation), Erasmus uses the form of dialogue with a missing interlocutor (his friend John Colet) to investigate an adiaphoristic question: whether or not Jesus suffered in anticipation of his crucifixion. Responding to Colet, who maintains that Jesus' divinity precluded him from actually feeling pain, Erasmus takes the position that Jesus, because he also possessed a human nature, did indeed experience dread, fear, and sadness before his death. Because his debate with Colet does not concern an essential of faith, however, Erasmus concedes the possibility of error. Erasmus claims that he would even prefer being mistaken, since his mistakes offer him the opportunity to learn: "In a battle of words, whoever is wise does not want to conquer so much as to be conquered; that is, he does not want so much to teach as to learn. If I lose, I go away more learned, but if I win, I leave you just as happy."[19] In these dialogues, Erasmus acknowledges the legitimacy of doctrinal diversity, but he reveals the full potential of his tolerance in De libero arbitrio, another dialogue with a missing interlocutor.

After much papal pressure to write a book refuting Luther, Erasmus chose to do so in De libero arbitrio, a rejection of Luther's position on the freedom of man's will. Erasmus composed De libero arbitrio in the form of a diatribē, a kind of philosophical dialogue, and not a bitter, abusive denunciation, as a diatribe is defined today. In fact, Erasmus most commonly referred to his piece not as De libero arbitrio, but as Diatriba. The genre's roots are in classical antiquity, where it developed as a popularization of the philophical dialogue, designed to investigate moral issues like the nature of good and evil or the sufficiency of virtue for happiness. It can be distinguished, formally, from other genres of dialogue by its use of a fictional interlocutor, whose personality remains sketchy in the debate.[20]

The theological point in question in Diatriba is whether or not man's will can affect his eternal salvation. Luther denies that it can. No matter how much he desires to, Luther argues, man cannot will himself to fulfill God's law perfectly. Since he cannot, all of his actions, good and bad, are worthless in God's eyes. Justification proceeds from faith alone, which is itself the result of God's grace; salvation is unmerited. Erasmus disagrees. Though acknowledging that faith, not works, is ultimately the key to salvation, he nevertheless maintains that free will plays a role in man's redemption. Why would God have commanded man to choose good over evil, if there were no choice?[21]

In debating free will, Erasmus and Luther do not only disagree on the reality of free will; they also disagree about (1) whether it is essential to take a position on free will and (2) what degree of knowledge is necessary (and possible) in the matter. Luther contends that belief in the nullity of free will is a necessary doctrine.[22] And Luther asserts that certainty, not skepticism, is required of the believer in an essential doctrine like free will.[23] Erasmus

maintains that free will is adiaphoral. The best advice for most men, he writes, is that they "not waste their time or talents on labyrinths of this kind."[24] Implicit in this statement is the belief that it is unnecessary to determine the status of free will. Erasmus maintains that he is free to assume the role of skeptic in this debate: "So far am I from delighting in 'assertions' that I would readily take refuge in the opinion of the Skeptics, wherever this is allowed by the inviolable authority of the Holy Scriptures and by the decrees of the Church."[25] To which Luther responds: "Let Skeptics and Academics keep well away from us Christians, but let there be among us 'assertors' twice as unyielding as the Stoics themselves."[26]

Erasmus expresses his skepticism about free will in the method he adopts to analyze it: argument in utramque partem. In this method of argumentation, perfected by the Academic skeptic Carneades (c. 213-129 B.C.E.), the speaker argues on either side of the question. That the same issue could be argued from either side, the ancient Skeptics reasoned, shows the impossibility of epistemological certainty. The implications of argument in utramque partem, however, are not solely negative. Although it was used to deny certain knowledge, it was also used by the Academic skeptics to determine probability, the closest approximation of truth. By arguing the strengths and weaknesses of each position, the Skeptic could compare the different opinions and decide which one is most probable.[27]

As a dialogue with the missing Luther, Diatriba is structured as an argument in utramque partem. Like the Academics, Erasmus considers both sides of the issue to arrive at the most probable conclusion. He divides the body of Diatriba between scriptural passages supporting free will and passages seeming to oppose free will. Because the biblical texts are ambiguous, Erasmus hopes that he will arrive at probability through a "comparison of Scriptures [collatione Scripturarum]"; as M.O. Boyle notes, Erasmus refers to his De libero arbitrio as a collatio, a comparison.[28] Erasmus's method of collatio finds its classical precedent in Cicero, who defines comparison as one of the subdivisions of probability. "A parallel [collatio]," Cicero writes, "is a passage putting one thing beside another on the basis of their resemblances."[29] Since Scripture has only a single author, Erasmus's form of collatio must ultimately end with textual reconciliation.[30] Thus, he harmonizes the texts in favor of the existence of free will, which he finds the more probable opinion. In particular, Erasmus finds "highly probable [satis . . . probabilis]" the opinion of those who "attribute most to grace and almost nothing to free will, yet do not deny it altogether," since this view "allows man to study and strive, but does not permit him to make any claims for his own powers."[31]

The skepticism of De libero arbitrio--its argument in utramque partem, its tentativeness, and its probabilism--may have been radical for its time, but Erasmus's conception of the skeptical dialogue was not new. It had its source in the tradition of classical rhetoric, particularly in Cicero's vision of the philosophical dialogue. Like Plato, Cicero composed most of his philosophical works in dialogue form: De republica, De legibus, Academica, De finibus, Tusculan Disputations, De natura deorum, De senectute, De amicitia, and De divinatione. These dialogues, Cicero maintained, had their own kind of rhetoric, "the rhetoric of philosophers," which he distinguished from the rhetoric "which we use in the lawcourts."[32]

One characteristic that distinguished this rhetoric of philosophers from legal rhetoric,

Cicero suggests, is its skepticism. Although legal rhetoric generally involves matters that cannot be demonstrated with certainty,[33] Cicero believed that philosophical dialogue was more closely tied to skepticism than was legal oratory. First, the uncertainty of legal cases is ended by the jury's decision. Philosophical debates, however, have no resolution, since they have no authoritative arbiter to settle the question.[34] Second, the subject matter of judicial oratory concerns real facts that have occurred, most likely, in the not-too-distant past. So that even if orators, in judicial matters, can usually present credible arguments on both sides of the case, they are limited in their arguments by evidence. The link between philosophical dialogue's subject matter, which concerns abstract ideas, and the facts, however, is far more tenuous. Therefore, there are fewer restraints on what position a speaker can take in dialogue. In contrast to the concreteness of legal oratory, philosophical dialogue is "something involved in boundless uncertainty."[35] Questions surrounding the fundamental question of the nature of the gods, such as "what opinions are we to hold about religion, piety, and holiness, about ritual, about honor and loyalty to oaths, about temples, shrines, and solemn sacrifices," exemplify the irresolvable subject matter of philosophical dialogue. Of these questions, Cicero writes: "Surely such wide diversity of opinion among men of the greatest learning . . . must affect even those who think that they possess certain knowledge with a feeling of doubt."[36] Skepticism, Cicero concludes, is a persistent attribute of philosophical dialogue.[37]

That philosophical dialogue is skeptical does not in-and-of-itself make philosophical dialogue tolerant. Skepticism does not necessarily lead to toleration. A traditional response to doubt, for example, has been conformity to convention, not toleration of diversity.[38] Philosophical dialogue is tolerant, however, because toleration is thought to facilitate discovery of truth or, at least, dicovery of the most probable truth. No person in the dialogue can claim certain knowledge, but all believe that their discussion moves them closer to truth. And for Erasmus, as for Cicero, each person must decide for himself. Erasmus concludes Diatriba with the words: "I have completed my discourse; now let others pass judgment."[39] The judgment Erasmus refers to here is individual and does not preclude further debate. It is the judgment of philosophical dialogue about which Cicero writes in the Tusculan Disputations, "judgment is free."[40] Erasmus believed that many theological debates, like the debate over free will, cannot be decided. They are questions, like Cicero's philosophical questions, "which do not admit of resolution."

As I have already stated, Erasmus does not permit debate on all theological matters. Doctrinal adiaphora can be discussed in a tolerant dialogue, not the fundamentals of faith. But Erasmus's list of doctrinal adiaphora is lengthy, while the doctrines that he enumerates as articles of faith are limited: "The sum and substance of our religion is peace and concord. This can hardly remain the case unless we define as few matters as possible and leave each individual's judgment free on many questions."[41] Only doctrines that have a clear scriptural source are defined as essential. About these dogmas Erasmus writes: "I do not put less faith in the divine scriptures, than if I heard Christ Himself speaking them to me with His own voice; and . . . I doubt less about the things I read there than I do about what I hear with my ears, see with my eyes, and clutch with my hands."[42] But most doctrines, according to Erasmus, do not have a plain basis in Scripture. For example, although Erasmus declares the doctrine of the Trinity to be essential, he views most related doctrines

as adiaphoral.[43] Likewise, Erasmus thinks that the doctrine of the Immaculate Conception, the divine right claims of the Church hierarchy--pope, cardinals, and bishops--and most questions about the sacraments are all adiaphoral.[44]

The consequence of Erasmus's strict standard for the fundamentals of faith is greater toleration. The fewer the articles of faith, the greater latitude there is for religious diversity, and the fewer people there are to be labelled heretics. Not only is Erasmus unwilling to label Luther a heretic, he even intimates that the followers of the heresiarch Arius (died 335) were not heretics.[45]

Limiting fundamentals, however, cannot be equated with full toleration since Christians are still held accountable for essential beliefs. And Erasmus, though he urges the prince to use restraint and choose persuasion over coercion whenever possible, does ultimately permit capital punishment against heretics "in the most necessary cases."[46] The state, Erasmus concedes, can execute heretics who pose a threat to civil order: "Even if it is not permitted to kill [simple] heretics, it is certainly lawful to kill blasphemers and rebels, since [killing them] is necessary to protect the state." [47] Erasmus does not support capital punishment as a common recourse to heresy, since, in practice, he never condones a single heretic's execution.[48]

The Decorum of Dialogue

Because of its relationship to dialogue, Erasmus's theory of toleration addresses more than just the question of **what** can be discussed. An important element of Erasmian toleration is also **how** something should be discussed. Erasmus justifies toleration because he believes it will reveal more truth. But as a rhetorician he understands that how a speaker expresses himself is as important as the idea he expresses. Cicero, for example, writes that "[a]lthough a word has no force apart from the thing, yet the same thing is often either approved or rejected [that is, seems plausible or not to the listener] according as it is expressed in one way or another."[49] It is a fundamental principle of rhetoric that speakers, to be successful, must be mindful of propriety or decorum. "I shall begin by approving of one who can observe what is fitting," Cicero writes. "This, indeed, is the form of wisdom that the orator must especially employ--to adapt himself to occasions and persons."[50] Although the principle of decorum is common to all types of rhetoric, the rules of decorum will vary depending on the type of speech in question. Thus, philosophical dialogue, with its particular characteristics, possesses its own rules of decorum, distinct from the three major genres of public oratory: deliberative, judicial (forensic), and epideictic (demonstrative).

The decorum of philosophical dialogue is tolerant in a way that is distinct from the decorum of public oratory. Public oratory addresses matters that the public-at-large can understand and decide. The deliberative, judicial, and epideictic genres concern, respectively: political issues; the innocence or guilt of the accused; and a man's personal character. As a consequence of public oratory's popular character, rhetoricians have traditionally viewed emotional appeals as a necessary part of its decorum. Emotional appeals are required, Quintilian maintains, in all three types of oratory.[51]

The result of public oratory's emotionalism is that while the audience's decisions are not physically coerced, speech still takes place in an intolerant atmosphere. This intolerance is manifested in the orator's emotional manipulation of the audience. Because public oratory

addresses the common people, the classical rhetoricians presume that the orator must compel his audience, emotionally, to arrive at the proper decision. Thus, Quintilian writes: "[U]nless we [orators] force, and occasionally throw them [the audience] off their balance by an appeal to their emotions, we shall be unable to vindicate the claims of truth and justice.[52] Reason may be sufficient for philosophers, but the masses do not decide on reason alone. Cicero even counsels the orator to prefer emotion to reason. The hearer, he writes, should be "so affected as to be swayed by something resembling a mental impulse or emotion, rather than by judgment or deliberation. For men decide far more problems by hate, or love, or fear, or illusion, or some other inward emotion, than by reality. . . ."[53] By manipulating his audience's emotions, the orator signals his lack of respect for his listeners. They, in his mind, are an unthinking mass that must be moved. Even the good orator (vir bonus dicendi peritus) does not acknowledge his listeners' abilities to discover and understand truth and justice. Instead, he assumes that if the claims of truth and justice are to be vindicated, he must maneuver his audience into doing what is right.[54]

The decorum of philosophical dialogue, however, is different from public oratory in its lack of emotionalism and attending intolerance. It is possible to avoid emotional appeals in philosophical dialogue because of the nature of the participants. Public oratory, the classical rhetoricians argue, is addressed to large, popular audiences incapable of finding truth for themselves. But philosophical dialogue takes place in the context of a small, elite group. Philosophical dialogue deals with questions that are considered beyond the grasp of the common man. Echoing Plato of the Republic, Cicero contends that it is not simply that the masses are intellectually incapable of being philosophical, but that the masses are naturally antiphilosophical: "For philosophy is content with few judges, and of set purpose on her side avoids the multitude and is in her turn an object of suspicion and dislike to them, with the result that if anyone should be disposed to revile all philosophy he could count on popular support."[55] For Cicero, the people's bias against abstract thinking absolutely precludes a popular setting for philosophical discussion. Like Cicero in his philosophical dialogues, Erasmus in Diatriba designates his audience as the learned elite. The investigation he conducts in De libero arbitrio, Erasmus writes, "has always been considered most proper for scholars."[56] The Diatriba's limited audience contrasts with the popular audience of ancient deliberative oratory (the political assembly) and of Erasmus's own version of the deliberative genre (preaching) which was addressed to all classes of society.[57]

Cicero and Erasmus assumed that because philosophical dialogue was limited to a learned elite searching together for truth, decorum required that the interlocutors eschew emotional manipulation. For Cicero, the philosopher, unlike the multitude, can deliberate rationally: "For it is expedient for the man who cannot resort to reason, to resort to an emotion of the soul: we on the other hand are asking . . . about the wise man."[58] Therefore, while public oratory is marked by "extreme energy and passion," and a "vigorous style," philosophical dialogue, which is speech among the select, is serene and restrained.[59] And while, for Erasmus, emotional manipulation is sometimes appropriate for public oratory--preaching--it is not suitable for scholarly dialogue: "in the disputing of truth, . . . it is moderation which pleases."[60]

Classical rhetoric's two nonrational proofs, ethos and pathos, are excluded from philosophical dialogue.[61] Ethos, the appeal to the speaker's authority, is eliminated

because, as Cicero argues, relying on someone else's opinion--Cicero includes himself--substitutes blind faith for reason.[62] Cicero cites the Pythagoreans as examples of this uncritical acceptance of authority. In lieu of rational argument, the Pythagoreans replied to their opponents with the words "Ipse dixit," or "He himself said so," referring to their master Pythagoras. The Pythagoreans' error was not that they appealed to authority, since ethos was a legitimate rhetorical proof. Their error was that, in using such appeals in philosophical discussion, they transgressed rhetorical decorum, which limited philosophical dialogue to rational proof. Following Cicero's example, Erasmus rejects ethos in his debate with Luther, using Cicero's criticism of the Pythagoreans against Luther's followers, who "approve with unrestrained zeal whatever you [Luther] taught: 'He, himself, has spoken it!'"[63]

Likewise, pathos, the eliciting of the audience's passions, is rejected in philosophical dialogue because the passions, whether "distress and fear," on one extreme, or "extravagant joy and lust," on the other, "conflict with deliberation and reason."[64] Passions, "the agitations of the soul alien to right reason," cause an unsoundness of mind in the interlocutors, which prevents them from arriving at the truth, or its closest approximation.[65] To ensure that the interlocutors' emotions are kept in check, Cicero and Erasmus goes so far as to control the dialogue's external environment. Thus, the setting for Cicero's dialogues is almost always his gardens and villa, like his villa at Tusculum, a relaxed milieu, distant from the agitation of the city.[66] And Erasmus, in his colloquy Convivium religiosum, locates discussion in the garden of a countryside villa, limiting the number of interlocutors to nine, "the number of muses."[67]

By adopting Cicero's decorum of dialogue, Erasmus creates an environment for theological debate that is tolerant in more than its absence of persecution. It is possible to refrain from physical abuse and still be intolerant. As I noted above, emotional manipulation does not involve force yet is coercive. Looking solely at the physical side of intolerance ignores the fact that intolerance often has a psychological dimension or sometimes has only a psychological dimension to it, as in the example of the Amish, who oppose any external punishment for religious error, but exact psychological payment from dissenting members through the practice of social avoidance or "shunning" (Meidung).[68] Erasmus shows concern for psychological intolerance because it is a person's state of mind, not physical condition per se, that affects his ability to discover truth. Therefore, Erasmus maintains, that to arrive at truth, the interlocutors must treat each other respectfully. He describes his disputation with Luther as "temperate . . . for the purpose of eliciting the truth." He writes that he pursues the matter without recrimination, "because in this way the truth, which is often lost amid too much wrangling may be more surely perceived." He uses gentle words in Diatriba, "so that truth might shine forth more unfalteringly." Erasmus denies that he is engaged in gladiatorial combat with Luther. Combat, he explains, will only obstruct the search for truth. Erasmus offers the example of "two combatants who, in the heat of a quarrel, turn whatever is at hand into a missile, whether it be a jug or a dish." He questions the reader: "what sort of sincere judgment can there be when people behave in this way? Who will learn anything fruitful from this sort of discussion--beyond the fact that each leaves the discussion bespattered with the other's filth?"[69] Like Cicero, Erasmus concludes that truth is furthered by a more harmonious relationship between interlocutors.

BODIN

The Purpose of Dialogue: Bodin's Alternative

Like Erasmus, the French-born Jean Bodin was trained as a humanist. Bodin's humanism, however, had a more practical bent than Erasmus's. Reflecting the late, particularly French, humanists' interest in academic jurisprudence, Bodin studied law at the University of Toulouse. He also became involved in politics, serving members of the royal court in a variety of capacities and acting as deputy for the Third Estate of Vermandois to the Estates General. Bodin's most enduring legal and political legacy, however, is the Six livres de la république (1576), a systematic explanation of French and universal public law.[70]

Besides his interest in legal and political matters, Bodin was also concerned with religious issues. Consistent with his political interest, was his support, in the République, of the Politique position. The Politiques believed that the question of religious toleration should be determined by what best furthered political stability. Ideally, the Politiques argued, the state should enforce outward religious uniformity because confessional differences might lead to civil unrest. But in states, such as France, where a religious minority has grown too large to be easily suppressed, toleration should be granted.

Bodin's personal religious views are unclear.[71] He was born a Roman Catholic, supported the Catholic League against the then Protestant Henry of Navarre (King Henry IV), and was buried a Catholic in the Church of the Franciscans at Laon, at his request. Nevertheless, throughout his life Bodin was dogged by the widespread suspicion that he was a Protestant heretic. He was probably charged with heresy as a youth in 1547; he was arrested and imprisoned for a year-and-a-half, from 1569-1570, for being a Protestant; and because of continuing fears that he was a heretic, he was questioned (but cleared) by the lietenant-general of Laon in 1587. Bodin has also, from very early on, been suspected of being a closet Jew or at least a Judaizer.[72] Regardless of his personal religious beliefs, Bodin supported the toleration of almost all religious convictions. He does so in his Colloquium heptaplomeres.

The Colloquium heptaplomeres is a series of conversations, divided into six books, between men of seven different religions: Paulus Coronaeus, a Catholic; Fridericus Podamicus, a Lutheran; Antonius Curtius, a Calvinist; Salomon Barcassius, a Jew; Octavius Fagnola, a Moslem; Diegus Toralba, a proponent of natural religion; and Hieronymus Senamus, a skeptic. The participants discuss a wide variety of topics, including the nature of God, how He expresses himself through nature and the spirit world, man's role in the universe, the natures of interpretation, music and musical harmony, and good and evil. The Colloquium's central discussion, which takes place mostly in Book 4, concerns the question of the true religion.

Like Cicero and Erasmus, Bodin creates a dialogue in which the interlocutors observe the rules of decorum. Their conversation is courteous:

> They lived not merely with sophistication of discourse and charming manners, but with such innocence and integrity that no one so much resembled himself as all resembled all. For they were not motivated by wrangling or jealousy but by a desire to learn; consequently they were displaying all their reflections

and endeavours in true dignity.

Again, like Cicero and Erasmus, who maintained that philosophical and theological debate should be limited to a small educated elite, Bodin portrays the seven interlocutors in the Colloquium as "exceptionally well trained in the disciplines of the liberal arts," with "each seem[ing] to surpass the others in his unique knowledge."[73] The dialogue's setting was designed to foster moderate, learned discussion. The group meets in the Venetian home of Coronaeus. Venice, as is noted in the Colloquium, offers its people "the greatest freedom and tranquillity of spirit." Coronaeus's home itself "was considered a shrine of the Muses and virtues."[74] To encourage scholarly conversation, Coronaeus had filled his home "not only with an infinite variety and supply of books and old records, but also instruments either for music or for all sorts of mathematical arts." Among these artifacts was the pantotheca, an unusual armoire built of olive wood, which housed in its 1296 small boxes "the universe, its goods, and materials." In this collection, were "likenesses of sixty fixed stars," "replicas of planets, comets and similar phenomena, elements, bodies, stones, metals, fossils, plants, living things of every sort," and so on. These assorted objects could be viewed and studied to sharpen the minds of the interlocutors.[75] And to calm the spirits of the interlocutors, Coronaeus arranged for choirboys to sing divine praises at the end of each day's discussion.[76]

Although the Colloquium is similar to Erasmus's dialogues in its decorum, when judged by the goals of Erasmian dialogue, it is a failure. It is this traditional conception of dialogue that most scholars implicitly accept when they brand the Colloquium a failed dialogue.[77] In Georg Roellenbleck's words, "[t]he Heptaplomeres is the protocol of a failure, a failure of dialogue, a failure of rational discussion of religious material."[78] For Erasmus, as for Socrates and Cicero before him, the participants in a dialogue work together to discover the truth. And the closer the participants approach the truth, the more they will agree. But the interlocutors in Bodin's Colloquium do not agree. In fact, the dialogue's characters are never able to move any of their fellow speakers from their original beliefs. As Quentin Skinner explains, the participants recognize in their inability to persuade the futility of religious discussion. It is because religious discussion is useless, Skinner argues, that we are told in the dialogue's conclusion that "afterwards they held no other conversation about religions."[79] Similarly, Joseph Lecler writes that the speakers' lack of consensus signals Bodin's belief that "the old policy of colloquies, which had once been advocated by the Christian humanists, had been finally condemned by experience."[80]

Bodin's Colloquium, however, is only a failure if we accept the traditional conception of dialogue. Roellenbleck declares the Colloquium a failure because he pressuposes this conception, even though he concedes that the participants in the dialogue have "learned alot."[81] This benefit does not count, for Roellenbleck, because "in the end, nothing has changed. . . . Nobody has been convinced or has modified his position." But what if, pace Roellenbleck et al., "learning alot" does matter, learning both about others' beliefs and, through them, about your own? Then the participants lack of unity would not, by itself, indicate a failed dialogue.

The inability of Bodin's interlocutors to agree on religion stems from their differing assumptions. Unlike Erasmus's dialogues on doctrinal adiaphora, the conversations in Bodin's Colloquium revolve around the fundamentals of faith and there is no consensus

among the interlocutors about the fundamentals. The Jew, the Moslem, and the follower of natural religion reject Christ as Lord. And the Christians' proofs derived from New Testament citations are meaningless to them. Yet for Christians, as Coronaeus explains, "If you reject the evangelical testimonies, it is as if you denied the principles of the sciences, without which not even the geometricians will have any proof."[82] Unable to agree on the basic proofs of argument, the interlocutors lack the tools of persuasion. Accordingly, Senamus states: "I think those discussions about religion will come to nothing."[83]

Paradoxically, although Bodin's characters discuss religion, they, like Erasmus, criticize discourse between religions because it may lead to skepticism. In line with Erasmus, they believe that questioning the fundamentals of faith imperils one's soul. And reflecting Bodin's own political ideas, the characters in the Colloquium fear the effects of religious skepticism on the state's stability.[84] In Book 4 of the Colloquium, Fridericus raises the question of religious discussions between members of different faiths, while attempting to lure Salomon into debate. Fridericus maintains that though "[i]t is both dangerous and destructive for the masses to engage in discussions about the accepted and approved religion unless one can control the resisting common people. . . , private discussion about divine matters among educated men" is most fruitful.[85] The other speakers respond in turn that debates about religious fundamentals should be avoided. Thus, Toralba observes that people should keep away from religious discussion lest it cause a believer "to abandon the religion of his ancestor," tearing him away from the faith "which God has bestowed from his bountiful goodness."[86] Salomon declares that "according to our laws and customs we are prohibited from discussing religion . . . lest divine laws seemed to be called into doubt"--doubt that "produces the opinion of impiety."[87] Senamus, citing Siena's ban on "discussions about divine matters and the decrees of the popes," links the prohibition on religious disputes to civil peace.[88] Similarly, Octavius proclaims the danger of religious debate--"dangerous enough in private but even more so in public." According to Octavius, "if it is not permissible to argue about human laws [in the Florentine republic and in ancient Sparta] so that there will be no approach for breaking the laws through disputation, how much less should this be done about divine laws."[89] And Curtius states that the ancient prophets thought it laudable to abstain from discussions about one's own religion with outsiders. Therefore, Curtius continues in a relativist fashion, "Christians should not cast doubt on the articles of their own faith, nor should Jews among each other or Mohammedans among each other."[90]

Even Coronaeus, who favors religious dialogue and who, along with Fridericus, implores Salomon to enter the discussion about religion, concedes that he is unwilling to question his own religious doctrines. Religious discussion, for him, is a means "to lead into the proper pathway of salvation the converts, catechumens, the demoniacs, the Ismaelites, Jews, Pagans, and Epicureans who have wandered from the straight path." But Coronaeus opposes Christians discussing the tenets of their faith among themselves, for fear that they become "hopelessly entangled by doubtful considerations and involved in various errors."[91] Coronaeus wants non-Catholics to question their religions, but as for himself, he states: "I shall not allow myself to be carried away by the arguments of any one or to be separated from the accepted religion of the Roman pontiffs."[92] Only the dogmatic Fridericus, so confident that his faith cannot be shaken, unequivocally supports religious dialogue.[93] The

rest assert that it is wrong to engage in any activity that casts doubt on their own dogmas.

The speakers find support for their fears in the fact that religion is inherently uncertain. "Religion," Toralba explains, "will be grounded either in knowledge or opinion or faith." Knowledge cannot be the sole basis of religion, since true knowledge requires "proof based upon the surest principles and fortified by necessary conclusions," and the different religions have not provided such proof. We are left, therefore, with opinion and faith, neither of which is certain. "If religion depends on opinion, that ambiguous opinion wavers between truth and falsehood and totters during hostile discussion." And faith, which is "pure assent without proof," can be lost. For if we receive our faith from our trust in another person's word, when "we reject this opinion of his uprightness or erudition, we lose faith."[94] And if faith is granted by divine infusion, it can, by definition, be lost: any belief that is "inevitable and fixed so that it cannot be lost . . . is force, not faith."[95]

Despite agreeing that religious dialogue is dangerous, the characters of the Colloquium still go on to discuss religion; they reject the traditional model of dialogue in which everyone's beliefs are open to scrutiny, but are still willing to present their religious views. The Colloquium's speakers reconcile their criticism of religious discussion with their participation in it by creating a kind of dialogue that does not bring about the skepticism they dread. In contrast to the traditional dialogue, their conversations reinforce their original beliefs. The final words of the Colloquium confirm this deepening of opinions. The speakers, the text states, spoke no more about religions, "although each one defended his own religion with the supreme sanctity of his life."[96]

How can a dialogue across religious lines strengthen the believer's faith? Toralba provides the answer. Anticipating an argument made centuries later by John Stuart Mill, he argues that we understand ourselves only by way of contrast with others:

> In a state of illustrious men justice, integrity, or virtue would not even be perceived unless wicked men mingled with the good, sane with the mad, brave with the cowardly, rich with the poor, low with the noble, were contained within the same walls, provided that evils, if evils are anywhere, are weaker than good. Indeed, these discussions which Coronaeus began would offer no purpose or pleasure unless they took lustre from opposing arguments and reasons.[97]

The exercise of defending his religious beliefs against those of the others clarifies each speaker's views to himself. What is initially held as an unreflected prejudice is retained, after discussion, as an intellectually defensible--if not fully demonstrable--opinion.

In addition to reinforcing their beliefs through argumentation, the Colloquium's speakers also intensify their religious resolve through poetry. There are eleven poems exalting God that the interlocutors recite in the Colloquium; six are recited after the discussion of religious differences begins.[98] And of these six poems, at least five either single out the speaker's own religion for praise or condemn the theology of a competing religion. For example, in his poetry, Salomon praises the unique nature of the Hebrews: their covenant with God on Sinai, where they were given the divine laws; and the special protection God grants them.[99] And in his poem, Coronaeus celebrates Christ, the redeemer of humankind, as the source of earthly kings.[100] Finally, Octavius directs his poem against the Christian doctrine of original sin.[101]

Like the speakers' arguments in the Colloquium, this tendentious poetry does not persuade anyone to change religions. Such poetry is never intended to persuade nonbelievers. Rather, the speakers recite poetry to arouse their own faiths. By turning to poetry, the participants indicate that when dealing with religion, rational argument is not enough. It is not sufficient for the participants to intellectualize about their specific doctrines. They must also feel their religion. And poetry is the means by which the characters impress their religion upon their souls.

Instead of giving up on religious discourse, as most commentators contend, Bodin suggests that religious discussion moves the participants to a higher level of understanding. He expresses the dialogue's maturational powers in musical terms. During the course of the dialogue, the speakers traverse the range of musical genera, from the diatonic, which allows only seven tones, to the chromatic, which allows tones and half tones equalling twelve, to the more complex enharmonic genus. Coronaeus alludes to this progression in a song, based on Psalm 133, sung at the conclusion of the Colloquium: "Lo, how good and pleasing it is for brothers to live in unity, arranged not in common diatonics or chromatics, but in enharmonics with a certain more divine modulation."[102] Like the advancement of musical genera in Coronaeus's song, the participants in the Colloquium have moved through the dialogue to a higher level. Because enharmonics is the more refined and arcane genus, it represents, for Bodin, greater understanding. As Nicolo Vicentino argues in his L'antica musica ridotta alla moderna prattica (1555), enharmonics is reserved "for the few--for people with cultivated taste, not for the common folk."[103] And Bodin, influenced by "the Hermetic belief that the deepest truths cannot be revealed to the multitude," equates the esoteric with the deeper truth.[104] It is because the speakers in the Colloquium have reached a higher level, that they hold no further conversations about religion.[105] They have achieved their goal.

Although Bodin values dialogue for elucidating a speaker's opinion to himself, this benefit alone is insufficient to justify toleration. St. Thomas Aquinas, for example, allowed that heresy played a positive role in the search for truth since it permitted the faithful to contrast truth with error. Nevertheless, St. Thomas supported the death penalty for heretics. To Aquinas, their error was not essential to the discovery of truth.[106] Why, then, does Bodin grant his characters the opportunity to defend and praise their religions, when none of his contemporaries do so? Even Erasmus, who supported limited toleration, does not grant equal status to heretics and non-Christians, because he believes their errors to be damnable. The key to Bodin's exceptionalism is his conception of religious truth.

The Nature of Truth

Bodin sees religious truth as a complex whole--what Marion Daniels Kuntz refers to as "a unity based on multiplicity (concordia discors)"[107]--with each religion forming a part of the greater whole. Bodin, however, does not view these elements as thoroughly consistent with each other, but as subsisting in a state of tension. Taken together, the different religions express the unity of truth, yet each particular religion conflicts with the others. Once again, Bodin relies on a musical metaphor to convey his idea. In a conversation about harmonic theory that he initiates, Coronaeus opines that the sweetest harmony is achieved "with the full system of the highest tone blended with the lowest, with the fourth and fifth

interspersed." In contrast, "harmonies in unison, in which no tone is opposite, are not pleasing to the trained ear."[108] This idea that harmony or truth inheres in different opposing elements is voiced by other speakers. Toralba observes that what is most pleasing to the senses is "a harmony which depends on the blended union of opposites."[109] And Curtius recites a poem praising God for His universe based on opposites: "This greatest harmony of the universe though discordant contains our safety."[110]

Nature's blending of opposites does not destroy the individual components. The elements retain their separate identities. The opposing elements of nature, Toralba explains, are forms, like the contrary forms of fire and water. And "things which are contrary to each other in nature herself cannot be mingled by design, but only blended, joined, or united so that they seem to be one."[111] Like nature, religious truth is also composed of distinct elements whose differences cannot be ignored. Although tolerant of different religions, Octavius still declares: "Truly we ought to despise the blending of sacred rites."[112] We cannot treat opposing religions as if they are the same. Similarly, Salomon rebukes Senamus, who adopts the practices of all religions:

> I would prefer that you were hot or cold rather than lukewarm in religion, Senamus. And yet, how is it possible to defend the religions of all at the same time, that is, to confess or believe that Christ is God and to deny that He is God, that He has been overcome by death and snatched from torment, that bread becomes God, and does not become God, which things cannot happen at the same time through nature.[113]

Salomon's fellow participants follow his advice, remaining steadfast in their convictions. Each person believes that by doing so he protects the purity of his faith, which alone reveals the full truth. Bodin, however, does not identify with any single religion. He recognizes the divine descent of all religious beliefs.[114] Thus for him, religious differences should not be retained for the sake of any single religion, but because they, collectively in their opposition to each other, contain the whole truth. The variety of religions mirrors the contrariety of the universe. In Curtius's words, it is "the variant natures of individual things [that] combine for the harmony of one universe."[115]

Bodin emphasizes that the opposition of individual elements must be kept within limits, that the contrariety of extremes must be curbed. The participants in the Colloquium point to intervening elements as a moderating force. In music, "extreme opposites are brought together by intermingling of the middle tones (Fridericus)." In nature, opposites are "united by the interpolation of certain middle links." These links "present a remarkable harmony of the whole which would otherwise perish completely if this whole world were fire or moisture (Toralba)." In planetary movements, "the contrary force of Mars and Saturn is restrained by the intermediate light of Jupiter (Fridericus)." And among philosophic schools, the opposite camps of Epicureans and Stoics were joined, as if by certain bonds, midway by the Academicans and Peripatetics (Toralba)." Such intermediate schools were necessary, for "if one opposite were joined to another opposite with no middle ground between, there would necessarily be continual battle." It is also safer when a political office is divided between three persons instead of two. "For a third party forces two opposing factions toward harmony, when the others have allied themselves (Coronaeus)." Finally, a state split into two factions, divided about laws, honors, or religion, is bound to destroy itself. "If,

however, there are many factions, there is no danger of civil war, since the groups, each acting as a check on the other, protect the stability and harmony of the state (Curtius)."[116]

To moderate conflict, Bodin does not construct the Colloquium as a bipolar dialogue between extremes. Instead, he includes in the Colloquium a spectrum of religious opinions. The opposition between the three Christians, who believe in divine revelation and in Christ as the son of God, and the natural philosopher and skeptic, who deny or question these beliefs, is mediated by the Jew and the Moslem, who believe in divine revelation, but deny Christ's divinity. Bodin also curbs the opposition between speakers by following the rhetorical rules of decorum. As noted earlier, the decorum of the Colloquium resembles the decorum of Erasmus's dialogues. Unlike Erasmus, however, Bodin does not follow these rules for the purpose of finding the one truth. For Bodin, the rules of decorum represent the unity of the parts within the whole. Like the opposing elements of nature, the interlocutors in the Colloquium are part of a common universe and conflicts between them must be restrained. Despite their differences, they are described at the end of the dialogue as brothers living in unity.[117]

Consistent with the view that each religion possesses some aspect of truth, all the participants call for toleration.
Coronaeus assures his guests "the greatest freedom in speaking about religion."[118] For Toralba, "the law of nature and natural religion which has been implanted in men's souls is sufficient for attaining salvation."[119] Presumably, therefore, all religions that adhere to the natural law should be tolerated. Curtius, as already seen, argues that many sects can live together more peacefully than two. He also cites the Church Fathers and the Church Councils as supporting the principle of toleration: "'It is not for religion to compel, which ought to be undertaken of one's own accord, not by force.'"[120] Senamus holds up the example of Jerusalem, where eight Christian sects, Jews, and Moslems coexisted, each group tolerating the rest.[121] While Octavius applauds the tolerance of the kings of the Turks and Persians and the religious freedom of Venice.[122] And Salomon affirms that no "more serious insult against God can be conceived than to wish to force anyone to obey Him."[123] Because religion should not be coerced, he explains, Jews do not force their religion on gentiles--although Salomon is unwilling to tolerate Jewish apostates.[124] By the conclusion, even Fridercus, the most dogmatic of the interlocturs, agrees that faith cannot be compelled. The Emperor Theodoric's opinion, he states, "is worthy to be inscribed in golden letters on the door posts of princes. . . , that we are unable to command religion because no one can be forced to believe against his will."[125]

The Argument from Conscience

I have until now discussed what I see as Bodin's primary argument for religious toleration: that each religion represented in the Colloquium can claim for itself a right to be tolerated because it is a part of the truth. Bodin, however, offers another, seemingly more modern justification for toleration that does not depend on a religion's veracity: the argument from conscience. According to this argument, any person that is genuine in his beliefs, even if wrong, will be saved. Octavius, the most consistent defender of conscience in the Colloquium, includes sincere idolaters and polytheists among the saved, despite his strict monotheism:

> Although those who hold statues and stars in the same esteem as gods or join angels and the souls of saints to the eternal God by the same rites, do not act rightly. Still they deserved to be excused in some way because, with pure heart and soul and an upright conscience, they were thus instructed and trained by the priests and thus worship the divinity that was known to them and related to them.[126]

Octavius finds support from the non-Christian interlocutors. Salomon, who like Octavius is repelled by the Christian doctrine of the Incarnation, concedes that "even worship which is offered in good faith to a clay god is not unpleasing to eternal God."[127] And Toralba and Senamus, agree that "a just error is erased by a just excuse" and that all religions practiced "not with faked pretense but a pure mind" are "not unpleasing to eternal God."[128] The Christian, particularly the Protestant, interlocutors, however, have less regard for the sincere conscience. While Octavius cites both St. Thomas Aquinas and St. Augustine as respecting the erroneous conscience,[129] the Protestant participants--like the Catholic Aquinas--do not believe that heretics are capable of sincere error. Fridericus denies that there can be a just error for impiety. And Curtius does not excuse ignorance of divine law because it "has been manifested so often and so long throughout the world." They assume that once someone is shown the truth, then any departures from it must be willful and perverse.[130]

Although the arguments on behalf of the erring conscience focus on the otherworldly question of salvation, they have temporal implications. The argument from conscience undermines the orthodox Christian justification of religious persecution, which states that the heterodox must be punished for their damnable errors. First, some theologians, like St. Augustine, argued that heretics should be punished for their own good, hoping that punishment would help them question their errors and put them on the road to salvation.[131] Second, other theologians justified persecution because of the enormity of the heretic's crime. Heretics were viewed as an insidious, corrupting force within the body of the faithful. Comparing heresy to forgery, which was then a capital offense, St. Thomas Aquinas argued that the heretic's crime was worse than the forger's: "It is, indeed, far more serious to pervert the faith which ensures the life of the soul than to counterfeit money which is only necessary for our temporal needs.[132] Despite their differences, both arguments presume that a belief in orthodox doctrines is necessary for salvation. Bodin's argument from conscience, however, denies this assumption. And once this assumption is denied, both justifications of persecution are weakened, if not overturned. The argument that a heretic must be persecuted for his own good no longer makes sense if he can gain salvation, in spite of his objective errors. Similarly, once it becomes possible to respect sincere error, even on the fundamentals of faith, it becomes difficult to accept the image of the heretic as the ultimate malefactor, who must be eradicated for his crimes.

If Bodin tolerates not only the seven religions of the Colloquium, but any sincere faith, does he tolerate all religious opinions? The answer is yes, with one exception--atheism. For Bodin, atheists are a threat to society. Thus Coronaeus restates in the Colloquium what Bodin himself argues in the République. Believers in any religion, no matter how superstitious, are "kept by this awe of the divine in a certain way within the bounds of duty and of the laws of nature. The atheist, on the other hand, who fears nothing except a witness or a judge, necessarily rushes headlong toward every crime."[133] This

assumption that atheists are a danger to social order was unquestioned during Bodin's time. Even a century later, John Locke argues, in his Letter Concerning Toleration, that atheists are not to be tolerated, since "[p]romises, covenants, and oaths, which are the bonds of human society," can have no hold over them.[134]

Bodin's unwillingness to tolerate atheists is based on more than his political concerns. It fits with his general defense of religious toleration. Bodin's defense is premised, first, on the idea that each religion possesses some element of truth. Bodin, however, dismisses the possibility that atheism has any truth. Judging atheism by the standard of consensus, which has been used as a criterion of truth since the ancient Greeks,[135] Bodin finds that all people agree that there is a God. Belief in God, Toralba says, "seems to have been planted, as it were, by nature herself in the hearts and minds of all men."[136] And while Senamus notes that many recognize other divinities besides God, he states that "[a]ll men recognize that God is the Parent of all gods, as far as I know."[137] Rejecting atheism as an objective possibility, Bodin also denies the atheist's subjective claims to conscience, thereby negating the second justification of toleration. Like Aquinas, who assumes that all heretics are maliciously motivated, Bodin assumes that no atheist is truly sincere. Whatever religious doubts people entertain, can never genuinely extend to the existence of the Deity. To emphasize this point, Bodin has the skeptic, Senamus, equate atheism with deceit. There are four groups of atheists, according to Senamus, which range from those who dissemble for self-interest to those who avow their atheism, publicly and privately mocking at everyone's religion.[138] Regardless of the particular categories, however, Senamus supposes that all atheists have bad intentions. And therefore, these persons who act out of bad conscience cannot assert a liberty based on a right to conscience.

CONCLUSION

I have presented in this essay two different models of dialogue and the theories of toleration derived from them. The first kind of dialogue, exemplified by Erasmus's De libero arbitrio, aims at a common discovery of the truth or the closest approximation of it. In this type of dialogue, the speakers may have tentatively arrived at their own points of view, but because they are still searching for the truth, they adopt a skeptical stance toward the issue under discussion. They also treat each other and each other's opinions respectfully, not only because it is wrong to persecute another when your yourself are uncertain of the truth, but because civility promotes the discovery of truth. The theory of toleration implicit in this type of dialogue is nothing short of an early version of the argument from truth, that is, the argument that free speech should be safeguarded because it leads to the discovery of truth.[139] Erasmus anticipates Milton and Mill's defense of free speech, as well as the particular version of the argument from truth known as "the marketplace of ideas." Of course, Erasmus does not apply this full toleration to all religious opinions--only the nonessentials; and he does not grant this freedom of discussion to all individuals--only the learned elite. Nevertheless, Erasmus establishes a paradigm for toleration that will eventually be expanded beyond these limitations.

The second type of dialogue is represented by Bodin's Colloquium heptaplomeres. In contrast to the interolocutors in Erasmus's dialogue, the participants in the Colloquium do

not want to reconsider their own opinions. On the contrary, they must overcome their fears that a dialogue about religion may lead them to skepticism. What Bodin's interlocutors want from a dialogue, and what they get in the end, is a confirmation of their beliefs. By defending their beliefs against the criticisms of others, the Colloquium's speakers emerge from the dialogue with a fuller understanding of and faith in their respective religions. Bodin allows each speaker to retain his initial beliefs because, for Bodin, each speaker represents a part of the truth. And to achieve the full religious truth, the multiplicity of religions must be presented. As the characters in the Colloquium explain, truth is a complex whole composed of contradictory elements. Bodin supports toleration because he believes that no one religion has a monopoly on the truth. In addition, Bodin offers the argument from conscience as another justification of toleration. He contends that sincere worship, even of false gods, should be protected. The true God, the Colloquium's characters say, accepts heartfelt, albeit mistaken, worship. Only atheists are denied their right to conscience. Like his contemporaries, Bodin assumes that atheists are threats to their society, and he denies that they can ever be sincere in their convictions.

One final point. In this essay's Introduction, I suggested that one practical difference between the two types of dialogue is that Erasmus's is more restrictive than Bodin's. Implicit in Erasmus's dialogue is a monistic conception of the truth that excludes from discussion those ideas that contradict an accepted truth. In contrast, Bodin's dialogue accepts a multiplicity of truths. and can, therefore, permit discussion of ideas that contradict what is already "known" to be true. This difference between the two types of dialogue, however, only touches on the question of what should or should not be legally tolerated. But the difference between these two types of dialogue concerns another practical implication more subtle than that of legal toleration. It raises the question of whether, in tolerant societies, dialogues between fundamentally divergent persons or groups are beneficial. For it is possible to accept the Erasmian conception of dialogue--that the purpose of discussion is to work together to find the truth--and to still call for full toleration, if one accepts a number of nontruth-related rationales for toleration and freedom of speech, such as the arguments that freedom of speech promotes dissent,[140] self-fulfillment,[141] and that censorship impairs the dignity and equality of the silenced speaker.[142] The willingness to tolerate diverse opinions, however, does not mean that controversial dialogue in a pluralistic society should be valued as a normative good. From the Erasmian perspective, only dialogues that move the interlocutors toward agreement are useful. Thus, academic, political, or religious discussions in which the participants seek the most plausible theory, a common answer, or some compromise would be legitimate. But if agreement is the goal, a dialogue between persons holding fundamentally different opinions will be futile. To take an example from our own society, if we accept Erasmus's point of view, a dialogue between supporters and opponents of abortion rights, euthenasia, or any other debate whose basic assumptions are irreconcilable, would be senseless. Bodin's Colloquium, however, suggests that such dialogues may be beneficial. Conversation, even with an inflexible "other" offers the speakers the advantages of both self-discovery and of possibly learning another aspect of a greater, more complex truth.

NOTES

1. David Joris, Een suyverlijcke bewijsreden, as cited in Roland Bainton, David Joris, Weidertäufer und Kämpfer für Toleranz im 16. Jahrhundert (Leipzig, 1937), p. 80.

2. "It is established right at the beginning of the work that . . . More is a respected scholar whose opinion will be recognized as the final arbiter of the religious questions in dispute. . . . [More] is not so much arguing with his interlocutor as teaching him by the method of question and answer." Rainer Pineas, "Thomas More's Use of the Dialogue Form as a Weapon of Religious Controversy," Studies in the Renaissance 7 (1960):200-201. See also The Complete Works of St. Thomas More, eds. Thomas M.C. Lawler, Germain Marc'hadour, and Richard C. Marius (New Haven: Yale University Press, 1981), vol. 6, part 2, pp. 440-441; K.J. Wilson, Incomplete Fictions: The Formation of English Renaissance Dialogue (Washington D.C.: The Catholic University of America Press, 1985), pp. 137-175; R.R. McCutcheon, "The Responsio ad Lutherum: Thomas More's Inchoate Dialogue with Heresy," Sixteenth Century Journal 22 (1991):77-90.

3. Cicero, Tusculan Disputations 4. 4. 7; 2. 26. 63-64; See also Ibid. 5. 29. 83; Cicero, De natura deorum 1. 7. 17; Cicero, De finibus 5. 26. 76. All citations from Cicero, unless otherwise indicated, are from the Loeb Classical Library editions (Cambridge: Harvard University Press).

4. Rudlof Hirzel, Der Dialog: Ein Literarhistorischer Versuch, 2 vols. (Leipzig: 1895; reprint ed.; Hildesheim: Georg Olms, 1963), 2:43.

5. As Judge Learned Hand writes, according to the "marketplace" theory, the First Amendment "presupposes that there are no orthodoxies--religious, political, economic, or scientific--which are immune from debate and dispute." International Brotherhood of Electrical Workers v. Labor Board, 181 F.2d 34, 40 (1950). Similarly, Justice Holmes writes in his Abrams dissent: "Time has upset many fighting faiths." Abrams v. U.S., 250 U.S. 616 (1919). Erasmus's skepticism, however, is far more limited than the Supreme Court's.

6. Marion Leathers Daniels Kuntz, Colloquium of the Seven about Secrets of the Sublime (Princeton: Princeton University Press, 1975), p. xxxvii.

7. W.K.C. Guthrie's description of the Socratic dialogue is relevant: "[P]hilosophy was summed up for [Socrates] in this idea of the 'common search'. . . . Neither knew the truth yet, but if only the other could be persuaded of this, they might set out together with some hope of finding it, or at least approaching it more closely. . . ." W.K.C. Guthrie, Socrates (Cambridge: Cambridge University Press, 1971), p. 129.

8. Examples of writers who portray Milton as the father of modern free speech are found in Francis Canavan, Freedom of Expression: Purpose as Limit (Durham, North Carolina: Carolina Academic Press, 1984), p. 159, n. 11. Canavan himself, however, does not view

Milton as a modern civil libertarian.

9. See John Milton, Areopagitica, Complete Prose Works of John Milton, 7 volumes (New Haven: Yale University Press, 1953-74), 2:565. Milton excludes from toleration "Popery and open superstition, which as it extirpats all religions and civill supremacies, so it self should be extirpat, provided first that all charitable and compassionat means be us'd to win and regain the weak and misled." Milton repeats his call to ban Catholicism elsewhere. See A Treatise of Civil power in Ecclesiastical causes (1659), where Protestants are permitted the right of "a free and lawful debate," but the "papist," whom Milton describes as the "only heretic," is barred from participation. Milton is even more vehement in Of True Religion, Heresie, Schism, and Toleration, where he states that Catholics should not be tolerated publicly or privately: "the exercise of their Religion, as far as it is Idolatrous, can be tolerated neither way. . . without great offence to God." Cited in Leonard Levy, Emergence of a Free Press (New York: Oxford University Press, 1985), pp. 95-96.

10. Complete Prose Works of John Milton, vol. 2, p. 551.

11. Roland H. Bainton, Erasmus of Christendom (New York: Crossroad, 1969), p. 3. On Erasmus as a humanist, see Brendan Bradshaw, "The Christian Humanism of Erasmus," The Journal of Theological Studies 33 (1982):411-447; James D. Tracy, "Erasmus the Humanist," Erasmus of Rotterdam: A Quincentennial Symposium, ed. Richard L. DeMolen (New York: Twayne Publishers, 1971), pp. 29-47; Albert Rabil, Jr., "Desiderius Erasmus," Renaissance Humanism: Foundations, Forms, and Legacy, ed. Albert Rabil Jr., 3 vols. (Philadelphia: University of Pennsylvania Press, 1988), 2:216-264. For a more general biography of Erasmus, including his humanism, see Bainton's Erasmus of Christendom and Cornelis Augustijn, Erasmus: His Life, Works, and Influence, trans. J.C. Grayson (Toronto: Univeristy of Toronto Press, 1991).

12. The five traditional humanistic studies are grammar, rhetoric, history, poetry, and moral philosophy. On defining Renaissance humanism, see Paul Oskar Kristeller, Renaissance Thought: The Classic, Scholastic, and Humanist Strains (New York: Harper and Row, 1961), pp. 9-10; Craig Thompson, "The Humanism of More Reappraised," Thought 52 (September 1977): 233.

13. As Paul Oskar Kristeller has observed, Renaissance humanism "must be understood as a characteristic phase in what may be called the rhetorical tradition in Western culture." Renaissance Thought: The Classic, Scholastic, and Humanist Strains, pp. 11-13.

14. Erasmus, Opus Epistolarum Des. Erasmi Roterodami (hereafter cited as EE), ed. P.S. Allen, H.M. Allen, and H.W. Garrod, 12 vols. (Oxford: Clarendon Press, 1906-57), 1:30. 1-3 (letter to John Botzheim, 30 January 1523). The truth of Erasmus's self-assessment is particularly apparent in his treatment of religion. In his Paraphrases of the New Testament, Erasmus rewrites Scripture in a style that will appeal to the masses, like "the farmer, the tailor, the mason," and even the disreputable, such as "prostitutes, pimps, and Turks." See Erasmus, Desiderii Erasmi Roterodami Opera Omnia (hereafter cited as LB), ed. J. Clericus,

10 volumes (Leyden: 1703-6), 7:Preface to the Paraphrase of St. Matthew (1520). See also Marjorie O'Rourke Boyle, "Weavers, farmers, tailors, travellers, masons, prostitutes, pimps, Turks, little women, and Other Theologians," Erasmus in English: A Newsletter Published by University of Toronto Press 3 (1971):1-7. Similarly, Erasmus writes his Ecclesiastes as a manual to instruct preachers in how to proclaim the word of God persuasively. LB 5:767-1100 (Ecclesiastes, sive de ratione concionandi, 1535).

15. Recents discussions of the humanist dialogue include: David Marsh, The Quattrocento Dialogue: Classical Tradition and Humanist Innovation (Cambridge: Harvard University Press, 1980); J.F. Tinkler, "Humanism and Dialogue," Parergon: Bulletin of the Australian and New Zealand Association for Medieval and Renaissance Studies 6 (1988):197-214; and K.J. Wilson, Incomplete Fictions: The Formation of English Renaissance Dialogue.

16. Most sixteenth-century reformers meant by nonessentials the indifference of rituals that are neither commanded nor forbidden by the divine law of the New Testament. Thus, they employed the idea of indifferent rituals to condemn Roman Catholicism for burdening the Christian conscience with man-made ceremonies. See, for example, Martin Luther, Werke (hereafter cited as WA), 58 volumes (Weimar: Hermann Böhlaus, 1883-1908; rpt. Graz, Akademische Druck-u. Verlagsanstalt, 1964-), 2:478 (Commentary on Paul's Epistle to Galatians, 1519); John Calvin, Institutes of the Christian Religion 3. 19. 10-12.

17. Classically, adiaphora referred to all external things and actions that were not decisive in the moral life of the wise man, but were (at least for the Stoics) to be judged by the end toward which they were directed. So that the adiaphoron (that is, the indifferent thing or act) could become either good or bad, depending on the person's inner disposition. The Christians adopted the term and applied it to externals--like food, drink, marriage, wealth, and so on--that were once regulated under the Old Law, but were now morally indifferent under the New Law, in the sense that the ethical status of these externals was to be determined by the actor's good or bad intentions. On the historical development of the concept "adiaphora," see Bernard J. Verkamp, The Indifferent Mean: Adiaphorism in the English Reformation to 1554, Studies in the Reformation vol. 1 (Athens, Ohio and Detroit, Michigan: Ohio University Press and Wayne State University Press, 1977), pp. 20-25.

18. Convivium religiosum (1522), The Colloquies of Erasmus, trans. Craig R. Thompson (Chicago: University of Chicago Press, 1965), p. 58, p. 61; Marjorie O'Rourke Boyle, Erasmus on Language and Method in Theology (Toronto: University of Toronto Press, 1977), p. 138.

19. LB 5:1265D-E (Diputatiuncula de taedio, pavore, tristitia Jesu, instante supplicio crucis: deque verbus, quibus visus est mortem deprecari, 'Pater, si fieri potest, transeat a me calix iste' [Little Disputation on the Dread, Fear, and Sadness of Jesus, when the Punishment of the Cross was pressing upon him and on the words with which he seemed to be averting death "Father if it can be done let this cup pass from me"]).

20. On the classical use of diatribē, see André Oltramare, Les Origines de la Diatribe Romaine (Geneva: Imprimeries Populaire, 1926), especially pp. 9-17, 116-125; Marjorie O'Rourke Boyle, Rhetoric and Reform: Erasmus' Civil Dispute with Luther (Cambridge: Harvard University Press, 1983), pp. 6-8. Erasmus, in Hyperaspistes I (LB 10:1313A), finds the origin of the diatribe in the battles philosophers had among themselves, "each for his own sect." See also Augustijyn's Erasmus: His Life, Works, and Influence, p. 137: "A diatribe is a treatise, known since Greek and Roman times, in dialogue form on a moral or philosophical theme."

21. E. Gordon Rupp and Philip S. Watson, eds., Luther and Erasmus: Free Will and Salvation (The Library of Christian Classics: Icthus Edition. Philadelphia: Westminster Press), pp. 84-85, p. 91.

22. "It is . . . essentially salutary and necessary for a Christian to find out whether the will does anything or nothing in matters pertaining to salvation. . . . If we do not know these things, we shall know nothing at all of things Christian, and shall be worse than any heathen." Ibid., pp. 116-117.

23. "The Holy Spirit is no Skeptic, and it is not doubts or mere opinions that he has written on our hearts, but assertions more sure and certain than life itself and all experience." Ibid., p. 109. See Boyle, Rhetoric and Reform, particularly pp. 43-66.

24. LB 9:1218B-C (De libero arbitrio). In LB 10:1663B (Spongia adversus adspergines Hutteni), Erasmus maintains that knowing "whether free will is important to salvation or whether faith alone contributes to salvation" are not articles of faith. See also Desiderius Erasmus, Collected Works of Erasmus (hereafter cited as CWE), still in progress (Toronto: University of Toronto Press, 1974-), 8:280. 358-360 (Letter to Pierre Barbier, 13 August 1521).

25. Luther and Erasmus: Free Will and Salvation, p. 37. Cf. CWE 27:118 (Praise of Folly): "For human affairs are so complex and obscure that nothing can be known of them for certain, as has been rightly stated by my Academicians [Academic Skeptics], the least assuming of the philosophers." Erasmus explains that his skepticism does not signal his indifference to the truth, but that he "will consider matters for a long while and will not rashly make a pronouncement. Therefore he is not a skeptic who cares not to know what is true and what is false, inasmuch as skeptics take their name from attentive observation. But rather a skeptic is he who does not make facile definitions, and does not engage in mortal combat for his opinion, but what another follows as a certain thing he instead pursues as a probable matter." LB 10:1262C-D (Hyperaspistes I). Erasmus's explanation of skepticism is etymologically correct, since the word "skeptic," literally "inquirer," derives from the verb σκέπτεσθαι, which means "to observe carefully," "to examine," and "to consider." See Charlotte Stough, Greek Skepticism: A Study in Epistemology (Berkeley: University of California Press, 1969), p. 3.

26. Luther and Erasmus: Free Will and Salvation, p. 106.

27. As Cicero explains: "And as to the fact that our school argues against everything, that is only because we could not get a clear view of what is 'probable,' unless a comparative estimate were made of all the arguments on both sides." Cicero, De officiis 2. 2. 8. See also Tusculan Disputations 2. 3. 9; Cicero, Academica 2. 3. 7-8. Cf. Aristotle Topics 101a 35-37, where Aristole writes that "the ability to puzzle on both sides of a subject will make us detect more easily the truth and error about the several points that arise." See also Alain Michel, Rhétorique et Philosophie chez Cicéron: Essai sur les Fondements Philosophique de l'art de Persuader (Paris: Presses Universitaires de France, 1960), pp. 158-173.

28. Boyle, Rhetoric and Reform, pp. 20-21, pp. 43-46; Luther and Erasmus: Free Will and Salvation, p. 47; LB 9:1220F (De libero arbitrio). Comparison, according to Erasmus, is what enables church councils to arrive at the truth: "Indeed in the church councils what is obscure for some the Spirit reveals to others, so that from a comparison of separate elements nothing remains obscure when each person brings forth what has been disclosed to him." LB 10:1312C-D (Hyperaspistes I).

29. Cicero, De inventione 1. 30. 47-49.

30. "So far we have compared those scriptural passages which establish free will and those, on the other hand, which seem to take it away completely. But since the Holy Spirit, who is their author, cannot contradict himself, we are forced, whether we like it or not, to seek a moderate judgment." LB 9:1241D (De libero arbitrio).

31. LB 9:1224C (De libero arbitrio); See Ibid. 1241C; LB 10:1327B-C (Hyperaspistes I).

32. De finibus 2. 6. 17; Tusculan disputations 1. 47. 112.

33. Although judicial oratory concerns past facts that are, in theory, ascertainable and could not be other than they were, the judicial genre still deals with matters that are, at least in the present, under contention. For while a past action either did or did not occur, proof of the action is ambiguous. Evidence, which is termed "inartificial proofs" in the rhetorical treatises, can be refuted: witnesses, documents, confessions extracted by torture, and so on are impeachable. See M. Fabius Quintilian Institutione Oratoria 5, chapters 1-7. And the arguments that the orator himself invents, the so-called "artificial proofs," rarely prove a case with certainty. There does exist a category of irrefutable arguments or "those which cannot be otherwise." See De inventione 1. 29. 44-45 and Quintilian 5. 9. 3-7. If these arguments predominated, however, there would be no dispute between parties. In addition to the uncertainty of legal proofs is the ambiguity of the law itself. Cicero states that "those cases which are such that the law involved in them is beyond dispute, do not as a rule come to a hearing at all." Therefore, the ambiguity of the law allows the orator "to find some authority in favor of whichever side he is supporting." Cicero, De oratore 1. 57. 241-242.

34. John Tinkler also observes that while Academic skepticism is generally characteristic of rhetoric, in judicial oratory the orator is not, himself, permitted to speak skeptically. In public, he is expected to argue, unambivalently, either for or against a position. See John F.

Tinkler, "Renaissance Humanism and the genera eloquentiae," Rhetorica: A Journal of the History of Rhetoric 5 (1987):295.

35. De oratore 2. 19. 78.

36. De natura deorum 1. 6. 14. See also Hirzel, Der Dialog, vol. 1, p. 531.

37. Cicero, despite his disdain for Epicureanism, concedes that he may be in error: "'many men, many minds'--so it is possible that I am mistaken." De finibus 1. 5. 15.

38. See, for example, Richard Tuck, "Scepticism and toleration in the seventeenth century," Justifying Toleration: Conceptual and historical perspectives, ed. Susan Mendus (Cambridge: Cambridge University Press, 1988), p. 25: "Given that the truth of religious or moral beliefs is a matter of indifference to the sceptic, but given also that this detachment is a very unusual mental attitude, what is the sceptic to do about the beliefs held in his society? Montaigne and Lipsius continually emphasised (as Descartes in his sceptical mode was to do later) that the wise sceptic must abide by the public requirements of his society, both in morality and religion. To oppose himself to them would both be to take their truth value seriously, and also to run a direct physical risk to his own serene existence."

39. Luther and Erasmus: Free Will and Salvation, p. 97.

40. See above, note 3.

41. CWE 9:252. 232-234 (Letter to Jean de Carondelet, 5 January 1523). See also Ibid. 250. 172 - 251. 188; 253. 244-246.

42. LB:10 1335C (Hyperaspistes I). See also CWE 7:126. 235-245 (Letter to Jan Šlechta, 1 November 1519).

43. According to Erasmus, the following doctrinal debates concern adiaphora:

> how person differs from person, and why the bringing forth of the Holy Spirit from the Father is called procession not generation; and whether the divine essence generates or is generated; and whether the divine essence has the same identity in connection with no matter which person of the Trinity, as the divine essence has in connection with the divine being Itself. And whether the power of generating in the Father be absolute or relative; and whether the power of generating can be imparted to the Son by the Father. Moreover, if it is conceded that God generates God, whether God generates the selfsame God or another God.

LB 10:1259F-1260A (Hyperaspistes I, 1526).

44. LB 6:696C-D (Note on I Cor. 7:39, Novum Testamentum, 1519); CWE 9:264. 649-651 (Letter to Jean de Carondelet, 5 January 1523); LB 10:1663A-B (Spongia adversus adspergines Hutteni, 1523); LB 6:926-928 (In Epistolam ad Timotheum I); Ausgewählte Werke, p. 193, lines 9-28 (Ratio verae theologiae); LB 5:1079B (Ecclesiastes); CWE 66:11,

cited in Augustijn, Erasmus: His Life, Works, and Influence, pp. 78-79.

In a letter (1 November 1519) to his friend Jan Šlechta, Erasmus summarized what he believed to be the fundamentals: "[A] few truths are enough, and the multitude are more easily persuaded of their truth if they are few. As things are, we make six hundred articles out of one, some of them of such a kind that one can be ignorant of them, or unconvinced, without peril to one's religion. . . . Besides which the whole of the Christian philosophy lies in this, our understanding that all our hope is placed in God, who freely gives us all things through Jesus his son, that we were redeemed by his death and engrafted through baptism with his body, that we might be dead to the desires of this world and live by his teaching and example, not merely harboring no evil but deserving well of all men. . . .

These above all are the things that must be implanted in the hearts of men until they become second nature. If any man wishes to pursue more abstruse questions touching the divine nature or the substance of Christ or the sacraments . . . he is welcome to do so with this restriction, that to believe what commends itself to this man or that should not at once become compulsory for everybody." CWE 7:126. 235 - 127. 260 (Letter to Jan Šlechta, 1 November 1519). See also Bainton, Erasmus of Christendom, pp. 185-186; Joseph Lecler, Toleration and the Reformation, trans. T.L. Westow, 2 vols. (New York: Association Press, 1960), 1:126-27; and Craig R. Thompson, Inquisitio de Fide, rev. ed. (Hamden, Connecticut: Archon Books, 1975), pp. 39-48.

45. As Erasmus writes: "the more dogma there is, the more material for heresy." EE 5:465. 1 - 468. 155 (Letter to William Warham, 1 June 1524). See also Erasmus of Christendom, p. 185. On the Arians, Erasmus writes: "Some passages in Holy Scripture gave the appearance of supporting [the Arian position], and rational arguments were not lacking which displayed some semblance of truth." CWE 9:261. 526-536 (Letter to Jean de Carondelet, 5 January 1523). The Nicene Creed was formed to exclude Arianism, since the earlier Apostles' Creed did not.

46. LB 9:1059E (Apologia adversus Monachos quosdam Hispanos, 1528). See also Wallace K. Ferguson, "The Attitude of Erasmus Toward Toleration," Persecution and Liberty: Essays in Honor of George Lincoln Burr (New York: The Century Company, 1931), pp. 177-179; Manfred Hoffmann, "Erasmus and Religious Toleration," Erasmus of Rotterdam Society Yearbook Two (1982), pp. 105-106.

47. "Like those people who drag others to the flames for any error at all, those who think that the civil power lacks any right to kill heretics are wrong." LB 10:1576B-C (Epistola contra quosdam qui se falso jactant evangelicos). See als EE 5:604-606. Although Erasmus never explicitly calls for the execution of any specific heretic, he writes that "the Anabaptists should in no way be endured," implying that he agrees with imperial legislation that prescribed the death penalty for Anabaptists. Epistolarum Des. Erasmi libri xxxi (London, 1642), Ep. 77, col. 1963D.

48. Bainton, Erasmus of Christendom, p. 257.

49. Cicero, Orator 22. 72.

50. Orator 35. 123.

51. Quintilian 3. 4. 15. Cicero writes that "every one must acknowledge that of all the resources of an orator far the greatest is his ability to inflame the minds of his hearers and to turn them in whatever direction the case demands. If the orator lacks that ability, he lacks the one thing most essential." Cicero, Brutus 80. 279. See also Ibid. 93. 22; Orator 36. 127.

52. Quintilian 5. 14. 29.

53. De oratore 2. 42. 178. Quintilian adopts Cicero's preference for pathos over logical proof. In a passage that seems to justify the most damning critics of rhetoric, Quintilian (6. 2. 5-6) recommends emotional appeals for their unique ability to deceive, when judges "and their thoughts have actually to be led away from the contemplation of the truth.

> . . . and just as lovers are incapable of forming a reasoned judgment on the beauty of the object of their affections, because passion forestalls the sense of sight, so the judge, when overcome by his emotions, abandons all attempts to enquire into the truth of the arguments, is swept along by the tide of passion, and yields himself unquestioning to the torrent.

See also Brian Vickers, In Defence of Rhetoric (Oxford: Clarendon Press, 1988), pp. 76-78.

54. Quintilian 12. 1. 1.

55. Tusculan Disputations 2. 1. 4; Plato Republic 494a.

56. Luther and Erasmus: Free Will and Salvation, p. 36.

57. LB 5:858E-859A, 870D-881C (Ecclesiastes). See James Michael Weiss, "Ecclesiastes and Erasmus: The Mirror and the Image." Archiv für Reformationsgeschichte 65 (1974):100-101; John O'Malley, "Content and Rhetorical Forms in Sixteenth-Century Treatises on Preaching," Renaissance Eloquence: Studies in the Theory and Practice of Renaissance Rhetoric, ed. James J. Murphy (Berkeley: University of California Press, 1983), p. 244.

58. Tusculan Disputations 4. 25. 55.

59. De oratore 1. 59. 255; De officiis 1. 1. 3.

60. Luther and Erasmus: Free Will and Salvation, p. 96.

61. Aristotle established, and subsequent rhetoricians have accepted, three modes of persuasion: ethos, pathos, and logical proof: "Of the modes of persuasion furnished by the spoken word there are three kinds. The first kind [ethos] depends on the personal character of the speaker; the second [pathos] on putting the audience into a certain frame of mind; the third on the proof, or apparent proof, provided by the words of the speech itself (Rhetoric 1356a 1-4)." Ethos persuades when "the speech is so spoken as to make us think [the speaker] more credible, [since] we believe good men more fully and more readily than others

(1358a 3-13)." Pathos succeeds "when the speech stirs the emotions," for "our judgments when we are pleased and friendly are not the same as when we are pained and hostile (1356a 13-19)." Logical proof works "through the speech itself when we have proved a truth or an apparent truth by means of the persuasive arguments suitable to the case in question. (1356a 19-21)." The original Aristotelian sense of ethos, however, changes under the Romans, and it comes to mean a gentler form of the emotions roused by pathos. Cicero, in Orator, contrast ethos, which is "courteous and agreeable, adapted to win good will," with pathos, which is violent, hot and impassioned (36. 128)."

62. "In discussion it is not so much weight of authority as force of argument that should be demanded. Indeed the authority of those who profess to teach is often a positive hindrance to those who desire to learn; they cease to employ their own judgement, and take what they perceive to be the verdict of their chosen master as settling the question." De natura deorum 1. 5. 10. See also Tusculan Disputations 2. 26. 63.

63. LB 10:1305F (Hyperaspistes I).

64. Tusculan Disputations 5. 15. 43.

65. Tusculan Disputations 4. 28. 61; 4. 21. 47-48. Of all the passions, it is anger, in particular, that Cicero singles out for opprobrium. He does so because anger, more than any other emotion, undermines rational reflection: "nothing can be done rightly or thoughtfully when done in anger." De officiis 1. 38. 136. Translation from On Duties, eds. M.T. Griffin and E.M. Atkins. See also Tusculan Disputations 4. 23. 52. That anger is inappropriate to conversation, however, does not exclude it from public oratory. Anger and allied "negative" emotions like hatred, ill-will, fear, and so on, are acceptable tools for the orator in persuading his mass audience. De oratore 2. 44. 185; 189-190. Quintilian states (6. 2. 20) that "pathos is almost entirely concerned with anger, dislike, fear, hatred, and pity." Their exclusion from philosophical dialogue like the ban on appeals to authority, is the result of dialogue's separate rules of decorum.

66. Academica 2. 3. 9; De natura deorum 1. 6. 15; Michel Ruch, Le Preamble Dans Les Oeuvres Philosophiques De Ciceron: Essai sur la Genese et l'art du Dialogue (Paris: Belles Lettres, 1958), pp. 80-82; Introduction to Loeb Classical Library edition of De finibus, trans. H. Rackham, p. xvi.

67. See Colloquies, p. 49; p. 78; Lawrence V. Ryan, "Erasmis Convivia: The Banquet Colloquies of Erasmus," Medievalia et Humanistica: Studies in Medieval and Renaissance Culture, new series 8 (1977):205; Boyle, Erasmus on Language and Method in Theology, p. 139.

68. See John A. Hostetler, Amish Society (Baltimore: The Johns Hopkins University Press, 1990), pp. 33-41, 86-89; Donald B. Kraybill, The Riddle of Amish Culture (Baltimore: The Johns Hopkins University Press, 1989).

69. Luther and Erasmus: Free Will and Salvation, pp. 36-37; LB 10:1287C (Hyperaspistes I). In contrast to Diatriba, Erasmus's stance in Hyperaspistes--responding to Luther's combative De servo arbitrio--is more contentious. See, for example, LB 10:1312A; 1364D-E.

70. In the République, Bodin developed a theory of absolute sovereignty, which he hoped would undermine Huguenot arguments for a right of resistance.

71. For a summary of Bodin's religious life and views, see Colloquium of the Seven about Secrets of the Sublime, pp. xv-xlvi.

72. Paul Lawrence Rose, Bodin and the Great God of Nature: The Moral and Religious Universe of a Judaiser (Geneva: Libraire Droz, 1980).

73. Colloquium of the Seven about Secrets of the Sublime, p. 4.

74. Ibid., p. 3.

75. Ibid., pp. 4-5.

76. Ibid., p. 15. Sometimes the interlocutors would also entertain themselves "by singing a hymn to the accompaniment of lyres and flutes." Ibid., p. 89. See also Marion Leathers Kuntz, "The Home of Coronaeus in Jean Bodin's Colloquium Heptaplomeres: An Example of a Venetian Academy," Acta Conventus Neo-Latini Bononiensis, Proceedings of the Foruth International Congress of Neo-Latin Studies, Bologna, 26 August to 1 September 1979, pp. 278-279.

77. An exception is Marion Leathers Kuntz. See her unpublished essay "Structure, Form and Meaning in the Colloquium Heptaplomeres of Jean Bodin."

78. Georg Roellenbleck, "Les Poèmes Intercalés Dans L'Heptaplomeres," Jean Bodin: Actes du Colloque Interdisciplinaire d'Angers, 24-27 Mai 1984 (Angers, 1985), p. 448.

79. Colloquium of the Seven about Secrets of the Sublime, p. 471; Quentin Skinner, The Foundations of Modern Political Thought, 2 vols. (Cambridge: Cambridge University Press, 1979), 2:249.

80. Lecler, vol. 2, p. 180.

81. Roellenbleck, p. 448.

82. Colloquium of the Seven about Secrets of the Sublime, p. 292.

83. Ibid., p. 170.

84. "But religion by common consent once received and setled, is not againe to be called into question and dispute, that so all the wayes and entrances unto sedition and faction may be stopped, and the assurances of unity and peace strengthened." Jean Bodin, The Six Bookes of a Commonweale, ed. with Introduction by Kenneth Douglas McRae (Cambridge: Harvard University Press, 1962), p. 535. See also Ibid., p. 536: "Wherefore seeing that disputations of religion bring not only the doubt and overthrow of religions, but even the ruine and destruction of Commonweales also; it behooveth them to be by most strait lawes forbidden."

85. Colloquium of the Seven about Secrets of the Sublime, p. 165.

86. Ibid., p. 165, p. 169.

87. Ibid., p. 166.

88. Ibid., p. 167.

89. Ibid., pp. 169-170. Octavius further observes: "The edicts of the Persians and the Turks also warned that no discussions about religion may be carried on. Also the kings of the Muscovites and the princes of the Germans at a great assembly at Augsburg, after destructive and lengthy wars, proclaimed that there would be no more discussion about religion among Catholics and priests of the Augsburg confession. When one man rashly violated this edict, he was put to death, and the uprisings in that city were quelled to the present (p. 167)."

90. Ibid., p. 170.

91. Ibid.

92. Ibid., p. 205.

93. Tellingly, Bodin casts Fridericus as the speaker fooled by artifical apples that Coronaeus had mingled with their real counterparts:

> When Fridericus, good man that he was, bit into an artificial apple, being deceived by its appearance, he said: 'I do not see how any one of you could have not been deceived.' After the others looked more closely at the apples which were so cleverly fashioned that they seemed freshly plucked, Coronaeus said: 'If the eyes which are the keenest of the senses are so irrationally deceived in insignificant matters, how can it happen that the mind, which gathers everything from the senses, attains certain knowledge in difficult and sublime matters?'

Bodin thus uses Fridericus to make the skeptical point that reality and appearance are often indistinguishable. Ibid., p. 233.

94. Cf. Thomas Hobbes, Leviathan, ed. C.B. Macpherson (London: Penguin Books, 1968), pp. 132-134; 179-183.

95. Colloquium of the Seven about Secrets of the Sublime, p. 169. Cf. The Six Bookes of a Commonweale, p. 535.

96. Ibid., p. 471.

97. Ibid., p. 148. Cf. John Stuart Mill, On Liberty, in Collected Works of John Stuart Mill, ed. J.M. Robson, with an Introduction by Alexander Brady, vol 18: Essays on Politics and Society (Toronto: University of Toronto Press, 1977), pp. 244-245: "But on every subject on which difference of opinion is possible, the truth depends on a balance to be struck between two sets of conflicting reasons. . . . and it has to be shown why that other theory canot be the true one; and until this is shown, and until we know how it is shown, we do not understand the grounds of our opinion."

98. Each of the Christians recites one poem. Toralba and Octavius each recite two, and Salomon recites four. Only Senamus, the skeptic, avoids poetry. See Kuntz, "Structure, Form and Meaning in the Colloquium Heptaplomeres," pp. 24-25. See also Roellenbleck, 445-447.

99. Colloquium of the Seven about Secrets of the Sublime, pp. 191-192, 261-262, 411-412.

100. Ibid., pp. 390-391.

101. Ibid., pp. 406-407.

102. Ibid., p. 471. The general argument that the movement in song suggests a higher understanding is made by Kuntz in "Structure, Form and Meaning in the Colloquium Heptaplomeres," pp. 26-27. On the ancient Greek understanding of enharmonic music, see Ancient and Oriental Music, ed. Egon Wellesz, New Oxford History of Music, vol. 1 (New York: Oxford University Press, 1957), pp. 387-390.

103. Edward E. Lowinsky, Secret Chromatic Art in the Netherlands Motet, trans. Carl Buchman (New York: Russell and Russell, 1946), p. 90.

104. Frances E. Yates, "The Hermetic Tradition in Renaissance Science," in Art, Science, and History in the Renaissance, ed. Charles S. Singleton (Baltimore: The Johns Hopkins Press, 1967), p. 264. On Bodin's ties to Hermeticism and other mystical traditions, see Colloquium of the Seven about Secrets of the Sublime, pp. liv-lvi.

105. "The beauty of the enharmonic mode and the awe which it had inspired leave the seven speakers with no need to discuss religion again." "Structure, Form and Meaning in the Colloquium Heptaplomeres," p. 28.

106. St. Thomas Aquinas, Summa theologiae, 2, 2, q. 11, art. 3. St. Thomas quotes St. Augustine's statement (De Gen. cont. Manich. i. I) that the profit derived from heresy is that "'it makes us shake off our sluggishness, and search the Scriptures more carefully.'" Nevertheless, St. Thomas writes that "we should consider what they directly intend, and

expel them" and that "if heretics be altogether uprooted by death, this is not contrary to Our Lord's command."

107. Marion Daniels Kuntz, "Harmony and the Heptaplomeres of Jean Bodin," Journal of the History of Philosophy 12 (1974):35-36.

108. Colloquium of the Seven about Secrets of the Sublime, p. 144. See also "Harmony and the Heptaplomeres of Jean Bodin," pp. 35-36; "The Home of Coronaeus in Jean Bodin's Colloquium Heptaplomeres," pp. 279-280.

109. Colloquium of the Seven about Secrets of the Sublime, p. 145.

110. Ibid., p. 147.

111. Ibid., p. 146.

112. Ibid., p. 157.

113. Ibid., p. 465.

114. Ibid., pp. xli-xlii.

115. Ibid., p. 149. Like Machiavelli in the Discourses, Curtius saw the opposition between parts of the whole as a source of liberty: "The Roman state flourished when the patricians blocked the plebs and the tribunician power thwarted the consular greed."

116. Ibid., pp. 146-151.

117. "Lo, how good and pleasing it is for brothers to live in unity. . . ." Ibid., p. 471.

118. Ibid., pp. 165-166.

119. Ibid., p. 186.

120. Ibid., p. 468. See also Ibid., pp. 469-471.

121. Ibid., pp. 465-466.

122. Ibid., p. 151, p. 467. Octavius, however, also praises the Persians and Turks for forbidding discussions about religion because they lead to civil unrest (p. 167). The key for Octavius is that religious discussion must not degenerate into violence. Peace is maintained, in part, by the rules of decorum.

123. Ibid., pp. 468-469.

124. "If anyone of our nation seeks a foreign god and foreign sacred rites, after he has deserted the worship of God, he is ordered to be stoned, and the city to be destroyed. The same punishment follows those who have not acquiesced to the high priest's dictum." Ibid., pp. 468-469.

125. Ibid., p. 471.

126. Ibid., p. 241.

127. Ibid. See also Ibid., p. 243.

128. Ibid., p. 243, p. 251.

129. Octavius states: "Thomas Aquinas said: 'When errant reason has established something as a precept of God, then it is the same thing to scorn the dictate of reason and the commands of God.' Divine Augustine had confirmed this before." Ibid., pp. 157-158.

130. Colloquium of the Seven about Secrets of the Sublime, p. 163; Lecler, vol. 2, pp. 180-181. St. Thomas Aquinas argues ~~that~~ that heretics were motivated by either "pride or covetousness . . . or some illusion of the imagination." He did not consider that heretics may honestly be mistaken; to him the heretic always chose to disbelieve. See St. Thomas Aquinas Summa theologiae 2, 2, q. 11, a. 1; Edmund F. Byrne, Probability and Opinion: A Study in the Medieval Presuppositions of Post-Medieval Theories of Probability (The Hague: Martinus Nijhoff, 1968), pp. 118-119, pp. 121-123, pp. 161-162.

131. St. Augustine does not believe that compulsion can, in and of itself, make the heretic a true believer or a good man; faith, he concedes, can never be forced. But coercion can sometimes make the heretic reconsider his errors. When the state forcibly exposes the sinner to godly preaching and removes him from his sinful surroundings, it may help him discover the truth that has so far eluded him. See St. Augustine, Letters, vol. 4, The Fathers of the Church: A New Translation, trans. Sister Wilfrid Parsons (N.Y.: Fathers of the Church, Inc., 1955), pp. 161-162; Herbert Deane, The Political and Social Ideas of St. Augustine (New York: Columbia University Press, 1963), p. 204, p. 217, p. 197.

132. Summa theologiae, 2, 2, q. 11, a. 3.

133. Colloquium of the Seven about Secrets of the Sublime, p. 239. Cf. The Six Bookes of a Commonweale, pp. 539-540.

134. John Montuori, John Locke on Toleration and the Unity of God (Amsterdam: J.G. Gieben, 1983), p. 93. Montuori includes in his book a critical edition of Locke's A Letter Concerning Toleration in Latin and English.

135. Klaus Oehler, "Der Consensus omnium also Kriterium der Wahrheit in der antiken Philosophie und der Patristik," Antike und Abendland 10 (1961):103-129.

136. Colloquium of the Seven about Secrets of the Sublime, p. 325.

137. Ibid., p. 465.

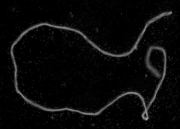
138. Ibid., pp. 236-237.

139. Frederick Schauer, Free Speech: A Philosophical Enquiry (Cambridge: Cambridge University Press, 1982), p. 15.

140. Steven H. Shiffrin, The First Amendment, Democracy, and Romance (Cambridge: Harvard University Press, 1990).

141. Thomas Emerson, The System of Freedom of Expression (New York: Random House, 1970); Edwin E. Baker, Human Liberty and Freedom of Speech (New York: Oxford University Press, 1989); Martin Redish, Freedom of Expression: A Critical Analysis (Charlottesville, Virginia: The Michie Co., 1984). Frederick Schauer summarizes the argument from self-expression in Free Speech: A Philosophical Inquiry, pp. 52-58.

142. Dworkin, A Matter of Principle (Cambridge: Harvard University Press, 1985) p. 386; Kent Greenawalt, Speech, Crime and the Uses of Language (New York: Oxford University Press, 1989), pp. 33-34. Schauer summarizes the argument from dignity on pp. 61-66.



What Difference Does the Calendar Make?
Changes in Presidential Capital and Success over Time

Russell D. Renka
Department of Political Science
Southeast Missouri State University
Bitnet: c695hut@semovm
1-314-651-2692

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Abstract

The relationship between time locale and presidential success is investigated with a time-sensitive logit model based on nonconsensual House and Senate floor votes from 1953 through 1986. Capital assets (presidential approval, seat share by partisans, economic conditions) are related to success. The specific time locale, including the honeymoon period in the first six months of the first presidential term, is not related to success except insofar as capital assets are more concentrated at one time locale than another.

What Difference Does the Calendar Make?
Changes in Presidential Capital and Success over Time

Presidential successes and failures with Congress are a function of time. Before systematic measurement of floor success in Congress began with the first Eisenhower term, earlier chief executives such as Wilson and the second Roosevelt enjoyed great policy success early in their respective first terms. Later on, both came to grief as the commonplace legislative reaction
coalitions took command and inflicted major defeats upon these able leaders. Since 1953, presidents have often enjoyed notably greatest success in the first term's first year, and notably least in the second term's last. This is evident at a glance for Johnson in 1965 v. 1968 as well as Reagan with 1981 v. 1988.

The presidential honeymoon is the roughly six-month period of a new administration when the new administration enjoys a muting of criticism from the Washington community. Like the real honeymoon, such suspended judgment is decidedly temporary.[1] With passage of time comes the inevitable hard judgments from elite media and legislative sources. Thus all new presidents are counseled to "hit the ground running" (Pfiffner 1988, 7) with a well-developed policy agenda and legislative lobbying strategy lest a unique opportunity be irretrievably lost. The complementary opportunity for presidential agenda rivals is the lame duck period, circa 1959-60 after adoption of the Twenty-second Amendment. Speaker of the House Jim Wright, for instance, moved the 100th House to numerous actions in reversal of Reagan positions during that President's final two years of 1987-88.[2] For presidents, some years are better than others.

Some presidential months are also better than others. The president's standing with the public, typically called 'public approval' or by the less accurate term 'popularity,' varies widely over a few weeks or months. This indicator is almost universally recognized in

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[1] Exact length of the honeymoon is slightly disputed. Brody 1991, 32, uses the first seven months as a standard honeymoon indicator. This is approximately the point at which the initially high ratio of approval to disapproval rating shows significant decay, probably due mostly to replacement of "no opinion" by disapproval. See also Brace and Hinckley 1991, 1003. But honeymoons prove empirically to be of varying length (Edwards with Gallup 1990, 123-128). Six months now takes a president to July 20, almost the outset of the annual August congressional recess.

[2] More generally, Brace and Hinckley (1992, 212, f. 10) show bivariate correlations of averaged annual approval and annual success rates from all CQ roll calls with presidential position. They show strong correlations the first two years (.728 in Year 1 and .721 in Year 2) followed by difficulty (.325 in Year 3, -.603 in Year 4).

Washington and is widely accepted as a sign of presidential potency.[3] At the conclusion of the successful March 1991 Desert Storm land offensive, President Bush basked in an historically high 89 percent Gallup-measured approval rating after this most recent of "a succession of rally events" (Kernell 1993, 159) during his term. When the President subsequently failed to use this occasion to press Congress for his domestic and economic policy initiatives, the Washington community interpreted this oversight as an important lost opportunity. On foreign policy where the President held firm convictions and resolve to act, high approval did make his action credible to members of Congress. Kernell gives a brief account of President Bush threatening to go public to explain a planned veto of a $10 billion U.S. loan guarantee to Israel (Kernell 1993, 157-158). Bush's approval share was approximately 70 percent--and one House member concluded "there was very little stomach to confront the President on this (Kernell 1993, 158)." The President played defense forcefully, preventing the pro-Israel congressional majority from sending the loan bill to his desk. Presidential popularity is a resource, but one that must be used quickly before it departs.

Low presidential approval is just as meaningful to Washington as high approval. Simon and Ostrom (1988, 745) have said "The president's approval score, as the foremost indicator of prestige, is a vital piece of information that operates to shape the perceptions of Washington decision makers and make them susceptible to persuasion." Or nonsusceptible. When the President undertook belated economic policy initiatives in late November and December 1991, that was too late, for his approval rating by then was 50 percent (and slipping) as the public and elite media put Iraq behind them and shifted attention to unemployment, slow economic growth and the national deficit. Roger Davidson said "It's amazing what falling poll ratings will do. Once Bush's popularity plummeted, there was even less incentive for Congress to work with him (quoted in Donovan 1992)."

A model meant to capture how well or poorly a president does on congressional floor voting must be attuned to the time locale of those votes. The experiences of 1991 and 1992 show that it takes little time for the Washington media to shift focus from one issue set to another--bringing much of the attentive public along with it (Iyengar and Kinder 1987; Edwards, Mitchell and Welch 1992). Rally events come and go. A scandal may arise. Surely a president may be better positioned to win on the floor in one month than an adjacent one.

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[3] Lyndon Johnson regularly carried clippings of public and privately commissioned polls showing his high approval ratings, to display and boast of them at every meeting with a significant Washington figure. He believed, as Woodrow Wilson put it, that "Let him once win the admiration and confidence of the country, and no other single force can withstand him, no combination of forces will easily overpower him." But when dire troubles did overtake Johnson, none among his efforts at shoring the ratings or dismissing them was effective. See Altschuler 1990.

Approval is one among several presidential assets which are sensitive to passage of time. Paul Light (1991) defines presidential power in Congress in terms of presidential resources. Resources are assets which can convert into congressional support and enhanced likelihood that a president will prevail in a contest. Light distinguishes between a president's internal resources of time, information, expertise and energy (Light 1991, 16-25), and external ones which produce a certain global impression by other Washington actors of the president's political capital (Light 1991, 14-15, 25-33). Capital is the basic indicator of the president's political strength; Light names the president's congressional party support, public approval rating, electoral margin, and professional reputation as components of this capital. Capital is there to be spent by presidents on legislative accomplishments.

Internal resources are obviously scarce and precious to every administration. Less obviously, capital has even greater value but comes as a fragile package. Light (1991, 33) argues that "Much like time, presidential capital does not keep" since it must be expended with policy choices and is not fully replaceable. This is the basis of Lyndon Johnson's famous January 1965 harangue to his White House staff. With 16-million vote plurality and 69 percent approval rating at hand, the President insisted nonetheless that every possible Great Society measure must be passed, and quickly, because "I've already lost about three of those sixteen and am probably getting down to thirteen. If I get into any fight with Congress, I will lose another couple of million, and if I have to send any more of our boys into Vietnam, I may be down to eight million by the end of the summer (quoted from Leuchtenburg 1983, 149)." For good reason this President felt a strategic rather than psychic imperative for haste.

The Calendar and Ambition

Presidential ambition is greatly influenced by the extraordinarily regular American political calendar. One illustration is first term--first year ambition to push a large agenda, something President Clinton has clearly shown in his maiden voyage. It is so regular that presidents mark their own launching by a new term's start even when they have done earlier interim service. Lyndon Johnson's forceful "honeymoon marker" of January 1965 came more than one year after he became president. The honeymoon or a close cousin existed despite the de facto age of his administration.

Johnson was particularly determined to justify his extraordinary drive for legislation. His motive was less personal than strategic, and his strategy revolved on the president's political calendar. Late in July 1965 after failing to win congressional assent to District of Columbia home rule following a violent and bruising White House lobbying campaign, the President told legal counsel Harry McPherson:

> You've got to give it all you can, that first year. Doesn't matter what kind of majority you come in with. You've got just one year when they treat you right, and before they start worrying about themselves. The third year, you lose votes; if this war

> goes on, I'll lose a lot of 'em. A lot of our people don't belong here, they're in Republican seats, and the Republicans will get them back. The fourth year's all politics. You can't put anything through when half the Congress is thinking how to beat you. So you've got one year ...(McPherson 1988, 268).

This was more than rationalization by one who picked a congressional fight and lost. Despite his penchant for exaggeration and outright lies elsewhere, here Johnson makes a credible witness. He sincerely believed that capital was meant to be used to pass bills, would not keep in any event, and had to be used early before it ebbed away.

The practical upshot is that all presidents are supposed to move forcefully at the start. Before and after Johnson, Kennedy and Nixon counselors urged that their presidents move quickly (Pfiffner 1988, 7). More recently, Reagan Budget Director David Stockman called for a "legislative blitzkrieg" early in 1981 before the normal bureaucratic and interest group forces recovered and resisted. President Clinton is currently being criticized for seeking to do too much, rather like Carter in 1977. Nonetheless Light (1991) says counseling an early start is realistic. He coins the term 'cycle of decreasing influence' to describe "declines in presidential capital, time, and energy (1991, 36)" which visits every chief executive even though passage of time also brings increasing expertise, expressed in a 'cycle of increasing effectiveness' (Light 1991, 37). Presidents such as Kennedy, Carter and Clinton learned a lot about Congress, especially in the first year! But legislative clout inheres less with internal resources than in the largely external capital. Thus when knowhow finally is there, the necessary capital is reduced.

As a result we should expect to find a larger presidential agenda in the first year than in other years. On the congressional floor this translates, ceteris paribus, into a larger number and variety of voting contests in first years than others. We should also anticipate that any increase in the size of an agenda produces a reduced likelihood of passage of any given item in that list. Presidential internal resources are stretched thinner with an increase of agenda size, reducing the average investment of available skill, time and knowledge per measure. The limit on resource allocation extends not only to the White House per se, but to legislative allies. The party leadership and committee chairs in the 89th House and Senate (1965-66) were hard put to sustain high-quality coalition making activities. White House head counting in the Johnson era became considerably worse as 1965 and 1966 wore on, reaching a nadir in a series of avoidable June 1967 embarrassments. The time and energy needed for thorough head counting is considerable. Slipshod work can often be traced to agenda overload. Finally, an enlarged agenda is likely to include bills of lesser quality or preparation--even "half-baked items" in the words of one Johnson aide viewing the expansive 1965 Johnson agenda. For all these reasons, ambition is both costly for a president and is most likely to impose its cost in the first year of the first term.

The fit between presidential ambition to pass an agenda, and success on the congressional floor, is uncertain. The congressional floor is locus of other ambitions as well. All strategic

agenda-promoting actors know space on the floor is scarce and precious. Every floor vote is an opportunity to put a bill before the president for signature, but there are severe limits to how many can be done in a session. This is true even though electronic voting and adoption of record voting on House amendments dramatically increased the number of recorded votes during the 1970s (Smith 1989).

On the floor, presidents must play not only offense but defense. A hallmark of 1970s reformism is the opening of doors for an enlarged host of policy activists (inside and outside Congress itself) to take their concerns to the floor. Liberals and conservatives alike displayed creative ingenuity in using the floor. With divided government also the usual norm since 1969, presidents have routinely been obliged to fashion defensive positions. The War Powers Resolution of 1973 and Speaker Carl Albert's cherished Budget and Impoundment Control Act of 1974 were both institutional responses to the confrontational positioning of an aggressive minority President. After Nixon, President Ford relied very heavily upon veto threats and actual vetoes, as did President Bush in his recent term.[4] Even President Reagan was largely reduced to saying nay and using the veto in 1987 and 1988 against the disrespectful and ambitious Speaker Jim Wright.

Even pre-reform era presidents often had to shift to defensive positions. Eisenhower vigorously fought the Bricker Amendment as a breach of constitutional foreign policy authority vested in the President; he also found others such as Senate Majority Leader Lyndon Johnson controlling the content of civil rights measures (Mayer 1989). Kennedy found frequent conservative initiatives from the South in the path, not to mention others imposed by Democratic power brokers from finance committees such as House Ways and Means Committee chair Wilbur Mills and Senate Finance Committee member Robert Kerr. Johnson was pure offense, yet he had to defend regularly and hard in 1967 and 1968 against conservative coalition reaction on matters of taxation, poverty, race and civil disorder. And Nixon's early ambitions for a negative income tax and welfare overhaul were thwarted by liberal Democrats, many of them reformists itching to assume policymaking dominion once the Johnson White House was gone.

When presidents confront a long list of floor votes against which to defend, the result again is a likelihood of lessened success on any given vote. As with the president's own agenda, a larger number of votes per session means a reduced allocation of scarce internal assets per vote. Combining agendas from all sources which produce votes of interest to the president, this variable is labeled 'agenda size' and is measured simply as the annual number

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[4] President Ford issued 61 public bill vetoes with 12 overrides in only 29 months holding office. Kennedy, Johnson, and Nixon had combined for only 62 vetoes in 163 months (Rohde and Simon 1985, 399). More recently, George Bush vetoed 46 bills (one override) in 48 months. Rohde and Simon (1985) show that incidence of vetoes is strongly related to the president's share of party seats in Congress. Light (1991, 112-115) shows that Ford vetoes were part of a deliberate strategy based upon the President's severely limited political capital.

of nonconsensual roll calls per session of Congress.

The net result is that the pure count of nonconsensual votes which require some significant allocation of presidential resources is a potentially important determinant of success on any given vote. The next section outlines how presidential success is measured on the congressional floor.

Going to the Floor

The dependent variable of presidential success is measured from congressional record voting where Congressional Quarterly has recorded a Presidential Position, and where a meaningful minority position is reflected in the floor vote. This set of votes is hereafter cited simply as 'the floor.' Roll call voting gets a full share of criticism. One claim is that the floor is simply not the appropriate place for judging whether a president has, on balance, won or lost. The past and present reliance on floor voting is admittedly a consequence of Congressional Quarterly's diligent tracking of presidential positions on those votes--which means convenience and access to data prevail over more subtle grounds for choosing this forum to examine.

The view here is that the floor is well worth defending. However, anyone reliant upon this forum should ask whether the floor suits their questions. In this respect the floor inherently holds certain important drawbacks as well as benefits.

One drawback is that the floor does not accurately represent a president's issue agenda. Thus Light (1983, 1991) uses OMB records and interviews to construct a more valid basis for profiling that agenda. Similarly, Peterson (1990) by reconstructing an improved and updated list of presidential domestic legislative proposals, avoids reliance upon floor voting. There is little doubt that anyone seeking to isolate and give quantitative treatment to the president's agenda does well to avoid the floor. The floor is anything but pristine, instead resembling a stew or potpourri, even the colorful 'garbage can' (see Kingdon 1984) into which all interested participants pour their policy proposals.

The floor is a poor proxy for the agenda of any single entity, White House or otherwise. But presidential success in Congress is never simply a White House-controlled outcome in the first place. The floor is excellent for observing the competitive positioning of participants in response to the combined agendas of all significant players. Presidents who play obligatory defense must regularly promote their own agendas and defend simultaneously against rivals. And they may pick and choose things to support from among allies, temporary confederates, or even the occasional unwitting adversary.

The floor is also criticized as a biased subsample of everything Congress does. This criticism is obviously telling in that committees regularly censor out the great majority of proposals that enter their doors. If the floor has a potpourri of materials, they have nonetheless been thoroughly sifted before admission. That means agenda items about which

the president cares deeply may never be represented there.

Covington (1987) therefore speaks against the traditional reliance upon Congressional Quarterly's judgment of presidential positioning. He notes that the Kennedy and Johnson White House Office of Congressional Relations sometimes deliberately kept quiet about a presidential position, causing CQ not to register it among its floor vote list. This occurred about 10 percent of the time among contested House of Representatives roll calls for the 1961-67 period.

It is true that CQ-based floor voting did not succeed in picking up these, and no doubt other, 'hidden hand' positions. Short of having comprehensive legislative officers' archival records from which to reconstruct a valid running record, that problem admits of no current solution.

Another and more forceful Covington rejection of CQ voting data comes with his demonstration that CQ floor votes are loaded with one-sided consensual votes which congressional relations officers derided as inconsequential (Covington 1986, 724-725). The resultant loading biases voting bloc support data by improving the scores of regular opponents, which did not charm Kennedy/Johnson officers and left them resolved to separately compile their own sharpened data.

It turns out this criticism is easily remedied without abandoning Congressional Quarterly. The selection against consensual voting in Edwards (1989), Bond and Fleisher (1990) and elsewhere all do the job nicely even though they do not restore hidden White House positions. A duplication of Covington's OCR-derived 1961-67 presidential support scores for Republicans, Northern Democrats, and Southern Democrats resulted in scores almost identical to OCR in each instance (Renka 1991). Covington does not provide sufficient reason to give up on the nonconsensual vote source compiled by Congressional Quarterly.

In the final analysis, the floor defends itself as a data source, for what happens there is tremendously important. It is a generally accepted forum in the press for profiling whether the president has prevailed or not. Scholars do not deny the value of carefully studying the floor, no matter how clearly there is a concurrent need to better understand other facets of Congress. One of the most compelling reasons for getting systematic data on presidential positioning in legislative committees, is that we could use it to estimate better models of what happens in the next (floor) stage. It does entertain most major proposals of serious consequence for the White House, whether those were on its original agenda or not. It is a suitable place to measure presidential success if we accept that no one agenda is exclusively represented.

Floor success is represented by the annual proportion of victories among all votes with meaningful competition and a presidential position. The probit or logit analogue to the familiar annual success rate is the likelihood of presidential victory on any given roll call. This permits isolation of variables at a specific time.

Which floor votes should be included for evaluation? The key is to exclude the numerous one-sided 'consensual' vote outcomes (Rohde 1991, 200, f. 22) since they require no commitment of resources specific to that vote (although related previous or later votes may do so). They are also distributed quite unevenly over time, with larger numbers during the Johnson and Nixon period than elsewhere, with large numbers in presidential first-year Senate votes such as 1989 due to nominations, and with a disproportionate share of presidential winners except for Reagan in the House (Renka 1991). All of them should be excluded for purposes of testing agenda crowding or other indicators based theoretically upon presidential commitment of capital. The reduced question becomes which ones to exclude.

This paper concentrates upon the tripartite division of Congress into voting blocs, the Democrats being divided by region with Southern Democrats those from the eleven onetime Confederacy states. Hinckley (1981) identifies a pre-coalition voting bloc as one aligned and voting together by at least 75 percent of its members. If all three blocs vote together by 75 percent or more each, that is excellent evidence of a 'consensual' vote. These are excluded from the calculations to follow.[5] Remaining is a data set consisting entirely of roll call votes with presidential position and an appreciable minority position represented within at least one voting bloc.

Ideology, Party and Voting Blocs

Political ideology has received enough emphasis as a primary determinant of presidential success to warrant careful review. The view here is that personally held political belief systems are important factors in legislators' response to votes with presidential positions. But there is currently not a satisfactory way to measure it for use as an independent variable when the dependent variable, presidential success in this case, is measured from floor voting. The essential reason is that ideology itself is defined through floor voting. Following illustration of that, an alternative formulation of a variable is proposed.

Jon Bond and Richard Fleisher have done extensive work on determinants of presidential success on the floor in their 1990 book, The President in the Legislative Arena, and subsequent work (Fleisher and Bond 1992). Its conclusion is that presidential success is largely a congressional product determined primarily by the two members' attributes of political party, and ideology. Little controversy inheres in the former claim, but the latter invites strong disputes.

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[5] Bond and Fleisher (1990) use a similar exclusion standard of dropping votes where the minority vote is 10 percent or less than the majority. However, "we leave near unanimous presidential losses in the analysis on the ground that the president's disagreement has injected conflict into the decision (1990, 70)." It may impart symbolic meaning, but not commitment of resources. The number of such votes also varies widely once the 1980s are profiled, with most from the Reagan and Bush period. Therefore the Bond and Fleisher approach is not followed here.

Ideology refers to a personally held political belief system of legislators. Bond and Fleisher (1990, 241-42) adapt ideological measurement from Keith Poole's well-known study of ideological interest group evaluations of U.S. Senators. Poole's spatial analysis found that about 80 percent of variance between Senators and interest groups on a given dimension was accounted by the classic liberal\conservative ideological factor (Poole 1981, 52). The two standard-setting interest groups, ADA and ACA for liberal and conservative counterparts, have long positioned themselves on comparable sets of ideological floor votes to establish closely comparable vote-based lists of where legislators stand on this one-dimensional spectrum. Since each group is both highly and consistently ideological over a long timespan (Poole 1981, 56-58; Poole and Daniels 1985; Poole and Rosenthal 1991) members of Congress who measure consistently the same on both group indices over time attest to a striking consistency and stability in casting of floor votes. Very recent studies continue to affirm voting consistency as a fundamental element of congressional careers (Hibbing 1993, 74-76).

Poole recommends inclusion of another ideological vote-based indicator to complement the ADA-ACA indices. This is the well-known Conservative Coalition Support Score from Congressional Quarterly. Modified to count only recorded yea and nay votes in the denominator, it records a very high voting consistency of Senators for a decade beginning in 1969 (Poole 1981, 58). Bond and Fleisher eschew this measure as a complement to the ADA/ACA because it is purely defined by the behavior of the members, whereas ADA/ACA defines ideology by "some a priori criteria" (1990, 241).

Since Bond and Fleisher wish to establish ideological positioning among presidents and members of Congress, the ADA/ACA measure is used to divide the liberals from the conservatives (1990, 164-165). To avoid using the very same votes from which ADA/ACA establish their annual ideological indices, "we purged votes on which the president expressed a position from the list of votes selected by ADA and ACA and reconstructed liberalism scores for members of Congress from 1953 to 1984 (1990, 241)."

The imposing shows of unidimensional voting consistency, complete with explanation rates of .80 or better, give the very grounds for doubting that this solves anything. The elementary problem of applying such analysis to presidential success on the floor is that those outcomes are measured on the same set of roll call floor votes from which the ADA and ACA indices are derived. If voting is indeed so consistent, then we should expect that whatever indicator we obtain from a subset of those votes will ably predict or retrodict the parent set or another subset. Bond and Fleisher purge a subset of ADA/ACA votes, but the remainder are extremely likely to closely resemble what has departed. Recalculated members' ideological scores are not likely to change much, if at all. The vaunted voting consistency of members applies across various subsets of roll call votes in a given year. Even a cursory examination of presidential-position roll call outcomes reveals very similar outcomes to all the rest. For instance, Collie (1988) profiles incidence of conservative and partisan coalitions on all House roll calls, finding a peak in the former and nadir of the latter in the early 1970s. A review of presidential position votes since 1953 demonstrates almost

exactly the same pattern (Renka 1991, 5-6).

Jackson and Kingdon (1992, 808-809) point out that "Use of these scales to represent representatives' ideology in a model of their voting behavior turns out to be simply a tautology. It is explaining votes with votes. The problem is that the interest group score, the explanatory variable, and the votes being modeled, the dependent variable, are almost certain to be tapping the same or related dimensions (pp. 808-809)" so long as votes are largely unidimensional. Thus "it simply shows that voting is consistent (p. 809)." Besides, floor voting is not the place to find personal beliefs systems at work. Jackson and King (1989, 1162, f. 2) reject the ADA/ACA and other proxy measures of ideology because ideology is a guide to establishing a personal preference. Voting on the floor reflects a varied mix of personal preferences and constant external pressures such as party, constituency, and colleagues. That introduces systematic error into measuring personal preference: "Worse still, these errors are not white noise but contain systematic biases. Inclusion of a vote score variable with these systematic errors will bias coefficients estimating the independent effects of party and constituents, as well as of ideology (Jackson and King 1162, f. 2)." The floor-derived ACA/ACA measure is unsuitable for explaining presidential success on the same congressional floor.

It is not necessary to use the ADA/ACA or other ideological proxies to capture a strong element of political beliefs represented in members' floor behavior. To the extent political ideology is expressed through the mixed indicator of floor voting at all, it reflects partly in party label, and otherwise in the historic North-South division of Democrats which has been such a dominant element of congressional coalitions on the floor since the 1940s. That division captures much of the mix of personal, partisan and constituency pressure that governs floor voting. Instead of including ideology and party as separate factors by dividing each party into its vote-derived liberal and conservative wings, one can instead divide the Democrats into the familiar Northern and Southern wings and treat the Congress as a de facto three-party system.

Poole and Rosenthal (1991) show that historic congressional voting displays a predominant major dimension with an occasional strong second dimension. One of those appears in the 1940s with the 77th Congress and continues through the 1960s. This robust second factor is the race issue shown in the highly separate anti-civil rights issue voting of virtually all Southern Democrats until the late 1960s. Not surprisingly, the 77th Congress was long ago identified in Key's Southern Politics (1949) as a wellspring of conservative coalition appearances on the floor. Such an alignment running right across a party boundary suggests the traditional regional division with separate Southern Democrats is a useful one.

In this paper, the eleven-state Old Confederacy alignment of SDs is adopted. With the independence and historic separateness of the South during the time period in mind, one may safely hypothesize that Democratic presidents will align with the Northern Democrats in Congress. Likewise Republicans will align with their full party membership (despite some liberal outliers from the Northeast). On contested votes with presidential position, both

voting blocs display impressive support with presidents of their own party. Southern Democrats never display that. Therefore the larger the president's core supportive bloc, the greater the likelihood of winning the president's position. As shown later, I use a variable labeled as 'bloc size' to represent the percent of seats held by members of the president's core supportive voting bloc.

The factor of party is also simply captured by representing the president as either a minority or majority seat-holder in a given house of Congress. If a Republican has 190 House Republican votes aligned against 190 Northern Democrats, the balance of 55 being Southern Democrats, the Republican executive's floor position is probably far worse than the Democrats' is. Floor control still counts a great deal in floor voting outcomes, especially in the House. The epic 1961 floor fight over control of the House Rules Committee illustrates that control of rules gives the majority a great advantage in the eyes of all major participants.

Along with a 'bloc size' variable, the model incorporates a 'minority president' variable representing a president holding a minority of seats. This has, in the time covered, always been a Republican predicament. Since bloc size varies among numerous values whereas minority or majority status switch on or off, both are included separately.

Economic Indicators

A voluminous literature provides warrant to test national economic indicators as a determinant of presidential success. Inflation, unemployment, or their conjunction in the misery index, show linkages to presidential and congressional elections outcomes, to presidential approval, to presidential 'going public' activity, and to presidential floor success. Little is required to justify use of a national economic well-being indicator. With use of the inflation-plus-unemployment 'misery index' by Ostrom and Simon (1985, 347-49) and more recently Brace and Hinckley (1991; 1992, ch. 4), or unemployment and inflation separately in Brody (1991), the economy has obvious cachet.

This paper employs the quarterly unemployment indicator as a time-sensitive and publicized indicator of the economy's direction. Alternative specifications for ~~either~~ both inflation and a misery index are still underway, and are not reported here.

'Two Presidencies'

Finally, there is reason to expect distinct treatment of presidents on the basis of issue content. The traditional 'two presidencies' thesis predicts that presidents will prevail on the floor more often in foreign policy contests. Edwards (1989, ch. 4) in reviewing presidential support scores, concludes that this phenomenon is fading and time-bound, but it was robust during much of the period from 1953. Additionally, recent evidence indicates that presidents indeed do win more often on the floor with foreign issues--at least, when a president is a Republican or minority seat holder in Congress (Bond and Fleisher 1990, ch. 6; Renka and Jones 1991).

To model this, a 'foreign issue' variable is included to signify that a two-presidencies effect is expected.

The Data

All House and Senate roll calls with presidential position and a nonconsensual vote outcome were modeled from 1953 through 1986 (N = 2027 House votes, N = 2613 Senate votes). Maximum likelihood estimation is done with logit analysis, using summary measures of likelihood ratio, and percentage of correct predictions.[6] The variables are:

Presidential Success (dependent variable) - If the president's position prevails on a nonconsensual vote, it is coded 1; if it loses, it is coded 0.

Honeymoon - The first six months of a president's first full term are coded 1; all others are 0.

Approval - The Gallup Poll asks the question: "Do you approve or disapprove of the way President ___ is handling his job as president? The current month's nationwide poll result is used in conjunction with all roll call votes from that month; if two occurred, the average is taken; if none, the rating is interpolated from the two polls bracketing that period. Data is obtained from King and Ragsdale (1986, 295-307) and Edwards with Gallup (1990).

Vote - The president's share of the national popular vote from the previous election is used. Interim presidents inherit the vote of the predecessor.

Agenda Size - The annual number of nonconsensual roll calls on which Congressional Quarterly records a presidential position are used to tally the number of contests a president confronts in that year's session.

Bloc Size - The proportion of seats held by the president's core supportive voting bloc is shown. For Democrats, this consists of all Northern Democrats; for Republican presidents, it is all Republicans.

Minority president - If the president confronts a house of Congress controlled by the opposing party, this is coded 1; otherwise it is 0. For this data, only Republicans fall into this category.

Foreign issues - If the vote is on a foreign issue, this is coded 1; otherwise it is 0.

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[6] Pseudo-R squares are also shown although their interpretation remains problematic. Recent work (Hagle and Mitchell 1992, 772-774) indicates that some pseudo-R squares are useful for measuring explained variance with logit.

Unemployment - The nation's quarterly unemployment report is used for all votes during the subsequent quarter.

Extramajority votes - This is a control to incorporate roll calls where more than a simple majority is required for the president to win.

Submajority votes - This control incorporates roll calls where less than a simple majority is required for the president to win.

Results

Table 1 displays the results for the U.S. Senate from 1953 through 1986. Table 2 displays the same configuration of results for the House over this period.

Results of testing a direct measure of time locale, in the honeymoon period, unequivocally shows that no unique effect from a honeymoon exists independently from other factors. This is striking because of the voluminous testimony on its benefits. If any particular calendar locale would benefit a president, seemingly it would be this one. To judge whether any time locale per se was related to success, other formulations of time were tried, including age of the administration in months. But none of those produced an appreciable effect in either House or Senate.

One reason the honeymoon apparently has no unique effect upon likelihood of presidential success is its relationship with approval, shown in Ostrom and Simon (1985), and Brace and Hinckley (1992, 81-83). Approval therefore was expected to show an impact. It did, but the direction of the effect in the House is strikingly different than the expected strong and positive relationship of approval to success displayed in the Senate.

The House result hearkens to Bond and Fleisher's (1990, 25-30) dismissal of national approval ratings as meaningful to members of Congress. They argue that only district-based approval would (if used in a model) prove meaningful as an influence. This does not fit at all with interpretation of approval given earlier in this paper, or a result based on both consensual and nonconsensual floor votes given in Brace and Hinckley (1992, 81-83, 190-192). But it is possible that a certain district focus exists in the House which differs from the Senate, with only the Senators staying fully conversant with the president's national approval ratings. However, this evidence produces no warrant for Bond and Fleisher's general dismissal of national approval as an important factor in presidential success and failure.

The finding on agenda size also distinguishes House from Senate to a surprising degree. The House strongly confirms the suspicion that a president pays a real price for a crowded congressional docket. Whether the reason is his own ambitious agenda, that of others, or a reform-era effect of raised issue loading on the floor, the effect is reduced likelihood of success. But there proves to be an opposite effect in the Senate!

Table 1

Logit Model of Likelihood of Presidential Success on Senate Votes, 1953-1986

VARIABLE NAME	ESTIMATED COEFFICIENT	STANDARD ERROR	T-RATIO 10 DF
HONEYMOON	-0.01	0.25	-0.05
APPROVAL	1.60	0.41	3.86
VOTE	-2.53	0.86	-2.93
AGENDA SIZE	0.66	0.24	2.73
BLOC SIZE	3.55	1.21	2.95
MINORITY PRESIDENT	-0.66	0.14	-4.80
FOREIGN ISSUE	0.75	0.11	7.06
UNEMPLOYMENT	8.89	3.19	2.78
EXTRAMAJORITY VOTES	-0.43	0.31	-1.40
SUBMAJORITY VOTES	-1.52	0.31	-4.90
CONSTANT	-1.22	0.89	-1.37

LIKELIHOOD RATIO TEST = 264.442 with 10 D.F.
MADDALA R-SQUARE 0.09625
CRAGG-UHLER R-SQUARE 0.13788
MCFADDEN R-SQUARE 0.8099
PERCENTAGE OF RIGHT PREDICTIONS = 72.8 PERCENT

Table 2

Logit Model of Likelihood of Presidential Success on House Votes, 1953-1986

VARIABLE NAME	ESTIMATED COEFFICIENT	STANDARD ERROR	T-RATIO 10 D.F.
HONEYMOON	0.22	0.33	0.65
APPROVAL	-0.84	0.52	-1.60
VOTE	-2.30	1.35	-1.71
AGENDA SIZE	-1.57	0.30	-5.26
BLOC SIZE	0.97	1.24	0.78
MINORITY PRESIDENT	-1.08	0.13	-7.99
FOREIGN ISSUE	0.46	0.11	4.07
UNEMPLOYMENT	-7.10	3.60	-1.97
EXTRAMAJORITY VOTES	-0.52	0.35	-1.48
SUBMAJORITY VOTES	-0.20	0.25	-0.82
CONSTANT	4.00	1.19	3.36

LIKELIHOOD RATIO TEST = 190.008 with 10 D.F.
MADDALA R-SQUARE 0.08948
CRAGG-UHLER R-SQUARE 0.12348
MCFADDEN R-SQUARE 0.06808
PERCENTAGE OF RIGHT PREDICTIONS = 69.2 PERCENT

One result that is fairly uniform shows that the size of the president's vote is negatively related to success in both chambers. This appears counterintuitive, but one must recall the strong linkage of very high vote outcomes for Johnson in 1964 and Nixon in 1972, both being followed by a most exceptional spate of presidential troubles. In addition, this result may be strongly related to the previous one on agenda size. A major vote winner such as Johnson in 1964 has grounds for ambition. So far as pure likelihood of success on a given vote is concerned, an expansive agenda is very poor medicine, but the germane presidential time frame is not yearly but by the term. The results therefore do not warrant prescribing that a president forsake ambition for a higher batting average on a year's floor votes. Johnson's 1965 judgment to "use it or lose it" was probably a correct one no matter how hard he pushed for a large Great Society policy legacy.

The effect of bloc size and a president's minority status bears careful interpretation. The bloc size variable only states that as the size of the president's core supportive voting bloc gets larger, chances to win improve. Obviously this is related to a president's minority status, which as expected is a severe depressant. It is the combination of being in the minority or not, and number of seats held, which is important. Once again, House and Senate differ on the coefficients for bloc size, but both show a robust effect of president's minority status. In combination, these may not be as contrasting a result as this division of variables makes it appear.

Even unemployment produces a differing effect in House and Senate. This was not expected because presidents facing House and Senate usually found similar partisan and voting bloc divisions, excepting the six Reagan years of Republican Senate control. The factor of party may be quite important, as rising unemployment has a different impact upon Democrats than Republicans (Forshee and Renka 1991). Unemployment is also related to presidential approval (Brody 1991, 91-103). However, these findings provide no ground for seeing a strong House-Senate difference in the effect of unemployment. Instead, it is likely that disentangling unemployment from other indicators should result is a similar measured effect on success in both chambers.

There is too much distinction of House and Senate results for satisfaction. Not that House and Senate must obey precisely the same formulation of principles, they should still not display so stark a set of discrepancies as shown here. Few floor studies have shown major chamber differences in how Senators and Representatives vote. Additional data and a set of additional tests are now being undertaken to ascertain what may underlie these distinctions.

Conclusion

Considerable work is necessary for modeling what produces success and failure for presidents on the floor. This paper establishes two basic things. One is that political

ideology is not, as presently measured, a necessary variable for inclusion; its effect can be satisfactorily proxied with adoption of the congressional division into three de facto voting blocs. This does not deny that personally held political beliefs are important, rather that they are not appropriately measured with an ACA/ACA or other floor-vote based measure when the result is then applied to other floor voting, such as presidential nonconsensual votes. The repeated finding of congressional voting consistency serves as a formidable barrier to vote-based formulation of independent variables.

Another finding is that models of presidential fortunes on the floor should be time-sensitive within the unit of a year. Much happens in a month-to-month or shorter context that is readily missed by reliance upon yearly averages for factors such as presidential approval. As for results from this model, presidential success and failure prove not to be simply functions of the calendar in the fashion suggested by commonplace prescriptions about using the honeymoon as a time of unique opportunity. Honeymoon, and time locale more generally, is a function of the president's capital holdings. Those holdings often are more flush during the first six months of a new administration after the election--but not necessarily, and not always. President George Bush enjoyed no honeymoon, nor did President Kennedy, nor in likelihood does President Clinton. (If the six months just past were a honeymoon for Clinton, what is yet to come?) Likewise, Presidents Johnson and Reagan enjoyed ambitious and effective post-election "first" half-years because the capital coffer was full (see Light 1991).

Much work remains for shaping the particular models presented here, to satisfactorily represent the specific relationship among factors including the presidential election outcome, presidential approval, size of the floor agenda, and control of the floor by the president's or the opposition party.

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Lynn Yeakel versus Arlen Specter: The Year of the Woman in Pennsylvania

Tari Renner
Associate Professor
Department of Political Science
Duquesne University
Pittsburgh, PA 15282

Prepared for delivery at the 1993 Annual Meeting of the American Political Science Association, Washington, D.C.

Many journalists and political activists proclaimed that 1992 was the "Year of the Woman" long before election day. A record number of women were running for state legislature, the U.S. House, Senate and other statewide offices. This phenomenon presumably precipitated by an increased concern over domestic affairs in the aftermath of the Persian Gulf, twelve years of benign neglect by a Republican Administration in Washington and the increased saliency of so-called "women's" issues such as abortion and sexual harassment.

While the general election resulted in far from proportional representation, it clearly produced unprecedented gains for women. They nearly doubled their percentage in the U.S. House up to about 11 percent and tripled their presence in the Senate (from two to six). The latter gains included the election of the first African-American female, Carole Moseley Braun, to the nation's upper house. Carpini and Fuchs (1993) report that after the election, approximately one-fifth of statewide elected officials and one-fifth of state legislators were women.

In addition to the increased attention to the nation's domestic problems, Carpini and Fuchs (1993) suggest several factors which greatly improved the political environment for women candidates in 1992. First of all, voters tend to punish the President's party for poor economic times and most female candidates ran as Democrats. Second, since the vast majority of congressional incumbents were male, the substantial increase in voluntary retirements and redistricting after the 1990 census resulted in improved prospects for many women candidates to run in open seats. Third, the disillusionment of voters with Washington insiders and so-called "gridlock," gave female candidates the opportunity to use their inexperience and outsider status in campaigns as an asset. Finally, the Anita Hill-Clarence Thomas

hearings in October of 1991 increased the saliency of sexual harassment and other gender inequality issues, and provided incredible stimulus to women political organizations and potential candidates.

The Hill-Thomas controversy substantial indirect consequences which probably had more to do with producing the gains for female candidates in 1992 than any other factor. At the time of the hearings a large plurality of Americans said they believed Thomas over Hill (47% to 24% in *U.S.A. Today's* poll). However, very few Americans were strong long term Clarence Thomas supporters. The reverse was true for those who believed Anita Hill. For many people, it was a defining moment in their political socialization (a never ending process). They would be motivated to vote, organize, contribute and run for office with greater frequency than they would have in the absence of this event. The televised confrontation demonstrated, for these voters, the "blame the victim" syndrome even though the woman was a fairly conservative, professional who did not voluntarily come forward, had little (if anything) to gain and passed a lie detector test. The drama was complete with a presumably arrogant and grandstanding male "defendant."

The softness of the initial public "support" for Thomas is demonstrated by opinion polls conducted in October of 1992 on the one-year anniversary of the hearings. Despite the fact that Thomas had "won" by his 52 to 48 confirmation vote and had a year of service as a Supreme Court Justice to legitimize himself, the surveys showed a clear trend toward Anita Hill. Most polls indicated that a plurality of Americans (and solid majorities of women), believed Hill over Thomas, one year after the fact.

The extent to which the Hill-Thomas hearings stimulated women to become candidates has not been measured precisely by empirical research. The anecdotal evidence, however, indicates that it was a very important motivating factor. At least two serious female challengers to incumbent Senators who supported Clarence Thomas (Carole Moseley Braun and Lynn Yeakel), indicated publicly that the hearings were the factor which prompted them to run. This impact should not be understated given that recent research (MacManus, 1992) suggests that the most important obstacle to increasing female representation in public offices is candidate recruitment. Other research by Costantini (1990) indicates that although it has decreased in recent years, there is still a gender gap between the political ambitions of male and female activists. The Hill-Thomas hearings might be viewed as a "spark" which, as Carpini and Fuchs (1993) have put it, "set the resurgent women's movement ablaze."

This is particularly apparent in the re-election campaign of one of the most visible interrogators of Professor Hill, Arlen Specter of Pennsylvania. To a greater degree than virtually any other in 1992. The October 1992 hearings directly affected the contours and outcome of this election. As noted above, Lynn Yeakel was one of the two most prominent female challengers who indicated that the hearings were the primary motivating factor in influencing them to run. Unlike Carole Moseley Braun of Illinois, however, Lynn Yeakel also used the event as the stimulus during the campaign to rise into the limelight from total (not virtual) obscurity. This paper seeks to examine the 1992 U.S. Senate contest in Pennsylvania in order to more thoroughly understand the reasons for the outcome its consequences and implications for other female candidates who stress "gender based" issues.

The Primaries

Lynn Yeakel began the race in early 1992 literally with zero statewide name recognition. Although her father had been a Congressman from Virginia, she lived in the Philadelphia suburbs and had little involvement in Pennsylvania politics. She entered the Democratic primary race against two Western Pennsylvania male politicians that had each run two statewide campaigns in the past. Lieutenant Governor Mark Singel of Johnstown was considered the clear favorite to oppose Specter. He was young, well known, articulate and had few obvious liabilities except for his association with Governor Robert Casey, who had become extremely unpopular. He had solid support within the party establishment in one of the nation's strongest party organization states. In fact, the Democratic party state convention overwhelmingly endorsed Singel approximately two months before the primary. The other major candidate was Allegheny County State Attorney Robert Colville of Pittsburgh. He had run two unsuccessful statewide races before, but received respectable vote totals in each and appeared to have strong support in his Southwestern Pennsylvania base.

Yeakel received favorable reviews early in the campaign from both journalists and Democratic political activists with reformist leanings. She began to gain the attention of elites, raise money and recruit volunteers long before she registered in public opinion polls. In interviews with the author early in the campaign, reporters John Baer of *The Philadelphia Daily News*, Dennis Roddy of the *Pittsburgh Press* and Dick Robbins of the *Tribune Review* all found Yeakel to be very "impressive." They believed that she was

articulate, intelligent and straightforward. Each, however, wondered how she could possibly defeat Singel and Colville with so little name recognition, party support and time.

Yeakel ultimately won the primary by largely ignoring her two Democratic rivals and focusing her attacks upon the Republic incumbent, Arlen Specter. In fact, it was her now classic "head on" television attack ad of Specter's questioning of Anita Hill that propelled Yeakel into contention. The ad replayed a critical segment of Specter's performance during the hearings followed by Yeakel discussing her anger over the incident. Almost immediately after the ads began to run, the *Pittsburgh Post-Gazette* polls showed her growing from one percentage point in late March to 17 percent in mid-April. This put her in a strong second to Singel who had slipped to 25 percent. The gap was only 26 to 21 percent among likely voters. Yeakel's support continued to grow in the remaining few days before the April 28 primary. The incredible success of her late blooming campaign clearly took the Singel people by surprise. They weren't sure how to respond since they weren't even attacked.

On primary election day, Lynn Yeakel won a comfortable plurality of votes. She received 44 percent of the total compared to 33 percent for Singel and 14 percent for Robert Colville. Yeakel won all but a handful of Pennsylvania's 67 counties including a 41 to 27 percent margin over Colville in Allegheny County. She received an enormous boost from the national and statewide media attention following her "come from nowhere" victory. It would not be unreasonable to conclude that, almost overnight, Yeakel became a political celebrity. Statewide polls began to show her even or slightly ahead of Specter in general election trial heats.

Unfortunately for Lynn Yeakel, Arlen Specter also went through a primary campaign which strengthened his position for the fall. Specter was opposed for the Republican nomination by State Representative Steven Friend from the party's Right wing. Republican conservatives had historically been suspicious of Specter for his moderate voting record, pro-choice abortion stance and, most recently, his opposition to Robert Bork. In fact, the conventional wisdom is that Specter strongly and visibly supported Clarence Thomas primarily to appease the Right's resentment over Bork. At the very least it was clear to Specter that the conservative challenge within his party could have been very serious. In the 1990 gubernatorial primary, for example, the state party's endorsed candidate, Auditor General Barbara Hafer, was pro-choice. An unknown anti-abortion housewife from Johnstown nearly beat her with 46 percent of the vote. Specter's overtures to the Right, however, were not sufficient to prevent an intra-party challenge. This may have actually been a blessing in disguise to Specter since the aggressive and often nasty attacks upon him during the primary campaign helped reinforce his image as a moderate among voters.

The most vicious of these came in the production of an anti-Specter comic book by the Friend campaign. Although it was distributed to a very small fraction of the electorate, the media coverage of it was substantial. This technique was a novelty in modern elections and the Friend campaign first released it to the state's largest circulating newspaper, *The Philadelphia Inquirer*, with timing that guaranteed they would have to run it in their Sunday edition or lose the exclusive. Given the extreme nature of

its content, coverage of the anti-Specter comic book spread like a prairie fire. Even *U.S.A. Today* printed a section of it on Tuesday following the release.

The 16 page comic book was primarily a series of graphically illustrated Right wing attacks on Specter. It included, for example, a picture of Specter physically beating up on Robert Bork lying on the ground. Specter is assisted by Ted Kennedy (holding a martini while wearing no pants and hearts on his underwear), a man labeled A.C.L.U. and a fat woman with curlers labeled N.O.W. After reminding voters that Specter has supported "homosexual rights" (in bold face capital letters) and taxpayer supported "obscene and anti-Christian art" through N.E.A. grants (same graphic portrayal), an illustrated picture follows with a male flasher exposing himself to a woman. The flasher's coat is labeled "N.E.A. Project." In addition, voters are reminded of the abortion differences between the two candidates with a picture of the "Radical Abortion Groups." The illustration portrays two women (one labeled N.O.W. and the other N.A.R.A.) as executioners (one hooded) sharpening their weapons. The effects are accentuated by the sparks flying from the wheel and blade and a noose in the background.

In leaving no stone unturned, the comic book also included several attacks upon Specter that wouldn't be considered Right wing. These include a reference to Specter's single bullet theory and several pictures of Specter in his U.S. Senate tree house ("Arlen's Clubhouse") with a sign that says "no gurls allowed." On the last page, Friend is sweeping out the Senate tree house with signs that say "Girls Allowed," "Public Club" and "Under New Management."

Although Friend received substantial publicity and increased name recognition from this comic book, he gained little additional support from the coverage. He ultimately lost to Specter by a 65 to 35 percent margin. The severity and nature of the attacks, however, did appear to reinforce Specter's image as an ideological centrist. The Republican primary against Friend also gave many party conservatives an opportunity for political catharsis. They could punish Specter by voting against him in the Spring and thereby, feel more comfortable supporting him in the Fall against an opponent to his left.

The General Election

In the general election against Arlen Specter, Lynn Yeakel found that the expansion of her base beyond her primary coalition was a very difficult task. To achieve victory in the Fall, Yeakel needed to receive overwhelming majorities among the key components of the state's Democratic New Deal coalition. This included Catholic, working class, African-American and Jewish voters. Many of these people were less than enthusiastic about her "socially liberal" image. They needed to be motivated to vote for Yeakel on the more traditional "bread and butter" economic issues. It has been these concerns which have binded the diverse Democratic coalition together in Pennsylvania. Yeakel's inability to shift the agenda more toward economic issues and put a clear wedge between her and Specter on them probably cost her the election. The prototype example of this strategy was the special U.S. Senatorial election in 1991 between Richard Thornburgh and Harris Wofford. The Wofford campaign erased a 59 percent deficit (71 to 12) by stressing his support of national health insurance.

Yeakel had some "slack" in putting together a majority against Specter. The Democrats can suffer more defections than the Republicans given their 400,000 vote registration edge in Pennsylvania. In addition, Yeakel appeared certain to win a small core of Republican female votes that would not normally be in the Democratic column.

Yeakel's task in forging a winning coalition, however, was difficult as a result of her campaign inexperience. She made several critical missteps, was often slow to respond to Specter's attacks and generally failed to direct the agenda in the general election. Shortly after winning the primary for example, her campaign appeared to shift into low gear during much of the summer. Specter, meanwhile, was not only actively campaigning in person throughout the state but he began to run his television ads.

At least one of these was an "immunizing" spot on national health care. Specter directly talked to the cameras about the severity of the problem and the need for national action. Although very few specifics were provided, the Specter campaign did not want their man to be vulnerable on national health care. They saw the incredible power of the issue in the 1991 Senate election referred to earlier. At the very least, Specter managed to "muddy the waters" on a critical wedge issue for his opposition. Specter was advantaged to the extent that he and his Democratic opponent were not clearly perceived as differing on the controversy.

The Specter campaign also seized upon the opportunity to attack Yeakel. If she wasn't going to more clearly define herself early in the campaign, he would do it for her. Specter's ads were carefully designed so as not to appear that he were viciously attacking another woman. Typically, a negative piece of information was graphically provided to voters followed by a

question which asked whether or not this bothered them. The attacks included statements about her delinquent payment of $17,000 in wage taxes to Philadelphia, the mispronunciation of Juniata County and Yeakel's verbal stumbling over a reporter's question about what specific things Arlen Specter had "waffled" on. The latter was particularly damaging given that the question was asked at a morning waffle breakfast campaign event designed to symbolize her opponent's "waffling" on important public policy issues. The Specter campaign's goal was to create an image of Yeakel which showed voters the other side of inexperience.

Specter also attempted to diffuse his gender-gap problems from the Anita Hill controversy both directly and indirectly. His attempts at the latter included a well publicized endorsement by the First Lady, Barbara Bush, and a joint tour of a breast cancer treatment center in Pittsburgh. His campaign hit the problem directly in a television ad which featured Teresa Heinz, the widow of ex-Senator John Heinz. Ms. Heinz stated that she did not approve of Specter's questioning of Anita Hill but still strongly supported the Senator's re-election since it was unfair to judge elected officials on a single action. She reminded voters what a wonderful team Specter and her late husband had made representing Pennsylvania together in the Senate. She did not, of course, point out that Specter and her husband had often been political opponents prior to Specter's election in 1980. When Heinz won a hard fought contest for the 1976 Republican Senatorial nomination, his most serious opponent was none other than Arlen Specter.

Specter appeared to be gaining the upper hand against Yeakel by early October. Most public opinion polls showed him leading by between 8 to 14 percentage points. Republicans seemed to be increasingly confident about

their prospects of retaining the seat. A September 27 article by *The Washington Post* was entitled "Incumbency Gambit by Senator Specter Breaks Yeakel's Momentum" (Russakoff, 1992).

The Yeakel campaign's counterstrike, however, had not yet begun. She regained the initiative in the last few weeks and nearly defeated Specter on election day (51 to 49 percent split of the two-party vote). Yeakel attacked the incumbent for several critical votes and being part of the status quo in Washington. She called for policy "change" in several well publicized events with other prominent Democrats including Bill Clinton and Harris Wofford. The nature of her general election campaign's final weeks however, in stark contrast to the primary, was more ad hoc than thematic. There were no clear bread and butter wedge issues (such as national health care, minimum wage extensions, plant closing legislation, etc.) which separated the two candidates in voters' minds. Yeakel needed to greatly expand upon her primary coalition in the general election by focusing upon these controversies. Given the industrial nature of the state's economy, the strength of its labor unions and the impact felt by several waves of Post World War II economic dislocation, economic issues have been especially prominent in Pennsylvania's electoral politics.

Yeakel's difficulties in clearly delineating her economic positions from those of Specter are illustrated by the lack of unity in labor union endorsements and her extremely weak vote totals (relative to the normal vote) in Western Pennsylvania. With respect to the latter point, the geographic distribution of Yeakel's vote was inconsistent with that of recent Democratic candidates. Michael Dukakis, for example, lost to George Bush in 1988 by the same 51 to 49 percent statewide two-party vote split as Yeakel's loss to

Specter. Dukakis, however, had overwhelming margins in most Southwestern Pennsylvania counties. Dukakis' percentage in Allegheny County (Pittsburgh and most of its suburbs) was actually the highest received by any presidential candidate since Lyndon Johnson in 1964 (the second highest record during this period was Walter Mondale's vote in 1984). The region was clearly unmotivated by Bush's socially conservative "Flags and Furloughs" pitch in the face of vetoed plant closing legislation, continued minimum wage freezes and reductions in many domestic economic programs. Despite his solid support in the Southwest, Dukakis was unable to win Pennsylvania because of his substantial deficits in most of the rest of the state. His margin in the city of Philadelphia exceeded Bush's combined margins in the suburban counties but, Dukakis lost all but one of the traditionally Democratic industrial counties in the Northeast. This scenario, combined with the normally poor Democratic support in central Pennsylvania produced a large deficit that the Southwestern region could not offset (Renner, 1990). Lynn Yeakel, however, had about the same deficit in Southwestern Pennsylvania as she had in the rest of the state. Normally, a Democratic candidate who came as close as she did to her Republican opponent outside of the Southwest would have won statewide with heavy vote totals in this Democratic stronghold.

This point is even more clearly illustrated by comparing Yeakel's vote to that received by the top of the ticket in 1992. Clinton won by a comfortable margin over Bush statewide (45 to 36%) that was very similar to Wofford's defeat of Thornburgh in the previous year. The only region of the state, however, where Clinton's performance far surpasses Yeakel's is in the Southwest. If she could have replicated Clinton's margin in Allegheny County alone, Yeakel would have defeated Specter statewide.

Table 1 presents some summary statistics from a statewide public opinion survey conducted by the author during the campaign for the Greensburg *Tribune Review*. The survey of 720 voters was administered two weeks before the election (October 19-22). The systematic sample of registered voters was stratified by party registration and county. The Specter/Yeakel split was virtually identical to the final outcome. In the poll, Specter led 42 to 40 percent with 18 percent undecided. The Clinton/Bush/Perot split slightly understated the relative support of the latter two. Clinton had 41%, Bush 26% and Perot 15%. The statewide totals on election day were 45 to 36 to 18 percent. Although Clinton was leading by a 15 point margin and Yeakel had a two point deficit, the overall percentage support for the two was virtually the same (41% for Clinton and 40% for Yeakel). It is the actual proportion for each that are presented rather than the margins. This was done to make comparisons between a three-way and two-way contest more straight forward.

Given the general similarity, the exceptions clearly stand out. Yeakel is weaker than Clinton in Western Pennsylvania as noted above. She has more support in the suburbs (her home base) but less in the city of Philadelphia (Specter's home base).

The ideological patterns among liberals, moderates and conservatives are almost identical but Yeakel is much weaker than Clinton among Democrats and stronger among Republicans and independents. Clinton has greater support among Catholic and Jewish voters but less among Protestants. Surprisingly, the gender gap appears to be virtually identical for both Clinton and Yeakel. It should be noted, however, that this survey seems to have detected a slightly smaller difference in male and female preferences in the Senate race than most other statewide surveys.

Yeakel's weaknesses among some of the critical demographic groups in the party's New Deal coalition provides at least modest support for her need to stress economic issues. While Clinton and Yeakel had similar support levels among whites, there was a 21 percent gap among black respondents. Yeakel also lagged among voters over 50 and especially among those with less than $20,000 a year family household incomes. Clinton's 48 percent was two and one half times that of Bush (19 percent). Yeakel's 36 percent was actually five points behind Specter's support. That latter margin exceeded her two point deficit among all voters. Yeakel received her weakest support from the poorest Pennsylvanians while Clinton received his strongest support from them.

Conclusion

The 1992 elections may have been an electoral "Year of the Woman" from the perspective of media attention, number of female candidates and unprecedented, but limited, gains in the proportion of female office holders. From another perspective, however, it has the possibility of being much more. The additional election contests involving women as candidates, regardless of their success or failure, provide activists and scholars with a greater number of cases from which to generalize. It is in this context that this paper has sought to examine one of the most widely publicized, yet unsuccessful, challenges of a female outsider to a male incumbent.

Lynn Yeakel began her candidacy as a total unknown. She effectively used the intensity of opinion over a highly emotional "gender based" controversy to catapult herself into becoming the Democratic nominee. Although it was a remarkable feat, she won the primary with a minority (44

percent) of the votes. She needed to expand upon this core constituency. The process of expansion proved to be more difficult than the creation of her base.

Inexperience was probably a double edged sword for Lynn Yeakel in the general election against the "veteran," Arlen Specter. She was often on the defensive and, more importantly, was unable to define herself in a way that would distinguish her from Specter on the type of bread and butter issues that have historically been crucial in the state. This is reflected in the geographic distribution of her support and her relative weakness among many of the Democratic party's key coalition groups. This weakness was especially dramatic among the poorest segment of the electorate. Given the structural bias in how the media reports on female candidates who run on "gender based" issues and the probable tactics of the opposition, such candidates must understand the special need to create a well defined image which presents their vision or agenda on other crucial policy issues. These will necessarily vary depending upon the political culture of each area and the contemporary political environment.

Despite her loss, Yeakel's candidacy made several contributions to her cause. First of all, she became a symbol and role model for other possible female candidate outsiders to emulate. Yeakel demonstrated the power of her issues by coming from nowhere to the Democratic primary, obtaining substantial media coverage and nearly beating an incumbent in the fall. In addition, her campaign "incorporated" many voters and activists into the electoral process that would not otherwise have participated. In this sense, Lynn Yeakel is similar to Ross Perot. The campaign workers and voters who were so motivated may continue their participation in the future. It is

difficult to determine the exact size of this group within the electorate in the absence of any systematic data. However, even if they are only one or two percent of all Pennsylvania voters, the consequences for the state's electoral politics may be substantial. This is particularly likely given that Yeakel's candidacy puts another nail in the coffin of the state's Democratic party organization and encourages other would be candidates to continue the hammering. She demonstrated that an inexperienced unknown can comfortably win the Democratic nomination for one of the two highest offices in the state without <u>any</u> support (indeed active opposition) from the state's party establishment. While this may have become commonplace in other states, it is comparatively rare in Pennsylvania. Yeakel's campaign may prove to be both an indication of, and catalyst for, a trend in the keystone state toward more candidacies based upon (or more sympathetic toward) gender equity issues. This will be a necessary, but not sufficient condition, for public policy change in one of the last bastions of brokerage politics.

TABLE 1
CLINTON AND YEAKEL SURVEY SUPPORT PERCENTAGES,
OCTOBER 19-22, 1992 (N=720)

	Clinton Percent	Yeakel Percent
Total	41	40
Region		
WESTERN PENNSYLVANIA	47	38
NORTHEAST	46	40
PHILADELPHIA CITY	65	55
PHILADELPHIA SUBURBS	36	44
CENTRAL PA	23	32
IDEOLOGY		
LIBERAL	68	67
MODERATE	47	43
CONSERVATIVE	21	24
POLITICAL PARTY		
DEMOCRATS	72	58
REPUBLICANS	13	20
INDEPENDENTS	33	45
RELIGION		
CATHOLIC	52	45
JEWISH	66	39
PROTESTANT	31	36
OTHER	47	46
GENDER		
MALE	38	37
FEMALE	44	43
RACE		
WHITE	40	39
BLACK	85	64
AGE		
18-30	38	40
31-50	43	44
OVER 50	42	37
INCOME		
UNDER $20K	48	36
$20-40K	44	45
OVER $40K	37	37

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POLITICAL MOBILIZATION FOR THE ENVIRONMENT

Timothy J. Ressmeyer
International Center for the Advancement of Scientific Literacy
The Chicago Academy of Sciences
2001 North Clark Street
Chicago, IL 60614

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ABSTRACT

Research on political participation and mobilization has traditionally focused on the way in which people participate without paying attention to the substantive issues which are of importance to the individual. This study considers participation, specifically contacting public officials, in a model of specialization and attentiveness to science policy issues. The scientific basis of environmental issues makes it a representative area of science policy. Through structural equation modeling using data from two (1990, 1992) national random surveys of American adults, gender, marital status, presence of children in the home, informal science education, attitudes toward science, and environmental knowledge are found to positively influence political participation for the environment. The overall explanation of the dependent variable is low, however, lending credence to the suggestion that protecting the environment has diffuse, consensual support, and is not as easily predicted as other science policy issues.

Participation

V.O. Key (1961:324) contends that "in the American system the individual is subjected to an indoctrination from the time he begins to be aware of politics that it is his duty to vote and to fulfill his political role in other ways." For whatever collective or individual motivations, we do know that many people participate in a variety of ways. Nie, Verba, and Kim (1971:9) offer this definition of participation:

> political participation is the means by which the interests, desires, demands of the ordinary citizen are communicated. By political participation we refer to all those activities by private citizens that are more or less directly aimed at influencing the selection of governmental personnel and/or the decisions that they make.

There is no dearth of literature focusing on the range of activities in which a citizen might engage. Apart from voting, analysts have also considered the familiar list of behaviors ranging from trying to get someone to vote to terrorist activities (see for example: Almond and Verba 1963; Brody 1978; Campbell et al. 1960; Converse 1972; Conway 1989, 1991; Hirlinger 1992; Katz and Lazarsfeld 1955; Kenny 1992; Key 1961; Lane 1959; Lawrence 1991; Lazarsfeld, Berelson, and Gaudet 1968; Milbrath 1965; Rosenau 1974; Verba and Nie 1972; Verba et al. 1993; Wolfinger and Rosenstone 1980).

In his study of political involvement, Milbrath (1965:18), has proposed a hierarchical model of political participation in which voting is preceded by the behavior of "exposing oneself to political stimuli," and reaches the pinnacle with holding political office. Verba and Nie (1972) view the range of participatory behaviors somewhat differently, suggesting that people choose one or more specific modes through which they attempt to influence government. The four modes include voting, communal activity, campaign activity, and particularized contacting. Their premise is that people have differing goals as to what they want to accomplish through political participation. The consequences of participation differ based on the motives of the citizen and the combination of participatory acts selected.

It is essential to realize that participation is typically discussed in general terms. Whether providing support for democratic ideals or trying to meet individual needs and goals, participation can be studied apart

from any substantive issue area. Theorists and analysts can be satisfied to consider whether or not someone has voted or made contact with an official without examining the content of the decision to vote or content of a contact. The fact that the behavior was engaged in is all that matters. This is adequate for one approach to the study of participation. There is, however, need for a more specific analysis of participation when the content of the issue which motivates participation is taken in to account.

Specialization

Two distinct factors are working to impact the ability of citizens to be informed about issues on the political and social agenda: the ever increasing demands on time, and the amount of information needed to be well informed about current issues. With less time available to devote to public affairs issues while at the same time needing more information, the average citizen needs to specialize, that is to select a cluster of issues in which he or she is interested.

Over the past century, the typical American family has shifted from life on the farm and the small towns, to life in suburban areas outside of major cities. In 1880, 43.8 percent of the United States population lived on farms, while by 1986, this figure had decreased to 2.2 percent. The 1990 census showed an 11.6 percent increase in population in the 284 metropolitan areas, to nearly 78 percent of all U.S. residents. During this same decade, the growth in non-metropolitan areas increased by only 3.9 percent.

As the type of community changes, so does lifestyle. Life on the farm or small town included time for chatting, and discussion of current issues with neighbors and family. Life in modern suburbs consists of increased work hours, more time spent getting to and from work, more time engaged in activities such as sports, entertainment, clubs and organizations, and increased time watching television and movies on VCRs. With this change in how their time is spent, suburban dwellers spend less time reading or in conversation with family and friends, including less discussion about politics and current events. This decline in interest in politics is also seen in decreased voter turnout and a smaller number of citizens who know the name of their member of Congress (Miller 1992; Conway 1991; Hill & Luttbeg 1991).

At the same time that the demands on time increase, so do the demands for knowledge about the public affairs issues. Especially, the need for increased technical or specialized knowledge.

One can form an opinion on the issue of abortion, for instance, on emotional or moral grounds, but the scientific and technological underpinnings are also significant. In the 20 years since the *Roe v. Wade* ruling, the trimester conditions for fetal viability became less meaningful as medical technologies were able to assist premature babies born in the second trimester. Similarly, abortion issues have been raised as reproductive technologies have advanced in the areas of *in vitro* fertilization and cryopreservation of embryos. During *in vitro* fertilization multiple eggs are typically fertilized and successfully implant in the uterine wall. Selective termination is necessary to prevent an improbable number of pregnancies to carry on. Or, embryos which were not reintroduced in the uterus are stored for potential future use. In other words, even a "social" or "moral" issue such as abortion has a scientific basis. Indeed, someone can develop an opinion about the issue without knowing science, but others, including policy makers, have access to more technical information, and may utilize this information in their assessment of the issue.

Not everyone can be a specialist on every issue (see Table 1). For some people, their interest in the abortion issue will lead them to focus on that issue to the exclusion of another. Tradeoffs of time and information acquisition take place. A farmer interested in agricultural issues will spend time listening to farm bureau reports and may not have any idea of what the latest space shuttle mission hopes to achieve.

Someone who has relatives in Yugoslavia is likely to follow developments between Serbian and Croatian forces and the United States' policy position, but may have little interest in social security policy decisions. To become a "specialist" in a specific area to the exclusion of another is rarely a calculated decision. Instead, it is a function of a variety of life experiences such as occupation, level of education, ethnic background, or employment status. Even if these individuals did have the desire to be informed about more than two or three issues, the demands of the current lifestyle discussed above hampers their ability to do so.

In sum, through the specialization process people concentrate on gathering information on a topic of particular interest or importance to them, while not to paying attention to other issues.

Attentiveness

If an individual specializes in a certain area, he or she is certainly not alone in that interest. There is a group of people who have similar interest in any given issue. Almond (1950), in his discussion of foreign policy, describes a stratified model of issue attentiveness. Further elaboration and refinement of this stratified model has been carried out in extensive work by Miller and his colleagues (see Miller 1983b, 1992; Miller Prewitt and Pearson 1980; Miller, Suchner and Voelker 1980). Depicted in the form of a pyramid, this model places decision makers at the top, followed by policy leaders, the attentive public, the interested public, and the non-attentive public.

A pyramid such as this can be portrayed for any issue area, with different individuals comprising the different tiers. The decision makers are those who make binding policy decisions; typically legislative, executive, and judicial officers who have relevant responsibilities in a given area. The policy leaders are those who, although lacking decision-making authority, are active in formulating policy, and formally or intellectually represent constituent groups who have an interest in the issue (Miller 1992). The members of this group also differ depending on the issue at hand, are instrumental in deciding which issues should be dealt with, and are closely involved with the decision makers in making policy.

The point needs to be made that these top two levels are responsible for the vast majority of policy decisions. This is particularly true in areas such as science policy issues where highly technical and specialized knowledge is needed (Miller 1983a). This policy making process does not, of course, always run so smoothly. When a dispute arises that cannot be resolved readily by the decision makers and the policy leaders, the process is expanded to include other layers of the pyramid, most notably, the attentive public.

The attentive public comprises the third level and includes those individuals who are interested in the issue, as well as able to obtain resources in order to become and remain informed about the issue. These individuals are the ones who decision makers and policy leaders are able to tap in order to gain support for a specific issue (Rosenau 1974). Since many issues are resolved at the top levels, the attentive public is not involved with every issue. They are interested and acquire current information about the issues, but it is not necessary for them to become active or mobilized on most issues (see Table 1). In other words, the attentive public is attentive continually, and mobilized episodically.

Although the notion of attentive publics is somewhat limited in the literature (Almond 1950; Barke 1986; Devine 1970; Rosenau 1974), individual attentiveness is discussed. Converse (1972:334) suggests that "from the point of view of political influence and outcomes, it is likely that the potential activists are a more important group than the sometime voters". Rosenstone and Hansen (1993) speak of those individuals who are ready to be mobilized when needed as being interested and informed. In the development of a variable to measure civic competence, Strate et al. (1989:450) state that "making informed political judgements requires political knowledge and habits of attentiveness to politics to assure that knowledge is

current". Verba and Nie (1972:113) describe active participants as those who have defined their own set of salient issues.

Beneath the attentive public are those who are merely interested in an issue, but unable or unwilling to make the effort to become informed. Finally, the non-attentive public is that segment of the population which is neither interested nor informed about the issue. Neither of these groups are likely to become involved in an issue dispute, unless the issue suddenly becomes of remarkably great salience.

Mobilization

An overview of political participation, specialization, and attentiveness has now been provided. There is, however, a missing step in the process by which an individual participates in the political system. That is, the step of mobilization. The argument can be summarily stated that an individual specializes in a particular topic, becomes attentive to an issue area which includes other people with similar interests (an attentive public), and is then ripe for active participation in the political system. This next step into active involvement is not likely to come spontaneously, rather the individual is mobilized. That is, some external force acts to bring about the participatory behavior be it voting, letter writing, or making a contribution. The individual has approached the public policy issue from one end through interest and information acquisition, while from the other end--as the need arises--the political system reaches out to him or her. "Citizens participate in elections and government both because they go to politics and because politics comes to them" (Rosenstone and Hansen 1993).

Participation is not without its costs, so deciding to participate on one's own is unlikely. A certain level of education or experience is necessary to access the political system through structural barriers such as registration laws. Time is necessary if an individual is willing to attend meetings or rallies; not everyone has equal opportunity to spend an evening listening to a political leader. Verbal acuity is needed to contact a public official either by letter or telephone, and again knowing addresses, phone numbers, and even having access to stamps and a telephone further highlight the obstacles a potential participant faces.

Not every citizen, however, can be mobilized, especially not on all of the issues on the policy agenda. Rosenau (1974:30) claims that the "mobilizable public" is a subset of the attentive public, and that they fall within the group of interested and informed citizens as those who are "ready to put aside the obligations and worries of personal life in order to invest time and effort" in a particular issue. Perhaps a bit overstated, the point is that there are those who, with some stimulus, are willing to take their interest and knowledge about an issue a step further and participate in the public arena. Effective mobilization must be done strategically, as there is no reason to try to mobilize the entire population at all times. More sensibly, leaders will target those groups who are likely to participate (Rosenstone and Hansen 1993). Converse (1972:334) suggests that "from the point of view of political influence and outcomes, it is likely that the potential activists are a more important group than the sometime voters".

Between elections the attentive public and the mobilizable public remain interested and informed (Rosenau 1974). The decision makers and policy leaders rely on this fact, as policy disputes are possible, and there may be the need for non-electoral participation. To maximize the opportunity for mobilization, leaders will time their attempts to increase participation when issues are salient, when important decisions are about to be made, and when there is uncertainty surrounding a policy outcome (Rosenstone and Hansen 1993).

One such method of participation is the contacting of public officials. Although contacting may appear to be an activity available to every citizen, researchers have shown that there is a definite advantage

for those people who have more education, are of higher socioeconomic status, are not recent immigrants, and feel that the system is responsive to their needs (Conway 1991; Lane 1959; Milbrath 1965; Rosenstone and Hansen 1993; Verba and Nie 1972). Some form of mobilization is necessary for the individual to take this action, and organized groups are seen as being the most successful mobilizing agent (Lane 1959; Rosenstone and Hansen 1993).

Environmental Issues

As with other science policy issues, environmental issues are complex. Even a local dispute over a landfill can become a conundrum when the average citizen is confronted with the geology, chemistry, and biology of the situation. As environmentalists become more familiar with the interconnectedness of environmental hazards and the cross-media nature of pollution (affecting land, water, and air), the public can become even more confused. Scientists will frequently disagree on technical aspects of policies, leading to difficulty making an accurate judgment by policy makers and citizens alike.

The attentive public for the environment is larger than the attentive publics for other science policy issues. Environmental issues differ from others in that they directly impact more people, and therefore have an inherently broader appeal (Mitchell 1990). The environmental crises over the past decades have been widespread in both substance and geography. Love Canal, in the east, showed the problems of building communities on former chemical waste dumps. The Three Mile Island near meltdown, again on the east coast, sent a shock wave through populations near to or reliant on nuclear power. Air quality concerns in Los Angeles, and the resultant regulation of industry and automobiles, directly impact millions of people. Clearly, these issues are more proximate to more citizens than, for instance, the space shuttle program.

Data Source

The data to be used in this analysis are from the 1990 (SRS-90-02467) and 1992 (SRS-92-17876) surveys of the Science Indicators series of the National Science Foundation (NSF). These national surveys of public attitudes toward and knowledge about science and technology in the United States have been carried approximately every two years since 1979. The 1979, 1981, 1985, 1988, 1990, and 1992 studies were sponsored by the NSF Science Indicators Unit. The 1983 study was sponsored by the Annenberg School of Communication at the University of Pennsylvania, with funding from the NSF Public Understanding of Science Program. Jon D. Miller has been the Principal Investigator for each of the surveys.

Based on national random samples of American adults, 2033 respondents took part in 1990, and 2001 in 1992. The interviews were conducted by professional interviewers via a computer-assisted-telephone-interviewing (CATI) system using the Electronic Questionnaire (EQ™) software system. A response rate of 65 percent was achieved in 1990, while the 1992 survey had a 70 percent response rate. To correct for possible bias due to regional or socio-economic differences, the data are weighted by an algorithm which includes household size, age, gender, race, and education (see Miller 1992 for a complete description of the sampling and weighting procedures).

For this analysis, the data from 1990 and 1992 were pooled in order to have a larger group to carry out the analysis. Questions about the environment were asked of all respondents in 1990, and a random half of the 1992 sample were asked the environmental knowledge battery. The data analyzed, therefore, has a weighted N of 3030, with approximately two-thirds coming from 1990, and the remaining one-third from

1992. A variable will be included in the analysis to control for the effect of the year of the survey.

The Science Indicators series provides the opportunity to focus attention on specific issues within the more general science policy heading. Two batteries of questions were asked to establish attentiveness to several issue areas, including, issues about new scientific discoveries, the use of new inventions and technologies, the use of nuclear power to generate electricity, space exploration, and environmental pollution. With the ability to focus on specific issue areas, it is then possible to develop a comprehensive picture of attentives by including demographic characteristics, education, scientific literacy, attitudes toward science, and other explanatory variables.

Structural equation modeling will provide the most effective way to study the relative contribution of different factors on the dependent variable of attentiveness and mobilization. Using LISREL, the intervening as well as residual effects of each of the included variables can be measured, while controlling for each of the other variables (Joreskog and Sorbom 1988). The survey data contain little missing data, so the LISREL models can be run using an asymptotic covariance matrix.

Model of Environmental Mobilization

The dependent variable to be used is a modified version of the attentiveness variable used extensively in prior research (Miller 1983a, 1992). The previous measure ranged from zero to two with the low end being the residual category of those who were neither interested nor informed on the issues, the next being those who were somewhat informed but very interested. The highest category consisted of those who were very interested, very informed, and regularly read the newspaper, newsmagazines, or science magazines. This readership criteria reflects a persistence with regard to information acquisition. Members of this third category are considered the attentives to that issue area. In the present study, a fourth level has been added to this variable. Above the attentives are the mobilizables: those individuals who are attentive to the issue, but have also contacted a public official about a science-related issue.

Each instrument included a question which asked the respondent to indicate whether they had contacted a public official in the past year regarding a political issue. If they responded affirmatively, the respondent was then asked to indicate what the issue was that had precipitated the contact. If contact was made once, the respondent was then asked, "Can you recall another issue that you made contact about?" One more follow-up question was asked for a total of three possible issues. The verbatim replies to these probes were recorded by the interviewer, and later coded. Twenty-five percent of the respondents in 1990 and 1992 reported having made at least one contact with a public official.

As would be expected, the number of respondents who contacted on a science issue was relatively small; approximately five percent of the sample indicated that they had made at least one contact about such an issue. Of the total number of contacts made, 16 percent were science-related. Typically, science policy issues are not high salience, electoral issues, and for this time period there were no high-visibility issues with a scientific basis such as Three Mile Island or Chernobyl. It is not surprising, therefore, that the level of contacting was relatively low. There are, however, some people who did make contacts. These individuals can be considered to be mobilized, that is willing to make an extra effort to convey their opinions to policy leaders.

The relationship between the attentiveness-mobilization variable and the other variables to be included in the analysis are presented in Table 2. (A complete description of the variables can be found in Appendix A). Not unexpectedly, there are very small cell counts for those who are mobilized for the environment. The dependent variable is considered to be hierarchical, that is moving from low interest to

attentiveness and mobilization. In the structural equation model we are predicting to this distribution, so it is helpful to also consider the trends of the data in this table as the relationships increase and decrease. Substantively, the mobilized individuals are a subset of the attentive public. Interpretation of Table 2 can also be enhanced by adding together the percentages of the attentive and mobilized columns.

Gender differences with regard to science-related issues have long been acknowledged. In general, men are more likely to be interested and knowledgeable about science, while women are less inclined to pay attention or become informed, even when the level of education is held constant (Science Indicators 1981; Miller et al. 1980; Miller 1983a, 1990; Miller and Pifer 1993). With regard to specific issue areas, Milbrath (1984:75) contends that "studies using gender as a variable show that females typically are more environmentally-oriented than males." Other research has contradicted this claim showing that the attentive public for environmental issues is indeed more likely to be male (Miller 1990:35), and that men and women score the same on measures of environmental values (Mitchell 1984:160). In Table 2 we see more men represented in the higher categories of mobilization, yet women show strong interest.

Past research has shown differing impacts of age on attentiveness. Miller (1992) reports that most of the impact of age is accounted for by levels of education. In general, people with more education are more likely to be attentive to the issues, or scientifically literate. Some discrepancies have been pointed out, particularly with regard to environmental issues, in which the older population has unexpectedly high levels of attentiveness (Miller 1992). The data in Table 2 show a general rise in attentiveness and mobilization as age increases.

Literature on participation has often pointed to family circumstances as factors which impinge on or enhance the ability to be politically active (Abowitz 1990; Conway 1991). Being married has been found to positively increase participation, while having children at home is likely to hinder political activity. Research on informal science education has shown that having children is likely to increase participation, particularly museum attendance (Ressmeyer and Wallen 1991). The present data indicate support for the suggestion that being married increases participation, while having children is likely to decrease attentiveness and mobilization.

There is little disagreement that science education is helpful in making intelligent assessments about new technologies and developments. With the increasing complexity of the world in which we live, the requirement that individuals have some basic scientific knowledge becomes critical. We see this scientific and technological complexity not only in the truly phenomenal example of genetic engineering, but in daily life examples such as microwave ovens, personal computers, videocassette recorders and facsimile machines. As issues of the magnitude of nuclear power, space exploration, and biotechnology exist on the public policy agenda, we would hope to have informed decision makers and voters to grapple with the significant implications of such scientific policies.

Scientific literacy is a widely accepted measure of the level of knowledge of individuals. Miller (1983b; Miller 1991) describes the three components necessary to be classified as being scientifically literate. The first is to be able to understand the process of science, that is to be aware of the scientific method which utilizes observation, testing, and bases judgement on fact. The second component is that of understanding basic scientific terms and concepts. Finally, the individual, in order to be considered scientifically literate, must have a minimal understanding of the impact of science and technology on society.

The significance of knowledge becomes even more significant when "experts" on both sides of an issue are claiming the other is wrong. Scientific knowledge, when used as a political football, can leave the average citizens as well as well-meaning decision makers at a loss as to how to reach a fact-based decision

on the issue (Nelkin 1984). Furthermore, adequate knowledge may also serve the purpose of depoliticizing an issue "by helping to separate facts from values or by clarifying the technical constraints that limit policy choices" (Nelkin 1984:20).

Measures of scientific literacy used in the past have been general ones, that is touching on several science policy areas. In this study the focus is on considering attentiveness and mobilization in the specific area of environmental policy, so a specific environmental knowledge variable has been created.

In addition to questions measuring scientific literacy, respondents were asked to report how many math and science courses they took in high school and college. This scale is a useful measure to predict current activity and knowledge with regard to science policy.

Both measures of knowledge: science and math courses, and the environmental knowledge scale clearly indicate a greater likelihood of attentiveness and mobilization as the level of knowledge increases.

In addition to the more structured means of learning science through formal classes or workplace training, individuals may choose to become or remain informed through more informal means. These alternatives are characteristically voluntary, and out of a personal motivation the individual fits them in with other interests and obligations. Three of the often-examined sources of informal science education include television programming, science magazines, and science related museums (Dimmock 1985; Miller 1992). These are all available to the public, yet require motivation on the part of the individual to participate. Despite their public nature, obstacles limiting access to these means do exist. For instance, an individual in a rural area may wish to watch science television shows, but reception of public broadcast stations may be difficult. Access to science magazines requires subscription costs, as well as a certain level of literacy. Finally, the availability of science museums is conditional on the proximity to such resources. A resident in New York City would have the opportunity to visit a host of museums, whereas someone living in rural Montana has far fewer options. With such obstacles in place, those who do pursue informal science education are exhibiting a very intentional desire to gain scientific information.

Informal science education can be considered to have two potential impacts: that of initiating interest or knowledge, or that of sustaining interest and knowledge (Ressmeyer and Wallen 1991). Does a person go to a museum or happen upon a science television show and then become interested in science? Or, does a person who already has an established interest in science look for resources to supplement what he or she already knows. In studies of adult scientific literacy it has been suggested that such knowledge is generated through formal means, and then maintained through the mechanisms of informal science education (Miller 1992).

The measure of informal science education in this analysis, science-related museum visits, suggests that those people who visit museums are more likely to be mobilized for environmental issues (Table 2).

Whether or not an individual has a science-related occupation is hypothesized to influence the level of attentiveness of an employee. A professional who holds a college degree and works in a science-related firm is likely to be interested and informed in science policy issues. Even someone who does not hold a professional position, eg. a technician, is still involved with the apparatus and language of science and more likely to be scientifically-aware.

The scientific workplace is also influenced by gender differences, with men more likely to be employed by such firms. This is seen as an unfortunate and unnecessary disparity with an impact not only on the career opportunities of women, but the long term impact on our cultural orientation, technological development, and general view toward science (Weinberg 1990; Walshok 1990).

In Table 2 we see that there is a slight increase in the likelihood to be attentive or mobilized for the environment as the level of the science-related job increases. There is also, however, a large percentage of

the highly educated individuals with science jobs who are not interested in environmental issues.

Another factor which will effect an individual's opinion toward a new science policy issue is their general orientation toward science. Some people are suspicious of science and feel that it has brought on too many changes or conflicts with their religious beliefs, while others are likely to see science as being very beneficial. Individuals who have a positive view of science are more likely to be attentive to science policy issues (Miller 1983a, 1992). Looking at the ATOSS scale of attitudes toward science, there is a hint of a bimodal distribution with people who are attentive to environmental issues falling at the low end of positive views toward science. However, in terms of mobilization, people who feel positively about science are more inclined to participate.

RESULTS & CONCLUSIONS

In Figure 1 the estimation of the structural equation model is presented. Causality is implied as one moves from the left of the path model to the right. The values in the model are standardized Beta coefficients significant at the .01 level or better. The model has an Adjusted Chi Square of 2.0, an Adjusted Goodness of Fit of .99, and a Root Mean Square Residual of .03. An R^2 of .30 was obtained for the attitudes toward organized science scale, .46 for the environmental knowledge scale, and .10 for the measure of mobilization. Clearly this R^2 indicates a less than desirable explanation. Nonetheless, interesting relationships do occur in the model, and an explanation for the low overall fit will be offered below.

In order to facilitate discussion of the complex path model, the direct, indirect and total effects for each of the variables are presented in Table 3. The variable controlling for the year of the survey had no indirect effects on any of the other variables in the model. A significant direct effect was present to the outcome variable. The negative value (-.10) indicates that those interviewed in 1992 were less likely to be mobilized for the environment than those in 1990. This could be attributed to decreased mobilization efforts in the later year. The 1992 data were collected after Bill Clinton had won the election, and the expectation was that the new president would enact policies more favorable to the environment than was the case under George Bush. Studies of environmental participation during the Reagan years have shown people more likely to be active when the perception is that the executive branch is not in touch with the environmental goals of the citizens (Dunlap 1989; Mitchell 1990). With the Clinton-Gore administration openly prepared to undertake environmental reform there was no longer a perceived need to rally the public to fight for environmental protection.

Respondent gender has a direct, positive path (.10) to the mobilization variable, indicating that women are more likely to be mobilized when the other variables in the model are accounted for. The total effect of gender is only .05, however, as there is a very strong gender effect to environmental knowledge (-.25). This suggests that men are much more likely to be environmentally knowledgeable than are women. Contrary to expectations, there is no path from gender to science job.

The hypotheses regarding marital and family circumstances are supported in the model. We see that marital status is strongly associated with mobilization as married people are more inclined to participate. Similarly, individuals with children under age 18 living at home are far less likely to be attentive and mobilized for the environment (-.21). We do see a strong positive impact on science museum yisits (.17), but with this path considered, the total effects of children at home is a negative -.18.

Formal math and science education is one of the strongest variables in the model, with positive paths to science museum attendance (.19), science occupation (.50), attitudes toward science (.45) and

environmental knowledge (.44). No residual path remains to the mobilization variable indicating that the effects of this background variable are accounted for by the other intervening variables in the model. The total effects on mobilization is .11, indicating that whether or not someone has a strong science and math background is predictive of their participation in science policy issues.

The scale measuring attitudes toward science is predicted by science and math courses as well as informal science education. People who have both the formal and informal background in science are likely to view science and technology positively. This attitude toward science has an impact on knowledge, suggesting that people who do have a positive view are more likely to be knowledgeable about environmental issues. The total effects on mobilization are low (.06) but still positive, indicating that scoring high on the attitudes toward science scale is likely to encourage attentiveness and participation for environmental issues.

As mentioned, environmental knowledge is predicted by gender, formal math and science education, and attitudes toward science. A fair amount of the variance is predicted (R^2=.46), and this variable in turn is the strongest predictor of the outcome variable (.22). Knowledge and informal science education account for the greatest amount of the explanation of the mobilization variable.

The most striking result of this analysis is the low explanation of mobilization for the environment provided by the variables in the model. Similar models for other science policy issues have provided better explanation. Clearly there are additional variables which could be included in the model, but due to consistency of questions across years, noteworthy measures such as efficacy, and stronger media questions were unavailable (magazine, science magazine, and newspaper readership are components of the attentiveness scale). Still, the explanatory variables used in this model are stronger when explaining attentiveness to other science policies than they are for environmental issues. One possible explanation is that environmental issues have been successfully integrated into public life, and that this issue area is no longer similar to other science-related issues. Variables that explain science-based policy attentiveness do not explain environmental attentiveness.

Unlike other science policy issues, and surprising analysts of public opinion, environmental concerns have achieved and maintained a higher level of public attention and awareness than might be expected (Downs 1972; Dunlap 1989; Mitchell 1990). In trying to explain this, some scholars have suggested that it is part of the shift in the United States to a "post-material" or "post-industrial" culture (Inglehart 1977, 1990; Vig and Kraft 1990). Under this model, the citizens and the government can be less concerned with the basics needed for survival such as economic stability and national security. Instead, they make decisions that consider quality of life issues such as the environmental impact of their policies (Vig and Kraft 1990). Others claim that environmentalism has become an important social value, and that the people will continue to monitor government activity, and press for policy and lifestyle changes that are in line with these principles (Milbrath 1984; Dunlap 1989; Mitchell 1990; Rosenbaum 1991). Dunlap (1989) says that environmentalism has become a "consensual value." But, he also points out that it has a passive consensus; there is widespread, yet not very intense public support. In Table 1 we see that next to issues about new medical discoveries, issues about environmental pollution have the greatest number of people who state they are very interested. Thirty-two percent are very well informed, and 20 percent of the population are attentive to the environment. These percentages indicate that more people claim to be interested and aware about environmental issues than about most other science policy areas.

The people interested, informed, and mobilizable for the environment are different from those who have similar commitment to other science issues. Environmentalism has been described as a "populist science" because of the coverage the media has given it, and more people are likely to consider themselves

as being informed (Rosenbaum 1991). We would therefore expect to see a broader range of people who are mobilizable for the environment, and therefore less easily predicted by the more typical variables associated with science policy attentiveness.

APPENDIX A

VARIABLES INCLUDED

The following variables are part of the Science Indicators data set, and will be utilized in this study.

Year of study is entered to control for whether the data were from the 1990 (0) instrument, or from 1992 (1).

Gender was coded as "0" for males and "1" for females.

Age. The respondents were asked, "In what year were you born?" The responses were collapsed into five categories: "1" 18 through 24; "2" 25 through 34; "3" 35 through 44; "4" 45 through 64; and "5" 65 and older.

Marital status. Respondents were asked whether they were married, divorced, separated, never married, or widowed. The variable is coded as "0" for not married, and "1" for married.

Children living at home. Respondents who are currently or at one time married were asked whether they have any children under the age of 18 living with them. The variable is coded "0" for none, and "1" for one or more.

Mathematics and science education represents a combined measure of general level of education and math and science education. A three-level science and mathematics education index was created, coded as "0" for four or fewer high school math and science courses, "1" for five to eight high school courses, and "2" for five to eight high school courses as well as some college math or science coursework. An education variable is also available, coded as "0" for less than high school, "1" for high school diploma, and "2" for a baccalaureate degree or higher. The two measures were multiplied together, creating a measure ranging from zero to nine.

Informal science education is an index which measures the frequency with which the respondent visited a natural history museum, a science or technology museums, or a zoo or aquarium. One visit received a score of one point, while two or more visits counted as a score of two. These values were added for the three types of museums, resulting in a scale of 0 to six.

Science job. Respondents were asked, "Last week, were you working full-time, working part-time, going to school, or what?" All individuals who were working, or unemployed and looking for work were then asked, "what kind of work do/did you normally do?" The response was entered verbatim, and later coded using the three-digit 1970 Bureau of the Census occupation classification. For this analysis, the variable science job was coded in the following manner: "0" non-science job; a scientific or technical job with: "1" a high school degree or less; "2" a Bachelor's degree; and "3" a graduate degree.

Attitudes toward organized science (ATOSS) is a scale based on responses to the battery of questions which began:

> Now, I would like to read you some statements like those you might find in a newspaper or magazine article. For each statement, please tell me if you generally agree or disagree. If you feel especially strongly about a statement, please tell me that you strongly agree or strongly disagree.

The following four questions were used to create the ATOSS scale:
"Science and technology are making our lives healthier, easier and more comfortable;" "The benefits of science are greater than any harmful effects;" "Science makes our way of life change too fast;" "We depend

too much on science and not enough on faith."

One point was given for agreeing or strongly agreeing with the first two statements, and disagreeing or strongly agreeing with the last two questions, resulting in a scale ranging from zero to four. The measure has a reliability (Chronbach's alpha) of .53, which was used in the LISREL analysis.

Environmental knowledge. The following open ended questions were asked, and the responses coded into categories. "What is the primary cause of acid rain?" "Please tell me, in your own words, why there is a hole in the ozone layer?" "Do you know where the hole in the ozone layer is located? Where is it located?" "So far as you know, are there any harms or dangers that might result from a hole in the ozone layer?" One point was given for each correct response, resulting in a scale ranging from 0 to 4. All of the items loaded on a single factor, and the measure had a reliability (Chronbach's alpha) of .63, which was used in the LISREL analysis.

APPENDIX B - MATRIX OF POLYCHORIC AND POLYSERIAL CORRELATIONS

	Year	Gender	Age	Marital Status	Kids at Home	Sci-Math Courses
Year	1.000					
Gender	.013	1.000				
Age	-.043	.102	1.000			
Marstat	-.050	-.124	.197	1.000		
Kidshome	.020	-.015	-.315	.633	1.000	
Courses	.085	-.238	-.149	.041	.012	1.000
Museums	.013	-.022	-.240	.081	.209	.306
SciJob	-.002	-.152	-.010	.110	.064	.479
Attitudes	.038	-.125	-.125	.081	.074	.328
Knowledge	.052	-.324	-.074	.055	.008	.369
Mobilized	-.096	.005	.036	.022	-.078	.102

	Science Museums	Science Job	Attitudes	Knowledge	Mobilized
Museums	1.000				
SciJob	.104	1.000			
Attitudes	.220	.182	1.000		
Knowledge	.201	.236	.275	1.000	
Mobilized	.180	-.001	.010	.171	1.000

TABLE 1

Specialization (interest, informedness, and attentiveness) in Selected Public Policy Issues, 1990.

Public Policy Issue	Very Interested	Very Well Informed	Attentive Public
Issues about new scientific discoveries	39%	14%	8%
Issues about new medical discoveries	68	24	16
Issues about the use of new inventions and technologies	39	11	7
Issues about the use of nuclear energy to generate electricity	42	12	8
Issues about space exploration	26	11	6
Issues about environmental pollution	64	32	20
Economic issues and business conditions	51	25	17
International and foreign policy issues	48	22	14
Issues about military and defense policy	55	26	17
Agricultural and farm issues	24	13	6
Local school issues	50	32	27

N = 2033

Question wording:

"There are a lot of issues in the news and it is hard to keep up with every area. I'm going to read you a short list of issues and for each one--as I read it--I would like you to tell me if you are very interested, moderately interested, or not at all interested. First, . . . "

"Now, I'd like to go through this list with you again and for each issue I'd like you to tell me if you are very well informed, moderately well informed, or poorly informed. First, . . ."

Table 2

Mobilized for the Environment by Selected Variables 1990, 1992.

	Residual	Interested	Attentive	Mobilized	N
TOTAL PUBLIC	39%	42%	17%	2%	3030
GENDER					
Male	40	39	18	3	1428
Female	38	45	16	2	1603
AGE					
18-24	37	46	15	2	449
25-34	40	43	14	2	726
35-44	38	44	14	3	572
45-64	37	40	21	2	802
65 and over	40	38	19	2	481
MARITAL STATUS					
Not married	39	44	15	2	1193
Married	38	41	18	2	1831
CHILDREN AT HOME					
No	38	41	19	2	2006
Yes	40	44	13	2	1023
SCIENCE/MATH EDUCATION					
Minimal	38	46	15	1	1856
Advanced high school	39	40	18	4	746
College level	40	30	25	6	428

Table 2

Mobilized for the Environment by Selected Variables 1990, 1992.

	Residual	Interested	Attentive	Mobilized	N
SCIENCE MUSEUMS					
No visits	42	44	13	1	1220
1 or more visits	41	43	14	2	545
2 or more visits	34	40	22	4	1265
SCIENCE JOB					
Non-science Job	38	43	17	2	2769
H.S. & Sci Job	46	33	17	4	134
B.A. & Sci Job	41	38	17	4	74
M.A. & Sci Job	44	34	20	3	54
ATTITUDES (ATOSS)					
0	44	35	20	1	139
1	40	43	15	2	407
2	34	49	16	1	736
3	39	39	19	2	883
4	40	40	15	4	865
ENVIRONMENTAL KNOWLEDGE					
0	43	42	14	1	1598
1	34	45	18	3	658
2	33	44	19	4	450
3	32	39	22	6	231
4	33	31	29	6	93

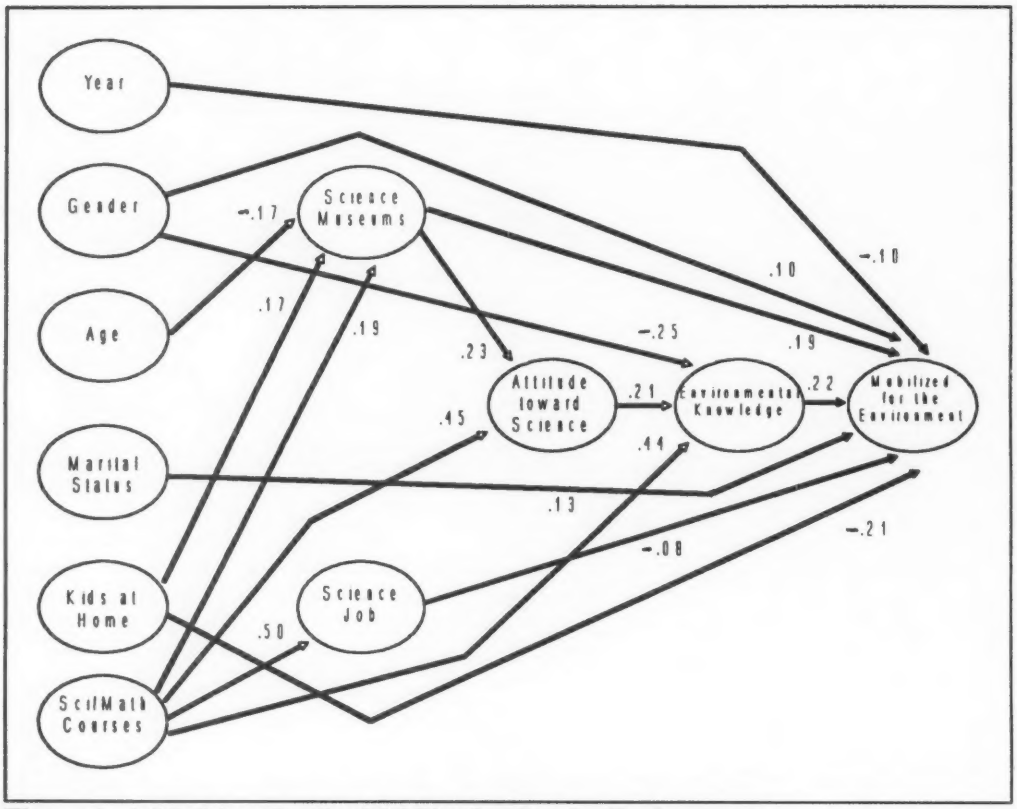

Figure 1: A Model to Predict Mobilization for the Environment

TABLE 3

Estimates of the Direct, Indirect, and Total Effects of Selected Factors on Mobilization for the Environment.

	Direct	Indirect	Total
Year of survey	**-.10**	**.00**	**-.10**
Respondent gender	**.10**	**-.06**	**.05**
Respondent age	**.00**	**-.03**	**-.03**
Marital status	**.13**	**.00**	**.13**
Children at home	**-.21**	**.03**	**-.18**
Science & math courses	**.00**	**.11**	**.11**
Science museum visits	**.19**	**.01**	**.20**
Science occupation	**-.08**	**.00**	**-.08**
Attitudes toward science	**.00**	**.06**	**.06**
Environmental knowledge	**.22**	**.00**	**.22**

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THE IMPORTANCE OF IMPORTANCE: REASSESSING PUBLIC POLICY CLASSIFICATION

H. T. Reynolds

Department of Political Science
University of Delaware
Newark, DE 19716

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THE IMPORTANCE OF IMPORTANCE:
REASSESSING PUBLIC POLICY CLASSIFICATION

Philosophers and methodologists often observe that political science, like other social sciences, has not made the sort of progress promised by its commitment to the "scientific" method.[1] It is clear, for example, that, even after decades of unrelenting effort, the discipline is no closer to discovering "laws" of politics or political behavior than John Stuart Mill and his contemporaries were more than a hundred years ago. Moreover, political science's explanatory and predictive[2] successes have been modest compared to the achievements of the natural sciences. Finally, it has accumulated volumes of findings without creating a body of cumulative knowledge. And even if one accepts a different methodology, hermeneutics, say, or believes that political science should not attempt to be more than a descriptive enterprise, the number and type of unanswered substantive questions must be distressing.

A widely studied and debated situation, one has little trouble finding reasons for its existence. Considering a single aspect, this paper argues that among the major obstacles to understanding political phenomena--however one construes understanding--is the absence of a clear conception of what is an important political policy or decision. It starts from the seemingly self-evident observation that some public policies are more important than others. Yet when one begins to reflect on this commonplace--to ask what importance means, to rank policies in order of importance, and to explain and justify this ranking--problems emerge, first slowly, then with great rapidity. Reading the literature from any branch of political science suggests that the vast majority of authors take the importance or salience of the policies they discuss for granted.

Needless to say, public policy has been categorized in numerous ways. The most common and perhaps logical classifications use manifest content. But these schemes frequently miss what may be of most interest, namely which

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[1] Needless to say, the members of the discipline disagree about whether or to what extent political science can or should adopt [a] scientific methodology. Yet a cursory review of its leading journals and the curriculum of its major graduate programs suggests an adherence to the tenets and certainly the idiom of what is commonly thought to be the scientific method.

[2] It's hard, for example, to think of a single major political occurrence predicted by a political scientist.

policies matter most and how one knows that they matter most.[3]

It is surprising that a discipline that spends so much time on measurement, concept development, and theory building has devoted such little effort to thinking systematically and rigorously about what separates important from less important decisions. In so far as importance has been explicitly considered most effort has been devoted to two topics: 1) the study of statistical influence in which the question is, of a set of K independent variables, which best "explains" the variation in Y, a dependent variable; and 2) attempts to measure how much significance voters attach to various issues. Although I touch on these efforts from time to time, these sorts of analyses are not the subject of the paper. The situation is all the more surprising given that the discipline is so committed to theorizing. For all theories are tied to concepts, and I will argue, most theories of government and political behavior in one way or another involve claims about policy importance. Yet we lack accepted (or even debated) criteria for comparing the significance of events or policies.

This paper has three main goals. Its primary objective is to show how the lack of orderly reflection about importance adversely affects understanding politics. In particular, it is unlikely that many problems and controversies will be resolved without the disputants agreeing on what constitutes a significant policy. I next want to take an admittedly unsteady step toward a classification of policy that incorporates a concept importance. The scheme I develop suggests that many policies can be related to each other in a hierarchical fashion that both raises and answers interesting questions. In the process of developing this categorization I will discuss other policy classifications and some of the major philosophical issues that arise. Finally, I want to apply the framework and analysis of it to the substantive problems address in the beginning. This undertaking will reveal the shortcomings of the project but (I hope) its possible benefits as well.

At the outset I should emphasize that I approach this problem not as a policy analyst but as a general student of government. As a matter of fact, I stumbled on the issue while thinking about the public's role in making national security policy. A persistent problem has been who does, who can, and who should make the life and death decisions regarding war and peace. These questions, I discovered, cannot be answered without first sorting policies into levels of importance.

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[3] I don't wish to be misunderstood. Policy analysts compare policies all the time. But the comparisons usually pertain to, as an example, the impact of policies in a relatively narrow domain on a particular type of behavior.

WHY IMPORTANT IS IMPORTANT

To say that political science does not spend much time on conceptualizing about importance does not mean theorists do not have definitions or ideas in mind. The difficulty, as I intend to show, is that these conceptions are more often than not left unstated, taken for granted, not questioned, or based on what is believed to be common understanding. But this uncritical attitude affects one's view of how political systems works, who governs them, their capacity to solve problems, their stability, and similar topics. The point is best made by looking at a few examples of substantive research programs.

Institutional Performance: I defer discussion of what is perhaps one of the best analyses of institutional performance, David Mayhew's Divided We Govern, until later since it does explicitly and at length deal with the question of policy importance. In the meantime, consider James Lindsay's Congress and Nuclear Weapons, a book that begins by asking "Does Congress Matter?" in making nuclear weapons policy and answers with an emphatic yes: "...Congress today is a player in nuclear weapons policy." (Lindsay (1991), pp. 3, 144.) Lindsay finds that since 1970 members of Congress often "care about substantive issues surrounding weapons programs" rather than simply acquiesce to the executive branch's demands or toady to constituent wishes. They are, he contends, genuinely interested in and motivated by policy content. His research, which I believe to be indicative of the type and level of scholarship on this subject, makes an altogether convincing case for the proposition.

Nevertheless, in assessing this argument we need to keep several points in mind. First, although he is fully aware of the distinction, his analysis nevertheless conflates procurement decisions with strategic doctrine. Yet the two are of course very different. Procurement refers to the whether particular weapons systems should be funded and at what level, whereas strategic doctrine involves issues of how in general the United States should meet threats to its security. Logically, procurement follows strategy.[4] The distinction is pivotal because, for example, a "counterforce" nuclear posture (an ability to attack hardened military targets) costs much more than a minimal deterrent (the capacity to destroy only cities). Consequently, if Congress tacitly or unquestioningly accepts the need for a counterforce capability and merely debates how many dollars will be spent on which missiles and bombers, can we say that it has as

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[4] I do not mean to imply that policy is always rationally developed. A decision to procure a weapons system could be made for reasons other than strategic doctrine and then "sold" as a means to implement some strategy.

much "influence" as if it explicitly and intentionally chose the strategic policy in the first place?[5] A primary question, then, is how much of Congress' supposed power is confined to appropriations decisions and how much to issues of strategy.

A second, and closely related point, is that Lindsay often fails to distinguish between a specific weapons system and the overall strategy underlying its intended use. For instance, he finds that Congress "played a critical role in the evolution of the MX missile program." (Lindsay (1991), p. 69.) Lindsay makes the point by showing that representatives and senators had a decisive voice in where and how many missiles would be deployed. But however bitterly debated these decisions, what really counted, one might argue, was their place in the U.S.'s overall deterrent posture and the plans for using them.

Designed to be capable of launching 10 warheads with great precision, the MX, the Air Force hoped, would be able to strike Soviet long-range weapons. But, as Lindsay notes, critics complained that the missiles would have a destabilizing first-strike capability. Despite these concerns, however,

> ...Congress's objections to MX revolved around the basing mode and not the missile itself....arguments about the destabilizing effects of a larger, more accurate missile did not appeal to many legislators. For most, MX's flaw was that there was no way to make it survivable. (p. 69)

More to the point, Congress apparently did not consider the possibility that had the United States pursued a different nuclear policy (minimal deterrence, as an example), then the need for the MX would have been obviated. Could one not argue, then, that for Congress to have "real" influence it would have to participate actively and decisively in this much more fundamental level of policy planning.

The point of my remarks is not to critique Lindsay's work. Instead, I simply want to illustrate the central point: many policies form a hierarchy in which some are more "basic" than others. And, when comparing and evaluating institutional capacity and performance, one needs a clear conception of what is basic and what is not.

Analyses of Roll Call Votes: The investigation of the voting behavior of legislators or judges provides another example of the

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[5] Lindsay himself admits that often Congress gets into the game after preliminary and, I suggest, basic decisions have been made: "legislators generally do not intervene in nuclear weapons policy until relatively late in the development of individual weapons systems." Lindsay (1991), p. 62.

value of sorting out policies by their importance. The usual purpose of this research is to uncover ideological dimensions or voting patterns. The most widely used methods entail the aggregation of a series of votes or decisions in a summary index with each choice counting equally. Does this approach present problems? Perhaps. Suppose two votes included in an "internationalism-isolationism" scale are: A, $1 billion for contributions to the United Nations; and B, $200 million for economic assistance to an East European country. Most measures of voting would weight these the same, provided they met standard criteria such non-unanimity and party differences. In many scales a representative who voted for only A would presumably count the same as one who voted for just B.[6] But would this be an accurate portrayal of the individuals' positions? It is conceivable that the relatively small appropriation for foreign aid might be linked to support for a particular regime and that this linkage would possibly have lasting and decisive consequences for American foreign policy. In that case, despite what the individuals themselves think, the second representative might be considerably more "internationalist" than the first. This type of distinction gets lost in summary statistics that do not incorporate an independent conception of importance.

As a further and more realistic example, consider Table 1, showing what editors of The Almanac of American Politics consider to be "important votes...on national issues."[7] In each case a majority of Democrats opposes a majority of Republicans, the usual minimum criterion for inclusion in roll call analysis. Using data such as these one can calculate various indices of party loyalty or liberalism-conservatism. But are these bills equally important? does it makes sense to count them the same? Could one not argue that the last, the decision regarding the balanced budget amendment, is (potentially at least) of far more import than the votes on increasing medicare taxes or freezing

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[6] A Guttman-type scale might pick up the difference, depending on how the legislators viewed these and other issues. (A summary scale would not.) But, in any event, Guttman and similar techniques do not address the problem I am raising since they ultimately measure people's behavior or thoughts about stimuli. I, on the other hand, want to create a more "objective" device.

[7] Barone and Ujifusa (1991), p. xviii. Admittedly, most investigators do not use this particular list. But they frequently analyze ADA ratings, which contains the same or virtually the same bills. As an example, the items in Table 1 overlap markedly with the ADA's 1990 selections. ADA(1991). For a recent and typical example of roll call analysis that uses the ADA's index see Fleisher (1993). Incidentally, the editors of the Almanac do not define "important votes."

aid to El Salvador? Adoption of the balanced budget amendment, it seems clear, would greatly constrain possible actions in many other areas were it enforced seriously (admittedly a major qualification). Adherence to its provisions would perhaps preclude spending money on SDI, El Salvador, and abortions, regardless of these projects' intrinsic merits.

Clearly the choice of items or votes also affects overall measures of party cohesion. Take the House Democrats. The average odds over all 12 votes of a member voting with the party majority is 7.04. This figure weights each vote equally. But suppose, for reasons stated above, the balanced budget amendment were considered, say, 10 times more important than the others.[8] The weighted odds then drop to 4.59. If it were 50 times more important, the odds would decline further (to 2.44), thereby changing one's opinion about loyalty among Democrats. The different results would be especially noticeable in a longitudinal or comparative study. Suppose, for instance, during 20 sessions Congress dealt with legislation similar in importance to items 1 to 11 in Table 1, but in its next term voted as well on a significant bill like the budget amendment. One might detect a precipitous decline in party cohesion when in fact this drop would be an artifact of the selection of roll calls.

Looking at individual representatives further clarifies the point. Tom Carper (DE) had the same overall "loyalty" score as many of his fellow Democrats, 11 out of 12 on this series. But the overall total obscures an important difference: Carper's "defection" was on the balanced budget amendment, which he supported, whereas representatives such as Frank (MA), Smith (FL), and Rostenkowski (IL) along with numerous other Democrats who scored 11 out of 12 voted against the proposed amendment and deviated from the party on other issues such as abortion funding or aid to El Salvador.[9] If, for the sake of argument, we consider opposition to the balanced budget amendment, the passage of which might threaten programs commonly associated with heart and soul of the Democratic party, then Carper could be regarded as considerably less "loyal" than his colleagues with the same total.

Once again my point is not to critique any particular work or approach but only to suggest that, even if convenient, counting roll call votes (or court decisions) equally or simply classifying them by manifest content may produce a misleading

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[8] This factor is of course only hypothetical. I do not propose or know of a way to quantify importance.

[9] The voting records are readily available in Barone and Ujifusa (1991).

picture of a legislative or judicial body.[10]

Party Differences: Table 1 shows that congressional Democrats and Republicans differ on a range of issues. Still, even "hard" data like these do not address the problem raised by those who say there is not a dime's worth of difference between the parties. Pointing to the party differences in Table 1 does not help unless accompanied by some sort of yardstick of importance. What does a vote for or against slightly increasing taxes of wealthy medicare recipients indicate? Does it represent a principled ideological or philosophical stand or simply reflect group allegiances? Will the outcome, whatever it is, affect the course of the nation's economy, the distribution of wealth, or national competitiveness? Having a workable definition might assist in rendering an opinion about claims regarding party differences.

In the same vein how do we evaluate the sort of thesis advanced by Louis Hartz that American politics is dominated by an all-encompassing commitment to Lockean liberalism? This claim makes sense only if the things American parties do argue about are relatively trivial on a scale of conceivable and possible party differences. It is hard to know, it seems to me, without some sense of what constitutes important policy alternatives.[11]

The comparison of American parties with those in other democracies also depends on how we come to grips with this problem. We can obviously look at organization, function, patterns of leadership recruitment, financing, and similar factors. But probably what is of greatest interest is the kind or magnitude of programmatic choices the parties present voters. European countries have long-standing socialist, liberal, centrist, corporatist, and conservative traditions. Does this fact mean then that voters there have a wider choice of among potential policies? Only with a criterion of importance can one tell.

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[10] Indeed, some studies do carefully sift the substantive content of votes or decisions before including them in an analysis. See, for example, Schneider (1979).

[11] Most efforts to measure political differences rely on voters' perceptions of where the parties stand. Yet one can question how reliable this method is. After all, the electorate's perceptions are subject to manipulation--that's what campaigns try to do--and are affected by the media that tends to inflate party conflict in order to create drama. (On the press' tendency to dramatize news see, among countless others, Bennett, 1983.) But can we make assessments independently of what citizens think are important?

A closely related problem is the interpretation of elections. Most analysts do not see American elections as policy mandates. (Ladd, 1989, 1981) Nevertheless, at times they do appear to put to rest a long standing controversy. According to Robert Griffith, Truman unsuccessfully pushed for national health insurance during his last four years in office, but Eisenhower's victories in 1952 and 1956 effectively removed the issue from the national agenda for at least the next two decades. (Griffith, (1989) In judging the impact of the change of administrations we might believe that an election was of momentous consequence if we feel it resolved a "key" issue. If, on the other hand, we regard the policy changes as only incremental our impressions might be very different. Griffith, to pursue the example, sees the Truman years as a watershed era in American history because so many important events (important in his eyes) transpired. (Griffith (1989), p. 60.) Yet others could argue that the Truman presidency merely solidified decisions made during the New Deal and World War II. Once more, a disagreement of this sort can only be bridged after reaching a common understanding of what counts as important.

Political Power and State Theory: Lowi showed more than two decades ago that one's judgment of who wields power will be affected in large part by how one classifies the policies that are the subject of conflict. (Lowi, 1964) Although his classes did not specify importance in the sense I propose below, his work clearly demonstrated the relevance of policy classification for theories of power and governance. To see the connection recall the debate between pluralism and elitism about the distribution of political power in the United States.

Pluralists, of course, maintained that since many hands held the reins of power, certainly single no group, class, or elite dominated policy making. They justified this assertions by pointing to studies of concrete policy making in various settings, studies purportedly showing that power is situationally or contextually determined; that a group's influence is usually limited to a particular domain; and that a group fortunate to "win" at one time may not be so successful at others. (Dahl, 1963) The naive power elite school, by contrast, asserted that the politics at local and even national level was dominated by a unified power elite.[12]

How could political scientists and sociologists sort out these arguments? Robert Dahl's seminal paper (Dahl, 1958) proposed a three step process: look at a <u>series</u> of diverse controversies; for each identify the members of the opposing sides; and finally tally the winners and losers. Simple, direct,

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[12] See Hunter (1953) and Mills (1956) for classic examples.

and presumably rooted in scientific empiricism, the method supposedly provided an objective way of discovering who had power. Bachrach and Baratz (1962, 1970), in their well known response, raised the possibility that some potential or actual conflicts ("non-decisions," they called them) never come before governing bodies and hence winners and losers could not be determined. Their approach in turn provoked the charge that non-decisions, not being observable phenomena, can not be studied "empirically" and hence scientifically. (Polsby 1963)

In view of my concern with importance an obvious comment comes to mind, one that carries over to more general and sophisticated state theories: a judgment about the distribution of power must rest on the type of matters over which one believes a given set of decision makers prevails. For it is one thing to have the final word on, say, industrial policy; it is quite another to decide how much funding to provide public television.

It is noteworthy that many of the most elaborate state theories exhibit methodological similarities.[13] They attempt to explain the emergence and persistence of an economic-political system and especially the government's role in the process. Furthermore, they establish their claims by looking clusters of policies since a constellation, rather than a single policy, partly defines a system type. Naturally, however, they have to examine specific policies such as the Wagner or Social Security Acts. The assumption (and it is an often unspoken assumption!) is that the particular case being examined will ultimately reveal who holds power and consequently the form or structure of the regime. Disagreements usually arise about who won or lost, not about the selection of the policies to be studied. Or, the authors accuse each other of selectively choosing case studies to bolster their positions. Yet precise and explicit rules for selecting the policies to be studied seldom guide these works. Not having such a rule, though, makes adjudicating the various claims and counter-claims difficult.[14]

Consider, for example, a Marxist or "instrumentalist" perspective. (Domhoff, 1979, 1989; Miliband, 1969) Such a view usually holds that the state serves the interest of a ruling or

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[13] The theories I have in mind can be lumped into various camps including state autonomy (e.g., Skocpol, 1985; Skocpol and Amenta, 1985; Skocpol and Finegold, 1982); corporate-liberal (e.g., Weinstein, 1968); Marxist (interventionist) (e.g., Miliband, 1969); and neo-Marxist (structuralists) (e.g., Poulantzas, 1978, 1980). Barrow (1993) provides an excellent overview.

[14] For a discussion of this point see Barrow (1993), pp. 48-50.

capitalist class; that the real function of government is to help build, sustain, and legitimate a social structure of accumulation. (Gordon, Edwards, Reich, 1982; O'Connor, 1973) A person committed to this position would, among other things, presumably want to calculate the rate of success of government actions that further ruling class interests. In making this calculation, two types of failures would have to be distinguished: (1) the state adopted the policy, but the dominant class interest was not advanced because the policy was misguided, had unintended side effects, did not work, and so forth; (2) of more interest is the situation in which the ruling class attempts to advance its needs but is thwarted by other classes, an autonomous state, or some other actor. For assessing an interventionist theory this kind of failure would be of greatest concern. Why? Because nine out of 10 losses would not discredit instrumentalism if the successful 10th policy preserves the distribution of wealth and power while the others pertain to luxury taxes, child labor, and other matters that do not challenge the prevailing class' privileged standing and power. In short, the question is whether or not a policy has fundamentally altered or led to the alteration of the distribution of wealth or political power.

This distinction appears to me to be crucial for theories of power and the state. But in order to draw it each policy in the calculation would, I think, have to be weighted by its importance to the class, the state, and society as a whole. (I pursue this claim in more detail later.)

ON CLASSIFYING PUBLIC POLICY

I have argued that political scientists generally do not think explicitly about importance and that in so doing they diminish support for their results or cloud the interpretation of their conclusions. I have also stated in passing and certainly by implication that it is possible to find a more precise and perhaps objective definition of the term. There are two ways of tackling the problem.

First, think of importance as being in the eye of the beholder. According to this view, a policy or decision or party difference is important to the extent (and only to the extent) that people think it is. Resting on common sense, this strategy implicitly underlies most political inquiry.[15] Alternatively, assess importance independently of individuals' judgments by

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[15] It also fits with the philosophy of interpretive school that argues that social science should concentrate on what events and actions mean to individuals. See, for example, Winch (1958) or Taylor (1979).

developing a set of specific criteria that can be reliably and validly applied by different investigators to a broad range of policies.

I follow the second path. For reasons that will become apparent, I reject the notion that importance is a matter of personal opinion or common sense. On the contrary, I take the stance that policy importance can be "objectively" defined and observed. Before explaining, however, I would like to comment briefly on David Mayhew's Divided We Govern, a work that, in a sense, uses both methods.

His book merits attention because it is one of the few that systematically attempts to define importance. Indeed, his thesis--that divided government gets things done--rests partly on being able to classify by congressional actions in terms of their significance.[16]

Mayhew suggests that important polices are "innovative" and "consequential." The problem, of course, is the meaning of the concept is shifted to two new, potentially equally vague terms. How, then, can innovative and consequential be interpreted in a way that one can reasonably expect independent observers apply in the same way?

To solve the difficultly, Mayhew relies on a "reputational" method somewhat akin to the first strategy mentioned above. In order to enumerate the "important" acts of Congress from 1946 through 1990, he "sweeps" through the period twice:

> The first [sweep] picks up judgments that close observers [i.e., journalists and commentators] of each Congress made at the time about what enactments...were particularly notable. The second picks up retrospective judgments that policy specialists have made, looking back over many Congresses, about what enactments in their own policy areas have been particularly notable. (p. 37)

Importance, then, is "operationally" defined as what specialists of one type or another believe is important. Questions immediately come to mind. Do the specialists use the same standard? Do they share a theoretical perspective? Mayhew augments this reputational approach by using "mentions" or citations in newspapers indexes. For some purposes this tactic is unassailable. Mayhew wanted to explore a particular hypothesis: divided government hinders policy making. He examined bills passed by Congress and kept track of the attention the press gave them. He deemed those that received some minimal level of

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[16] I am only concerned with his discussion of legislation, not congressional investigations.

coverage as important. But again one may ask: is what dominates the news always more important than decisions and policies made out of the public's view. His approach amounts to equating a protracted fight, over whatever issue, with importance. For many purposes, including Mayhew's, this technique may be defensible. But by other standards it may be less so.

One possible difficulty with this interpretation is that it excludes "agenda-setting" effects. As an example, Mayhew's list (sweeps 1 and 2) for the Truman years includes, among others, these bills:

> **Domestic:** Income tax cut; Social security expansion; Tax increase.
> **Foreign affairs and national security:** Greece and Turkey aid; Marshall Plan; NATO ratification; Mutual Defense Act; Point Four foreign aid program; Defense Production Act of 1950. (Mayhew 1991, Table 4.1.)

Note, however, that in each instance these policies implemented (by expanding or putting into force) prior decisions. For purposes of determining what is really consequential shouldn't the prior acts, which in many ways dictated the content and form of the subsequent ones, have to be considered more important. Foreign aid, for example, became essential in the wake of the decision to contain the Soviet Union[17] or, as some argue, establish American hegemony.[18] Mayhew, of course, was not concerned with this line of analysis and so his classification is satisfactory for his purposes. But, in general, the agenda-setting effects of policy ought to be a main component of any conception of importance.

Also note that because of the nature of his objectives Mayhew's method does not reveal decisions or enactments that did not pass Congress. Either a reputational or objective classification might deem these "failures" as or more important than the successes. (Examples from the Truman years could include the Brannan plan to reorganize agriculture (Griffith, 1989, p. 75.) and the Wagner-Murray-Dingell bill to create a national health insurance system and expand Social Security (Lictenstein, 1989, p. 152.).) Moreover, the critics of divided government worry that national problems fester while the parties struggle for electoral advantage. Hence, counting the number of things Congress does may miss the point of the critics' concerns. It is what Congress does not do that bothers them.

Finally and unavoidably, his list omits legislation that

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[17] See, for example, Gaddis (1982).

[18] McCormick, 1990 takes this position.

others "specialists"--working perhaps from a different conception of importance--consider noteworthy. Continuing with the Truman administration, the historian Robert Griffith would no doubt add the so-called Bulwinkle bill "to exempt such practices [railroad organizations that set rates, routes, etc.] from the antitrust laws"; the Cellar-Kefauver amendment to Clayton Act that forbade restraint of trade "through the acquisition of assets of one corporation by another"; and modification of the Atomic Energy Act to exclude "the federal government from the development of nuclear power and ensuring that the new, nuclear-based technologies would be almost exclusively controlled by large private utilities." (Griffith, 1989, pp. 75, 76, 82; Fligstein 1990)

My purpose here is not to criticize Mayhew's enumeration but to suggest that relying on expert testimony seems likely to lead to this type of problem unless the judgments flow from a common understanding of importance. Note, however, that in spite of this difficult, it may be hard to improve on his results.

A CLASSIFICATION BASED ON IMPORTANCE: A FIRST STAB

To make sense of the proposed classification, I should describe some of its philosophical underpinnings. The purpose of classification, naturally, is to bring as much order to a field of study as possible. Biologists disagree about whether or not a classification should be purely descriptive--an information storage and retrieval device--or driven by and related to a substantive theory.[19] My scheme attempts to maintain the first, the descriptive, "attitude," but may in fact be more appropriate to a theory of governance. Whatever the case it tries to enhance the understanding of politics.

My argument that policy importance should play a greater role in policy analysis assumes a methodological stance. In particular, it rests on the premise that one can somehow independently, objectively, and systematically compare polices along this dimension. Acceptance of this point of view implies a commitment to realism. There is, on this view, a "real" world that one can in some sense know; that actions occur in it; and that these events can be compared by reference to their effects on other actions. It is therefore meaningful to compare policies. Furthermore, these comparisons are not simply a matter of taste or the product of a specific context or ideology. (At least, no more so than taxonomies in any science are.) To adopt this position, in other words, is to be advance the proposition that individual (or collective) judgments need not be the defining criteria of importance.

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[19] See, for instance, Scott-Ram (1990).

This stance will doubtlessly upset those who claim that the goal of social science should be the understanding or interpretation of individuals' reactions to and thoughts about matters such as government and politics. An effort like mine is, they maintain, doomed from the beginning for there is simply no way to examine political phenomena independently of people's beliefs about them. Since space does not permit me to discuss, much less resolve, this difference of outlook, all I can do at this point is state my position.

In addition, I assume that policies share properties. Of course, this statement does not mean that they are not unique in various senses. But, just as the members of any population of organisms, bacteria for instance, exhibit common traits along with differences, so too policies share characteristics. Indeed, it is precisely this commonality that allows humans to classify objects at all. If this observation appears too obvious to warrant discussion, it at least directs attention to the need to identify the properties that are most meaningful or theoretically interesting and informative.

Not being a specialist the field, I should clarify my understanding of the term policy. A public policy is a rule or set of rules that determines or attempts to determine individuals' behavior. It involves a coercive element. Obviously policies may be self-enforcing to a greater or lesser degree but self-enforcement implies that human beings would not do something unless somehow compelled, so the term a policy carries the implication that it is made binding in one way or another.[20]

To make the case presented below convincing I need to emphasize here that policies are, in the parlance of philosophers of the mind, intentional acts. Put more simply, they are made consciously. This does not mean that they do not have unintended effects for they clearly almost always do. Nor does this conception imply any kind of rationality. Rather I simply mean that they result from affirmative and willful actions based on conscious choices from among alternatives, though unnoticed or unconscious factors may affect the process. A policy is made consciously for a variety of reasons, not all of which the actor may be able to articulate; it is the act of deciding that is crucial. The point underlines the difference between policies and

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[20] Lowi's thinking (in his classic 1964 paper) would seem to be at variance with mine since he distinguishes between distributive and regulatory policies. But a policy that gives something to someone must, I submit, logically entail a kind of regulation even if the action does not literally take from one person or group and give to another. As with so many other subjects, space limitations do not permit the depth of analysis that this topic deserves.

what I call called "states of affairs."

A **state of affairs**[21] consists of (a) a set of widely shared attitudes among those in positions of authority regarding what political goals the polity should pursue and what are essential, desirable, and possible policy objectives; (b) widespread public acceptance of these values and objectives[22]; (c) a more or less stable division of labor and pattern of roles; (d) a given distribution of wealth and power; and (e) institutions (public and private) to sustain this order. More loosely, a state of affairs embodies "current" economic, political, legal, and cultural conditions. It frequently stems in large measure from the kind of policies described below, but it need not always result from them.

Finally, I find it helpful to define a policy or decision **node**: a node consists a bundle or set of logically, substantively, and intentionally interrelated decisions made roughly simultaneously or consecutively in a relatively short period of time by the same pool of decision makers. These acts are so interconnected that, as discussed later, they can be consider a single policy.

The classification starts with one dictionary definition of importance, a term that connotes among other meanings the power to influence or cause effects. Something is more important that something else to the extent that it has greater power to bring about or produce consequences. In the present context, I deem one policy more important than another if it leads to more subsequent actions and effects. Most readers will, I think, agree so far.

What, then, of the definienda, the phrases containing influence and effects? The number and magnitude of ramifications is the key. Consider policies X and Y. Both entail or require (logically and practically speaking) implementation. (No policy stands alone; it demands at least a minimal set of follow up activities and actions.) The question is which of them necessarily leads to most implementing policies of the widest scope and greatest duration? The answer determines whether X or y is more important in the present sense. This way of looking at importance, incidentally, shoulders no moral or ethical implications: it does not equate importance with worth. My intention is only to develop an analytic tool.

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[21] Sometimes the word "system" is used in this sense, but that term has so many diverse meanings that I feel it is wiser to use a different, even if somewhat more ambiguous, phrase.

[22] Lowi's notion of "public philosophy" motivate points (a) and (b). (Lowi 1979, Chapter 1)

This interpretation flows from the belief that policies belong to hierarchies. The size of the hierarchy and the policy's place within it determine its importance. Those closer to the beginning of the chain and with most links emanating from them are more significance than those farther out.[23]

Now, using these ideas as a basis, I propose a two-part division of policies, Type I ("agenda-setting) and Type II ("non-agenda setting"). Each type in turn contains sub-types, class A and B policies. (See Figure 1.) What distinguishes the two major classes are their overall ramifications for the polity.

Type I policy: The essence of a type I policy, which may in principle result from a single decision but more likely develops from a policy node, is that it determines a major portion of a nation's political agenda. Consequently, it inevitably compels the making of implementing policies, which I label Class A acts. Type I policies can be recognized by this fact and that their A effects consume a large fraction of society's material and human capital. In so doing, they effectively foreclose other courses of action. Putting the matter another way, the adoption of a type I policy prevents the emergence of another type I policy in the same substantive domain or area. Finally, because of the magnitude of their effects, they are one of the causes of a state of affairs.

Type II Policy: The label "non-agenda setting" suggests policies that do not determine a nation's agenda or create a state of affairs. And since they do not have that effect, they are deemed less important. This kind of policy also requires implementing actions (class B policies) to go into effect. But, as the name implies, they do not set in motion a train of events that comes to control a nation's politics.

Class A and B Policies: every policy requires steps to put it into effect. Depending on whether these actions further a type I or II policy, I label them A and B respectively. Because they exist to serve the needs of policies further up the hierarchy, they are considered "less important" than their "parents." Note too that the members of these classes can be ranked in importance, using the criterion of ramifications described above, so that strictly speaking they should be identified as, say, A_i, A_j, B_k, B_l, and so on. (Example: A_1 might imply A_2, A_3, and A_4 whereas A_4 needs only A_5 to bring to fruition and A_5 consumes comparatively minimal resources. Hence, A_1 is more important than

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[23] In another place (Reynolds and Vogler, 1991, Chapter 1) I employed the metaphor of a tree to explain the idea. Some policies are so fundamental that they can be thought of as trunks while others of less importance are likened to branches and twigs.

A_4.) Hence, a class A policy, one of the commonest types, is distinguished by its raison d'etat: it serves to sustain, legitimize, carry out, and fulfill the implications of a type I policy. The same idea holds for class B policies; they exist in order to implement type II policy.

In summary, I offer these propositions:

- Type I polices are more important than type II.
- Both types are more important than their corresponding implementing policies.
- Implementing policies within a type can be compared in terms of importance based on the standard of ramifications (their capacity to foreclose alternatives and consume resources).
- Comparing the importance of class A and B policies is more problematic since these classes contain so main as yet undefined sub-categories. In general, however, an A policy would outweigh a B policy.

DISCUSSION

To help clarify the two main classes and their application I will quickly give a few examples of type I and II and class A and B policies. At this point I cannot fully justify the categorizations but will attempt elaborate a bit later.

It might be apparent by now that I regard containment, a decision node made in the years between 1946 and 1950, an excellent example of a type I policy. Containment was the decision to accept the premises that the Soviet Union sought to expand its power and promote international communism; that these objectives threatened American interests; that only countervailing pressure constantly maintained along the periphery of the U.S.S.R.'s borders and elsewhere would dissuade the Soviets; that accommodation with them was not possible; and that various diplomatic, economic, and military means would have to be employed for a considerable number of years.[24] Acceptance of containment drove nearly all of America's postwar foreign and national security policies. Accordingly, I would place what are normally considered major policy initiatives--NATO, the Marshall plan, participation in the Korean and Vietnam wars, the construction of a counterforce nuclear arsenal, among many others--in class A since they were designed to realize the purposes of this more fundamental decision. It was truly a

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[24] Among the scores of books that describe the emergence and meaning of containment Gaddis (1982) is outstanding. For a convincing argument that the basic outlines of American postwar policy were set by 1950, if not earlier, see Yergin (1977).

national agenda setting policy.

Figure 1 suggests other examples of type I policies including the Federal Reserve System's major monetary actions such as its October 1979 decision to slam the breaks on the money supply to wring inflation out of the economy; effectively uncapping entitlements in the late 1960s; and the tax cuts passed in the summer of 1981, all of which had a lasting and many argue devastating impact on federal and state budgets. The present fiscal situation, as much as any factor, constrains public programs. The Supreme Court's the 1954 desegregation decision also seems an obvious candidate. The list is hardly exhaustive, but, by my standard, a complete enumeration would still be far shorter than Mayhew's. It is also apparent that type I policies are made in different branches of government by elected and non-elected officials.[25]

On the other hand, I regard Roe v Wade as a type II decision, not because it has not dominated public and institutional attention or because it doesn't touch innumerable lives, but because it does not close policy alternatives over a wide spectrum of areas. Clearly, the many laws and court decisions taken in the wake of the Court's decision fall into class B policies. One might regard the determination not to propose a constitutional amendment banning flag desecration and the "large science" projects such as the super-conducting super-collider as other instances of type II policies.

The main point, and one that helps resolve some of the substantive problems mentioned earlier, is the idea that a type I policy dictates the essential form, scope, and content of a huge number of subsequent national actions. It sets the agenda in at least two senses. First, and most important, as with containment, it establishes a national program that stimulates sustained public and private action over (at a minimum) several years and in many areas of life. One might say it sets a chain of events in motion that defines an era. Second, type I programs provide a mechanism or shield for legitimizing the adoption of other programs. Some projects (the space station, for instance) arrived on the scene for various reasons but were justified as furthering American security interests.

The effects of a type I policy cut across traditionally defined policy areas so it cannot be pigeonholed as simply "economic" or "social" because it may have implications for both. Partly for this reason I maintain that it alone or in combination with other factors contributes to the emergence of a state of

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[25] Quite a few, I would argue, are made out of the public's view and with the great involvement of private (i.e., non-state) actors.

affairs.

To qualify as a type I policy it is not necessary for its creators to be fully aware of all of the implications of their work. For having such foresight is impossible, even with considerable thought and wisdom. Yet they must be cognizant at a minimum that their decision will not be the end of the matter; that additional actions will be of necessity be forthcoming; and that their decisions will inevitably have national ramifications.

The claim that type I policies are in some sense more fundamental than the others does not imply that certain individuals will not feel strongly, even passionately about matters categorized as II or A and B. (The controversy over abortion makes that clear enough.) But, as I suggested previously, determining importance is not a matter of calculating an average intensity of opinion. Instead, it requires judgments about the consequences of programs or decisions and about what things can and cannot be done as a result of them.

However monumental, type I policies do not necessarily attract press attention or public notice. Nor are they necessarily the subject of partisan debate. Policies lower down the scale are usually more visible because their creation and implementation constitute the workaday activities of the political system, and they frequently carry the highest "price" tag. In fact, the public (and often the political and scholarly communities as well) normally gives them the most attention. Mayhew's listing of "important" congressional enactments, but which I regard mostly as A and B policies, shows how preoccupied Congress, interest groups, the electorate, and the media are with these types decisions.

Failure to enact any single implementing decision does not in and of itself "kill" the agenda-setting policy. Thus, failure to fund a weapons system, even a major one such as the MX, does not spell an end to containment. A type I policy could of course be killed if it received no support over a wide range of areas for a long period of time. (And it would obviously die if replace by another type I policy in the same area.) By the same token, it is conceivable that an implementing decision could, because of its repercussions, cause the death of its parent. The disastrous conclusion of America's war on Vietnam, a decision widely interpreted as a form of containment (Gaddis, 1982), could have forced the United States into another basic posture toward the Soviet Union. Some analysts say that the War had exactly this effect, but it seems clear in hindsight that the U.S. continued containment by other means for another 15 years and did not

abandon it until the demise of the Soviet Union.[26]

Non-agenda setting policies by definition have a more limited on what goes on in Washington and the country as a whole. They deal with more or less self-contained matters. The Supreme Court's abortion or flag burning decisions have not structured or constrained economic or foreign or scientific policy they way containment did. Of course, they have to be enforced and administered and thus generate B policies. It is worth repeating that I am using the term importance in a rather narrow sense, though it still accords with popular usage. As a result, those things I have labelled type II may be less significant in my scheme but they nevertheless have the capacity to generate considerable conflict and consume the time and energy of decision makers.

PUTTING THE CLASSIFICATION TO WORK

Classification is the process of devising classes into which one sorts various entities. Diagnosis refers to the actual assignment of particular cases to specific categories. Even if the classification is unambiguous, diagnosis is still an arduous task inasmuch as each individual or group has to be carefully studied. In the present instance, since both the classification is rudimentary and public policy so complex, my diagnoses will be tentative. But they will, I hope, show the value, along with the difficulties, of the effort.

To place a policy or policy node in one or the other group one has to examine the decision in connection with others, always asking what, if any thing, did this policy start and what did it continue or complete? If X initiates a cascade of events, consumes a major portion of the nation's resources, and dominates political decision making over a wide spectrum of areas for a considerable time, one has prime facie evidence of a type I policy. If, on the other, hand the decision can clearly be seen as part of a pattern of events unleashed by previously made policies, it would be thought of as a class A. Or, even if it arouses considerable controversy, but does not commandeer the political agenda and demand major implementing provisions for a prolonged period of time, I would term it a type II policy.

With these thoughts in mind I would like to return to the a few works discussed at the outset. It should be apparent that the

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[26] We live in an interesting time because containment no longer makes sense but a) it has yet to be replaced by a definite alternative (both the Bush and Clinton administration have sought one); and b) its "effects" (e.g., large nuclear arsenals) are still with us.

congressional activities Lindsay describes--appropriations for weapons development, military basing decisions, and the like--fall into my class A. They represent steps taken to pursuant to a specific conception of national security interests (containment) that dictated not the precise form or content of nuclear weapons policy but its broad outlines. Congress, in other words, worked with (and against) the Pentagon and White House to implement a security policy that had been formulated earlier and elsewhere; it did not construct but worked within a preexisting framework of basic strategic objectives.

What lessons might we draw from the superposition of this classification scheme on Lindsay's (and related) works? For one thing, it appears that even after 1968 the executive branch continued to dominate national security policy. True, Congress became more aggressive in the appropriations process. But these endeavors did not establish defense priorities or goals. That power remained in the White House. Note in addition that the time of heightened legislative involvement in weapons development and procurement coincided exactly with the end of disjointed incrementalism Schick describes (1980). Presumably, representatives and senators no longer rubber stamped Defense Department budget requests. But this form of activism still left Congress a minor partner in the making of fundamental security policy, which because of its capacity to limit alternatives and its heavy impact on the allocation of public resources, has to be considered a type I policy. Seen from this perspective, a cynic might even regard Congress as essentially an administrative arm of the executive branch. In any event claims about a resurgence of congressional authority need to be examined in the light of the relations its actions have to others made elsewhere in the political system.

It might be added that Mayhew's enumeration of important or consequential enactments includes, with some notable exceptions such as the civil rights acts of 1964 and 1965, mostly class A, B, and type II policies. An example: he lists in capital letters, which signifies acts his sources "think reached beyond being important to being historically important," (p. 74) the Marshall Plan. No doubt the Marshall Plan has historic significance. But one can raise two questions. First, in what sense did Congress "enact" the European economic recovery program? One could say that it more or less ratified an administration initiative.[27] Be that as it may, one also reasonably ask where the Marshall Plan

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[27] Many in Congress (and the public) had reservations about the sustained involvement in European affairs that the Plan implied. Hogan (1987) But these expression of doubts and the fact that the administration had to "sell" is proposal hardly means that the two branches were on an equal footing in deciding the direction of American foreign policy.

fit in the overall scheme of American national security policy. Was it really a brand new initiative that took the United States into uncharted waters or was it a logical, almost inevitable step in the process of implementing containment?[28]

How do the bills in Table 1 fit into the framework I propose. It appears that only one, the proposal to change the constitution to require a balanced budget, could be construed as a type I policy. And assuming its adoption, for it to fall into that category Congress and the president would have to adhered strictly to the letter and spirit of its provisions. If law makers simply moved large programs off budget or routinely voted exceptions, the amendment would have been vacuous. Strictly followed, however, it might well have altered the structure of the welfare state, tipping the balance even further away from public to private measures.

The remaining measures seem clearly to be either type A or B in that they expand or contract already existing programs. Certainly the House crossed no Rubicons with these "key" votes. None of them would have started or ended a major policy initiative. Four (aid to El Salvador and Angola, SDI, and the call for a nuclear freeze) pertained to how best to wage the cold war and implement containment; the request to urge the President to help settle the Eastern Air strike, raising the minimum wage, and altering Medicare dealt with America's long-standing commitment to a quasi-public welfare state. Similarly, votes on the death penalty, abortion funding, and the flag amendment could be interpreted as B or, in the last case, type II decisions.

Can we draw any meaningful conclusions from this analysis? For one thing I think it supports the points made earlier about the interpretation of aggregate measures of roll call votes. Lumping the trivial with the important may be satisfactory for some purposes. But, it seems to me, we learn less about party cohesion and differences than we might think. To play the role of the cynic, one might advance this proposition: Mayhew and others not withstanding, the issues that divide the parties in Congress are so predigested and narrow that they fail to excite the

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[28] Historians and social scientists such as McCormick (1991) believe that quite apart from containment the United States sought international hegemony. If so, the Marshall Plan, along with all of the other foreign policy initiatives Mayhew lists, should be certainly thought of as class A policies, actions designed to implement this grand design. Whether or not McCormick and others can make their arguments stick is not my concern here. I make the point only to demonstrate the necessity of appropriately typing policies. Once again let me stress that this comment is no way a criticism of Mayhew's work since his ultimate purpose and mine are totally different.

electorate, lead to empty and negative campaigns, belie the lofty and apocalyptic rhetoric of politicians, create a power vacuum filled by the executive, interest groups, and others, and generate mass distrust and apathy. Or, to be equally contentious, consider this proposition: voters seldom have real choices because the parties do not take or at any rate articulate different stands on type I policies. They simply do not have the institutional capacity to develop and "market" them. The items in Table 1 are indicative of what Democrats and Republicans argue about, and they are not sufficiently important to provide meaningful choices.

I would like to conclude by making a couple of observations about state theories. Skocpol and her colleagues examine the origins of social spending in the United States. (See Orloff and Skocpol (1984) and Skocpol and Finegold (1982) for typical works.) They trace the history of old age pensions, industrial accident insurance, health and unemployment benefits, and similar public policies, all of which comprise the core of the modern welfare state. Their studies demonstrate, they contend, the explanatory power of a state autonomy perspective. This model stands in marked contrast to other theories of power and governance such as corporate liberalism (Weinstein, 1968; Lustig, 1982). State managers, according to the theory, have the independence, latitude, and resources to establish and institutionalize social and economic reforms over the opposition of capitalists or other segments of society. For now I have no quarrel with this account (but see among many, many others Domhoff, 1989) except that, as I have repeatedly said, the authors assume the policies they study are sufficient to make their case. And perhaps they are. But consider this possibility. A government can only successfully develop and sustain programs or regulations within a <u>relatively</u> narrow framework, a framework constructed by the decisions and actions made elsewhere by private individuals or groups at some prior time. These limiting factors might include choices pertaining to investment, profit margins, prices, financing, the adoption of technical innovations, corporate structure, and labor relations. If these policies essentially dictate what resources are available for public purposes or effectively constrain the government's options in resource allocation or regulation--I don't claim that they do, only that it is possible--then the state's putative autonomy would be much more limited than the theory suggests. Lichtenstein (1989), for example, asserts that by about 1950 organized labor had largely abandoned its support for a national (i.e., public) welfare system and struck out on its own, negotiating directly with management over health care, pensions, safety, working conditions, and similar benefits. This tactic, it could be maintained, effectively determined, as much as anything state managers did, the scope and nature of America's welfare agenda for a generation.

But how can we know unless we first sort out the connections between various policies (public and private) and arrange them in an order of importance? Then, once that job has been completed, assessing relative influence of various sectors of society may be more realistic and meaningful.

Here is another way to look at the potential value of the reasoning underlying the classification I propose. Many, if not most, theories of the state use domestic policy to make their points. In the case of the United States such a tack seems sensible enough because knowing who writes the laws regarding social security, labor relations, industrial and agricultural policy, and public assistance apparently show who has power and in whose interests the state acts.

For studying postwar America, however, confining one's attention to this range of policies is simply not sufficient. A strong case can be made that the creation and maintenance of a national security state came to dominate every level of American government and politics, at least until the 1990s. This domination has been at one and the same time visible and invisible, widely recognized and badly misunderstood. Naturally everyone pays lip service to the size of the defense establishment and military budgets. But it seems to me that many state theorists who spend so much time dissecting the Congress and presidency underestimate the limits fighting the cold war imposed on domestic policy.

Here is an all too brief example. NSC 68, a policy recommendation drafted under the guidance of Paul Nitze in February and March 1950 and essentially adopted by the Truman administration after the outbreak of the Korean war, led to the "most comprehensive re-armament programme the United States had ever taken in time of peace." (Heuser 1991, p. 17. Gaddis (1982), Leffler (1991), and countless others discuss the origins and implementation of NSC 68.) As a percent of GNP, defense expenditures climbed from 6.9% in 1951 to nearly 14% in 1953. But dollars and cents do not tell the whole story: NSC 68 was part of a process of "militarizing" containment. Hence forth the United States, as President Kennedy would say later, would "pay any price" to defend its interests. Thus, it helped lay the ground work for armed intervention in Korea, Vietnam, Central America, and other places; the design and deployment of increasingly destructive nuclear weapons; involvement in the internal affairs of other countries;...the list seems to go on indefinitely. Moreover, even as the original document predicted and recommended, desirable domestic programs such as education and health had to be postponed or scaled back; taxes raised; and enormous quantities of publicly accessible human and material resources diverted to national defense. Other domestic programs (the interstate highway system and science education, for instance) either had to be or were successfully "sold" under the

rubric of promoting national security.

One can argue in short that NSC-68 was an example par excellence of a type I policy. If this position is correct, if the logic of the classification holds water, then state theorists it seems to me need to spend more time searching for and investigating type I policies and being certain that they are not confused with other kinds. Yet most brands of state theory give decisions like NSC 68 much less attention than the more widely known welfare policies. In short, I believe that any theory of power in American government must begin with an assessment of what impact national security had on internal affairs. Only then will we know who has real power in American society.

Table 1
"KEY VOTES" IN THE HOUSE OF REPRESENTATIVES
ACCORDING TO THE ALMANAC OF AMERICAN POLITICS 1992

House Votes, 1989-1990 (Democratic position)	Demo. split	Rep. split
Eastern Airlines Strike (HR 1231) (For)	232-15	20-152
Override veto of minimum wage raise (HR 2)(For)	227-28	20-150
Increase medicare taxes of wealthy (HR 5835)(For)	228-28	10-164
Fed funds for abortions for rape (HR 2990)(For)	175-72	41-134
Flag amendment (HR 350)(Against)	95-160	159-17
1990 Civil Rights (HR 4000) (For)	240-12	32-142
Restriction on death penalty (HR 5269) (For)	199-36	19-150
Cut SDI (HR 2461) (For)	214-38	34-137
Freeze aid to El Salvador (HR 4636) (For)	219-28	31-135
Urge nuclear test ban talks (HR 4739) (For)	198-44	36-138
Suspend aid to Angola (HR 5422) (For)	195-50	12-156
Constitutional amendment requiring balanced budget (HJR 268) (Against)	**110-145**	**169-5**

FIGURE 1
POLICY CLASSIFICATION

POLICY OR NODE:	MINIMAL CRITERIA:
Type I: ("Agenda-setting")	Sets polity's political agenda Initiates, requires Class A policies Forecloses major policy alternatives National scope Creates a state of affairs
TYPE II: ("Stand alone")	Does not set national agenda Limited scope Does not create state of affairs Initiates, requires Class B policies

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Structural Change, Domestic Politics and International Bargaining: Germany and the Uruguay Round of Trade Negotiations

By Carolyn Rhodes
Associate Professor
Utah State University
Logan, Utah 84322-0725

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Abstract:

When a nation departs from past patterns of behavior to assume a new policy position in international affairs, it draws the attention of observers and raises questions about why the change occurred. This paper focuses on the abandonment by the German government during the fall of 1992 of longstanding opposition to agricultural reform and its concurrent leadership in pursuing a negotiated settlement with the United States concerning agricultural trade policy. It argues that while the field of international relations theory tends to treat explanations of national behavior in international affairs in "layers" via different levels of analysis, this case illustrates the value of vertically integrating explanations by utilizing a common, conceptual approach which spans systemic and domestic circumstances. To accomplish this the paper focuses on structural change as the key causal variable at both the systemic and domestic levels. It assumes that structural change refers to an alteration in what has previously been a definite pattern of organization in relations between nations as well as within Germany itself. The paper concludes that German policy shifts were made possible by changes that had occurred at the systemic level in terms of power and regime relations and at the domestic level in terms of electoral politics and sectoral characteristics.

Introduction:

On November 20, 1992 a key agreement on agricultural reform was reached between the European Community and the United States. Lauded at the time as a major breakthrough in bilateral disputes during the repeatedly stalemated Uruguay round negotiations, the agreement committed the European Community to changes in the Common Agricultural Policy which went beyond the June 1992 CAP reform package already being undertaken by Member States. Focusing in particular on EC oilseed subsidies and generally on the larger problem of subsidization of unrestricted agricultural output, its aim was to pledge the European Community to a new direction in its farm policy. This new direction would include significant production limits on oilseeds as well as other key products, and was designed to reduce the trade distorting effects of the CAP approach.

The European Commission, negotiating on behalf of the Member States, reached a settlement with the United States only a few weeks before a U.S. imposed deadline would have triggered retaliatory tariffs against the European Community. The dispute over EC oilseed policy had been ongoing since 1988 when the United States filed a complaint with the GATT Subsidies Committee against the practice. After a GATT panel ruled in 1989 and again in March 1992 that the EC's oilseed subsidies had the effect of restricting imports from non-EC countries, the issue moved to the center of the stage in EC-US bargaining over the Uruguay round

reforms. Thus, the GATT panel ruling and US threats of trade retaliation in the midst of these negotiations heightened the urgency of reaching some kind of settlement.

However, systemic level factors--US and GATT pressures for reform--though instrumental to the EC's eventual willingness to reconsider past production and support practices in agriculture, are only partial explanations for the achievement of this tentative agreement. A second and crucial factor was the significantly altered position of Germany in the intra-EC discussions over CAP reform. Germany, in cooperation with France has been consistently a staunch supporter of traditional CAP approaches to agricultural support. However, the German government broke with tradition and past patterns of behavior to move away from France and support Britain in its freer trade, more conciliatory orientation toward reaching agreement with the United States. This marked shift in the German position encouraged the EC Commission to offer a new arrangement for CAP oilseed production and support. This initiative averted an escalation of the trade dispute with the United States, and prevented deepening Uruguay round difficulties at the time. Germany took this unprecedented position against the wishes of France, its traditional ally in this sector. France, in turn, protested the settlement with the United States, refusing to agree to the new arrangements.

The German government supported the Commission's plan in contrast to past patterns of behavior because of domestic changes within Germany as well as systemic considerations. While systemic level factors had created continual pressure on the EC member states (including Germany) to reform the CAP for some time, and the German government considered the successful conclusion of the Uruguay round crucial for its own and Community economic interests, it was not until German unification created new domestic circumstances that the Kohl government was encouraged to move toward reform in this once politically sacred sector.

International Relations Theory, the CAP and Germany's Decision:

There are a number of approaches to explaining why national governments undertake cooperative policy initiatives which differ significantly in direction from past orientation in the international context. These approaches tend to follow the levels of analysis conceptualizatiion of international politics. They have focused, for example, on a range of explanations including the effect of hegemonic leadership, established regime relationships and norms of behavior, complex interdependence and international bargaining, and the roles played by domestic institutions, coalitions and politics. To a degree this paper draws from Robert Putnam's concept that "the politics of many international negotiations can usefully be conceived as a two-level game." As he aptly explains, "at the national level, domestic groups pursue their interests by pressuring the

government to adopt favorable policies, and politicians seek power by constructing coalitions among those groups. At the international level national governments seek to maximize their own ability to satisfy domestic pressures, while minimizing the adverse consequences of foreign developments."[1]

This conceptualization is useful for the case at hand because research reveals that neither a purely internationally focused explanation or an exclusively domestically focused explanation is adequate to demonstrate why a new policy was undertaken by the German government. However, rather than trace coalition patterns through bargaining according to Putnam's schematic, this paper takes a broader direction. Utilizing the factor of structural change as the key causal variable, it reviews the four general theoretical approaches enumerated above and evaluates their applicability to an explanation of Germany's initiative in negotiations involving EC Common Agricultural Policy reform in the fall of 1992. In order to explain the emergence of this new German policy position these four general categories of international relations theory are matched to the circumstances surrounding the German government's actions. In conclusion it is discovered that, not surprisingly, all four approaches when taken together provide a compelling explanation.

1. Hegemonic stability theory.

This theory offers some insight into the puzzle of why Germany, after several years of pressure from the United States, finally decided to alter its policy on agricultural reform. There are at least two ways to approach the German decision from the perspective of this theory. The first concerns the pressure exerted by the United States to penetrate the EC domestic market and to maintain its own share of third country markets against EC subsidized exports. The second concerns the possibility that Germany, long since the most economically dominant nation in the European Community, has finally demonstrated a willingness to assume a more assertive leadership role as regional hegemon within Western Europe. A review of the role played by U.S. hegemonic power in this issue area, as well as a review of the historical role played by Germany in the European Community sheds light on these approaches.

First, let us consider how hegemonic stability theory helps to explain the situation. Since the mid-1970s, the United States, under increasing balance of trade pressure, became more and more interested in exploiting its export potential. In the agricultural sector, this effort brought the United States into direct competition and confrontation with the European Community, which pursued a generous domestic price support policy but offered resulting surpluses at subsidized prices on the world market. Since the Tokyo round of trade negotiations, the United States has pressed the European Community to alter its approach to supporting farmers' incomes.[2] Acting more as a "normal"

trading partner, and less willing to absorb the costs of overlooking EC protectionism and export dumping policies, the US government began to leverage the European Community with GATT complaints, bilateral negotiations and trade retaliation[3].

According to several hegemonic stability theorists, a hegemonic power in decline will begin to pursue policies that benefit its own domestic interests with less toleration for the preferences of trading partners and allies.[4] Whereas the United States had originally sought a waiver under GATT for its own domestic agricultural policies, it had done so in general harmony with its allies who also considered agricultural policy their own sovereign purview.[5]

However, in seeking to liberalize agriculture from the 1970s onward, the United States was reacting to the needs of its own relative economic position at a time when the protectionist practices of the European Community were entrenched. This put the United States in direct conflict with EC Member States who had institutionalized the Common Agricultural Policy within their own state-societal structures.[6] Thus, in its position of relative decline the United States was seeking to reform EC practices for its own comparative advantage, and in this regard it can be argued that U.S. hegemonic decline created the conditions necessary for international pressure against the European Community.

While this may explain in part the origins of U.S. pressure on the European Community to reform its agricultural practices, it does not explain why after over fifteen years of conflict and bargaining the German government has taken a demonstrably different direction in its willingness to compromise to accommodate U.S. demands. The application of hegemonic stability theory to the German situation could provide a plausible explanation. The conditions of relatively open trade and finance established under U.S. leadership after WWII created the potential for West German prosperity.[7]

Well before the 1980s the Federal Republic of Germany was the "richest and most productive" of the twelve member states of the European Community.[8] For decades, historians and contemporary analysts have agreed that the historic bargain struck between Germany and France on the creation of the European Coal and Steel Community depended upon the willingness of German production and capital to support the goals of French leadership.[9] Given Germany's desire to assure its neighbors of its good citizenship and deference to the interests of a united western Europe, the historic arrangement with France was absolutely crucial to the fruition of European integration.

Though regional in context, the German situation by the 1980s had become analogous in many respects to the American situation between the World Wars. Just as the United States had the economic power to take the leadership role after World War I, West Germany had the economic power to do so within the European Community after the 1960s. However, capable in terms of economic resources and influence, West Germany as a polity was not willing

to assume a leadership role that would put it at odds with France. Although West Germany could not be accused of being isolationist as the United States had been during the 1920s and 1930s, it has been reluctant to assert itself in dominating the European Community agenda against the wishes of its important French partner. A complete explanation of why Germany has not been willing to do so requires an in depth historical analysis that would focus on domestic politics as well as international arrangements.

Such an examination is beyond the scope of this paper. However, in the context of hegemonic theory it is apparent that two major external factors and two major internal factors came into play in preventing or postponing German regional hegemony. First, German participation in global and regional politics depended upon the special role conferred on it by the United States in its position as the dominant occupying power after World War II. After 1947 this special role was defined by U.S. containment policy and embodied in NATO arrangements for the defense of western Europe. Moreover, German participation in European economic integration had been facilitated by U.S. cold war policies that aimed, not only at western European reconstruction and development, but also at regional cooperation and legitimization of the role of Germany as an economic and military partner.[10]

Eventually a paradox emerged. The very politics and institutions that allowed West Germany entry as a viable partner in Western European affairs and encouraged its economic growth became constraints on German initiative and behavior. Uncomfortable with German power, its neighbors had found assurance in the international structures to which West Germany deferred, and West Germany had little interest in challenging them.[11] As long as the Cold War raged, West Germany, regardless of its wealth and export capabilities, was limited in the role it could assume regionally, both by the constraints placed on it by U.S. hegemonic policies and by the suspicions and discomfort of its European neighbors.

The second international factor was a product of the first. Given the unconditional surrender of Nazi Germany in 1945, the allies established sovereignty over German territory during the Potsdam negotiations. Even after the two German states had been declared in 1949 and four decades of separate statehood followed, the four wartime allied powers retained ultimate sovereignty over the external affairs of the respective entities. Not until the autumn of 1990 did the four nations involved-Britain, France, the United States and the Soviet Union-transfer their collective sovereign authority to the Federal Republic of Germany in order to open the way internationally for the unification of Germany after the fall of the Berlin Wall and the resulting East German collapse.[12]

Thus, hegemony may help to explain the emergence of West Germany as the richest and most dynamic economy in western europe, as cooperative regimes-the Atlantic and European

Communities-facilitated West German participation. Through 1990 the Federal Republic of Germany generally cooperated with the initiatives taken by the United States regarding defense policy in Europe and in the larger bargain with the initiatives taken by France regarding European economic integration. The end of the Cold War and the achievement of unification, however, changed the Atlantic alliance, altering the character and purpose of the defensive regime and lifting the constraints imposed by U.S. hegemony in the containment policy of four decades. The regimes, created by U.S. hegemony and Cold War rivalry, underwent considerable change, which in turn affected the international environment for German actions. The role of regime norms and rules as well as regime change will be discussed below as we delve deeper into the systemic context of West German policy decisions. Before we turn to regimes, however, it is useful to note that within the logic of hegemonic stability theory there is recognition of the importance of domestic factors in shaping the rise and decline of hegemonic powers.

The two external factors discussed above provide a partial explanation of how hegemonic leadership has affected West German growth in economic power while at the same time influencing West German reluctance to assume a leadership role in west european affairs up to 1990. Internally, two other factors must be taken into account, though they will be addressed more thoroughly below within the category of domestic politics and institutions. First, just as the hegemonic leadership of the United States may have established cooperative regimes within which West Germany could prosper, domestic institutions were established which contributed to West German economic vitality.[13] The rise of West German competitive capabilities, high standard of living, high savings rate, and strong currency were products of domestic socio-economic patterns and institutional characteristics ranging from an historical memory deploring high inflation to a highly independent central bank.[14]

A second factor helps to explain why, despite West German adroitness in the international economy, little willingness to seize the reins of leadership has been evidenced. The trauma of Nazism and the resultant humiliation of total defeat during World War II affected deeply the collective psyche of the West German polity. In West Germany, not only the Basic Law, but also the civic affairs of the national community, have focused since 1949 on the importance of eradicating extremism and on the value of political stability and mainstream politics.

As Russel Dalton has explained, "The first objective of the Basic Law, therefore, was to stress institutional structures that would restrain the excesses of the popular will and mediate the direct influence of the public on politics."[15] This included such institutional provisions as the five percent threshold in the proportional representation system of election to the Bundestag and the positive vote of no confidence. In addition, the new constitution maintained the tradition of regionalism in its federal structure, recognizing the importance of continuity with

the structure of regional governance in the past, and providing generally for the administration of federal law at the local level.[16]

The impact of these domestic institutions will be explained more fully below. Suffice it to say at this point that hegemonic stability theory recognizes that key domestic factors contribute to hegemonic ascendancy and that potential hegemons do not always assume dominant leadership because domestic factors inhibit their willingness to do so.[17] Before we turn our attention to the domestic situation, however, it is necessary to explore two other sets of systemic factors, regimes and international bargaining.

2. Regime relationships and norms.

Regime theorists postulate that international regimes, typified by "rules, norms and procedures around which expectations converge," influence the behavior of otherwise autonomous states by regularizing their contact with each other, establishing expectations of mutual conduct, and facilitating transactions among them.[18] Nations, it is argued, will prefer to cooperate with each other and to allow regime rules to govern their behavior because it is in their interest to do so.[19]

Three very different regimes come into play in the issue at hand, the GATT regime, the European Community, and as a backdrop to the trade issue, the U.S. containment regime in Europe. The GATT regime, established through successive rounds of multilateral trade negotiations, reflects the general expectation among members that trade in manufactured goods should not be encumbered with national restrictions and distortions which discriminate against imports. In addition, the regime, through practice, has also reflected the expectation of signatory nations that when restrictions or distortions do affect another nation's exports, complaints should be given hearing and the dispute settled either through bilateral or multilateral discussions.[20] In this sector a number of cases have been taken through the GATT dispute settlement procedure, but this has not resulted in the incorporation of consistent principles of acceptable behavior. As noted above, agricultural trade was never brought fully within the GATT regime, so although the expectation that trading partners would work toward dispute settlement has been evident in this sector, the complementary norm of liberal trade has not. Thus, expectation convergence has not emerged within the GATT for liberal agricultural trade.

The United States has attempted to assert its leadership in GATT negotiations during the past two decades to convince the European nations and others that the liberal regime should in fact encompass agricultural trade. This has not proven an easy task.[21] While disputes in manufacturing trade between the United States and the European Community have been settled regularly to the mutual satisfaction of the parties involved, agricultural trade disputes have tended to result in stalemate.[22] The GATT Secretariat has made an unprecedented effort to facilitate

Uruguay round negotiations by setting timetables and vocally criticizing the intransigence of the parties involved.[23] Yet, the GATT regime has succeeded only in keeping the negotiators at the table, not in causing them to reach an agreement. Thus, the willingness of the German government to agree to the oilseeds arrangement in November 1992 cannot be explained simply with reference to cooperation within the GATT regime because a long term pattern of noncooperation in this sector characterized Germany's involvement in GATT negotiations to that point.

The European Community can also be treated as a cooperative regime, where expectation convergence around a defined set of rules, norms and procedures characterizes member state behavior. In their self interest member states came together to achieve a common market with institutional mechanisms aimed at facilitating the free movement of people, goods and capital. A cornerstone of EC cooperation has been the Common Agricultural Policy (CAP), which functions to maintain cooperatively established support prices for agricultural goods and to dispose of surpluses on the world market at reduced rates when they occur. Cited for decades as the most successful of the EC's arrangements, the CAP has taken the Community from being a relatively weak agricultural producer and net importer to being a formidable agricultural producer and a net exporter. That this has also produced gross surpluses which must be disposed on the world market at subsidized rates, however, lies at the heart of the dispute with the United States.

Most analysts agree that the European Community is actually something more than a regime. Some point to the supranational character of EC institutions and law, where Community decisions actually supersede national law thereby demonstrating that "the institutional structures underpinning the internal market are more constraining on the behavior of sovereign states than has been the case for other regimes."[24] In the CAP, for example, decisions taken by the Council of Ministers of Agriculture become directives that impose upon member states Community provisions for support and compliance.[25] However, even with this attribute, most major EC decisions are made as a result of intergovernmental bargaining among member states.

Attempting to capture the essence of the EC as being something between a regime and a supranational organization, Keohane and Hoffman have identified it as a "network."[26] This recognizes, for example, the fact that while a there is a "pooling of sovereignty" where, for example, a good deal of initiative can be taken by the EC Commission and an important role is played by the EC Court of Justice in dispute settlement and harmonization of practices, these supranational aspects do not replace the give and take of intergovernmental bargaining in the Council of Ministers.[27] Accordingly, "although the *process* of European Community policymaking is supranational, all this negotiation and coalition-building takes place within the context of agreements between governments...."[28] Consequently, the EC functions as a regime to a large extent, though as Garret has

noted levels of institutionalism are much higher than in most other cooperative regimes.

Within the cooperative regime of the European Community, intergovernmental bargaining has generally followed a predictable pattern. On issues involving trade liberalization in manufacturing sectors, West Germany and Britain have generally pursued agreement on progressive market access. In agriculture, however, while Britain continues to pursue liberalization, Germany has consistently pursued protectionist policies that contradict its otherwise free trade orientation. As Frank Weiss notes, in agriculture "it is generally the most protectionist country in the EC."[29] Along with France, Germany has blocked numerous free trade initiatives that would subject its farmers to external competition.

In fact, until 1991 there was no significant effort to liberalize the Common Agriculture Policy at all, and even then the Mac Sharry reforms did nothing to question the fundamentals of CAP policy, such as price supports and surplus dumping. They did evidence the potentially important role of the EC Commission in molding EC regime directions. They also recognized for the first time that the farmers have some responsibility to absorb some of the costs of overproduction while at the same time noting that direct payments rather than market price supports might be a more efficient way to achieve agricultural stability.[30] However, EC Commission proposals remained difficult to achieve. In June 1992 the EC Council of Ministers for Agriculture finally adopted the essence of the Mac Sharry reforms, including a plan to cut spending on cereals subsidies by almost a third. Up to that time, however, even when the German government favored CAP reform in terms of budgeting and payments, Germany repeatedly blocked liberal initiatives aimed at reducing prices to its farmers.[31] Finally the compromise that was struck set price levels for cereals at what many observers agreed was "at the limit of competitiveness."[32]

Just as the GATT regime never included the expectation that member states would liberalize agriculture to the extent of that enjoyed by manufactured product trade, the EC Common Agriculture Policy has been based upon protectionism and high domestic price supports. To attempt its reform is tantamount to creating an entirely new regime. While institutional decisionmaking structures remain the same, norms and rules of behavior will be vastly different. As Keohane has noted, the creation of new regimes (for example within the EC as well as within the GATT) is much more difficult to achieve than is the maintenance of established regime patterns.[33]

The third regime that must be factored into an analysis of German agricultural trade policy is the cold war containment regime established by the United States to confront the threat of Soviet aggression. As discussed above, West Germany participated in this regime as the key player in the deterrent and defensive strategies devised by NATO against a possible Warsaw Pact attack on Western Europe. Although this regime has nothing directly to

do with trade, for four decades it provided a set of norms, rules and expectations of behavior that proscribed West German policy, especially regarding East Germany.

The division of Germany at the end of World War II became symbolic of the division between East and West in the Cold War. At Potsdam, as well as in the 1949 Basic Law, the possibility of reunification was recognized.[34] Yet cold war politics made this eventuality appear elusive, the subject of nationalistic rhetoric, but realistically little more. As long as the confrontation between the Soviet Union and the United States continued, German reunification seemed impossible, because neither superpower would tolerate a loss of control over its key strategic partner in Europe.

The astonishing events of 1989-90 radically altered the containment regime as it had existed since 1949. The two plus four negotiations that paved the way for German unification brought an end to the assumptions about West Germany's place in Europe and opened speculations about a new role for united Germany.[35] While the normative and rule structures of the GATT and EC regimes remained unchanged, the containment regime was totally revolutionized, and German behavior in the former two regimes was expected to be affected by the changes in the third regime.[36] In fact, some observers have gone so far as to say that significantly new directions are foreseeable. For example, Jagdish Bhagwati, economic policy advisor to the director general of the GATT, Arthur Dunkel, said in an interview in November 1991 that "historically, the Germans have found it very difficult to stand up to the French, but . . . unification of Germany changed this relationship, made the Germans forward-looking and gave them an aura of glory that enabled them to get out in front. . . . now the Germans have more confidence in themselves and Chancellor Helmut Kohl is prepared to play a historic role."[37] Clearly, spill-over from changes in one regime to the other regimes has been expected.

Regarding the German CAP decision, regime theory generally helps to establish the normative and practical contexts for member state interaction and decision making, though it does not adequately explain why change has occurred. As discussed above, the GATT regime provided the forum, if not the actual rules, for the dispute settlement efforts undertaken by the United States and the member states of the European Community, and the GATT Secretariat played an active role in attempting to bring the two parties closer to agreement on agricultural trade liberalization. Similarly the European Community provided the forum as well as the institutional structure for intergovernmental negotiations about CAP reform. The containment regime maintained the division of Germany until 1990, and then collapsed with the end of the cold war. German unification created an entirely new domestic situation for the German government. Although the institutional framework of the Federal Republic was retained, the demographics and socio-economic characteristics of the East challenged western patterns of behavior. The discussion of the domestic situation

below will explain how this has affected Germany's position on the CAP and the Uruguay round.

3.Complex interdependence and international bargaining:

In the discussion above of the validity of hegemony theories I observed that U.S. hegemonic decline, as well as the rise in economic power of West Germany, may offer some explanation of the origins of systemic level pressures on the German government to alter its traditional position on agricultural policy. The GATT trading regime under U.S. leadership established strong interdependent trading relationships across the Atlantic, expanded trade significantly, and contributed to transatlantic discussions and dispute settlement efforts, even if agriculture was never fully embraced. Along with extensive foreign direct investment and other financial transactions, a situation of complex interdependence developed.

Complex interdependence assumes that the extent and complexity of transnational interaction and exchange contributes to cooperation between states as they experience the benefits and costs of interdependence. This interdependence creates "vulnerabilities" and "sensitivities" that allow states to exercise bargaining leverage on other states.[38] Beth and Robert Yarbrough have demonstrted that in the realm of trade, bilateral bargaining can effectively achieve policy goals, including liberalization.[39]

United States activity prior to and during the Uruguay round negotiations is illustrative of such bargaining efforts. The United States actively pursued a retaliatory policy in an attempt to raise the costs to EC member states of maintaining past CAP approaches.[40] This effort to pry the European Community away from its deeply entrenched policy was evidenced in a number of complaints filed with GATT after 1979 and in a number of subsidized sales of agricultural products under the Department of Agriculture's Export Enhancement Program, which were designed to wrest away traditional EC export markets.

Ronald Libby has recently argued that the mercantilistic bargaining approach of the United States did succeed in pressuring the European Community to consider agricultural trade liberalization in the Uruguay round negotiations and to subsequently undertake agricultural reform. However, he qualifies that the effort was a partial success: "Although the program did not succeed in eliminating the 'trade-distorting' practices of EC competitors, it did help restore U.S. dominance of the world grain trade. It also constituted an incentive for the European Community to agree to include export subsidies and even its Common Agricultural Policy on the GATT negotiating agenda-something the community had vowed never to do."[41] He also recognizes that external pressures alone could not achieve reform. Issues within the European Community, such as budgetary contributions and fairness, also came into play. Increasingly, the British and German governments and public came to perceive

that their contributions to agricultural price supports and subsidies were unfairly high in comparison with those of France which was "a major beneficiary."[42]

International bargaining did apparently apply pressure on EC member states to consider reform and to include agriculture in the Uruguay round, but it alone did not succeed in leveraging the EC away from the core agricultural support and protectionist program. Despite differences concerning budgets, Germany, as well as France, remained committed to the goals of the CAP.

During 1991-92, however, noticeable changes were evident in the EC's stance toward agricultural reform. Under the leadership of Ray Mac Sharry, the EC commissioner responsible for agriculture, a new effort to reconsider the fundamental tenets of the CAP was launched. In June 1991 he announced a new approach to agricultural support that included production limits on a range of products (limits had existed on milk for some time) and the notion of direct payments to farmers.[43] This reform effort limited future rises in subsidy levels, but did not reduce current levels, a severe shortcoming as far as U.S. negotiators were concerned. Moreover, it did not repudiate the practice of surplus dumping, a key concern of U.S. agricultural interests. Consequently, the United States continued to apply pressure to force the EC to further reform its approach to agriculture.

In addition, in March 1992 a GATT panel report on EC oilseed subsidies was announced which confirmed the U.S. claim that the practice was discriminatory and trade distorting, and that an "overhaul" of the program after a similar 1989 GATT panel ruling "did not go far enough."[44] This buttressed the U.S. position in the Uruguay round negotiations and added further pressure against EC policies. By the summer of 1992 the United States was threatening retaliation against the EC if it did not reach an agreement on the oilseeds issue and larger CAP reform. In June "the U.S. Trade Representative's Office released a list of EC products, with a total import value of $2 billion, and said the U.S. would choose $1 billion of them for 'prohibitive' levies unless the fight were settled."[45] While the oilseed dispute was not directly related to the Uruguay round, the United States was utilizing it as a lever in the larger negotiations.

By fall, in the aftermath of crisis in the exchange rate mechanism of the European Community and the narrowness of the French vote ratifying the Maastricht Treaty, pressure was mounting for the successful settlement of the trans-Atlantic dispute. The Uruguay round negotiations were stalemated yet again, and the prospects of a trade war heightened as the United States set a deadline for agreement. The U.S. Trade Representative threatened that if it expired without an arrangement acceptable to the United States, the retaliatory tariffs listed in June would go into effect.[46]

Observers generally agreed that Britain and Germany were in agreement that a compromise on CAP oilseed policy was necessary and that a larger reform of CAP should be put forward before the U.S. deadline. France, however, was unequivocally resolute in

its objection to "any substantial cuts in agricultural subsidies."[47]

At the EC-U.S level, negotiations proceeded at a rapid pace Reportedly within reach of a settlement at a meeting in Chicago during the first week of November Ray Mac Sharry was interrupted by a call from Jacques Delors, influential President of the EC Commission and masterful engineer of the 1992 single market plan for Europe. Delors intervened to say that "he, the French government and one other EC member state opposed Mr. Mac Sharry's planned offer." In reaction Mac Sharry resigned as the chief negotiator of the farm deal.[48] This episode triggered a spate of intra-EC bickering and then a renewed attempt to reach a compromise, with Germany taking a more prominent role in leading the effort, and Mac Sharry agreeing to resume his position in the trans-Atlantic negotiations.[49] Clearly, the French found themselves "odd man out," as Germany, the largest oilseed producer in the European Community, demonstrated its willingness to accept a modification of EC subsidy policy on oil seeds as well as a larger farm reform package in order to avert deeper trade problems with the United States that would further delay the Uruguay round.[50]

The package itself pledged the EC to reduce subsidized farm exports by 21 percent over the next six years, and "that oilseed production areas would be limited to 5.128 million hectares." In addition subsidization of cereals would be reduced by 29 percent over the next three years, and there would be a plan for a 15 percent yearly set aside of production areas.[51] Immediately the French government announced its opposition to the deal and despite a number of meetings between Germany and France, to the present no mutually acceptable compromise has been reached.

This set of events demonstrated that intergovernmental disagreements-particularly between France and the other major EC member states-overshadowed EC institutional solidarity on CAP reform and trade liberalization. Despite EC Commission facilitation of the reform effort, the essence of the trans-Atlantic negotiations remained characterized by intergovernmental bargaining, with Delors doffing his Commission hat in favor of his French beret, and Germany joining Britain in support of a settlement with the United States. Clearly, intergovernmental bargaining, including the prospects of U.S. retaliation contributed to the willingness of Germany to take the lead in confronting France and keeping CAP reform and trans-Atlantic negotiations on track. However, this alone was not enough to explain the *change* in the Kohl government's behavior. To round out our explanation of this situation, we must finally turn to domestic institutions and politics.

4. Domestic institutions, coalitions and politics:

A number of theorists have focused attention at the domestic level in an effort to explain why nations behave the way they do internationally. From Kenneth Waltz' depiction of the "second

image" to Peter Katzenstein's work on comparative industrial policies, students of international relations have become cognizant of the importance of examining domestic as well as international factors of explanation.[52] In the case example being explored, an examination of domestic factors is crucial. An understanding of Germany's behavior depends to a large extent on an understanding of the domestic institutional structures and politics surrounding agricultural policy.

At the opening of the Uruguay round of trade negotiations, Frank Weiss, an analyst of the German policy position, predicted that German agricultural policy was ripe for change. He listed the following reasons: "The farm vote is needed to stay in power. The other EC countries will not accept the demands for higher prices tabled by the German Ministry of Agriculture. The German federal budget cannot bear the cost of supporting farmers by continuing to raise output prices in the present way. The farm lobby, propounder of past policies, is under attack by the small farmers."[53] What Weiss could not foresee was German unification, which did not alter the veracity of his conclusions but served to make them all the more appropriate. To see why this is so an examination of domestic electoral institutions and politics, as well as the impact of unification, is necessary.

In our discussion of hegemony and regimes we noted that West German political and economic structures had aimed at ensuring stability. This included an electoral system that allowed proportional representation, but provided for a five percent threshold to prevent extremist parties from splintering the Bundestag and obstructing the goals of mainstream politics. Students of West Germany are well acquainted with the pattern of representation in the Bundestag since 1949. Two major parties have competed for governance, the Christian Democratic Union (the party now in power) and the Social Democratic Party (the opposition party at the present time.) In addition, two other parties have consistently received over five percent of the vote and therefore sit in parliament as well--the Free Democratic Party, often termed the liberal party, and the Christian Social Union, to this point in time a permanent coalition partner with the CDU. While the FDP purposely shifts its allegiance between the two mainstream parties in order leverage cabinet positions and gain influence in a coalition government, the CSU has always aligned itself with the CDU.

The CSU is a Bavarian based party, so much so that the votes it receives to surpass the five percent threshold have been gained almost exclusively in that region. The CDU has agreed not to campaign in Bavaria and in turn the CSU has confined itself to Bavaria.[54] This has meant that the CSU has concentrated control of the Bavarian land government, but has virtually no influence in electoral politics elsewhere. As Weiss has noted, the CSU depends heavily on farm support, and this has had the double effect of concentrating farmer influence in this region and forcing the CDU to place farm issues high on the larger party's political agenda. As he puts it, "not only do the farmers have a

lobby, they also have a client party and local state government to argue their case."[55] This, he argues, is an important reason why "the German position in agricultural policymaking in Brussels is the opposite of that for industry," that is, protectionist rather than free trade oriented.[56]

Paterson and Southern have argued that the Common Agricultural Policy has been extremely important for the CSU since it has meant that "the costs of supporting the very uneconomic Bavarian agricultural sector were not borne by the state finances of Bavaria....The maintenance of the CAP and of high agricultural prices has therefore been a key CSU policy."[57] Clearly, the CSU has taken its position on agriculture to the CDU, and given rather marginal electoral success for the CDU in past elections, the CDU has treated the issue with favor, despite long-standing acrimony and rivalry which existed between Helmut Kohl, Chancellor and head of the CDU, and Franz Joseph Strauss, leader of the CSU until his death in 1988.[58]

With unification, the future of the CSU has become tenuous. Because its support is regionally concentrated the CSU stood to lose in all-German elections that included former East Germany. As Wallach and Francisco note, "[the CSU] has consistently earned more than 9 percent of the vote in the West, which is about 6 percent of the vote in a united Germany. Realizing the danger of this percentage before the March DDR elections, party officials sought to hinder the danger of being close to the 5 percent hurdle by founding an Eastern wing, the German Social Union. However, the 6.3 percent the German Social Union gained in the March DDR election fell to 1 percent in December. *So the Christian Social Union must face the future possibility of falling below the 5 percent mark.*"[59]

At the same time that the CSU suffered diminishing proportional influence, the CDU maintained its overall proportion of support, indicating a relatively stable position in a united Germany and a particularly strong showing in East Germany.[60] Electoral shifts against the CSU, as well as altered regime circumstances noted above, may well have emboldened the CDU to reconsider its long-standing agricultural policy. This is especially plausible given the very different orientation of East German agricultural interests.

According to an EC Commission study of East German agriculture, "5.85 million hectares or 95 % of total agricultural lands is operated by only 4,751 farms (465 directly state owned and 3,855 cooperatives)."[61] This means that the farms in the East are significantly larger than in the West, and although they do not currently have the equipment to operate such large units efficiently (there is a high labor to land ratio in the East), the long term potential is for more competitive agricultural production. While farms in the West have traditionally been smaller, especially in Bavaria, the trend has been toward larger, more economically competitive units. Thus, the addition of larger East German farms could move Germany further away from its traditional stance favoring high levels of protection for small,

inefficient farms to a more liberal position. As Lippert et.al. have noted, "the integration of the former GDR, with its large-scale units, into the EC and CAP drew Britain and Germany closer together, as Britain hoped for a softening of the German position on CAP reforms. Although in West Germany the view was that units in the East were too large, West German agriculture, with its small farms, remains uncompetitive within the EC relative to average incomes."[62]

These structural changes in agriculture as well as in electoral demographics which resulted from unification have drastically altered the domestic political environment in the agricultural sector. The diminishing importance of the CSU, combined with long-standing clashes between it and the ruling CDU, plus the shifting orientation of agricultural interests, have combined to release the Kohl government from its traditional intransigence on farm reform. Weiss's predictions of several years ago are particularly prophetic in light of these changes. He is correct that the farm vote is needed for the CDU to stay in power; however, he could not have foreseen that unification would shift the locus of agricultural influence away from Bavaria. Thus, appeals to the farm lobbies will increasingly focus on the larger farms, continuing a trend that had already divided the farm lobby. Ongoing pressure from fellow EC member states to achieve farm reform, as well as pressure from the United States and the GATT, has contributed to a reconsideration of the German position. Finally, Weiss's prediction about the unacceptable pressure on the federal budget of farm support takes on new dimensions in the wake of the costs of unification. The budgetary crisis and high interest rates which so strained the European Monetary System during 1992 added even stronger pressure on the Kohl government to cut agricultural spending.

Conclusion:

This case study demonstrates that changes in the international structure resulting from the thaw in the cold war and changes in the U.S. containment regime in turn opened the way for changes in Germany's domestic political structure, and this caused a shift in policy preferences. It supports Putnam's view that explanations of foreign policy initiatives must take into account that both domestic and international factors influence decision makers. Systemic level theories such as hegemonic stability theory, regime theory, and theories of international bargaining are important in helping to frame the international context for national actions. At the systemic level, one can focus on power relations, interdependence, and regime expectations, all of which become part of the calculation of national interest and of the opportunity costs faced by a national government in choosing one set of actions over another. The fact that Germany has faced pressure from the United States, the GATT negotiation process and from other EC member states such as Britain to reconsider its position on agricultural reform

established the systemic context. The evolution in economic power positions and significant regime change have altered the international environment in which Germany operates, opening opportunities for new directions in international policy.

However, this context, while crucial to an understanding of the constraints and opportunities available to German interests internationally, does not fully explain why the initiative in November was taken. To understand this, one must also examine the recent changes that have occurred domestically, because these changes have resulted in the removal of constraints which previously hindered such an action. Unification and its attendant impact on the domestic economic situation, electoral patterns, and farm lobby characteristics have all contributed to a very different set of domestic circumstances. These circumstances have allowed the Kohl government to pursue a more assertive leadership role in reforming agriculture without fearing adverse electoral consequences.

Thus, this case illustrates that to deepen our understanding of new policy initiatives which break with old allies and signal new directions in international leadership, it is necessary to consider a range of systemic as well as domestic level explanations. To focus on any one theory is to limit our knowledge. However, a more vertically oriented approach takes us beyond traditional methodological boundaries and opens the way for more comprehensive explanations. At the same time the use of single integrating concepts such as structural change may assist us in exploring the interaction of domestic and international factors without forfeiting parsimony altogether.

1.Robert Putnam, "Diplomacy and domestic politics: the logic of two-level games," International Organization 42,3 (Summer 1988), 434.

2.Gilbert Winham, International Trade and the Tokyo Round Negotiation, (Princeton: Princeton University Press, 1986), 146-155.

3.For example, the United States filed complaints with the GATT Subsidies Committee on subsidized EC wheat flour, pasta, and oil seed exports. In the last two cases, the GATT panel ruled against the EC's practices, legitimizing U.S. claims and mounting pressure to bring agricultural trade under the GATT framework during the Uruguay round. Carolyn Rhodes, Reciprocity, U.S. Trade Policy and the GATT Regime (Ithaca: Cornell University Press, 1993 forthcoming), chapter 7.

4.See Charles P. Kindleberger, The World in Depression, 1929-1939, (Berkeley: University of California Press, 1973), 305; "Dominance and leadership in the international economy," International Studies Quarterly, 25, 3 (June 1981), 242-54; The International Economic Order (Cambridge, Ma: MIT Press, 1988), chapter 14; Robert Gilpin, War and Change in World Politics, (Cambridge: Cambridge University Press, 1981) for the general arguments and explanations of the role played by hegemonic dominance and leadership. See Stephen Krasner, "American Policy and Global Economic Stability," in William P. Avery and David P. Rapkin, eds. America in a Changing World Political Economy; and Robert Baldwin, "The New protectionism: a response to shifts in national economic power," in Jeffrey A. Frieden and David A. Lake, International Political Economy: Perspectives on Global Power and Wealth, (New York: St. Martin's Press, 1991), 362-375 for the argument that in decline hegemonic powers begin to lose their ability to influence and also begin to behave in mercantilistic, self serving ways.

5.GATT Article 2 allowed an exception to the general prohibition on quotas in order to allow the United States and other GATT negotiators the right to "restrict the quantities of the like domestic product permitted to be marketed or produced" if this restriction was necessary to the operation of domestic price support programs such as the U.S. Agricultural Adjustment Act of 1933. Winham, The Tokyo Round, 152.

6.Ibid., 156-167; and Brian E. Hill, The Common Agricultural Policy: Past, Present and Future (New York: Methuen, 1984), 150-152.

7.For a view of the effects of the U.S. in relative decline see Stephen Krasner, "American Policy and Global Economic Stability," in William P. Avery and David P. Rapkin, eds. America in a Changing World Political Economy, (New York: Longman, 1982), 29-

48. Though looking at British hegemony, David Lake makes the strongest case that other nations can benefit from free trade regimes established under hegemony in his examination of U.S. free riding on the British system of free trade prior to the 1920s. David Lake, Power, Protection and Free Trade: International Sources of U.S. Commercial Strategy, 1887-1939, (Ithaca: Cornell University Press, 1988).

8. H.G. Peter Wallach and Ronald A. Francisco, United Germany: The past, politics, and prospects, (Westport, Conn.: Greenwood Press, 1992), 23.

9.John Pinder, European Community: The Building of a Union, (Oxford: Oxford University Press, 1991), 3-6; Derek W. Urwin, The Community of Europe: A History of European Integration Since 1945, (New York: Longman, 1991),43-50.

10.Alfred Grosser, The Western Alliance: European-American Relations Since 1945, (London: Macmillan, 1980), 97-128.

11.A notable exception to this was Germany's position regarding economic relations with the Eastern Bloc. Michael Mastanduno has explained that German economic interests in the East, as well as differences in interpretations about the strategic value of commerce with the Soviets, brought the FRG to pursue a more independent, detente oriented policy in terms of trade and finance than the United States preferred. However, the actual Co-Com regime was never seriously threatened. Michael Mastanduno, "Trade as a Strategic Weapon: American and alliance export control policy in the early postwar period," in G. John Ikenberry et.al. The State and American Foreign Economic Policy, (Ithaca: Cornell University Press, 1988), 121-150.

12.Treaty on the Final Settlement with Respect to Germany, September 12, 1990 reprinted in Jonathan Osmond, German Unification: A Reference Guide and Commentary (New York: Longman, 1992), 287-291.

13.H.G. Peter Wallach and Ronald A. Francisco, United Germany: the Past, Politics, Prospects, (Westport, Conn.: Greenwood Press, 1992), 16-23. See also Peter Katzenstein, ed. Industry and Politics in West Germany: Toward the Third Republic, (Ithaca: Cornell University Press, 1989); and Simon Reich, Fruits of Fascism: Postwar Prosperity in Historical Perspective, (Ithaca: Cornell University Press, 1990).

14.Lance T. Lelooup and John T. Woolley, "Legslatve oversighht of monetary policy in France, Germaany, Great Britain, and the United States," in David Olson and Michael Mezey, eds. Legislatures in the Policy Process: The Dilemmas of Economic Policy, (Cambridge: Cambridge University Press, 1991), 50-53.

15. Russell J. Dalton, Politics in Germany (New York: Harper Collins, 1993), 46.

16.Ibid., 47-51.

17.Charles Kindleberger, The World in Depression, 296-304.

18.Stephen D. Krasner, "Regime causes and regime consequences: regimes as intervening variables," in Stephen D. Krasner, ed. International Regimes (Ithaca: Cornell University Press, 1983), 2.

19.Robert O. Keohane, "The demand for international regimes," in Stephen D. Krasner, ed. International Regimes (Ithaca: Cornell University Press, 1983) 325-55; Stephen D. Krasner, "Regime causes and regime consequences: regimes as intervening variables," Ibid., 1-22; and Arthur A. Stein, "Coordination and collaboration: regimes in an anarchic world," Ibid., 115-40.

20.Arthur Dunkel, Dispute Settlement and the GATT...; and Rhodes, Reciprocity chapter 4.

21.Thorald K. Warley, "Agricultural Trade Policy Issues in the 1980s," in Hartwig De Haen, et.al. eds, Agriculture and International Relations, (London: Macmillan, 1985), 250-251.

22.Rhodes, Reciprocity, chapter 7.

23.Arthur Dunkel, Director-general of the GATT Secretariat has been particularly energetic and interventionist in his effort to encourage a successful settlement. At the end of 1991 he released "a comprehensive plan for the reform of the world trading system. This include proposals to cut subsidised farm production and agriculture export subsidies and to open all markets to farm exports. Within days, the plan was rejected by the EC...." Financial Times, 7 May 1992/

24.Geoffrey Garret, "International Cooperation and Institutional Choice: The European Community's internal market," International Organization 46, 2 (Spring 1992), 533. See also Wayne Sandholtz and John Zysman, "1992: Recasting the European Bargain," World Politics, 42 (October 1989), 95-128.

25.Clive Archer and Fiona Butler, The European Coommunity: Struture and Process, (New York: St. Martin's, 1992), 23-43.

26.Robert O. Keohane and Stanley Hoffman, "Institutional Change in Europe in the 1980s," in Keohane and Hoffman, eds. The New European Community: Decisionmaking and Institutional Change, (Boulder: Westview Press, 1991), 10.

27.Ibid.

28.Ibid., 17

29.Frank D. Weiss, "Domestic Dimensions of the Uruguay Round: the case of West Germany in the European Communities," in Henry R. Nau, ed. Domestic Trade Politics and the Uruguay Round, (New York: Columbia University Press, 1989), 79-80.

30.Ray Mac Sharry, Member of the European Commission with responsibility for Agriculture and Rural Development, speech before the Club de Bruxelles conference on the CAP, "The Common Agricultural Policy," Brussels, 25 April 1991.

31.For example, in May 1992 the Financial Times reported that Germany's "refusal to agree to cuts in grain prices lies at the heart of the stalemate over farm trade reform in the Uruguay Round of world trade talks, according to a senior US administration official," 7 May 1992.

32.Agence Europe, 1 May, 1992.

33.Robert O. Keohane, After Hegemony: Cooperation and Discord in the World Political Economy, (Princeton: Princeton University Press, 1984), 50.

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39.Beth V. and Robert M. Yarbrough, "Reciprocity, Bilateralism, and Economic 'Hostages': Self-Enforcing Agreements in Interntional Trade," International Studies Quarterly 30 (March 1986), 7-21.

40.Ronald T. Libby, Protecting Markets: U.S. Policy and the World Grain Trade, (Ithaca: Cornell University Press, 1992), 8-10. Also, Rhodes, Reciprocity, chapter 7.

41.Libby, Protecting Markets, 131.

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46.George Melloan, "Brussels Bureaucrats Just don't Get the Message," The Wall Street Journal, 9 November 1992, A15.

47.Peter Gumbel and Bob Hagerty, "EC Meeting Fails to Boost Public's Faith, The Wall Street Journal, 19 October 1992, A10.

48.Melloan, "Brussels Bureaucrats," A15.

49.Bob Hagerty and Bhushan Bahree, "EC Shows Signs of Compromise in Trade Battle," The Wall Street Journal, 11 November 1992, A3.

50.Daily Report for Executives, 3 December 1992.

51.The Xinhau General Overseas News Service, 26 November 1992.

52.Kenneth N. Waltz, Man, the State and War: A Theoretical Analysis, (New York: Columbia University Press, 1959); Peter J. Katzenstein, ed. Between Power and Plenty: Foreign Economic Policies of Advanced Industrial States, (Madison: University of Wisconsin Press, 1978. See also Graham Allison, Essence of Decision: Explaining the Cuban Missile Crisis, (Boston: Little Brown, 1971); Helen Milner, Resisting Protectionism, Global Industries and the Politics of International Trade, (Princeton: Princeton University Press, 1988; and Michael N. Barnett and Jack S. Levy "Domestic Sources of Alliances and Alignments," International Organization, 45,3 (Summer 1991), 369-395. Particularly regarding positions in international negotiations, see Frederick W. Mayer, "Managing Domestic Differences in Negotiations," International Organization, 46,4 (Autumn 1992), 793-818.

53.Weiss, "Domestic Dimensions of Uruguay Round: the Case of West Germany," 81.

54.Though technically true, there has been one nominal exception to this practice. The CSU established a sister party in East Germany during 1990 under the name German Social Union. See the discussion below.

55.Ibid. 81

56.Ibid., 79.

57.William E. Paterson and David Southern, Governing Germany, (New York: W.W. Norton, 1991), 195.

58.Ibid, 197-198. Strauss was succeeded by Theo Waigel who is considered to be less confrontational.

59.Wallach and Francisco, United Germany, 86. My emphases.

60.Charlie Jeffery, "Electoral Volatility in United Germany," in Jonathan Osmand, ed. German Reunification: A Reference Guide and Commentary, (Harlow, Essex, U.K.: Longman Group UK Limited, 1992), 116.

61.Commission of the European Communities, The European Community and German Unification: Bulletin of the European Communities Supplement 4/90, (Luxembourg: Office for the Official Publication of the European Communities, 1990), 76.

62.Barbara Lippert, et.al. German Unification and EC Integration, (New York: The Council on Foreign Relations for the Royal Institute of International Affairs, 1993), 101.

THE MORAL IDENTITY OF THE CITY MANAGER IN THE INFORMATION AGE

by

Fred W. Rhynhart, J.D., Ph.D.
Associate Professor
Department of Political Science
Northern Kentucky University

Identity of the City Manager
Introduction

I began to think about this paper quite a while ago. As a county manager (or a close approximation thereto) I had approached my job as a change agent. We tried zero based budgeting, developed a computerized road information system, and carried out a survey of voters on a number of topics, including public apprehension about a nuclear power plant then in construction.For my troubles or the predicaments that these changes thrust me into I was soon returned to the academy.Since then I have considered the dilemmas of the administrator that arrives with his own agenda of change.

The Master of Public Administration at Northern Kentucky University gave me the opportunity to teach several courses including administrative theory, public policy and ethics for administrators.My earlier practice was then cast in a different light.

Parallel to this development was the chance of my living in a council-manager city.I was active in the community: first, as an resource person for neighborhood groups; then, as an a neighborhood leader; and finally as a candidate for city council. I am currently serving in my fourth year as a legislator in a council-manager system. Just now I am in the middle of a campaign for a third term.

This preparation combines theory and practice.It has brought me to the concerns in this paper.The principle QUESTION is how can a manager who sees the need for change carry out his job in an ethical manner consistent with democratic theory. For it is clear that the information age in our cities require a many great many changes and that the old role of the instrumentally efficient city manager does not fit the contemporary age. Several writers and managers frustrated with the limitation of a more passive role have imported the role of entrepreneur from the private economy into council manager system.It might be noted that the "entrepreneurial management" has been suggested as a new paradigm for public administration. This paper will not evaluate all the ideas suggested by Drucker(Innovation and Entrepreneurship,1985) and his progeny Osborne and Gaebler(Reinventing Government,1992) but will limit itself to the

concept as city manager as entrepreneur.

The approach of the paper will to study the historical evolution of the role of the manager in the council-manager system and place the current debate over the ethical role of the city manager in the context of that evolution.The entrepreneurial school will then will evaluated in light of the wave of a concern for ethics in public administration.

I Traditional Role of the Manager

A. The Origins of the City Manager System

> Democracy is my prime objective and not money saving and greater efficiency. Richard Childs
>
> They represent in their professional capacity a determination to keep the technical services of local government "out of politics"....Louis Brownlow

The Progressive movement gave us two great and long lasting political reforms of the American political system, the primary election and the city manager system.In creating the city manager system the Progressive movement sought the goals noted in the quotes above. In their day and in their way of thinking the goals of centralized administrative authority and democratic participation were reconcilable in the city manager system.(Stillman,1974,p.9). It is the goal of this to reconcile these goals in the ever changing information age.

From the Progressive point of view a neutral manager would impartially implement the decisions of the city council. The council being elected at large on a nonpartisan ballot would oust the corrupt influences of the ward based political machine.What Hofstader described as the "public regarding" citizenry could make electoral decisions for the good of the entire city rather than upon rather self interest in the shape of the ward based political party that had corrupted the political process.(Ibid).The analogy of the efficient business corporation was extended to the municipal corporation.The citizens became the stockholders.The council or board of directors elected by the entire body of citizens or shareholders then hired a professional manager or CEO to run the city government or firm on

the easily measurable criteria of efficiency for the taxpayer or profits for the shareholder. To the urban progressive mind urban reform,democracy, and efficient administration could all be had simultaneously in the city manager system. Whether this simple resolution of the inherent tension between centralized administrative authority,democratic participation, and urban reform can be achieved in the global economy that has shaped our dependent cities in the information age will addressed below.

B. Implementation of the System

As the city manager reform gained momentum during the Progressive era and just after World War I it was natural that civil engineers made up a significant portion of the novel profession of city managers.Cincinnati, typical of many city manager systems, had major projects of infrastructure development; street and sewer construction abounded as the street car city moved into the automobile metropolis. It was natural that the engineering profession most expert in these infrastructure problems would become the modal city manager in Cincinnati and elsewhere. In 1920s and into the 1930s the vast majority of those managers with a college degree had studied engineering(Stillman,p.39). The complicated yet narrow focus of infrastructure problems of the emerging automobile city provided a real compliment to the Progressive hope that "the City Manager is the manager of all the people...he should serve without discrimination"(Stillman,pp.38-39).As this quote from the 1924 Code of Ethics suggest the emerging profession illustrated the Progressive values of impartial,efficient administration and honest democracy.The attainment of these value was aided by this want of technical professionals in the infrastructure era. This need supplied by civil engineers provided a harmonious integration of impartial administration with a democratic elected council and furnished a nucleus of professionals as the core for the development of a new profession. This novel profession with engineers as its nucleus called itself into being in 1914 as the City Managers' Association and in 1924 added the first Code of Ethics analogous to that in the engineering field. That code called for a city manager whose "personal conduct...should be exemplary".(Stillwell,pp.4;38). In sum the calling of civil engineers to begin the city manager profession

provided a ready made model of instrumental efficiency that helped reduce the tension between the Progressive values of democracy and centralized administrative power.

C. The Scientific City Manager

As the city manager profession evolved out of a core of engineers, scientific management arose to prominence.Born with the research of Frederick Taylor on how to make existing production more efficient, the scientific management movement was brought into the public sector. The unquestioned confidence that the public placed in science was carried into municipal government.The beneficiary of this reliance upon science as the guiding force reinforced key concepts of the Progressive reformers. The city manager was the neutral expert.Administration as a science could be separated from the politics of the city council.(Nalbandian,1991,p.14).

The role of the city manager was an instrumental one. He was the instrument of the city council that set policy.The instrumental values that the manager was to follow were efficiency and economy.The city manager was a technician, much like the civil engineer that most early managers either were by experience or by training. The ideas of scientific management reinforced this moral identity as a technician. This moral identity could focus on means/ends morality,i.e., to do the most competent job possible to find the most efficient means to the ends chosen by the governing authority.Logical positivism provided the philosophical foundation for this simple role to be played with its correspondingly innocent moral identity.(Stillman,p.11). Several universities and foundation played an important in this evolution of the city manager profession in the late 1920s and into the 1930s. The International City Managers' Association(hereinafter ICMA) worked closely with the University of Chicago; as they undertook a joint effort to apply the scientific management philosophy to city management. Two authoritative works that expounded this outlook were Leonard White's The City Manager(1927) and Clarence Ridely and Orin Nolting's The City Manager Profession(1934).(Stillman,p.44).

The 1938 Code of Ethics exhibited the pull of the scientific management conviction. The 1938 Code noted that:

> The city manager is in no sense a political leader.In order that policy may be intelligent and effective, he provides the council with information and advice but he encourages decisions on policy by the council instead of passive acceptance of his recommendations. The city manager realizes that it is the council, the elected representatives of the people, which is entitled to the credit for the fulfillment of municipal policies and leaves to the council the defense of policies the defense of policies which may be criticized. The city manager keeps the community informed on municipal affairs but keeps himself in the background by emphasizing the importance of the facts.(in Stillman,p.125).

The manager was "in no sense a political leader". Information and advice was to be based on facts and the council was to defend its own decisions. Values could be separated from facts and the manager was to base his objective decisions upon the facts. The self effacing technician was to keep from value decisions,controversy, and politics. From the hindsight of the revisionist thinking of our age this view seems overly simplistic, however, it did provide an unadorned moral role for the manager.

II. Adaptation to a New World:A New Paradigm for a New World

What is efficiency?

> Belsen and Dachau were "efficient" by one scale of values. And in any case, why is efficiency the ultimate test? According to what and whose scale of values, is efficiency placed on the highest pedestal? Is not the worship of efficiency itself a particular expression of a special value judgement?
>
> Robert Dahl,1947.

Robert Dahl expressed the realization of a generation in his 1947 article.The world war had discredited efficiency as the central value of public administration.For as Dahl noted who were more efficient than the Nazis.The trains that Eichmann organized so efficiently ran according to the order of legally constituted authority.The administrative efficiency of totalitarian regimes so utterly horrified Americans such that not merely the standing of certain ideas changed but the perception of a generation was altered.Efficiency could no longer stand alone to justify the simplicity of the city manager system and the modest role and its corresponding

amoral identity of the of the city manager as the scientific management advocates had hoped. As Dahl depicted it, democracy and efficiency might well be rivals. Why speak of efficiency as the "single ultimate test of value in administration"? If a conflict between efficiency and democracy arose Dahl thought democracy must prevail.He asked rhetorically whether or not democracy "ought it to prevail because it has, in some sense, greater value"?(Dahl,1947). Suddenly the interconnected concepts that justified the city manager system were broken apart.Efficiency could no longer stand unquestioned.The technicians that had brought efficiency forth as they key value during the infrastructure construction period of our cities were suddenly out of date as the American system confronted the rigors and horrors of world leadership. Efficiency now must be balanced with other concerns for the American soldiers who witnessed Dachau and Hiroshima and would lead America for a generation.

A generation of social scientists lead in part by Robert Dahl would turn to research,case studies, and the behavioral movement.Although they would thoroughly recast the role of the city manager in a positive fashion, they first thoroughly debunked the myths of the previous generation's ideology as they now saw it.(Stillman,p.55;Svara,"Dichotomy",p.53).

A.Incompatible Research

While the dark storm clouds of the great war gathered in Europe and Asia some mundane research was being carried in American cities in the late 1930s. These case studies were turning up evidence incompatible with the traditional view of the city manager. The Social Science Research Council studies of 32 cities concluded it was "generally impossible for the city managers to escape being a leader in matters of policy, for it is an essential part of his administrative job to make recommendations". The recapitulation of the research cases noted that the managers had made "contributions in the technique of administration but they have made an even greater contributions as leaders of municipal policy".(Stone,Price,and Stone,City Manager Government in the United States(Chicago,Public Administration Clearinghouse House 1940,p.243),cited in Stillman,p.58).The postwar perception was stated

well by a president of the ICMA when he noted the city manager was more than a mere administrator but a formulator of policy.(Stillman,p.58). The budget came to seen as part of the policy process,i.e., something beyond mere technical processes.(Appleby,APSR 42:281 in Stillman,p.55). The policy process as a focus of study and conceptualization was under way. This development was critical in the revisionist view of the city manager that was developing; for the policy process would, when broken into its component parts, deny the dichotomy between administration and politics. Values and political calculations would enter the manager's domain, particularly in: 1) defining a problem, 2) determining a problem's political viability in deciding to place it on the agenda, 3) selecting policy alternatives and modes of evaluating them, and 4) monitoring and evaluating them.(Patton and Sawacki,1986,p.37).

Bosworth went so far as to describe the city manager a "local politician"(Bosworth,PAR,1958 in Stillman,p.61). Although this sardonic dose of realism was a bit too much for some, it certainly reflected the post war rejection of the traditional view of the city manager as the instrumental technician. The 1952 revision of the ICMA Code of Ethics fit this postwar understanding. The city manager now had a"constructive,creative and practical attitude toward urban problems and a deep sense of his own social responsibility as a trusted public servant".(Stillman,p.125). This new section head the nail on the head- creativity was necessary to deal with urban problems.It was now conceded that the manager's key position in the policy process made him a the leading player on the urban stage of politics.

Freed from the small area allowed by the tether of the technician,the manager's role now was accorded a great deal more freedom as efficiency had become only one value among many. The new role was vague and ill defined in giving a general yet not clear direction, such as maintaining "a constructive" and "practical" attitude. And the "social responsibility as a trusted public servant" pointed the nature of a fiduciary relationship but did not define the nature of this trust relationship.Freed from the narrow pre war role through the demise of efficiency as the singular value and through the acceptance of the reality of political involvement in policy,the

manager was left mostly to his devices.

B.Changing Social Values

The times they are a'changing.Bob Dylan.

Violence is as American as cherry pie. H. Rap Brown.

Just as the city manager profession and its supporting academic community broke loose from the secure moorings of the scientific management notion, thereby reopening value redefinition and role redefinition in a time of flux, the decade with the highest degree of social turmoil and cultural change in this century burst on the country. The freeing of many African colonies fanned the fires smoldering for years in the Afro-American community under Jim Crow. A youthful President sparked the idealism of a generation of white Americans by suggesting international public service in a Peace Corps.Suddenly these strands of idealism and dissent came together in the civics right movement in the early 1960s. The quest for racial equality became especially important for our cities as a massive internal migration by Afro-Americans to our cities occurred due to the mechanization of the share-croppers' tenancy in the south.

This crusade for racial equality had numerous victories in the form of federal law affecting: 1)traveling accommodations, 2)eating facilities,3)voter registration, and 4)school desegregation.These monumental transformations revolutionized southern life and politics; yet brought little change to the life of the masses of Afro-Americans that had come to live in the inner city.There rising expectations of a better life were not to be had in an economy where entry into a union or a successful education were key.Then on August 11 1965 rioting broke out in Watts. A wave of riots followed throwing great apprehension unto the urban social system processing the American dream.

Given the backdrop of the protracted,losing war in Vietnam, the

American social fabric seemingly fell apart in the late 1960s.The counter culture with its focus on rural,communal living and its rapture with drugs was memorialized by troubadour rock and roll bands.Woodstock and Altemont seemed for a time to hold more promise for youth than the suburban dream that their parents had realized.

It was in this seeming tide of social chaos that Redford proposed in 1969 that participation,equality, and individualism be added to the value of efficiency as key values for public administration.(Redford in Nalbandian,1991,p. 89). H. George Frederickson, two years later, argued that pluralistic government discriminates in favor of special interests capable of political articulation.The results of this skewed political system were cities with high unemployment and poverty in an age of extravagant opulence. Frederickson found this condition to be"morally reprehensible and if left unchanged constituted a fundamental, if long range, threat to the viability of this or any other system". Hardship amid abundance cultivates radical action which in turn invites subjugation. Given this American situation Frederickson called for a new professional orientation:

> A Public administration which fails to work for changes which try to address the deprivation of minorities will likely be eventually used to repress those minorities.(Frederickson,1971, in Shafritz and Hyde,1992,p.369).

Frederickson thought that administrators needed to be committed to good management and social equity.(Ibid). As second generation behavioralists the new public administrators were "more public and more prescriptive".(Ibid). The new public administrator would be trained as a "change agent" and an advocate for "informal,decentralized,integrative processes"(Ibid).Rejecting the idea that administrators are value neutral, Frederickson posed the problem of values conflict and suggested a "blending" of values associated with traditional public administration with the new value of social equity.(Frederickson,A & S, 1976).

C. The Rise of Neighborhood Organizations

If these changes in the perception of the city manager's role and in the key values that once secured the moral identity of the manager were not enough,the political system of our cities became transfigured. Neighborhood organizations developed from the late 1960s onward. A new pluralism representing centrifugal forces similar to the ward system arose. Only the ascent of these decentralized forces coincided with the further decline of the political party.The These neighborhood associations represented a focus narrower than the city wide locus the Progressives had tried to engender. Though narrower in focus much of the neighborhood movement had a "public regarding" ethos similar to that of the urban Progressives. This geographic pluralism "led to more visible roles for managers in the mission and policy functions of governments.(Nalbandian,1991,p.63). A 1980 League of Cities Survey found neighborhood groups the most influential force in council-manager cities.(Ibid,p.20). Neighborhood budgets and block associations moved decentralized groups into administration and the city manager further into the politics of negotiation and barter.(Ibid,p.63;Cooper,1991,p.142).

Sy Murray,city manager of both Cincinnati and San Diego, in his successful career sums up this new development well:

> I have been accused of being a politician because I get out in the community. And I do make speeches, and I do talk to the citizens, and I do encourage neighborhood groups, and I do listen to them, and I do make the city bureaucracies change because a neighborhood group says that they want something.I think that I have been right all these years and that more is going to be demanded from managers who haven't been doing that. -Sylvester Murray(1987,in Nalbandian,pp79-80).

D. Minority Representation

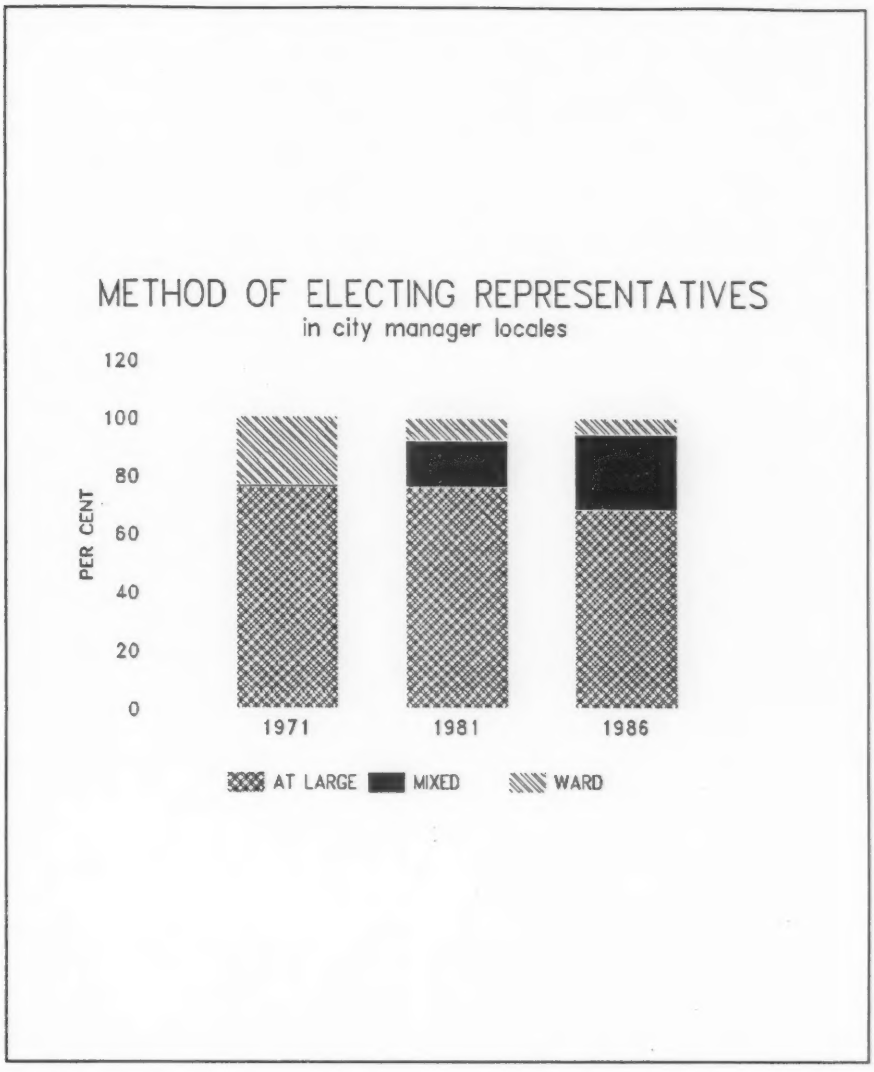
Just as the neighborhood movement grew out of the 1960s so

did a feeling in minority communities that the city manager at large system hindered the election of minority representatives.(Nalbandian,p.32). Although a number of studies had over the years demonstrated the costliness of city-wide campaigns and their tenancy to recruit candidates from strata above the working class, the criticism of the at large system gained momentum in the 1960s as Afro- American numbers in the bigger cities grew.As did the perception among federal judges grew that adjustments had to be made for the sins of past discrimination. In 1986 the highest court in the land ruled in Thornburg v. Gingles that the at large system produced discriminatory patterns of representation. In 1990 a lower federal court ordered Dallas to come up a more satisfactory plan of representation.(Ibid,p.40).

This alteration in the city manager plan by the federal courts affects the role of the city manager.First, in the short run it puts the city manager in the middle a series of critical negotiations effecting the nature of the city's political system.Second,it requires an adroit balancing of interests between the Afro-American community and a typically white dominated council.Third, as mixed systems of representation grow at the expense of the at large system, the city manager is subjected to institutionalized interests other than the neighborhood associations that are less than city wide in scope.In effect,the city manager's job role in those cities becomes more demanding politically.

As we can see in the chart that follows the method of picking council members in the council-manager changed significantly during the 1970s to the late 1980s.Whereas nearly 80% of the locales chose council members at large during the Nixon years only 70% did by the end of the Reagan era.Most of the cities changing moved to a mixed system, with some council-persons elected at large and some elected in districts. The net impact is that 10% more managers were working in hybrid systems rather than the at large system designed to insulate managers from the brokering of narrower interests that the new federal case fosters.(Nalbandian,p.41).

Other factors beyond the rise of neighborhood associations and the judicial encouragement of minority representation through mixed



systems of representation have worked to change the role expectations of city managers. Such problems as revenue shortfalls, the importance of intergovernmental relations and its attendant lobbying,the rise of television including cable television, along with the demographic shifts noted above have disturbed the equilibrium of the council manager system. These changes have increased the importance of the " negotiating, brokerage, and consensus-building

skills of today's managers more than early predecessors".(Nalbandian,p.53).As

Brown noted the practical problem becomes how to carry this more politicized role without threatening council.(Ibid,p.77). Although it is clear that city managers are reacting to real forces that have required the application of more political deftness, the issue arises as how much of an increased attention to politics is a matter of choice.(Ibid,p.55).It is a more complicated issue of how these changed realities should be integrated into the role and moral identity of the city manager.

E.Economic Development

Another critical factor in the changing role of the city manager is economic development. For many manager cities the current post industrial era is one of strain. As many industries have become international the freedom of movement of capital no longer is constrained by local markets, defined by a slow transportation system and a confined communications network.The global village has made the market for capital investment truly worldwide.As a result of the multilocational corporation our cities have become dependent on outside capital and investment decisions for creating new jobs, a necessity in a dynamic economy.There is widespread competition for this world capital by localities. (Kantor,The Dependent City,1988).This competition has placed the city manager in the middle of the development and implementation of strategies in this competition for capital. Managers spend a good deal of time in strategy sessions in regard to the external community.(Tipton,in Frederickson,1989,p.177). Tax incentives,state and local financial assistance,tax free bonds,and the role of enterprise zones are several of variables to be worked in developing an overall economic development strategy as well a tactical program for individual companies.

Economic development is in may cases the core problem confronting city managers.This provides a stark contrast to the rational infrastructure implementation that the earliest city manager faced.Toady's manager faces a more strategic task that requires the skills of brokering,negotiating, as well as mobilization of the business community, and diplomacy.

F. The Information Age,Technology, and Entrepreneurship

Perhaps a change more important than the development of the dependent city is the onset of the computer age.The information age struck city government in the 1970s. Technological improvement were visualized as the way to increase productivity.(Bingham and Fehlbinger,in Frederickson,1989,p.244). Difficulties in attracting multinational corporate capital and the rising costs of public services among other factors put stress on managers to increase productivity.One ICMA activity of the 1970s was the Local Government Management Innovation Transfer Project funded by the National Science Foundation(NSF). (Ibid,p.245).

As the 1970s gave way to the 1980s interest in technology gave way an interest in "innovative behavior". The ICMA Guide to Management Improvement projects in Local Governments, a quarterly publication listing local programs that improved service levels or cut costs typified this change.(Ibid,p. 247). The understanding that it was not the mere application of technology more effective but a reformation of management or "public entrepreneurship". In the 1980s these were "opportunity-focused",pro-active managers instituted change at some risk to their organizations and their careers.(Ibid). Doig and Hargrove thought such experimentation needed public support either "spontaneous" in its origin or "'created' by the entrepreneur when public opinion is vague". (Ibid,p.248).

Certainly it can not be disputed that the role of the city manager has become more involved with policy and more political.The moral content of the role has moved from technical implementator akin to an civil engineer to the suggested role of an entrepreneur akin to a risk taking businessman.This raises the question of the ethical propriety of the latter role.

III.ENTREPRENEUR,ENTREPRENEUSE

> The entrepreneur shifts resources out an area lower and into an area of higher productivity and greater yield. J.B. Say,1800.

> We live in an era of breathtaking change.We live in a global marketplace,which puts enormous competitive pressure on our economic institutions.We live in an information society, in which people get access to information almost as fast as their leaders do. We live in a knowledge-based economy, in which educated workers brindle at commands and demand autonomy. We live in an age of niche markets, in which customers have been accustomed to high and expensive choices. Osborne and Gaebler,1992.

> We need to encourage habits of flexibility, of continuous learning, and of acceptance of change as normal and as opportunity--for institutions as well as for individuals. Peter Drucker,1985.

The information age with its intense global competition for consumers dollar have brought dramatic changes to both markets and business enterprises.This vigorous reassertion of the key role of the markets and of creative and bold leadership was necessary for success in the near chaos of computer spinoff and world market driven changes.These dramatic events in the private arena has lead several and many managers to claim the mantel of entrepreneur for public managers.Not only has there been a spate of literature arguing the benefits of such a role assignment (Drucker,1985;Doig and Hargrove,1986;Osborne and Gaebler,1992) but many local managers have laid claim to the same role.

We need to define this role and examine its moral identity in order to evaluate its usefulness for city managers.An entrepreneur is an organizer of an economic venture,one who owns,manages, and assumes the risk of a business.When we compare this idea to Say's idea noted above(Drucker,1985) we note the key element of risk taking that is necessary to reorganize activity to a new level of resourcefulness. An entrepreneur to be sure is a change agent, as I

noted I was in my county experience; but, it is risk taking at a particular juncture in history such that the expense and hazards of a new organization of resources is yet the most efficient economic move that can be made. Peter Drucker has argued persuasively that this is in essence a natural aspect of economic activity, at least in the free entrepreprise mold. He holds that entrepreneurship can actually be an applied science.He notes the seven conditions that precede this type of qualitative innovation.These can be studied as analytical base for decision-making.Field knowledge of consumers and perceptive insight are also needed.Drucker presents in Innovation and Entrepreneurship(1985) a convincing case that innovation can be systematized. Large corporations such as Proctor and Gamble have succeeded decade after in a program of systemized innovation.

Drucker thinks it is essential for government to innovate in a fashion that would parallel that occurring in the private sector. Government should look "look upon social,technological,economic,and demographic shifts as opportunities in a period of rapid change in all these areas".(Drucker,1985).Following Drucker's lead , Osborne and Gaebler in Reinventing Government(1992) assert "entrepreneurial government" is coming to America . Using a wide range of examples Osborne and Gaebler make the case that use of market type reforms have improved government functioning.

A. A New Paradigm?

Buddy, can you 'pare a dime? Anonymous

Reinventing Government,a thought provoking book, does not utilize a consistent methodology to compare market reform and non-reform cities.Rather they are the harbingers of a new paradigm for public administration. This inventive variety of governmental organization they affirm appears as " lean, decentralized, and innovative". These entrepreneurial governments use "competition,customer choice, and other non-bureaucratic mechanisms" in an enterprising and useful manner.(Osborne and Gaebler,1992,p.2). This "entrepreneurial government" is described as follows:

It is willing to abandon old programs and

> methods. It is innovative and imaginative and creative.It takes risks. It turns city functions into money makers rather than budget busters.It eschews traditional alternatives that offer only life-support systems.It world with the private sector.It employs solid business sense. It privatizes. It creates enterprises and revenue generating operations.It is market oriented.It focuses on performance measurement. It rewards merit. It says "Lets make this work" and unafraid to dream the great dream.
>
> Osborne and Gaebler,p.18.

Osborne and Gaebler offer the entrepreneur as someone working out of a market based paradigm. This paradigm provides the role that will allow managers free ranging authority to cope with the changes governments need to make in the information age.This paradigm also provides a set of reform ideas such as competitive contracting out to several private firms based on geographical subdivisions.Where Drucker choose not to tread Osborne and Gaebler have,they in essence are providing a new paradigm for governmental reform and public administration wherein the city manager would be an entrepreneur, ~~one that would the progressive paradigm.~~

But as Kuhl points out in his The Structure of Scientific Revolutions(1962) such a massive reorientation as a paradigm change will not, come easy in any field,.Osborne and Gaebler contend that the approach to solving public problems that the Progressives and New Dealers developed "simply do not function well in the rapidly changing, information-rich, knowledge-intensive society and economy of the 1990s". They "lacked the information technology we have today to monitor the performance of contractors" so they thought the way to get around corrupt contracting was to have public employees carry out services under administrators.(Osborne and Gaebler,p.27). Given modern technology Osborne and Gaebler argue that governments need to focus more on "steering" the ship of state rather than"administering".

To Osborne and Gaebler the Progressive confidence in "neutral

administrators" and "professionalism" blinded us to the consequences of taking control from "families and communities".For as the authors put it:

> We all know that people act more responsibly when they control their own environments then when they are under the control of others.We know that owners take better care of homes than renters.We know that workers who own a piece of the company are committed than those who simply collect a paycheck.It stands to reason that when communities are empowered to solve their own problems, they function better than communities that depend on services provided by outsiders. Osborne and Gaebler,p 51.

"Entrepreneurial management" seems to combine market type experimentation,down sizing of government, and empowerment plans. These elements point out the subjective nature of their paradigm,something it has in common with every other social and political paradigm.The challenge to long lasting traditions of merit civil service and quality public service delivered by every level of government will not go without trial.In this limited space I will examine merely the role of entrepreneur for city manager that this paradigm suggests and save close scrutiny of the paradigm's other possible merits for later work.

B. City Manager as Entrepreneur

The advocates for the role of entrepreneur certainly have given us food for thought.For it is certainly possible that the advances of modern technology may allow government to downsize in similar fashion to that of the major corporations.Yet we need to separate a mood that welcomes experimentation from a wholesale revision of the notion of governmental work and the role of the administrators in it.Osborne and Gaebler have presented us with the challenge, now we have to move in systematic manner to evaluate their proposal.

' The entrepreneur is the efficiency revolutionary not the efficiency engineer that was the early city manager.This is, of course,

of little consequence to those ingenious fellows who have dotted the history of free enterprise,most particularly it seems in the last twenty years, for they have the confidence that they have the technology,the organization, and the market for the long shot enterprise.Moreover the risk of playing this long shot role is balanced by the profits to be gained.No one can blame the entrepreneur, except perhaps those that gambled with their capital on the project, and normally this relation is legitimated through a partnership or corporate legal structure; such that stock is weighted according to capital contribution as is control.In other words this perilous undertaking is voluntary in nature and memorialized as such by all parties in binding, voluntary legal agreements. Such is the essence of free enterprise.Often the entrepreneur assumes the risk alone or with family capital.

Yet government is not voluntary.Its essential nature is coercive. Taxpayers are not the voluntary participants as are the analogues in the private entrepreneurial venture save for the social contract underwriting the entire democratic system. Moreover many entrepreneurial activities are undertaken with only minimal understanding by the people and oft times by their representatives.This is oft times no doubt the fault of the typical citizen who in our the context of our nonpolitical class culture often chooses realms of enjoyment that are outside politics for his leisure time attention.But just as often a manager using the entrepreneurial role will choose to keep the public in the dark as he develops his policy to the point of acceptance just as his entrepreneurial analogue would in the private market.

Since government ultimately belongs to the people,there is special relation between the manager,the elected officials, and the people.This unique bond is based on the theoretical sovereignty of the people over the government and is juxtaposed to the absolute coercion the government has over the property,liberty, and lives of the governed.Even on the local level property is taken, liberty revoked,and lives taken. This paradox of democratic government is clarified through the bond of trust between the people and their officials.The social contract, the mandate of heaven, and the notion of unalienable rights all call attention to the one clear unmistakable tenet in democratic government: the sovereignty of the people should not be forgotten.

This takes two forms:one is democratic control and the second is a special fiduciary relationship between officials:administrative and elected and the people.(Cooper,1991,p.163;Tong,1986,p.99). A fiduciary is legally speaking an individual granted special powers by an individual or a court.These special powers carry with them a special trust, ie.e., a legal obligation responsibilities that must run concurrent with their term of power.If the fiduciary/trustee fails to discharge those responsibilities then the terms of the charge is void.

The public administrator is different than the risk taking businessman.For the city manager takes an oath of public office to protect the public trust. His special training,education, and experience prepare him for a unique job of running the complex organization of city government in a democratic and efficient manner.Terry Cooper sees public administrators as those "especially responsible citizens who are fiduciaries for the citizenry as a whole."(Cooper, p.139).The "public administrative ethic" is grounded in the social contract, the basis for democracy, and this in turn gives the administrator a special "responsibility" to help create and maintain the political community.

The risk taking adventurer in the private market has no similar burden.The entrepreneur has been given a special role by the community.The political community has deemed it most efficient to put economic decision-making in large part in the hands of private individuals in what we call the free enterprise system.Yet it is the state through its sovereignty that controls all including the structuring of the political economy.The liberal state even in its welfare form has given the risk taking businessman or entrepreneur a great deal of freedom. They have been granted freedom from the political domination of the totalitarian regimes and much freedom from the tethers of democratic political control and political obligation as well. The business entrepreneur's role is narrower than the city manager's, though the entrepreneur's role is sufficiently complicated and important in and of itself to warrant the freedom that its narrow definition provides.

In contrast Cooper properly notes that the"expertise and technical specialization" of the public administrator " should always be placed in its " larger context." of social obligation(Ibid.,p.140).Similarly Rosemary Tong notes that policy

analysts,and city managers are as we have noted are in part policy analysts, and thus have a special obligation,i.e., a fiduciary one, not only with policy-makers but with the general public(Tong,p.99). Tong notes "the superior knowledge that experts have ... imposes special obligations upon them" to both their clients, the policymakers or city councilmen, as well as their ultimate patrons, the general public. "(Ibid.).

The problem for Osborne and Gaebler in Reinventing Government is reality. For they determine that currently elected legislators are predisposed to interest groups.This in turn causes administrators to build interest groups into each piece of political calculus.Thus an entirely different set of inducements exist in the private as opposed to the public realm, turning a profit versus pleasing special interests.(Osborne and Gaebler,p.20).Drucker asserts that a political interest is borne the moment a public service is first delivered for it creates a "constituency which then refuses to have the program abolished or even significantly modified". This makes the necessary changes for the information age so difficult to come by because any change is "opposed by existing constituencies without having, as yet, a constituency of its own".(179).Tipton in noting the policy recommendation role of the city manager recognizes that the council must make the ultimate decision. The problem is "council members, as elected officials, are by nature problem avoiders" thus leaving the city managers to "make the hard choices between competing interests in the creation of policy"(179).

The solution to a gridlocked political system for both the information age futurists and city managers advocates desiring more flexibility of maneuver is the "opportunity-focused" and pro-active entrepreneur role for city managers.An ethical problem arises when public support for change is not a "spontaneous groundswell" but is that is "created by the entrepreneur".(Bingham and Felbinger,in Frederickson,1989,p.248).For the role of entrepreneur that is advocated by our information age futurists and those desiring to expand the role of the city manager role yet further contradicts the positions of those ethicists who want to ground the role in the social contract.

The ethicists' concern flow from democratic theory rather than the problem of coping with reality.Cooper, for example, thinks that

managers "should be held ethically responsible for encouraging participation of the citizenry in the process of planning and providing public goods and services."(Cooper,p.141). Rather than the entrepreneurial manipulation of coaptation Cooper wants the administrator to take his time in encouraging participation for he desires " a subordination of administrative expertise to community leadership and authorities,rather than the assertion of superiority to lay citizens based on technical knowledge and skill".(Cooper,p.162). This populist concern extends further for the "administrator's most fundamental responsibility is to encourage and support existing communities". The city manager needs to focus on community building in his activities rather the slick mobilization of opinion behind this or that latest need.This concern seems a bit traditional until we recall that city managers have in the last three decades been working with neighborhood groups.It is very possible that this community orientation could be achieved.

Following Freidrich and Yves, Cooper wants the public manager to engage in "reasoned elaboration in terms of the values,beliefs, and interests s of the political community to which they apply.".(162) For as Cooper argues, "An administrator has the responsibility of "upholding the shared values of the community, not through force,coercion or administration fiat, but through reasoning with his or her fellow citizens about the common good."(Cooper,p.163). The city manager would be responsible for not merely encouraging participation in the form of coaptation exercises, nor community building in symbolic terms, but he would need to genuinely become part of the community.

Can this gap between social contract ethicists and information age realists be bridged? Could the desire for innovation amidst political gridlock be meet by the same official who maintains the ethic of the social contract? There are two possible approaches that might allow a city manager to be innovative and truly democratic at the same time.The first approach is that of empathy. Carol Lewis in her The Ethics Challenge in Public Service(1991) presents empathy as a major medium for the public administrator. Empathy is an "appreciation for an understanding of the values of others, a sensitivity for other cultures, beliefs,and traditions".Lewis points out that public managers as "trustees for the vulnerable,dependent, and

politically inarticulate" need empathy.Managers need to become almost a garden type variety anthropologist to understand the variety of cultures in an urban area.

A genuine effort at understanding of different subcultures would lay the basis for an unaffected search for policy alternatives.(Lewis,1991,p.47-48). Empathy in adjusting for class and ethnic cultural bias can lead to disinterested clear-mindedness.(Ibid,p.98). Class and ethnic cultural bias is real in American society and the mostly male,middle class, protestant city managers could use the mental focus of empathy to avoid building such biases into policy recommendations. Lewis recommends stakeholder analysis to implement an empathic approach. John Nalbandian is very close to this approach in his Professionalism in Local Government(1991) for he points out that "managers can help clarify and organize policy discussions if they are able to express the values in the different viewpoints" arising from different communities.(Nalbandian,1991,p.98). In other words the city manager could do a better job at facilitating policy discussion, a basic charge of the manager.

Closely connected to this task of cultural understanding(verstehen) and facilitating policy discussion is the ethical role that city managers have as "educators".(Nalbandian,p.100).Arguably managers are better positioned than council members to educate the public.The joint roles of managerial expert and chief executive give the city manager high status in the policy process. Whether it be explanation of policy alternatives,the values behind them, or the need for innovation when the city manager speaks the political community listens.Council members motives can always be interpreted as political, and at times rightly so.Though there may be obstacles to the manager's playing a truly educative role(Ibid,p.101), the manager is still in the center of information flow and is best positioned to carry out this important ethical charge (Tipton in Frederickson,1989,p.178).

CONCLUSION

The city manager system has survived and flourished for nearly

a hundred years.In that time the perception of the manager has changed dramatically from an efficiency engineer to the more sophisticated view of the manager as a critical player in the policy process. The post World War II era brought an awareness that efficiency could not stand as the single value for city manager.A deeper understanding of the policy process evolved,pointing out the many places where the city manager could make decisions based on his values.The 1960s social upheaval introduced the value of social equity to a new public administration. The city manager now must empathize with the urban downtrodden and find policies to help. The 1970s and 80s brought rapid change in the form of global competition,economic development, micro-computers, tight budgets,and federal mandates.Following the growing independence of the city manager to make value choices,strategic decisions, and to influence policy, the concept of entrepreneur as a proper role for the city manager was introduced.In borrowing from the private sector the paradigm of "entrepreneurial management" and the popularity of several "public entrepreneurial" reforms were confused with the role of the city manager.

The city manager has a broader more responsible role than the private entrepreneur.He is responsible not only to the council but to the people of the city in acting in their interests but also in a democratic manner. He cannot mobilize resources and manipulate them as an entrepreneur might a market; for the city manager has a fiduciary position, a position of trust within democratic government.Social contract ethicists have correctly pointed out the manager should encourage true participation of the people.The manager also has a proper duty to encourage community.

Can the city manager maintain an ethical role in the information age that we have entered?.Can the city manager promote participation,encourage the growth of community, and reinforce democracy in an age where the changes that seem necessary stagger the imagination?I believe that city managers using empathy and education can play a very positive role in the dramatic changes that are to take place.We do not have to give up the social and democratic ethical limitations merely to achieve change.The power and effectiveness of the city manager position needs to be reinvigorated by a charge of ethical idealism designed to reinforce our local

democracy.We do not need to cave into a misplaced analogy,entrepreneur, that would give free rein beyond the trust that binds the manager.

The city manager may choose to play a change agent or may choose to recommend entrepreneurial reforms but in doing he needs to draw his policies out of an empathic understanding for the communities he represents and to decide upon alternatives only after an education campaign.Council-manager government needs to be an open government even in the stressful days ahead.For we must remember that for the average citizen local government represents the only meaningful chance for integration in the American political system.If the manager-council forms disappoints urban America's hope for democratic change in the information age the strong mayor system may not be long in returning.

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RACE NORMING, VALIDITY GENERALIZATION, AND EMPLOYMENT TESTING

Mitchell F. Rice
Public Administration Institute
and Department of Political Science
Louisiana State University
Baton Rouge, LA 70803
(504) 388-6743

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RACE NORMING, VALIDITY GENERALIZATION, AND EMPLOYMENT TESTING*

INTRODUCTION

Employment tests have been a valuable tool for employers seeking qualified, efficient, and productive employees for over a century. While tests are seen as an effective method available for predicting job performance, they often have a disparate impact on minority groups that, as a whole, score lower than non-minorities.[1] As a result contemporary employers must find ways to choose a productive workforce while at the same time attempting to develop a diversified and balanced workforce.[2] To accomplish this task many employers rely on employment agencies such as the United States Employment Services (USES) -- a branch of the U.S. Department of Labor (DOL) -- to tap into the local labor pools. Over 19 million people apply annually for jobs through the 1,800 local USES offices, and 3.5 million people permanently or temporarily become employed.[3] It is advantageous for individual employers to use employment services, because these agencies implement affirmative action techniques, which shield the employer against liability in employment-related race discrimination lawsuits.[4]

One of the most widely used affirmative action techniques utilized by the USES has been the implementation of "race-norming" or "within-group score conversion" or "score adjustment strategy" in the scoring of employment tests.[5] The USES implemented race-norming with little publicity and no public debate in 1981. The policy took effect shortly after Ronald Reagan became President. Race-norming has developed into a highly controversial issue sparking heated debate between supporters and opponents. This paper discusses race-norming in employment

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testing, illustrates the widespread use of race-norming nationally, and discusses judicial cases and decisions concerning race-norming and validity generalization. The paper also briefly discusses the findings of the National Academy of Sciences (NAS) study of the **General Aptitude Test Battery (GATB)**, validity generalization (VG), and race-norming. The **GATB** is a most popular employment test being administered to some ten million potential civil servants[6] and some 600,000 job applicants in various states.[7] Some eighteen million individuals a year take various tests of USES.[8]

WHAT IS RACE-NORMING?

Race-norming is an affirmative action technique used to adjust applicant test scores so the number of individuals chosen for referral, and ultimately for selection, will reflect racial proportions in the actual population.[9] The technique was developed by psychologists, test researchers, and statisticians seeking to eliminate racial imbalance and sampling error from tests. The scientific term used by most supporters of the policy is "within-group scoring."[10] To race-norm a test each individual's raw score is given a percentile ranking within the individuals own ethnic group. In other words, every individual's score is compared and ranking against others of their own race. These scores, however, are not ranked in reference to the entire test-taking population.[11]

Research indicates various ethnic groups perform at different levels on standardized employment tests. Historically, Asians and Whites have obtained higher raw scores than other races.[12] Minorities typically score in the following descending order: Hispanics, African-American, and Native American Indians.[13] These minority groups, as a whole, score significantly lower than Whites and Asians.[14] Because of this disparity, a testing agency only

referring individuals with the highest overall test scores would refer a disproportionate number of Whites and Asians as compared to other minority individuals. This would ultimately cause a workforce not reflecting the population, which is considered a disparate impact on minorities. Therefore, race-norming is seen as an approach to prevent those who score better on employment tests, mainly Whites and Asians, from disproportionately getting most jobs.[15]

The need for a system such as race-norming was well documented by the early 1970s, particularly after affirmative action procedures were required by the EEOC. Consequently, an official policy and procedure for race-norming the **GATB** was developed by the DOL. By 1981 thirty-five states were using race-norming to some degree in their employment referral systems.[16] This number had increased by to thirty-eight states by mid-1990.[17]

Race-norming is best described by the following example. Five individuals, an American Indian, a Black, an Hispanic, an Asian, and a White, apply for a blue collar job advertised at their local job service. The **GATB** is administered to all of the individuals and they all received the same raw score (i.e., each person answered 300 questions correctly). These scores are then given a percentile ranking within each person's ethnic group. These percentile scores, not the raw scores, are then reported to the employer. The Asian and White individuals both receive a percentile score of 44, the Hispanic would recieve a 67, the Black would receive an 83, and the American Indian would be awarded a percentile ranking of 89.[18] The rankings are different because each person is compared with members of his own race not with the entire population. These scores were being reported to the employer with no indication of the individual's race, no raw score, and no statement explaining that the scores had been race-normed.[19] Figures 1 and 2 illustrate the percentile conversion tables used in race-norming test scores.

FIGURE 1

PERCENTILE CONVERSION TABLE

Jobs are grouped into five broad families: Family I includes such jobs as machinists, cabinet makers, and tool makers; Family II includes helpers in many types of agriculture, manufacturing, and etc.; Family III includes professional jobs such as accountants, chemical engineers, nurses, editors; Family IV includes bus drivers, bookkeepers, carpet layers; Family V includes exterminators, butchers, file clerks. A raw score of 100 would convert to the following percentile rankings:

	I	II	III	IV	V
BLACK	79	59	87	83	73
HISPANIC	62	41	74	67	55
OTHER	39	42	47	45	42

SOURCE: Virginia Employment Commission: U.S. Dept. of Labor, Employment and Training Administration, **Validity Generalization Manual (Section A Job Family Scoring).**

FIGURE 2

NORMING CHART (Shortened Version)

Number Correct	All Test Takers	White Percentiles	Black Percentiles	Hispanic Percentiles
10	6.6	3.5	21.5	15.0
20	40.8	33.9	74.2	70.6
30	85.5	83.3	97.6	97.2
40	99.2	99.1	99.9	99.9
50	100.00	100.00	100.00	100.00

SOURCE: Derived from Ethan Bronner, "Scoring of Job Tests Under Fire," **Chicago Tribune** (May 25, 1991): p. 2.

Alternative Methods to Race-Norming

There are other forms of test score manipulation available to testing and referral agencies, but none of these methods have approached the use and popularity of race-norming. One such method is referred to as **banding**. Banding is a system in which the entire set of test scores is divided into several bands. Once this is accomplished, the band whose racial composition most closely resembles that of the population is selected above all the others and individuals are randomly chosen from within this group. This procedure may result in the elimination of the very highest and the very lowest scoring bands because these are normally over-represented by majority and minority individuals, respectively. The band most often chosen falls in the middle to lower-middle region of the overall testing population.[20]

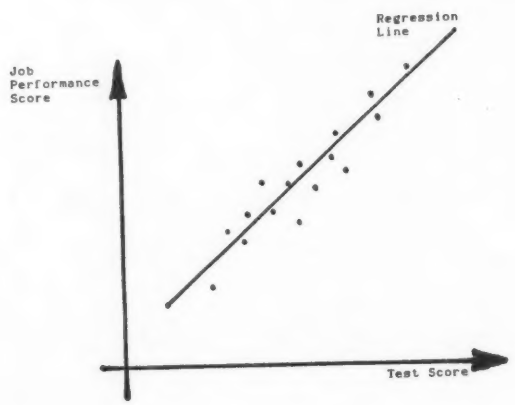
Another alternative used in the **E. F. Wonderlic Personnel Test** is called "minimum-maximum qualification range." In this case all high and low scores are eliminated until the remaining group has roughly equal proportions of minority and majority individuals. A referral group is then randomly selected from this pool.[21]

The **low cut-off method** is also popular among referral agencies, and it is endorsed by the EEOC. In this method the lowest 20% of applicants tested are eliminated from the referral pool. The remaining 80% of the individuals scoring above this low cut-off value are subjected to a random selection process prior to referral. The problem with this method is that is results in an 85% average loss of production and has been shown to result in lower minority hiring rates than other available methods. Not all methods result in loss of productivity. Most similar methods average only a 15% loss in productivity.[22]

VALIDITY GENERALIZATION VERSUS RACE-NORMING

Although the terms validity generalization (VG) and race-norming have been used interchangeably, it is important to note the two terms are not synonymous. VG was developed in 1983 as a statistical technique allowing agencies to validate tests for groups of similar occupations, called job families.[23] This method eliminates the need to perform time-consuming, complicated, expensive, and often statistically impossible validation studies for every job title.[24] Validity is a measure of how well an employment test actually predicts future job performance.[25] VG analysis supports the idea that if the validity of a test is known for a reasonable sample of jobs, then its validity for other similar jobs will fall within a relatively small range. Stated another way, VG analysis provides the predictive validity of a test for jobs not studied. Figure 2 illustrates a sample regression line for a valid test estimating future job performance.

Figure 1. A Hypothetical Scatterplot Showing the Relationship Between Test Scores and Job Performance Scores for Some Validity Study.



SOURCE: **USES Test Research Report No. 46** (1983): 7.

The graph has a positive slope meaning low test scores are correlated with poor job performance and high scores with good job performances. The more accurate test will have higher validity, and employment tests must be validated to be both useful to the employer and legal. Prior to VG a validity study was required for each combination of test and job title to which the test was applied. If a study was not conducted then the testing agency could not prove the test was a valid predictor of performance in the given occupation.[26]

VG allowed USES to administer the **GATB** to applicants in all job classifications. The **GATB** has been used from employment testing since 1947, but it had only been validated for about 500 of the over 12,000 occupational titles listed in the **Dictionary of Occupational Titles.**[27] In 1981 a new and improved version of the **GATB** extended the applicability of the test by generalizing from the five hundred jobs originally covered to all 12,000 jobs in the U.S. economy. The **GATB** is divided into nine aptitudes tested by various written and manual tests. Table 1 below lists these aptitudes and the tests used to evaluate each item. For instance, an applicant's verbal aptitude is evaluated by a written vocabulary test, while manual dexterity is measured with a pegboard test titled "Place and Turn."

TABLE 1: The Nine Aptitudes Measured by the GATB and the TESTS Used for each.

SYMBOL	NAME	TEST(S)
G	General Intelligence	Vocabulary + Arithmetic Reasoning + Three Dimensional Space
V	Verbal Aptitude	Vocabulary
N	Numerical Aptitude	Computation + Arithmetic Reasoning
S	Spatial Aptitude	Three Dimensional Space
P	Form Perception	Tool Matching + Form Matching
Q	Clerical Perception	Name Comparison
K	Motor Coordination	Mark Making
F	Finger Dexterity	Assemble + Disassemble
M	Manual Dexterity	Place + Turn

SOURCE: USES Test Research Report No. 44, (1983): 17.

The ability to validate entire job families using VG dramatically increases USES value to employers. The procedure is designed to increase test vitality, which means an increase in the economic benefits enjoyed by employers. It is estimated poor selection procedures cost the American economy 80 to 100 billion dollars in lost productivity annually.[28] In contrast, race-norming is an affirmative action test score manipulation technique. Race-norming is designed to eliminate disparate impact on minorities who take the tests. Understanding the difference between VG and race-norming may eliminate confusion when the two terms are substituted for one another in the literature.

NATIONWIDE USE OF VG AND RACE-NORMING

USES has almost fifty years of experience and research regarding the use of the **GATB** to predict job performance, which makes it the most widely used and validated employment test presently available to employers.[29] USES monitors the extent to which the **GATB** is used, and has performed similar surveys on the use of VG and race-norming.

When race-norming began to be publicly scrutinized USES contacted the Interstate Conference of Employment Security Agencies, Inc. (ICESA) to conduct a survey to assess the nationwide use of the **GATB**, VG, and race-norming. The survey was completed in January 1992 and results were reported to the individual state employment service administrators in a March 11, 1992 memorandum from the ICESA Equal Opportunity Committee Chair.[30] According to the survey, 50 of the 53 state employment service agencies were using the **GATB** to evaluate job candidates.[31] However, the use of VG and race-norming was perhaps the most interesting aspect of the survey.

ICESA reported the use of VG and race-norming during two time periods. The first period was prior to September 1990 and the second period was between September 1990 and January 1992. It was during 1991 that opposition to race-norming intensified to the point of declaring its use illegal for private testing agencies.[32] Table 2 shows that 33 states were utilizing **GATB**/VG with race norming to some extent as of September 1990. However, following the controversy of 1991, utilization of **GATB**/VG declined to only eight (8) participating states by January 1992. Of these remaining states, Iowa was preparing to eliminate the use of **GATB**/VG, and Montana and North Dakota had discontinued race-norming. In all, twenty-six of the original thirty-four participating states discontinued the use of **GATB**/VG and twenty-eight were no longer using race-norming techniques. However, ten of these states reported they planned to reinstate an improved **GATB**/VG program by 1993.[33]

Employers were reported to be "generally frustrated" and considered this a "loss of a valuable hiring tool"; for this reason USES requested individual state participation in federal, state, and local research projects designed to improve the validity of **GATB**/VG and lessen its disparate impact. Twenty-seven states expressed a desire to participate in federally funded validity improvement research studies, but only six states were willing to develop or participate in state or local projects requiring the use of their own funds. In regard to research on race-norming only four states wanted to participate on a state and local level, while twenty-six were willing to participate in federal research programs.[34] Basically, there appeared to be a general interest in the research projects as long as it did not involve the use of state and local funds.

TABLE 2 GATB/VG USERS

STATE	As of September 1990	As of January 1992
Alaska	ODO	SW
Arkansas	SS	Not Used
Colorado	SS	Not Used
Delaware	SW	Not Used
Florida	SS	Not Used
Georgia	SW, ODO	Not Used
Illinois	SW	Not Used
Indiana	ODO	Not Used
Iowa	SW	Phasing Out
Kansas	SS	Not Used
Kentucky	SW, ODO	Not Used
Maine	SS	SS
Minnesota	SS	Not Used
Missouri	SS	Not Used
Montana	SS	SS, Less Race Norms
Nebraska	SW	Not Used
New Jersey	SS	Not Used
New Mexico	SW	Not Used
New York	SW	Not Used
North Carolina	SW	Not Used
North Dakota	SW	SW, No Race Norms
Ohio	ODO	INA
Oklahoma	SW	Not Used
Oregon	SS, ODO	Not Used
Pennsylvania	SW	Not Used
South Carolina	SS	Not Used
South Dakota	SS	SS
Tennessee	SS	Not Used
Texas	SW	Not Used
Utah	SW, ODO	Not Used
Vermont	SS, OCA	SW, OCA
West Virginia	SW	Not Used
Wisconsin	SS	SS, ODO

LEGEND: SW = Statewide; SS = Selected Sites; ODO = On Demand Only; OCA = Only for Counseling and Assessment.
SOURCE: ICESA January 1992 GATB Survey of SESAs.

THE DEMISE OF RACE-NORMING

As noted earlier, race-norming of the **GATB** was developed under the Carter Administration and was put into policy practice by the DOL under the Reagan Administration. Race-norming was never debated or approved by the U.S. House of Representatives or the Congress, and the Reagan Administration had no input in the implementation of this policy. However, in 1986 the U.S. Department of Justice (DOJ), under the direction of Assistant Attorney General for Civil Rights, William Bradford Reynolds, challenged **GATB/VG** on the basis it represented reverse discrimination that was in violation of Title VII of the 1964 Civil Rights Act. However, the DOJ agreed to drop its pursuit of this matter if DOL would agree not to expand the system beyond 1986 boundaries before conducting research to justify the system's results.[35] DOL agreed not to extend the system until a panel of the NAS completed "a thorough, scientific evaluation" of the **GATB** referral system including within-group scoring.

Further, Congressional concern developed during the following years. Most notably an amendment to the 1991 Civil Rights Bill was proposed by Democratic Congressman Henry Hyde of Illinois. In addition, Republican Senate Minority Whip, Alan Simpson of Wyoming introduced a similar bill to outlaw the practice.[36] However, the amendment to the 1991 Civil Rights Bill was deleted by the Republicans because the election was quickly approaching and they did not want the Democrats to be able to charge them with "racial-politics."[37] The White House hoped the Congress would take it upon itself to abolish the practice so President Bush would be shielded from any negative fallout. Obviously, most Republicans oppose race-norming. In fact, many Democrats are also opposed to the policy, but they were in a no-win situation politically. Polls showed Whites, 85% of the electorate, were extremely opposed to

any preferential treatment of minorities. In fact, a March 20-23, 1991 poll found 77% of the voters did not approve of race-norming while only 16% agreed with the policy.[38] Democrats were upset with Hyde for openly challenging the policy and drawing attention to it.[39] Hyde's proposal was defeated in the House Judiciary Committee by a 21-13 vote, strictly party-line.[40] However, when President Bush signed the bill into law in November, 1991, a provision was included in the final bill that outlawed race-norming.[41]

THE COURTS, VALIDITY GENERALIZATION, AND RACE-NORMING

Validity Generalization Court Cases

Because the *Griggs v. Duke Power Co. (1971)* case led the way for litigation involving more specific areas of employment discrimination such as questions regarding the use of VG in employment tests.. According to Sharf, by 1987 five case precedents involving VG had been argued in Federal District Courts. Of these the court had ruled in favor of VG four times.[42]

Pegues v. Mississippi State Employment Services, Etc.[43]

The *Pegues* case is a very important case, because of the unusual nature in which it was filed. This was a class action suit brought about by female and Black applicants who claimed the Mississippi State Employment Service (MSES) had racially and sexually discriminated against them through their referral methods. The plaintiffs challenged the validity of the **GATB** and **SATB** (a smaller state-developed test designed for specific jobs). The plaintiffs in this case were poorly educated individuals who were not qualified for the positions they were seeking and were unwilling to relocate. Some of the plaintiffs including Mrs. Pegues had been placed in developmental programs to eliminate these employment barriers, but many showed no interest in the programs and eventually dropped out. This case is most important because it placed the

burden on the plaintiffs to show they or their class had suffered or were likely to suffer race or sex discrimination. In the case the plaintiffs were unable to do so.

EEOC v. Atlas Paper Box Company[44]

EEOC v. Atlas Paper Box Company was heard on January 30, 1987 in the U.S. District Court of Tennessee. At issue was the use of the **E.F. Wonderlic Personnel Test** as a predictor of applicant performance in the clerical department of the company. The EEOC claimed the company had used the test as a way to keep Blacks from obtaining salaried, clerical office positions.

The court held EEOC must meet three requirements if they were to prove their case:

A) EEOC must prove the existence of pattern and practice of race discrimination by Atlas.

B) To prove disparate impact EEOC must show applicants were selected in a significantly different pattern than the application pool, and

C) EEOC must prove the use of these procedures was motivated by race discrimination.

EEOC was unable to meet these requirements. One reason was the expert testimony provided. Dr. John E. Hunter, professor of psychology at Michigan State University illustrated the **Wonderlic Test** was a good measure of cognitive skills. He testified the test was fair and better predicted job performance than any other criteria such as interviews or previous work history. Although Atlas had conducted no validation study of their own, statistically impossible with the given sample size, Hunter testified studies conducted by other agencies had shown the test to be valid for clerks.

The court examined extensive hiring records and found no evidence of race-discrimination. It was never found that Blacks had been rejected in favor of less qualified White applicants. In

addition, very few Blacks had ever applied for positions compared to Whites. For instance, in 1975 only 6% of the applicants applying for clerical positions were Black, and none had scored higher than the lowest scoring White hiree. Many other examples such as this can be found in hiring records dating all the way back to 1969. However, Dr. Donald J. Schwartz of EEOC testified that during the period from 1969-1979, Atlas' hiring practices exhibited statistically significant adverse impact on Blacks, but Thomas E. Geraghty from the University of Tennessee, Chattanooga found no statistically significant adverse impact from 1978 to 1984. Dr. Schwartz agreed.

In its decision the court found the plaintiff had failed to show disparate treatment or disparate impact and the defendant had successfully shown the **Wonderlic Test** was not used simply as a means to discriminate. The policy of VG was upheld without question, and Atlas Box Company received a favorable ruling because they had consistently applied a policy of hiring the most qualified applicant regardless of race.

Friend v. Leidinger[45]

Friend v. Leidinger was argued on October 3, 1977 in the U.S. District Court of Virginia. This was a class action suit filed by Black firemen against the city of Richmond, Virginia. These plaintiffs claimed the city violated twenty-two provisions of the Civil Rights Act because Fire Bureau Employment policies were discriminatory against them as a class. Some of the items the plaintiffs alleged included the excessive punishment and garnishment of wages for accidents involving Black employees compared to those involving Whites; Blacks claimed they were promoted at a lower rate than Whites; Black firemen, as a class, claimed they were intentionally given lower job-performance ratings than Whites; Blacks were subjected to racial

insults from their co-workers; and the plaintiffs challenged the validity of the city's testing procedures for employment and promotions.

Judge Warriner ruled in the city's favor for various reasons. First, no discriminatory impact was demonstrated by the plaintiff's evidence. Most importantly, a *prima facie* case of race-discrimination can be rebutted by a state or municipality by evidence of lack of discriminatory purpose, and evidence showed fire officials had demonstrated no discriminatory intent. In fact, fire officials had, in the court's opinion, made sincere efforts to eliminate discrimination.

In regard to employment testing some interesting arguments were presented. The firemen claimed the test had not been validated for the position of fireman in the City of Richmond and therefore they claimed the test was not job-related. However, the city claimed the test would be statistically impossible to validate in Richmond due to small sample size, but they claimed the test was valid because it had been validated in 55 jurisdictions in the State of California. The city argued the job of fireman in both places was essentially the same, therefore VG allowed the test to be used. The court ruled this use of VG was appropriate according to EEOC guidelines. In addition, the defendants provided evidence the number of Blacks hired was proportional to the Black population in Richmond. The court also felt Blacks were sufficiently represented in high ranking city government positions to rule out any intentional race discrimination by city officials. The court ruled there was not enough evidence to rule on the subject of tests for promotional purposes. For these, and many other reasons, the court ruled completely in favor of the defendants in this case.

The Railroad Cases[46]

One example of VG at work is illustrated in cases involving the Consolidated Rail Corporation. The suits alleged tests given to applicants in the Engineer Training Program (ETP) were not valid predictors of their future job performance since the tests had not been individually validated. Contrail admitted no validity study had been performed on the two written exams used to evaluate applicants in the ETP. However, they claimed the tests accurately evaluated specific knowledge required in the job, and the tests and the job duties were similar ("almost identical") to those of a close competitor, Burlington Northern.

Burlington Northern locomotive engineers had been subjected to tests for many years and there was sufficient data available to validate the tests for the job of engineer. The plaintiffs argued the equipment used was different and could not allow the same test to be applied across companies. The court ruled the equipment was sufficiently similar to allow a capable operator of one locomotive to enter a different type of locomotive and operate it safely and efficiently. Because Conrail's tests were similar to those of Burlington Northern, which had been validated, the court ruled in favor of the defendant Conrail. The position and its duties were the same and the test was a valid predictor under the concept of VG.

Van Aken v. Young[47]

The courts have not always ruled in favor of VG. In *Van Aken v. Young* the concept of VG was completely disregarded. This case involved a class action suit by white fire fighter applicants in Detroit who claimed they had been overlooked in favor of less-qualified minorities and females. They claimed the city's affirmative action policy was reverse discrimination, and further claimed the written tests used to choose fire-fighters were valid measures of job performance. The court did not agree and ruled the city had admitted to a long history of race

and sex discrimination within the fire department. Evidence presented overwhelmingly proved this point. In some years over 300 fire fighters would be hired, none were female or black. The city developed an affirmative action plan to choose the highest qualified minority and female individuals even if more qualified white or male applicants were to be passed over. This procedure was put in place until the racial and gender proportions of hire applicants reflected city populations. The court examined the practice and found it to be an appropriate means of reversing past discriminatory injuries.

One of the plaintiffs' arguments is germane to VG. The plaintiff claimed the written exam should have been used to strictly rank-order all applicants and relied on the expert testimony of Dr. John Hunter of Michigan State. Interestingly, Dr. Hunter had been the expert witness in every other case where VG was ruled on favorably. In this case, he made the same statements as he had previously, but he was soundly defeated. He relied on VG to claim the fireman's written test was valid because good academy performance correlated well with job performance. Hunter was rebuked so powerfully Judge Gilmore wrote in his memorandum of decision that

> Hunter was completely destroyed on cross-examination. He admitted he knew nothing specific about the Detroit Fire Department Academy and its curriculum, and stated that the ability to be a fire fighter depended just as much upon fast reading ability as agility and ability to climb ladders and do other physical tasks that fire fighters perform. He was unable to explain how a person in a wheelchair, who could get the highest grade on a written exam, could be an active fire fighter. He further testified that there was a high correlation between cognitive ability and the ability to be a good lemon picker. Most of Hunter's testimony lacked credibility, and the Court is completely disregarding it.

In Hunter's defense, it must be noted the fireman's test did not have the same statistical power the **GATB** or even the **E.F. Wonderlic Test** did and would have been very difficult for anyone to defend. However, this was a definite defeat of VG techniques. This illustrated the

weakness of relying on VG in all cases. The method only works when the tests are the same and the jobs being tested are very similar, and as one can see, when these requirements are not met the courts will not be kind.

Race-Norming Court Cases

Following the *Griggs* decision many employers began to abandon testing altogether fearing charges of discrimination. Some employers recognized the need for affirmative action but desired the utility of tests. Procedures were developed to satisfy both requirements. A technique called the "bottom-line" defense was developed. This normally involved tests utilizing the low cut-off method as a pre-screening device followed by preferential selection of minorities from the remaining group. Minorities were selected until the racial proportions were appropriate. Employers hoped minority employees being chosen to satisfy the bottom-line would shield them from adverse impact claims. They further reasoned that if the bottom -line were satisfied tests would not have to be validated. This was defeated in the 1982 Supreme Court case of *Connecticut v. Teal*. The *Teal* case is a landmark race-norming case, which resulted in the virtual abandonment of tests by many employers.[48]

The *Teal* case revolved around a group of Black Connecticut State employees who were eliminated from consideration for permanent supervisory positions because they failed a written exam. The state relied on the "bottom-line" defense in this case citing the fact that Blacks in supervisory positions were proportional to Blacks in the population. The test being administered had not been validated and the Black employee passing rate was only 68% that of White candidates. The courts have established a test is fair if minority passing rates are within at least 80% of majority passing rates. This is referred to as the four-fifths rule. Therefore, this test

had adverse impact on minorities and because this test had not be validated the court ruled in favor of the plaintiff.[49]

Guardians v. New York[50]

The case of the *Guardians Association of the New York City Police Department v. Civil Service Commission of the City of New York* was decided in the Second Circuit U.S. Court of Appeals on July 31, 1980. The plaintiffs were minority candidates for the position of entry-level police officer. The claimed a rank-ordered entrance exam was not valid and resulted in disparate impact on minority hiring. The city had four other requirements including a physical examination, agility test, psychological profile, and background check. However, these requirements were graded on a pass-fail basis and their legality was not questioned by the plaintiffs. Only the rank-ordered test was under scrutiny. The court under Judge Sifton affirmed and remanded the case in parts. The court found the test to have disparate racial impact because Whites passed the test at a rate of 45.9%, while Blacks and Hispanics had 17 and 20.5 percent passing rates, respectively.

The court further ruled that the test had content validity, and the state had conducted appropriate studies to assure this test met EEOC guidelines. The problem was the test did not differentiate well enough between all individuals. There existed a cluster of individuals surrounding the cut-off level. Thus, the test did not sufficiently differentiate between individuals to justify rank-ordering. Because this procedure resulted in disparate impact Title VII had been violated.

The court required the city to bar any continued use of the exam unless adjustments eliminating adverse impact were made. The judge ordered the development of a new procedure

and required it be approved by the court prior to its institution. The judge also ruled strict adherence to the EEOC guidelines was not necessary as long as the results did not violate Title VII. The state offered to institute an interim quota system, but the court rejected it as unnecessary. In this case, if the city had race-normed the results and hired accordingly it probably would have been acceptable.

Hannon v. Barry[51]

In the *Hannon* case the District of Columbia had developed an affirmative action plan requiring hiring quotas of minority candidates at levels above race proportions in the actual population. The District held this action was required to reverse past discriminatory practices. The United States, plaintiff in this case, argued that statistics showed the workforce of Washington, D.C. already has proportional minority representation, and any affirmative action plan would tend to discriminate against non-minorities. The court agreed and judged that in the absence of any current discrimination an unnecessary affirmative action plan violated Title VII of the Civil Rights Act. The court added the District had failed to consider non-race-based alternatives, and their goal of achieving racial parity was constitutionally invalid. The court accordingly ruled in favor of the plaintiff and declared the unnecessary affirmative action plan in violation of Title VII.

In other important cases concepts similar to race-norming were upheld by the courts. In *Kirkland v. New York State Department of Corrections* minority prison guards complained a rank-ordered promotional exam was discriminatory. A settlement agreement was developed, and after reviewing lengthy sets of data the court approved the plan. The plan called for and approved "banding" procedures where applicants in appropriate zones were chosen for selection

by a random process instead of rank-ordering.[52] In this case a rank-ordering process was found to be discriminatory and random selection would eliminate any disparate impact.

In a similar case, *Vulcan Society v. Fire Department of White Plains* a settlement agreement was reached between a class of minority fire-fighters who alleged racial discrimination in the written employment test. The cities involved all used the same test developed by the City of New York for its fire department. This test had been previously ruled to be in violation in New York and as a consequence, it was declared discriminatory in the defendants' respective cities. The final results was an agreement to keep the test but to change it from a rank-ordered exam to a general qualifying, pass-fail, examination. The court ruled the settlement agreement was justified under Title VII and satisfied the intent of EEOC guidelines.[53]

Bushey v. New York State Civil Service[54]

Bushey involved the failure of minority passing rates to meet the four-fifths rule in comparison to non-minority success rates on a promotional examination in the New York Department of Corrections. Originally minorities only passed the test at a rate of 25% compared to 49% for Whites. The city then instituted a score adjustment procedure where minority candidates raw scores were adjusted with bonus points. Whites challenged this procedure as reverse-discrimination since qualified Whites were not being selected in preference to apparently less-qualified minorities. A district court agreed the procedure was illegal, but on appeal, the courts ruled it was justified. They ruled in this manner noting the system did not eliminate any eligible non-minority candidates from the referral pool, nor did it absolutely bar non-minorities from advancement. The court held the procedure valid because of its ability to limit the adverse

impact of the test and because it was only temporary in nature. This was a major victory for supporters of race-norming and similar affirmative action procedures.

A similar case, *Higgins v. City of Vallejo*, was heard in 1987. In this case a White fire-fighter ranked number one among all candidates for promotion was not chosen for the position. Instead a Black fireman ranked third among the candidates was awarded the promotion in accordance with the city's affirmative action plan. Higgins filed reverse-discrimination, but was defeated. The court ruled the promotion was not a violation of the city charter or its affirmative action plan; the plaintiff was unable to prove the plan violated Title VII of the Civil Rights Act; and the plaintiff's Fourth Amendment rights had not been violated.[55]

The above cases are only a sample of the myriad of VG and race-norming cases brought before courts. The decisions tended to favor affirmative action procedures except in cases where little or no effort appears to have been made to validate the procedures or monitor their results. The courts appear to have a liberal slant or concentration in their decisions. Basically, the employer seems to carry most of the burden of proof in matters involving race-discrimination, and the employees filing adverse impact claims tend to have an advantage in our legal system.

THE NATIONAL ACADEMY OF SCIENCES STUDY

Due to a 1986 agreement with the DOJ, a study of the GATB/VG and race-norming was required to be conducted by a neutral organization before GATB/VG could be extended beyond its 1986 boundaries.[56] The National Academy of Sciences (NAS) was contracted to conduct the study, which took more than two years to complete, and many important topics and rumors were addressed using scientific methods and advanced statistical procedures. The results of these studies are published in over fifty detailed reports issued by USES. Much of the work

conducted by NAS involved repeating advanced statistical experiments originally conducted by J.E. Hunter in the 1970s and early 1980s.[57]

The Committee's Report offered a number of policy recommendations for the fair and reasonable use of the **GATB**.[58] The NAS found the **GATB** to be of reasonable quality, having a moderately meaningful relationship to job performance. The Committee supported the use of VG, but added that **GATB** scores alone are not enough to refer and finally choose employees. The NAS recommends the use of multiple criteria such as educational history, and past work experience to choose employees. In the Committee's view even tests of moderate validity such as **GATB's** 0.3 translated into increased production and performance gains for individual employers. However, the Committee added:

> The economic gains from using an instrument of 0.3 validity, are not sufficient in the Committee's judgment to justify its widespread use without some form of score adjustments, given the enormous adverse impact it would have on minority job seekers.

The Committee recommended **GATB** score adjustments be maintained to equalize the chance of referral for Whites, Black, Hispanics, and other minority individuals who would all do well on the job. Further the Committee recommended full disclosure of both the race-normed and raw scores to the applicant and the employer.

Finally, the Committee realized and admitted the use of race-norming will result in some economic loss. It estimated this loss of efficiency to be between 10 and 20 percent. This loss in production is the cost of providing minority workers the same chance of referral as able majority workers.

CONCLUSION

On the subject of race-norming there appear to be experts on both sides of the issue. It is an emotional subject touching the lives of millions of individuals. People are drawn to the subject because it revolves around our human concept and need for fairness, and it is unlikely any policy developed will ever be fair to everyone. Blacks and other minority groups want employment tests allowing them to compete and giving them an equal opportunity for employment. Whites, on the other hand, feel cheated as individuals if they are overlooked for a position in favor of an apparently less-qualified minority.

However, until the races all share an equal place in society inequities will continue. Until then affirmative action plans such as race-norming will have to be used to force society to move forward. On the one hand, very few individuals find VG to be offensive. On the other hand, race-norming is offensive to many individuals.

Supporters of race-norming typically present logical, unemotional, and scientific evidence to support their positions. Yet, critics of VG and race-norming are normally highly emotional and almost pleading. Blits and Gottfredson consider VG and race-norming to be Marxist, and argue that America will once again be thrown into a feudalistic society where lineage and birth would predict a person's rights and standing in their community.[59] However, race-norming appears to be an effective and useful technique allowing employers to reap most of the economic benefits of testing, while accomplishing equal employment opportunity and diversity goals.

ENDNOTES

1. U.S. Department of Labor, **USES Test Research Report No. 46** (1983): 1-2.

2. Peter A. Brown, "Normin' Stormin'," **The New Republic** (April 1991): 13.

3. Alexandra K. Wigdor and John A. Hartigan, "The Case for Fairness," **Society** (March/April 1990): 13.

4. Ibid., 13.

5. Interstate Conference of Employment Security Agencies, INC., "ICESA GATB/VG Survey," (March 1992): 3.

6. Ethan Bronner, "Scoring of Job Tests Under Fire." **Chicago Tribune** (May 25, 1991): 2.

7. Sharon LaFraniere, "Labor Department to Revamp Aptitude Test." **The Washington Post** (December 14, 1991): A13.

8. Holly K. Hacker, "Adjusted Federal Employment Tests Stir Controversy." **New York Times** (June 6, 1991): A5.

9. Jan H. Blits and Linda S. Gottfredson, "Equality or Lasting Inequality?," **Society** (March/April 1990):4. The term race-norming is used primarily by opponents to convey their disdain of the process.

10. "Equality Through Double Standards," **National Review** (June 10, 1991): 14.

11. Ibid., 14.

12. U.S. Department of Labor, **USES Test Research Report No. 46** (1983): 1.

13. Ibid., 1.

14. Ibid., 17.

15. Robert G. Holland, "Race-Norming by Any Other Name," **National Review** (July 29, 1991): 36. According to Kelman, "race-norming simply reflects a substantive commitment to interpreting raw test scores in a fashion that facilitates the hiring of workers from groups that do poorly on the test." See Mark Kelman, "Concepts of Discrimination in 'General Ability' Job Testing," **Harvard Law Review** 104 (1991): 1157-1247; especially p. 1192, note 91.

16. Laurence I. Barrett, "Cheating on the Tests," **Time** (June 3 1991): 57. The **GATB** has been in place since 1947. See Hacker, "Adjusted Federal Employment Tests Controversy," p. 5.

17. "Race Norming Tests Become a Fiery Issue." **New York Times** (May 19, 1991): Section 4, p. 5.

18. Brown, "Normin' Stormin," p. 13.

19. Mary L. Tenopyr, "Fairness in Employment Testing," **Society** (March/April 1990): 19.

20. Holland, "Race-Norming by any Other Name," p. 37.

21. Ibid., 37.

22. U.S. Department of Labor, **USES Test Research Report No. 46**, p. 3.

23. U.S. Department of Labor, **USES Test Research Report No. 43**, (1983): pp. 2-3.

24. Ibid., pp. 6-7.

25. George W. Bohrnstedt and David Knoke, **Statistics for Social Data Analysis**, 2nd ed. (Itasca, IL: Peacock, 1988), p. 12.

26. U.S. Department of Labor, **USES Test Research Report No. 43**, p. 7.

27. Robert G. Holland, "Big Brother's Test Scores." **National Review** (September 3, 1990): 35-57.

28. Ibid. and U.S. Department of Labor, **USES Test Research Report No. 43**. p. 7.

29. USES Test Research Report No. 43, 2.

30. Interstate Conference of Employment Security Agencies, Inc., "ICESA GATB/VG Survey," p. 1.

31. Ibid., 2.

32. "Equality Through Double Standards," p. 14.

33. Interstate Conference of Employment Security Agencies, Inc., "ICESA GATB/VG Survey," p. 3.

34. Ibid., pp. 3-4.

35. Wigdor and Hartigan, "The Case for Fairness," p. 14.

36. Brown, "Normin' Stormin'," p. 13.

37. Ibid., p. 13.

38. Ibid., pp. 13-14.

39. Ibid., pp. 13-14.

40. Ibid., p. 13 and **Civil Rights Act of 1991** 101 2nd Congress 1st Session (May 17, 1991).

41. See LaFraniere, "Labor Department to Revamp Aptitude Test," p. A13.

42. James C. Sharf, "Litigating Personnel Measurement Policy," Keynote Address, Conference on "Fairness in Employment Testing." October 1, 1987, Newport Beach CA.

43. **Pegues v. Mississippi State Employment Service, Etc.**, U.S. District Court No. DC 72-4-S, March 7, 1980. Court opinion delivered by District Judge Orma R. Smith. Published in 488 F. Supp. 239 (1980): 239-258.

44. **EEOC v. Atlas Paper Box Company**, U.S. District Court No. CIV-1-83-251, January 30, 1987. Court opinion delivered by Chief Judge Hull. Published in 680 F. Supp 1184 (E.D. Tenn. 1987): 1184-1189.

45. See **Roscoe Friend et al. v. William Leidinger et al.**, U.S. District Court Civ. A. No. 74-0327-R., October 3, 1977. Court opinion delivered by District Judge Warriner. Published in 446 F. Supp. 361 (1977): 361-387.

46. Sharf, "Litigating Personnel Management Policy."

47. See **Neal VanAken et al v. Coleman A. Young, et al.**, U.S. District Court Civ. A. No. 77-62443, June 8, 1982. Court Opinion delivered by District Judge Gilmore. Published in 541 F. Supp. 448 (1982): 448-460.

48. Blits and Gottfredson, "Equality or Lasting Inequality?," p. 8.

49. See **Connecticut et al v. Winnie Teal et al.**, U. S. Supreme Court case 80-2147, June 21, 1982. Court opinion delivered by Justice Brennan. Published in 102 S. Ct. 2525 (1982): 2525-2540.

50. See **Guardians Association of the New York City Police Department, Inc. v. Civil Service Commission of the City of New York**, U.S. Court of Appeals No. 849, Docket 80-7027, July 31, 1980. Court opinion delivered by District Court Judge Sifton. Published in 630 F. 2d 79 (1980): 79-114.

51. See **Marvin K. Hannon, et al. United States of America v. Marion S. Barry, Jr, Mayor, D.C., et al.**, U.S. Court of Appeals Nos. 85-5669, 85-5670 and 85-5671, February 27, 1987. Court opinion delivered by Circuit Judge Starr. Published in 813 F. 2d 412 (D.C. Cir. 1987): 412-447.

52. **Kirkland v. New York State Department of Corrections**, U.S. Court of Appeals Nos. 828, 909, Dockets 82-7830, 82-7874, June 8, 1983. Court opinion delivered by Circuit Judge Lumbard. Published in 711 F.2d 1117 (1983): 117-1136.

53. **Vulcan Society of Westchester County, Inc., v. Fire Department of the City of White Plains, et al.**, U.S. District Court Case Nos. 78 Civ. 911, 80 Civ. 0336, January 15, 1982. Court opinion delivered by Judge Sofaer. Published in 5050 F.Supp. 955 (1981): 955-968.

54. See **James Bushey et al v. New York State Civil Service Commission**, U.S. Court of Appeals No. 779, Docket No. 83-7893, April 16, 1984. Court opinion delivered by Circuit Judge Pierce. Published in 733 F.2d. 220 (1984): 220-229.

55. **Higgins v. City of Vallejo**, U.S. Court of Appeals No. 86-1904, July 29, 1987. Court opinion delivered by Circuit Judge Pregerson. Published in 823 F. 2d 351 (9th Cir. 1987): 351-360.

56. Wigdor and Hartigan, "The Case for Fairness," pp. 13-14.

57. U.S. Department of Labor, **USES Test Research Report No. 43**, pp. i-iv, 22.

58. Tenopyr, "Fairness in Employment Testing," pp. 19-20 and John A. Hartigan and Alexandra K. Wigdor (eds.) **Fairness in Employment Testing** (Washington, DC: National Academy Press, 1989).

59. Blits and Gottfredson, "Equality or Lasting Opportunity," p. 4.

JEWISH VOTERS AND PRESIDENTIAL ELECTIONS:
THE RECORD, THE REASONS, THE FUTURE

Neal Riemer

Drew University

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ABSTRACT

JEWISH VOTERS AND PRESIDENTIAL ELECTIONS:
THE RECORD, THE REASONS, THE FUTURE

Neal Riemer
Drew University

78 to 86% of Jewish voters supported Bill Clinton in the 1992 presidential election. This compares to the national vote of 43% (Clinton), 38% (Bush), and 19% (Perot). Only African-Americans cast a comparably overwhelming majority for Clinton--82%. The 78-86% Jewish vote for Clinton makes Jewish voters more pro-Clinton than Democrats in the country at large, who supported Clinton by 77% By way of contrast, Catholics voted 44% for Clinton; white Protestants, 33% for Clinton, and white born-again Christians, 23% for Clinton. The Jewish vote in the 1992 presidential election thus clearly confirms the solidly liberal and democratic bent of Jewish voters. The average Jewish percentage vote for Democratic presidential candidates between 1928 and 1988 has been 75%. In the 1992 election, religious commitment, gender, age, education, financial well-being reveal no departure among Jewish voters from strong majority support for Clinton. Democratic voting and liberal identification reflect a strong Jewish commitment to church-state separation, social issues such as human rights, peace, the environment, women, social welfare programs, and the groups and symbols of liberal America.

Beyond the superficial reasons for Jewish support for Clinton in 1992--distrust of the policy positions of Conservatives and the Religious Right; distrust of Bush/Baker statements on Israel; support for a vigorous governmental response to economic malaise--four broader and deeper reasons suggest themselves: religious, historical, sociological, realistic. The religious values are those of tzedakah (righteousness), Torah/Covenant, and chiyim (life). The historical reasons include the biblical Exodus; medieval and modern persecution; the liberal Enlightenment; Ha Shoa (the Holocaust); and the establishment of the state of Israel. The sociological factors include liberal parents and grandparents, urban life, and higher education. Enlightened self-interest leads to efforts against anti-semitism and economic and social malaise, for equal opportunity and meritocracy, and for the state of Israel.

Given Jewish religious values, historical memory, sociological influences, and enlightened self-interest, and absent the Democratic Party's desertion of liberal principles and policies, or a strong pro-Israeli position, Jewish voters will continue to give strong majorities to Democratic presidential candidates.

Jewish Voters and Presidential Elections:

The Record, The Reasons, The Future

Neal Riemer

I. INTRODUCTION

In this paper I propose to do three things. Initially, I shall, after summarizing the record of Jewish voters in the 1992 Presidential election, briefly compare Jewish voters in that election with the 1992 voting record of other groups, and then with the presidential voting behavior of Jewish voters in the period 1928-1988. I shall, secondly, attempt to set forth some hypotheses about the reasons for the voting behavior of Jewish voters in the 1992 presidential election, as we can better understand that behavior in the light of the fuller record since 1928. Finally, I shall speculate on the future voting record of American Jewish voters in American presidential elections.

II. THE RECORD

If we use as our guide the American Jewish Congress study of The Jewish Vote in the 1992 Presidential Election[1], it appears that 86% of Jewish voters supported Bill Clinton; 10% supported George Bush; and 4% supported Ross Perot. This compares to the New York Times (VRS) figures of 78% Clinton, 12% Bush, and 10% Perot.[2]

The Jewish vote for Clinton--whether 86% or 78%--contrasts strikingly with the national vote. Using even the lower New York Times (VRS) figure of 78%, the contrast in the national vote is 43% Clinton, 38% Bush, and 19% Perot. Only African-Americans cast a comparably overwhelming majority for Clinton--82%.

The 78-86% Jewish vote for Clinton makes Jewish voters more pro-Clinton than Democrats in the country at large, who supported Clinton (according to the New York Times poll) by 77%. Again, by way of comparison, Clinton received 68% of the liberal vote, 48% of the votes of moderates, and only 18% of the conservative vote.

The Jewish vote in the 1992 presidential election also provides some striking comparisons with other religious groups in the United States. Thus, according to the New York Times's "Portrait of the Electorate," white Protestants voted 33% Clinton, 46% Bush, and 21% Perot. Catholics voted 44% Clinton, 36% Bush, and 20% Perot. White born-again Christians recorded

the lowest support for Clinton (23%) and the greatest support for Bush (61%); Perot received only 15% of their vote.

The Jewish vote in the 1992 presidential election thus clearly confirms "the solidly liberal [and democratic] bent of Jewish voters."[3] In the American Jewish Congress study, 67% of Jewish voters identified themselves as Democrats, 19% as Independents, and 13% as Republicans. Moreover, by "63% to 4%, the Democrats were felt to care more about Jewish concerns than Republicans."[4]

What is also striking is that even Jewish voters who identified themselves as conservatives gave Clinton strong majority support. The breakdown, according to political orientation and vote, was as follows: Liberal--96% Clinton; Moderate--86% Clinton; Conservative--67% Clinton.[5]

Religious commitment, gender, age, education, financial well-being--in the American Jewish Congress study--reveal no striking departure from strong majority support for Clinton. For example, his support among major Jewish denominations was very high: 87% among Reform and Conservative Jews; 86% among Secular Jews; and even 82% among Orthodox Jews. Those who attended synogogue weekly supported Clinton 86%; those who hardly attended, by 77%.[6] Interestingly, Jewish women gave Clinton 90% of their vote, while Jewish men gave him 81% of theirs. Moreover, all Jewish age groups overwhelmingly supported Clinton: those 18-29 by 84%; those 30-44 by 82%; those 45-59 by 83%; and those 60 or more by a whopping 90%. In addition, all educational levels gave Clinton their resounding support: high school graduates--89%; some college--85%; completed college--83%; graduate/professional school-88%. Finally, financial situation (in striking comparison with the general electorate) seems not to have been the decisive factor in the disposition of Jewish voters. Those better off in 1992 (in comparison with 1988) still supported Clinton with 78% of their votes; this in comparison to the 24% of the general electorate--according to the Voter Research Survey, reported in The New York Times. Jewish voters worse off gave Clinton 90% of their vote in comparison with the national average of 61%. And those whose family situation had remained the same supported Clinton 86%.[7]

If we now examine the presidential voting record from 1928-1988, we are able to place the 78-86% vote for Clinton in historical perspective. Using the figures in Lee Sigelman's splendid article, "Jews and the 1988 Election: More of the Same?,"[8] we discover that--with the sole exception of the 1980 election--Jewish voters have given strong majorities to Democratic presidential candidates. The percentages for Democratic candidates are as follows:

1928:	Smith --	72%	
1932:	Roosevelt--	80%	
1936:	Roosevelt--	85%	
1940:	Roosevelt--	95%	
1944:	Roosevelt--	90%	
1948:	Truman--	67%	
1952:	Stevenson--	70%	
1956:	Stevenson--	67%	
1960:	Kennedy--	82%	
1964:	Johnson--	90%	
1968:	Humphrey--	82%	
1972:	MGovern--	65%	
1976:	Carter--	70%	[64% according to New York Times]
1980:	Carter--	45%	
1984:	Mondale--	70%	[67% according to New York Times]
1988:	Dukakis--	70%	[64% according to New York Times]

Sigelman rightly notes that the relatively lower Jewish votes for Harry Truman in 1948 and Carter in 1980 requires a reminder. If one added to the Truman vote in 1948 the Jewish vote for third-party candidate Henry Wallace, and to the Carter vote in 1980 the third-party Jewish vote for John Anderson, the liberal Jewish vote for liberal presidential candidates would go up to 82-87% for Truman/Wallace, and to 60-65% for Carter/Anderson.

The average Jewish percentage vote for the Democratic presidential candidate from 1928 to 1988 was 75%. Roughly, then, three out of four Jewish voters tended to vote for the Democratic Party's presidential candidate. The Jewish vote for Clinton in 1992 was thus better than the average of 75% between 1928-1988. It compares favorably with the Jewish vote for Franklin D. Roosevelt and for Lyndon Johnson, and also for Hubert Humphrey and John F. Kennedy.

Jewish voters have voted more consistently for Democratic presidential candidates than white Protestants or Roman Catholics. And it is only since 1964 that African-Americans have voted more Democratic than Jews in presidential elections. (If the American Jewish Congress figures for 1992 are more accurate than the New York Times Voter Research and Surveys data, the Jewish percentage for Clinton--86%--exceeded the African-American vote--82%-- for Clinton.) Even in 1980--Carter v. Reagan--Jewish Americans voted 15% more Democratic than the overall Democratic vote in the country for Carter.[9]

The Jewish voters' commitment to Democratic presidential candidates coexists with a strong commitment to political liberalism. In his 1989 study of "The Dimensions of Jewish Liberalism," for the American Jewish Committee, Steven M. Cohen--another keen student of Jewish voting behavior--wrote: "American Jews are political liberals. While as a group their political

attitudes range over the entire ideological spectrum, from left to right, the American Jewish political center is situated to the left of that of the larger society. Although not all Jews are liberals, proportionately more Jews are liberal than other Americans, and fewer are conservative." Moreover, on social and political issues, writes Cohen, "Jews are extraordinarily liberal in three broad areas: church-state separation; the social issues [especially issues involving human rights, peace, the environment and women], and identification with the groups and symbols of liberal America."[10]

According to Charles S. Liebman and Steven M. Cohen: "Democratic voting and liberal identification [among Jewish Americans] reflect a package of political and social attitudes. These fall into six overlapping areas, or dimensions of liberalism: (1) support for social welfare programs, (2) sympathy for minorities, (3) commitment to civil rights, (4) support for civil liberties, (5) extreme dedication to the separation of church and state, and (6) a nonmilitaristic, noninterventionist foreign policy."[11]

Lee Sigelman also underscores the Democratic and liberal disposition of Jewish American voters. In his 1991 article he identified liberalism as the "Lay Religion" of American Jews. He wrote that the "primary features" of the portrait of American Jews are their "steadfast Democratic sympathies and unusually liberal leanings." On specific issues, Sigelman wrote, Jewish Americans stand out, first and foremost in their widespread support for Israel.... But they also rank at or near the top in their identification with the civil rights movement, the peace movement, the environment movement, and especially the feminist movement and the gay rights movement. And they fall at or near the bottom of the seven groups [compared] in their support for the anti-abortion movement and the National Rifle Assocation. On the most heated issues facing the nation, then, Jews are--to a far greater extent than white Protestants and, indeed, to an extent unmatched by virtually any other racial, ethnic, or religious group--carriers of the liberal creed."[12]

It would seem, then, that Jewish voters have generally given significant majorities to Democratic presidential candidates--including Bill Clinton-because they have perceived such candidates to be liberal candidates.

But, more fully and more deeply, what accounts for the liberal disposition of Jewish voters and their support of Bill Clinton in the 1992 election?

II. THE REASONS

Superficially, apropos of Jewish support for the Democratic Party candidate, Bill Clinton, several factors suggest

themselves. These include Jewish distrust of the policy positions of Conservatives and the Religious Right in the Republican Party. They include a distrust of Bush/Baker statements and policy toward Israel. They include the economic recession of the early 1990s, which prompted calls for a more vigorous liberal governmental policy. They include a more favorable disposition toward the more liberal candidate, Bill Clinton, as the candidate of change in the new era marked by the end of the Cold War.[13]

In this article, however, I should like to explore beyond these more superficial pro-Clinton and anti-Bush arguments, and attempt to identify the deeper underlying factors that might explain both strong Jewish support of the Democratic Party's presidential candidate in 1992 and the strong general liberal orientation of Jewish voters.

There are, I shall argue, four broad, deep, interrelated reasons--religious, historical, sociological, realistic--that account for the generally liberal disposition of Jewish voters, and that leads them to give big majorities to Democratic presidential candidates, including Clinton in 1992.

First, Jewish religious values play a significant part.[14] The religious values of tzedakah (righteousness), Torah/Covenant, and chiyim (life) highlight--respectively--(1) a religious, and strongly prophetic, commitment to peace, freedom, social justice, economic well-being for all God's creatures; (2) mitzvot (commandments) on behalf of covental law and order, a caring community, education and learning, and (3) respect for life in this world (and therefore a strong commitment to human rights, equal opportunity, good jobs, good education, good housing, and good health care). This cluster of religious values significantly defines the political liberalism of Jewish Americans and illuminates the meaning of the Jewish dedication to Tikkun Olam--repair of the world.[15]

These generalizations are supported in the recent polling data. 80% of Jewish voters queried in the American Jewish Congress 1992 study agreed with "health care for the needy, the use of public funds to stimulate the economy, and the need to continue to provide foreign aid." 69% of Jewish voters also would respond to Black-Jewish tensions by "reaching out to the Black community.: And 60% held that "the government is not paying enough attention to the needs of Blacks and other minorities."[16]

Second, Jewish historical memory of key events reinforces the Jewish dedication to, and hope for, freedom. These events include the biblical Exodus; medieval and modern persecution and pograms; the liberal Enlightenment--a movement for freedom and

cultural opportunity; Ha Shoa (the Holocaust), which reminded Jews in the 20th century of the need for eternal vigilance on behalf of human rights; and the establishment of the state of Israel.[17]

These historical memories--of slavery and freedom, of persecution and enlightenment, of destruction and rebirth--have served to make American Jews hypersensitive to anti-Semitism, as well as deeply committed to democratic and constitutional government that preserves religious freedom, ensures equality of opportunity, cares for the needy, and celebrates life.[18]

Third, certain sociological factors undoubtedly reinforce the commitment of Jewish voters to liberalism--understood as freedom, equality, and social justice--and to Democratic presidential candidates. For example, Jewish voters vote the way they do because of the influence of liberal and democratic Jewish parents and grandparents--who, for example, supported Franklin Delano Roosevelt with percentages of 80, 85, 95, and 90 percent. Jewish voters also tend to be more liberal and democratic because, in the past, they have lived in urban areas--for example, cities such as New York--which were overwhelmingly Democratic. They also tend to be more liberal because they are highly educated; they have gone not only to college--and often liberal colleges--but also to graduate school.[19]

Finally, the behavior of Jewish voters must be understood in terms of a realistic, enlightened self-interest: their enlightened self-interest in fighting against anti-Semitism and discrimination; in fighting for religious freedom in particular and human rights in general; in fighting for equal opportunity and meritocracy--in education, business, social life in general; in fighting to protect the state of Israel; in guarding against economic and social malaise (and therefore fighting for good jobs, housing, education, health care, law and order)--fighting against the malaise that constitutes a fertile breeding ground for anti-Semitism, lawlessness and disorder.[20] Surprisingly, increasing affluence--which inclines other richer Americans to vote Republican--does not, to the same extent, dispose affluent American Jews to vote Republican.[21]

III. THE FUTURE

Because the fundamental reasons--attributable to religious values, historical memory, sociological influences, enlightened self-interest--will endure, it is most likely that the commitment of Jewish voters to liberalism and to the more liberal political party and candidate--the Democratic Party and presidential candidate--will also persist.

This commitment will persist unless the Democratic Party or its presidential candidate should desert the liberal orientation,

or desert a strong commitment to Israel; or unless the Democratic Party gets entangled in an unpopular war; or unless the country under a Democratic Administration becomes mired in a persistent recession. Of course, circumstances--for example, hostility to quotas, extremist Democratic Party positions, Jewish affluence--may to some extent alter the percentage support for the Democratic presidential candidate. But absent fundamental desertions, an unpopular war, a deeply ailing economy in a Democratic Administration, the fundamental commitment of Jewish Americans will remain liberal and they will continue to give strong majorities to the Democratic nominee for President.

The message for the Republican Party and its presidential nominee--if they are interested in increasing support by Jewish voters--is reasonably clear: Move away from identity with the Conservative and Religious Right and toward the moderate center, if not a more pragmatic liberal position on at least a number of key issues. Moreover, Republican Party strategists should not place too high a reliance on increasing Jewish affluence as ensuring a move of even affluent Jewish voters into the Republican camp. Similarly, they should not count on African-American anti-semitism in some quarters of the African-American community as the overriding factor that will frighten Jewish Americans into abandoning their strong identity with liberal policies and Democratic Party candidates.

President Clinton, who came into office as a moderate to liberal Democrat, is now perceived by most Americans as a liberal to moderate Democrat.[22] This perception may hurt him a bit among conservative Democrats, among some Independents, and even among progressive Republicans. However, this more liberal identity will not, I believe, diminish his appeal among Jewish Americans. Indeed, if he can deliver on a goodly portion of his program--for example, reducing the deficit, stimulating the economy, enhancing job-growth, securing national health insurance, safeguarding civil rights and liberties, protecting the environment--the percentage of his support among Jewish voters may actually increase over the impressive 1992 results. A big "if" I concede!

If, however, Jewish voters should perceive Clinton as deserting sensible liberal principles and policies, or a strong pro-Israeli position, he would lose Jewish votes, and his high percentage support in the Jewish community would decline (as did Carter's in 1980).

My current judgment is that there will not be significant slippage in the percentage of Jewish voter support for Clinton, if he survives tough battles in his first year or two in office and runs for reelection in 1996.

End Notes

1. See Martin Hockbaum, Director, The Jewish Vote in the 1992 Presidential Election (New York: American Jewish Congress, 1993). The American Jewish Congress study included 2,885 Jewish voters at more than 100 polling sites. "With 2,885 respondents, the AJCongress exit poll was one of the largest ever undertaken of Jewish voters. By contrast, the number of Jewish respondents in the Voter Research Survey (VRS) jointly conducted by the national networks totalled fewer than 300." p.2.

2. See New York Times, November 5, 1992. The 1992 data for the Times were collected by Voter Research and Surveys based on questionnaires completed by 15,490 voters having 300 polling places around the nation on election day. The New York Times results are reproduced in Seymour Martin Lipset, "The Significance of the 1992 Election," PS: Political Science and Politics, Vol. XXVI, No. 1 (March 1993), p. 12.

3. American Jewish Congress, The Jewish Vote in the 1992 Presidential Election, p. 1. On the solidly liberal and democratic disposition of Jewish Americans, see also the excellent work of Lee Siegelman, "Jews and the 1988 Election: More of the Same?," in James L. Guth and John C. Green, editors, The Bible and the Ballot Box (Boulder, CO.: Westview Press, 1991), pp. 188-203; of Steven M. Cohen, The Dimensions of American Jewish Liberalism (New York: American Jewish Committee, 1989); and of Charles S. Liebman and Steven M. Cohen, Two Worlds of Judaism: The Israeli and American Experiences (New Haven: Yale University Press, 1990), Chapter 5, "Liberalism and Judaism," especially pp. 96-114.

4. American Jewish Congress, The Jewish Vote in the 1992 Presidential Election., p. 3. The AJC study revealed that 35% of Jewish voters indicated that both parties care about the same about Jewish concerns.

5. Ibid., p. 3.

6. Ibid., p. 5.

7. Ibid., pp. 6-8.

8. Lee Siegelman, "Jews and the 1988 Election: More of the Same?," in James L. Guth and John C. Green, editors, The Bible and the Ballot Box (Boulder, CO.: Westview Press, 1991), p. 190. Sigelman reminds us that "Figures at five point intervals represent a consensus of several sources, while those at odd intervals are compromise figures based on differing estimates. All figures in this table should be understood as rough approximations." The figures in brackets for 1976, 1984, and 1988 are those reported in the New York Times, November 5, 1992. The Times noted that the 1976 data were based on a survey

conducted by CBS news; and that the data for other years were based on surveys conducted by The New York Times and CBS news.

9. See Lyman A. Kellstedt and Mark A. Noll, "Religion, Voting for President, and Party Identification, 1948-1984," in Mark A. Noll, editor, Religion and American Politics: From the Colonial Period to the 1902s (New York: Oxford, 1990), Table 16.1, p. 360.

10. Steven M. Cohen, The Dimensions of American Jewish Liberalism (New York: American Jewish Committee, 1989), p. 1 and p. 35.

11. Charles S. Liebman and Steven M. Cohen, Two Worlds of Judaism: The Israeli and American Experiences (New Haven: Yale University Press, 1990), p.101.

12. See Sigelman, op. cit., pp. 189, 190, 191-192. The other groups involved in the cited comparison were "no affiliation," "black Protestant," "Hispanic Catholic," "white Catholic, "white non-evangelical Protestant," and "white evangelical Protestant." According to Sigelman, Jewish support for Israel was 86%. According to the American Jewish Congress study, p. 8, support for Israel among Jewish voters in the 1992 election was 98%.

13. The American Jewish Congress study of The Jewish Vote in the 1992 Presidential Election noted, p. 11, several issues on the domestic agenda of the Jewish community that put them at odds "with the positions taken by the Bush administration and the Republican Party." Jewish voters tended to be pro-choice on abortion, favored "providing more help for the needy and greater government involvement in the economy." This study also noted, p. 11, that Jewish voters perceived Bush to be "overly critical of the efforts of Israel and its supporters to secure loan guarantees." See also Jay P. Lefkowitz, "Jewish Voters and the Democrats," Commentary, Vol. 95, No.4 (April 1993), pp. 38-41. Lefkowitz, p. 40-41, stresses the importance for Jewish voters of the issues of Israel and abortion. He also noted Jewish fears "that Bush had been 'captured' by the religious Right." He also emphasizes the importance of Clinton as a middle-of-the road Democrat. "...Jews who voted for Clinton believed they were getting the best of all worlds: a politically moderate, pro-Israel Democrat.."

14. In my exploration of religious values and political behavior, I am especially indebted to two earlier studies: Lawrence Fuchs, The Political Behavior of American Jews (Glencoe, Il.: Free Press, 1956); and Gerhard Lenski, The Religious Factor: A Sociological Study of Religion's Impact on Politics, Economics, and Family Life (New York: Doubleday, 1961). I am also greatly indebted to the work of Charles S. Liebman and Steven M. Cohen, Two Worlds of Judaism: The Israeli and American Experiences (New Haven: Yale University Press, 1990); and Steven M. Cohen, The

Dimensions of American Jewish Liberalism (New York: American Jewish Committee, 1989). Fuch, p. 178, emphasized as "the distinctive values of America's Jewish sub-culture" "(1) Learning (Torah); (2) Charity (Zedakeh); and...(3) Life's pleasures (non-asceticism).

15. See Liebman and Cohen, op. cit., p. 109 and pp.110-114.

16. The Jewish Vote in the 1992 Presidential Election, p. 1, and pp. 8-10. See also Charles S. Liebman and Steven M. Cohen, Chapter 5, "Liberalism and Judaism," Two Worlds of Judaism: The Israeli and American Experiences (New Haven: Yale University Press, 1990), especially pp. 96-114.

17. See, again, Liebman and Cohen, op. cit., pp. 109-110. See also Michael Walzer, Exodus and Revolution (New York: Basic Books, 1985). Unquestionably, Franklin D. Roosevelt's role in the war against Hitler, and Harry Truman's recognition of Israel were also significant factors in enhancing the support of Jewish voters for Democratic presidential candidates.

18. See Liebman and Cohen, op. cit., pp. 109-110. The Jewish commitment to the celebration of life, one might think, would predispose Jewish Americans to a pro-life rather than a pro-choice position. It would seem that the strong pro-choice position of Jewish Americans "rests primarily on the commitment to individual freedom" and "women's rights rather than the rights of the fetus." For a thoughtful discussion of the Jewish pro-choice position, see Jay P. Lefkowitz, "Jewish Voters & the Democrats, Commentary, op. cit., pp. 40-41.

19. See Steven M. Cohen, The Dimensions of American Jewish Liberalism (New York: American Jewish Committee, 1989), especially pp. 26-29 and 34-36.

20. On the role of realistic, enlightened Jewish self-interest, see the illuminating treatment in Liebman and Cohen, op. cit., pp. 109-110; and also Steven M. Cohen, The Dimensions of American Jewish Liberalism, op. cit., pp. 34-36.

21. See Steven M. Cohen, The Dimensions of American Jewish Liberalism, op. cit., p. 3 and pp. 28-29; and Liebman and Cohen, Two World of Judaism, op. cit.

22. A New York Times/CBS poll indicated that in September 1992 38% viewed Clinton as Liberal, 37% as Moderate, and 13% as Conservative; but that in June 1993, he was seen as Liberal by 49%, as Moderate by 31%, and as Conservative by 11%. New York Times, June 6, 1993, p. 24. During the 1992 presidential campaign, Clinton sought to identify himself as a moderate to liberal candidate; and many saw him as seeking to bring the

Democratic Party back from the Left to the Center. See Joshua Muravchik, "Why the Democrats Finally Won," Commentary, Vol. 95, No. 1, Janaury 1993, especially pp. 18-20. Muravchik notes, p. 20: "Exit polls showed that in 1992 conservative voters still outnumbered liberals by about 3 to 2 (the margin had been almost 2 to 1 four years earlier.) The polls showed, too, that liberals voted overwhelmingly Democratic and Conservatives overwhelmingly Republican, and this ideological commitment remained a stronger predictor of a person's vote than his own economic progress or regress. Half the voters, however, identified themselves neither as liberal nor as conservative but as moderate, and the moderates who had usually divided about evenly, gave Clinton a 17-point margin."

The Impact of Institutional Reform on Electoral Behavior in Taiwan
(draft)

Shelley Rigger
Davidson College

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The Impact of Institutional Reform on Electoral Behavior in Taiwan

Shelley Rigger, Davidson College[1]

The conduct of any election is the consequence of the combined effects of formal and informal electoral institutions. Woodall defines institutions as "humanly devised constraints that shape human interaction ... the rules of the game in a given political arena" (Woodall 1993:22). Formal institutions are those constraints which are designed and codified by the state; they are the legal rules of the game. Informal institutions, in contrast, have no legal foundation, but are accepted by the participants in the game as normal practice; they are the tacit, consensual rules of the game. This paper investigates the interaction between informal and formal institutions in elections in the Republic of China on Taiwan.

Taiwan's formal electoral institutions include the legal framework for elections (campaign regulations and the single, non-transferable vote formula); the ROC's multi-layered government structure, which determines which offices are subject to election; the party system, which structures and channels electoral competition; and the organization of civil society (which helps structure citizen participation in elections). Over the years, Taiwanese political actors — party leaders, local bosses, candidates, campaign workers and voters — have developed informal institutions to pursue their own goals within the legal framework established by these formal institutions. From the 1950's to the mid-1980s, Taiwan's election laws changed only incrementally. But beginning in 1986, the ROC government enacted a series of far-reaching reforms in the electoral system. The formal rules under which the 1989, '91 and '92 elections were conducted differed significantly from the pre-reform electoral system, and from one another. This gave rise to the two questions to be addressed here: How well did the informal electoral institutions developed under the pre-reform rules function in the post-reform era? Should we expect these informal institutions to change with the enactment of additional reforms?

Taiwan's Informal and Formal Electoral Institutions

Soon after its arrival in Taiwan in 1949, the Nationalist government implemented a program of regular elections for local government officials. These elections enhanced the regime's legitimacy by giving local elites (and through them, ordinary citizens) a role and an interest in the ROC state. Although the regime was imposed from outside, against strong resistance, within a few years, its strategy of rewarding local leaders who were willing to cooperate (while relentlessly suppressing those who were not) succeeded in

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[1] This paper is based on research conducted in Taiwan in 1991, including more than 80 interviews with participants in local elections. This research was made possible by grants from the Chiang Ching-kuo Foundation, the American Council of Learned Societies and the K.T. Li Foundation. Many thanks are due to these organizations and to the many Taiwanese who took part in the study.

creating a large group of local notables who identified their personal interests with the interests of the Nationalist party government.

The local politicians extended the reach of the state to the grassroots level by mobilizing personal networks to assist their electoral bids. These networks are called local factions (*ti-fang p'ai-hsi*). Recently, a number of ROC scholars and journalists have published studies of Taiwan's local factions; thus, their overall character is well understood (see Tien 1989:164-171; Wu 1987; Chao 1978a, 1978b, 1989; Huang 1990a, 1990b; Chen 1991). Even in the 1950s, local elections stimulated competition and group formation, but the ban on new parties in effect until 1987 forced most serious political aspirants to channel their ambitions through the ruling party. Under the new party ban, the KMT was the only party capable of presenting a full slate of candidates in each election. Although the existence of small satellite parties and independent candidates provided the potential for competition, in practice, the KMT dominated the electoral arena throughout the pre-reform era. Even today, most faction-based candidates run for office under the banner of the KMT, and faction leaders consult with the party on key decisions.

Taiwan's local factions are local in that they exist only within individual counties; each one's influence ends at the county line. Because a candidate can win almost any ROC election merely by capturing a majority of votes in his or her home county, this is the most efficient size for a local faction. Local factions are clientelistic in that they are based on an exchange of political support and cooperation for political and material benefits. Faction leaders string together chains of supporters in local government (including township [*hsiang*], village [*tsun*], ward [*li*] and neighborhood [*lin*] heads), quasi-official organizations (such as the Farmers' Women's and Water Conservancy Associations), and society (religious, business and community leaders). Vote brokers, known in Taiwanese as *tiau-a-ka*, mobilize support for the factions' chosen candidates.[2] In exchange, the factions give them prestige, political assistance and material rewards (licenses, public works contracts, government jobs and money). In order to maintain their clientelistic networks, factions need access to political and material benefits. Electing members to public office accomplishes both aims: the prestige of holding office is itself a political benefit, while the power of office allows factions to turn public resources to their own ends.

Local factions have assumed political, economic and social functions that put them in direct competition with one another for resources of all kinds, leading to passionate rivalries. Compounding this antagonism is the strong emotional identification many politicians and *tiau-a-ka* feel with their factions. It is not surprising, then, that many politicians speak of rival factions as the "enemy." According to a KMT official in rural

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[2] *Tiau-a-ka* is a Taiwanese (Minnan) expression, which translates as *chuang-chiao* in Mandarin. (The standard Minnan transliteration is *thiau-a-kha*). "*Chuang*" means a stake or post; "*chiao*" means foot. The compound is an architectural term describing a weight-bearing pillar. Used metaphorically as a political term, it refers to individuals who act as structural supports holding up a political organization. Another common Mandarin term is *chu-tian*, which means the base or starting point for an activity. In politics, it refers to a politician's or faction's representative in a locality. *Tiau-a-ka* is less ambiguous; it always refers to a person. A *chu-tian* could be a person, place or organization. Because local politics in Taiwan is conducted primarily in the Taiwanese language, the Taiwanese word *tiau-a-ka* is the most widely used and easily recognized of the three variants.

Tainan County, "The most important thing, as far as factions are concerned, is to defeat your enemy. And the enemy is the other faction, not the DPP [the opposition party]."

Tiau-a-ka use a variety of techniques to persuade voters to choose the candidates they support. They mobilize their personal connections with family, friends, schoolmates, business associates and so on. They take credit for services the community has received from the state — newly-paved roads, community activity centers, mediation to resolve disputes. *Tiau-a-ka* also exploit voters' reluctance to appear uncooperative, hinting that they will be labeled troublemakers or oppositionists. Finally, they buy votes. Vote-buying (*mai-p'iao*), or bribery (*hui-hsuan*), is an extraordinarily complex element of Taiwanese political life; it deserves a far more detailed treatment than is possible in this essay. For the moment, it will suffice to observe that *tiau-a-ka* pay all the potential voters in their "responsibility areas" roughly the same amount. Giving preferential treatment to some voters usually is counterproductive, as it is impossible to prevent others from finding out. In the few municipalities in which local factions are not a major player in local politics, *tiau-a-ka* are recruited directly by political candidates, often with the assistance of local party officials. The collaboration of local factions, political candidates, party officials and vote brokers (*tiau-a-ka*) to use clientelistic rewards to mobilize votes is what Powell labeled a "clientele system" (Powell 1970).

Under the single, non-transferable vote (SNTV) formula used in the ROC, members of representative bodies are chosen from multi-seat constituencies. Each voter casts his or her ballot for a single candidate, and those with the highest vote totals are elected. In order to maximize the number of contested offices its candidates win in an SNTV election, a party must estimate its potential support accurately, keep unauthorized candidates out of the race and allocate its votes in a way that optimizes its performance. Traditionally, the Kuomintang has used local factions to allocate and mobilize support for its candidates. If the local factions do their job well, the party can allocate just enough votes to each of its nominees to ensure their election, without wasting any. If the factions fail to allocate votes evenly or mobilize them effectively, some KMT candidates will be elected with votes to spare, while others are defeated by challengers from outside the party or by KMT members running without their party's nomination. It is essential that the party control entry of its members into the race, because unauthorized candidacies can undermine the finely-tuned allocation of votes and throw the party's strategy into disarray.

Using SNTV elections to choose high-level representatives is unique to Taiwan and Japan. Students of Japanese elections agree that the SNTV formula has far-reaching consequences for electoral behavior; for example, it promotes clientelistic behavior and personal voting. Rochon was one of the first scholars to use the SNTV formula to explain Japanese voters' strong candidate orientation. He found Japanese no more likely than voters in other countries to base their votes on candidate evaluation *when their preferred party nominated only one candidate*. But when the voter's party nominated two or more candidates in the voter's district, the incidence of personalistic voting shot up (Rochon 1981).[3] According to his analysis, Japanese vote *in* parties, but they do not vote *for*

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[3] Asked to choose which was most important in their voting decision — party, candidate, or issues — most Japanese chose "candidate" in elections in which there were two or more nominees from the party for which the respondent had voted. The larger the number of nominees, the higher the

parties, because under in multi-member districts party preference alone is not sufficient to select a candidate.

Yang Tai-shuenn's essay, "The Peculiarities of our Electoral System," echoes Rochon's view. He suggests the SNTV electoral formula lies at the root of Taiwan's clientele system. Under the SNTV formula, each voter chooses one candidate from a list. As Yang observes, even candidates in large districts need relatively few votes to be elected, compared to candidates in single-member districts, who must win a majority or plurality. As a result, it is possible to win many Taiwanese elections merely by capturing the votes of people to whom one is personally connected, or to whom one's close supporters are connected. Political views and opinions thus take a back seat to individual and factional relationships, organizational endorsements and group mobilization (Yang 1989:12). Elsewhere, Yang draws an explicit connection between SNTV and the clientele system, writing, "As the candidate pursues perhaps less than 20 percent of the votes, traditional patron-client relations appear valuable ..." (Yang 1992:7). He also points out that vote buying — a basic technique of clientelistic mobilization in Taiwan — is more feasible under the SNTV formula than it would be in system requiring a majority (Yang 1992:7).

If the SNTV formula encourages voters to take a candidate-centered approach to voting, what about the other side of the electoral equation? How does it affect the strategy and behavior of candidates and parties? When the KMT is able to suppress competition from outside the party the SNTV formula reduces the intensity of intraparty conflict and encouraged cooperation among KMT candidates. An SNTV race is not necessarily a zero-sum game; one candidate's victory need not be another candidate's defeat. Instead, SNTV elections have many winners, inspiring a practice among KMT candidates of "dividing (or allocating) votes" (*p'ei p'iao*).[4] Before elections, potential candidates meet with party leaders and faction bosses to estimate the number of votes the party expects to in the district.[5] The sources for these estimates are the *tiau-a-ka* connected to the various participants in the discussion. The party nominates only as many candidates as it can elect, given the number of votes reported. Often, it nominates fewer candidates than there are seats available, leaving room for a handful of non-KMT candidates and ensuring that its votes are not spread too thinly.

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percentage of voters who said "candidate" was the most important factor. But where the preferred party nominated only one candidate, half the voters said "party" was the most important factor; only 36 percent chose "candidate" (Rochon 1981:8).

[4] This process was described to me by many sources. The most detailed explanation came from a National Assembly candidate who was startled to learn that I had understood a telephone conversation he had in my presence. Having just come from a "dividing the vote" meeting, which he had described on the phone, he was in a particularly good position to explain the process to me.

[5] Theoretically, any group of candidates could agree to divide the vote in their district; but in practice, only the KMT has had the organizational resources and vote share to carry out such a strategy on a large scale. This situation may not continue in the future, however. Non-KMT factions in a handful of counties (including Kaohsiung County's Black faction) sometimes achieve an effective division of the votes they control, and in the past two elections (1991 and 1992), the DPP achieved a rough division of the vote in many districts. Thus, while this description of the mobilization process refers primarily to the KMT, other political forces do occasionally use a similar strategy.

Once the KMT slate is set, the nominees negotiate a division of "turf," assigning to each enough votes to be elected. Obviously, a candidate who wins too few votes will lose; one who wins too many has wasted votes that might have gone to a less popular nominee. If the estimates of vote resources are accurate and no candidate poaches in another's territory, dividing turf makes elections less costly and more predictable for everyone. Before the mid-1980s, the real competition in most elections was finished long before the voters marked their ballots, because what really mattered was the KMT's nominating process. Once nominated and assigned to turf, a KMT candidate was home free. Once they have their party's nomination, KMT candidates concentrate on mobilizing their assigned turf. They need not appeal to voters throughout the district; in fact, they may be punished for campaigning outside their assigned areas.[6] The party encourages its nominees to appeal to voters through personal connections and service, rather than on ideological or policy grounds. That way, it maintains the party center's leadership on policy issues and insulates itself against popular demands filtering up through local politicians. As long as the party controls entry into the race, party support plus a nominee's personal and factional connections usually are enough to guarantee victory.

Other formal institutions of the pre-reform era besides the SNTV formula also influenced electoral behavior in Taiwan. The ban on opposition parties meant voters made party-oriented voting impossible. In addition, strict controls on political campaigns made issue-oriented voting difficult. The election law restricted campaign activities to a short period just before election day (from one day to two weeks, depending upon the office), while politicians who spoke out on certain controversial topics faced severe penalties. TV and radio broadcasts were off-limits to political advertisers, and the KMT controlled most newspapers, either directly or indirectly. As a result, candidates found it all but impossible to make issue-based appeals to voters through the mass media. The concentration of power over even local affairs in the central government undermined candidates' ability to make credible promises to constituents that went beyond pork barrel public works projects and other minor acts of patronage. In short, under the ROC's pre-reform electoral institutions, two key motivations for candidate selection in a democracy — party identification and issue preferences — were useless to Taiwanese voters. With so little independent basis on which to choose a candidate, many voters willingly followed the *tiau-a-kas'* advice when casting their ballots.

Taiwan's Clientele System in the 1990s

Over the first four decades of ROC rule in Taiwan, the clientele system's influence in elections increased steadily. By working through the informal institutions of local factionalism and *tiau-a-ka* mobilization, local KMT branches — and the national party — were able to maximize their success under the ROC's electoral laws. Since the mid-1980s, these formal rules have undergone a number of important reforms. The purpose of this

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[6] A Taiwanese scholar who lives in the U.S. but continues to be active in elections in his Kaohsiung County hometown described how candidates keep poachers off their turf. Hired thugs patrol the edges of each candidate's assigned territory to prevent opposing candidates' *tiau-a-ka* from entering to buy votes.

section is to address one of the many questions raised by those reforms: How has the informal clientele system adjusted to changes in formal electoral institutions? To answer this question we must first determine whether or not the clientele system was still in use at the time of the most recent elections, five and six years after the end of martial law. If the system is still operating, we need to ask how well it is working. Is it still delivering the desired results?

There is substantial evidence showing that candidates in the 1991 National Assembly and 1992 Legislative Yuan elections did, in fact, use the clientele system to mobilize votes. International observers who reported on the 1991 election found the clientele system to be an important factor in the KMT's 1991 National Assembly campaign (see, for example, Hsu and Chang 1992 and Ling and Myers 1992); my own observations reinforce their findings. In 1992, reports of clientelistic mobilization — vote buying, entertaining, gift-giving, promises of service and pork barrel rewards, local factionalism, organizing *tiau-a-ka* (referred to in news reports as "arranging pillars") — dominated news coverage of the 1992 legislative campaign. For months before the December balloting the *World Journal* (*Shih-chieh Jih-pao*, the *United Daily News*' overseas subsidiary) published reports of vote buying almost daily. The KMT nominated or endorsed some of Taiwan's wealthiest tycoons, apparently hoping their vast resources would compensate for their lack of political experience. But the press and the opposition quickly labeled these candidates "golden oxen" (*chin niou*), excoriating the ruling party for encouraging "money politics" (*chin-ch'ian cheng-chih*). Despite spending huge sums on their campaigns — with as much as 70 percent of the money going to *tiau-a-ka* to buy votes — the golden oxen made a poor showing on election day.[7]

Although there is little doubt many candidates did use the clientele system to mobilize votes in 1991 and 1992, it is not so clear that the system actually delivered the votes the candidates hoped and expected to receive. A variety of indirect measurements can help us estimate how effective the clientele system was in practice. Ordinarily, news reports of an election give only the percentage of votes and seats won by each party. While this measure shows the distribution of power within the elected bodies, it is not so helpful in showing how that distribution was achieved. For example, if party A nominates twice as many candidates as party B, it may not win twice as many votes, but it is very likely to win more, simply because each candidate brings in some supporters. But merely nominating more candidates is not a wise strategy, especially for a small party, which may win more *seats* if it concentrates its votes on fewer *candidates*. For a small party to win one seat in every district would require outstanding organization — but this accomplishment would be hard see in the overall election results. The best way to judge the effectiveness of a party's organization is to compare its performance with its goals. In most situations, a political party's objective is to maximize the number of contested offices

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7 A Changhua County legislative candidate (KMT) boasted to reporters that he planned to spend NT$600 million (US$24 million). According to the *Far Eastern Economic Review*, the average KMT candidate spent one-fourth that amount, while few DPP candidates spent more than NT$100 million (*Far Eastern Economic Review*, 12/17/92). The 70 percent estimate was quoted in the *Far Eastern Economic Review*, 11/12/92).

its candidates win.[8] The KMT was very successful at attaining this objective in the 1991 National Assembly election, but much less so in the 1992 legislative race.

A party cannot allocate its votes efficiently if too many party members join the race. The number of party votes is finite (although not fixed), and if they are spread too thinly among too many candidates, not all will be elected. Thus, one of the criteria for judging a party's effectiveness in using the clientele system is whether or not it was able to control its members' entry into the competition. By this standard, the KMT performed well in 1991. Only 2.4 percent of all KMT members who registered as candidates did so without the party's authorization. The fact that these unauthorized (or "maverick") candidates took merely 1 percent of their party's total votes indicates the KMT was able to prevent even those who ran from hurting its official nominees. In 1992, however, the KMT's performance by this measure was much worse. Thirty-nine KMT candidates — more than a quarter of all KMT members in the race — ran unauthorized campaigns in 1992; another 13 percent received the party's endorsement, but not its nomination.[9] The mavericks captured 12 percent of the party's vote total. In short, the KMT was able to control candidate selection more effectively in 1991 than in 1992; it was also much more successful at preventing maverick candidates from siphoning votes away from KMT nominees.[10]

Another measure of a party's organizational effectiveness is the success rate of its nominees. A party that estimates its strength accurately, nominates the optimal number of candidates and makes the most of the votes available to it will see a large proportion of its nominees take office. In 1991, 86 percent of KMT nominees were elected, compared with 45 percent of DPP nominees and 2 percent of independents. In 1992, the success rate for opposition party contestants (57 percent overall) exceeded the KMT's (49 percent) for the first time. (The success rate for independents and third-party candidates was 4.6 percent, demonstrating the degree to which the two major parties monopolize Taiwan's political space.) Even if we include only party nominees, the odds of winning were still better for a DPP member (65 percent) than for a ruling party representative (63 percent).

Under the SNTV system, a party which allocates its votes more evenly than its opponents can achieve a seat bonus; that is, the percentage of contested seats it wins may exceed its vote share. Traditionally, the KMT has achieved large seat bonuses in every

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[8] From time to time, a party may sacrifice this objective to achieve an even more valued result. According to a DPP source, in the 1991 National Assembly election the KMT over-assigned votes to one of its nominees in Hsinchu City, because party leaders decided it was more important to have a KMT candidate finish first in the high-profile contest than to distribute its votes evenly.

[9] The KMT and DPP both release formal nominations lists, and the nominees are the only candidates who receive full support — both organizational and financial — from their parties. From time to time, party members who have not received a nomination decide to run, and the party gives its endorsement (or recommendation). Nominees running in the same district as a recommended candidate have priority in the allocation of votes and other resources. Recommended candidates are considered to be in good standing with the party. A third category of candidates are the "mavericks" or unauthorized candidates who run in violation of party discipline. The KMT occasionally revokes mavericks' party membership.

[10] The DPP gave its blessing only to its official nominees, and only 7 out of 65 DPP contestants (11 percent) ran unauthorized. DPP mavericks captured 2 percent of the party's vote share.

representative election. The seat bonus measures a party's success in translating raw votes into representation in government.[11] The KMT's large seat bonus in 1991 — it captured 78 percent of the contested seats with only 71 percent of the votes cast — indicates that the KMT distributed its votes more effectively than its opponents. As with our other indices, the KMT's performance in 1992 shows a significant decline in its effectiveness over the previous election. Including mavericks, the KMT won 63 percent of the legislative posts with 61 percent of the vote, giving it only a modest seat bonus of 2 percent. The DPP, accustomed to negative seat bonuses (winning a larger percentage of the vote than of the contested seats) managed to make every vote count, winning 31 percent of the seats with 31 percent of the vote. (In 1989, the DPP's seat count lagged behind its vote share by more than 7 percent.)

The measurements used up to this point to evaluate the effectiveness of the clientele system can provide only gross estimates. A more subtle technique would be to analyze election results to see whether each candidate's votes were concentrated in a few polling stations. If they were, that would suggest the party had successfully implemented a strategy of dividing the district into "responsibility areas" and assigning individual precincts to each candidate. A somewhat less detailed — but more manageable — approach is to compare the parties' overall patterns of vote distribution. If each candidate ran as an individual, we might expect the distribution of votes among candidates to be roughly normal; that is, a few candidates would get very few votes, a few candidates would get many votes, and most candidates would fall somewhere in the middle. But in the SNTV system, political parties strive to distribute the votes available to them as evenly as possible. Thus, the distribution that maximizes the number of seats a party can win is one in which all candidates receive about the same number of votes. Candidates who score too low will lose; candidates who score too high waste votes that could have gone to less secure members of their party.

The frequency distributions in Figures 1a and 1b illustrate the best case result for a party under SNTV and a random distribution. Ideally, all the candidates finish at or just above the minimum number needed for election (the quota). Graphically, this distribution would look like Figure 1a (one tall bar in the middle of the graph). A random distribution of votes lacking any coordinated strategy would leave the frequencies evenly distributed across the graph. If a party were completely incapable of allocating votes among its candidates, instead of concentrating its votes near the percentage needed to win, it would spread them all over — with some candidates losing, some winning, and many votes wasted at both ends (Figure 1b). In sum, the tighter the curve, the closer it is to the ideal. As Figures 2a and 2b show, the KMT's distribution of votes in the 1991 National Assembly election (Figure 2a) resembles the ideal much more closely than does the DPP's (Figure 2b). The KMT's votes are concentrated just above the quota needed for election.[12] The DPP's vote distribution is flatter, its votes distributed less efficiently.

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[11] A party's seat bonus is defined as the difference between the percentage of seats it wins in an election and the percentage of votes it wins. A positive seat bonus indicates that the party was more successful than its competitors in maximizing the effectiveness of the votes it received.

[12] The fact that the second-largest group of candidates fell just below the quota illustrates the problem of over nomination — too many KMT candidates competing for the same votes.

Could the Kuomintang have achieved this result without using the mobilization system? According to KMT leaders, party-oriented voting explains their victory. In fact, a substantial majority of voters did indicate a preference for candidates running under the KMT label. An editorial published in the New York Times just after the election echoed this view. The New York Times attributed the election's outcome to issue-oriented voting — a rejection of the DPP's pro-independence position. In fact, issues received a great deal of attention during the National Assembly campaign , especially the issue of Taiwan independence. The two major parties offered a clear choice on that and many other issues. The DPP supported direct election of the president, which the KMT platform opposed.[13] But most party candidates, especially those nominated by the KMT, did little to distinguish themselves from one another on the issues, and voters attracted by the KMT platform still faced the question, "which KMT candidate should I choose?"

A strong preference for the KMT alone cannot explain the distribution of votes *among* KMT candidates. In a multi-seat election, even a voter who has decided to cast her ballot for a particular party has not yet made a complete voting decision; the question still remains, which party nominee to choose? Candidate-oriented voting also fails to explain the distribution of votes with the KMT. If National Assembly votes had been based on candidate-oriented voting we would expect them to be more — not less — concentrated. Candidates with high name recognition and charismatic personalities could easily overshadow political newcomers. In fact, however, as figure 2a shows, few KMT candidates captured an excessively large share of the vote in their districts.[14] The clientele system, not simply party- or candidate-oriented voting, was necessary for the KMT to have achieved such an efficient distribution of votes and such a large seat bonus.

Once again, the 1992 results tell a different story, as Figures 3 and 4 illustrate. According to Figure 3a, the KMT's distribution of the vote was somewhat less even in 1992 than in the previous legislative election (Figure 4a), suggesting the party's ability to allocate its votes optimally had declined. Even more damaging to the ruling party was the shift of candidates from the category just above the quota (125-150%) to the bar just below the quota (75-99%). In a sense, the KMT's "problem" in 1989 was *too many winners*. The party's 1992 problem was much worse: too many candidates competing for too few votes, with the result that a number of candidates lost. The DPP (Figures 3b and 4b) is consistently less able than the KMT to distribute its votes evenly, although it improved somewhat between 1989 and 1992. But by controlling its nominations, the party avoided the problem of too many candidates chasing a limited pool of votes, and managed to bring a larger fraction of its nominees in over quota.

Evidence from the 1992 election suggests candidates tried to use the clientele system, but in many cases their efforts were stymied. According to news reports, among KMT stalwarts such as military voters the clientele system was effective; candidates supported by the retired servicemen's Huang Fu-hsing Special Party Branch were elected by large margins. But as far as ordinary KMT nominees were concerned, two powerful

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13 Some KMT candidates opposed their own party on this issue and came out publicly in favor of direct presidential elections. Normally the KMT would disapprove of its candidates' contradicting party policy, but on this issue there seems to have been tacit permission to express opposing views.

14 This result contrasts markedly with the 1992 election, when four KMT candidates and ten DPP candidates received more than twice the votes needed to be elected.

forces outside the clientele system conspired to undermine its effectiveness: crumbling discipline within the ruling party and a backlash against vote buying, the lifeblood of clientelistic mobilization in many areas.

The KMT's fundamental problem in 1992 was its inability to keep unauthorized candidates out of the race. Maverick candidates played havoc with the party's strategy, especially its division of the vote. Left out of the distribution of turf, the mavericks had no reason to respect the boundaries of "responsibility areas," and campaigned wherever they liked. This put pressure on party nominees, who overran the borders of their turf in an effort to steal away enough votes from other candidates to make up for those they were losing to the mavericks.[15] In the resulting free-for-all, the biggest loser was the KMT.

Observers offered various explanations for the preponderance of maverick candidates in the 1992 race. According to National Taiwan University political scientist Chu Yun-han, the alliance between the KMT and local factions had tightened in recent years, squeezing out people with political ambition but no factional connections. In 1992, some of these individuals — mostly wealthy business people — decided to bypass the party-faction axis altogether and run unauthorized campaigns (*Far Eastern Economic Review*, 12/17/92:15). (Another NTU professor, Chen Ming-tong, estimated that 72 of the 165 KMT candidates in the 1992 race were backed by local factions. Another 56 were sponsored by the military [Nathan 1993:428-429].) According to another theory, entrepreneurs no longer trusted the legislators they had supported in past elections to protect their economic interests. They decided the safest option was to represent themselves in the law-making body (*Far Eastern Economic Review*, 11/12/92:18). It is important to note that the problem of maverick candidacies was not without precedent in legislative elections. Maverick candidates bedeviled the KMT in 1989 as well, not least because a seat in the Legislative Yuan is a key post for politicians and factions hoping to improve their economic and political fortunes.

Whatever their reasons for joining the fray, it is unlikely these candidates would have gone ahead if the KMT had maintained its traditional grip on the electoral process. But the party was in the throes of a devastating malady: the breakdown of party unity. In past elections, intraparty conflict was confined mainly to local factions. Of course, KMT officials at the center had disagreements, but they clung to enough of a consensus to project a unified face to the outside world, especially during elections. But by late 1992, the split between President Lee Teng-hui's "Mainstream" faction and the conservative, Mainlander-dominated "Non-mainstream" faction had penetrated the party so deeply that it interfered with the KMT's electoral strategy. In the past, military and other firm KMT supporters — the so-called "iron ballots" — made their votes available to whichever nominee needed them most at the moment the election was held. But in 1992, the military hoarded its votes, heaping them on Non-mainstream candidates at the expense of Mainstream nominees.

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15 According to an *Independence Evening Post* report, some *tiau-a-ka* accepted money from several different candidates. In an effort to be fair, these vote brokers "allocated them [the votes] according to the amount of cash they have received. As a result, the chairman of the KMT is unable to allocate the votes. On the contrary, a delicate situation arises with the vote bosses in control" (trans. in JPRS CAR-93-015, 3/5/93:43).

The failure of party unity at the national level unleashed an torrent of defections locally. The most damaging of these was the decision by the popular Non-mainstream EPA head Jaw Shaw-kong to run without party endorsement in Taipei County. Another high-level Non-mainstream official, former Finance Minister Wang Chien-hsien joined Jaw's crusade as a candidate in Taipei City. Both men finished first in their districts, drawing large numbers of votes away from other KMT nominees. Jaw captured an incredible 235,000 votes, in a district in which the cut-off for election was only 36,000. If Jaw's votes had been distributed among the KMT nominees in his district, the party might have gained several more seats. Wang's appearance in the Taipei City race had similar — albeit less dramatic — results. Very few KMT members have ever challenged their party this way, because for decades, to do would have ended a politician's career in the party, and because the KMT would have mobilized all its forces to crush its errant offspring. But in the ROC's new, more democratic environment, popularity with the voters is as valuable as popularity with party leaders. Given their vast public support, the party dared not attack Jaw and Wang openly.

Most KMT mavericks were not as famous as Jaw and Wang, but their impact was evident in election results from around the island. Many mavericks made little or no mention of their party affiliation in their campaign activities and publicity materials. Even many party nominees kept their distance from the party platform, in some cases even rejecting it explicitly. One nominee, Chen Che-nan, was expelled from the KMT for advocating the anti-unificationist "One China, One Taiwan" formula and other insubordinate acts. As usual, issues were less important to most candidates than building a favorable public image and mobilizing clientele networks. According to the *Far Eastern Economic Review*, "Local KMT candidates avoid being dragged into this issue [unification versus independence] and prefer to campaign more quietly, relying on factional links and the party's vote allocation system to build support. If they talk about issues at all, the topics are fairer taxes, the need for new construction projects and adjustments to agricultural policy ... (*Far Eastern Economic Review*, 12/17/92:15).

The 1992 elections revealed the volatility of Taiwan's electoral scene. Ruling party candidates tried to use the clientele system to mobilize votes, but the environment in which the system had been effective in the past had disintegrated. The party did not control entry into the race, even by its own party members. As we have seen, if the dominant party cannot limit the number of candidates who compete, the result will be conflict, not cooperation, among its nominees. Where party comrades are at odds with one another, electoral mobilization is a tricky business; it is impossible to carry out a coordinated vote distribution scheme. Given the "every man for himself" atmosphere of the 1992 legislative election, it is not surprising that the KMT's political machine seized up. Could the trouble within the KMT in 1992 be related to the reform process? And if so, how did the KMT avoid these difficulties in 1991?

Institutional Reforms and Recent Elections

The SNTV Formula: The SNTV formula is one of the most important formal institutions for determining how elections are conducted in Taiwan. Even small adjustments in its implementation can change the outcome of elections. Thus, one of the most controversial aspects of the 1991 election was the Central Election Commission's decision to divide the

island into 58 electoral districts (in 1992 there were 27). The DPP protested the small districts, at one point organizing a demonstration at which supporters pelted the Interior Ministry with eggs. The DPP objected in part because the fledgling party lacked the human and financial resources to mount serious campaigns in all 58 districts.[16] The opposition party also argued the small districts constituted pro-KMT gerrymandering because they would facilitate clientelistic mobilization. Small districts are easier to manage for at least two reasons. First, they involve fewer candidates, making it easier to negotiate and enforce the division of turf and other agreements (the average number of candidates in 1991 was 8.4, compared to 12.2 in 1992). Second, larger districts encompass more voters, which complicates efforts to reach out to each one personally. And, of course, the more voters in a district, the more money candidates must spend on vote buying.

Although some DPP candidates were able to take advantage of these phenomena, the KMT's success in dividing its votes suggests that, overall, the small districts did facilitate the smooth operation of the clientele system. They also suppressed competition among local factions, because the smaller districts made room for more factions to be represented, sometimes without having to compete head-to-head. But the very factors that made the ruling party successful in 1991 may have sowed the seeds of its downfall in 1992. According to some political analysts, "The large number of district organisations set up specially for this election not only made it easier to secure votes but also allowed the party to placate its factions by allowing them to choose their own candidates. However, this has enhanced the leverage of local factions" (*Far Eastern Economic Review* 1/9/92). In 1992, when the districts were much larger, the KMT found it extremely difficult to manage the large number of candidates and factions in many districts, with the result that the coordinated party strategy planned for some districts fell apart completely.

Campaign Rules: Prior to the 1990s, the Election and Recall Law Effective During the Period of Mobilization for the Suppression of Communist Rebellion prevented candidates from airing their views and opinions fully; as a result, issues played a less important role in the election than other factors, including clientelistic relationships. The election laws in effect during the 1991 and 1992 elections included significant amendments to that law; in addition, the ROC repealed several laws which previously had constrained candidates' campaign activities. Candidates ignored many other restrictions, including the official "campaign period." In 1991, candidates were to refrain from campaigning until five days before the election. The 1992 campaign period was 10 days long. In both cases, candidates were undeterred, scheduling campaign events well before the official deadline. Evidently, the Central Election Commission had no appetite for enforcing the rule. Other ground rules for the campaigns, those regulating the number of meetings candidates could hold, and whom they could invite to speak, were much more relaxed than in earlier election laws. In 1991, under intense pressure from the opposition, the KMT agreed to allow persons convicted of sedition during the so-called Period of Mobilization for the Suppression of Communist Rebellion (which was lifted on May 1, 1991) to run for office. (Those convicted after May 1 were not eligible.)

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16 According to news reports, the DPP concentrated its efforts on Taipei and Kaohsiung Cities and a handful of other districts. Beyond that, its candidates were left to their own devices (see Tsai and Myers 1992:28).

Perhaps the most far-reaching change in the election law in the 1990s was the abolition of the long-standing taboo against promoting Taiwan independence. In 1991, the Central Election Commission forbade parties and candidates from advocating independence on television or in the official election bulletin. The DPP responded by leaving blank spaces where pro-independence material would have appeared. The message was conveyed in a way that highlighted the Central Election Commission's restriction of candidate speech. In 1992 the CEC gave the go-ahead to independence advocacy when its TV task force ruled that "One China, One Taiwan" was "only a political idea" which did "not involve the instigation of anti-government acts" (*Free China Journal* November 10, 1992).

Reforms in other areas, including lifting the Period of Mobilization and repealing the sedition law, reinforced changes in the election law. The legislature also repealed the statute under which most political prosecutions had been carried out — Article 100 of the criminal code — to allow non-violent advocacy of Taiwan independence and disbanded three of the ROC's most repressive government agencies — the Taiwan Garrison Command, the National Security Council and the National Security Bureau. The number of names on the government's "black list" (a tally of overseas dissidents prohibited from returning to Taiwan) declined precipitously, until only a handful of names remain today. Government agencies also destroyed the "loyalty files" in which they had previously kept track of public employees' political views.

The issue of Taiwan's national identity (including the possibility of independence) is the most significant difference between the two major parties, so eliminating barriers to an open discussion of the issue was an important step toward institutionalizing issue-based thinking and voting in Taiwan. Other issues played a role in some campaigns; for example, stock market expert Oung Ta-ming played to his strength and won on a platform promising protection for investors. But most candidates still emphasized image more than issues. To be tarred with the "golden ox" brush was a severe blow to even the strongest candidates. DPP and Non-mainstream KMT candidates joined the media and good government activists in condemning vote buying and money politics, with the result that a candidate's image was the most potent factor in most races.

Perhaps the most disappointing reform enacted after the 1989 election was the introduction of TV campaigning. For years, the opposition complained that the prohibition on political commercials made it impossible for them to reach a wide audience. They claimed KMT candidates enjoyed free coverage during news broadcasts (as well as talk shows and even entertainment programs), while the KMT-controlled TV stations ran nothing but negative coverage of the opposition and its activities. Beginning in 1991, the three TV stations were required to run several hours of unpaid political commercials in the weeks before the election. However, the commercials were for parties only, not individual candidates. The goal of the commercials was to shape the parties' image, and they were too general and abstract to be of much use to undecided voters looking for information on candidates and issues (see Tsai and Myers 1992:30).[17]

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[17] There was one exception, the "Alliance of Independent Candidates," a group of independents who banded together temporarily in order to qualify for television time. The alliance simply stood

The amount of time allotted to each party depended upon the number of candidates it had nominated, which meant the KMT had more than twice as much TV time as any other party. Even worse, most of the small opposition parties were excluded because they nominated too few candidates to qualify for TV time. In both years, the Central Election Commission censored material in the DPP commercials (in 1992, the CEC claimed the DPP presentation defamed Premier Hau Pei-tsun). In short, TV advertising as it was executed in the 1991 and 1992 elections did little to alter the basic patterns of electoral competition.

Government Structure: The fact that these two elections were held at all is itself a triumph of reform. In April 1991, after years of fruitless attempts by the KMT to persuade the senior members of the Legislative Yuan and National Assembly to retire, DPP legislator Chen Shui-pian introduced a bipartisan resolution seeking a ruling on the question from the Council of Grand Justices. They ordered the seniors to step down at the end of their current term, paving the way for a complete renovation of the national representative bodies. In the past, legislative and National Assembly elections were only supplementary; the senior members comprised large majorities. This allowed Kuomintang apparatchiks to dominate both houses, undermining their integrity and legitimacy, as well as that of the supplementary elections. But the Grand Justices' decision raised the ante, introducing for the first time the possibility of a truly representative body at the national level. The most recent elections were a far graver matter than any previous national contest.

If the Legislative Yuan and National Assembly elected in the 1990s are different from their pre-1990 predecessors, they are at least as different from one another. These institutional differences help explain the conduct and results of both elections. Members of the first National Assembly, elected in 1947, enjoyed considerable perks. They were well-paid and received substantial fringe benefits. The job required very little effort, yet members enjoyed the status of high officials. In theory, at least, they had the power to select the president and amend the constitution — powers they rarely exercised. The second National Assembly, on the other hand, is not regarded as a particularly important branch of the ROC government. The political reforms of the late '80s reduced its mandate, so the members elected in 1991 knew they would meet infrequently, and then only to amend the constitution, a fairly dry task by most politicians' standards. As for electing the president, most new members knew there was little chance they would ever exercise that prerogative. Unlike their predecessors, they were to be paid only for the time they spent in session. Moreover, none of the Assembly's activities have much potential for enriching Assembly members or their friends.

All these characteristics of the National Assembly stand in marked contrast to the Legislative Yuan. The legislature is an increasingly powerful policy-making body, with a regular, annual session. It no longer deserves the "rubber stamp" label it wore for so many years (for example, the legislature recently cut the Executive Yuan's proposed budget by

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each candidate up in front of a camera and let him talk. The quality of the result was irregular, to put it mildly, but at least the alliance's commercials were amusing.

3.9 percent, the largest budget cut in ROC history).[18] More importantly, legislators enjoy innumerable opportunities to channel economic resources to themselves and their supporters. They have access to information, they have leverage in negotiating with bureaucrats, they can even make laws to benefit their clients.[19] Because the reformed National Assembly was a less prestigious and powerful organ, most candidates who took part in the 1991 election were chosen from the "second tier" of their respective parties and factions. The best candidates were reserved for the 1992 contest. For the same reason, local factions took a relatively relaxed view of the '91 race, mitigating the intensity of the competition. In 1992, in contrast, the stakes were high, inspiring aggressive campaigning by all the participants. Given the intensity of the competition for legislative seats, KMT candidates were unwilling to restrain their own campaign activities for the sake of the party strategy.

Party System: The KMT's inability to impose a coordinated strategy on its candidates was an important factor in its 1992 "defeat." The collapse of internal party discipline can be traced to three key factors: the demise of "strongman" leadership after Chiang Ching-kuo's death; the legalization of opposition parties (which increased the competitiveness of elections); and intraparty democratization. The first of these reforms was no accident; before his death, Chiang made sure he would not be succeeded by a politician capable of continuing the "strongman" style.[20] The second reform also originated with President Chiang, who may not have anticipated its far-reaching impact on the KMT's mobilization system. As one reporter put it, "In an open political system with 61 registered political parties, KMT candidates have discovered ... that they can no longer depend solely on money from party headquarters to buy votes and must find their own grassroots support (*Far Eastern Economic Review*, April 11, 1991).

At its 13th party Congress (1988), the KMT implemented a number of new rules aimed at intraparty democratization. For the first time, most of the delegates were elected by the party rank and file, and helped select Central Committee members. Local party cadres were given the right to elect local party chairs and vice chairs, and Central Committee members were instructed to be more active in local affairs (Jiang and Wu 1991:80). The party also took steps toward its first primary election.

KMT primaries are an extraordinarily complex phenomenon, reflecting the party's deep philosophical and strategic contradictions. The concept of intraparty democracy is

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[18] Political reform has increased the power (or at least the independence) of other elected officials, too. For example, in the spring of 1992 the ordinarily docile Provincial Assembly walked out to protest the loss of their right to select the members of the Control Yuan. They failed to reverse the decision, but the spectacle of KMT and DPP assembly members marching out of the meeting room side by side is a remarkable moment in the history of Taiwan's democratization. The judicial branch, too is carving out a more autonomous role.

[19] During the 1991 legislative session the DPP captured a majority of seats in the Judiciary Committee. The speaker, Liang Su-yung, berated his KMT comrades, whom he said had become so preoccupied with "making money" (*kao ching-chi*) that they let the DPP take over the committee.

[20] For example, Chiang announced that no one in his family would succeed him, and he banished his likely successor General Wang Sheng to the ROC embassy in Paraguay, where he served as ambassador.

most popular with reform-minded liberals, but to date, the party's conservative wing has managed to dominate the primaries to its own political advantage, prompting the liberal wing to look for ways to override their results. Traditionally, the KMT made its nominations in closed-door consultations with local faction heads and party officials. During the 1970s, facing growing competition from outside the party, the KMT attempted to improve the quality of its nominees by sending "paratroopers" into selected races (see Winckler 1981:67-68). These candidates had excellent qualifications, but few local connections. In 1977, local factions across Taiwan withheld their support from individuals they saw as interlopers, giving the opposition movement its biggest electoral victories to that point: 35 percent of the Provincial Assembly seats and 20 percent of the municipal executiveships. Since 1977, the KMT has been more cautious about using the "paratrooper" strategy.[21]

In theory, at least, party primaries offer a democratic alternative to nominations decided in smoke-filled rooms by party honchos and local bosses. From 1983 to 1989, the party simply canvassed local cadres for their views; in 1989 this process was institutionalized as a primary election. But the design of the primary reflects the party's ambivalence. To date, the KMT has held two-stage primaries. In the first phase, the rank and file vote for their preferred nominees. The second phase gives local cadres a chance to express their views of the candidates under consideration. In 1991, the party gave a 60 percent weighting to the first phase, and 40 percent to the second. To avoid an over-reliance on primaries, the party adjusted its weighting to 50-50 in 1992. Once the locals have expressed their views, the party center studies the correctness and feasibility of the outcome, occasionally overruling primary results.

Using party primaries created its own set of problems. First, primary results tend not to reflect local party members' true preferences. Special party constituencies — especially military voters and retired servicemen — have proven to be better organized and more motivated to participate in the primaries than ordinary party members and local factions. And as one newspaper observed, "Winning a large bloc of votes in the primary in neighborhoods peopled by retired servicemen will not necessarily assure a victory in the December election" (*China News* 8/20/91). Because of the composition of primary voters, conservatives and Mainlanders frequently are over represented in the nominations lists returned by the local party branches. But if party leaders amend the primary results to reflect a broader cross-section of the party, they lay themselves open to charges of manipulating the results and defeating the purpose of the primary election. After the 1991 primary, New KMT Alliance leader Li Sheng-feng complained that "[f]ew KMT members will be interested in primaries if they find that their opinions are not respected" (*China News* 8/22/91).

This conundrum is recapitulated in the general election. If primary winners are more conservative than other KMT members, they are even more so in relation to the

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21 That is not to say the KMT has given up on paratroopers altogether. In the 1989 county executive elections, for example, Hsinchu City mayoral candidate T'ung Sheng-nan and the Taipei County executive nominee Li Hsi-k'un both fit the definition of "paratroopers." Their fortunes demonstrate the rewards and risks of the paratrooper strategy. T'ung defeated his opponents handily and has proven quite successful, while Li lost his race because of resistance from local faction bosses (see Rigger 1992).

median general election voter. In some cases, KMT primaries have returned slates which were virtually unelectable. In these situations, the party leadership has little choice but to overrule the primary result. But each time the party ignores or rejects primary results it undermines the legitimacy of the primary system and increases party members' cynicism. Indeed, the way the KMT leadership uses primaries has come to seem quite arbitrary. Said ROC political scientist Lu Ya-li, "Primaries in Taiwan are not a democratic procedure ... But they are a kind of legitimating process; if not nominated by primaries, the loser can't claim they are being discriminated against" (quoted in *Far Eastern Economic Review* 10/1/92:14). According to Kuan Chung, who presided over the first party primaries in 1989, the KMT's use of these elections is unacceptable: "if the KMT does not pursue complete democratization immediately, the DPP will replace the KMT as the ruling party" (*Free China Review* 3/93:61-62).

In 1991, KMT nominations struck a balance between placating local factions and promoting "good government" candidates. Especially in the urban areas, the party promoted scholars with expertise in constitutional law. But in 1992, the party's emphasis was clearly on selecting candidates who would win. Chu Kao-cheng expressed a complaint repeated frequently in news reports when he said, "The standard used by the heads of the KMT's local branches to nominate its members as candidates was based on their potential to be elected rather than their previous parliamentary performance. To put it more directly, it was considered more important to have local faction connections and support or the ability to buy votes" (*Free China Review* 3/93:68). In the absence of a strong party center, this emphasis on local factions encouraged candidates to run their campaigns independently, ignoring or even defying party efforts to coordinate the campaign.[22]

ROC scholars recognized this trend even before the 1992 elections. For example, in the late 1980s, Lui Fei-lung wrote:

> The responsibility zone system, which the KMT has effectively used as a mobilizing mechanism in elections for many years, is basically a tool pulling the strings of the primary social relations of the candidate, his assistants, and the KMT leaders. It would be totally useless if there were no primary relations in the 'zone' to be mobilized. However, although this strategy has proven successful in winning elections, it has also fostered a tendency in candidates toward self-reliance. By self-reliance, we mean that if a candidate has to use his own primary relationships to build up a campaign network strong enough to win the

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22 In interviews, and also in some documentary sources, opposition supporters argued that the KMT's electoral fortunes took a turn for the worse when Kuan Chung was the head of organization for the party in the late '80s. They claim he shifted the party from a organization-based strategy to a more election-based strategy emphasizing winning votes at all costs. In the process, they say, he plunged the party into an unhealthy dependence on vote buying and local factions. For an example of this view, see the article in *Tienhsia* magazine (8/1/92) translated in JPRS 9/23/92. I believe this theory makes a scapegoat of Kuan, while underestimating the importance of increased competition in driving the KMT to adopt a vote-based strategy. It also ignores the long-term links between the KMT and local factions. However, it would be interesting to pursue the question of how much of the party's current predicament can be laid at the feet of bad tactical decisions by Kuan and others.

> election with or without the help of local KMT leaders in the responsibility zone, he will be more independent in his political behavior afterward. This is why KMT members in the representative bodies tend to be more independent and party influence seems to be diminishing (Lui 1991:163).

The forces Lui identifies in this passage came to fruition in 1992, when the KMT was no longer able to make a credible threat of punishment against unruly candidates (Chen Che-nan, expelled from the party for his sympathetic views on Taiwan independence, won his race anyway) or to offer a credible promise that cooperation with party strategy would guarantee victory.

Reform Proposals and Future Elections

Institutional reforms introduced in the late 1980's and early '90's were an important reason for the declining effectiveness of Taiwan's clientele system. At the moment, the ROC government is considering several additional reform proposals which may further undermine the clientele system.

The SNTV Formula: In the summer of 1991, as the Legislative Yuan was considering rule changes for the National Assembly election, the DPP proposed a modification to the SNTV formula. In place of the single vote system, the opposition party proposed giving each voter two votes, one for a party and one for a specific candidate. The percentage of party votes each party won would determine its share of at-large and overseas seats. The motivation for the proposal was political. The DPP recognized that most voters select candidates for personal reasons, not because they identify with a particular party. So as long as the clientele system is working effectively, some voters who might prefer the DPP as a party will continue to vote for KMT candidates for clientelistic reasons. A two-vote system would allow these voters to express their preference for the DPP in their party votes, but without forcing them to abandon their commitment to particular KMT candidates supported by their clientele networks. The DPP would gain extra at-large seats, and it would also be able to demonstrate wider popularity than ever before.

The KMT preferred to divvy up the extra seats according to the proportion of seats each party won in the geographic districts. This way, the KMT could make the most, not only of its vote share, but of its seat bonus as well. Faced with the DPP's two-vote counter-proposal, the ruling party offered a compromise, agreeing to take both votes and seats into account. The DPP stuck to its position, forcing the KMT to make the further concession of dividing the seats based on vote share only before it could settle the issue. Even so, the opposition put up a strong fight for the two-vote proposal, backing down only after some fancy political footwork by the KMT's legislative leadership.

The KMT's justification for rejecting the DPP's two-vote proposal was that the opposition party was trying to sneak a referendum on Taiwan independence and KMT leadership into the National Assembly election. But after its embarrassing showing in the 1992 election, many Taiwanese began to doubt the ruling party's popularity. With the shoe suddenly on the other foot, the KMT revived the two-vote proposal, and Interior Minister Wu Po-hsiung placed it before the Legislative Yuan for consideration. The reason for the

party's change of heart is almost certainly a desire to force the issue of party identification at a time when the party seems in danger of splintering. If the two-vote proposal passes, it will increase the salience of party labels in elections by forcing voters to form and express a party preference. More party-oriented voting would not put an end to the clientele system — the problem of which *candidate* to choose would remain — but it might nudge voters to bring their two votes into harmony, thereby solidifying each party's base and promoting party identification.[23]

Another proposed alteration in the SNTV system would reduce the percentage of the vote required to appoint at-large and overseas representatives from five percent to three percent. Currently, only parties which receive at least five percent of the votes cast are eligible to select at-large and overseas members. In practice, this means the KMT and DPP. Thus, the smaller parties end up with even less of a share in power than the voters awarded them at the polls. Prominent politicians outside the major parties — including DPP dropouts Lin Cheng-chieh and Chu Kao-cheng — are leading the fight for a lower threshold. Lu Mei-wen, a leader of the Workers' Party, accused the two main parties of colluding to keep out competitors; he said their disputes are nothing more than "two rich people fighting with each other for more money" (*China News* 7/16/91). In theory, reducing the quota to three percent would encourage the growth of "third parties"; in reality, it is not likely to have much effect. A more radical move would be to eliminate these seats altogether, but the at-large and overseas seats benefit both major parties, leaving little support in the legislature for their abolition.

Campaign Rules: The Central Election Commission recently submitted a proposal to the Executive Yuan to allow individual candidates to buy television and radio advertising. Again, this is an appealing idea in theory, but the reality of the situation is that few candidates are likely to be able to afford TV. Also, television is an extraordinarily inefficient way to reach out to voters. Taiwan's three TV stations all broadcast to the entire island, so a candidate's constituency comprises only a small fraction of the potential viewing audience. TV advertising would be viable only in an island-wide election, such as a presidential or provincial governor's election, or if additional broadcast channels are opened to allow for local television stations. Despite constant complaints from the political opposition, it is unlikely that the ban on new TV stations will be lifted soon.

Radio, which is included in the Election Commission's proposal, is a more promising medium for political advertising. In January 1993 the ROC opened 28 FM radio frequencies. The new stations will be regional, so candidates will be able to target commercial broadcasts to their districts. Radio advertising is cheaper than television commercials, and it also is less regulated. There is more Taiwanese-language programming on radio than on TV, making it a natural forum for election-related appeals, since most candidates campaign almost entirely in Taiwanese. In the most recent elections, illegal cable TV networks broadcast political advertising, but to a limited audience. The so-called "Fourth Channel" accepted advertisements from KMT candidates, while the

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[23] Some scholars, including Yang T'ai-shuenn and Hsieh Fu-sen of Chengchih University have suggested that the ROC scrap the SNTV system altogether. Such a move is unlikely in the near future, though.

opposition-linked "Democracy Channel" mainly promoted DPP nominees. If cable is deregulated, it could become a medium for mass-market campaigning.

Direct Election of the President: With both the public and President Lee Teng-hui firmly behind the idea, there is a strong possibility the National Assembly will amend the constitution to allow for direct election of the president when it reconvenes in 1995. In any case, direct elections for the mayors of Taipei and Kaohsiung Cities and the provincial governor already are scheduled for 1994. Undoubtedly, these large-scale elections will affect the clientele system, because for the first time, candidates will have to compete for votes across county lines. The clientele system described above evolved in response to an electoral system in which candidates never needed to campaign outside their home counties. Local factions are an artifact of truly local elections. Thus, the island-wide elections scheduled for 1994 present local factions with an unprecedented challenge.

Mobilizing clientele systems behind party candidates is a basic strategy of KMT activists and officials in Taiwan's municipalities; they are not likely to alter this approach for the 1994 races. But how well the system will function in these large-scale contests is another question. Although *tiau-a-ka* probably will be mobilized behind the KMT's presidential candidate (and *tiau-a-ka* in DPP-affiliated factions behind that party's nominee), the factors that normally motivate voters to comply with the *tiau-a-kas'* instructions will be absent. Confusion in the face of a long ballot will not be a problem since the number of candidates will be small (one or two candidates from each of the major parties, plus minor candidates) and there will be no doubt as to the significance of the election. These contests are sure to receive intense publicity, so information about the candidates' qualifications and positions on the issues will be accessible to voters without the intervention of *tiau-a-ka*.

Moreover, few voters will be able to claim personal ties to the candidates, and *tiau-a-ka* are unlikely to be able to make credible promises of preferential treatment. The only sources of clientelistic leverage that remain are personal obligation to the *tiau-a-ka*, which has proven to be of limited use in recent elections, and vote buying, which would be both prohibitively expensive and prohibitively risky (after 1992, anti-vote buying sentiment is too much in vogue for a presidential candidate to risk being sullied by corruption).

Even if the local factions could influence voting patterns in island-wide elections, it is doubtful that they will exert themselves in an election in which they have so little at stake. Local factions rarely take sides in the national-level KMT factional conflict. Those local faction-backed legislators who do belong to national factions are nearly all linked to the pro-Lee Teng-hui Mainstream faction. The New KMT Alliance and other Non-mainstream groups have their roots among Mainlander and military voters, who traditionally shun local factions. As a result, even if more than one KMT candidate joins the gubernatorial race (or a future presidential race), both local factions in most municipalities will end up on the same side. Judging from past experience, the factions are unlikely to use their own resources in a race which holds no comparative local advantage.

Although the clientele system is unlikely to be decisive in large-scale races, especially for provincial governor and president, there is no reason to predict that its impotence in these races will undermine its effectiveness in other contests, at least in the short run. The long-term consequences of island-wide elections are most likely to take the form of increased enthusiasm for issue-based and party-oriented voting, as citizens come

to appreciate the potential of voting as a tool for selecting officials at the highest levels and for influencing national policies.

Presidential versus Parliamentary Government: One of the most fundamental questions facing Taiwan's constitutional reformers is deciding whether the ROC should adopt a presidential or a parliamentary system. At the moment, the ROC constitution provides for a mixture of the two; it defines roles for both a president and a prime minister (premier). Which of the two offices is more important depends more on the individuals occupying them than on a constitutional division of authority. For example, when Chiang Ching-kuo was premier under president Yen Chia-kan, the premiership was the more influential post. But after Chiang ascended to the presidency, the office of premier lost much of its power. For a time, when Lee Teng-hui was president and Hau Pei-tsun premier, the balance of power between the two offices was unclear. Now, with Hau out of office and Lee's nominee, Lien Chan, in charge at the Executive Yuan, presidentialism has re-emerged.

One of three alternatives is likely to emerge from the current discussions on constitutional reform: a true presidential system, a true parliamentary system or a variation on the current, mixed system. Each of these choices would have consequences for the electoral system. For example, a presidential system — in which a popularly-elected president holds full executive power — would emphasize party-to-party, island-wide elections. As noted above, presidential elections are less conducive than legislative elections to clientelistic mobilization. Instead, they encourage voters to focus their attention on party identification and issues.

In contrast, a parliamentary system — in which a prime minister chosen by the party holding a majority in the legislature holds executive power — would allow Taiwan to continue choosing its national leaders without holding truly national elections. Parliamentary elections in Taiwan are precisely as political scientist Chu Yun-han described them when he said of the 1992 election, "This is not a national election, it's 25 concurrent local elections" (quoted in *Far Eastern Economic Review* 12/18/92). Thus, a parliamentary system would leave local elections more or less as they are, while a presidential system would create a new category of national election in which clientelistic mobilization would be ineffective.

Japan's experience is instructive here, because Japan's formal institutions, including a true parliamentary system, coexist with an informal clientele system based on candidate-centered campaign organizations (*koenkai*) and factions. One of the reasons the LDP remained in power for so many years is that the parliamentary system allowed the ruling party to avoid a national "referendum" on its leadership. Like Taiwanese legislators, Japanese Diet members are the highest popularly-elected officials in the Japanese government, yet they are chosen in essentially local races. Elections rarely carry coherent national mandates, because there are many districts, and voters in each of them must take into account local as well as national concerns. The import of Japanese Diet elections is further clouded by the fragmentation of the opposition, which has thus far prevented a consensus from emerging as to what constitutes the best alternative to the LDP. Even the ballyhooed 1993 Diet election fits this pattern. The "defeat" of the LDP did not occur because voters rejected incumbent LDP Diet members in favor of representatives from other parties; rather, the key players all were former LDP members who were re-elected

to the Diet as representatives of splinter parties. What brought down the ruling party were LDP Diet members defecting from their party, not LDP voters defecting from their Diet members.

A second implication of Japan's parliamentary system for the Taiwan case is its tendency to promote electoral factions that extend beyond individual election districts. If Taiwan were to adopt a true parliamentary system, in which the prime minister and cabinet would be drawn from the majority party, local factions might well begin to link arms across county lines to form national-level electoral factions. This would be a significant alteration in the system of clientelistic mobilization. Judging from the current debate, however, Taiwan will most likely adopt the third alternative: a combination of a strengthened presidential system with some aspects of parliamentary government.

Local Autonomy: Traditionally, local governments in Taiwan depended on provincial and national sources of revenue for half of their budgets or more. Often, localities haven't enough money to carry out their basic responsibilities, much less to implement discretionary programs. The legislature currently is considering a bill to ameliorate some of the worst problems in local government finance by permitting local governments to develop new revenue sources. Under the proposal, localities could levy new taxes and issue bonds. It is difficult to predict how this measure will effect the operation of the electoral mobilization system. By giving local governments the resources to formulate and implement policy independently, the bill could increase the salience of issues in local contests, undermining clientelistic mobilization. What is more likely, however, is that giving local governments more money will reinforce the clientele system by enlarging local factions' resource base.

Party System: Taiwan's party system is likely to change significantly over the next few years, in at least two respects. First, power within the KMT, which up to now has been highly centralized, is shifting to the local level, giving local factions and rank and file members a more autonomous role in decision-making on electoral matters. Second, it is possible that one or both of the major parties will split. Since the beginning of the reform era, KMT leaders' control over party members and candidates has diminished markedly. The devolution of party power reached its peak (or, perhaps its nadir) in 1992, when more than a quarter of the KMT members who took part in the election ran without the party's nomination or endorsement, and the party center was powerless to stop them. Jaw Shaw-kong and Wang Chien-hsien derailed the party electoral strategy in two key districts, yet KMT leaders did little to prevent their entering the race. Other candidates refused to support the party platform; some even campaigned against it. For example, Taipei County legislative candidate Wu Tzu's campaign slogan was "The pawn crosses the river to check the general; Wu Tzu fights a major war with [Premier] Hau Pei-tsun."

Proposals currently under consideration by the party would formalize the transfer of power from the party center to the local rank and file. At its August 1993 congress the KMT will likely allow the direct election of the party chair by the delegates (rather than a select committee). The 1988 party congress passed several guidelines for party reform, including a provision calling for the demotion of the special party branches to the level of party caucuses. If the proposal goes into effect, special branch members will have to transfer to local (geographically defined) party headquarters. The special branches have long served as a direct link between the center and groups of voters, bypassing local

factions and bosses. If these branches are disbanded, the party will lose this link. The guidelines also called for doubling party membership and reorganizing the party on the basis of branches rather than cells. Both these actions would emphasize electoral success at the expense of Leninist discipline.

Still more changes in the party system can be expected if the party adopts current proposals to limit its privileges. A bill before the legislature would divest the KMT of its profit-making enterprises. The measure would help level the playing field for opposition parties, and also would shift even more of the financial burden of political campaigns onto the candidates themselves, reducing the party's leverage over candidates and *tiau-a-ka*. The party already has promised make its operations more transparent by registering as a legal entity. Registration is similar to incorporation, and would consolidate the party's scattered assets under a single entity. The move also would open the party to government oversight.

Taiwan's political parties are preoccupied almost to the point of obsession with the threat of disunity. Until 1992, most speculation about party disintegration focused on the DPP, but recently the KMT seems at least as imperiled. KMT members of the Legislative Yuan are divided among four tendencies: the New KMT Alliance (NKA), the Wisdom Coalition (*jisi hui*), the Kao Yu-jen faction and the unaffiliated legislators. Two of these factions, the NKA and the Wisdom Coalition, already have registered as political groups within the KMT, raising grave concerns among party leaders, who in both cases expressed the fear that registration constituted a first step toward forming independent parties. According to NKA leader Jaw Shaw-kong, his intention is not to split the party, but to pressure the KMT leadership to acknowledge the diversity of views within its ranks and to allow genuine intraparty democracy (*Kuang-chiao Ching*, trans. JPRS-CAR-93-030, 5/12/93:39). Nonetheless, some NKA staffers began the process of forming a party when the KMT Central Standing Committee approved a proposal to give legislators more seats at the party's 14th congress, scheduled for August 1993. The NKA objected to the decision, which it claimed was an attempt by Lee Teng-hui's supporters to stack the meeting to ensure his re-election as party chair.

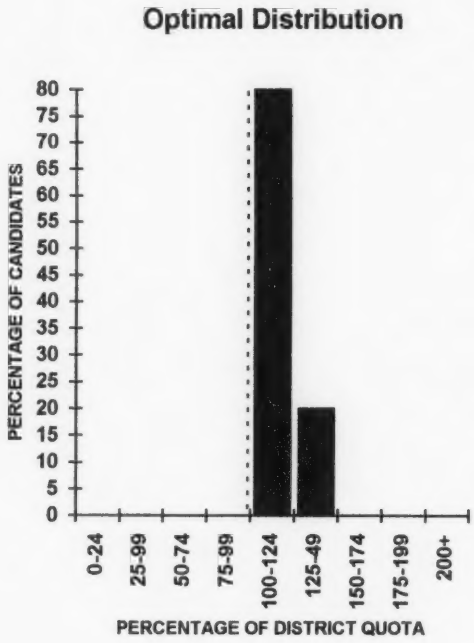
At this point, a split in either major party would alter the distribution of political and economic resources in Taiwan, and undermine the divided party's ability to use the mobilization system effectively. The SNTV formula rewards large, well-organized groups, so dividing a party invariably hampers its ability to make optimal use of its resources. The KMT derives much of its comparative advantage from its ability to use the mobilization system. Were the party to split, this advantage would diminish. For example, the most likely line of cleavage for a KMT split is the line between the Mainstream group, which is linked to the local factions, and the Non-mainstream group, which has ties to military voters and retired servicemen. If the two were to permanently divide their vote bases, there would be no chance of redistributing votes from military candidates to faction-supported candidates and vice versa. Neither group would be able to maximize its electoral resources. Based on past elections, the Non-mainstream group probably would have more than enough votes to elect one or two candidates in each district, but too few to elect more. Once it severed its ties with the KMT, it would be forced to choose between wasting votes through under nomination and risking defeat through over

nomination. As it is now, the Non-mainstream's "extra" votes are a source of leverage and power within the party.

Conclusion

Taiwan's clientele system is an important part of the KMT's strategy for retaining its dominant position in ROC electoral politics. But the system itself developed within a specific institutional environment. The SNTV formula, restrictive campaign rules, the new party ban and other formal institutions made it possible for candidates to negotiate a division of turf and to mobilize voters through personalistic networks. But the process of democratization inevitably will dismantle the formal rules which sustain the clientele system. As the rules change, politicians will be forced to adjust their behavior to the new environment in which they find themselves. Perhaps they will be able to fine tune the clientele system so that it can continue to produce results for them even in a more democratic Taiwan. The 1991 election results suggest that at least under certain conditions, the ruling party can still use the system to win a large majority. But the possibility also exists that Taiwan's formal post-reform institutions will prove incompatible with clientelistic politics. In that case, the clientele system will disintegrate.

Figure 1a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200+
PERCENTAGE OF DISTRICT QUOTA

Figure 1b

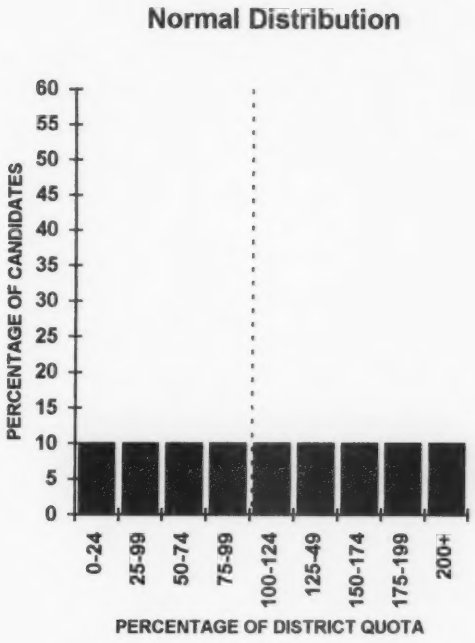
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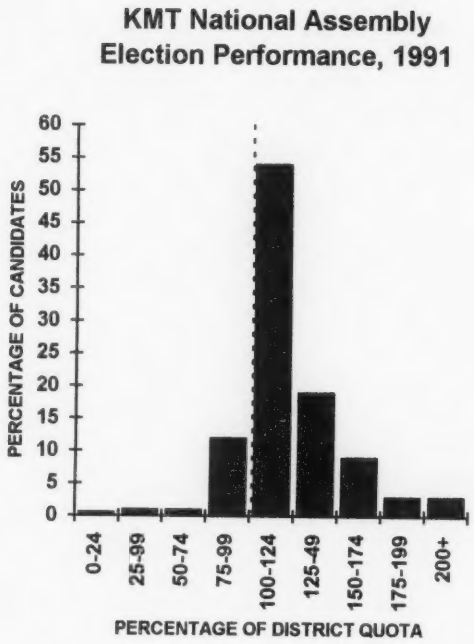
Figure 2a


KMT National Assembly
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PERCENTAGE OF DISTRICT QUOTA

Figure 2b

DPP National Assembly Election Performance, 1991

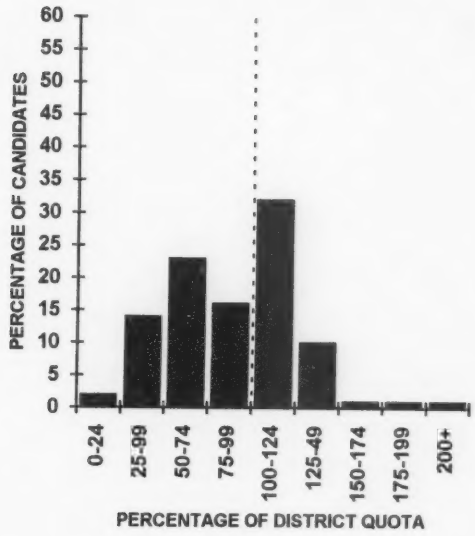

Figure 3a

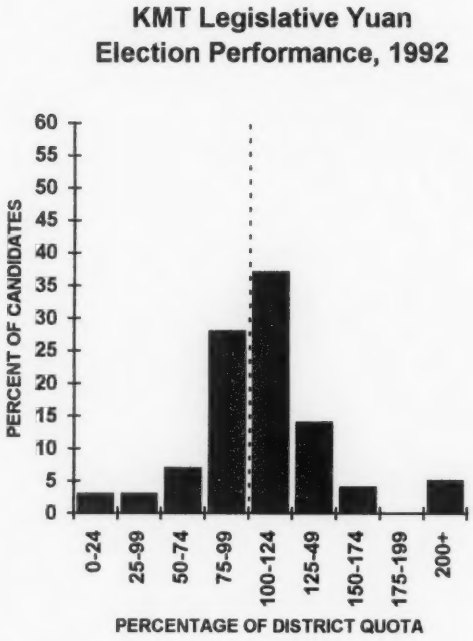
KMT Legislative Yuan
Election Performance, 1992
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Figure 3b

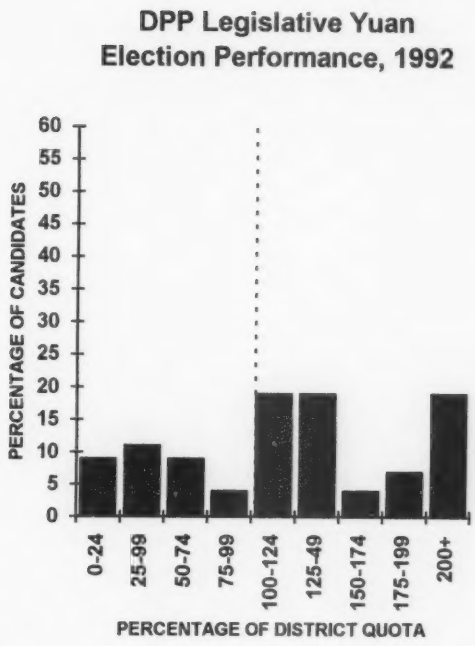
DPP Legislative Yuan
Election Performance, 1992
PERCENTAGE OF CANDIDATES
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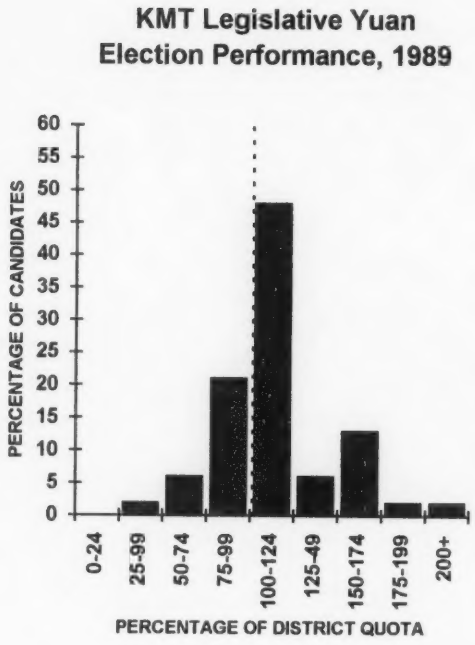
Figure 4a


KMT Legislative Yuan
Election Performance, 1989
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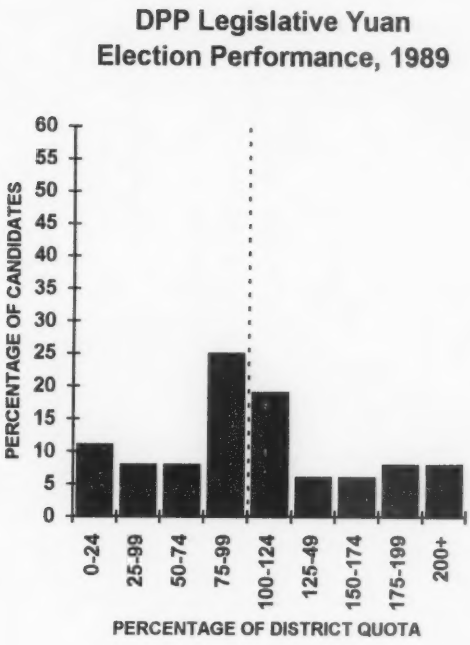
PERCENTAGE OF DISTRICT QUOTA

Figure 4b


DPP Legislative Yuan
Election Performance, 1989
PERCENTAGE OF CANDIDATES
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175-199
200+
PERCENTAGE OF DISTRICT QUOTA

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BUREAUCRATIC PROFESSIONALISM:

CAUSES AND CONSEQUENCES

BY FRED W. RIGGS

1. The Rise of Professionalism, 1
2. Consequences of Professionalism, 2
3. Positive-Intrinsic Consequences, 2
4. Positive-Extrinsic Consequences, 3
5. Negative-Intrinstic Consequences, 7
6. Negative-Extrinsic Consequences, 9
7. Conclusion, 10

NOTES, 11

REFERENCES, 20

This paper is a revision of part of a longer essay, *Bureaucracy: A Profound Puzzle for Presidentialism,* which deals with the cross-pressures faced by all presidentialist regimes as they handicap them in their efforts to control their bureaucracies. They face the paradoxical dilemma that their survival requires effective administrative performance but a bureaucracy powerful enough to administer well is also able to overthrow the regime whenever it cannot cope adequately with severe crises. The American case is exceptional among such regimes for several reasons, notably its federal structure, its extraordinary reliance on private organizations to implement many public functions, its continued use of in-and-outers in government service, and the professionalization of its bureaucracy. Combined, these features facilitate a high level of administrative performance in dispersed niches, and weaken the bureaucracy enough so that it cannot stage a coup and exercise political domination. The excerpt used here has been revised to meet the needs of a mini-conference on **Professionalism in the U.S. Bureaucracy** to be held on September 1, 1993, just before the opening of the American Political Science Association's convention in Washington, D.C.

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Political Science Department, University of Hawaii,
2424 Maile Way, Honolulu, Hawaii 96822, U.S.A.

February 1993

Bureaucratic professionalism in the U.S., including many of the problems and immediate consequences associated with it, have been well described by various authors (Rourke 1992; Cigler 1990; Wilson 1989; Willbern 1954; Kearney and Sinha, 1988). The subject deserves further analysis, in a comparativist and historical perspective. Such analysis would shed further light on the long-term causes which have resulted in the pervasive influence of professionals in the U.S. bureaucracy, and some of the far-reaching consequences of this development. More specifically, I believe that this phenomenon contributes significantly to the political weakening of the U.S. bureaucracy and, consequently, the long-term survival of a type of regime which, elsewhere, has been universally vulnerable to coups and the conquest of power by appointed public officials. It has also, exceptionally, motivated the rise of Public Administration as a field of research and teaching, while contributing to the identity and intellectual crises of this field. An understanding of the causes and consequences of bureaucratic professionalism in the U.S. will, therefore, help us bridge the gulf which has arisen between the study of politics and public administration in the U.S., and also help close the gap which separates the study of American government from the study of politics and administration in other countries. These results should interest both comparativists and Americanists, leading to findings of genuine long-term significance. A relatively short section discussing the historical causes of American bureaucratic professionalism will be followed by four sections examining its consequences, both positive and negative, intrinsic and extrinsic.

1. THE RISE OF PROFESSIONALISM

When Andrew Jackson became President in 1829 he found a host of retainers in office.[1] White (1951) tells us that "The spirit of the Federalist system favored continuity of service from the highest to the lowest levels... No property right in office was ever established or seriously advocated, but permanent and continued employment during good behavior was taken for granted" (p. 369). The rotation system changed all of that: it was established during the Jacksonian period. White (1954) reports that President Andrew Jackson (1829-37) "did not introduce the spoils system," but he did "introduce *rotation* into the federal system..." (pp. 4-5).

We normally associate the Jacksonian era with the rise of the spoils system, but it was the introduction of **rotation** that, historically, encouraged the routinization (bureaucratization) of the public services, and paved the way for bureaucratic professionalization.[2] How radical the Jacksonian transformation was for all later American Presidents (plus American governors and mayors) becomes apparent only in a comparativist perspective: in other presidentialist regimes, the **retention** of incumbents has remained the norm, despite the ability of successive Presidents to make new appointments. They typically displace and anger incumbents but do not replace them.[3]

1.1. Rotationism. The immediate cause of the Jacksonian "revolution" was the access to power of a populist President riding the wave of a substantial expansion in the electorate, both geographically and socially.[4] No doubt the tremendous surge of populist support for Jackson, as a vigorous man of the people, also empowered him to attack existing office holders who were widely unpopular as upper class elitists--indeed, most of them were *gentlemen*, i.e. men of property and education. Rotation was also facilitated by the many attractive opportunities offered by the growing private sector and the new settlement opportunities found within a rapidly expanding geographic frontier. Whatever the reasons, the principle of **rotationism** soon became well established and enabled American presidentialism to abort the development of a retainer bureaucracy that would have become powerful enough to jeopardize its survival.

Retainer power evolves gradually but inexorably. Holdover officials--especially if they have been downgraded by new patronage appointees--are peculiarly vulnerable to "corrupting" influences.

Having lost status and income, they are easily moved to establish self-protective networks (whether as "informal organizations" or "formal unions"). Moreover, they form unethical alliances with private interests and political parties and use these connections both to enhance their influence in the Congress and to secure benefits for their clients.[5] So long as retainers can prevent rotation, they can also block the introduction of a merit system: both are viewed as threats to their own job security. Perhaps above all, when the political (constitutive) system fails to govern acceptably, angry retainers can use their established networks to mobilize support for a military coup group conspiring to overthrow the regime.

1.2. The Reform Movement. By contrast, transients subject to rotation cannot form long-term alliances with outsiders or members of congress. They have little to lose by the introduction of a merit system and they might even hope that their experience would qualify them for re-entry into the government's new career system. The growing public anger at bureaucratic corruption and inefficiency that drove the American reformers, after a long and bitter political struggle, to secure the adoption of the Pendleton Act in 1883 was made possible, I believe, by the absence of significant bureaucratic resistance.[6]

The highly partisan rotation policy, therefore, paved the way for the civil service reform movement by degrading the quality of public administration so much that widespread popular dissatisfaction made reform a major political issue. "For more than thirty years," Van Riper (1958) tells us, the introduction of the merit system was viewed as "the most essential governmental reform" (p. 83). A widespread perception of abuse was expressed, typically, by an observer who wrote in 1841 that "...performance of official duty was far less requisite to a tenure of office than electioneering services. Hence the offices had become for the most part filled with brawling offensive political partisans of a very low moral standard--their official duties performed by substitutes, or not performed at all" (White, 1954, p. 310).

1.3. Non-Partisan Careers. The provisions of the Pendleton Act that resulted from the reform movement actually laid the foundations for a truly unique type of career system. Most notably, it made tenure in office conditional on a "non-political" (i.e. non-partisan) pledge. Remember that partisan transients typically received their appointments as a reward for services performed during previous campaigns--to remain in office they were often, if not normally, constrained to support future campaigns, not only as activists but also by paying assessments (White, 1954, pp. 332-343). Now, career officials would be immune from pressure to support party campaigns, either financially or by partisan services--a right most careerists were eager to protect.[7]

This stipulation reflected the reality that, to gain political support for the establishment of a merit system, it was necessary to insist that all careerists refrain from supporting any political party.[8] The notion both reflected and promoted the myth of a **dichotomy** between politics and administration: the evils of the rotation system were attributed to "politics," and the proposed career service was seen as a "non-political" device.

The reform effort could scarcely have succeeded, therefore, without widespread acceptance of the idea that public administration could be separated from (party) politics--i.e. that career officials could be isolated from political parties and would not become activists in partisan campaigning.[9] Although the dichotomy myth was born of political expediency, it has come to be accepted as both a normative and empirical truth. Some of its far-reaching implications for bureaucratic politics and the study of Public Administration are discussed below--see section 6.

Although the "classified services" established under the Pendleton Act continued to grow at the expense of positions reserved for "political appointees," the system of rotation in office remained entrenched and several thousand new appointees are still named by each incoming President.[10] Rotation and careerism have, therefore, co-existed in an uneasy and often embattled relationship to the present day.[11] In order to evaluate the significance and interdependence of careerists and transients in American government we need to understand that these careerists are all *functionaries*

rather than *mandarins*, and that the necessary role of mandarins has to be played, however imperfectly, by transient political appointees.

1.4. Functionism. The underlying dynamics for the rise of professionalism in the American bureaucracy may be attributed, quite unintentionally, to several stipulations in the Pendleton Act that made functionism the norm. Most importantly, it stipulated that the exams should be *practical*, a provision with far-reaching implications. It also rejected the notion that only young people should be recruited for entry-level tenured careers; rather, *positions* were to be *open* and available to qualified candidates, regardless of age. Finally, recruitment was to be *apportioned* on the basis of population so that candidates from all the states would have equal opportunities for government jobs.[12] A completely new kind of career system evolved, exceptionally, in the U.S. as a result of these specifications.

To understand how exceptional the American system was, we need to be clear about the properties of the classical *mandarin* system manifested in the original Chinese model, as it was adapted to the needs of the Indian Civil Service and the British Administrative Class.[13] It was the starting point for the debates that led to the Pendleton Act but resulted in a very different kind of bureaucratic system. A mandarinate is recruited by *academic*, not practical exams; recruitment is *closed*, not open; and it leads to a *status*, not a position-based career system. Put differently, academic exams (philosophical, literary, historical, mathematical, etc.) paved the way for young university graduates to enter a generalist career service in which personal rank, not positions to be filled, is emphasized.[14]

A generalist mandarin class or cadre has two properties of fundamental importance: first, it is **powerful**, and second it can **coordinate** programs at a macro-policy level. Its members identify themselves with the bureaucracy as their primary frame of reference and source of self-esteem. Consequently, mandarins easily establish close bonds or intra-bureaucratic networks that enhance their power position. They lack "professional standing" in the sense that they do not have university degrees in a particular field of expertise such as medicine, law, education, or agriculture. However, their experience (rather than their university training) gives them genuine managerial competence and an ability to look at the overall needs of a government. They understand how diverse and often competing programs can be coordinated, and they can achieve administative excellence without formal pre-entry training in Public Administration.

The provisions of the Pendleton Act precluded the development of a mandarinate in America. Instead, a highly diversified set of functionally specialized career officers came into being, each oriented to specific jobs, progam areas, policies, and ultimately, *professions*. A foundation had been laid by the Morrill Land-Grant College Act of 1862 that was intended to help finance institutions that would "teach agriculture and the mechanic arts" and enhance the opportunities of "...the industrial classes in the several pursuits and professions in life" (Edmund 1978, pp. 15-16). Apportionment among the states provided an impetus for the new land grant colleges to strengthen and develop their training programs so as to equip their graduates to take the "practical" civil service examinations. Strangely, a substantial and growing literature on the characteristics and problems of the professions pays little or no attention to the linkages between bureaucratic appointments and professional status--see Moore (1970) for a good example of this literature.

The traditional liberal arts colleges (especially the Ivy League schools) were effectively by-passed by the authorizing legislation, for both geographic and substantive reasons. The new state universities were able to strengthen their burgeoning professional schools by adding academic departments. They gradually evolved into great state universities, well equipped to train an increasingly professionalized career bureaucracy in the United States. The convergence of these factors produced a higher level of professionalism in the U.S. bureaucracy than any to be found in other countries, regardless of their constitutional design.[15]

2. CONSEQUENCES OF PROFESSIONALISM

Although the rise of a professionalized career bureaucracy was neither the intention nor the immediate result of the Pendleton Act, it was a long-term consequence. The practical exams were gradually transformed into tests of professional knowledge and capabilities. Open recruitment permitted experienced professionals, not only recent university graduates, to enter the public service, thereby facilitating the professionalization of the U.S. career bureaucracy. Initially, I believe, many professionals were reluctant to accept the controls imposed by a bureaucratic hierarchy, but eventually they found that they could influence administrative policies and they began to exert pressures through their own associations to create conditions favorable to their professional standards and norms, including the recognition of professional standing (degrees and certificates) as requirements for specific categories of bureaucratic posts (Willbern 1954, p. 15).

Bureaucratic professionalization has many important consequences that can be described systematically by reference to two variables: **positive/negative,** and **intrinsic/extrinsic.** By the first I refer to evaluation of the results as good or bad; and the second refers to the immediate or direct effects of something vs. the indirect or feed-back effects. Circular, not linear, causation is taken for granted in this discussion--if A causes B, it is assumed that by a feed-back effect, B also influences A. When circular causation has a negative effect, we often speak of it as a *vicious circle.* To refer to a positive effect, we may speak instead of a *benign circle.* Professionalism in the U.S. bureaucracy is implicated in both vicious and benign circles--actually, sets of linked or chained variables that typically involve many more than two basic nodes. One could discuss such interdependent nodes or relationships in any order and discover that no matter where one starts, every element eventually has an impact on every other. To simplify this analysis, however, I will look at the positive effects before the negative, and under each of these headings, the intrinsic before the extrinsic implications.

3. POSITIVE-INTRINSIC CONSEQUENCES

Bureaucratic professionalism has surely enhanced the level of administrative performance within specific niches. Engineers, for example, are qualified and motivated to perform well within the domain of their special competence. Their motives are complex, however. Although subject to hierarchic intra-bureaucratic and political constraints, they also respond to norms established by the professional associations in which they participate. No doubt their early socialization in professional schools lays the foundation for the sensitivity to professional norms that is reinforced throughout the life of a professional by continuous involvement in interest networks that link the schools with officials and private sector practitioners.[16]

Medical and legal associations are familiar to all, but parallel organizations can be found in every professional domain. All three branches of the presidentialist regime are also implicated insofar as professionalism has also penetrated both Congress and the Courts. By a feed-back effect, for example, court decisions affecting bureaucratic conduct and criteria, have increased the need for and influence of lawyers in many government agencies. Decisions affecting health benefits, safety standards, or environmental safeguards have similarly enhanced the role of physicians, engineers, and natural scientists. Increasingly complex fiscal, budgeting, accounting and auditing procedures and safeguards enhance the need for accountants, auditors and evaluation officers

A useful distinction is needed between *standing* and *standards.* Professional standing is acquired by certification upon completion of required training programs in a school, but professional standards become internalized as behavioral norms that are continuously reinforced by associates and reference groups. By stressing "practical" tests, the Pendleton Act enabled professional **standing** to become, gradually, a major criteron or prerequisite for personnel recruitment. As a result, professional **standards** (often in conflict with each other as well as with governmental rules and political goals) have become the basic guidelines for administrative performance by innumerable American career officials (Wilson 1989, pp. 60; Rourke 1992, p.8).[17]

4. POSITIVE-EXTRINSIC CONSEQUENCES

The prevalence of professional standards in American public administration has produced two important results: it has facilitated the survival of American presidentialism and it has motivated the rise of Public Administration in America.

4.1. Regime Survival. The first consequence was unintended and is still unmeasured: namely, a significant reduction in the power position of the American bureaucracy reduces the possibility of a *coup d'etat.* This can be explained as a feed-back effect of the provisions of the Pendleton Act. Most bureaucracies--whether anchored in a top echelon of mandarins or based on retainers--generate a powerful sense of intra-bureaucratic loyalty and identity. Of course, mandarins, like professionals, have standards, but these are *bureaucratic* standards--they relate to the *esprit de corps* or morale of officials as officials, and they reflect a strong sense of loyalty to the **state.**

The familiar term, *administrative state*, is quite appropriate when referring to mandarin-powered regimes and it helps us understand why notions of the *state* are so prevalent in most parliamentary systems. By contrast, I believe "administrative state" is a misleading term to characterize the United States regime. It might, more precisely, be called a **network state** whose infinitely coplex maze of interest networks orient themselves to the overlapping concerns not only of corporations, non-profit agencies and professional associations, but also the overlapping structures of central/state/local government and the diverse legislative/executive/judicial branches of governance and a host of autonomous boards, commissions and self-governing bodies.

As for presidentialist systems outside the U.S., bureaucratic solidarity assuredly evolves among retainers, but it becomes self-serving to the degree that status anxiety motivates the development of informal organizations or networks dedicated to the preservation of bureaucratic privileges and security. Intra-bureaucratic networks among retainers as well as among mandarins, however, can generate high levels of solidarity and power. To the degree that parliamentary regimes are politically effective, mandarin bureaucracies are unlikely to become disaffected enough to back coup attempts. Moreover, their experience and loyalty to the state enable them to administer effectively enough to permit the regime to implement its policies, thereby dissolving the motives for a revolt.

By contrast, presidentialist regimes often fail to agree on policies that confront their major problems effectively. This often produces major crises which lead a powerful bureaucracy to support a coup.[18] A vicious circle comes into effect: retainers, who lack the qualifications and standards needed to administer autonomously or well are, nevertheless, able to seize power. When the performance of the state falls, they easily become disaffected enough to resort to violence, and may therefore support a military coup.

The American exception reflects the fact that its professionalized bureaucrats lack the solidarity to support a military coup. Even when concentrated and focussed leadership joined with coherent government policies are not available, professionals in the buraucracy are able to carry out needed policies and programs within their niches, i.e., when these policies are compatible with the professional standards formulated by the associations in which they are active. Moreover, these associations link many American bureaucrats with private sector constituencies and the legislative committees (with their staffs) that form the broader **interest networks** in which they participate. The satisfactions experienced by professionals who are able to achieve their standards means that they do not want to seize power. Moreover, because of their semi-powered status in a highly fragmented bureaucracy, they could not succeed even if some of them wanted to support a coup attempt.

Moreover, functionaries, in ambivalent alliance with members of Congress and powerful lobbies, buttress the capacity of that overloaded body to handle a vast agenda of public policy issues and to

maintain its autonomy as a separate branch of government. Well entrenched professionals in the bureaucracy, working with supportive members of Congress and their own staff professionals, also cooperate to maintain the system of *senioritism* that helps incumbents win elections and retain cherished committee assignments (Riggs 1993a).

The resulting autonomy of government agencies permits different and even conflicting norms and policies to flourish and coexist. It enables a host of governmental functions to be implemented autonomously--they can survive successive elections regardless of which political party happens to be in power. The main functions of government have become self-perpetuating and they help the regime as a whole to work, even though successive Presidents rage against their inability to guide or coordinate a massive infrastructure of virtually independent bureaus.

4.2. Public Administration A second **positive-extrinsic** effect of bureaucratic professionalism involves the development of Public Administration as an academic field. Clearly, *Public Administation* was not a recognized profession nor were "practical" exams created to test administrative capabilities for almost half a century after the Pendleton Act. Gradually, however, the need for explicit training in Public Administration gained recognition, text-books were prepared and professional training in this area came into existence. A management exam was even established, for a time, for M.P.A. graduates. Although many professionals in the bureaucracy recognized the need for additional training and knowledge to help them administer more effectively, no *professional* role as a line administrator has evolved in the American bureaucracy. At best, some of the *staff* fields of Public Administration have gained such recognition--i.e., one can be a professional in personnel, budgeting, accounting and auditing, planning, or office management, but it is difficult to find positions ear-marked for "professionals" in general Public Administration.

A notable aspect of Public Administration as a field of teaching and research--if not as a *profession*--is its disposition to avoid **party politics**. This attitude is rooted in the Pendleton Act's stipulation that careerists should be non-partisan, neither supporting financially nor working in an electoral campaign. Actually, careerists were delighted with this stipulation which overcame an onerous burden that patronage appointees (both retainers and transients) had long carried. The dichotomy between **"politics"** (i.e. partisanship) and **administration** may have been an important consideration driving the reform effort, but I suspect that it was also a weighty consequence of the legislation.

The new training programs that arose chose to focus on preparing civil servants for entry to the non-partisan career services. Military officers already had their own training programs, including West Point and other military academies and staff colleges. Partisan appointees were typically politicos whose party services were being rewarded--professionally oriented training programs could scarcely reach them. Given these constraints, *Public Administration* evolved necessarily as a "non-political" (i.e. non-partisan) activity intended primarily for future and present civil servants. As a fragile new academic project, training in "Public Administration" could not survive bureaucratic opposition--quite the reverse, it needed (non-partisan) bureaucratic support in order to assure graduates of career appointments.

Under these conditions, the study of **government** as a unified focus of teaching and research became sub-divided into two contrasting and even antagonistic fields: Public Administration programs eschewed *"politics"*, turning to business management and all the social sciences except politics for inspiration, while Political Scientists systematically down-played *public administration* as either unworthy of serious study or even an essentially "non-political" activity (Waldo 1968, pp. 7-8).[19] The negative consequences of this orientation are discussed below in section 6.

5. NEGATIVE-INTRINSIC CONSEQUENCES

Professionalization produces American bureaucrats who cannot manage and coordinate programs that cut across the interests of many government agencies--turf warfare and intra-bureaucratic struggles are inescapable. Even within the same agency, when several different professional fields are involved, conflicts proliferate.

All presidentialist constitutions, by definition, generate an overriding problem of power dispersion in the bureaucracy by creating three centers of legitimacy (Executive, Legislative and Judicial) each of which impinges directly, and with conflicting normative and action implications, on the bureaucracy. The adoption by Congress, under the Pendleton Act, of a functionist mode for institutionalizing the career bureaucracy reinforced this divisive force, especially by paving the way for the emergence of bureaucratic professionalism, leading to the proliferation of powerful interest networks. When viewed from the perspective of would-be integrators who seek to reconcile divergent norms and overlapping jurisdictions, the combined pressures for the dispersal of power are overwhelming. Career officials, especially the professionals, build their own power base and often appropriate policy-making powers from Congress. Krislov and Rosenbloom (1981) tell us that "...the bureaucratic agency may actually organize a constituency in order to assure an adequate level of support for its activities... Policymaking is largely transferred from the elected branches of government to bureaucratic agencies" (pp. 82-3).[20]

In this context, predictably, successive American governments have struggled in vain to find a workable strategy for achieving coordination. As Seidman (1980) writes, "The quest for coordination is in many respects the twentieth-century equivalent of the medieval search for the philosopher's stone. If only we can find the right formula for coordination, we can reconcile the irreconcilable, harmonize competing and wholly divergent interests, overcome irrationalities in our government structures, and make hard policy choices to which no one will dissent" (p. 200). Willbern (1954), by contrast, has pointed out that at the inter-governmental level, professionals may well serve a positive coordinating function, helping to link activities that would otherwise remain uncoordinated (p. 17). Nevertheless, it has seemed unfortunate to many that the British model of a generalist administrative elite was not established in the 1880's. However, when the power potential of any mandarinate is understood, it becomes clear that if the U.S. had embraced that model, it would almost surely have succumbed to bureau power.

5.1. The Senior Executive Service. In the absence of any understanding of this relationship, it is not surprising that efforts were made from time to time to create an American mandarinate that could coordinate the far-flung and highly dispersed apparatus of governance in America. A project to establish a cadre of generalist civil servants became one of the strong recommendations of the second Hoover Commission in 1955. The proposal was long resisted by Congress, however. Its members saw that "...rotation of career administrators would break up long-standing and mutually profitable relationships between congressional subcommittees and career officials in the line agencies and bureaus of the executive branch" (Mackenzie 1981, p. 127). Resistance to a youthful British style class of future mandarins proved invincible.

A compromise was finally accepted in the form of a senior mandarinate to be created by recruiting established functionaries. After an intense struggle led by President Jimmie Carter, Congress endorsed the idea and the Senior Executive Service was established through the Civil Service Reform Act of 1987. So far, however, the SES has not displayed the properties of a genuine "mandarin" class nor become a cadre of "superbureaucrats" (Campbell and Szablowski 1979, p. 217).

The SES has not even impressed its incumbents as a highly prestigious or financially attractive career goal--something that would truly astonish anyone familiar with the power and high status of the "mandarins" in parliamentary regimes.[21] In both the Chinese and British prototypes, authentic

mandarins were recruited as young non-professionals and spent their entire careers as generalists--perhaps this is the only way a true mandarinate can be formed (Dogan 1975; p. 4).

In the American case, outstanding professionals who might have been recruited for the SES already had well established networks and standards that could not easily be reconciled with those of a mandarinate. The essential failure of the SES project, however, is fortunate for the survival of American presidentialism: a genuine mandarin system would have undermined the power positions of both the President and the Congress, creating a kind of "meritocracy" reminiscent of Plato's Guardians. Admittedly, this is a speculation since we have no example of a viable presidentialist regime with an established mandarinate of generalists, but the logic of the scenario seems pretty persuasive.[22]

5.2. The Patronage Alternative. By default, the best mechanism available to an American President to try to coordinate the host of competing professionalized bureaucratic agencies is to rely on patronage appointments. Unfortunately, perhaps because of the dichotomy myth and their preoccupation with careerists, students of American Public Administration have failed to pay serious attention both to the need for and the costs of employing a large number of transients as public administrators, including members of the Cabinet.

Political Scientists have, of course, studied this subject but in a political context that directs attention to the problems of the Presidency and Congress rather than the bureaucracy. The cabinet and the Office of the White House offer contemporary Presidents their main opportunity to create a governing apparatus that can modify the diverse priorities of professionals in the career bureaucracy so as to align them with the popular "mandate" given by the electorate. Traditionally, this was done by appointing **politicos**, persons without professional commitments of their own whose primary loyalty was to the President and policies endorsed by the winning party.

Increasingly, however, *amphibians* or *technopols* rather than politicos are employed to staff the Executive entourage or "sacerdotal collegium" (Newland 1987, pp. 49-52). The term, "amphibian," has been used to characterize in-and-outers who find themselves equally at home inside and outside the government service.[23] Typically, departmental secretaries and their assistants are broad gauge professionals whose personal networks reach extensively into the constituencies served by government departments and agencies. Instead of helping the President coordinate diverse overlapping programs and policies, I suspect that amphibians often share the professional standards and norms of career officers under their authority. By contrast, **cabinet** members in a parliamentary regime are primarily politicians without professional commitments. The fact that they must stand or fall as a collectivity provides an external sanction to reinforce their intention to coordinate diverse policy goals in the interest of the state.

Presidential **cabinet** members are subject to no such constraints. They stand or fall as individuals, each vulnerable separately to the President's preferences and their ability to command support from members of Congress, especially as expressed by relevant committees. Increasingly, the Executive Office of the President, rather than the Cabinet, has become the locus of political coordination in the American system. Ultimately, of course, the President must almost stand alone as the person finally responsible for coordinating the deeply dispersed structures of power (Newland 1987; Pfiffner 1987; Durant 1990; Moe 1991).[24]

Despite his vast patronage powers, American Presidents can never really dominate the careerists nor assure coordination among them. As Wamsley (1990) tells us: "The political appointee...does not stride in the door of the government organization as the powerful proconsul of an emperor but more like a tentative and lonely ambassador appointed to a beleaguered foreign outpost... Their fortunes lie more in the hands of Congress, particularly its committees and subcommittees, and of interest groups than the president or White House staff" (p. 136).

The proper role of transients (both politicos and amphibians) in the American government remains a lively theme of debate. Without them, the dispersed orientations of a professionalized and semi-powered bureaucracy would almost threaten anarchy. Although patronage appointees cannot truly coordinate or reconcile intra-bureaucratic conflicts, the problem would surely be much greater without them. They provide a completely inadequate solution to the problem of coordination, yet without them, mal-coordination would become so great a problem that it alone would threaten the collapse of the system--not because of a coup but rather simply from internecine strife.[25]

6. NEGATIVE-EXTRINSIC CONSEQUENCES.

Bureaucratic professionalism in the U.S. has reinforced the myth of a political/administrative dichotomy. The importance of the dichotomy myth as a reform slogan is familiar to all students of American Public Administration, and much has been written on the validity/invalidity of the dichotomy. However, its consequences need more careful analysis. The professionalization of the American bureaucracy which underpins its semi-powered status owes much to this myth. At least, it supplemented the other factors that can be attributed to the Pendleton Act, as explained in section 5.42/3.

Moreover, the separation of Public Administration as an academic field of study and teaching from the study of Politics can easily be attributed to the myth--see section 6.22. If careerists were to be "non-political" civil servants, it seemed to follow that they should study only non-political subjects such as those taught in all professional schools. When the project to establish professional schools of "Public Administration" emerged, it accepted the need for a non-political orientation.

Consequently, the phenomena that generated American Public Administration theory as a distinctive and important field of research and teaching also hampered the analysis of the power potential of appointed public officials. Had a Compative framework been used, students of American government would have noticed how exceptional its bureaucracy is. No doubt the parochialism of a mode of analysis that focussed attention exclusively on the truly unique situation in the U.S. hampered any serious effort to go beyond the stereotypes generated by the dichotomy myth.[26]

6.1. Bureaucratic Power. Quite clearly, all bureaucracies in democratic regimes are significantly more powerful than the *semi-powered* U.S. bureaucracy. Moreover, all the governments of the industrialized democracies are able to control and use powerful bureaucracies effectively for administrative purposes. The U.S. alone among presidentialist regimes has been able to avoid a regime break down--and it is the only such regime that has a semi-powered bureaucracy. Surely if, like them, it had a powerful bureaucracy, it would also have experienced one or more catastrophic breakdown during a time of major crisis.

Paradoxically, the relative lack of power of the American bureaucracy, and the continuity of the U.S. regime combined to render the idea of a **dichotomy** between politics and administration plausible. In other countries--and especially in (undemocratic) bureaucratic polities--appointed officials (military and civil) are powerful enough to block serious analysis of their operational methods and their characteristic pre-entry training requirements call for legal, humanistic, or even scientific education but not for a *professional* education in Public Adminjstration--unless, sad to say, the approach has been denatured by the omission of its political aspects.[27]

Bureaucratic professionalism, then, has been a major factor in the explanation of the relative weakness of American civil servants while also providing a context in which the creation of training programs for public administrators could flourish. Although "Public Administration" never gained full recognition as a a *profession* within the U.S. bureaucracy, it did acquire marginal respect both for its contributions to various career staff roles, and for its capacity to help line administrators enhance their own careers. These advantages have actually induced many contemporary American

administrators to support Public Administration as a useful and non-threatening activity. Their willingness to collaborate in organizations like ASPA and NAPA provides evidence of this attitude, by contrast with the situation in most other countries where public officials and academics teaching Public Administration typically distrust each other and avoid contact in such associations.

6.2. A Myth Perpetuated. This cooperative attitude facilitates Public Administration as an academic field provided--we may speculate--that the myth of a dichotomy between politics and administration is sustained. So long as serious inquiry into the phenomena of bureaucratic power is avoided, Public Administrationists are protected from threatening scrutiny by officials and the officials are not menaced by scholarly inquiry. As for American Political Scientists, who might have been expected to look critically at the power position of career officials, we find that they have largely ignored the subject. Perhaps this is so because they accept the myth uncritically or because their penchant for specialization has led them to focus on the components of constitutive systems and to relegate the study of bureaucracy to specialists in Public Administration.

Although the dichotomy myth still prevails in America, there are exceptions which deserve attention. For example Nachmias and Rosenbloom (1978) remark that "...all developed nations are thoroughly dependent upon a body of highly specialised and hierarchically organized administrators... ...bureaucrats have sometimes been considered a (new) ruling class" (p. 10). Heady (1991) has explained that "...comparative public administration is linked closely to the study of comparative politics, and must start from the base provided by recent and current developments in the comparative study of whole political systems" (p. 6). Scholars like these may eventually lead both Public Administrationists and Political Scientists in America to see how bureaucracy inescapably links politics and administration.

The dichotomy myth by itself, admittedly, would not have led to the emergence of Public Administration as an important focus of attention in America. Among the other contributing factors we must include the specifications of the Pendleton Act--practical exams; open recruitment for positions, not ranks; and apportionment among the states--all of which reinforced each other to generate the forces that led to the emergence of professionalism in general, and to the field of Public Administration as an unsuccessful candidate for professional status.

The negative aspect also needs to be recognized: careerism could never displace the need for transients as political appointees in the U.S. They scarcely recognize Public Administration as a relevant field for pre-entry training while Public Administration specialists tend to ignore transients as an irrelevant and undesirable remnant of the spoils era. Whenever Political Scientists study political appointees, they usually treat them in the context of the Presidential institution rather than of bureaucracy and public administration.

To summarize, an important negative-extrinsic consequence of professionalism in the U.S. bureaucracy involves its contribution to the rise of Public Administration as a specialized and very insular field rooted in the politics/administration dichotomy myth. The time has come, I believe, to transcend this limitation: comparative analysis can now reveal the highly political consequences of professionalized bureaucracy in the U.S.

7. CONCLUSIONS

Admittedly the propositions set forth above are speculative and ought not to be accepted as proven. Much more research is needed to establilsh their validity or substantiate alternative explanations. However, I believe the effort will be highly rewarding. Closer analysis of the political and administrative causes and consequences of professionalism in the U.S. bureaucracy will, assuredly, contribute to our understanding of both the **political** and the **administrative** aspects of American governance. Thereby, some of the damage caused by the dichotomy myth can be undone. The topic promises to build a bridge between Political Scientists who imagine that **bureaucacies** need not be studied because of their apolitical functions and Public

Administrationists who somehow think that they can understand governmental **management** without taking its political implications into account.

Moreover, this theme will help close the chasm that has arisen between students of **American** and **Comparative** Government. The extent to which professionalism in the U.S. bureaucracy is a truly unique phenomenon, both in its origins and its consequences, can surely be understood only by comparative analysis with the experience of many other countries. Consequently, further **research** on this topic will promote the study of comparative government and, thereby, shed more and more light on the unique features and problems of government in America.

We are only beginning to see the far-reaching implications of bureaucratic professionalism in the U.S. Although it is a topic of geat intrinsic interest, its further analysis promises far-reaching rewards that will fill important gaps which have seriously hampered our efforts to understand the dynamics of both American and foreign systems of government.

NOTES

1. Although *retainer* was traditionally used to mean a family servant, it has also been employed to mean "civil service retainers" (*W3*), and I shall use it only in this sense, to identify patronage (political) appointees who retain their posts indefinitely. The concept must be distinguished clearly from merit-based *careerists* whose tenure in office is assured by a legally binding contract with the state. Historically, a king's **retainers** became officials and the word was long used to refer to them. Although the word has fallen out of use in democratic regimes, I see no reason not to use it to refer to patronage appointees who retain their offices on a long-term basis.

2. Ironically, Jackson can be credited with the bureaucratization of the American public services, in addition to the rotation system. The two phenomena reinforced each other. Rotation made agencies more impersonal. They could no longer depend on the personal preferences and idiosyncracies of long-term patronage appointees. It became necessary, as an unintended result, to adopt formal rules and regulations (Crenson 1975, pp. 131-139). In this light, we should not equate bureaucracy with career services but, rather, with formal hierarchies of office governed by rules and regulations, regardless of how the offices are filled.

3. Although the Jacksonian revolution had far-reaching effects, we should not exaggerate its extent. Probably no more than 10% of incumbents (certainly less than 20%) were actually removed from office during the Jackson administration (White 1954, p. 308). Throughout the following decades, "a hard core of experienced men...remained steadily at work" despite "the clamor for removals and partisan appointments to resulting vacancies" (p. 349). In short, despite the conspicuous role played by transients, a substantial number of retainers were able to maintain the essential functions of public administration. After 1829, "Two personnel systems were thus in operation... The patronage [transient] system held the public attention, but it was primarily the career [retainer] system that enabled the government to maintain its armed forces, to collect its revenue, to operate its land system, to keep its accounts and audit its expenditures... The adjustment of the two systems remained even a century later an object of concern" (p. 362).

The reform movement was driven, of course, not only by the flagrant abuses of power indulged in by partisan transients, but also by the irresponsible behavior of many retainers. Although experienced and indispensable "workhorses" were often good public administrators, as White claimed, they were largely invisible and could scarcely protect the status quo from its critics.

4. It is easy today to lose sight of the tremendous political significance of the rotation system. No comparable transformation was ever imposed on any other retainer buraucracy in a presidentialist regime, so far as I can tell. It was possible in the U.S. for a variety of covergent reasons, including the following. The aggregate vote in the presidential election of 1824 was only 356,000; by 1836 it had risen to 1,500,000 and in 1849 to 2,400,000. Although population growth was undoubtedly a

factor, the major reason was the elimination of property restrictions, especially in the new Western states, and a growing interest in politics (Nevins and Commager 1956, p. 175). In his first annual message to Congress (December 1829) Jackson declared: "...more is lost by the long continuance of men in office than is generally to be gained by their experience... .where offices are created solely for the benefit of the people no one man has any more intrinsic right to official station than another" (Hofstadter 1954, p. 51). The successful establishment of rotation reflected the emergence of mass politics at an early period in U.S. history--by contrast, elsewhere, entrenched property rights and the seeming stability attributable to government by retainers has persisted until the present day.

5. In Brazil, where the retention of patronage-based offices prevails despite energetic reform projects, Mainwaring (1988) tells us that "The political class has been acutely aware of the overshadowing of the legislature by the bureaucracy and has responded by expanding their influence within the bureaucracy... [with] catastrophic consequences upon the efficacy of the state apparatus" (p. 24). Clearly, powerful networks composed of private interests, bureaucrats and political parties, working with legislators, are able to secure particularistic concessions for themselves. Although superficially similar to the "iron triangles" found in America, the pervasiveness of retainers makes these networks more amenable to particularistic interests and less likely to promote universalistic policies and programs. As triangles, they are "soft" (not iron) representing retainers rather than careerists, and rich families or corporations rather than functionally organized interest networks associated with large numbers of voters.

6. I can only hypothesize about this relationship because I cannot find concrete documentation for it. Van Riper (1958) emphasizes the importance of the civil service reform movement led by "...a small group of predominantly wealthy and politically conscious easterners with a philanthropic turn of mind, aided by an aroused public opinion" (p. 80). A more detailed profile of the reformers is given by Hoogenboom (1961) who writes: "...the civil service reform movement was essentially conservative. ...reformers wished to return to the good old days before Jacksonian democracy and the industrial revolution--days when men with their background, status, and education were the unquestioned leaders of society." They "attacked the hated spoilsman's conspicuous source of strength in the civil service" (p. 197). See also White (1958, pp. 278-302)

In the American case, transient spoilsmen could scarcely have organized enough political support to present any significant opposition to the reformers--they lacked the power that entrenched retainers could offer in other countries. Evidence of such resistance can be found in the many obstacles to post-war merit-system reform encountered by American and United Nations Public Administration advisers in Latin America (Ruffing-Hilliard 1991).

7. The Pendleton Act forbade career employees "to coerce the political action of any person" and penalties were prescribed for "political assessments of or by competitive employees, or by any other federal officials" (Van Riper 1958, p. 99). In 1939 and 1940, responding to President Franklin D. Roosevelt's efforts to discipline recalcitrant Democrats in Congress by means of patronage, the Hatch acts were enacted. The first act extended the prohibition against partisan activities to unclassified employees (except for those in top policy determining posts), and the second strengthened the terms of this prohibition by extending it to all state and local employees paid in full or in part by federal funds. Officials violating this proscription could be removed from office (Van Riper 1958, pp. 340-41). No doubt career officers were happy to comply with laws which enabled them to avoid onerous partisan tasks and financial assessments.

8. The provisions of the Pendleton act, perhaps unintentionally, were not hostile to the long-term interests of transient appointees. Some, already out of office, may have hoped to re-enter the public service as careerists, beneficiaries of the Act's open recruitment policy. Even transients, still in office but facing discharge because of rotation, may have supported merit system reforms in the hope that they could be "blanketed" into a position. The American "rank-on-the job" tradition--by contrast with the "rank-in-the-man" system prevalent in most parliamentary regimes--has enabled

some Presidents, almost clandestinely, to convert their transient appointees into retainers by "covering" their **positions** into a classified service. This probably could not have been done in any rank-in-the-man system where overt changes in personal **status** would have been far more conspicuous. Although transients in the bureaucracy could not exercise collective power, no doubt some of them individually supported the reform movement from which they may have hoped to benefit.

9. The nonpartisanship of American careerists may be contrasted with the bureaucratic partisanship typically found in other presidentialist regimes. Consider, for example, the situation in Chile where merit systems and partisanship have been commingled. According to Valenzuela, "The Chilean civil service was recruited and promoted through a Chilean version of the spoils system: party recommendations, and legislative support, in addition to formal credentials, were important in gaining entry and crucial in rising to higher office. The civil service was fragmented... by strong partisan loyalties that prevented the development of institutional loyalties" (Valenzuela 1984, p. 271).

Because of its American colonial heritage, the **Philippine** presidentialist regime has installed an examination based career system. However, according to Carino (1989) its "career" officials were often openly partisan. She reports, for example, that "...a third of middle-level bureaucrats in a survey mentioned helping in an electoral campaign--against civil service rules. Another third acknowledged nurturing political ambitions..." "Civil servants also sometimes played off the executive against Congress, claiming the ability to get appropriations despite the absence of the President's support" (pp. 12 and 14). In addition to the career officials, of course, there were always a substantial number of Presidentially appointed "...agency heads and such aides as could be justified as 'policy determining, highly technical or primarily confidential'" (p. 10).

This was the "normal" pattern of bureaucratic politics in the Philippines before the advent of the dictatorship of President Ferdinand Marcos in 1972. He sought to institutionalize an intermediate, highly politicized and well paid, layer of political appointees, the "Career Executive Service," to serve as the cadres of his authoritarian regime and to help him perform functions of the dissolved Congress. When President Corazon Aquino came to power in 1986 and sought to re-establish a democratic presidentialist regime, she imposed sweeping bureaucratic replacements, purges of many officials, and tumultuous reorganization schemes. The partisanship involved in this highly traumatic and often unsuccessful effort to "de-Marcosify" the bureaucracy are summarized in Carino (1989) and described in more detail in her earlier monograph (1988).

The Philippines and Chile are sometimes mentioned as good examples of presidentialist regimes (in addition to the U.S.) where the merit system has been successfully installed. Closer scrutiny suggests, however, that they have developed modernized retainer systems. Without the politics/administration dichotomy myth and strict enforcement of non-partisanship in its professionalized bureaucracy, the American regime might also have broken down, as all the other presidentialist regimes have.

10. In 1947, 92% of all federal bureaucrats in the continental U.S. were career officials--i.e. some 8% were political appointees. According to a recent report, there are now about 3,000 political appointees as compared with 2.1 million civilian federal employees--i.e. about 0.15% (Lynch 1991, p. 54). This transformation is remarkable: the overwhelming majority of appointed federal officials in the U.S. are now non-partisan careerists. Neverthelss, the patronage appointees, despite their small number, play politically and administratively essential roles that cannot be ignored.

11. The supporters of careerists in America are sometimes referred to as **bureauphiles** by contrast with their opponents, the **bureauphobes**, who favor transients in office. A bureauphobic call for more reliance on political appointees was issued by Lynch (1991), himself an experienced in-and-outer, when he complained that the Volcker Commission, "...has created an image of political appointees that seriously misunderstands modern government operations." Instead of cutting back

on political appointees, Lynch tells us, "...more responsive government today requires substantial increases in their numbers." He thinks that "...the executive should have enough political positions to provide adequate staff for its policy, public affairs, congressional affairs, general counsel and intergovernmental relations divisions... Responsive government requires a close link between the political ideas that win elections and the policies of government." Because the Volcker Commission sought to isolate "...government operations from winning political ideas," Lynch concludes, "those recommendations deserve to be shelved... ...they violate the most basic notions of democratic government" (pp. 54-5). Specialists in American Public Administration, he thinks, ignore this point of view at their peril.

A bureauphilic perspective is offered by Pfiffner (1987) who deplores "...the present trend toward increasing numbers of political appointees. Reversing this direction would increase the capacity of the government to function efficiently and effectively without sacrificing political accountability or responsiveness" (p. 64). Similarly, Dwight Waldo says that "...we are now witnessing a devaluation of neutral competence; some would say, a frontal attack on neutral competence. There has been a substantial invasion of political appointees, many of whom I judge to be willfully ignorant of government and woefully insensitive to public norms" (Brown 1986, p. 145). Neither the bureauphobes nor the bureauphiles seem to be aware of the constitutional causes and consequences of the phenomena they deplore.

12. Since apportionment opened the door for favorable treatment of applicants from all the states--a nineteenth century counterpart to contemporary "equal opportunity" rules--graduates of the new, widely dispersed land grant colleges where "practical" courses were taught became eligible for appointments, displacing graduates of the older liberal arts colleges. This laid the foundation for *professionalism* in the American bueaucracy, precluding the development of an American generalist cadre or mandarin system. Ex-transients, having been appointed for partisan reasons from all the states, were also beneficiaries of the apportionment principle.

13. The British empire extended to Canton, China, where agents of the East India Company were deeply impressed by the effectiveness of the exam-based Mandarin bureaucracy in ruling the world's largest empire over long periods of time. Later, when the Company began to experience severe difficulties administering the growing Indian empire from London (the tendency of British retainers in India to become Indianized prebendaries (*nabobs*), going into business on their own account, compelled London to realize that drastic measures were needed to re-assert imperial control over its far-flung and distant possessions) they decided to borrow the Chinese design. Glimpses of the anarchy prevailing among Englishmen in India in the 18th century can be found in Spear (1963, pp. 80-94). By the mid-nineteenth century, the successful Indian (Chinese) mandarin system was extended to England, where only youthful graduates of the most prestigious universities (Oxford and Cambridge) became entitled to take classical and literary exams through which an elite corps of generalists--the "Administrative Class"--joined the government service and became its ruling cadres (Teng 1943).

14. Was there a kind of culturally-determined egalitarianism in America that prompted rejection of the British model of an elitist Administrative Class? Van Riper (1958) has suggested that this rejection rested on a deep-seated aversion to the elitism inherent in the recruitment of graduates from prestigious universities to serve as future **mandarins** (p. 101). However, he also tells us that the Congressional debate thoroughly explored "the likely effects of the proposed legislation upon the constitutional position of the President and Congress, upon the party system..." (p. 97). Whether consciously or not, members of Congress may have sensed that careerists, rooted in **functionism**, would be more responsive to legislative committees and more dependable as political allies than would an elite core of bureaucratic generalists (Riggs 1988, pp. 363-5, and p. 376, note #40).

15. Aberbach and Rockman (1988) characterize the bureauphilic view that "a professionalized bureaucracy ...elevates the effectiveness of government..." as "the 'mandarin' perspective--a term

that resonates, for historical reasons, better in Europe than in the United States" (p. 606) We need to understand the reasons for this historical dissonance, and to recognize the basic difference between a professionalized bureaucracy and a mandarinate.

Mandarins, following the European (parliamentary) model, include generalist (cross-cutting) elite cadres who can, indeed, become a "ruling class," gaining widespread acceptance of their autonomous authority. By contrast, in the U.S. (presidentialist) system, a different model of policy-oriented (corner-fighting) specialists, climbing intra-agency career ladders, should be referred to as *functionaries*, a far less potent or authoritative class of bureaucrats than the mandarins. Many, if not most, of them are professionals whose extra-bureaucratic standards and reference groups differ strikingly from the orientations typical of mandarins.

It does, therefore, convey a misleadingly "European" notion to speak of American careerists as *mandarins*. Fortunately, we can use the broader term, *careerists*, to refer to all merit-based officials regardless of whether they are generalists or specialists--mandarins or functionaries. Remember, however, that retainers are not careerists, and most bureaucrats in presidentialist regimes (except the U.S.) are retainers. For more details, see Riggs (1988, pp. 364-5 and p. 376, note 40). In America, virtually all careerists are functionaries, and many of them are now also professionals.

According to Aberbach and Rockman (1988), bureauphobes argue that only officials appointed by the elected political authorities (i.e. the transients) ought to have "discretionary authority within the administrative apparatus..."--they are exponents of the "mandate" perspective (p. 606). This perspective gains its importance in the American context from the power of professionals in the career bureaucracy. In order to compel them to give more weight to the politically based priorities of elected politicians, especially the president, transients apponted by each successive administration are charged with a **mandate** to oversee and direct the careerists, compensating for their professional "biases".

Concerning the change from the British closed mandarin model to the American open functional design, Van Riper (1958) tells us that "We thoroughly adapted [the British model] to the American political and social climate" (p. 100). This cultural explanation needs to be amplified by consideration of the structural (constitutional) implications of the substitution of functionaries for mandarins in the American polity.

16. Rourke (1991) tells us that the "closed [iron triangle] system is long gone, a casualty of the 'glastnost' that swept over American government beginning in the 1960's" (p. 119). Among the causes that he identifies are the growing scrutiny of bureaucratic conduct by legislators and interest groups, the growth of grassroots political activism, the increased extra-bureaucratic expertise found in think tanks, Congressional staffs and research agencies, and the rise of "issue networks," i.e. interactive public interest groups and professionals armed with expert knowledge. Rourke's more recent thinking on this subject can be found in his APSA paper (1992).

The "iron triangles" metaphor is admittedly too rigid to characterize the American political system as a whole, but the phenomenon itself has not disappeared. Rather, it has become absorbed in a larger and more comprehensive structure of **interest networks**. In addition to the traditional "triangles," we find "**issue** networks" that link bureaucratic professionals with professional schools, private practitioners, and a host of non-profit research and action organizations. I would add, also, the **golden webs** formed by in-and-outers, beneficiaries of the "revolving door" which incumbents use to establish intricate networks of collaboration between officials, consultants and private organizations, again cutting across all three branches of the presidentialist regime, and penetrating a vast number of autonomous regulatory agencies, boards and commissions.

Taken as a collectivity, **interest networks** constitute a gargantuan and complex system of interests, issues and norms that sustain the highly dispersed structure of policy planning and implementation in vast reaches of American public life. I believe that these networks actually ease

the burdens carried by American Presidents, and make the Executive office more viable. By contrast, no doubt, some observers view this infrastructure as an impregnable monster over which the President cannot really impose his will. After outlining three available but equally unsatisfactory options open to a President who seeks to dominate and direct the executive establishment, Heclo (1978) concludes that there is no "...neat way out of this trilemma..." Instead, he thinks, the President "...is bound to become a creature of the issue networks and the policy specialists" (p. 122).

The Heritage Foundation, a conservative think tank, offers another perspective on this phenomenon. For example, we read in Jones and Marini's book on *The Imperial Congress* about how the ("Democrat-controlled") Congress has usurped Presidential powers and undermined the presidentialist Constitution's prescribed separation of powers. A chapter by "H.A.Mellor" (pseudonym for a former DOD official and Congressional aide) details some of the practices whereby interested members of Congress intervene in the appropriations and policy-making processes of the Defense Department to achieve very costly and unfair results through "micromanagement" that seriously undermines the powers of the Presidency. Mellor concludes that "The final irony in the struggle between Congress and the executive branch is that, were Congress to more evenly share its responsibilities, treating the executive as a coequal, rather than as a servant, many of these problems would disappers" (Mellor 1988, p. 129).

Nevertheless, in a comparativist perspective, American Presidents are more fortunate than their counterparts in polities where the interest networks are not so well developed or have highly personal and particularistic priorities. Outside the U.S., I believe, Presidents must personally intervene in more current issues or face more public fiascos and disasters than does the American President: at least, this is a hypothesis that deserves to be investigated.

17. "A professional," according to Wilson (1989), is "someone who receives important occupational rewards from a reference group whose membership is limited to people who have undergone specialized formal education and have accepted a group-defined code of proper conduct... .In a bureaucracy, professionals are those employees who receive some significant portion of their incentives from organized groups of fellow practitioners located outside the agency" (p. 60). Here Wilson stresses professional standards. A cause-effect relation is implicit: when recruitment is limited to persons with professional standing, we may expect them to adhere to follow standards.

18. Such a situation exists, as I write, in Nicaragua where the Supreme Court has declared all current acts of Congress unconstitutional. Under a presidentialist constitution, the Court, whose life members received their appointments from the Sandinistas, has supported the Sandinista minority in Congress after they chose to boycott its proceedings, thereby destroying the possiblity of securing a quorum. The Congress had attempted to reverse a law adopted during the final days of the Sandinista regime which had awarded previously confiscated property to Sandinista leaders. Although President Chamorro strove to conciliate the Sandinistas by various means, including the naming of Humberto Ortega, brother of the former President, as head of the armed forces, she now finds herself in a double-bind which effectively blocks action on numerous urgent problems. In the ensuing government crisis, constitutional decision making is effectively blocked and it is hard to see how a military solution can be avoided.

19. Waldo (1968) observed that "The attitude of political scientists [toward Public Administration]... is at best one of indifference and is often one of undisguised contempt or hostility" (p. 8). He also claimed that "...it is now unrealistic and unproductive to regard public administation as a subdivision of political science..." (p. 7).

20. The rotation and functionist merit system reforms which have enabled the American government--exceptionally, I believe--to fend off the dangers inherent in bureaucratic power and dissatisfaction have lulled most American academics into a misplaced confidence in the essential

durability of presidentialism as a constitutional design. This perception has spread to other countries where some reformers see presidentialism as a more stable political system than parliamentarism. Prindle (1991) claims that a widespread preference in the third world for *presidential* regimes suggests they are more viable than parliamentary systems (p. 62). This perception may reflect a failure to distinguish between frequent cabinet changes and regime collapse. Admittedly, a highly polarized multi-party parliamentary regime is very likely to experience many cabinet crises. Such crises, however, occur within a constitutional regime--they do not necessarily generate a regime breakdown.

An interesting test case is provided by Nigeria which began its life as a new state in 1960 with a British-style parliamentary government. Following the coups of 1966 and 1975, a presidentialist constitution was promulgated in 1978. In 1985 another coup occurred. The military regime under General Ibrahim Babangida which followed promised to reconstitute representative government through a five-year process launched in 1987, leading to a revised version of the 1978 constitution.

The Nigerian case is exceptional, however: for the most part, representative governments reconstituted after a phase of bureaucratic domination have recreated the basic structure of their pre-coup regimes. The empirical evidence shows that presidentialist regimes are much more likely to break down as a result of a coup than are the parliamentary regimes (Riggs 1993b).

21. As reported by Ventriss (1991), a recent survey found that "...only 13 per cent of Senior Executive Service (SES) managers would recommend a governmental career to young people" (p. 275). The enthusiasm generated by direct recruitment of junior mandarins from the universities (as in the UK) cannot, apparently, be replicated when senior officials are wrenched out of their long-term functionary (or professional) roles and secure interest networks to become neuveau "mandarins" in a bureaucratic stratum lodged precariously between suspicious political appointees and envious former colleagues in the career civil services.

More practical considerations added to the demoralization of the SES: Bonafede (1987), for example, reports that more than half of the career members of the SES have "...left the government and at least 1,000 'simply retired' because of disagreements over the pay cap, the limitations on bonuses, the inadequate relocation allowances and other points of conflict" (p.135--quoting Blair Childs, executive director of the Senior Executives Association). Former executives who retired from the SES are reported to have "increased their annual salaries by an average of $17,800 in the private sector" and about 46% of current SES members "are thinking of leaving because of inadequate salary..." (p. 136).

One might add that in a parliamentary system financial incentives for top civil servants need not be tied to those of legislators: by contrast, in the U.S. "The pay link bonding the salaries of executive level personnel with those of members of Congress is generally condemned and is widely regarded as the cause of the inability to set fair and equitable government salaries" (Bonafede 1987, pp. 136-7). The point, of course, is that Congress incurs so much public wrath when it tries to raise the salaries of its own members that it compensates by supplementing its own income from outside sources (essentially "prebendary" in character) while penalizing the Executive branch by setting pay limits that restrict official salaries to no more than their own. Ironically, the weakness and low morale of the SES may, perversely, enhance the viability of presidentialism in the U.S.--notably by not really undermining it.

22. Had the British model been adopted without significant revisions, a youthful cadre of future mandarins, recruited from elite universities, would have rotated among government programs, acquiring a generalist (cross-cutting) orientation that could have brought them to the top of the Executive Branch as powerful superbureaucrats. One of their early goals would have been to reconcile turf battles between rival bureaus in the same Department but, eventually, they would have intervened in inter-departmental struggles to help Secretaries resolve their own intra-cabinet conflicts. It is important to remember that a presidentialist *cabinet*--unlike its parliamentary

prototype--has no motive for solidarity. "In the day to day work of the Cabinet member, each man fends for himself without much consideration of Cabinet unity" (Fenno 1959, p. 247). If mandarins ("superbureaucrats"--see Campbell and Szablowski, 1979) became top advisers or "undersecretaries," they would seize the opportunity to counteract the dispersing pressures of the presidentialist format. For a lucid account of the way different American Presidents have attempted to work with and coordinate their Cabinet members, see Campbell (1986, pp. 37-57).

Ultimately, I imagine, they would also be able to curtail the powers of Congress, perhaps through a constitutional amendment to set limits on the terms of office of all elected officials and to require Congressional committees to elect their leaders--such an attack on "senioritism" would be eagerly supported by liberal reform leagues (the common cause and public citizen lobbies) and even the Republican right. West (1988), a resident scholar at the Heritage Foundation, reminds us that "In the 1968 election, 98 percent of House incumbents who ran for reelection won... Until this pattern of automatic reelection changes, senators and congressmen have no incentive to change" (p. 311). No doubt the new superbureaucrats would find eager allies on both the right and the left to join in a major reform campaign to "democratize" the American government.

If such strategies were to succeed, the American President would be reduced to a purely symbolic Head of State, national parties would wither as effective political organizations while their volunteer and PAC supporters would lose interest in them: the superbureaucrats would constitute a kind of "college of cardinals" to nominate future presidents gifted with the prestige and pliability needed to serve as national figureheads. A pliable Congress would continue to legitimize the government's decisions, but its frequently rotating members would find themselves dependent on mandarin officials for the information needed to ratify "sound" legislation.

No doubt this futurist vision of the power potential of a mandarinate sounds far-fetched, yet it could inspire a British science-fiction novel: *The Rise of the Meritocracy, 1870-2033* (Young 1958). Actually, the concentrated and politically entrenched cabinet in a parliamentary system is far better equipped to manage and control such a mandarinate than is any dispersed and fragile presidentialist regime, including that of the United States. No doubt British cabinets are not as cohesive as we imagine: Colin Campbell (1986) tells us that "...executive harmony does not come as readily to British governments as Americans expect" (p. 27). Nevertheless, despite "Yes, Minister," the power potential of British executives surely exceeds that of American Presidents.

23. Discussing the consequences of the rise of issue networks, Heclo (1978) observes that, "Instead of party politicians, today's political executives tend to be policy politicians... Their reputations among those 'in the know' make them available for presidential appointments. Their mushiness on the most sensitive issues makes them acceptable. Neither a craft professional nor a gifted amateur, the modern recruit for political leadersip in the bureaucracy is a journeyman of issues" (p. 106). Although the President can make many final choices, he/she is constrained to select amphibians who are acceptable to competing issue networks rather than to reward politicos who supported the winner's electoral campaign.

Moreover, the president is also constrained by the unwillingness of many highly qualified persons to undergo the costs of accepting (and retaining) political appointments: e.g. relatively low salaries, painful questioning in the Senate, elaborate and time-consuming clearances. Commenting on "The Quiet Crisis" growing out of the inability of the U.S. Government to attract qualified personnel, Bonafede (1987) writes of "...the dilemma over fixing government salaries comparable to those in the private sector, and the resulting controversy created by the issue..." plus the "...harm to the quality of government caused by the exodus of public officials..." (p. 134). He discusses the grueling experience of nominees facing Senate confirmation hearings and hostile reporters, the red tape and delays associated with security and conflict of interest clearances, plus such factors as: "petty aggravations, low pay, high cost of living, inadequate expense allowances, long hours, and the surrender of much of their personal privacy" (p. 139).

Such perceptions clearly identify some of the significant costs of maintaining a viable presidentialist system of government, but without a comparativist framework, it is difficult to understand its constitutional basis: we are left to deal with the symptoms rather than the underlying causes of these problems.

24. Anyone who counts on the Judicial branch to facilitate the coordination of government programs will be disappointed. Although the effects of court proceedings on public administration have received a good deal of attention, I do not know of any discussion of their implications for the dispersal/coordination of bureaucratic activities. My guess is that judicial decisions actually intensify the dispersal of power in American bureaucracy, compelling agencies to employ more lawyers, to rely more on administrative law and procedure, to establish their own quasi-judicial processes, and to compel administrators to become ever more specialized in their knowledge not only of program policies and methods but also of the laws and precedents affecting their implementation.

This might, perhaps, engender even more specialization, boundary maintenance, and rigidity which, in turn, justifies the intrusion of more political appointees to promote coordination, flexibility and political sensitivity. The proliferation of Judicial and Congressional staff services and their associated technical requirements and procedural limitations also reinforces these processes. Although public administration may suffer as a result, the resilience of the constitutional system is enhanced. However, these are admittedly speculations and I cannot defend them with any self-assurance.

25. Durant's (1990) stimulating discussion of "appointee-careerist relations" provides ample evidence for the conflicts and accomodations generated by the fundamental cleavage within the American polity between bureaucratic transients and careerists. What his analysis leaves out, however, is any explanation of why this cleavage is necessary for the survival of democratic presidentialism, even though it produces fundamental problems, both political and administrative, of great magnitude. Similarly, Light (1987) tells us that "Presidents and their appointees must move quickly to succeed. In responding to that pressure, careerists must be sensitive to the dynamic nature of the policy process" (p. 173). Light's analysis, based on data collected in the 1985 Presidential Appointee Project of the National Academy of Public Administration, is rooted solely in the American experience, and offers no comparisons to suggest the truly exceptional character of this situation.

Actually, of course, the appointee-careerist dichotomy oversimplifies the American reality where, for example, there exist many independent regulatory agencies which, collectively, are often viewed as a "headless fourth branch" of government. It is impossible to discuss this phenomenon here. Its critics allege that by delegating legislative/executive/judicial powers to these autonomous agencies, the effective powers of both President and Congress have been seriously eroded--a strong attack on them is offered by Nolan Clark (1988), currently an official of the Federal Trade Commission, who writes that "Almost without exception, independent regulatory agencies have failed to promote the public interest" (p. 271). I can only speculate about the extent to which comparably autonomous bodies have been created in other presidentialist polities but I suspect that, despite their many flaws, they facilitate the survival of American presidentialism by reducing the burdens placed on both the President and the Congress, and reducing the stakes in the winner-takes-all electoral sweepstakes identified by Juan Linz.

Both the bureauphiles and the bureauphobes seem to think that we are free to choose a very different design: they would increase the ratio and enhance the power of career officers (and independent commissions), or subject them to more stringent control by transient appointees. The "realpolitik" model--or Heclo's "conditional cooperation" (Heclo 1977, p. 193)--accepts the status quo, however, and offers a formula for trying to make unavoidable confrontations manageable in a system that cannot survive without both careerists and transients. However, I suspect that the "realpolitik" formula might be strengthened if it explicitly recognized that the American

constitutional system could not survive without the cleavage, thereby rebutting the more extreme views of both the bureauphobes and bureauphiles.

26. The non-comparativist way of viewing American Public Administration still hampers our ability to understand public administration anywhere, and especially in the United States. Had students of American government paid attention to the tragic experiences of all the countries that emulated the American presidentialist design, they would have seen that constitutive systems in presidentialist regimes are typically unable to control their bureaucracies and coups have taken place in almost all of them.

They might also have seen that although the exceptional survival of the U.S. regime can be explained, in part, by the relative workability of its constitutive system (attributable in large measure to the persistence of some undemocratic practices) a fuller explanation must also take into account the relative weakness (politically) of its bureaucracy. This weakness is due to such factors as federalism, privatization and transient political appointments combined with a professionalized career bureaucracy. The capacity of this mixed bureaucracy to administer well in specialized program areas also reduces the incentive for military coups.

Comparative analysis might also have led to the conclusion that parliamentary regimes are typically able to control more powerful and administratively effective buraucracies, and that generalist administrators (*mandarins*) can well coordinate complex inter-agency programs (health care or drug enforcement, for example) that cannot be managed by the American professionalized bureaucracy. The cultivation of a top cadre of mandarin administrators in the U.S., however, would seriously undermine its presidentialist regime. Reliance on transient political appointees is an unavoidable necessity for regime survival in the U.S., despite their inability to help the President achieve effective coordination in a highly dispersed (and professionalized) bureaucratic system.

Viewing American bureaucrats as essentially *non-political* actors has also blinded Americans working in the Third World to the vast incongruity between powerful bureaucracies and weak constitutive systems in many of these countries. They could not see, therefore, how projects designed to enhance the administrative capacity of these bureaucracies would further strengthen them politically, contributing thereby to the likelihood of coups and bureaucratic domination, with accompanying deterioration of administrative capabilities.

27. The political realities that enabled Public Administration to emerge as an important field of study in the U.S. have remained invisible to analysts who assumed they could ignore politics as a relevant factor to analyze. They remained unaware of the exceptional political weakness of American career officials which enabled them to cultivate Public Administration as a non-political subject. Paradoxically, bureaucratic rulers who display, in an extreme form, the unity of politics and administration, are quite tolerant of university programs in Public Administration, whereas they look askance at departments of Political Science. Precisely because the former, under American inspiration, are viewed as *non-political*, they are seen as non-threatening, whereas the latter are feared as potential trouble-makers for the ruling group.

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Please send comments to the author at the following address:

Fred W. Riggs, Political Science Department, University of Hawaii
2424 Maile Way, Honolulu, HI 96822, U.S.A.

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STATE-NGO RELATIONS AND THE POLITICS OF SUSTAINABLE DEVELOPMENT IN INDONESIA: AN EXAMINATION OF POLITICAL SPACE

James V. Riker

Global Studies Research Program
University of Wisconsin - Madison
1120 West Johnson Street
Madison, WI 57315-1045

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STATE-NGO RELATIONS AND THE POLITICS OF SUSTAINABLE DEVELOPMENT IN INDONESIA: AN EXAMINATION OF POLITICAL SPACE

James V. Riker[1]

I. INTRODUCTION

In December of 1986, two key officials within the Malaysian government labelled five indigenous non-governmental organizations (NGOs) "urban terrorists" and "thorns in the flesh" of the nation.[2] Ten months later, the Mahathir government detained without trial several NGO officials under the Internal Security Act.[3] Even though the NGOs involved were working on industrial pollution, forestry, and nuclear power issues, their leaders along with other groups in society were accused of creating political instability. All NGO officials were eventually released, but the crackdown has left an indelible impression on Malaysia's NGOs working on politically sensitive issues.

Meanwhile in the Philippines, after years of similar government repression and harassment of NGOs during the Marcos regime, NGOs have flourished following the People Power Revolution in the spring of 1986. Philippine NGOs have played an increasing role in shaping the political and development agendas by lobbying for policy changes, preparing national plans and manifestos, and most recently, endorsing political candidates who are committed to the issues of agrarian reform, people's empowerment, and sustainable development (McBeth, 1991). Recognizing the vital developmental and democratizing functions played by the voluntary sector, President Cory Aquino recently announced her decision to work with Philippine NGOs upon leaving office to bring to fruition her vision of people-powered development.

These two cases highlight the political tensions arising over NGOs' efforts to expand their political space through greater participation in the political arena and government's efforts to restrict it by limiting NGOs' role.[4] In both countries, NGOs have put forward demands that have emerged from the grassroots level of society and pushed them onto the political agenda at the national level. Yet the Malaysian government has sought to curtail NGOs' advocacy role in the development process, whereas the Philippine government has sought to tackle agrarian reform, pressing environmental problems, and rural poverty through joint government-NGO committees within a number of government ministries. These contrasting cases raise four key issues for many Third World countries: how much political space do NGOs have to participate in the development process within a polity? How does the state expand or limit that space? How can NGOs themselves act to expand their political space for participation in both the political and development processes? And finally, on what issues will the state and NGOs wage battle, where the former seeks to coopt and even repress the latter?

A. The Focus of this Paper

The dynamic tension between NGOs maneuvering for greater participation in the development and political processes and the state trying to curb NGO activities illustrates the shifting boundaries of political space. In Southeast Asia, the case of contemporary Indonesia best illustrates this tension. The prolific growth of indigenous non-governmental organizations (NGOs) in Indonesia during the 1980s has made them a key institutional actor in environmental and development politics. Since the early 1980s, Indonesian NGOs have initiated an ongoing debate about the nature of environmental and development policy in Indonesia, and the role of the state, NGOs' and people's participation in the development process. Indonesian NGOs have promoted development from below and have built linkages at the grassroots, regional (sub-national), national and international levels in support of sustainable development. Indonesia's NGOs are putting pressure on the government not only domestically but through their linkages with international environmental groups in the U.S., Europe, and most recently Japan. Indonesia's environmental NGOs have largely spearheaded these broader efforts to gain greater political space vis-a-vis the government. However, as Indonesian NGOs have gained greater political space in the late-1980s and early 1990s, the Government of Indonesia has subjected them to greater scrutiny and taken a number of measures to limit their autonomy (Witjes, 1986; Billah and Nusantara, 1989; Hein, 1989; Riker, 1990). Thus, it is within this setting that the debate over the definition and direction of sustainable development is being waged by NGOs in Indonesia.

The purpose of this paper is to understand the rise of NGOs in Indonesia especially in the environmental sphere, to review the strategies NGOs have employed at both the micro and macro levels to gain greater legitimacy vis-a-vis the state, and to interpret the Suharto government's response to the growing coalition for sustainable development both at home and abroad. Thus, this analysis addresses the political dynamics which characterize the relations between the state and NGOs, describing how the Suharto government has sought to contain and coopt the NGOs, while NGOs have sought to increase their political space by raising the banner of sustainable development and shaping its discourse in Indonesia.

II. UNDERSTANDING NGOs: WHAT THEY ARE AND WHAT THEY CONTRIBUTE TO THE ENVIRONMENT AND DEVELOPMENT DEBATE

The rise of NGOs in the Third World has largely been in response to an often overwhelmed and incapacitated state sector in addressing the pressing development needs of people at local levels. Both the quantitative and qualitative growth of organizations within the voluntary sector during the 1970s and 1980s has principally occurred in development activities where NGOs enjoy comparative advantages and in areas often beyond the reach of

the state (Uphoff, 1987; Bratton, 1989; Paul, 1989). In addition, however, NGOs have emerged to redress failures and inequities in the market system, and to mitigate structural constraints imposed by the state by targeting their activities toward, and acting as advocates for, the poor (Korten, 1990; Fowler, 1991). In the 1980s, many NGOs promoted sound environmental practices and became leading advocates for sustainable development both in the South and the North (Durning, 1989; Korten, 1989, 1992; Yap, 1990; Livernash, 1992). While many NGOs' roots lie in community development activities and in grassroots activism begun over the last two decades, the scope of their initiatives has reached beyond the subject of economic and social development to reshape and redefine civil society as well as its relations with the state (Bratton, 1989; Riker, 1991; Elkins, 1992).

A. Defining NGOs

For my purposes, NGOs are defined as indigenous voluntary, non-profit organizations that undertake community development, provide social services, protect the environment, and promote the interests of the poor (Williams, 1990). NGOs operate at all levels of society and across the political spectrum. While NGO often propose "divergent" solutions, "they share two common elements --a pragmatic" commitment to demonstrated results in the field and on the need to strengthen civil society (Breslin, 1991:7). Where the legitimacy of governments to provide for and to govern their peoples is at issue, NGOs will continue to find an expanding role in creating new opportunities in the economy, society and polity (Uphoff, 1993). Indeed, key areas have clearly been staked out where state performance will likely be at issue. These include: 1) protecting the environment, 2) promoting poverty alleviation, and 3) upholding human rights -- all areas where Third World state's are particularly vulnerable to criticism. The key issue remains, however, how much political space do NGOs have to participate in the development process within a polity?

B. Toward A Theory of Political Space[5]

While the term "political space" has long been part of political scientist's lexicon, as a concept it has generally lacked any kind of systematic rigor.[6] The context within which NGOs operate, and the breadth of activity they are allowed, is determined by the interaction between the state and NGOs. This political space is a sensitive, ever-changing environment which all actors strive to shape to their purposes and to their visions of development. The state may encourage, tolerate, interfere, discourage or abolish NGO activity through legal or coercive means. However, NGOs may influence these parameters, bringing salient issues to public attention, advocating certain policies or development priorities, and pushing the state to expand the parameters in an unexpected manner.

In conceptual terms, political space refers to the arena in which non-state actors may undertake initiatives independently vis-a-vis the state. To what degree do these actors such as NGOs enjoy independent freedom of action? It is a dynamic, ever changing balance (or tango) between two or more actors where the contrasting principles of autonomy and control define government-NGO relations (Bratton, 1989). The boundaries of political space may contract or expand if one actor perceives its legitimacy is affected by the activities of the other actor. Independent NGOs, people's organizations and other groups in civil society seek to expand the political space in which they can organize and operate freely as well as increase political participation. On the other side, co-optive governments seek to contract the political space available to these non-state actors to limit the activities occurring outside the government's control. Clearly, the level of political space will differ within a polity across geographic regions, among government ministries, and within ideological groupings.

I argue that the rise of environmental NGOs in Indonesia's authoritarian political order must be seen in the context of political space. That is, first and foremost the environmental arena has provided NGOs with a safe and acceptable basis by which to organize. By choosing a sectoral area where international NGOs' enjoy considerable legitimacy and where the Government of Indonesia lacks expertise, especially at the field level, Indonesian NGOs have gained a foothold in the political sphere. In Indonesia, indigenous NGOs were first given official government recognition in national legislation dealing with the environment in 1982 (cf. Hainsworth, 1985; Hasan, 1985; Tarrant et al., 1987; Cribb, 1988; Hardjasoemantri, 1989, 1990). The growing prominence of Indonesian environmental NGOs in the late 1980s has enabled them to critique the government's development plans not only in the environmental and development spheres but also in the areas of human rights and political reform (Aditjondro, 1990c). By challenging the state's notions of development, NGOs are delegitimizing the state and seeking to gain greater legitimacy for their own pluralist visions of sustainable development. Thus, Indonesian NGOs' actions constitute the first signs of pluralism in Indonesia's authoritarian political order in over 25 years.[7] Given this framework, I argue that environmental NGOs should be seen as one essential part of a nascent social and political movement for liberalization in Indonesia.

III. THE CONTROVERSY OVER SUSTAINABILITY IN INDONESIA

A. Defining Sustainable Development: Beyond *Our Common Ground*

The World Commission on Environment and Development, known as the Brundtland Commission, defined sustainable development as meeting present development needs "without compromising the ability of future generations to meet their own needs" (i.e., inter-

generational equity) (1987:8). The Commission broadly saw sustainable development as:

> "a process of change in which the exploitation of resources, the direction of investments, the orientation of technological development, and institutional change are all in harmony and enhance both current and future potential to meet human needs and aspirations" (WCED, 1987:46).

In so doing, the Commission assumed that environment and development objectives are <u>not</u> irreconcilable, but when conceived within the framework of sustainability can be the basis for the new "development paradigm of the 1990s" (Lele, 1991:607). Yet the term is fraught with considerable conceptual ambiguity, allowing it to be appropriated by quite diverse groups (Lele, 1991).[8] For instance, the concept of "sustainable development" has been embraced by diverse actors from grassroots to international environmental NGOs (ANGOC and ELC, 1989; Durning, 1989; Yap, 1990), Third World governments (South Commission, 1990), and the World Bank (1988a, 1990b, 1992). In its broadest conceptualization, sustainable development's main principles include a concern for:

- inter-generational equity;
- improving human welfare (i.e., poverty alleviation);
- distributional equity (i.e., economic growth with equity);
- balanced or sound resource use (i.e., sound resource management);
- maintaining the carrying capacity of the biological system by promoting environmental protection; and
- "the participation of all sectors of society in decision-making" (Ascher and Healey, 1990:10).

I am not going to belabor the semantic issues or discuss the merits or shortcoming of various conceptualizations here, but rather focus on the emerging political debate in the Third World over the nature of environmental management and development waged in the name of sustainability. Ultimately, whether sustainable development becomes a reality or not depends on whether "effective political support" emerges for such a goal within a polity (Caldwell 1984:305; 1990).[9]

B. The Case of Indonesia: Why does the Issue of Sustainable Development Matter?

I believe it can easily be argued that the ecological pressures for pursuing sustainable development are more compelling in Indonesia than anywhere else in Asia. First, population, land, and food pressures on Java are placing inordinate demands on its natural systems (Hardjono, 1986, 1991; Soemarwoto, 1989; Repetto, 1986; Cribb, 1987a; Roche, 1988; Donner, 1987). The island of Java is the same size as the state of Florida but has over 110 million

inhabitants, over 60 percent of Indonesia's total population. In order to ease population pressures on Java, the Government of Indonesia has undertaken the largest resettlement effort in the world. The Transmigration Program, as it is commonly known, has moved hundreds of thousands of people to cleared rain-forest areas with degraded soils while displacing indigenous peoples (Colchester, 1986; Secrett, 1986; Aufderheide and Rich, 1990:66).

The extent (i.e. land area) of Indonesia's tropical forests is second only to Brazil's, and accounts for about 60 percent of Asia's tropical forests (World Bank, 1990).[10] However, FAO estimates that the rate of deforestation is as much as 1 million ha per year of Indonesia's 110 million hectares in permanent forest, with estimated direct costs to the Indonesian economy about $1 billion year (i.e. deforestation, timber depletion) (World Bank, 1990:xx-xxi; Economist, 1990; Allen, 1987). Besides constituting a key part of the Earth's lungs, Indonesia's tropical forests are among the world's most biologically diverse "with 40,000 plant species, about 5,000 tree species, 1,500 bird species, nearly 500 species of mammals, 7,000 species of fish, and 1,000 species of reptiles and amphibians" (Holdsworth, 1990:8). However, the high extent of habitat destruction due to deforestation makes "Indonesia's list of endangered species greater than Brazil's" (Holdsworth, 1990:8). Thus, there is a critical need for sound forestry management strategies to reduce the environmental impact of logging (both legal and illegal) and to conserve the biodiversity of flora and fauna found in these forests (cf. Murphy, 1988).

Despite these compelling ecological realities, these factors do little to account for the prolific growth of Indonesian NGOs active in the environmental arena in the mid-1980s. In fact, only a handful of Indonesian NGOs deal with the issues of tropical forestry management, conservation of biodiversity, or the impact of the government's transmigration program (Tarrant et al., 1987). Instead, insights about the pattern and scope of acceptable NGO participation in the development process and NGOs' relations with the government may provide a better explanation.

C. Why is Sustainability at Issue? Contending Perspectives on Sustainable Development in Indonesia, 1978-1992

Since 1978, contending viewpoints have emerged between the Government of Indonesia and NGOs about the definition and direction of sustainable development in Indonesia. Initially the Government of Indonesia embraced the concept by establishing the Ministry for the Environment in 1978 to promote "environmentally sound development" which it defined as the:

> "conscious and planned endeavor to utilize and manage resources wisely in sustainable development to improve

> the quality of life" (Act of the Republic of Indonesia, No. 4, 1982, Article I, Paragraph 13).

In late October 1987, the Government of Indonesia endorsed the concept by issuing the Jakarta Resolution on Sustainable Development by ASEAN Ministers (World Bank, 1990). In addition, "sustainable development" was the special topic of the annual donor consortium (IGGI) meeting at the Hague in June 1988, and it constitutes an important theme in the State Guidelines for the last five-year Development Plan (Repelita V - 1989-1993) (World Bank, 1990:136; Republic Indonesia, 1989). On World Environment Day in June 1989, President Suharto acknowledged Indonesia's commitment to pursuing sustainable development, but noted that Indonesia could not do so without a conducive international environment, stating:

> "Sustainable development is by no means an easy task to carry out and the task will be more difficult to accomplish if the international community fails to help create a climate that supports development" (Jakarta Post, June 5, 1989).

However, for the Government of Indonesia, sustainable development has been seen mainly as environmentally sound resource use and development.

1. A Government Advocate for Sustainable Development: Emil Salim

The main proponent for sustainable development within the Suharto Government has been Emil Salim, who served as Minister of Population and Environment from 1978 until March 1993. Salim is internationally recognized for his progressive stance on environmental issues, having served as a member of the World Commission on Environment and Development in the mid-1980s. In 1990, Salim was awarded the J. Paul Getty Wildlife Conservation Prize for his leadership on conservation matters. Western conservationists and development agencies largely view him as "the single ray of hope in an otherwise environmentally unenlightened government" (Survival International, November 1990). Consequently, he has been quite successful in mobilizing international donor support for environmental programs in Indonesia. Despite his favorable international credentials, within Indonesia Emil Salim is frequently portrayed as walking a tightrope between taking action on the environment and holding onto his position within the government. He has been a tireless advocate for the environment who is not afraid to criticize the environmental records of industry, forestry concessionaires, and mining companies, many of whom have close ties to the Suharto government (Aditjondro, 1990c).

Despite Emil Salim's personal commitment to the vision of environmentally sound and sustainable development,[11] he lacked the political resources within the government to realize this vision.

Salim's ministry has been the main arena for debating environmental policy in Indonesia. One donor official, who was familiar with the Ministry of Population and Environment, argued that "it is weak politically and lacks the ability to enforce any of its legislation."[12] Salim himself revealed the extent of his limited political power within the Suharto government in April 1987 when he stated that "experience has taught us that an environmental agency can only be functional if it has access to a nation's highest level of authority, and to planning and resource allocation processes at the highest level" (Salim, 1987:2). Given a weak ministry without a line agency or implementation role throughout the late-1970s and 1980s, Emil Salim was hard pressed to show much progress on slowing environmental degradation and promoting environmentally sound development.[13] Consequently, since 1979 Emil Salim has taken the initiative to cultivate the support of NGOs to build a domestic constituency for sustainable development with considerable donor support (cf. Hainsworth, 1985; Tarrant et al., 1987; Hanson 1987).[14] Salim played an instrumental role in formulating Indonesia's Environmental Management Act in 1982 which recognized the right of NGOs to act as community institutions for environmental management and development. Salim's defacto support for NGOs resulted in the initial mushrooming of environmental NGOs in Indonesia under the banner of sustainable development in the 1980s (Aditjondro, 1990c).[15]

2. Environmental NGOs Have Also Embraced the Concept of Sustainable Development

Within the environmental sphere, NGOs have gained official government recognition and a legitimate role in the development process through the enactment of the environmental legislation of 1982 and environmental impact assessment regulations of 1986 (Republik Indonesia 1982, 1986). NGOs, in turn, have sought to improve environmental awareness and promote environmentally sound development by addressing poverty and environmental degradation at all levels of society. While the Indonesian government has primarily sought to limit NGOs to an implementation role (i.e., a supply-side approach), NGOs have sought to gain greater influence over the decision-making processes affecting environment and development by pushing their own visions of sustainable development (i.e., a demand-side approach).

NGOs have sought to become the guardian of the environment and a force for government accountability in environmental management and development policy more broadly. NGOs have challenged the Government of Indonesia to match its words with action. As Cribb states: "What the NGOs offer, primarily, is an alternative source of expertise with an ability to argue that the government should live according to its rules" (1990:1133). Indeed, leading NGO officials argue that unless the Government of Indonesia is pressed by environmental NGOs, it will not likely enforce its environmental standards. Consequently, NGOs have initiated an ongoing debate

that is being waged at the grassroots, regional (sub-national), national, and international levels about the nature of environment and development in Indonesia, and the role of NGOs' and people's participation in the development and political processes. Environmentalism, through the language of sustainable development, has become a means for articulating opposition to the prevailing development policies and the authority of Indonesia's New Order government.[16] Given the prevailing politics of language in Indonesia in the 1980s, NGOs have often criticized the government on environmental grounds first as a disguised way of raising broader social justice and political concerns within Indonesia's authoritarian political order. As environmental NGOs have grown more confident, they have issued appeals for equity-led growth, people's participation in decision-making, respect for human rights, and even democracy.

D. The Politics of Sustainable Development: State-NGO Relations

State-NGO relations are now at issue whereby sustainable development has become the battleground of the late-1980s and early 1990s. Tensions have intensified between the Government of Indonesia and NGOs, where the government has sought to place controls on NGOs' and thus curb their political space (i.e., freedom of action), and to re-assert its control over the environmental domain. At the same time however, NGOs have responded through various strategies to improve their ability to maneuver vis-a-vis the Government of Indonesia, especially on environmental issues. I will highlight the tensions that exist between the Indonesian government and NGOs by comparing their different visions of sustainable development. From this debate, two key questions emerge:

1. How have environmental NGOs influenced environmental policy and the nature of environmental politics in Indonesia? And
2. How have environmental NGOs gained greater political space for themselves in Indonesia?

IV. ENVIRONMENTAL NGOs' IMPACT ON THE ENVIRONMENTAL DEBATE IN INDONESIA

A. Environmental NGOs are Articulating New Visions of Sustainable Development

Indonesian NGOs are articulating and giving reality to their plural and collective visions of sustainable development with some notable successes. These are visions of sustainable development that go beyond the sound environmental resource use and development principles espoused by the Government of Indonesia. In the process, NGOs are gaining greater legitimacy and political space by

A SAMPLE OF INDONESIAN NON-GOVERNMENTAL ORGANIZATIONS (NGOs) INVOLVED IN ENVIRONMENTAL ISSUES

LEVEL OF OPERATION (Roles)	NAME OF NGO (Location)	BRIEF DESCRIPTION OF ACTIVITIES
LOCAL	Yayasan Prakarsa (Yogyakarta)	An NGO involved in rural development and reforestation which has worked with villagers to plant 150,000 trees in five communities
*Grassroot Projects *Community Participation *Gain LG Support	Yayasan Tana Nua (Sumba)	An NGO involved in agroforestry, soil conservation, and upland agriculture, with a network of over 800 active farmers.
REGIONAL	YPMD (Jayapura)	YPMD is the leading NGO in Irian Jaya involved in natural resource managment and community development
*EIA Training *Monitor Projects *Mobilize Support for Issues *Joint Cooperation	Yogya NGO Forum (Yogyakarta)	A forum of over 40 NGOs devoted to sharing development information and cooperating with the provincial government. Activities include community development, small-scale enterprise, waste recycling, clean water and sanitation projects.
NATIONAL	WALHI (Jakarta)	The Indonesian Environmental Forum is a national federation of over 500 NGOs broadly involved in environmental issues.
*Information *Legal Action *Critique Policies *Policy Advocacy *Organize Campaigns	SKEPHI (Jakarta)	The Indonesian Network for Forestry Conservation conducts research and analysis on forestry management and policy issues.
	KRAPP (Bandung)	The Pesticide Action Network for Indonesia provides technical information on proper use and alternatives to pesticides
INTERNATIONAL *Watchdog over GOI Policies *Mobilize Int'l Support *Lobby Donors	International NGO Forum on Indonesia [INGI] (Jakarta and the Hague)	INGI is a coalition of Indonesian NGOs, Asian NGOs, and Western NGOs which meet annually to discuss Indonesia's development performance and to prepare alternative recommendations for Indonesia's donors

pursuing distinct strategies at four different levels (See Table 1).

1. NGOs as Catalysts for Development from Below

Local NGOs in Indonesia are undertaking grassroots development activities to alleviate poverty while promoting sound environmental practices and education about the principles of sustainable development (Hasan, 1985; Cochrane, 1984; Soerjani, 1990). By undertaking effective community development projects which offer environmental, economic and social benefits, a number of NGOs are acting as catalysts for sustainable development from below. In the process, there are signs that NGOs are incrementally gaining government officials' recognition and accountability from below. Where local NGOs have demonstrated solid results and gained the support of local officials, defacto authority has been returned to the people to participate in development decisions that concern them. Examples include:

a. CD Bethesda, which initially started its development activities in primary health care in the early 1970s. Through its work with local communities and various government agencies to improve human health, CD Bethesda has expanded its concept of human health to include environmental, economic, and social dimensions. For instance, CD Bethesda developed a unique engineering feat by tapping underground aquifers for drinking water in drought-prone areas outside Yogyakarta, thus receiving a national award from President Suharto for its work in 1979.

b. Yayasan Prakarsa in Central Java, which has organized over 500 villagers in 5 communities in reforestation efforts that have led to the planting of over 150,000 trees on degraded hillsides, public, and private lands with the support of local government officials.

c. Yayasan Tana Nua, which has trained and mobilized a network of over 800 active farmers in soil conservation measures (e.g. hedge rows, terracing, in-row tillage), agroforestry, animal husbandry, aquaculture, and upland farming practices on the semi-arid island of Sumba. The regreening of upland areas and farmers' conservation of indigenous tree species has convinced local officials to allow farmers to remain in critical watershed areas despite edicts to remove them, and to involve farmers actively in the management of these upland areas.

2. Provincial and Regional-Level NGO Forums

At the provincial and regional levels, a number of NGOs have come together collectively to conduct environmental training, monitor and critique government and private business development

projects, mobilize people's support for various issues, and seek greater participation in the regional development process. Examples of NGO forums and coalitions include:

a. The Yogyakarta NGO Forum has negotiated with the provincial government and World Bank for a possible role in the second phase of an integrated rural development project for the province. In addition, NGOs have engaged in joint cooperation with the provincial government on development and environmental projects.

b. The Lombok NGO Forum mobilized to protest the social impacts of outside speculators developing the island into the next tourist resort east of Bali. The Sengigi Beach Hotel has become the focal point of this protest. NGOs have sought to retain the rights of coastal villagers to marine and land resources in this growing tourist development area (Aditjondro, 1990b; Vatikiotis, 1990).

c. Fifteen NGOs in Central Java have Mobilized Support for the Tapak Community: The community of Tapak has been subject to industrial water pollution from 8 firms operating in the area for 14 years. Villagers claimed that direct dumping of industrial wastes into the Tapak river had killed off their local fish-farming enterprises (e.g. fish, shrimp), and polluted local groundwater supplies used for drinking. Despite water tests by WALHI (a leading national-level NGO network) and the local environmental studies center confirming high levels of pollution in the local river and public protest to the firms involved and local authorities, no action had been taken. Consequently, a coalition of 15 NGOs was formed in April 1991 to organize a national consumer boycott of the polluting firms, which finally prompted an agreement to resolve the problem (Santosa, 1991; Santosa and Hutapea 1992).

3. National-Level Federations of NGOs

At the national level, NGOs have formed environmental federations and networks to engage in information dissemination, legal action, and policy advocacy. In addition, environmental NGOs have increasingly made public comments critiquing the government's development plans and policies and proposed alternative policy recommendations both at official levels and in the press (cf. Sambodo, 1989). In some instances, NGOs have organized advocacy campaigns in an attempt to influence specific projects, programs and policies that are perceived as posing adverse impacts for the environment. National-level NGOs' strategy has been to pursue politically symbolic cases. In so doing, NGOs have challenged the government's notion of and commitment to sustainable development. The following are examples of the ways NGOs have done so.

a. WALHI Filed a Legal Suit against a Pulp and Paper Plant and Government Ministries: WALHI, a national-level federation of over 500 NGOs involved in environmental issues, working in conjunction with Indonesia's Legal Aid Institute, launched a lawsuit in late-1988 against *PT Inti Indorayan Utama*, a firm that owned a pulp and paper plant in North Sumatera, and five government agencies.[17] This legal suit was a pivotal event as it constituted the first open challenge to the government's authority by environmental NGOs. WALHI questioned the government's licensing of a large-scale industrial project without complying with its environmental impact assessment regulations.[18] The stakes proved to be sufficiently high to the government to prompt a calculated response. As Rush notes: "The state did not react lightly. During the trial, WALHI's witnesses were banned from giving evidence; senior ministers impugned WALHI's motives; and on state-controlled television, local villagers were seen refuting WALHI's evidence" (1991:39). WALHI eventually lost the case, but the court acknowledged NGOs' right to legal standing for the first time (*Kompas*, 15 Agustus 1989; Cribb, 1990).

b. NGO Opposition to the Scott Paper Project (1988-1989): In early 1989, the government announced that it had given initial approval for the largest foreign investment project in Indonesia's history. The U.S.-based Scott Paper company proposed to take part in a $654 million joint venture project with P. T. Astra International in a 550,000 ha. eucalyptus plantation and pulp mill in Irian Jaya, affecting the cultural lands of 15,000 indigenous people. The Scott-Astra project was estimated to create 6,000 new jobs and to generate exports valued at over $200 million annually (Vatikiotis and Schwarz, 1989; Aditjondro, 1990b:59). NGOs' concerns focused on local people's land rights, the environmental impact, and labor issues raised by the Scott-Astra project (Aditjondro 1988, 1990b; Vatikiotis and Schwarz 1989; WALHI 1988c, 1989).

Six Indonesian environmental NGOs mobilized on several fronts to stop the project, threatening ultimately to organize an international consumer boycott of Scott Paper.[19] The most visible act of this international campaign came when the Rainforest Action Network ran an advertisement in the New York Times highlighting rainforest destruction and the Scott-Astra project (Vatikiotis and Schwarz, 1989). Due in large part to NGO pressure, Scott Paper pulled out of the project in late October 1989 (Aditjondro, 1990b; Jakarta Post, October 23, 1989).

While NGOs may have won the battle, they may have lost the war on two fronts. Initially the government was so determined that the project would continue that it sought financial and technical support from Asian firms in Hong Kong,

Japan, South Korea, and Taiwan, who may have proven to be even less sensitive to environmental concerns and less responsive to international appeals.[20] More importantly, environmental NGOs have been closed out of the information and decision-making processes of this and subsequent large-scale industrial investment projects, thus limiting NGOs' abilities to participate in and comment on Indonesia's development projects (cf. Ansaka, 1990; Aditjondro, 1990b). As George Aditjondro pointedly argues: "The question that needs to be addressed is how can industry and NGOs meet to discuss development that is environmentally sound" (1990b:60).

c. NGOs Challenge Government Policies and Plans and Propose Alternatives: Indonesian NGOs' advocacy at the national level has not focused solely on the impact of industrial development projects on the environment, but has also raised questions about government policies and plans. In the area of tropical forestry, for instance, WALHI has publicly criticized the Indonesian National Forestry Action Plan (NFAP), calling it **"a recipe for social, economic, and ecological unsustainability"** (Halesworth, 1990:11, emphasis added). WALHI has recommended instead that Indonesia's NFAP:

> "undergo a complete restructuring and revision. The document should have as its principal objective checking deforestation and encouraging a development process in which the people of Indonesia have a decisive voice in the formulation of policy about resource use in their areas" (cited by Halesworth, 1990:11).

In its efforts to foster a participatory planning process, WALHI has worked with a number of NGOs and local communities to identify possible alternatives for sound forestry management (WALHI, 1990a, 1990e; Zulkarnaen, 1990).

d. WALHI Criticizes Plans to Save Javan Rhinos: Environmental NGOs at the national level have not pursued advocacy only for instrumental or political ends, but also for sound environmental and conservation principles. For instance, WALHI has lobbied both the International Union of Conservation Naturalists (IUCN) and the Government of Indonesia to reconsider its plan to move the endangered Javanese Rhinos to captive breeding centers. WALHI argues that "protection, not removal, is the key to the Javan Rhino's survival" (WALHI, 1990d:15). Similar efforts to move Javan Rhinos in Sumatra and Malaysia have led to high mortality rates (60 percent). To date, there has been no successful case of captive breeding of Javan rhinos. Consequently, WALHI argues for: 1) in-depth field research about the population, the condition of the habitat, and present and future threats

to the Javan Rhino; 2) identifying less risky, and more "cost-effective and sustainable alternatives to captive breeding;" and 3) "establishing a Javan Rhino fund to finance habitat protection and improvement of management of Ujung Kulon National Park in West Java" (WALHI, 1990d:13; Jakarta Post, 30 March 1991). In the process of documenting habitat destruction and proposing sound wildlife management strategies (Murphy, 1988), WALHI is gradually gaining expertise on biological conservation matters and reaching a broader constituency within the scientific community both at home and abroad for sustainable development.

In summary, environmental NGOs at the national level have selected cases strategically, often seeking cases for environmental advocacy which have potential for symbolic political value wider than the specific site and issue itself. Environmental NGOs in Indonesia have intensified the political visibility of NGOs vis-a-vis the Suharto government by 1) commenting critically on the environmental problems faced in the field, 2) establishing their right to legal standing, 3) questioning the government's pursuit of large-scale development projects, and 4) by organizing campaigns and advocating policy reforms. By influencing public policy and shaping the nature of environmental politics, NGOs are placing constraints on the state to act independently in the environmental arena.

4. Building Linkages to the International Environmental Movement

At the international level, Indonesian NGOs have built linkages to the international environmental movement. An international coalition of NGOs is being forged that consists of Indonesian NGOs, Asian NGOs and networks, as well as international NGOs from the West (especially from donor countries). The International NGO Forum on Indonesia (INGI) was initiated by several leading Indonesian NGOs in the spring of 1985 and has met on an annual basis prior to the meeting of the international donor aid consortium (Inter-Governmental Group on Indonesia or IGGI) responsible for providing foreign assistance to Indonesia. Its two primary objectives have been to "strengthen people's participation in development" (which is highlighted in every aid memoire), and to "direct its advocacy to the IGGI Conference" (INGI, 1986; Moniaga, 1989a). Since 1985, INGI's role has evolved to the point where it acts as watchdog over the government's development policies, providing an annual critique of government programs and highlighting major themes for debate. Each INGI meeting produces an aid memoire listing areas of concern for both the government and donors. It is an indigenous (Indonesian NGO) answer to the annual World Bank country report, which is prepared for the donor consortium (IGGI) that provides support to Indonesia.

Second, INGI has sought to build international linkages or political alliances in support of sustainable development in Indonesia. A sample of foreign NGOs that have attended INGI meetings includes: the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC, Philippines), the Asian Cultural Forum on Development (ACFOD, Thailand), the Australian Council for Overseas Aid (ACFOA, a council of 90 NGOs), Christian Aid (UK), the Development Group on Alternative Policies (D-Gap, U.S.), the Environmental Defense Fund (EDF, U.S.), the Environmental Policy Institute (U.S), the Natural Resources Defense Council (NRDC, U.S.), the National Wildlife Federation (U.S), *Friedrich Ebert Stiftung* (FES, Germany), *Friedrich Naumann Stiftung* (FNS, Germany), HIVOS (Netherlands), ICCO (Netherlands), and the International Confederation of Free Trade Unions (Belgium). By providing foreign NGOs with information and a forum to mobilize joint action on development issues, INGI has given high visibility to Indonesia's development record within donor countries. Moreover, INGI meetings have been held in the Hague, Bonn, Brussels, Washington, and most recently in Tokyo. In the process, INGI has identified supportive partners within the international environmental movement and, to a lesser extent, the international donor community.

Finally, INGI has placed collective pressure on key actors for accountability by submitting its aid memoire to the IGGI, the World Bank, and other multi-lateral and bi-lateral donors. Aid memoires have commented on:

- Indonesia's Development Policies:
"Responsible development policies must be economically, environmentally and socially sustainable. INGI is concerned that Indonesia's development policies are concentrating too much on economic growth, resulting in the depletion of natural resources, and the concentration of wealth and economic power" (INGI, 1990:4).

- The Government's Development priorities:
"Funding for forestry plans emphasizing foreign exchange earnings and for nuclear power generation...should be given lower priority than projects which provide natural resources and energy for local communities, and to support community control of resource management policies" (INGI, 1990:5)

- Indonesia's Transmigration Program:
INGI's statements about the Transmigration Program have focused on its impact on tropical forests and indigenous peoples, the need for models of agriculture and forestry that are ecologically sustainable, and have questioned World Bank support for this scheme (INGI, 1986, 1991).[21]

• Donor Funding of the Environment:
"INGI...recommends that ...[donors] increase their funding for environmentally beneficial projects which will directly benefit small communities, support conservation of critical ecosystems, and support projects which encourage biological diversity, and projects which present alternatives to large-scale rainforest projects" (INGI, 1989:6)

• The Kedung Ombo Dam Project in Central Java:
NGOs have criticized the government due to its forced resettlement of local peoples, its lack of a comprehensive environmental or social impact assessment, and its denial of human rights violations perpetrated by the military. NGOs have also questioned the World Bank's support and oversight of the project (INGI, 1988, 1989; Paterson, 1987).

• Human Rights:
INGI statements have specifically raised concerns about the government's detention of students, repression of demonstrations, and its restrictions on trade unions (INGI, 1989). Subsequent statements have focused on worker's rights to organize and form independent trade unions (INGI, 1990, 1991).

• Economic Democratization:
INGI has sought to counter concentration of economic power of conglomerates by proposing that the government adopt anti-monopoly and anti-trust laws, and a small business act (INGI, 1991).

• Political Democratization:
Specifically, INGI has raised concerns about the protection of human rights, the role of military and its accountability, and the direct election of local representatives (INGI, 1991)

• Democratization of International Development Aid:
INGI seeks the full participation of people in the planning and implementation of donor-aided projects and program for a number of key development sectors (e.g. agriculture (INSUS), social services, forestry). In addition, INGI has requested full access to information regarding the development plans and projects of international donor agencies as well as the Indonesian government (INGI, 1990, 1991).[22]

Given the high visibility of these issues, representatives of INGI have gained audiences with the IGGI, the World Bank, and other donors to the chagrin of the Suharto Government.

5. The Growing Challenge of Indonesia's Environmental NGOs

Indonesia's environmental NGOs are putting pressure on the government not only domestically, but also internationally. By building linkages with and mobilizing support among environmental groups in the U.S., Europe, and most recently Japan, and the international press, Indonesian NGOs are raising questions about the direction of environmental management and sustainable development in Indonesia. The political legitimacy and leverage gained through international alliances has increased the political space for environmental NGOs within Indonesia to comment not only on environmental and development issues, but political liberalization and democracy. Consequently, when NGOs' strategies at the micro and macro levels are viewed together, they suggest that Indonesia's NGOs represent a considerable political force that the central government must contend with in determining the direction of sustainable development in Indonesia in the future.

B. A Shift in NGO Tactics or Actual Gains in NGOs' Political Space?

Skeptical observers might ask are we merely seeing a shift in NGO tactics or have NGOs actually gained greater political space for their activities? Whereas previously NGO leaders would self-censure their words and actions to avoid upsetting the government (cf. Rush, 1991), by 1990 they were making increasingly outspoken and frank criticisms of the Suharto government, especially for Indonesia's Javanese political culture. At a national-level seminar on "Motivating Private Sector and NGOs' Participation in Environmentally Sound and Sustainable Development" sponsored by Emil Salim's Ministry of Population and Environment in September 1990, NGO activists and social critics hijacked the agenda contending that democracy was essential to achieving sustainable development in Indonesia. Adi Sasono, a leading NGO activist, argued that "the key issue to sustainable development is how to create a [political] system in which the public would assume the role of social control" because the ruling elite in developing countries do not have a "vision and effective political commitment" to environmentally sound and sustainable development. Sasono concluded that "democracy is needed within the framework of promoting people's participation, as development is not only a state project" (Jakarta Post, 27 September 1990). Whether they were merely changing their tactics or emboldened by their growing political space, NGO leaders were not afraid to speak out on politically sensitive topics and challenge Indonesia's prevailing political order.

V. HOW HAS THE GOVERNMENT RESPONDED TO NGOs' INCREASED POLITICAL ROLE?

A. Political Space and the NGO Movement

Have Indonesian NGOs' efforts to expand their political space gone too far in the eyes of the Suharto government? State Minister for Population and Environment Emil Salim clearly delineated the boundaries of the state's threshold for tolerance in an interview with a leading social science journal in 1983, stating:

> "It is inappropriate to suggest that government and NGOs are confronting each other. As long as the differences concerns problems of implementation, then the NGOs' right to exist is guaranteed. But if the differences concern more 'philosophical' differences in ideology or differences in national aims, then clearly **any NGO with those sorts of differences with the government will not have the right to exist**" (E. Salim, 1983a:71; emphasis added).

Since 1983, enormous changes have occurred where NGOs have pushed the boundaries of acceptable conduct. While the government publicly claims that NGOs have little or no influence, the reality is that NGOs are walking a fine line and actually widening the political space for action. Due to the growing NGO challenge to its authority, the Government of Indonesia has directly or indirectly sought to undercut NGOs' political space by: 1) taking legal measures to limit NGOs' actions, 2) issuing threats and warnings, 3) re-asserting government control over the environmental arena, and 4) undercutting NGOs' international linkages.[23] Each of these points is elaborated on below.

1. The Government of Indonesia Has Taken Legal Measures to Place Controls on NGOs' Activities

• For example, the Law on Social Organizations enacted in 1985 gives the Government of Indonesia the authority to ban and dissolve social organizations such as NGOs (Witjes, 1986; Billah and Nusantara 1989; Eldridge, 1989). This legislation provoked much debate about whether it would limit the political space of NGOs and other organizations to operate. Mohammed Natsir, a former Prime Minister of Indonesia from 1950-1951, who commented on the draft Law on Social Organizations in July 1984, argued that:

> "...the rearrangment which occurred in the New Order in the field of political power... **has resulted in paralysis and increasing narrowness of room for manuever by non-governmental social and political organizations.** This is being done step by step, systematically and unyieldingly (Natsir 1985:1, emphasis added)."

While few NGOs have been actually banned to date, the legislation is often invoked by government officials when questioning NGOs' motives and conduct.

• In 1990 the Minister of Home Affairs issued a directive to the heads of all provincial, district, and municipal governments to conduct an inventory of all NGOs operating within their jurisdiction. All NGOs were required to re-register with the government and provide details about their sources of financial support, their board and staff members, and their development activities. A spokesperson for the Minister of Home Affairs, Amur Muchasim, pointedly stated: "This instruction is not intended to limit NGOs' space... or even to silence NGOs. This instruction benefits NGOs" (*Suara Karya*, 11 Juli 1990).

2. The Government of Indonesia Has Issued Threats and Warnings to NGOs to Curb their Advocacy Role

• One of the best examples is the INGI affair of 1989. In August 1989, the Minister of Home Affairs met with 13 major NGOs to discuss the government's concerns over a memorandum to the World Bank prepared at the INGI conference in Belgium in April 1989. The aid memoire criticized the government on environmental and human rights grounds for its handling of the Kedung Ombo Dam Project in Central Java funded by the World Bank. NGOs were called "unpatriotic" for soiling the name of nation abroad.[24] In their private meeting with the Minister of Home Affairs, NGOs were warned "to stop influencing overseas opinion or face prosecution or banning" (Vatikiotis, 1989a:23). This reaction at the national level prompted increased government scrutiny of NGOs especially at local levels. Many NGO officials outside Jakarta were subjected to intimidation and harassment, and thus have self-censured their behavior and activities to avoid any semblance of being too "political."

The NGOs' aid memoire prompted a review of the Kedung Ombo Project by the World Bank, thus putting the government on the defensive. A bank official admitted that this and similar episodes in other countries has led the World Bank to change its procedures for consulting with concerned parties (including NGOs) before proceeding with major development projects.[25]

• NGOs' strategy to publicize highly visible environmental cases both at home and abroad was clearly challenged by the government in November of 1989. State Secretary (General) Moerdiono, President Suharto's principal spokesperson, pointedly warned NGOs to stop engaging in politics and using the environmental arena as a camouflage for their activities, stating that: "**...environmental problems must not be abused for political ends**," and should be addressed at home not aired abroad (*Kompas*, 18 November 1989, emphasis added).

• Prior to the INGI meeting in Bonn in April 1990, leading NGO officials met with Minister of Home Affairs Rudini who impressed upon them the government's concern that they conduct themselves properly while abroad.

• In August 1990, a District Military Command suspended the operations of an NGO working in Northern Sumatera that was instrumental in bringing attention to the pulp plant case at the national level (Asia Watch, 1990). Joint action by NGOs at the national level combined with central government support led to the local NGO's reinstatement.

• Even moderate voices who have supported an expanded role for NGOs have expressed their concerns to NGOs to temper their pressure group tactics. Gadjah Mada University's former rector, Koesnadi Hardjasoemantri, who has championed NGOs' role in the environmental arena, told NGO officials in Yogyakarta in March 1990: "Don't push too hard, or the door will close. Indonesia is different than the West."

3. The Government of Indonesia has Sought to Re-Assert Its Control over the Environmental Arena

• The Government of Indonesia has encouraged the formation of environmental NGOs that support its positions (i.e., government-sponsored NGOs) and can mount a counter-public relations campaign domestically to that put forward by independent, activist-oriented environmental NGOs. For instance, the Environmental Management and Information Center (PIPLI) was set up in 1988 by the Indonesian Chamber of Commerce to focus on waste water treatment for industry, and annually presents awards to 45 firms it considers most "environmentally friendly" (Jakarta Post, 23 April 1991).

• To counter "bad" press abroad about deforestation and Indonesia's mis-management of the forestry sector (promoted by international environmental NGOs), a press campaign has been conducted in the U.S. and Europe claiming that Indonesia's tropical forests are managed in an environmentally sound and sustainable manner. A leading Chinese businessman in the forestry sector who has close ties to the regime, Mohamad (Bob) Hasan launched the $2 million public relations campaign (developed by a U.S. consultant) with the support of the national council of timber producers (APKINDO) (Anon., 1990; Schwarz, 1990).

• The Ministry of Population and Environment published its first annual status report on Environmental Quality in Indonesia in 1990. While baseline data on the environment is critically needed in Indonesia, this action was interpreted by NGOs as a government attempt to counter NGOs' publications and statements in the press about the state of the environment.

• The Government of Indonesia has sought to undercut NGOs legitimacy in the environmental arena by impugning their commitment to national progress and challenging their expertise and professionalism in the press (cf. *Kompas*, 11 Januari 1990).

• Seeking to reduce NGOs' role in exposing pollution cases, the Government of Indonesia announced in June 1990 its decision to establish an Environmental Control Agency (Bapedal) and to enforce its industrial pollution regulations aggressively. By mid-November of 1990, 738 companies in East Java alone were cited for various pollution violations (Kompas, 19 November 1990). What finally prompted the Government of Indonesia to act? In an interview with WALHI officials, an Assistant Minister for the Environment, Nabiel Makarim, admitted that:

> "Increasing NGO pressure and a new regulation empowering the public to sue the government for mismanagement and breaking its laws make it imperative that the Environmental Control Agency [*Bapedal*] move rapidly and carefully" (WALHI, 1990c:12).

4. The Government of Indonesia has Sought to Undercut Indonesian NGOs' International Linkages

• In March 1991, the Government of Indonesia threatened to withhold visas and exit permits for NGO officials who were planning to attend the Seventh Annual INGI Meeting in Washington, D.C.[26] A blacklist was revealed and some members of the NGO delegation were threatened with the prospect of not being granted exit permits, until the government acquiesced at the last minute.

• In March 1992, the Government of Indonesia adopted new regulations banning the re-entry of any Indonesian citizen who speaks critically of the government while abroad. The timing of this legislation appeared to be more than coincidental, as it was adopted three weeks before the Eighth INGI Meeting was scheduled to be held in Japan. Because the Japanese Government is the largest provider of Indonesia's development assistance, the Indonesian government was duly concerned that such an international forum would prompt greater scrutiny of its development record.

• On March 25, 1992, the Government of Indonesia announced its decision to suspend its meeting with the IGGI, the donor aid consortium for Indonesia. Six days later, the Government of Indonesia ordered the Dutch government to leave the country. While the government's reaction can be partly attributed to Indonesian sensitivities about the East Timor massacre when the Dutch, Canadian, and Danish governments suspended aid to Indonesia, the Indonesian government is also seeking to limit further scrutiny of its development and human rights record. This is a significant political act as Indonesia received U.S. $4.75 billion in aid for fiscal year 1991/1992. The Government of Indonesia asked the World

Bank to reconstitute an aid consortium -- but the message is clear -- donors will be asked not to question Indonesia's politics and development priorities in the future.[27]

• On April 28, 1992, the Government of Indonesia banned all NGOs from receiving aid from the Netherlands. It is estimated that this action has led to the loss of about $15 million in aid to Indonesian NGOs (van Tuijl, 1993). The Minister of Home Affairs, Rudini, stated that with the dissolution of the IGGI, the International NGO Forum on Indonesia (INGI) was no longer needed nor relevant and should cease to exist. INGI responded that it will continue as long as the issues of sustainable development, social justice and people's participation in Indonesia's development remain salient.[28]

VI. CONCLUSIONS

A. How will the Controversy over Sustainability Play itself Out in Indonesia?

The dismissal of Brazil's environmental secretary, Jose Lutzenberger, two months prior to hosting the Rio environmental summit underscores the difficult balancing act which governments face if they seek to present a progressive "green" face to the world community, enlist the support of domestic environmental interests, and still satisfy their own political and development agendas.[29] In March 1993, Emil Salim faced a similar fate as his Brazilian counterpart as Sarwono Kusumaatmadja was selected by President Suharto to succeed Salim in the new Cabinet as the Minister for Population and Environment. While Kusumaatmadja is known to be progressive in his development orientation,[30] he lacks the international stature and the linkages to both international development agencies and Indonesian NGOs that Emil Salim had cultivated in attempting to build a "new [national] consensus focused upon sustainable development."[31] Clearly Indonesian NGOs have established themselves as an effective constituency and a key actor for institutionalizing sustainable development within Indonesia (Salim, 1987; Walker, 1991). Thus, it remains to be seen whether the Suharto government has lost the one voice and advocate who could lead it to accommodation with NGOs, and direct the government on a genuine, collaborative path for sustainable development.

B. The Politics of Sustainable Development in Indonesia

By embracing the concept of sustainable development the Government of Indonesia has opened a pandora's box.[32] The Suharto government has sought to give lip-service to the main development concept of the 1990s and show its enlightened attitude to the outside world, especially the international donor community. It may also be seen as an attempt to coopt the term used by voices within Indonesia who seek to realize its vision. Yet it has proven

to be a double-edged sword as NGOs working on the environment, community development, and human rights press the government to be accountable and live up to the vision of sustainable development. Indonesia's environmental NGOs are more than just a response to pressing ecological concerns, but may be a force for restructuring politics within society. By expanding the sustainable development discourse to include environmental, development, social justice, and democratization issues, NGOs have brought critical political issues about the structure of Indonesian society and power relations within it to the fore. Due to their strategic articulation of issues and mobilization of support, environmental NGOs have gained greater political space and changed the nature of environmental and development politics in Indonesia. By linking development from below to the international environmental movement, Indonesian NGOs are strengthening their legitimacy as actors in civil society and the development process, fundamentally changing the nature of their relations with the Indonesian government. Thus, I want to underscore again that NGOs represent the first signs of pluralism in authoritarian Indonesia in over 25 years.

Under the banner of sustainable development and environmentalism, Third World NGOs are seeking and gaining political space. In fact, many NGOs' pursuit of the sustainable development agenda has been reinforced by some progressive international donors to the chagrin of Third World governments. As the initial cases of Malaysia and the Philippines have suggested, Third World governments too are responding in different ways to the NGOs' challenge, hard pressed to show that they are indeed committed to sustainable development. In the process of gaining greater political space for themselves, NGOs have identified governments' achilles heel. That is, a government's "inability to provide for the sustainable well-being," social justice, and participation of people in the development process is at issue (Fowler, 1991:78). This juncture has provided NGOs with an opportunity to act independently and to challenge government itself. Though NGOs have pursued their strategy in an instrumental manner through the environmental arena, it does not in anyway discount the relevance and magnitude of the environmental crisis, the need to reconcile environment and development conflicts, and ultimately the need to develop politically viable models of sustainable development.

NOTES

1. An earlier version of this paper was presented to the Fifth Annual Conference of the Northwest Regional Consortium for Southeast Asian Studies, October 16-18, 1992, University of British Columbia, Vancouver, Canada.

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2. The first quote is attributed to Prime Minister Mahathir, while the second comes from Federal Territory Minister Abu Hassan. The main NGOs singled out by these two government officials during this period include *Aliran*, the Bar Council, the Consumers Association of Penang (CAP), the Environmental Protection Society of Malaysia (EPSM), and the Selangor Graduates Society (Aznam 1987a:16-18; 1987b:19-20; Mauzy 1988:217, ff.10; McDowell 1989:321).

3. NGO officials from the Environmental Protection Society of Malaysia (EPSM), the Perak Anti-Radioactive Committee, and *Sahabat Alam Malaysia* (SAM - Friends of the Earth Malaysia) were among those detained (Boon Kean and Singh 1991).

4. The predominant focus of this study is on indigenous non-governmental organizations (NGOs) and their relations with government. Thus, for the purposes of this paper, the term NGO refers to "indigenous" NGOs unless specifically noted to include "foreign" or "international" NGOs.

5. This section draws directly from my earlier work (Riker 1990).

6. For some notable exceptions within the context of African politics, see Holmquist (1981), Barker (1987), and Chazan (1992).

7. I am indebted to George Kahin on this point.

8. As Durning argues: "The fundamental questions of sustainable development are, *By whom*? and *For Whom*? Sustainable development imposed from high is rarely sustainable; it may not even be development" (1989:32-33, original emphasis). In addition, others have questioned the quality of economic growth pursued in the name of sustainable development, asking who decides what that growth shall be? (Smitu Kothari, pers. comm.).

9. Lynton Caldwell has persuasively argued that three political conditions must be satisfied before ecological sustainability can "become an objective of national policy and development planning" (1984:305). It requires 1) "a politically effective constituency for such a policy," 2) governmental decision-makers who "have an

incentive to favour long-range ecologically sustainability over short-range considerations," and 3) "an ecological-ethical ideology with explicit political expression" to mobilize "sufficent numbers of people to set the course of national policies" (1984:305).

10. Forest products are second only to oil exports in generating foreign exchange for Indonesia's economy, accounting for $2.5 billion in 1987 (World Bank, 1990:1).

11. Emil Salim has written a number of pieces that deal with the concept of sustainable development and policies to promote its implementation in Indonesia (Salim 1986, 1987, 1988, 1991).

12. Interview with an official of the U.S. Agency for International Development, Jakarta, in November 1989.

13. The Government of Indonesia has since recognized the need to give teeth to its environmental ministry and enforce its environmental legislation. In June of 1990, the government announced the creation of an Environmental Control Agency (*Bapedal*) with offices at the provincial level responsible for environmental management. However, due to human resource and institutional constraints, it will take some time before these offices are likely to have a significant impact on environmental matters.

14. Some observers felt that the environment should not be the sole domain of NGOs and a weak environment minister. As an editorial on Earth Day in 1990 stated:

> "We cannot afford to take the attitude that the problem of environmental protection is something to be left to non-governmental organizations with little else to do, or that it is the sole concern of a particular state minister, whose presence is advantageous only because it gives Western countries the impression that we in Indonesia are also sensitive towards issues which are their concern" (Jakarta Post, April 13 1990, page 4).

15. For instance, a national environmental federation known as WALHI (the Indonesian Environmental Forum) which was formed by 79 NGOs in October 1980 grew to over 320 NGOs by May of 1983 (Witoelar 1984b).

16. As one Indonesian environmental NGO official was quoted:

> "The only way to be anti-Suharto is through the environmental movement... There is no other way to talk about Suharto or human rights" (Newsweek, 1991:45).

17. WALHI's suit was filed in the names of five government officials, including cabinet-level ministers and their ministries. Even Emil Salim, Minister of Population and Environment, was named

in the lawsuit (Cribb, 1990). In Javanese political culture, this action was a personal affront to those in power which was unprecedented. Some sympathetic observers viewed this pressure group tactic to be inappropriate and ultimately ineffective that would only subject NGOs to the government's wrath (cf. *Kompas*, 21 Oktober 1989).

18. For further background on this pulp plant case, see also Santosa (1987, 1989), Walhi (1988b, 1990b), Dodd (1989), Moniaga (1989b), Naggao (1989), and Cribb (1990).

19. The main NGOs involved included: YASANTO at the local level in Merauke; YPMD at the provincial level; SKEPHI, which played the main coordinating role, with WALHI, the Indonesian Consumers Institute (YLKI), and the Indonesian Legal Aid Institute (YLBHI) at the national level; and the Rainforest Action Network and Survival International at the international level.

20. By late 1990, the Government of Indonesia had asked Astra to proceed with the project and assigned P. T. Perhutani [Inhutani II], a governmental corporation for timber plantations under the Department of Forestry, to serve as Astra's joint partner in this venture. However, by September 1992, the government announced that it was pulling out of the project.

21. At the national level, SKEPHI, the Indonesian Network for Forestry Conservation, has been the most vocal advocate for sustainable forestry practices and indigenous people's rights, portraying the government's resettlement efforts as an effort to Javanize Indonesia's eastern islands.

22. These same concerns for full disclosure and transparency in international aid have been picked up and echoed more broadly in the Indonesian press. As an editorial in the Jakarta Post in May 1990 stated:

> "We might also add... another point which an impartial international organization such as the World Bank may perhaps find it imprudent to suggest: that those Indonesians, still in a disadvantaged situation, also be given better access to the sources of information and that they be given a more direct and participatory role in their country's political processes. This is important, because **only when the majority of Indonesians are truly part of the economic, social and political systems -- only then can there be hope for truly sustainable national progress**" ("Sustaining Progress," Jakarta Post, May 22, 1990, page 4, emphasis added).

23. I do not want to give the impression that the government's response to NGOs has consistently been to undercut NGOs' political space. In fact, there have been some signs that the Indonesian

state has not been monolithic in its response to NGOs. Three cases in particular illustrate this point.

First, leading NGO activists themselves recognize that within the government there are supportive officials who can further NGOs' environmental and development objectives. As WALHI's first executive director, Erna Witoelar, stated in 1983: "There is no lack of sincere and broad-minded government officials, and it only beneficial to the environmental movement that we join forces with them to fight the same war, even in different battles and using different tactics" (1984a:417).

Second, in December 1987, Cabinet Secretary Moerdiono stated that many NGOs have proven themselves to be "a national asset." He added that: "The Government, in principle, supports the development of NGOs, because the Government considers NGOs a partner in the nation's development efforts" (*Antara*, 14 Desember 1987).

Third, even when Emil Salim and his ministry were named in a WALHI's lawsuit, he stressed that NGOs may remain independent and critical of the government as long as they are not "political," otherwise NGOs "will not have the right to exist" (*Kompas*, 1 Juni 1989). The interpretation of many NGO officials I interviewed is that what Salim means is that any NGOs which challenge the legitimacy and authority of government "will not have the right to exist." In fact since 1988, Emil Salim has encouraged NGOs to file suits in environmental pollution cases on technical grounds, and has continuously argued that NGOs still have a valuable and constructive contribution to make in Indonesia's development.

24. This statement is attributed to General Try Sutrisno (*Kompas*, 7 Agustus 1989), who served as head of the Indonesian military at the time and is now Indonesia's Vice President.

25. Interview with Willem Struben at the World Bank, Jakarta, in December 1989.

26. This was not the first time leading NGO officials faced the prospect of being denied their "right to freedom of movement." In April 1986, the Government of Indonesia refused to grant an exit permit to Mulya Lubis, head of the Indonesian Legal Aid Institute (YLBHI), to attend the Second Annual Meeting of INGI at Langelaan in the Netherlands (Brunton 1986:31).

27. The new aid consortium convened by the World Bank is known as the Consultative Group on Indonesia (CGI).

28. Despite increased government pressures to dissolve INGI, only one Indonesian NGO has withdrawn from INGI to date (van Tuijl 1993:6).

29. Lutzenberger is an outspoken critic of deforestation and toxic pesticide use in the Amazon who openly questioned whether any further international aid for environmental protection in Brazil would make any difference given an often overburdened and corrupt bureaucracy (Hecht and Cockburn, 1992).

30. However, the choice of Kusumaatmadja should primarly be seen as an attempt to select a loyal government insider who is not likely to promote an independent agenda on environmental and development issues. He previously served as Secretary General for the state's ruling functional group of GOLKAR in the mid-1980s, before becoming State Minister for Control of the State Apparatus from 1988 to 1993.

31. This phrase comes from Emil Salim's piece on "Institutionalizing Sustainable Development" (1987:4).

32. As I have argued, the issues of sustainable development are more prominent in Indonesia than anywhere else in Asia, where population, land, and food pressures on Java, the transmigration program, and tropical forestry dominate the Government of Indonesia's ongoing development plans.

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COGNITION IN CONTEXT: REVITALIZING BUREAUCRATIC POLITICS IN FOREIGN POLICY ANALYSIS[1]

Brian Ripley

Department of Political Science

University of Pittsburgh

Pittsburgh, PA 15260

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ABSTRACT

What is the status of "bureaucratic politics" in foreign policy analysis? The approach is subject to criticism by rational revisionists who wish to revive the rational actor model. Alternately, bureaucratic politics may wither on the vine in the face of a different approach (cognition) which tends to view it as a competitor or, worse, superfluous in explaining foreign policy decisions.

Foreign policy analysts should be interested in what bureaucrats do, how they do it, and why they adopt particular strategies of bargaining, persuasion, advocacy, and cooperation. This involves an analytical shift from reasoning about the problem to reasoning about the process. The theoretical foundation for a revitalized bureaucratic politics can be supplied by social cognition (schemas, scripts, impression management) and organizational culture (artifacts, values, widely-shared assumptions). The essential features of each approach complement the existing literature on bureaucratic politics.

The Johnson administration's reaction to the Tet Offensive helps illustrate the concepts of "bureaucratic roles" (how participants see themselves and others contributing to the decision process), "procedural scripts" (the routines, strategies, and premises that structure a decision process) and "cultural rationales" (symbols and traditions that define appropriate behavior and give meaning to bureaucratic interactions).
KEY WORDS: bureaucratic politics; foreign policy; organizational culture; presidential advising; social cognition; Vietnam.

Introduction

Can the study of "bureaucratic politics and foreign policy" survive the next generation of foreign policy analysis? A concerted effort to diagnose problems in Graham Allison's (1969, 1971) classic work on bureaucratic politics is long overdue, and must be undertaken in order to revive the study of organizational decision-making in foreign policy. Unfortunately, recent prescriptions would kill rather than cure the patient. On the one hand are revisionists hoping to breath new life into the rational actor model, thereby rescuing Allison's "straw man" from unwarranted rejection. On the other hand are scholars who approach foreign policy from the perspective of cognitive psychology. While not hostile to Allison's approach, this recent work emphasizes individual reasoning with little attention to the institutional context. Suspended somewhere between two active research programs, bureaucratic politics has fallen on hard times.

Bureaucratic politics should be revitalized as an approach to foreign policy analysis. The rational revisionists lead us down the wrong path. They ignore pivotal insights about the reasoning processes underlying the "pulling and hauling" of foreign policy advisors. The cognitive approach is more promising, but incomplete. While most applications of cognitive psychology focus on individual reasoning about foreign policy problems, we lack an adequate understanding of how decision-makers reason about the foreign policy process.

In this chapter I propose a set of research questions for bureaucratic politics drawn from the literature of social cognition and organizational culture. The Johnson administration's response to the 1968 Tet Offensive provides examples for this renewed research agenda. Ultimately, a revitalized bureaucratic politics perspective can help foreign policy analysts place cognition in context.

Rational Revisionism and Cognitive Isolationism

Allison's three models of the Cuban missile crisis have been a familiar feature in the foreign policy literature for more than two decades. His original purpose was to provide alternative (perhaps complementary) analytical "cuts" at the same crisis, thereby demonstrating the significant impact an analyst's choice of assumptions has on his or her explanation of an event.

Model I ("The Rational Actor") summarizes classical realist thinking (circa mid-1960s), considered the dominant paradigm among foreign policy intellectuals and practitioners alike. According to Allison, "rationality refers to consistent, value-maximizing choice within specified constraints" (1971:30). Model I follows the economist's standard logic of payoffs, utilities, and preferences among fixed alternatives.

Allison's second model ("Organizational Process") depicts foreign policy as the output of large "semi-feudal, loosely allied" organizations. Grounded in the "Carnegie school" of organizational behavior, Model II emphasizes the difficulty of coordinating responses by quasi-independent agencies, the central role played by rigid organizational routines, and the pervasiveness of incremental, "satisficing" solutions to foreign policy problems.

Finally, Model III ("Governmental Politics") builds on the metaphor of a "game" played by high-ranking officials, such as a president's top foreign policy advisors. Better known as "bureaucratic politics," this model depicts foreign policy as the result of competitive maneuvering and compromise by decision-makers who interact frequently, know each other well, and hold different beliefs about policy. The principal assumptions of Model III appear complex and idiosyncratic compared to the blissful simplicity of the rational actor model. Likewise, the constant conniving and bone-crunching combat inherent in bureaucratic politics stands in marked constrast to the routine incrementalism of organizational processes. Allison's provocative Model III is the primary subject of this chapter.

From the outset, Model III attracted a great deal of critical attention from foreign policy analysts (e.g. Art 1973; Ball 1974; Caldwell 1977; Freedman 1976; Krasner 1972; Perlmutter 1974; Rosati 1981; Smith 1980). The critics relied on a several recurring themes: Model III was not particularly new, its methodological status was open to question, it raised uncomfortable normative implications about democratic accountability in foreign policy, it underestimated the role of the president, and the case study was based on questionable evidence.

Recent appraisals (Bendor and Hammond 1992; Welch 1992) highlight many of the same concerns. The new critics have produced persuasive reinterpretations of bureaucratic politics, highlighting problems with the logic, concepts, and historical accuracy of Allison's work. They go a step further, however, with an explicit call to reinstate the rational actor model as the model of choice in foreign policy decision-making. Taken seriously, these "rational revisions" would result in an impoverished conception of organizations that removes the "essence" from the Essence of Decision.

Welch's (1992) critique is an exercise in retrospective rationality. The comfortable combination of hindsight and access to the archival record raises questions about Allison's version of the Cuban missile crisis. In some cases, Allison got his facts wrong such as the false claim that Kennedy ordered the removal of Jupiter missiles from Turkey prior to the onset of the crisis (Welch 1992: 135). More often, Welch argues, aspects of the missile crisis can be reinterpreted and reclassified to fit a rational actor model.

For example, Allison claims decentralized organizational routines help explain why the Soviets simultaneously undertook a number of operations that later proved to be complicated and, perhaps, counterproductive. Instead of organizational routines run amok, Welch argues, the simultaneous pursuit of complicated actions was a rational Soviet response to the need for speed (p. 145). Thus one way to preserve the rational actor explanation is to claim that almost anything can be considered rational from some vantage point. Ex post facto, rationality is everywhere.[2]

Bendor and Hammond (1992) rely on high technology to produce a new, improved rational actor model. According to these authors, Model I is "too thin", and Model III is "too thick" (p.318). Given this formulation, one might expect Model II to be "just right", but it is also found lacking. They urge us to embellish Model I, make Model II more rational, and ignore most of Model III.

Bendor and Hammond claim Allison's Model I rests on a simplistic, inadequate understanding of game theory and rational choice models (pp. 305-309; p.319). As a result, "rational choice models were not given a fair test" in comparison to Model II and Model III (p.319). In their effort to recreate Model I, the authors lift a page from The Wizard of Oz. Allison's rational actor "straw man" could function if it only had a brain. Bendor and Hammond set out to create one. According to the authors, "one can easily construct a far more complex rational actor that better reflects the complexities of real decision makers and the choice situations they confront" (p.305). A number of innovations in game theory, apparently unknown to Allison, allow modelers to incorporate factors such as incomplete information, multiple goals, and differential time horizons in their analyses (p.305-307). As a result, Bendor and Hammond's rational actor is less informed, less certain, and more introspective than his cocksure predecessor.

While this methodological move holds promise, it also strikes at the heart of the revisionists' dilemma: how to construct a more complex rational actor that still retains a core of simple assumptions? The complicated problem of "incomplete information" illustrates the dilemma. Allison's Model I does not account for the problem of partial or incomplete information. Fortunately, "much of the frontier work in game theory has addressed the issues of incomplete information about another player's preferences and imperfect information about a player's past actions" (Bendor and Hammond, 1992:307).

Once started down the path of "incomplete" information, however, it seems nearly impossible to capture the essential features of this concept without severely damaging the integrity of the rational choice model. For example, does "incomplete" information involve distribution within the decision group? Should one consider only the information shared by all members of ExComm? What about private information shared between John and Bobby

Kennedy? What about the source of the information? Is limited information from a credible source more "complete" than a large amount of information from a less credible source? What about conflicting information -- perhaps incompatible findings produced by different bureaucratic agencies? Is information "complete" when decision-makers are saturated with it, even though it represents only a subset of the universe of relevant information?[3]

Similar problems arise with Bendor and Hammond's treatment of multiple goals, "patience," and "uncertainty" (p. 306). Goals may be an afterthought, with little impact on setting the agenda or driving the decision process (Anderson, 1981; Anderson 1983; Cohen, March, and Olsen 1972). Bendor and Hammond's discussion of "uncertainty" assumes decisionmakers seek information about questions that could, in principle, be answered. Instead, policymakers expend considerable energy defining and interpreting problems that are more appropriately labeled "ambiguous", based on alternative ways of thinking about the same problem (see March and Olsen, 1976; Feldman,1989).

In the Cuban missile crisis, for example, the question of whether the missiles were "operational" is an example of uncertainty; either they were or they were not (e.g., Garthoff, 1989:202-203). On the other hand, Robert McNamara's famous statement that a "missile is a missile" illustrates a fundamental source of ambiguity in the missile crisis (Allison, 1969:714; Garthoff, 1989:44; Sylvan and Thorson 1992; Voss and Dorsey 1992:23). When should "defensive" missiles be considered "offensive?" Did the presence of Soviet missiles in Cuba alter the (vaguely defined) "strategic balance", given comparable U.S. missiles in Turkey? No amount of additional information would resolve the ambiguity. Ambiguity <u>can</u> be resolved arbitrarily by decision makers (and often is), but no rational formula exists to accomplish this task.

Appeals to scientific standards of parsimony and prediction cannot rescue the rationalists. Rational choice theory, reformulated or not, fails to meet this standard. The authors concede that even in the most familiar 2x2 game, "predicting the outcome of chicken is by no means trivial. <u>Any</u> of the four outcomes could plausibly occur" (p. 308, emphasis in original). What, in fact, do Bendor and Hammond predict with their new Model I? Actor goals and preferences are assumed, the decision premises are imposed, and the outcome is either known in advance or indeterminate. This might count as an explanation by some definitions, but it hardly takes the world of "prediction" by storm.

In fact, the "problem" with Allison's work is that the provocative hypotheses it generates do not lend themselves to testing with the economist's limited arsenal of techniques. The revisionists are waging a battle in which thick questions are

pitted against thin techniques. Allison's models are merely caught in the crossfire. Given the choice, we should maintain a rich, nuanced understanding of organizations and search for new, more appropriate methods. Rational choice theory and its accompanying techniques are rapidly approaching the point of "diminishing marginal utility" in the study of organizations. Any self-respecting rational actor would quit while it was ahead. If not, Allison can hardly be held accountable for its failure.

Tinkering with rational choice theory -- trying to put a new engine in the old Model I -- is a harmless enterprise. Perhaps with some new tools, a couple of short cuts, and hearts full of hope one can squeeze a few more miles out of the rational choice approach to organizational behavior. But surely the effort to fix up Model I should not come at the expense of Models II and III. If taken seriously, the call for rational restructuring of the second two models would produce an arid, excessively narrow interpretation of what actually happens in foreign policy decision-making.

Fortunately, there is an appealing alternative to rational choice theory. The "foreign policy decision-making" perspective continues to attract followers who (literally) desire a thinking person's approach to foreign policy analysis. The intellectual boundaries of this perspective vary but most who adopt it seek to explain the foreign policy decision-maker's own "definition of the situation" rather than accept a one-size-fits-all model of rationality (e.g. Snyder, Bruck, and Sapin 1954; Sylvan and Chan 1984; Vertzberger 1990; Ripley 1993). Foreign policy decision-making has received a considerable boost in recent years from the interdisciplinary "cognitive revolution" in academia (George 1979:98; Herrmann 1988). In the midst of all the excitement, however, bureaucratic politics has fallen by the wayside.

Pathbreaking work on cognition in foreign policy emerged in the mid-1970s on the heels of the popular bureaucratic politics approach (e.g. Steinbrunner, 1974; Jervis, 1976.) One might have expected these new scholars to associate themselves with a larger "decision-making" paradigm that included theories of organizational behavior. Instead, advocates of the cognitive approach immediately distanced themselves from bureaucratic politics. For example, Steinbruner (1974) acknowledges the importance of "politics and policy," yet suggests Allison's Model III "is a conception of the decision process more supplementary rather than competitive to the analytic [rational actor] and cognitive paradigms" (142). In a pinch, one might turn to "politics" as a way to fill the gaps left by stronger theoretical explanations of decision-making.

Likewise, in his seminal work Perception and Misperception in International Politics, Robert Jervis dismisses the bureaucratic politics perspective because of its presumed logical (and thus, theoretical) inadequacy:

> As things stand now, there is no way to explore the extent to which bureaucratic factors cause the [foreign policy] outcome because we have no grounds for claiming that a different constellation of bureaucratic interests and forces would have produced a different result or that the outcome would have been different were there no bureaucracies at all (1976:28).[4]

In other cases, the relationship between cognition and bureaucratic politics has been one of indifference rather than competition. Larson's (1985) insightful treatise on attitude change by the Truman administration includes no reference whatsoever to Allison or bureaucratic politics. Indeed, in the cruelest cut of all, bureaucratic politics is deemed irrelevant to an explanation of foreign policy decision making.

Enhanced understanding of individual learning, memory, and information-processing in foreign policy is a significant and worthy research agenda, but it entails costs. Many interesting questions have to do with the interaction among individuals in the decision process. No bureaucrat is an island, yet the cognitive approach often treats organizational participants as if they operated in isolation from one another.

In what may be the apex of "cognitive isolationism" Yuen Foong Khong (1992) offers a penetrating analysis of analogical reasoning during the Vietnam escalation decisions of 1965. Building on the schema literature, Khong claims analogies are "cognitive devices" that help policy-makers diagnose problems in political decision-making (1992:12). The bureaucratic politics explanation is found wanting; what's more, Khong insists on drawing a strict line of demarcation between "whether the users of the analogies took them seriously, or whether the analogies were just tools for advocacy" (1992:197-200; 63). The author is not content to study a bureaucrat's use of analogy as a persuasive device; each advisor must *believe* his or her own analogy enough to trust it as an internal guide to decision-making (1992:102-105).[5]

Why not consider analogies as both a guide to decision-making *and* a tool for persuasion? If analogies are restricted to the former, one is forced to assume advisors are merely "thinking aloud" when citing historical precedents during their deliberations. Instead, analogies should be considered an essential feature of bureaucratic advocacy in foreign policy. Advisors who are familiar with the leader and with each other engage in a reasoning process about persuasion tactics and bargaining strategy.

Historical analogies are an important tool in managing the policy process. Analogies help group members accept the implications of their decision, and seal the current decision in its (perhaps grossly inflated) historical context. A reluctant president can rationalize taking the next logical step if this is

what Churchill would have done in a comparable situation. Likewise, shrewd bureaucratic combatants are aware that some analogies represent powerful symbols of failure; no self-respecting advisor wants to be held responsible for proposing "another Bay of Pigs." In the 1965 deliberations, Henry Cabot Lodge immediately tagged George Ball's tactical withdrawal proposal as "Munich" style capitulation (Berman, 1982:190). Whether Lodge knew it or not, "Munich" was the President's personal bete noire (Goldman, 1969) Successful linkage between the two episodes in Johnson's mind may have buried Ball's already feeble dissent.

Ultimately, the bureaucratic politics and cognitive perspectives are compatible. The research challenge for the next generation of foreign policy analysis is to harness the powerful insights of political cognition to the study of decision-making institutions and processes. I offer one response to that challenge in the next section.

Cognition in Context

In the effort to evaluate the "progress" of a research program or choose among contending paradigms, it is easy to lose sight of the central puzzles of greatest interest. The bureaucratic politics approach remains intriguing because it challenges us to understand what bureaucrats do, how and why they do it, and what causes them to modify their behavior. Stated differently,

> The hard core of the bureaucratic politics mix is personality. How each man [sic] manages to stand the heat in *his* kitchen, each player's basic operating style, and the complementarity or contradictions among personalities and styles in the inner circles are irreducible pieces of the policy blend. Then, too, each person comes to his position with baggage in tow. His bags include sensitivities to certain issues, commitments to various projects, and personal standing with and debts to groups in the society (Allison 1971:166).

A research agenda along these lines can appear daunting. Some criticize Model III for its "extraordinary complexity" and express disgust at this "analytical kitchen sink" filled with the dirty dishes of power, personality, and politics (Bendor and Hammond, 1992:318). Reviews of the literature on decision groups in foreign policy reveal modest progress (Gaenslen 1992) due perhaps to excessive reliance on a few classic but vague concepts such as "groupthink" (Hart 1991). Despite the scholarly multitudes who cite Allison, bureaucratic politics has inspired more reiteration than research.

What can be done? Given the powerful insights cognitive psychology has contributed to foreign policy analysis, it makes sense to build on this solid foundation in the revitalization of bureaucratic politics. The concepts of "self-regulation," "impression management," and "social intelligence" -- drawn from the field of social cognition -- are an excellent place to begin (Cantor and Kihlstrom 1985; Fiske 1993; Fiske and Taylor 1991; Showers and Cantor 1985). This body of literature examines the way people use knowledge, goals, and strategies for presenting themselves when interacting in social situations (Fiske and Taylor 1991:512).

The conception of the foreign policy-maker as a "naive scientist" (i.e. a person who attributes causality to events, and develops and tests informal "hypotheses" about his or her environment) has considerable resonance in the decision-making literature (George 1979; Larson 1985:34-42; Vertzberger 1990:48). Much of the existing work concerns the manner in which individuals reason about substantive problems, such as Harry Truman's attempts to draw inferences about Soviet behavior after World War II (Larson 1985). But individuals also reason about social interactions and processes, such as their organizational interests and affiliations in the foreign policy bureaucracy (Voss and Dorsey 1992:17-19).

The literature on social intelligence and self-regulation is quite consisent with Allison's claims about bureaucrats, including their desire to influence the president or other high ranking officials on matters of foreign policy. Successful bureaucrats understand the need to present themselves in a way that makes a positive impression on their peers, and of course, their leader. The important point is that while such behavior may be sycophantic, it is not mindless sycophancy. Susan T. Fiske posits that top-ranking officials "spend an inordinate amount of cognitive energy analyzing the president's personality in order to predict future behavior as it relates to their own concerns" (1993:250).

The "organizational culture" perspective offers a slightly different contribution to the study of bureaucratic politics (Feldman 1993:278-279; Frost et al. 1991; Martin 1992; Ott 1989; Peters 1990; Schein 1992). The overriding theme of this rather exotic literature is that deeply embedded, shared expectations allow organizations to function, and thereby help participants "make sense" of the decision-making process. In an extensive literature review, Ott (1989) defines the core elements of an organizational culture as its artifacts, values and beliefs, and basic underlying assumptions. Culture can be defined more simply, to borrow an oft-cited phrase in the literature, as "the way things are done around here."

How are "things done" in bureaucratic politics? According to Allison, bureaucrats become players in an ongoing game of influence and prestige. The rival tribes of the foreign policy bureaucracy

engage in mock battles over turf, agendas, problem definitions, and attention.[6] Many of the rituals (e.g. "getting the President's ear") make little sense from a rational choice or a cognitive problem-solving perspective.[7] The interpretive language of culture sounds imprudent: organizations ought to play an instrumental role, enabling decision-makers to maximize utility (or at least discover "satisficing" solutions) in an environment where time is limited and resources are scarce. Yet organizations are more than that:

> Many organizational events and processes are important more for what they express than for what they produce: they are secular myths, rituals, ceremonies, and sagas that help people find meaning and order in their experience (Bolman and Deal 1991: 244).

What could the organizational culture perspective contribute to the study of bureaucratic politics? Organizational culture is far less compelling than social cognition from the perspective of traditional social science. Where social cognition operates with a coherent set of theoretical concepts and relies on well-established means of empirical testing, organizational culture remains a set of free floating, intuitively plausible ideas. Nevertheless, organizational culture has a few things to offer students of bureaucratic politics and foreign policy decision making.

First, organizational culture is devoted to the study of organizations (primarily private or non-profit) that resemble political institutions in many respects. Much of the language (e.g. missions, shared assumptions, organizational learning) is familiar to foreign policy analysis. Furthermore, despite different terminology, the organizational culture perspective echoes many of the theoretical issues raised in the social cognition literature. The term "culture" has gained some usage among psychologists (Levine and Moreland 1991). Finally, the participant-observation methodology of organizational culture compels the researcher to acquire first-hand knowledge of an organization by way of sustained examination. Important precedent exists for this research method in other subfields of political science (e.g. Fenno 1978). Social cognition may provide a more respectable theoretical framework, but the maverick spirit of organizational culture has the advantage of encouraging researchers to explore decision-making in a natural bureaucratic setting rather than the laboratory.

Culture and cognition reinforce one another in the analysis of decision-making situations. Consider an example from the legal system. Judges and jurors render verdicts, a task with both cognitive and cultural dimensions. Legal arguments rely on precedent-based problem solving and can be explained by cognitive theories involving categorization, scripts, memory cues, and styles of information processing (e.g. Bennett and Feldman 1981; Carroll and Weiner 1982; Hastie and Pennington 1991). On the other hand a juror is not merely a cognitive problem solver reasoning in the

solitude of a laboratory. The American trial process is cloaked in ritual. Robes and formal attire, a swearing-in ceremony, highly-stylized forms of questioning, and secret jury deliberations help define participant roles and provide a set of meta-cognitive constraints on legal problem-solving. Decision-makers operate in both a cognitive *and* a cultural environment.

One of the enduring findings of Allison's Model III is that decision-makers cannot escape ingrained bureaucratic habits even under the most extraordinary conditions. The brink of a stark nuclear confrontation does not produce the sobering, rationalizing effect on participants predicted by neorealists (e.g. Mearsheimer, 1990; Waltz, 1981). Options remain shrouded in ambiguity. Policy debates are not free from ritual or gamesmanship. In the case of the Cuban missile crisis, the overwhelming cognitive need to solve a problem did not completely eliminate the participants' strongly felt cultural need to make sense of the experience.

A revitalized bureaucratic politics approach to foreign policy would answer an overarching question: How do members of interdependent, competitive, hierarchial decision groups reason about the policy process and what impact does such reasoning have on foreign policy outputs?[8] In the final section of this chapter, Bureaucratic politics might best be understood as the examination of three closely-related concepts: "bureaucratic roles" (how participants see themselves and others contributing to the decision process), "procedural scripts" (the structures, strategies, and premises that make pragmatic sense in a decision process) and "cultural rationales" (the attempt by participants to define appropriate behavior and invoke symbols to help give meaning to their decisions). The political manuevering of Lyndon Johnson's advisors in the aftermath of the 1968 Tet Offensive helps illustrate each concept.

Bureaucratic Politics and the Tet Offensive

The Tet Offensive in January 1968 resulted in a highly visible failure for the Johnson administration's Vietnam policy (Berman 1989; Schandler 1997; Wirtz 1991). Although Tet was not, strictly speaking, a military victory for the North Vietnamese it was hardly a loss for them either. Attempts by U.S. officials (including General William Westmoreland) to put the best face on the incident were contradicted by graphic television footage that gave the opposite impression. The Tet Offensive was the impetus for a major troop request General Westmoreland and General Earle Wheeler, chairman of the Joint Chiefs of Staff, in Washington. As Schandler observes:

> General Wheeler and the Joint Chiefs saw Tet as an opportunity to force the President's hand and to achieve their long-sought goal of a mobilization of reserve forces (1977:101).

The request included a politically volatile recommendation to call up U.S. military reserve units, and inadvertently sparked a major reassessment of U.S. objectives in Vietnam. In many respects, Johnson and his top advisors were confronting an ultimatum: either approve the request for 200,000 troops, thereby placing the U.S. on an all-out war footing, or deny the request, raising questions about U.S. commitments in Vietnam and elsewhere (Schandler, 1977:120).

Robert S. McNamara, a major figure in Vietnam planning during the Kennedy and Johnson administrations, was replaced as Secretary of Defense by Clark Clifford in early 1968. Clifford, a well established Washington "insider," was recruited on the basis of his personal friendship with Johnson as well as his presumed "hawkish" views on Vietnam. Ironically, Clifford became the catalyst for a reassessment of U.S. policy objectives.

The "Clifford Task Force," composed largely of civilians from the Department of Defense, met between 28 February and 4 March ostensibly to discuss the Westmoreland troop request. Most members of this group had long since grown dubious about the U.S. role in Vietnam and saw this as an opportunity to "educate" the new Secretary of Defense Clifford on America's folly. Task force members fed Clifford detailed, pessimistic assessments of American prospects in Vietnam. The Westmoreland-Wheeler troop request was roundly criticized and fundamental assumptions about U.S. strategy were questioned.

During February and March of 1968, Clifford engaged in a campaign of persuasion to alter Johnson's position on the war. The new Secretary of Defense helped build a coalition of bureaucratic support for a shift in Vietnam policy, acting as a mediator between harsh critics of the war and his old friend Lyndon Johnson.

Clifford's careful strategy of dissent was reinforced by private consultations between Johnson and individual advisers in and out of government. Apparently this is how Dean Rusk channelled his advice to Johnson in the aftermath of Tet. By 1968, Rusk was one of the only survivors from the Kennedy administration still serving Johnson, and had grown close to the President over the years. Although he was no dove, Rusk harbored his own set of doubts about the war. He was dismayed by the absence of any positive alternatives emerging from the work of the Clifford task force. Privately, the Secretary of State began lobbying Johnson to announce an unconditional (albeit geographically restricted) bombing halt north of the 20th perimeter. Johnson was skeptical about this option given his experience with past bombing halts.* Yet he paid attention to Rusk because Johnson wanted a "peace plan" and found it highly unusual that his loyal advisor was intent on advocating a specific policy option. Johnson took him seriously and urged him to develop the plan in greater depth (Schandler, 1977:190-191).

Finally Johnson heard from "the Wise Men," a group of distinguished former statesmen assembled by Clifford to discuss Vietnam with the President. Although unfamiliar with day-to-day operations in Vietnam, the "Wise Men" held strong views about American strategy. In addition, the group (which included Dean Acheson, George Ball, General Omar Bradley, McGeorge Bundy, and General Matthew Ridgway) had the stature to question U.S. policy since many had been (to use Acheson's phrase) "present at the creation" of containment strategy.

The confluence of advice from different sources confirmed what Johnson already suspected: the United States was failing to meet its objectives in Vietnam. Worse, the objectives themselves were in doubt. The situation was unlikely to be altered substantially by sending an additional two hundred thousand troops. Such action would, however, surely wreak havoc within U.S. domestic politics.

By the end of March, Johnson decided to withdraw from the presidential race given the domestic ramifications of U.S. policy in Vietnam. He announced his intentions in a dramatic speech on March 31, 1968. The important policy decision with respect to Vietnam was a partial bombing halt and a public invitation to Hanoi to begin negotiations.

Bureaucratic Role. Bureaucratic politics involves an interplay between individuals and their roles. A specific position, such as Secretary of State, carries with it a number of formal obligations and informal expectations. In short, "positions define what players both may and must do" to fulfill their responsibilities in a decision-making group (Allison, 1971: 164-165). Likewise, a powerful individual brings his or her own well-developed personal style to the position, perhaps redefining the job for future occupants. Finally, bureaucrats may be called upon to play different kinds of roles in different settings. The Secretary of Defense may act as a staunch policy advocate in a presidential advisory group but then assume the role of a neutral arbiter when chairing an interagency task force.

The traditional interpretation of the maxim "where you stand depends upon where you sit" illustrates some of the problems with an overly restrictive definition of bureaucratic role. In some respects Allison's work lends support to a mechanistic view of role where the "face of an issue" is derived exclusively from organizational interests. According to this logic bureaucrats restrict their policy proposals to those with the most obvious direct implications for agency involvement. The Marine Corps commandant should bark "send in the Marines" in response to every conceivable problem encountered by the decision group. Research in this vein has been inconclusive; at best one can argue that bureaucratic participants adopt positions consistent with their roles without necessarily being caused by the role (Smith, 1984/85).

Examination of actual foreign policy cases reveals a more complex, less rigid relationship between role and issue position.[10] While bureaucrats often propose solutions that conveniently involve a direct role for their agency, only the most politically-inept moron would expect the ploy to work every time. Experienced bureaucratic game-players know how to look out for their career and agency interests without being brutally obvious about it. They pick fights carefully, and exhibit reflexive behavior. Ever aware of context and peers, the skilled advocate can sense when a proposal is no longer relevant, when a question is "dumb", and when a line of argument will be considered invalid by the group.

The concept of "bureaucratic role" could be expanded to capture what Allison refers to as the bureaucrat's "style of play" and a "code of conformity" based, among other things, on career tenure and long term expectations (pp. 179-180). Social roles can be defined as shared expectations about how a particular person in a group ought to behave, and in some respects are the result of an ongoing negotiation between the individual and the group (Levine and Moreland 1990:601; Moreland and Levine 1982). Bureaucrats belong to one or more interdependent groups (i.e. groups where there is regular interaction and the members are reliant on others in some significant way). Roles allow individual members of a group to work together according to ascribed roles and negotiated boundaries.

In the case of Vietnam, for example, some of Lyndon Johnson's advisors felt constrained in both the substance and the style of the advice they could offer because of well-understood roles. Some individuals attempt to fulfill a bureaucratic role based on a strong personal convictions or model themselves on the style of a predecessor. Dean Rusk modified his advising style based on an idealized model of his formal position:

> At National Security Council meetings Rusk would sit impassively or would ask probing questions without revealing his own thoughts. His reserve came from his Marshallian view that a Secretary of State should reserve judgment until all had had their say. He also did not want to appear to argue with the President in front of other people, for fear it would be leaked to the press (Schoenbaum 1988:276).

Bureaucratic roles help us understand a decision-maker's own interpretation of appropriate norms (i.e. "sit impassively", "ask probing questions", "reserve judgment"), and unwritten, but widely-observed rules of the game (i.e. "don't argue with the President in front of other advisors") that constrain or enable behavior in a social context. For Rusk, sitting in the Secretary of State's chair determined where he stood with respect to the rules of the decision process. Rusk's behavior is similar to problem solvers in other domains where "cognition" is influenced by "metacognitive"

assumptions about role, task, and environment (Schoenfeld 1983).[11]

In other cases, ambiguity over role created barriers to effective advocacy and information processing. Clark Clifford reports that he and Bill Moyers both shared George Ball's objections to U.S. escalation in the summer of 1965. Participant roles (whether self-defined or group-defined) place limits on avenues of advocacy. When Clifford attended a foreign policy advisory meeting in his role as "a personal friend" to Johnson, he chose silence over active participation in the deliberations (Clifford, 1991:414). Moyers had growing doubts about the war, but "felt he could not play a role in policymaking because his job as Press Secretary constrained him from active policy formulation" (p. 416). In a corollary to Allison, "where you sit" determines the rules of engagement on the bureaucratic battlefield.

As Clifford's informal involvement on Vietnam became more routine, his status changed from "the President's friend" to an informed outsider, free to speak his mind on controversial issues:

> An outside adviser can serve the role of a Doubting Thomas when the bureaucracies line up behind a single position, or help the President reach a judgment when there is a dispute within the government. They can give the President a different perspective on his own situation; they can be frank with him when White House aides are not" (Clifford, 1991:424).

In short, outsiders can often play by a different set of rules than those who must conform to an official insider role (Allison 1971:180). A number of conceptually plausible bureaucratic roles have been proposed, including "advocates, brokers, and cue takers" (Stewart, M. Hermann, & C. Hermann 1989), "custodian-manager" or "honest broker" (George 1981; Moens 1990), and even "oldtimers, newcomers, and scapegoats" (Levine and Moreland 1990). Systematic, theoretically-informed research on bureaucratic roles could enlighten foreign policy analysts on how such roles are established, maintained, or discarded in the policy process.

Procedural Scripts. The concepts of "schema" and "script" have been applied in several important studies of foreign policy decision-making (Herrmann 1988; Khong 1992; Larson 1985). For example, the "Munich analogy" might be considered an episodic script about past appeasement of an aggressor (Larson 1985:54). Scripts help decision makers deal with ambiguity; a familiar sequence of events is invoked and applied to interpret the situation at hand. Scripts can be defined as "knowledge structures that represent appropriate sequences of events in well-known situations" (Vertzberger 1990: 158). The proverbial example of a script is a customer's expectations about the familiar events encountered in a restaurant (Abelson 1981:715). As Fiske and Taylor point out, "scripts contain props (such as the menu), roles (such

as the waiter), and sequence rules (such as reading the menu before ordering" (1991:119).

Successful bureaucrats rely on an arsenal of institutional strategies and tactics for problem-solving.[12] Just as bureaucratic roles are important for determining appropriate relationships, a bureaucrat's understanding of the "rules of the game" within a particular decision group can facilitate efforts at bargaining, persuasion, and coalition-building (Allison 1971: 170-171).[13] In a world of ambiguous policy problems, knowledge about the policy process helps decisionmakers "decide how to decide" and "learn how to learn."[14] Decision-makers try to structure institutions in ways that suit their needs for problem solving, information search and retrieval, and experimentation. For example, creation of the ExComm for managing the Cuban missile crisis might be considered an institutional experiment intended to maximize the fit between the cognitive style of participants with the problem-solving task they confronted.[15]

Widely-shared, well-understood procedural scripts help a decision-maker anticipate the moves of a fellow bureaucrat. Sometimes anticipation contributes to policy failure when one bureaucrat's expectations about the actions of a colleague are incorrect (Ripley and Gardner 1992). In other cases, a pragmatic understanding of decision rules may help a bureaucrat modify his or her behavior to capitalize on the patterned behavior of another group member.

As presiding member of the troop request task force, Clifford was well aware of the serious disputes arising within the bureaucracy over policy in Vietnam. He was also familiar with the tendency of bureaucrats to act as vociferous advocates on behalf of their policy preferences, at times basing arguments on overly-optimistic forecasts or "worst case scenarios." With this in mind, Clifford adopted a probing, skeptical Socratic style when questioning military experts about their underlying assumptions rather than allowing them to confuse the issue with platitudes or questionable statistics. Although working from the same body of evidence as before, Clifford's leadership style encouraged group members to voice open criticisms during task force meetings. The floodgates were opened, and previously stifled dissent was given an impartial hearing.

Cultural Rationales

Rituals are pervasive in bureaucratic decision-making because they endow deliberations with special meaning, and establish boundaries of appropriateness, decorum, and fair play. The first two concepts, "bureaucratic role" and "procedural script," reinforce a decision-maker's identity and provides pragmatic clues for anticipating the moves and counter-moves of bureaucratic competition. The third concept, "cultural rationale," speaks to the

decision-maker's desire to justify long-standing traditions or idiosyncratic features that define every decision-making group.

Students of American foreign policy often point to well-established "cultures" perpetuated by Foreign Service Officers in the Department of State, or the proud traditions of various branches of the armed forces (Kegley and Wittkopf 1991:365-371; Rosati 1993: 147-169). Comparable "cultures" or traditions develop within a decision-making group as it evolves over time, or as it conforms to the style of a powerful, charismatic leader.

Lyndon Johnson's political experience taught him the importance of consultation. In some cases, consultation was motivated by very pragmatic goals. Johnson cultivated a network of political contacts, often by telephone, to provide the latest bits of information or offer reactions on the political feasibility of a decision (Best 1988). During the 1964 presidential campaign Johnson relied on three groups of advisors: one for day-to-day operations, another for strategy and tactics, and "a third group second-guessing the first two groups" (Clifford 1991:398).

Consultation also served important symbolic purposes for Johnson. For example, getting a large number of advisors "on board" a proposal could provide valuable insurance in the event of a policy failure. Consultation also allowed Johnson to convey respect for the opinions of a politically important ally or demonstrate the extent of his patience and tolerance. The lengthy meetings on Vietnam in July 1965 are believed to have been staged for the benefit of George Ball (and, more importantly, future historians) in order to prove that all opinions had been given a fair hearing (Berman 1982). Why bother to consult even after a decision has been reached? Consultation represents the way things "ought to be done" given the far-reaching implications of a presidential decision.

Clifford's familiarity with at least one "cultural rationale" in the Johnson White House resulted in a master stroke of bureaucratic advocacy. The hastily arranged meeting of the "Wise Men" -- pillars of the Cold War establishment -- conformed well to the tradition of White House consultation. In an earlier meeting, these staunch defenders of U.S. containment policy reassured Johnson about Vietnam, and urged him to keep the faith. By the time of there March 1968 meeting, however, the senior statesmen of American foreign policy had undergone a serious transformation of thier thinking about Vietnam. Rather than bolstering Johnson's policy, many members of the group urged the President to find an honorable (but hasty) way to withdraw the U.S. commitment to Vietnam. Once the members had delivered their pronouncement, it became exceedingly difficult for Johnson to reject the results of consultation.

Conclusion

In 1965, George Ball tried and failed to force a reappraisal of fundamental objectives on Vietnam. Although in hindsight much can be said for Ball's "tactical withdrawal" arguments, Johnson and top advisors remained unconvinced. In the aftermath of Tet, Clark Clifford succeeded where George Ball failed, not because Clifford had better ideas or because he had spent more time studying the issues. Clifford didn't bring any new ideas or additional information about Vietnam into the White House in 1968. He did bring a lifetime of experience in the practice of Presidential advising, and tremendous insight into the mind and moods of Lyndon Johnson. Clifford orchestrated, schemed, and plotted a campaign of dissent from virtually the day he entered the White House, but remained loyal to Johnson and let the President discover -- or more likely acknowledge -- for himself that U.S. policy toward Vietnam had to change.

Nothing about Allison's work is sacrosanct. We need not puzzle over each word, or attempt to preserve each sentence of Essence of Decision like scribes passing down an ancient, sacred text to the next generation of foreign policy analysts. Allison's models ought to be challenged, reinterpreted, and modified to take account of recent literature and new theoretical concerns. A new focus on the they way bureaucrats reason about the policy process provides an appropriate avenue for revitalizing the study of bureaucratic politics.

1. A revised version of this paper is scheduled to appear in the forthcoming volume Foreign Policy Analysis: Change and Continuity in its Second Generation, Laura Neack, Jeanne A.K. Hey, and Patrick Haney (eds.). The author gratefully acknowledges research support from the Mershon Center Research Training Group on the Role of Cognition in Collective Political Decision-Making, National Science Foundation (DIR-9113599), Ohio State University.

2. Welch provides a systematic examination of this question in Table 1 (pp. 143-146) of his excellent article.

3. Anything beyond the saturation point may cause foreign policy makers to experience "information overload", and employ tactics such as procrastination and filtering to cope with this situation (Vertzberger, 1990:86-101).

4. Of course, the same criticism applies to cognitive studies of foreign policy.

5. Although, in fairness, Khong concedes that the role of analogies in forging concensus and facilitating decisions would make them "worthy of study in their own right," but this is deemed a much lower research priority (1992:103).

6. Allison literally refers to the bureaucratic participants as "Chiefs" and "Indians."

7. For example, important CIA telegrams were kept from Kennedy for fear of a "cold reception" (Allison, 1969:713); eventually informed of the missiles, "in order to mask our discovery from the Russians, the President flew to Connecticut to keep a campaign commitment, leaving RFK as the unofficial chairman of the group" (Ibid. p.715).

8. Foreign policy outputs refer to the results of the decision process, while foreign policy outcomes imply a much broader scope. A foreign policy output such as a U.S. decision to retaliate against Iraq cannot, by itself, provide a complete explanation of the ultimate outcome of such action.

9. Clark Clifford claims the President felt he had been "suckered in" to the unproductive Christmas bombing halt of 1965 by his advisors. Clark Clifford, Oral History, 2:20, Lyndon B. Johnson Library, Austin, Texas.

10. Indeed, Allison lists a number of factors that compete with career/organization interests (such as misperception, miscommunication, and reticence) in defining the "face of an issue" (Allison, 1971:178-179).

11. Schoenfeld's (1983) experimental research on mathematical problem solving by experts and novices suggests the power of context even in the pristine world of geometry. Reliance on a formal proof would have simplified the task, but the inexperienced problem-solvers rejected formal proof in favor of more intuitive methods (e.g. free hand drawing and "eyeballing" to estimate points on a circle). Proofs are just something you do to demonstrate work to a teacher. Likewise, the pressure to please a favorite math professor led subjects to restructure a difficult, unfamiliar problem in more familiar terms in order to have something to show for their efforts.

12. The concept of "standard operating procedures (SOPs)" might be a perfectly acceptable (even preferable) alternative to "script" were it not for the fact that the vast literature "cybernetics" has transformed SOPs into rigid, cyborg-like responses (Marra 1985; Steinbrunner 1974). I have something much more flexible and responsive in mind.

13. Refer to Bettenhausen and Murningham (1985) and Martin (1982) for a slightly different interpretation of the "script" concept as applied to organizations.

14. Indeed, the deceptively simple question "can governments learn?" (Etheredge, 1985) requires a complex answer. A recent review article by Huber (1991) suggests the richness of "organizational learning", with a range of focused questions on "searching", "organizational experiments", "cognitive maps and framing", "unintentional learning", and even "unlearning."

15. In fact, during the 1963 Diem crisis, Kennedy's advisors made a conscious effort to replicate the successful institutional design of the ExCom ("Memorandum of Conference with the President", August 27, 1963, John F. Kennedy Library).

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EXPANDING THE DISCURSIVE CONTEXT OF POLICY DESIGN: A MATTER OF FEMINIST STANDPOINT EPISTEMOLOGY

STEFANIE S. RIXECKER
DEPARTMENT OF POLICTICAL SCIENCE
PURDUE UNIVERSITY

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Expanding the Discursive Context of Policy Design:
A Matter of Feminist Standpoint Epistemology

Abstract

While recent elaborations of policy design have been innovative and intriguing, feminist analysis has remained unacknowledged. The exclusion of feminist analysis confounds policy design's goal of increased sensitivity to context, values, and audience. The author uses feminist standpoint epistemology to illustrate and expand the dialogue of policy design as well as policy analysis generally. Addressing policy analysis from a meta-perspective facilitates a discussion of theory, methodology, and practice. The applicative aspects of the feminist epistemic stance are illustrated via a hypothetical case study addressing the environmental problematique. As such, a feminist standpoint reformulation of policy design is proffered. Overall, the analysis expands the theoretical construction of policy design, providing an increased potential for participatory policy analysis and a bridge between two discourses previously lacking interchange.

INTRODUCTION

Policy design is a relatively new and innovative approach to policy analysis, evolving out of previous research in the policy sciences, organization theory, and policy formulation. Generally speaking, policy design represents the process of creating, developing, and attuning an actionable framework with the intent of ameliorating some policy problem. Since each policy problem has unique aspects, sensitivity to context and values becomes particularly important in determining the appropriate strategy and concomitant tool selection [Linder and Peters, 1989; Hood, 1986]. Epistemology is the foundation for such contextual and value-oriented strategizing. Although previous studies [Bobrow and Dryzek, 1987] addressed a variety of pertinent epistemic or "knowledge orientation" approaches, the role of feminist epistemology remains unacknowledged. I seek to answer how and to what extent an alternative epistemic stance, such as feminist standpoint epistemology, can expand the discursive context of policy design.

This paper delineates and elaborates upon feminist standpoint epistemology,

particularly as outlined by Sandra Harding [1991, 1986], as an alternative means of value and context definition, thereby reformulating the actionable framework of policy design. It should be noted that feminist standpoint epistemology is not deemed superior to other epistemic stances; rather, it is a parallel "knowledge orientation" whose exclusion limits policy design efforts. Feminist standpoint epistemology is used to further the strategic flexibility of policy analysis, thereby addressing theoretical and practical aspects of policy design. As such, the ***theoretical*** framework is enhanced by a new and inclusively-oriented epistemic construction. Additionally, the ***practical*** element of policy design is bolstered by expanding the discursive and practical space for policy analysts (male and female) wishing to use alternative techniques in the policy making process. Thus, besides defining feminist epistemology and its relevance for policy design, I specify the tools which may be of use in designing policy from a feminist perspective. These tools, or methods, include quantitative as well as qualitative approaches to policy analysis. Diversifying the "toolbox" of policy design does not simply apply to theoretical concerns, but also facilitates problem definition and resolution, thereby adding an applicative element to the research. Overall, the intent is to expand the constructs of policy design in order to create a more inclusive and participatory approach to both policy analysis and public policy.

Prior to presenting a new formulation of policy design, it is necessary to review the main ideas and theoretical constructions offered by policy design and feminist literature respectively. The analysis begins with an overview and articulation of Bobrow and Dryzek's [1987] key arguments and concomitant "critical policy analysis" framework. In doing so, the primary elements of their theory, including their assumptions and biases, will be pinpointed.

Additionally, the rationale for using Bobrow and Dryzek's framework as the core of this analysis will be explained. Overall, the specific target of discussion will be the construction and definition of "context." The second section articulates Harding's [1991] elaboration of the feminist standpoint perspective and its relevance to theory building in the social sciences. The third section anticipates a reformulation of policy design by formally critiquing the barriers inherent in Bobrow and Dryzek's [1987] approach from a feminist epistemic standpoint. The fourth section explains how the arguments and propositions of these authors enable a more inclusive, communicative, and participatory approach to policy analysis and public policy overall. Having outlined and articulated these positions, I conclude with a hypothetical case study in which the reformulated feminist conception of policy design is applied to an environmental policy concern. This is a continuation of the hypothetical "Smoke Valley" scenario conceived by Bobrow and Dryzek [1987], and illustrates the potential alternatives a feminist reformulation of policy design affords.

POLICY DESIGN: THEORETICAL CONSTRUCTIONS

Although Bobrow and Dryzek [1987] are not the sole contributors to "policy design," their construction of this novel approach represents the core of this paper. Most scholars [deLeon, 1988-89; Ingraham, 1987; Linder and Peters, 1989, 1987] focus more upon procedural and direct "policy process" aspects of design. While this is a necessary element in further delineation of policy design, it does not address the import or consequences of the theoretical assumptions involved, i.e., a meta-policy perspective. A few broader theoretical discussions have been elaborated [Dryzek, 1983; Linder and Peters, 1984, 1988; Weimer,

1993], but [Bobrow and Dryzek 1987] provide the most thorough and articulate discussion of policy design's theoretical foundation. As such, their analysis provides the most direction for theory **and** practice, two elements which are integrally linked. Overall, Bobrow and Dryzek's [1987] formulation of policy design represents the most useful framework on which to build.

The authors begin by describing the key analytic tools used by policy analysts. These tools include welfare economics, public choice, social structure, information processing, and political philosophy. The authors label these tools as "frames of reference." Simply stated, they are disciplines or schools of thought used within policy analysis. These "frames of reference" provide the policy analyst with particular means of addressing policy problems. Included in such tools, no matter which ones, are certain value-preferences which affect the overall policy decision making process. As such, the policy analyst's tool selection reflects the analyst's value orientation and context assessment. In turn, defining remedies results in a reflection of the premises underlying each approach. For Bobrow and Dryzek, the best way to illustrate the "frame of reference" assumptions and consequences is via a hypothetical example. Thus, in order to fully illustrate the dimensions of each tool, the authors employ an environmental policy example in which a hypothetical community, Smoke Valley, must contend with air pollution. Using such a hypothetical policy case illustrates the inherent assumptions of each analytic framework and emphasizes the consequences of these approaches. Although the details of each approach are not reiterated herein, the final section of this paper continues the hypothetical case study by applying a feminist policy design approach to the Smoke Valley situation. In this way, Bobrow and Dryzek's [1987] main

points can be contextualized, providing a coherent frame of analysis and discussion of the feminist standpoint, especially with regard to theory, methodology, and (potential) outcomes.

Bobrow and Dryzek [1987] are not simply content to reiterate the analytic frameworks derived and used within policy analysis. Instead, they describe and analyze the importance of the "metalanguage of social science: the philosophy of inquiry" [Bobrow and Dryzek, 1987:15]. The authors believe metalanguage to be so integral to their policy design arguments that they devote all of "Part Three" of their text to its articulation. What exactly is the "metalanguage?" Simply put, it is epistemology. Although some may point to the paralytic outcome of such an approach, the authors comment that epistemology is critical for a better understanding of the consequences of present policy approaches and general decision making techniques. Indeed, they state in the introduction that "attention to epistemology may help overcome the stalemate resulting from the plethora of analytical frameworks..." [Ibid:16]. Additionally, since their interest is to create a more flexible and strategic policy analysis approach, the inclusion of theories of knowledge, and their concurrent social uses, is imperative. Overall, they review the "major contemporary schools of philosophy of science," defined as positivism, piecemeal social engineering, rationality, relativism, and critical enlightenment, in order to place the variety of analytic tools into a more interpretable context. It is important to reiterate that metatheorizing, whether described as metapolicy or metalanguage of social science, is a critical element in explicating policy analysis and its derivative analytic frameworks because it is the first step in providing a more inclusive and communicative theory of policy analysis.

The epistemologies grounding the various analytic approaches suggest that a variety of

social and "knowing" contexts exist. Such a multi-contextual theoretical reality creates a more complex practical reality for the policy analyst. It is this contextual multiplicity that Bobrow and Dryzek [1987] promote in order to illustrate the importance of flexibility and communicative discourse within policy analysis. The first is the milieu itself. This includes the elements outside the policy process; it is where the policy will take effect [Ibid:202]. The second type of context is defined as "the policy process within which designers and others are pursuing the adoption and implementation of policies" [Ibid:202]. Thus, the elements of context are divided into two operational spheres. The internal and external elements have a clear, categorical placement within Bobrow and Dryzek's [1987] definition of context. As we shall see in subsequent sections, this dichotomization also suggests other implications, such as the perpetuation of power structures within and between these constructed arenas.

Besides their categorization of contextual arenas, the authors suggest five important contextual dimensions for policy analysis: complexity and uncertainty, feedback potential, control, stability, and audience [203-206]. These dimensions are important since they address how values, actors, and feedback are critical components of a detailed contextual map. Although these dimensions may seem obvious to many, it is important to point out that they are indeed a radical reorientation for policy analysis. This reorientation is profound for two reasons: (1) it locates previously defined components of policy analysis and links them together and (2) it necessitates that policy analysts expand their conceptual schemas, thereby demanding greater attention to contextual and human factors.

After their epistemological exposition, Bobrow and Dryzek [1987] reveal which

contemporary epistemology they feel the greatest affinity towards; they refer to it as critical enlightenment. This knowledge orientation includes a variety of philosophical and social science contributors, but the authors focus upon the two they believe to be most important for policy analysis, Jürgen Habermas [1984, 1973a, 1973b] and Harold Lasswell [1951; Lasswell, et al., 1952]. The main reason this epistemic stance provides a radical alternative to traditional policy analysis is because it begins with the assumption, or outright objective, of "emancipation." As Bobrow and Dryzek [1987] explain, this emancipatory focus epitomizes the need for "the improvement of human existence through increased awareness on the part of individuals as political actors"[170]. Bobrow and Dryzek [1987] discuss these theorists, but also move beyond Habermas's and Lasswell's arguments in order to explain their own interpretation of critical theory, specifically "critical policy analysis."

Bobrow and Dryzek [1987] expand upon their epistemic preference, critical enlightenment, by establishing some primary elements of the knowledge orientation's significance for policy analysis. Perhaps one of the most intriguing is that critical policy analysis incorporates ***practical intent*** as a main feature. As the authors explain,

> Critical theory commends, then, a continuous interchange of ideas, interpretations, and criticisms between social scientists and other political actors [Ibid:171].

Similar to the authors' creation of two realms of context, noted earlier, this "continuous interchange" also becomes bounded. Specifically, Bobrow and Dryzek [1987] desire their formulation of "critical policy analysis" to be distinct from other critical theories, including feminism [169].

This is not the only aspect in which their theoretical explanations seem contradictory. In addition to bounded interchange, the authors argue that "the critical policy analyst could make use of facets of particular frames of reference but could not be partisan to any of them" [181]. Bobrow and Dryzek do not explain how such "non-partisan" positioning can be integrated with their distinction between types of critical theories, as noted in the previous paragraph. Additionally, is this call for "non-partisanship" a reasonable demand? It would seem reasonable to suggest that open-mindedness be maintained throughout the policy analysis process, but it is most difficult to *absolutely* and *completely* remove *all* elements of partisan affiliation. This is especially contradictory since the authors later suggest,

> Fledgling policy analysts who wish to advance in a clearly structured intellectual community would do well to adhere to approaches with a highly technical flavor...[119].

The authors do not simply make this one suggestion for "successful" career patterns; they describe a number of paths. Thus, we must ask two questions: (1) how can interchange between and within social scientists and political actors be actualized when the theory separates itself from pertinent inclusive attempts, such as feminism?, and (2) how can the theory demand non-partisan tool selection when it also looks toward practical career concerns? How could Bobrow and Dryzek [1987] construct a critical policy analysis framework *without* a sense of the feminist standpoint concerns of power structures, tool selection, and theory construction? This is the crux of the dilemma in their conceptualization of policy design; hence, the need for a reformulation. However, the foundation of feminist standpoint theory must first be articulated.

THE CASE FOR A FEMINIST STANDPOINT EPISTEMOLOGY

Sandra Harding [1991] provides an expanded conception of feminist standpoint epistemology. Although she articulates the nuances of the framework more than any other theorist, her ideas are grounded in other similar discussions [Collins, 1991; Flax, 1986; Hartsock, 1983]. Generally speaking, feminist epistemology challenges a variety of traditional conceptions of knowledge creation [Alcoff and Potter, 1993]. Rather than follow the Western canon of epistemological formulations, such as positivism and rationality which focus upon a separation of knowledge and experience, feminist standpoint epistemology attempts to unite these two components. Feminist arguments suggest that knowledge and experience cannot and should not be divorced from one another. A separation between these two elements creates an artificial dichotomization of knowledge creation. The critical element of understanding ourselves and the world is to realize that our knowledge is a direct reflection of our experiences within it [120]. As such, it is important to note that

> a standpoint is not a perspective; it takes science and politics to achieve a standpoint. Standpoints are socially mediated; perspectives are unmediated [276].

Although the unification of subject/object is appealing, it is important to acknowledge that feminist standpoint epistemology does not remedy the tension between person-specific (contingent) linguistic constructions and the 'real' world. As Haraway [1991] aptly points out, feminist standpoint epistemology's willingness to accept and incorporate this tension is what makes the epistemic stance so viable. She remarks

> ...'our' problem is how to have *simultaneously* an account of radical historical contingency for all knowledge claims and knowing subjects,...*and* a no-nonsense commitment to faithful accounts of a 'real' world, one that can be partially shared and friendly to earth-wide projects of finite freedom, adequate material abundance, modest meaning in suffering, and limited happiness

[emphasis in the original] [187].

The result is an integration of theory and praxis, for

> We need the power of modern critical theories of how meanings and bodies get made, not in order to deny meaning and bodies, but in order to live in meanings and bodies that have a chance for a future [Haraway, 1991: 187].

As such, knowledge generation reflects a situated view of reality.

The traditional epistemological separation of experience and knowledge leads to some other difficulties which are relevant for this analysis. Perhaps the most disturbing consequence of this separation is the perpetuation of the illusion that traditional epistemic approaches can provide a fully objective and accurate representation of the issue at hand. Whether in a natural or social scientific setting, value-free methods and research designs are not a possibility. The idea of value free research results from the traditionalist epistemic structures previously mentioned. Indeed, the notion of epistemology, as conceived by the positivists and rationalists, does not reflect the process of human inquiry. Instead, it creates a skewed sense of knowledge creation by suggesting it can be ahistoric, universal, and fully objective. The major consequences of this constructional form is that it suggests there is no (and ought not be) a connection between the researcher and the subject (or "object" as the traditionalists would argue). Objectification of the subject has two particularly damaging consequences: (1) it transforms the subject into an "Other" or outsider [Collins, 1991], and (2) in so doing, directly creates a socially situated power construction. Thus, feminist epistemology is not only an attempt to address the ahistoric, culture-blind knowledge construct, but is also an attempt to dismantle the theoretical and practical discursive power structures which such traditional epistemic stances constructed.

Yet, how can these barriers be dismantled? Must we fully disassemble the notions of objectivity? Is the only alternative to universal knowledge claims relativism? If so, then is feminist epistemology a "theory of knowledge?" These are all critical questions which Harding articulates, and attempts to resolve. In order to provide a foundation for the forthcoming sections regarding the reconstitution of policy design, these questions will be addressed in detail.

Harding [1991] does not believe that theorizing, whether in the natural or social sciences, fully needs to remove itself from the claim of objectivity. The definition and formulation of this concept does need to be reconstructed, however. Specifically, Harding calls for "strong objectivity" [Harding, 1991:142]. As she herself states

> A feminist standpoint epistemology requires strengthened standards of objectivity. The standpoint epistemologies call for recognition of a historical or sociological or cultural relativism - but not for a judgmental or epistemological relativism [ibid].

Yet, how can such an entrenched concept as "pure" objectivity be reformulated? After all, would not such a restructuring simply perpetuate the negative consequences of a masculinely engendered construction? Harding cleverly transforms objectivity into a positive feminist concept by arguing that objectivity, as constructed by positivists, is simultaneously too broad and too narrow. Its breadth is defined by its universality; objectivity as a value-free construct necessitates the absolute elimination of all values within research [Ibid:144]. The narrow aspect of its scope regards the way in which objectivity is framed; it is a construct of value agreement between and among specific researchers, i.e., within the scientific community [Ibid:143]. Additionally, this narrow conception of objectivity illustrates the way

> Modern science has again and again been reconstructed by a set of interests

and values - distinctively Western, bourgeois, and patriarchal...[Ibid:145].

Thus, the dualistic nature of objectivity allows Harding to call for a stronger sense of objectivity inclusive of historically and socially situated contexts.

Formulating such a "strong objectivity" does not answer all of the questions previously cited. The concern of crass relativism, or "epistemological relativism" as Harding calls it, is a serious issue. If the argument becomes that each individual's experiences are as relevant as another's, then it is impossible to employ any conceptualization of knowledge beyond one's self. What is the difference between epistemological relativism and cultural/historical/sociological relativism? Is this simply an academic endeavor, or is there some practical value to such cogitation? Indeed, there is quite a bit of value in such distinctions. Rather than fall into the false dichotomy of an "all-or-nothing" formula, Harding explains how alternative levels of difference facilitate flexibility while stabilizing theoretical discourse. It is "strong objectivity" which comprises the solution to this seeming dilemma. Feminist standpoint theory demands

> the acknowledgement that all human beliefs -- including our best scientific beliefs -- are socially situated, *but they also require a critical evaluation to determine which social situations tend to generate the most objective knowledge claims*. They require, as judgmental [epistemological] relativism does not, a scientific account of the relationships between historically located belief and maximally objective belief [Ibid:142]. [Emphasis added]

Similarly, but in a postmodern voice, Haraway [1991] posits that

> The alternative to relativism is partial, locatable, critical knowledges sustaining the possibility of webs of connections called a solidarity in politics and shared conversations in epistemology....[I]t is precisely in the politics and epistemology of partial perspectives that the possibility of sustained, rational, objective enquiry rests [191].

Although these are complex theoretical explanations, overall they create a realm in which the

two seemingly contradictory elements, (1) feminist criticisms of maximal objectivity and (2) the applicative contextual demand for critical evaluation, may coexist.

Finally, we turn to the question of "theories of knowledge." If the natural and social sciences are socially situated, as Harding [1991] describes, then how is it possible for us to call them epistemologies? Would it not be more accurate to simply define them as sociologies of knowledge? Yes, in one sense, standpoint theories represent sociologies of knowledge. It is important to keep in mind that all conglomerations of socially situated experience, used as worldview explanations, converge to form sociologies of knowledge. This taps into the arguments already presented. Since *all* epistemological stances incorporate political and value-laden components, they may be regarded as sociologies of knowledge. Feminist standpoint epistemology is distinctive because it clearly espouses and accepts its sociological orientation. This openness should minimize skeptics' demands for greater "philosophical rigor" or "empirical proof" since it accepts the tension between relativism and 'reality,' unlike epistemic stances of the Western canon, i.e., ala Plato, Aristotle, and Kant. Thus, label choice (sociology of knowledge vs epistemology) depends upon the socially situated position of the individual.

The detailed theoretical explanations above have two particularly relevant ramifications. First, feminist standpoint epistemology establishes a radical conceptualization of theory-building, particularly for the social sciences. Rather than regard the natural sciences as the rudiment of knowledge, Harding suggests that "it makes good sense to think of the natural sciences as a subfield of the critical social sciences" [Ibid:15]. This, in turn, leads to the second ramification, the critical aspect of context. Theory-building is thus

inextricably linked with sociological, political, historical, and psychological contexts. Specifically, race, sex, gender construction, class, and sexuality all play a role in the creation of epistemological stances. Additionally, this panoply of contextual elements shapes one's preferred tool selection. In this sense, we are partisans of our epistemological ***and*** methodological preferences. To claim a non-partisan attachment would simply reify the false dichotomy constructed via positivist epistemology. Overall, feminist standpoint theory creates a more inclusive theoretical discourse thereby concurrently opening a door for more inclusive and contextual practical applications.

POLICY DESIGN: A FEMINIST STANDPOINT RECONSTRUCTION

Thus far, each theoretical discourse, policy design and feminist standpoint epistemology, has been presented as separate entities. This reflects the silence between the two discourses. The two offer potential alterations in policy analysis, yet neither speaks directly to the combined import of a feminist policy design. A feminist reconstitution of policy design necessitates revisiting some of the discussions already presented. These include the issues of context, power, and partisanship. Additionally, the intersection between the two discourses will be explored not only on a theoretical level but also on a practical plane. Overall, this section of the paper combines epistemology, theory, and method.

Both policy design and feminist standpoint epistemology contend with context. Bobrow and Dryzek set out to create a more contextual policy analysis process. Their idea of "contextual" appears to fit easily with the contextualization elements presented by feminist standpoint epistemology. However, the complementarity is not as simple as it first seems.

Although Bobrow and Dryzek [1987] assert that flexibility and increased communicative action will be enhanced by policy design's contextual dimensions, they simultaneously include two claims which at best lead to confusion and at worst create a serious theoretical flaw in their framework. First, they purport to support greater interchange between social scientists and policy actors, yet they simultaneously call for a separation between their own critical theoretical formulation and others, such as feminism [Bobrow and Dryzek, 1987:168]. Second, they claim that a phenomenological epistemological stance is useless in the social sciences, especially in the case of policy analysis [171]. The concern with this position is that the authors do not fully explain their understanding of phenomenological other than reiterating its "interpretive" and "descriptive" nature. Thus, one is left wondering whether they would purposely exclude the feminist standpoint epistemic view simply because they regard it as phenomenological.

Establishing the need for a more contextual and sensitive policy analysis framework requires more than assertions. Bobrow and Dryzek provide some good suggestions, but they do not realize to what extent their "critical policy analysis" remains mired in the positivist epistemological stance. Feminist standpoint epistemology reveals this entrenchment and provides a means to move beyond such exclusionary theorizing. The critical element feminist standpoint epistemology provides is the distinction between historical/political/sociological/psychological relativism and epistemological relativism. Bobrow and Dryzek's [1987] qualm with phenomenology taps into the positivist's denial of socially constructed reality; they turn a sociological relativism into an epistemological one. Alternatively, feminist standpoint epistemology expands the contextual nature of policy

design by respecting the diversity of actors in the policy process. This acceptance creates a more inclusive space for policy analysis, a goal also held by Bobrow and Dryzek. Thus, by clarifying the intricacies, e.g., value predispositions, of epistemological theorizing, the feminist standpoint expands the contextual boundaries of policy design.

The contextual aspect of policy design must also contend with other tensions such as power and partisanship. Bobrow and Dryzek's construction of policy design falls short of minimizing the degree of power relations within policy analysis. For example, their dismissal of phenomenological epistemic approaches parallels the traditional Western canon's disregard for such philosophical positions. The result, no matter who takes the position, is continued marginalization of women; theoretical power couched in patriarchal constructions affect application. This is particularly clear in their discussion of partisanship. As stated, creating a contextualized framework requires a dual perspective incorporating theory and application. Although Bobrow and Dryzek [1987] attempt to combine these two elements, their theoretical articulation is confounded by muddled affiliational and political components. An affiliational component relates to the issue of partisanship. Specifically, Bobrow and Dryzek [1987] argue that the policy analyst must remain a non-partisan in tool selection. At the same time, the political component outlined by Bobrow and Dryzek argues that it is politically sensible to select one's tools according to the audience at hand. This does not reflect a non-partisan approach. In this way, Bobrow and Dryzek confound their analysis with poor practical illustrations. A solid policy design framework need not include this contextual discrepancy. Instead, as feminist standpoint epistemology and other policy analysis critiques articulate [Lindblom, 1980; Majone, 1989; Stone, 1988], partisanship is an

inherent part of policy analysis. Indeed, the analyst must become conversant with (and see!) the political context in which he or she must choose the policy analysis framework. This may *initially* include the methodological expectations of the audience, but it also allows for a broader range of methods (tool selection) to be used. Unlike Bobrow and Dryzek's [1987] argument that "...frames are to be used rather than believed or routinely applied," feminist standpoint epistemology proffers that use, belief, and application are integrally connected [210]. Thus, by articulating and accepting the partisan, socially constructed aspect of tool selection, feminist standpoint epistemology removes the confounded theoretical and applicative elements expounded by Bobrow and Dryzek.

Another element of policy design that requires clarification is the construct of power. The Bobrow and Dryzek construction of policy design argues that only the critical policy analysis framework, derivative of critical enlightenment epistemology, is capable of actualizing such a strategic approach. As has already been illustrated, Bobrow and Dryzek's formulation disregards the import of other critical theories, such as feminism. They suggest that such theories are too focused upon political interests and are thereby entrenched in their own narrow political agenda. Ironically, they argue that these theories focus upon "liberation," exactly what the authors purport critical policy analysis aims to do. Yet, somehow a feminist assertion of liberation is pejorative while their own espousal of this same goal is deemed favorably. This illustrates how Bobrow and Dryzek perpetuate the false dichotomies originally presented within the rationalist and positivist epistemological stances which they deride. Not only do they continue the Self/Other dichotomy, but in so doing, entrench their theory in power structures. A contextual policy design containing such

exclusionary constructs cannot attain goals of inclusivity, flexibility, or expanded participation. Rather, it continues the socially constructed hierarchical/patriarchal power structures which feminist standpoint epistemology dismantles. Thus, using feminist standpoint as a new lens to view policy design reveals the potential for a more democratic and inclusive process of policy analysis.

ACTUALIZING THE METATHEORY OF POLICY DESIGN

The reconceptualization thus far has focused upon theoretical and epistemological concerns. How does such metatheorizing relate to the "real world" or application of policy analysis? Can participatory and inclusive theoretical meta-visions be actualized? Indeed, a number of practical implications of this meta-level construction exist, expanding upon deLeon's [1992] cautious affirmative to such queries. The two most prominent regard the actors involved and the methods used within policy analysis. Policy design would not be a complete enterprise without a discussion of such practical elements.

Many actors participate in the policy process. Unlike Bobrow and Dryzek's [1987] dichotomization of the policy process, a feminist reformulation minimizes (if not removes) the barriers between the process's internal and external aspects. Rather than regard the policy process as merely an exercise within (internal) and between specialists, the feminist reformulation expands the context to include other actors; e.g., citizen groups. Although not alone in making this claim [Lindblom, 1980; Majone, 1989; Stone, 1988], the feminist perspective's contextual expansion goes beyond previous formulations. It not only breaks down this categorization, but also expands the inclusivity of policy actors with regard to

contextual issues such as sex, class, and race. Here, then, is the crux of the feminist reformulation: personal experience, i.e., Haraway's [1991] "partial positioning," becomes *a part of* the process rather than *apart from* the process. The particularly compelling practical consequence of this is the need for greater participation of marginalized groups. As Clarke and Kathlene [1992] illustrate, women's role as policy analysts and political actors can have a variety of influences upon decision making and policy formulation. Thus, creating a more representative political participatory context can (and does) have profound effects upon policy design and its resulting policy outcomes. No longer is feminist standpoint epistemology "merely" an academic meta-level exercise.

Not only does a feminist meta-theory have practical implications for the actors involved, but it also expands the pallet of tool selection. Incorporating feminist methods enhances policy analysis by increasing its sensitivity to the myriad of contextual settings an analyst encounters. Although there are a number of feminist research methods and techniques within feminist literature, many other discourses do not incorporate them. If policy design is to meet its goals of expanded participation, increased flexibility, and spectral inclusivity, then it must incorporate alternative methods. In other words, it must neither simply rely upon the positivistic methods of the social sciences, nor on a narrow selection of critical enlightenment methods, i.e., ala Habermas. Instead, policy design literature and policy analysts themselves must begin to discuss the significance of cross-cultural, action, and multiple methods research [Devault, 1990; Fonow and Cook, 1991; Reinharz, 1992]. Not only should these methods be discussed, but they should be implemented. Methods such as cluster analysis, content analysis, and feminist interview techniques need to be employed

because they are ***designed*** to be inclusive. This not only minimizes the marginalization of participants, but also expands the discursive context of policy analysis - again, one of Bobrow and Dryzek's [1987] original goals for policy design.

Although feminist methods are arguably an important strength within the construction of a feasible policy design framework, it should not be assumed that this analysis posits them as the "savior" or "only" means by which knowledge accumulation can be attained. Policy analysts, as well as others in the policy process, need to be aware of the complexities and problems which feminist research entails [Acker, Barry, Essveld, 1991]. Additionally, other methodological approaches, such as those highlighted by Bobrow and Dryzek, must also be understood by the policy analyst. The contextual nature of policy issues requires that tool selection opportunities be as broad-based as possible. No doubt, this increases the demands placed upon the analyst, but there are some potential alternatives to overburdening each individual analyst. Specifically, creating working groups of analysts could expand the research and analysis techniques used. Increasing the policy and political actors also makes the canvas of tool selection more manageable. Inclusivity not only minimizes marginalization, but also increases the potential of methodological diversity. Future research on the policy process, policy analysis, and policy design will help clarify and ground these preliminary suggestions.

As has been discussed, clarifying the construction of epistemological stances has practical aspects for the policy process and the methods used therein. The separation of theory and practice is problematic since they both are integral to policy outcomes. In the case of policy design, the false dichotomies profoundly impact the practical aspects because

they perpetuate the marginalization of particular groups. As such, they inhibit the goals of inclusivity and participation inherent in the policy design schema. Feminist standpoint epistemology provides a means to move beyond these limitations.

The practical potential of feminist theory, grounded in feminist standpoint epistemology, can be illustrated via a case study. The example offered here is a continuation of Bobrow and Dryzek's [1987] hypothetical scenario in which a community, Smoke Valley, must contend with an environmental policy problem, air pollution. Representatives of the other "frame of reference," grounded in their concomitant "knowledge orientation," each attempted to address the policy problem. Since each frame looked at the problem solely form its own perspective, denying the import of policy design's contextual criterion, no remediation occurred. The following section highlights how feminist theory, grounded in standpoint epistemology, can be used as an integral component of policy design.

REVISITING SMOKE VALLEY: A FEMINIST FORMULATION

Although a number of academics, politicians, and community groups continue to wrestle with the environmental pollution concerns of Smoke Valley, no policy resolution has yet been achieved. In many of the situations, the experts made their suggestions only to encounter institutional or political barriers to their policy initiatives. Each approach has its own limitations, and combining these with the political realities of decision making only further hinders the actual policy making process. Feeling pressured by interest groups, industry, and the public for a resolution, Smoke Valley's local government officials decided to ask the Department of Women's Studies at Smoketown University to initiate their proposal

submitted months before. Initially, the local government officials doubted the relevance of a feminist perspective for the community's environmental policy concerns; however, increased public complaints about birth related problems as well as women-oriented diseases from environmental stress convinced officials that women may indeed have a contribution to make. Thus, the Women's Studies Department organized a colloquium to begin a roundtable discussion of the issues involved --intended as an inclusive gathering, free daycare, handicap accessibility, and sliding scale registration fees were guaranteed.

At the roundtable, the general parameters of the situation were reviewed:

> Smoketown is a city of 300 thousand people nestled in a valley in the Misty Mountains. The local economy includes both heavy, smokestack industry (notably steel mills) and more modern, light industrial plants. Air pollution in Smoke Valley is severe. Aside from the emissions of manufacturing industry, Smoketown has two large coal-fired power stations (which burn the local high-sulphur coal). There is only a rudimentary public transportation system, hence most people travel by car, and automobile exhaust fumes contribute to pollution. In addition, Smoke Valley residents have wood-burning stoves in their homes, the Misty Mountains being heavily forested. The topography of Smoke Valley facilitates temperature inversions, which exacerbate air quality problems....Local residents grumble about eye irritation, smog, and high morbidity rates from respiratory disease....The mayor and city council have mixed feelings: on the one hand, they do not want to lose the heavy industries; but on the other, they are aware that a pleasant environment is an important factor in attracting the high-technology industry they are trying to entice to the Silicon Smoke Industrial Park [Bobrow and Dryzek, 1987:22-23].

The colloquium participants included women and men from a variety of social, political, and economic backgrounds: politicians, academics, steel mill workers, union activists, retired residents, college students, et al. Although the roundtable was sponsored by the Women's Studies Department, it specifically invited all of the other university departments, hoping to help mend the rift that appeared due to the Sociology and Economics Departments tussle regarding the environmental issue. Lydia Sturgess, the colloquium's organizer and

consensually chosen spokesperson, reviewed the department's intentions by addressing the importance of the feminist perspective as well as its application to policy design.

Ms Sturgess suggested that the context of the situation be assessed by experts as well as by community leaders, activists, and the public. Reminding the audience of the previously generated assessments (from the Departments of Economics, Sociology, and Philosophy), she suggested that these groups meet and discuss their respective positions in an open, public forum. Additionally, the Women's Studies Department would conduct in-depth surveys with community residents in order to determine their major concerns regarding environmental degradation, economic structuring, and political positioning. In so doing, the survey would be interactive panel studies and not simply a quantitative analysis of public opinion. Although this would require more time and monetary resources, Ms Sturgess contended that it would provide a more detailed contextual picture than any of the previous studies had constructed. Additionally, such a survey in conjunction with information gleened from citizenship panels [Crosby, Kelley, and Shaefer, 1986; Kathlene and Martin, 1991] would facilitate feedback and expand the public dialogue.

The proposed approach to assessing and addressing Smoke Valley's environmental concerns represents one "partial reality" of the situation. Camilla Rosenstein, curator of the Smoke Valley Women's Historical Society, suggested that the policy scenario's context and audience were critical components of a well-formulated policy design. As such, the proposal must consider the historical context of the social construction of target populations in the community, including a women's perspective. Ms Rosenstein credited her idea to a recent publication by Anne L. Schneider and Helen Ingram [1993] who argue that social

constructions of target groups greatly influence the policy process and can create special barriers to policy design if not addressed during the formulation stage. For instance, as the Martini's of the Sociology Department pin-pointed, the power structure of the government and community system not only has a large impact upon what types of policies are placed upon the agenda, but also which ones receive legitimacy or die of benign neglect [Bobrow and Dryzek, 1987:63]. Thus, no successful policy design can be implemented unless an understanding of the community's social and historical construction has been outlined.

As some of the participants became agitated by the social-oriented discussion, Nadine Chadwick, a feminist biologist from the Environmental Pollution Agency (EPA), spoke up about the technical aspects of pollution monitoring. In particular, she commented that the testing and regulations needed to be more encompassing of women. For instance, some of the pollution levels were set at rates which were more dangerous for women, especially pregnant women, than for men. Additionally, differing levels of certain toxic substances, i.e., lead, affected races in different ways and to differing degrees. Although the agency knew that different needs existed, most of the standards were based upon studies conducted according to male and/or caucasian physiological reactions to air and water pollution. Ms Chadwick suggested that an increased attachment to and understanding of the diversity of the population needed to be incorporated into the technical aspects of monitoring and regulating pollution emissions. As such, she volunteered to organize a section of technical experts, also willing to listen to public concerns, regarding a more inclusive and sensitive means of addressing pollution emissions for the ***entire*** Smoke Valley population.

Although impressed by the willingness of the "educated experts" to be more inclusive,

Regina Lovestrand, a single mother and women's advocate, voiced her concern regarding the structure and hierarchy of the Women's Studies proposal. Would there be committees with slated chairs coordinating the policy forum decision making and environmental assessments? Were decisions to be consensually determined? How long would it take before the group actually had a "Plan of Action" to present to the local city council? These questions had been raised within the Women's Studies faculty prior to the colloquium and needed to be answered in this setting.

Ms Sturgess continued the dialogue by first stressing the importance of diversity and inclusivity. The Women's Studies Department desired to be a facilitator and coordinator of women's (and men's) concerns regarding the environmental pollution issue; however, it did not intend to be at the apex of decision making. Instead, it believed that the participants at the roundtable would follow through with the next step of the colloquium and organize themselves according to their interests and expertise, thereby covering many of the issues already discussed. Making the topics and committees more participatory would diversify the dialogue and expand the contextual understanding of the community and the situation. Decisions regarding policy design proposals would need to be coordinated and approved by the various committees. Although this would slow the process, it would also guarantee that the process was as democratic and non-hierarchical as possible. Considering that the policy would have to be approved and implemented by a hierarchical body, the city council, the participants would need to keep this reality in mind and construct a pragmatic, inclusive proposal.

Having discussed the strengths and weaknesses of a feminist approach to Smoke

Valley's pollution concerns, the colloquium participants broke into small groups and began to construct the committees obliged to contend with the complexity of the Smoke Valley environmental policy dispute. Although no policy decisions could be made in this initial setting, a number of positive results stemmed from the event. First, the dialogue among the participants created a more community-oriented atmosphere. Second, feminist concerns were finally addressed and had the potential of becoming a critical factor in pollution controls. Third, a diversity of standpoints was articulated and respected, creating a more inclusive and participatory communicative setting. Fourth, the importance of context was stressed, reminding the community that coordination and sensitivity was a must for a successful policy to be implemented. Fifth, other methods of resolution were not ignored but rather included in the dialogue, thereby bridging gaps between technical, epistemological, and methodological approaches. Whether the colloquium's success actually translates into a viable policy design and public policy success depends upon the ability of the participants to maintain an open dialogue and a sustained motivational factor. These aspects were just as important in the other Smoke Valley resolution attempts, so future success becomes very dependent upon personal commitment and political strategizing. Only time (and future pleas for Smoke Valley scenarios!) will reveal the final outcome. Until then, it is clear that a feminist perspective can and ought to contribute to technical and social aspects of public policy design.

CONCLUSIONS

Policy design from a feminist standpoint perspective proffers a radical framework

from which policy analysis can be conducted. Its goals are similar to those expounded by Bobrow and Dryzek [1987]: increased participation, expanded flexibility, and enhanced inclusivity. All of these correspond to a belief in expanded participatory democracy within policy making and public policy overall.

This analysis synthesized two theoretical discussions lacking any previous interchange. Thus, a dialogue between two discourses has been actualized. Although the majority of the essay focuses upon meta-level concerns such as the "theory of theory" within epistemological stances, practical and application concerns are also addressed, especially via the Smoke Valley example. The significance of including presently marginalized actors cannot be overstated. This *must* occur if policy design, and public policy itself, are to become more inclusive. The arguments here do not guarantee that the policy decisions and outcomes will be perfect. Indeed, compromise and tensions will continue to be inherent components of the process. What *is* asserted here is that the continuation of the status quo decision making processes and policy analysis frameworks will only continue to enhance tensions between the elite and marginalized populations in society. To remain wedded to such a hierarchical power structure *will guarantee* continued fragmented and contextually blind (if not complete failure) of public policy, particularly in social policy concerns.

If the goals of policy design are to be taken seriously, then a reformulation, such as the one presented here, must be implemented. Beginning an academic dialogue between two theoretical discourses is only a preliminary step. Expanding the community of policy analysts and political actors as well as incorporating a broader spectrum of methods must be employed if more inclusive public policies are to be generated. Whether these critical

components of policy design will be attained is now dependent upon the degree to which tolerance and respect exist in the academic, professional, and political arenas. *Caveat emptor*!

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The Use of Negative and Positive Liberty in Ronald Dworkin's Defense of Pornography: A Critique

Mark G. Robeck
Roosevelt University
Policy Studies
Chicago, Illinois

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Ronald Dworkin has criticized Frank Michelman and Catharine MacKinnon for suggesting that pornography, given its form and anti-woman message, silences women's democratic participation and that an increase in women's political voice depends on its prohibition.[1] Dworkin bases his critique on what he says is a misapprehension on the part of the anti-pornography crowd about what is an opportunity for a choice-making and the conditions that enable one to make use of that opportunity. According to Dworkin, they have mistakenly equated negative and positive liberty, a mistake which Isaiah Berlin says we should not still be making.[2] The mistake lies in the claim that the state has a role in re-socializing or integrating a citizen into a particular type of society which seeks to have everyone in perfect sync with the society as a whole. And to a liberal that full-blown version of positive liberty does seem to confine paternalistically, and therefore unreasonably, the personal liberty of adult citizens.

In critiquing this misuse of positive liberty, Dworkin assumes two things: first, that any person has a right to express herself in a manner that offends another person; and, secondly, that all offensive expression should have equal First Amendment protection. So no matter what form the offensive expression takes, it can be constitutionally protected as it is imposed on others who are, by definition, offended by it.[3]

Dworkin's analysis seems, however, to conflate two different senses of the word, "offense," e.g., "I take offense to the message about some state of affairs" versus "That you would express that in this forum is offensive to my person." The conflation of these two senses of the word offense means that Dworkin constitutional assumptions that constitute his anti-paternalistic stance are overbroad, for they not only censure state action that suppresses fundamental freedoms of expression but also sweep into their ambit for censure actions that would open up opportunities for expression that have been coercively and unreasonably closed-off. In particular, the question of where and when obscene (or graphically or explicitly lewd) sexual expression is permissible has not been resolved by Dworkin's references to Berlin because his references do not adequately address how the imposition of obscene sexual materials affects a captive audience. Being offended is only a manifestation of a problem for this type of captive audience. The root problem is that they are unable to respond

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[1]Ronald Dworkin, "Liberty and Pornography," *New York Review of Books*, 38, no.1 (August 14, 1991): 12-15; Catharine A. MacKinnon, "Francis Biddle's Sister: Pornography, Civil Rights, and Speech," *Feminism Unmodified*, (Cambridge: Harvard University Press, 1987) 163-97; and Frank Michelman, "Conceptions of Democracy in American Constitutional Argument: The Case of Pornography Regulation," *Tennessee Law Review* 56 (1989): 291-319.

[2]Isaiah Berlin, "Two Concepts of Liberty," in *Four Essays of Liberty*, (London: Oxford University Press, 1969) 118-72.

[3]Dworkin, "Liberty and Pornography," 13.

adequately to those impositions of expressions because the form given the special role that expression plays in sexual activity doesn't allow them to choose from among a rage of activities into which or out of which they can reasonably enter or exit, and to do so reflectively, i.e., as a consenting sexual being. So, concerning their choice about their sexuality, the act of imposing the explicit sexual material onto a member of a captive audience withdraws the equal (or minimal) respect which is due to a person in a liberal system.

This argument about choice is not, as some might suspect, a selective use of words to hide some protection of a favored moral stance, viz., a religiously or morally based anti-libertarianism with respect to sexuality that is said to protect the average citizen from falling short of obtaining her "real" self. That would entail the re-socialization of adults to their "true" sexuality or the active enabling of them to one particular manner of being sexual. Instead, all that is called for here is a standard for explicitness of sexual expression for captive audiences so that members of those audiences can choose the moral or ideological tone in which they express themselves and submit themselves in the midst of their sexual activities, which could very well be in some cases "immoral," but, say, shaped and shared solely with partners of their own choosing.

The way in which explicit sexual expression is integrally involved in sexual practices differs significantly from the way that speech (even ideologically offensive speech) is used in other situations with respect to its related practices. In short, because explicit sexual expression is uncommonly integral to actual sexual practices, any potential audience with respect to this expression will have an interest in pre-sorting the character, as well as the time, place, and even co-auditors, of the expression which they allow themselves to receive. If they are not given that privilege of saying what is unwelcome, they are unreasonably burdened with a continual setting and enforcing of sexual boundaries, a state of nature fight so to speak, in which the bullies will prevail in illiberally setting the tone and outlook of the explicit sexual expression in public and do so at a level and manner that is conducive to satisfying their own particular sexual form of life.

One's sexual self-definition is not something that is impervious to "severe of pervasive" sexual harassment, including the unwelcome use explicit sexual materials. So the inability to respond is not a failing or excuse, as Dworkin would have us believe, on the part of the captive audience in these instances. Rather, it is a reasonable response to the direct manipulation of an important aspect of any person's life that is carried out in a public (interpersonal) situation by the imposing, i.e., coercive, party. The costs to the coerced party arises from the unreasonable choices forced upon them: (1) to leave and maintain one's person sexual self-definition, but lose income or professional opportunities; or (2) to stay for the money, experience or social contacts by adapting to the sexual pressures by inhibiting one's sexual persona and reorienting oneself to a defensive or deadened position with respect to sexuality and by avoiding persons or places that are particularly hostile in one's workplace which in turn subverts one's on-the-job

performance.

So if we take Dworkin's version of offense to others for granted, we might condone theoretical stances and legal standards that actually reduce or suppress the opportunities of a significant proportion of the population, granting coercive private power to those who already enjoy greater opportunities for sexual expression and activities.

But by analyzing the notions of negative and positive liberty with respect to expression in general, and sexual expression in particular, we can understand better what does and does not contribute to more rather than less choice among the significant practices that persons can participate in.

The following analysis will be liberal or anti-paternalistic in emphasis but responsive to the question of critical theorists of a feminist and communitarian sort. Some of the broad assumptions are the following: As a liberal I will grant the importance of socialization as a liberal citizen, not limited to formal education, which enables self-definition and self-protection for that citizen as an adult from offensive, i.e., radically challenging, forms of life and their related expressions. However, also as a liberal I would oppose a state policy designed to re-socialize, with penalties and incentives, individuals into as a favored sectarian practice which enables a particular form of life to flourish, while significantly penalizing those choices which lead to all other forms of life. And finally, I will recognize that some activities and the expressions thereof are such that the expressions are part of the very practice, and so their unwelcome, pervasive use when others are captive denies these others the reasonable choice of how to socialize themselves in an on-going manner; instead, they have to adapt to or adjust for the standards presumptively and illiberally set by others.

Some expression may be simultaneously "offensive" to a particular form of life and "coercive" with respect to individual choices of a plan of life. This means that we, as liberals, must oppose regulations that are tailored to suit the former concern to the neglect of the latter. However, we should not censure regulations tailored to protect the former concern, as does Dworkin, *in a way that* conflates, or insufficiently separates, the former and latter concerns. Finally, we should not censure regulations specifically tailored to address the latter concern in an even-handed way (not to favor the former concern over its opponents) but which incidentally provides the parties of the former concern MORE FREEDOM from the coercion of their opponents. Remember, this freedom from coercion in public places in no way guarantees that the purported members of a certain ideological group will not, when on their own, actually participate in practices that are, as they personally adjudge them, conducive to their own well-being, even though they are ideologically offensive to their purported social leaders.

A liberal position then should protect a self-directed enculturation into sexual practices which allows a person to ascertain what her needs are and how to adapt

her practices both to meet her needs and to gain greater perspicuity on her own affairs, especially how she wants to integrate her sexuality into other aspects of her personal plan of life.

The policy concern: regulating pornography

The question arises "What should public policy be concerning the use of pornography?" But the answers, according to Dworkin, fall into two groups: (1) those that are paternalistic, which second guess the choices of others or which step in to enable others where they asked for no help or do not need it, or (2) those that respect the choices made by individuals. With respect of policy suggestions concerning pornography, Dworkin says that Catharine MacKinnon and Frank Michelman fall into the first category and that he himself following Isaiah Berlin falls into the second.[4] And while for the most part I agree with Dworkin's critique of Michelman's stance and especially MacKinnon's stance on pornography, I think that he has failed to spell out how and why it is legitimate for a liberal to secure the regulation of pornography in the manner of zoning it off for consenting adults only.

Catharine MacKinnon has said that the production, distribution, and use of pornography is a systematic practice of discrimination. Pornography is here defined as the explicit sexual subordination of women in words or pictures. This claim of hers rests on the notion that the use, and all that precedes it which makes it possible, combines a bigoted idea with a sexual response such that that idea becomes the basis of reality for its users. Furthermore, even for those persons who do not use pornography, the effects of such use are said to be pervasive. First, the non-users generally assume that the bigoted idea about women is not tied to the particular use of the user and that, for the most part, those who use pornography probably held such bigoted beliefs before they began using it. Furthermore, the belief is thought to be the initial reason why they sought this explicit sexual type of expression. Finally, the non-users assume that this bigoted idea is an integral part of the user's sexual attitude, not something to second guess, say when adjudging on a jury the causes of a user's discriminatory practice, else one fall into a paternalism with respect to sexuality. So, according to MacKinnon, the use of pornography and the condoning of such use makes the tasks unnecessarily difficult for those who want to secure a non-discriminatory world for women.[5]

Functionally, the pornography as defined is offensive in both of senses of the word that I want to differentiate. First, it is explicit sexual expression of the

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[4]Dworkin, "Liberty and Pornography," 12-15; "The Coming Battles over Free Speech," *New York Review of Books*, 39, no.11 (June 11, 1992): 55-64; *Matter of Principle*, (Cambridge: Harvard University Press, 1985), 335-72.

[5]MacKinnon, "Francis Biddle's Sister," 163-197.

form that one would use first and foremost in the midst of sexual activity. Secondly, it is ideologically offensive to the world view of MacKinnon and others who want women to live in a world in which they do not have to settle for a subordinate status as a citizen or as a sexual being. In short, its message is that "when women say no they mean yes because by nature they unconditionally want to say yes." Generally, MacKinnon's objection to the pornography is not to is form but to its message. Though she would seek civil penalties for those persons who force pornography on what we traditionally call "captive audiences," she claims that the effect of the use of pornography on women lies in its propensity to control the prevailing attitude toward women in their daily lives, an attitude to which they must accommodate, and to some extent acquiesce, in order to sustain themselves. This acquiescence, in turn, further legitimizes and entrenches that discriminatory attitude toward women, making it a basis for decisions concerning them, including how and to what extent the citizenry accepts them as fully participating members of the democratic process. In a sense, this bigoted attitude is maintained in many members of society in an irrational manner (sexual response). And because of its persistence as an attitude, it is then condoned as if it were an attitude "freely chosen" and "reflectively held" by individuals who have "rationally" acknowledged and accommodated all evidence to the contrary, that evidence being that women are not by nature sexually subordinate. So a systematic practice of bias against women is instituted without any trace of intentional action, and yet it robs women of any significant say in the governing of their lives.

As Dworkin notes, this argument is one that claims that pornography revokes women's positive liberty, i.e., someone else is governing their affairs.[6] Under this rationale, it would not matter if consenting men and women were prohibited from following through on an opportunity to sexually subordinate women, i.e., if their negative liberty were delimited, because that limitation would enable the women to control more of what was "really" important to them. Dworkin, of course, finds this argument grossly restrictive of the liberty of men and women and paternalistic towards the choices of women. When someone says that you as a member of some group can join a group decision about how to regulate personal choices, that someone is selling "group authority" over one's life as if it were somehow "personally liberating." But in order to respect individuals, we must place control over personal affairs back with the individual themselves, acknowledging their right to agree with those messages and conform to the practices that are ideologically offensive to many members of a class of which they are purportedly a member.

Because MacKinnon's argument rests upon policy proposals that mostly counter the content of the message, I would have to agree with Dworkin that there is little in her novel policy suggestions (outside the force, or "captive audience" provision) that a theorist who maintains a healthy respect for individual choice can

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[6]Dworkin, "Liberty and Pornography," 12-13.

support.

Michelman's argument is that American constitutional law seems to give a free pass to "privately engineered ideological manipulation" because its traditional public-private distinction maintains that state restriction of viewpoints is always a greater danger than any private restriction thereof.[7] But Michelman wants to know why that distinction provides for greater liberty, if *arguendo* MacKinnon's claims that pornography disables its opponents' speech are correct. For in that case the very use of pornography by men makes them unable to hear and acknowledge women's appeals to the contrary.[8] This practical, if not literal, silencing of women's voices that run counter to the pornographic message means that women are unable, in Dworkin's gloss, to exercise their negative liberty to express themselves.[9] Michelman claims that situations can occur in which no state action means that less liberty is available for exercise, so we ought to be able to opt out of the public-private distinction in these cases.

> [S]o long as the state can fairly support a judgment that the infringements of liberty and equal protection consequent upon its choice for regulation of pornography are, in some appropriate sense, lesser than the infringements of liberty and equal protection consequent upon the opposite choice to leave pornography unregulated, that pro-regulation choice by the state would seem to come as close as humanly possible to good-faith compliance with the constitutional mandate. {footnote deleted}[10]

Dworkin's response is that what Michelman is proposing is not a simple securing of opportunities for negative liberty. It is, instead, rather a securing of a particular viewpoint. That others won't listen is not a reduction of one's negative liberty to speak but rather an inability to exercise with the hoped for result the negative liberty that one has.

However, both Michelman and Dworkin have overlooked a case of state regulation of speech (which I think they both would agree to) that fulfills the liberty producing conditions mentioned in the quotation above. That case is the zoning of the use of explicit sexual expression to those circumstances in which there is no captive audience. Dworkin does not oppose zoning or display regulations because they do not significantly reduce the negative liberty, but he does not explain why these regulations are legitimate ones given the unlimited right to offend one's

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[7]Michelman, "Conceptions of Democracy," 305, 310.

[8]Michelman, "Conceptions of Democracy," 295-96.

[9]Michelman, "Conceptions of Democracy," 15.

[10]Michelman, "Conceptions of Democracy," 307.

fellow citizen.[11] His acceptance must rest in the implicit recognition that offense to a particular form of expression is of a different kind from that of the offense to the message of any given expression. Michelman, for his part, does not explain how the regulation of pornography for its highly effective way of making its message stick with a willing audience reduces the opportunities to speak in women (the objects of the material) more than it increases the opportunities of its users to speak or even to act. Without at least some such argument, his policy recommendation about the regulating willing use of pornography seems only to trade one person's negative liberty for another's.

The political theoretical concern: negative and positive liberty

In order to understand how restricting the use of explicit sexual expression is conducive to positive liberty in an unproblematic manner, one must first grasp the standard theoretical arguments about why each is important. Once stated, I can then show that a liberal could favor such a restriction because it supports a sense of positive liberty that Isaiah Berlin says is intimately related to negative liberty, i.e., a freedom to set one's own agenda, and to follow it where it may lead, all of which is enabled by suppressing the bullying of others.[12]

When one has negative liberty, one is free from constraint, particularly governmental constraint. As one's negative liberty increases, one's avenues for action increase in number and become wider. The fundamental question concerning negative liberty is the following: "Over what areas of my life do I have control?" When one has positive liberty, one is free to do something or enabled to carry out a whole set of practices that, but for the enabling condition, one might never have been able to accomplish. The fundamental question here is the following: "By whom am I governed?"[13]

Though these concepts can overlap - in fact they cannot, according to Berlin, be kept wholly distinct - the controversy with respect to these concepts arises, according to Isaiah Berlin, because the positive action which enables the

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[11]Dworkin, "Liberty and Pornography," 13.

[12]Berlin, "Introduction," *Four Essays on Liberty*, lvi. Consider the issue of a captive audience to explicit sexual expression in light of what Berlin says more generally in the following from "Two Concepts of Liberty," 165-66: "[T]here are frontiers, not artificially drawn, with which men should be inviolable, these frontiers being defined in terms of rules so long and widely accepted that their observance has entered into the very conception of what it is to be a normal human being, and, therefore, also of what it is to act inhumanly or insanely; rules of which it would be absurd to say, for example, that they could be abrogated by some formal procedure on the part of some court or sovereign body. When I speak of a man as being normal, a part of what I mean is that he could not break these rules easily, without a qualm of revulsion."

[13]Berlin, "Two Concepts of Liberty," 130-31.

positive liberty to do some such thing comes in many forms and with many different rationales.[14] The most problematic of these is the rationalist position towards positive liberty which states that one must have the desires of one's lower or empirical self restrained in order to enable one's higher or real or ideal self to come into being. And the decisions about what desires are to be suppressed can be discovered through reasoning, and what has be discovered by the best mind follows for all other purported rational being. As a consequence of this rationalist rationale, this enabling of a personal positive freedom has, in Berlin's words, been a trade-off of one's freedom for another's authority.[15]

A less authoritarian rationale for positive liberty comes from Charles Taylor. He says that in our post-Romantic era we no longer think that there exists one perfect, rational life for all beings. Rather, we think that there is something that is unique to each individual.[16] Still, one's insignificant desires often form internal obstacles to the self that you avow to be. But without the enabling of others' judgment and guidance one might never overcome those internal obstacles that keep one from being the best you can be.[17] One problem with Taylor's notion is that he confuses the rather uncontroversial claim that there are significant aspects of life without which life would not be worth living and which could not be obtained without others enabling one to overcome one's internal obstacles, with the more questionable unstated implication that it is somehow the state's responsibility to address these issues. And if it is not the state's responsibility then his analysis is of little help in determining when and if the state should enable an individual to gain control over her own life.

What enabling is a state responsibility? And which form of enabling will leave the most control to the individual person? The answers to these questions lie in the particular conditions in which individuals can participate in purposeful social activity and in the capacity developed by those individuals therein to express themselves at the most personal level. Where those conditions are blocked to adult citizens by highwaymen or bullies, the state may have a role in clearing the way for individuals to make choices that are suited to their own needs. And where the internal obstacles to choice are intimately related to the external actions of others, the state may also have a role for regulation. Otherwise, the state may have to pass on any particular action, if it is to remain true to its liberal spirit.

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[14]Berlin, "Introduction," xliii; "Two Concepts of Liberty," 131-32.

[15]Berlin, "Introduction," xliv; "Two Concepts of Liberty," 144-51.

[16]Charles Taylor, "What's Wrong with Negative Liberty," in *The Idea of Freedom*, Alan Ryan, editor, (Oxford University Press, 1979), 175-93, especially, 180-81.

[17]Taylor, "What's Wrong with Negative Liberty," 181-93.

The key: expression and its relation to practices

One of the chief points of contention between liberals and communitarians has been the question of whether or how much individuals must be enculturated if they are to develop the capacity for making any choices. Though by the late 1980s these theorists seemed to have found some common ground,[18] at least theoretically, that, of course, every person would have to be socialized as they are reared else they would have no freedom of any value, they (and especially the non-theorists they represent) seem to part company when it comes time to draw the line on governmental efforts that would be deemed unreasonably paternalistic.

In a sense, more theoretical work has to be done in order for the theorists to evaluate what enabling actually puts authority back into the hands of the individual adults (an uncontroversial form of positive liberty) and what enabling robs those individuals of choices that they may make (the more problematic form for liberals). The key to this further theoretical work can be found in an analysis of the role that practical activity plays in the development of expression and of the way that individuals can use that language ability to reflect on their situation so as to re-engage themselves into other practices.

Within this analysis, we should especially attend to how, once individuals are sufficiently socialized and thereby articulate, they exercise their capacity and under what conditions they need exposure to expressions of alternative forms of life to be re-socialized into another form of life in any given sphere of life. In the next section, I will examine how the role of explicit sexual expression is fundamentally different from the role that expression play as part of other practical activity.

From whence comes expression? When we express ourselves, we emphasize one thing rather than another. In other words, we demonstrate what we value in the practices in which we involve ourselves. So as we are being socialized we participate in a form of life that our elders have decided to involve us in, and we come to emphasize those things that they find of particular importance. As we then express ourselves, we express our commitment to that form of life. Ultimately, though, as adults our commitment and the concomitant expressions will emphasize the values of a personally tailored plan of life.

In the socialization, we do not primarily learn our vocabulary through the means of ostensive definition that organizes items in our environment that are "present-at-hand" for de-engaged analysis. Rather, words are used to judge actions within practices into which our desires are channeled. We develop a

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[18]For a concise review of the debate see Charles Taylor's "Cross-Purposes: The Liberal-Communitarian Debate," in *Liberalism and the Moral Life*, Nancy Rosenblum, editor, (Cambridge: Harvard University Press, 1989), 159-82, 279-81.

vocabulary about things that are "ready-to-hand" tools in these practices. Our elders, then, are our mentors, and we speak with them about what we have done. But because the discussions are a means of judging how well we have participated in the practices, they are expressive of the commitment to such practices. And the articulation of words for what is what and what is in its proper place is not separated in the first instances of using the words to express a value. These brief comments are a gloss, then, on the role of the language in enculturation - or as some would say - socialization. The words with which we will come to reason with about the world and the choices we will make are initially acquired in our participation in socializing practices.[19]

We can see then that socialization is necessary for the capacity to reason. Socialization is not simply a matter of rote learning else the practices could not serve a practical purpose in our daily lives as children. And at play we can even use the words in a forum where that use is initiated by ourselves. We can even assume the authority roles as well and direct the action of others as a co-mentors of a sort. But the story-line expresses inchoate values, i.e., the play may not be a completely scripted replication of the way the socialized practices have been introduced to them.

By the time of adolescence we have been well-versed in the do's and don't's of action and the reasons for so acting. But this greater sophistication within the socialized practices allows us to be rather articulate about the reasons given for the practices themselves - and - therefore, we can discern that authority figures themselves seemingly do not "practices what they preach."

As adolescents, we recognize that our own desires can be more than simply channeled into existing practices. Instead, the desires can motivate the creation of a practice - or more likely - a reorganization of existing practices - to allow a less inhibited satisfaction of the desires. As "reformers," however, we are implicitly aware of a problem that arises with all important social practices; namely, this new, provisional "form of life" (if you can call it that at this point), developed with our cohorts, need not only facilitate the gratification of our most pressing desires but it must also come to respect others' needs and choices. But these details are often not addressed, so they are not articulated beyond the "if-you-don't-bother-me-you're-cool-by-me" attitude. Obviously, with this lacuna in the social practice, it is not meant to be anything more than a way station for learning the art of acting with others to establish new practices when the need arises. But at the level of language and thought, we develop with our co-participants subtle uses for words that are not understood by others because the practices in which they are used have been developed for and by our peers to express *inter alia* the standing of our

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[19]Ludwig Wittgenstein, *Philosophical Investigations*, 3d ed. G.E.M. Anscombe, trans., (New York: Macmillan, 1968), #1 and Part I passim. For more detailed examples of language acquisition from a Wittgensteinian point of view *see* Hanna Pitkin's *Wittgenstein and Justice* (Berkeley: University of California Press, 1972), 30-36, 55-70.

co-participants in this group and the value of the particular desires that have been countenance and therefore fulfilled within.

Socialization enables both the fulfillment of desires and the development of our language ability through our submission to and understanding and use of the judgments expressed about our participation. As the means and ends of the practices become clearer to us as participants, we can then reason, i.e., reflect, about our desires and the practices chosen which can be conducive to our fulfillment of these desires. This choice about practices itself becomes more settled, and done with more sobriety, as we become fully responsible for ourselves, including how we respect the choices of others with whom we disagree.

The manner that these choices are made fits the model of the liberal citizen choosing her personal plan of life, thereby integrating what can be integrated of practices developed in various spheres of life: work (or profession), leisure, religious life, and social relations and family life. Given a pluralistic society, the choice is made from the various forms with which one is acquainted in each sphere. And we commit ourselves to those that seem conducive to what we understand to be our needs given our desires and circumstances at present and in the future.

In this model of the self-directing, though not disengaged, liberal citizens, we are seemingly well equipped with words to express our commitments as well as our grievances, when these commitments are frustrated. The ability to "grieve" a problem, however, entails more than simply thinking to ourselves about what values/commitments have been frustrated and then translating that analysis into a public language to which others can respond. Rather, the grievances themselves can be made only when the pains/frustrations are articulated with other like-situated persons so that they become, as Wittgenstein suggests, really "known" and not merely "felt."[20]

So in order to act upon the choice of practices, even in our personal plans of life, we must associate with others who are similarly engaged so that we can be articulate and therefore know, in a useful sense of being able to reflect upon, that to which we are committed. As any liberal theorist would admit, the choices of a liberal citizen are not made from nothing in some sort of frictionless social vacuum.[21] We are, in fact, participating in a form of life in each sphere of our lives. And it should not, therefore, be surprising that the personal plans of lives among individuals, from one sphere to the next, are often similar throughout.

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[20]Wittgenstein, *Philosophical Investigations*, #246.

[21]Stanley I. Benn, *A Theory of Freedom*, (Cambridge University Press, 1988), 179-80.

But what distinguishes us from what Stanley Benn calls the "heteronomous, though integrated" individual,[22] what some might call a "true believer"? Such a person has values that are completely chosen by others. But his life is so integrated into one totalizing form of life that it suits him well. The world is coherent for him, the reasons for troubles have been well-articulated, and his task is basically one of re-committing himself in better ways to that form of life, trying to understand even more about it and what it has to offer.

In contrast, the "more" autonomous, or liberal, individual makes the choice to commit to new or reformed practices based primarily on her understanding of her needs and of the others who are willing to associate with her in this sphere of their lives. So her personal plan of life, characterized by her involvement in a particular form of life in each sphere, is not constituted as a single, totalizing form of life as it is with the true believer mentioned above. In any one given sphere, this liberal individual will still seek mutual support for her actions - in the manner of an openness to criticism, an acknowledgement of error, and the acceptance of encouragement to continue with the practices of this particular form.

Others, favoring alternative forms, may argue against the form in which this liberal is presently engaged, claiming that her commitment to it is incoherent, if not basically contradicted by more fundamental beliefs that she claims to be committed to. Or they may claim that, if not confronted by others here and now, she could be encouraged by the wrong people to commit herself to some incoherent beliefs. The expressions in such an argument may be diametrically opposed - or in Harry Kalven's words "ideologically offensive"[23] - to her present form of life in which she is engaged. But in this act of persuasion, we can see the value of what Dworkin calls the "freedom to offend" others, because the defense of that freedom in paradigmatic cases entails a respect for both the speaker and the auditor as fellow citizens, who may persuade one another to choose the form of life in which they are engaged and, one persuaded, to make it an essential part of their personal plans of life.

And Dworkin insists, persuasively, at least as a general rule, that to the extent that our society is liberal, we should not insulate adults from ideologically offensive expression because such action smacks of a paternalism which we only should countenance with respect to children. And even there, whenever possible, we should transfer these paternalistic duties directly into the parents' hands from that of the government.[24] First, parents guide their children for their own

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[22]Benn, *A Theory of Freedom*, 176-77.

[23]Harry Kalven, Jr., *A Worthy Tradition*, Jamie Kalven, editor, (New York: Harper & Row, 1988), 77-95.

[24]For a similar view about the government not parenting see Justice Brennan's dissent in *FCC v. Pacifica Foundation*, 438 U.S. 726 (1978).

protection and until they have the social wherewithal to take care of themselves. Secondly, parents also want to nurture a particular interest in a form of life which they themselves have found rewarding. Thirdly, the parents know that their children need continuity in their socialization, even without it being presented as a "life-sentence," which they can provide by cutting off the possibility of continual choice-making about fundamental matters of their lives. The benefits from such a regimen is an ability to speak about, discern, and reason about nuanced aspects of a form of life. The parents' hope is that the child will thereby be a more responsive citizen as an adult than they would have been without such a commitment to a form of life. Lastly, parents may simply want their own household to be free from conflicting forms of life so that they can receive some of the benefits of continuity in forms that have been tailored to gratify effectively, coherently, and respectfully their own most pressing needs and desires.

Paternalism, however, becomes a dubious ploy when it is applied to adults because it undermines the opportunities for choice that not only allow adults to enjoy themselves but also to be responsive citizens. If the state closes off a form of life because it is thought not to be conducive to an individual following her "better" natural inclinations, the individual only develops, as Milton has put it, a "cloistered virtue,"[25] which is subject to disintegration at the first significant test of its commitment. And civicly, such an individual will grow dependent on governmental protection from ideologically offensive expression. As a result, she will seek to stop the expression the public expression thereof simply for her own benefit, disregarding for the most part any respect due to other adult citizens who have no other opportunity to be persuaded by it if they had only heard it.

What is important to take note of about the freedom to offend others ideologically is that the expressions are made either <u>about</u> the manner of the speaker's or a cohort's participation in the practice or <u>about</u> the form of life itself, i.e., claiming <u>that</u> it has value for her and <u>that</u> it would benefit or otherwise enrich the auditor's personal plan of life. The first sense of expression is one that is internal to the practices themselves, expressing either a judgment about the extent, or quality, or manner of the involvement. Yet the expression, though it facilitates further action, is itself conceptually distinct, as the second sense obviously is, from the committed actions it facilitates.

This point will be pivotally important in my argument below about explicit sexual materials, because I will argue that such materials, such expressions, are not conceptually distinct from the practices. In most non-sexual practices, the expression itself is not <u>constitutive</u> of the practice itself. Even in the socialization of sexual roles the expressions that relate the commitments to important public behavior are not constitutive of the practice and are qualitatively different from

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[25]John Milton, "Aeropagitica," in *Aeropagitica and Of Education*, George H. Sabine, editor, (New York: Appleton-Century-Crofts, 1951), 18.

those expressions used in the midst of sexual activity.

For example, a former beauty queen may be asked to coach a friend's daughter in the fine art of preparing for and participating in a beauty contest. The statements made to the young woman may be ideologically offensive to feminists who hear them, but the comments of her coach simply facilitate, but do not constitute, an aspect of her very participation in the contest. And as such she can, in a moment of crisis, find that the feminist comments to the contrary are more in keeping with what she wants to commit herself to.

The difference: explicit sexual expression and sexual practice

Explicit sexual expression has a qualitatively different relation to sexual practices than the expression discussed above. And I will draw support for the contention from the defense of the personal use of explicit sexual expression by sexual libertines; namely, that such expression is integral to and constitutive of the sexual practice, that the willing participants in sexual practices cannot reach their sexual goal without it. Such expression does not merely relate judgments about how the practice was performed. That type of mentoring discussion may occur for some before or after or in the pauses during the activity, but not in the midst of the practice. To recognize the difference, we should review then the developmental model of expression with regard to practices, but this time, with a focus on sexual practices.

First of all, parents usually do not practically assist their children in the particularities of how to get the best effect in sexual activities, either as a coach and most certainly not as a sexual surrogate, as they would assist them in the brushing of their teeth or the conjugation of regular verbs. Instead, whenever parents speak to children about sexuality, it is in the form of commands to (most often) curtail it: "Don't do that at all, or at least not in public," though the activity is sometimes ignored or permissively condoned. The expressions about the sexuality of a child are in neither instance constitutive of the activity; rather, they set forth the penalties for exceeding the boundaries of acceptable sexual behavior for their age and maturity, penalties being paid for in a loss of some non-sexual privilege or pleasure.

However, if the expression of the adults (whether parents or guardians or others) is directed to the child as a passively overwhelmed co-participant in a sexual act, we would call this child sexual abuse, even if the adult espoused a pedophilic philosophy that somehow claimed that it was "good" for children's sexual development. And if the adult exposed a child to the explicit sexual expression that is constitutive of sexual practice, but did not touch her, we would still say that the adult was abusive of the child, if not technical guilty of child sexual abuse under a particular state law.

Among adults the expressions about sexuality become even more of a

concern with respect to their own and others' adolescents. These adults recognize that adolescents can make sexual choices on their own, though they often irresponsibly discount too much the possible future consequences of the sexual activity in which they choose to participate. In these circumstances, the parents' statements about sexuality often express a paternalistic control of either an authoritarian or a humanist sort.

The authoritarian parents continue to control the adolescent as they did the young child. In particular, the statements about sexuality express a strict set of boundaries and penalties for exceeding those boundaries, about whether to participate in sexual activities at all, how much is too much and too fast, and with whom and in which circumstances. Furthermore, the authoritarian parents try to censor the explicit sexual expression that their children may be exposed to because it may be conducive to premature sexual activity. The paternalistic goal of this censorship is to slow down the adolescents' involvement in sexual activities for their own well-being. And the only statements made concerning sexuality are those made <u>about</u> what not to do.

The humanistic parents take a paternalistic stance but without setting forth specific moral guidelines. Their statements to their adolescents concern how to approach a potential sexual situation maturely and when to determine that a purported choice to engage in sexual activity is being coercively pressured. The parents control the adolescents' activities as much as they can in order to secure that the latter's psychological and physical well-being, knowing full well that the adolescents need to be under less and less parental control with each sexual choice they successfully negotiate.

The humanistic parents speak <u>about</u> sexuality to their adolescents without using expressions that would be used in a sexual activity, except in some very carefully framed situations where they may report in heavy quotation marks the type of expression that goes on (which would still be speaking <u>about</u> the practices that occur), so as to suggest to the adolescents that they be cognizant of the patterns and pressures of sexual practices and of the conditions under which mature decisions must be made.

Finally, we know of parent/adolescent relationships in which no particular explicit sexual expression is directed toward the adolescents as passive co-participants but where "sowing one's wild oats" is encouraged. Such statements <u>express</u> something <u>about</u> sexual practices but are not in themselves constitutive <u>of</u> such practices.

Of course, encouraging this cavalier attitude toward sexuality does not sit well with the paternalistically oriented parents, particularly those who propound an authoritarian perspective. But this brief discussion about towards whom we may legitimately take paternalistic stances about sexuality suggests that when these adolescents reach the age of majority they will no longer be proxies in the

ideological fight among their parents, but real players with real decisions to make about the form of sexual life that they will lead. As with their parents, they will live in a society in which any given attitude toward sexuality will face ideological opponents who will express ideologically offensive claims about sexuality. The others may say that they participate in certain sexual practices or in non-explicit terms say that they enjoy such activities, implying that everyone else should as well. Their audience may be offended by their sexual form of life, but members of that audience are not thereby obstructed from following their own sexual practices.

The reason that they are not obstructed by the ideologically offensive statements about sexuality lies in the fact that these statements, or expressions if you will, are not constitutive of those practices in which its practitioners participate. They only emphatically report that they do X and thereby imply that others could also choose to do so.

Paternalism with respect to adults is illegitimate even concerning the volatile issue of sexuality because it seeks to do more than enable a choice. It seeks to guarantee that one sexual form of life is chosen over another. And in the more subdued form of paternalism, it may still seek to guarantee that the individual choose from among "healthy" alternative forms of life. But this, too, is paternalistic because its aim is to stop adults from choosing certain sexual practices for their own good.

But this paternalistic enabling of particular sexual practices differs from the protection of adults from sexual harassment, and even sexual harassment in the form of explicit sexual expressions. Why this is the case lies in the differences spelled out in the stories about development of non-sexual and sexual practices. With explicit sexual expression, one does not simply state what is to be done, then do it, and then express how it felt. Rather, the practice itself entails expression, i.e., the expression is constitutive of the practice. (Once again, this is a point made by sexual libertines when they say that their practices are constrained by across-the-board censorship.)

Sexual expression is a choice of every individual and most particularly every adult. Socialization may circumscribe what activities are permissible morally, especially for children, and with respect to health. And public policy, employment patterns, and marriage laws may also constrain what sexual practices individuals choose, including how, where, when, and with whom they are sexually active. But this socialization does not involve the making of explicit sexual expressions that are constitutive of sexual practice.

With respect to choosing, or committing oneself to, a sexuality, one develops at one's own pace. One chooses one's own partner(s). Furthermore, one is allowed to disengage oneself from a sexual partner and even, if the practice isn't to one's liking, in the midst of the sexual practice. Part of being a sexual

participant is learning to be responsive to sexual expressions in one's own way. Once again, little practical advice can be given by third parties in the midst of the sexual practice. And one makes and submits oneself to these explicit sexual expressions on the assumption that consent between the co-participants has been acknowledged and secured.

Explicit sexual materials are produced, packaged, and distributed as, say, newspapers and magazines that themselves might make ideologically offensive statements about the world or even about sexuality. And as such these latter media are protected by constitutional guarantees of freedom of the press and speech which are based philosophically on a respect for the choice-making ability of the writer and of the readers. However, although the explicit sexual material may also entail ideologically offensive viewpoints about sexuality, they are primarily used as proxies for individual expressions that might arise spontaneously in a sexualized situation, a situation in which the consent to being exposed to that expression as constitutive of the practice has already been acknowledged and secured. For example, the material can be used as an imaginative tool, viz., a masturbatory aid. It could also be used as an "ice-breaker" for consenting participants to facilitate their own sexual expression and practices.

Or it can be used coercively to sexualize situations around individuals who are not consensual partners, either at that moment or at any time. It is coercive because the material is imposed on a captive audience of unwilling co-participants to a sexualized situation in which their own bodies are implicitly referenced, such referencing being the particular object of explicit sexual material among consenting parties.[26] The "offense" of being a captive to the presentation of explicit sexual materials is <u>not</u> primarily to the <u>ideological message about</u> the favored sexuality - that it is constitutive of particular practice for someone else, that the values presented are contrary to one's own. Rather, it is to the <u>presumption</u> that one would agree to being expcsed to such material, ever, or while just anyone happens to be in the vicinity. One objects that one is entered into a matter, not negotiable in the time or place, in a manner that references oneself in the audience and which puts any of one's responses in a sexualized framework, subject to other cross-cutting demands of the original situation, e.g., the workplace. In short, one is offended by the lack of <u>respect</u> for one's person, one's most personal choices.

<u>Why zoning of explicit sexual materials is not paternalistic</u>

In terms of positive and negative liberty, then, enabling a person to make personal choices in a relatively non-coercive environment without second guessing

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[26]See *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1985) for the first case in which the Supreme Court recognized the EEOC guidelines concerning a hostile or offensive workplace environment with respect to Title VII of the Civil Rights Act. See *Robinson v. Jacksonville Shipyards, Inc.*, 760 F.Supp. 1486 (M.D.Fla. 1991) for a case in which a Federal District Court recognized the pervasive presence of pornography as creating a hostile workplace.

those choices is not anything, I would think, that Berlin would have a problem with because it opens up more avenues for sexual choice. To explain this claim, I will spell out what sexual autonomy entails and why this seemingly temporary external obstacle can in reasonable person become an internal obstacle to choice, even when it is not present.

Although most of the practices in which we participate are socially constructed, sexual practice is the most personally constructed of any practice, even though one is fully cognizant of the ideological demands of others outside the bedroom door that concern the more public aspects of one's sexuality. Furthermore, that one has a developed sexuality of some sort is a fundamental aspect of one's personhood. So it is not something that, if it is unreasonably affected or impinged upon, we would write off as an unfortunate, yet permissible because tangential, imposition on one's being. Let's see then how this very important aspect of one's personhood is constructed.

First, one's body itself becomes the subject matter for and means of expressing one's commitment to the sexual partner - either at that moment or into some indefinite future. And by "commitment" I do not mean simply one's attestation of monogamy, but also the manner or tone with which one will relate with that partner.

Second, though I said it was the most personally constructed of any practice, I obviously did not mean to suggest that one's sexuality is not in an important respect defined by how one's partner expresses himself about one and one's body. And that partner's expression, in order to be anything other than a reflected fantasy dreamed up by oneself, must be initiated and volunteered by that partner.

But most importantly, sexual autonomy of the individual entails the permission to accept or reject that explicit expression of one's partner. And the acceptance of that expression, without rejection or contradiction, allows one to define one's own sexuality. And especially in terms of sexuality, what one has actively been or silently forced to be is what one is sexually. And one's sexual practices or habits become a means or obstacle for further involvement.

Certainly, a rape victim/survivor suffers a dignitary harm from her compelled participation in a sexual activity entirely of another's choosing. That harm may even outlast the bodily injuries inflicted in the attack. And, contrary to the line touted in the newspaper business, this dignitary harm is not somehow evaporated by overcoming the moral stigma and shame that society attaches to rape victims. That shame is largely constructed by and for a public that wants to blame women for asserting any liberty in their lives that may subject them to a higher level of sexual attack. But the dignitary harm of which I speak arises with or without that socially constructed expectation <u>about</u> women's sexuality because it arises from the fact that, at the personal level of sexual activity which is expressive of a

certain commitment to the other "participant," the person compelled has had her choice to accept or reject this manner of sexual relations ignored. The dignitary harm arises because one's sexual autonomy has not been respected. The appellation "rape survivor" is taken up to recognized her subsequent actions that make her a person who can counter the definition to which she was compelled to submit, i.e., as someone who can make sexual choices. But "survivor" not only connotes agency in response to a set-back, it also connotes the necessary work needed to overcome an obstacle, an obstacle that did not arise merely because one chose to take a particular construction on the matter. This analysis explains why penetration should not be the sole sign of sexual assault, of the undignifying revocation of one's sexual liberty.

Now any purported harm related to being a captive to explicit sexual materials does not, of course, compare with that of being raped or otherwise sexually assaulted. But it is on a continuum of situations that significantly constrain or hinder one's sexual autonomy.

First of all, by definition, a captive audience is present at the situation for some other important reason. Members of such an audience are usually not literally captive, i.e., they could get up, walk out the door, and never come back. But we say that they are "captive" in the sense that it is unreasonable for them either to endure whatever environmental insult may occur in order to acquire what they are primarily there for or to avoid the insult and thereby forego that primary good. Usually, that location is their workplace, a place where they gain their material livelihood, which, in turn, enables them to act in the marketplace in those "avenues" a liberal economy holds open to them. A job also allows someone the means to sustain themselves, something which may, Berlin might say, be hard to translate into freedom but which necessarily holds a fundamental place in those things that any society values.

Secondly, this other, or rather primary, reason for being in the situation carries with it burdens that are related to the tasks involved therein. These tasks - such as fulling one's duties and maintaining a civil, courteous, and cooperative comportment in the workplace - are severely stressed when, say, explicit sexual materials, of the kind that are usually "expressed" or used only in one's most personal realm, are imposed on such a worker. In this situation the tasks related to both important spheres of one's life conflict. One must be present at the workplace but submitting oneself to severe or pervasive (EEOC, Meritor, and Robinson) exposure to explicit sexual materials means that one is allowing others to define one's sexuality. This claim does not mean that there is nothing one can do to counter these obstacles to defining one's own sexuality. But the fact that it is an obstacle does mean the one must do more than avert one's eyes or divert one's attention away. One must work at one's job and simultaneously project a persona that is both indifferent to the material but yet not hostile to those who impose it. Furthermore, that persona which one quite literally embodies during the workday then becomes an obstacle with which one has to deal and overcome in

one's own voluntary sexual relations.

For those unconvinced, who might say that the explicit sexual expression is an annoyance but not an obstacle, I would ask that you reflect on whether you haven't simple grown accustomed to spending time and energy undoing the coerced social construction of one's personal sexuality or trying to ignore the coercion of others. Consider the supposed option to say more than that the exposure to the materials is unwelcome. As when faced with merely ideologically offensive expression, one could respond to an explicit sexual expression with one's own explicit sexual expression (and I don't mean profanity which is a hostile way of saying that it is unwelcome). This option is a non-starter for the person who did not want to be engaging with co-workers about her personal sexual proclivities in the first place. In a situation that is actually conducive to sexual choice one does not "debate" in this graphic form extremely hostile and antithetical options, though some pornography has such a fantastical story line. That simply isn't the logic of the manner of expression between consenting partners who express their commitment to engage themselves sexually. Rather, it is a give and take process in which each participant accepts any expression offered and further engages herself, or reject it and disengages.

Yet another complaint may arise from those who say, with a Marcusean flourish, that one's natural sexuality has traditionally been shunted and constrained into a domestic hideaway by a "logic of domination" while one toils at work in an alienated, inhuman, de-sexualized environment which one must endure simply to sustain oneself. Gratification has been allowed only when it can be contained, controlled, and re-directed by the powers that be.[27]

This claim is a sweeping indictment of a type of a form of life, instituted and controlled by the government or by market moguls, a paternalism of the politically most coercive kind. But it is not relevant to the question at hand unless it is reduced to a pointed comment of the following sort:

> It seems a matter of who it is that must change or alter their sexual persona to the detriment of their own sexual autonomy - those who need to be explicitly expressive about it in public and those who need to be so in private. Either one group or the other is going to shut down an important aspect of themselves if the others regulate this "discourse" in the workplace.

This conflict arises, though, only because the Marcusean model assumes that an explicit sexual expression that is omnipresent is somehow compatible with sexual autonomy. According to Marcuse, the domination of sexuality arises because someone has the power to take the role of the authoritarian parent with respect to others' sexual desires. If only that "parent," or rather "father," could be removed then everyone could be free to express himself with others as they see fit.

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[27]Herbert Marcuse, *Eros and Civilization,* (Boston: Beacon Press, 1955), 106-26.

What is lacking in this Marcusean analysis is any realistic understanding of what would be necessary for those negotiations about sexual partners to be non-coercive given that sexuality so unhindered, by his own analysis, would not be well suited to, or respectful of, boundaries. In my analysis, non-coercive negotiations about sexuality start off with the respect granted to the other person to choose not to get into a sexually defined situation, and once in it, to disengaged from it if it does fit her liking.

Finally, let's deal with the most straightforward claim about the extent to which explicit sexual materials affect the sexuality of those who are pervasively captive to it AFTER they leave that place of captivity. These persons are only asked to do what employees and students do with respect their bosses' or professors' opinions about their work. Employees have to act like they agree with their bosses during the workday and then come home and need to unwind and reclaim their own view about their work. Similarly, student in classes generally admit to saying what they think the professor wants to hear or write what he wants to read, academic freedom and their own viewpoints notwithstanding. If these impositions on integrated personality are said to be reasonable, then certainly, one might think, the exposure to explicit sexual materials is not any more pervasive nor more unreasonably undone at home.

The answer to this challenge lies in the relative personal nature of the matter to which the individual must submit herself, whether it is to the boss's views about work tasks or to her professor's views about a subject. At work, one can in no way expect the prevailing perceptions about one's task to suit one's personality for the requirements of that task are to some extent even beyond the control of one's boss who ultimately is constrained by the opinions and money of those who pay for the goods and services provided. At school, the tasks are not merely ones of personal expression, even at the higher levels. In any class, there is a body of knowledge that is presented to the students in the form of facts, principles, and argumentation. The student's primary task is to master this very socially constructed material, material that the professor has selected from work that has received critical peer review. To the extent that some professors would irresponsibly fail to present such material and instead present a series of personal impression, he is not carrying though his pedagogical task. However, it does not follow from this dereliction of duty that the students should take classes in order to express, first and foremost, their personal feelings.

But with sexuality the manner in which someone engages herself, including to what explicit sexual expression she regularly must submit herself, should be subject to her own choosing and to do otherwise would be unreasonable. This should be so, in Berlin's terms, if we favor increasing and broadening the avenues for sexual activity open to her. For this aspect of our lives is <u>the</u> personal expression that should be the least subject to the social control of either the bullying sexual libertine or the conservative social moralist. This pervasive exposure to explicit sexual materials is not simply an annoyance, it is an obstacle

because much time and concerted effort is required to undo its internal correlate, the defensive persona which one had little choice but to embody. And I mean "embody" because in this sexually framed situation one's body is present when one is captive and it is implicitly referenced by the material. The body is the means of this expression, even in the state of complying with it. Hence, the enjoyment and expression of one's sexuality on terms to which one would consent has thereby been constricted and narrowed. When severe or pervasive, this imposition becomes a significant dignitary harm because it ignores the choice of whether to be a party to these particular sexualized situations.

So the choice for a liberal-minded public is whether the unlimited explicit sexual expression in all places is most conducive to maintain opportunities for fellow citizens to exercise their sexuality without coercion, or whether placing barriers to unwelcome explicit sexual expression, where others may be part of a "captive audience," allows for a broader base of opportunities for sexual expression, excepting those opportunities that could be gotten from these coercive situations. I think that the latter policy is one that opens more sexual avenues of the fundamentally important kind - where the answer to the positive liberty question of "By whom am I govern?" is confined to you, not extended to include the rationalist philosopher or tyrant who determines what is rational and "truly fulfilling" for all beings nor extended to include those schoolyard or workplace bullies with the equally presumptive "you-know-you-want-it" demeanor. This policy also increases the opportunities for involvement in activities, which have been subject to this type of coercion of captive audiences, viz., employment opportunities.

As noted at the top, Michelman and MacKinnon claim that this type of expression, when coupled with an ideologically offensive <u>message</u>, has been used to harass women and to silence them such that they cannot participate effectively in the democratic process. In some instances women are intimidated from speaking up and in other ones women are simply ignored. But, following my analysis, I can only claim that this coercive <u>form</u> of expression, e.g., at the workplace, directly affects the employment opportunities that one is reasonably eligible (Benn) to exercise as well as directly obstructing one's own sexuality. But if, and this is a big if, that coercion does <u>not</u> occur as women discuss among themselves and organize and participate in the democratic process, then the effect is only an indirect one, measured in proportion to the lack of reasonably eligible employment opportunities and or the amount of sexual intimidation and how much they unnecessarily consume one's time and energy otherwise allocated to politics. Being obstructed in these spheres of life doesn't mean that one cannot participate in the democratic process, for the primary purpose of democratic participation assumes that obstructions will arise for various groups at various time about which they will petition for redress. And to the extent that women are in the political process, they can "grieve" the infringement of the personal sexual autonomy of women and the harassment in the workplace. By this I do not mean to suggest that women's participation is yet on an par with men's, but I don't think we can

paternalistically pre-judge where women's participation is coercively suppressed by favoring a certain democratic outcome. The answer lies in highlighting the systematic means of coercion as well as the extent to which such impinges on rights and freedoms in others spheres and then responding by democratically restricting such coercion as it is discovered and delineated.

Furthermore, from my analysis one cannot claim that the culprit is the ideologically offensive content of the material, whether in or out of that form that I would restrict for captive audiences. Now it may be in fact that women experience more constraint from the joining of the ideologically offensive content with this explicit sexual form which make up pornography. But that ideological message should not be what is pivotal because respect for any given individual means that we not pre-determine which attitude that individual should take. To do so would, as Dworkin suggests, separate further the notions of negative and positive liberty until that latter notion itself becomes more a form of authority than of liberty.

However, Dworkin must himself explain why he claims that one has the right to offend another, while granting that the zoning of explicit sexual expression is sometimes permissible. His answer must rest on more than a political compromise that allows the politically sophisticated liberal elite to consume "serious" explicit sexual works and view nude ballets while letting the conservative moralists to protect their neighborhoods from the blight of porn shops - or nude dancing in bars - where the less politically astute citizens find their opportunities lost in the shuffle.[28] Rather, it must rest on the principle that recognizes the particular coercive nature of the imposition of explicit sexual expressions on a captive audience. That coercion can silence someone in the proximate concern of their work and sexuality and indirectly affect their democratic participation. Alternatively, a liberal respect for individuals that places the highest value on keeping the notions of negative and positive liberty working in conjunction will not pre-determine which option that the individuals should ultimately pursue in their work, their sexuality, or in their democratic participation.

A final corollary of this principle is that no matter what the ideological bent, and as long as they are non-coercively produced, the sexual materials that consenting adults choose to use out be as explicit as they want and therefore free

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[28] *Miller v. California*, 413 U.S. 15, (1973) (containing the Burger Court's retrenchment on the obscenity standard); *Young v. American Mini Theatres, Inc.*, 427 U.S. 50 (1976) (upholding a Detroit Anti-Skid Row Ordinance which sought to separate "adult" establishments of various kinds); *Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986) (upholding an ordinance that keeps adult theaters at least 1000 feet from residences, schools, and churches); and *Barnes v. Glen Theatre, Inc.*, 111 S.Ct. 2456 (1991) (upholding an Indiana law prohibiting nude dancing in liquor establishments). Given my argument in this paper, I have no particular problem with the decision in *Young* and *Renton*. *Miller*, however, intensifies a double-standard with respect to social class that was present in modern obscenity law, and *Glen Theatre* is an offspring of such a rationale.

from any regulation that infringes upon their bedrooms, their theaters, their sexual autonomy.

Future challenges from critical feminist theory

Given my analysis that addresses the coercive use of a particular form of sexual expression, what can we say about the use of pornography in the home of a married couple where the man introduces it and the woman would rather that it not be imposed on her by her husband?

In one sense, though a marriage contract no longer means that consent to any activity is automatically granted, it may imply, assuming an on-going agreement to co-habitate, consent to the introduction of these materials for acceptance or rejection by the other party. And in that sense the expressive materials might be considered to be comparable to the expression that the husband could initiate with his own sexual actions or voice. Any major differences in approach to sexuality between the two parties, then, could be a sign of sexual incompatibility that any marriage is subject to.

On the other hand, if the husband persists in imposing the material on his wife despite her stated dislike of it, one might say that he is directly constraining the sexual opportunities of his wife by using expressions, which he could not so readily and persistently conjure up on his own, to set the tone of the sexual relations between them, playing of the fact that other factors - such as economic interdependence - keeps her from opting out of the relationship.

Discounting the fact that either party may find other partners with which to sexually engage themselves, I would think, given this preliminary perusal of the question, that an uneasy stalemate might actually ensue between them because the presence of marital rape and spousal abuse laws and their rationale of needing to get consent to complete an activity with the other means that the wife need not follow through with any of these attempts to initiate sexual activity of this particular kind. Hence, it seems that the government might have no additional role to play in the unhappy domestic state of affair beyond the guidelines already in place concerning spousal abuse, marital rape, and if not co-habitating, stalking.

A Revealed Preference Analysis of Hegemonic Stability Theory

James C. Roberts

Department of Political Science
Towson State University
Towson, MD 21204

Phone: (410) 830-3510
E7U4ROB@TOWSONVX.BITNET

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ABSTRACT

Hegemonic stability theory has received much attention in the international political economy literature recently. According to the theory, periods of high concentration of economic power in one actor in the political economy are highly correlated with periods of stability, openness and general economic well being. Until now, most analyses of this theory have focused on finding aggregate empirical evidence of this correlation.

Although behavioral expectations are imbedded in the theory, no one has examined whether hegemons act like hegemons in their relationships with other members of the political economy. This paper first axiomatically derives the interactive behaviors that are expected on the part of the hegemon. A unique method for events data research is then used to determine if the US acted like a hegemon during the 1950's - the period when its concentration of economic power was at its greatest.

The results are enlightening. Hegemonic stability theory is derived from the theory of the public good. Accordingly, the hegemon should have the preferences of a "latent" group and be willing to provide the public good of system stability in the face of free riding by other actors. The analysis of events from 1948 to 1978 shows that in economic interactions with other industrialized countries, the US was significantly more likely to "cooperate" in response to "defection" prior to 1960 than it was after 1960. This behavioral phenomenon seems to imply that during the 1950's the US acted like a hegemon - providing the public good of economic openness, enforcement, and stability without regard for contributions from other states.

A Revealed Preference Analysis of Hegemonic Stability Theory

Introduction

What does a hegemon do? Recent literature in international political economy has focused attention on the apparent relationship between the existence of a hegemon and general stability and growth in the world economy. This phenomenon has been discussed broadly under the concepts of hegemonic stability theory. Many authors have attempted to validate this correlation by examining time series data that show that periods of growth and stability correspond with concentration of economic power under one strong actor.[1] The economic growth and stability among the industrialized economies of the later half of the 19th century has been attributed to the hegemony of Great Britain and the general prosperity after World War II has been attributed to the hegemony of the United States. Little attention has been paid, however, to the strategic behavior that is expected of a hegemon when it interacts with other actors in the international economy. That is, did Great Britain and the United States act like hegemons in their interactions in the world economy?

The obvious prior step in this analysis is to derive the expected strategic behavior for the hegemon and other actors from the premises of hegemonic stability theory. This paper will derive those behaviors by treating international economic stability as a public good. Within this context, the hegemon is what Mancur Olson (1965) described as a member of a privileged group and the other actors are members of either intermediate or latent groups. Preference functions of members of these three groups will be axiomatically derived and used to define the range of possible outcomes in dyadic international economic relations. If the US behaved like a hegemon in postwar years, then its dyadic interactive behavior should conform to that of

a privileged group member facing either an intermediate group member or a latent group member. Many hegemonic stability theorists posit that the US lost hegemonic power sometime after 1960. If the theory holds, there should be a noticeable shift in US interactive behavior sometime after 1960 as the US changed from a privileged actor to an intermediate or latent group member. US dyadic interactive behavior will be tested using a unique methodology applied to the COPDAB events dataset.

Hegemonic Stability Theory

The basis for hegemonic stability theory was set out in Charles Kindleberger's analysis of the great depression of the 1930's. Kindleberger believed that

> "the 1929 depression was so wide, so deep, and so long because the international economic system was rendered unstable by British inability and United States unwillingness to assume responsibility for stabilizing it in three particulars: (a) maintaining a relatively open market for distress goods; (b) providing counter cyclical long term lending; (c) and discounting in crisis." (1973, 291-292)

His general conclusion that "The world economic system was unstable unless some country stabilized it," became the heart of the hegemonic stability thesis. That thesis was clearly stated by Robert Keohane.

> "hegemonic structures of power, dominated by a single country, are most conducive to the development of international regimes whose rules are relatively precise and well obeyed. According to the theory the decline of hegemonic structures of power can be expected to presage a decline in the strength of corresponding international economic regimes." (1980, 132)

The logic of hegemonic stability is relatively straightforward. Generalized growth and prosperity in the liberal international economy require open competition and free trade. While these conditions may be advantageous for the collective of world economies, the policies that are necessary to create

and maintain an open international economy, such as removal of barriers to trade, may be viewed detrimental to the well-being of individual economies. Since it may be in the collective interest to create and maintain an open world economy but not in the interest of individual actors to pursue policies that will do so, the order will not be created without the influence of a hegemon which is willing and able to forego short term individual interests in favor of greater utility gained from the open economy. As Robert Gilpin (1987, 75) stated, "if there were no hegemonic power to create and manage international regimes, this theory suggests, the international economy would become unstable as liberalism and free trade gave way to the forces of economic nationalism."

Kindleberger believed the hegemon created stability by providing an import market for goods when international demand fell, providing a steady flow of capital even when business cycles turn toward investment contraction, and providing and maintaining the value of the primary currency for foreign exchange (1981, 247). Gilpin (1987, 75) provided a longer litany of the hegemon's effect on the international economy. The hegemon uses its influence to create regimes which "prescribe legitimate and proscribe illegitimate behavior in order to limit conflict, ensure equity, or facilitate agreement." According to Gilpin, the hegemon also prevents cheating and free riding, enforces rules, encourages other actors to participate in maintaining the system, prevents exploitation by states with monopoly power, encourages states to remove their trade barriers, provides an example of growth and of the benefits of the market system, and provides technology transfer for economic development.

Why does the hegemon engage in this behavior? Surely there are costs associated with policies designed to create and maintain the liberal economic order. Duncan Snidal (1985) identified two approaches to this question in the literature. He associated the work of Krasner and Gilpin with what he called "coercive leadership." The justification for hegemonic activities here lies primarily in the individual benefits that accrue to the hegemon instead of the general utility of a liberal economic order. Stephen Krasner (1975, 319) stated that the benefits that an individual state receives from an open trading system depends on the potential economic power of the state. This implies that all states do not equally view the liberal economic order provided by the hegemon as a "good." The hegemon benefits asymmetrically from the openness of the liberal economic order because of its size and potential economic power. Thus, it is in its own best interest to pursue policies that create openness and the "public good" of system maintenance is merely a by-product of this self-interest. Gilpin (1982) argued that the hegemon can use its economic power to extract payment for other services it provides the international system such as preservation of political stability. Snidal (1985, 587) characterized this behavior as a quasi-government that is able to provide the public good of economic stability while taxing the other actors in the system through coercion or threat of discontinuance of the stabilizing policies.

Snidal characterized Kindleberger and Keohane's approach to the hegemon as "benevolent leadership." The hegemon is unable to coerce or induce other actors to share in the costs of creating and maintaining stability and is unable to exclude their enjoyment of the benefits of the order. The hegemon pursues policies of stabilization because its economic power and position

permit it to receive long term benefits from the open order that exceed the short term costs of providing the order. The other actors "free-ride" on the benevolent actions of the hegemon.

The problem of creating and maintaining a liberal international economic order remains a problem of collective action regardless of which of these approaches is accepted as valid. Clearly, Snidal's characterization of the "benevolent leader" conforms to the basic premises of a collective action problem where the hegemon is what Mancur Olson (1965, 49-50) defined as a member of a privileged group. Such an actor will provide the public good alone because the utility received from the good exceeds the costs of providing the good. Krasner's assertion that the utility of an open liberal order is asymmetric does not remove the provision of the order from the realm of collective action. Perhaps not all members of the international system will benefit equally or at all from the openness of the system, but there are still those that will see the open system as a good. Among these, the problem is still one of how to provide the collective utility in the face of individual costs. Krasner's recognition of the asymmetric benefit acquired by the hegemon merely confirms the status of the hegemon as a privileged actor.

John Conybeare (1984) did present a serious challenge to the maintenance of the liberal international order as a collective action problem. A public good must have both the qualities of non-excludablity and joint supply. Non-excludablity implies that once the good is provided to a group, it is not possible to exclude any member of the group from enjoying the benefits of the good. Joint supply, or non-rivalry in consumption, means that free-riding does not alter another actor's decision to participate in the provision of the good or its enjoyment of the good's benefits. Conybeare (1984, 8) asserts

that the maintenance of the liberal international economy is not a public good largely because the benefits of the liberal economy are excludable.

> "Countries may, individually or collectively, penalize a country that attempts to impose a nationally advantageous tariff at the expense of the international community. Major trading powers, like the US, Japan, and the EEC, are quite capable of retaliating in such a way as to make the benefits of predatory trade practices an excludable good."

Joanne Gowa (1989, 314-315), while accepting Conybeare's claims that the benefits of free trade may be excludable, points out that enforcement of a free trade regime is itself a public good. That is, if one country punishes another that has imposed a predatory tariff, all members of a free trade regime will benefit if the offending country lifts its tariff while only the enforcer bears the costs.

Tests of hegemonic stability theory have focused primarily on time-series analyses that attempt to find a correlation between the existence of a hegemon and the relative stability and growth of the liberal international economy. Where these analyses have differed is in their definitions of the variables. The independent variable, hegemony, is often conceptualized as the concentration of economic power. Whether or not a hegemon exists in a particular period depends greatly on the analysts operationalization of this variable. Krasner (1975) operationalized potential economic power in terms of four variables: per capita income, aggregate size, share of world trade, and share of world investment. Using these variables he identifies three periods since 1800 in which changes in the concentration of economic power (hegemony) correspond with changes in the liberalism of the international economic order. From 1820-1879, increasing economic liberalization corresponded with increased economic concentration as Great Britain rose to the status of the hegemon. From 1880-1900 the declining potential economic power of Britain coincided

with a retraction of liberalization. From 1945-1960, increasing US potential economic power correlated with postwar liberalization of the international economy. Other periods, (1900-1913, 1918-1939, and 1960-present) did not conform to the expectations of hegemonic stability theory in Krasner's analysis.

In a more recent study, Edward Mansfield (1992) found more promising results. Mansfield used Gilpin's and Wallerstein's classifications to identify periods of British and US hegemony. Gilpin (1987) identified the period of British hegemony from 1815 to 1914 and US hegemony between 1945 to around 1980. Wallerstein (1983) identified British hegemony between 1815 to 1873 and US hegemony between 1945 to 1967. Mansfield estimated a quadratic model that estimated "how the level of global trade as a percentage of global production is affected by hegemony and by the concentration of capabilities among the major actors in the international system." (Mansfield 1992, 737) He found that a quadratic form of the model (non-linear) explained nearly 75% of the variance in trade as a function of the qualitative variable hegemony, and variables noting the level of concentration of power capabilities and number of major actors in the system.

One of the controversies in the hegemonic stability literature involves the current status of the US as hegemon. Many authors note that US hegemonic power declined at some point after 1960. Others, Joseph Nye (1990) most notable among them, believe that the US still wields hegemonic power in the international system.

Strategic Preferences in Collective Action

If the provision of system stability is a problem in collective action, then the task that now must be addressed is to derive the preferences of the hegemon in its dyadic interactions with other actors. Using Russell Hardin's (1971) logic, an individual's decision to provide or not provide a public good is based on a 2x2 variable sum game where the row player is the individual and the column player is perceived as a unitary actor representing the rest of the collective. Only the decision calculus of the individual (row player) is of interest in this game. The valuation of each outcome of this game, which is represented below, is based on Hardin's approach.

Let v = the supply of the good provided by each player that participates in the provision of the good.

c = the cost of the good incurred by the individual when the individual participates in providing the good.

N = the number of individuals in the collective, including the individual.

The resulting 2x2 variable sum game is shown in figure 1 in normal form with values representing the utility calculation only for the individual (row player).

		COLLECTIVE	
INDIVIDUAL		Provide Good (P)	Not Provide Good (N)
	Provide Good (P)	PP = Nv/N-c = v-c	PN = v/N-c
	Not Provide Good (N)	NP = (N-1)v/N = v-v/N	NN = 0

Figure 1. Utility calculation for the individual (row player) in a public goods decision.

With each of the members of the collective providing v units of the good, the total supply of the good is Nv. This value is then distributed across N members of the collective. Thus the value of the good distributed to each individual is v. The individual incurs c costs by participating in the provision of the good. Thus the utility for outcome PP is v-c.

If only the individual provides the good, the supply of the good will be v. This supply is distributed across N members of the collective due to the non-excludability of the good. The value of the good acquired by the individual is v/N and the individual incurs c costs. Thus the utility of outcome PN is v/N-c. In PN the individual is the sole provider of the good.

If all members of the collective provide the good except the individual, the supply of the good is (N-1)v. This supply is distributed to the N members of the collective and since the individual incurs no costs, the utility of outcome NP is (N-1)v/N which reduces to v-v/N. In NP, the individual is a free rider.

If neither the collective nor the individual supplies the good, the value is 0 and the cost is 0. In outcome NN, no public good is provided.

The utility calculations are based on the following assumptions about the values of v, c, and N:

Assumption #1:	v,c > 0	v > 0 => the commodity is a "good" c > 0 => there are real associated with the provision of the good.
Assumption #2:	{N>1}	N is an integer that is greater than one since it is a counting number representing a collective, not an individual.

Given these assumptions and the definitions of the individual utility values for each possible outcome (PP, PN, NP, and NN), the task is to derive all possible ordinal preference functions for an individual.

Theorem #1: PP > NP iff v > Nc

Proof: PP > NP => v-c > v-v/N

=> v/N-c > 0

=> v/N > c

=> v > Nc QED

Theorem #1 states that the individual will prefer joint supply of the good to free riding only when the value of its additional supply is greater than the total costs of providing the good. The logic of this situation is that the individual will participate in the provision of the good due to its desire not to lose the additional value that its own participation in the provision of the good adds to the total supply of the good. If this additional value is greater than the costs that are incurred, then the individual will prefer participating in the good with the rest of collective (PP) over free riding (NP).

Corollary #1.1: NP > PP iff Nc > v

Proof: NP > PP => v-v/N > v-c

=> 0 > v/N-c

=> c > v/N

=> Nc > v, QED.

If the costs of participation in the provision of the good are greater than the value of the additional supply, then the individual will prefer free riding (NP) over participating in providing the good with the rest of the collective.

Theorem 2: PP > PN

Proof: PP > PN => v-c > v/N-c

=> v > v/N

which is true for all v > 0 and N > 1, QED.

Theorem 2 states that joint participation in provision of the good is ALWAYS preferred to sole provision of the good. This is true and obvious because under sole provision, there is less total good supplied than with joint participation, yet the individual incurs the same cost.

Theorem #3: NP > PN

Proof: NP > PN => v-v/N > v/N-c

=> v+c > 2v/N

=> Nv + Nc > 2v

By Assumption #1, N $\geq$ 2. Thus
2v + 2c is the minimum of Nv + Nc and
since c>0 by Assumption #2,
2v + 2c > 2v QED.

Theorem #3 states that free riding (NP) is ALWAYS preferred to being the sole provider of the public good (PN).

Theorem #4: PN > NN iff v > Nc

Proof: PN > NN => v/N-c > 0

=> v/N > c

=> v > Nc QED

Theorem #4 states that sole provision of the good (PN) is preferred to no good being provided when the average value of the additional supply that is provided by the individual is greater than the costs that are incurred by being the sole supplier.

Corollary 4.1 NN > PN iff c > v/N

Proof: NN > PN => 0 > v/N-c

=> c > v/N QED

When the individual's costs are greater than the average value of the additional supply provided by the individual, the individual prefers no good to being the sole supplier.

Theorem 5: PP > NN iff v > c

Proof: PP > NN => v-c > 0

=> v > c QED

Joint provision of the good is preferred to no good being provided when the additional value provided by the individual is greater than the costs incurred by the individual's participation in providing the good.

Corollary 5.1 NN > PP iff c > v

Proof: NN > PP => 0 > v-c

=> c > v QED

When the individual costs of participating in providing the good are greater than the value of the additional supply of the good, the individual will prefer no good to joint participation in the provision of the good.

Theorem #6: NP > NN

Proof: NP > NN => v-v/N > 0

=> v > v/N

which is always true when v > 0 and N > 1, QED.

Theorem 6 states that free riding is always preferred over no good being produced. Since the commodity is a "good," the individual will always prefer supply to no supply when it does not have to pay any costs.

Theorem #7: If NP > PP then NN > PN

Proof: NP > PP => Nc > v by Corollary #1.1

Nc > v => NN > PN by Corollary #4.1, QED.

Corollary #7.1 If PP > NP then PN > NN

Proof: PP > NP => v > Nc by Theorem #1.

v > Nc => PN > NN by Theorem #4. QED

The 4! possible ordinal preference functions for the 2x2 variable sum game are shown in table 1. All but three of these preference functions can be eliminated from consideration due to the requirements of theorems 2, 3, 6, 7 or corollary 7.1. That is, no permutation in which PP>PN, NP>PN, NP>NN, NP>PP and PN>NN, or PP>NN and NN>PN can be a preference function given the arguments in the previous discussion.

Permutation	Possible	Reason
PP > PN > NP > NN	No	PN cannot be > NP (Theorem 3)
PP > PN > NN > NP	No	PN cannot be > NP (Theorem 3)
PP > NP > PN > NN	**Yes**	
PP > NP > NN > PN	No	If PP>NP, NN cannot be > PN (Corollary 7.1)
PP > NN > PN > NP	No	PN cannot be > NP (Theorem 3)
PP > NN > NP > PN	No	NN cannot be > NP (Theorem 6)
PN > PP > NP > NN	No	PN cannot be > PP (Theorem 2)
PN > PP > NN > NP	No	PN cannot be > PP (Theorem 2)
PN > NP > PP > NN	No	PN cannot be > PP (Theorem 2)
PN > NP > NN > PP	No	PN cannot be > PP (Theorem 2)
PN > NN > PP > NP	No	PN cannot be > PP (Theorem 2)
PN > NN > NP > PP	No	PN cannot be > PP (Theorem 2)
NP > PP > PN > NN	No	If NP>PP then PN cannot be > NN (Theorem 7)
NP > PP > NN > PN	**Yes**	
NP > PN > PP > NN	No	PN cannot be > PP (Theorem 2)
NP > PN > NN > PP	No	PN cannot be > PP (Theorem 2)
NP > NN > PP > PN	**Yes**	
NP > NN > PN > PP	No	PN cannot be > PP (Theorem 2)
NN > PP > PN > NP	No	NN cannot be > NP (Theorem 6)
NN > PP > NP > PN	No	NN cannot be > NP (Theorem 6)
NN > PN > PP > NP	No	NN cannot be > NP (Theorem 6)
NN > PN > NP > PP	No	NN cannot be > NP (Theorem 6)
NN > NP > PP > PN	No	NN cannot be > NP (Theorem 6)
NN > NP > PN > PP	No	NN cannot be > NP (Theorem 6)

Table 1. The 24 permutations of the 2x2 preference function.

The three possible preference functions are listed below along with the conditions under which they can occur.

1. Privileged Preference: PP > NP > PN > NN

   PP > NP => v > Nc (Theorem #1)
   PP > PN (Theorem #2)
   PP > NN => v > c (Theorem #5)
   NP > PN (Theorem #3)
   NP > NN (Theorem #6)
   PN > NN (Corollary #7.1)

Thus if an individual has the preference function PP > NP > PN > NN,

v > Nc > c.

This means that the value of the supply of the good that is added by the individual providing the good is perceived to be greater than the TOTAL costs of the collective providing the good, and higher than the individual costs of participating in providing the good. Since the additional value of participation is greater than the total costs of providing the good, the individual is willing to chance being the sole supplier of the good rather than forego the good altogether (PN>NN). This is Olson's definition of a "Privileged group"

> "A privileged group is a group such that each of its members, or at least some of them, has an incentive to see that the collective good is provided, even if he has to bear the full burden of providing it himself." (Olson 1965, 49-50)

2. Intermediate Preference: NP > PP > NN > PN

NP > PP =>	Nc > v	(Corollary 1.1)
NP > NN		(Theorem #6)
NP > PN		(Theorem #3)
PP > NN =>	v > c	(Theorem #5)
PP > PN		(Theorem #2)
NN > PN		(Theorem #7)

These conditions taken together imply that the individual's valuation of its additional supply when it participates in the provision of the good lies between the total costs of all individuals providing the good and the individual's own costs of participation.

Nc > v > c

In such a situation, the individual is willing to participate in joint provision of the good but is not willing to chance sole provision of the good. These conditions conform with Olson's definition of an "intermediate group."

> "An 'intermediate' group is a group in which no single member gets a share of the benefit sufficient to give him an incentive to provide the good himself, but which does not have so many members that no one member will notice whether any other member is or is not helping to provide the collective good." (Olson 1965, 50)

3. Latent Preference NP > NN > PP > PN

NP > NN	(Theorem #6)
NP > PP => Nc > v	(Corollary 1.1)
NP > PN	(Theorem #3)
NN > PP => c > v	(Corollary 5.1)
NN > PN	(Theorem #7)
PP > PN	(Theorem #2)

The individual's valuation is such that the value of its additional supply if it participates in the provision of the good is less than both the total costs of the provision of the good and less that its individual costs of participation.

Nc > c > v

In this case, the individual has no incentive to participate in the provision of the good either in cooperation with the collective or as the sole provider. These conditions define Olson's "latent group" which

> ". . . is distinguished by the fact that, if one member does or does not help provide the collective good, no other one member will be significantly affected and therefore none has any reason to react. Thus an individual in a 'latent' group, by definition, cannot make a noticeable contribution to any group effort, and since no one in the group will react if he makes no contribution, he has no incentive to contribute." (Olson 1965, 50)

It is now possible to determine which actor(s) will participate in the provision of a public good in dyadic international relations. Although each individual decision is made as though the individual faces the collective, international relations is played out as a series of dyadic one-on-one decisions. These decisions are documented as events in events datasets.

The three preference functions discussed above generate 6x6=36 games when paired with each other. However, of these 36 games, there are only six non-equivalent games. That is, there are only 6 games that cannot be generated by transposing rows and columns of another game.

The ordinal preference functions are noted for the row and column players in a 2x2 variable sum game in table 2 by numerical values where 4 is the most preferred outcome and 1 is the least preferred.

	4	3	2	1
1. Privileged (P):	PP	> PN	> NP	> NN
2. Intermediate (I):	NP	> PP	> NN	> PN
3. Latent (L):	NP	> NN	> PP	> PN

PLAYER STRATEGIES		ROW PLAYER PREFERENCE			COLUMN PLAYER PREFERENCE		
		1	2	3	1	2	3
Row Player	Column Player	P	I	L	P	I	L
Provide Good	Provide Good	4	3	2	4	3	2
	Not Provide	2	1	1	3	4	4
Not Provide	Provide Good	3	4	4	2	1	1
	Not Provide	1	2	3	1	2	3

Table 2. The three ordinal preference functions for row and column players in the 2x2 game.

The six non-equivalent games show what behavior is expected for each possible pairing of preference function. Each game is shown below in normal form. The value for the row player is listed first in the each pair of outcome values.

	Privileged: I. Provide Good		Privileged: II. Not Provide	
Privileged: A. Provide Good	4,4	PP	PN	2,3
B. Not Provide	3,2	NP	PP	1,1

Game 1. Privileged actor vs. privileged actor [#6].[3]

In game 1, row A dominates row B and column I dominates II. The solution is PP with a value of 4,4. In this pairing, both players provide the public good. Game 1 is what Rapoport and Guyer (1966) called a "no-conflict

game," meaning that the single Pareto optimal outcome is achieved and no player feels aggrieved by obtaining less than its maximum possible value.

Privileged:	Intermediate: I. Provide Good		II. Not Provide	
A. Provide Good	4,3	PP	PN	2,4
B. Not Provide	3,1	NP	NN	1,2

Game 2. Privileged vs. intermediate. [#31]

Row A dominates row B and column II dominates column I. The solution is PN and the value of the game is 2,4. The privileged player (row) provides the good while the intermediate player (column) does not. The solution to game 2 is threat vulnerable. That is, if the privileged player credibly threatens to discontinue providing the good, the intermediate player would logically move to participate in the provision of the good thus obtaining a score of 3 over the score of 2 that would be obtained if the threat is carried out and no good is provided.

Privileged:	Latent: I. Provide Good		II. Not Provide	
A. Provide Good	4,2	PP	PN	2,4
B. Not Provide	3,1	NP	NN	1,3

Game 3. Privileged actor vs. latent actor. [#17]

In game 3, row A dominates row B and column II dominates column I. The solution is PN with a value of 2,4. The privileged player (row) provides the good while the latent player (column) does not provide the good. The solution is stable. That is, although the privileged player is aggrieved, it can do

nothing within the bounds of the game to induce the latent player to participate in providing the good.[4]

	Intermediate: A. Provide Good		Intermediate: B. Not Provide	
Intermediate: A. Provide Good	3,3	PP	PN	1,4
B. Not Provide	4,1	NP	NN	2,2

Game 4. Intermediate actor vs. intermediate actor. [#12]

This is the prisoner's dilemma. In game 4, row B dominates row A and column II dominates column I. The single play solution is NN with a value of 2,2, which is a deficient equilibrium. Neither player provides the good.

The prisoner's dilemma illustrates how two self interested players following their own interests will come to an outcome which generates less utility than a cooperative outcome. Without negotiation or repeated play, the deficient outcome NN is dominant.

	Latent: I. Provide Good		Latent: II. Not Provide	
Intermediate: A. Provide Good	3,2	PP	PN	1,4
B. Not Provide	4,1	NP	NN	2,3

Game 5. Intermediate actor vs. latent actor. [#11]

In game 5, row B dominates row A and column II dominates column I. the solution is NN with an ordinal value of 2,3. Neither player provides the public good. The solution is strongly stable, meaning that there is nothing that either player can do within the context of the game to induce the other player to provide the public good.

Latent:	Latent: I. Provide Good		II. Not Provide	
A. Provide Good	2,2	PP	PN	1,4
B. Not Provide	4,1	NP	NN	3,3

Game 6. Latent actor vs. latent actor. [#9]

When a latent player faces a latent player, row B dominates row A and column II dominates column I. The solution is NN with an ordinal value of 3,3. Neither player provides the public good. There is nothing that either player can do within the context of the game to induce the other player to provide the public good.

The hegemon is constructed as a privileged actor in hegemonic stability theory. Snidal (1985, 581) justified this in terms of the hegemon's ability to "capture a share of the public good larger than the entire cost of providing it." Wallerstein defined the hegemon in terms of the advantages it gains from its relative superiority in efficiency such that it "will be the primary beneficiary of a maximally free world market." (Wallerstein 1980, 38) As the primary beneficiary, the hegemon has the greatest incentive to pursue policies that will create the free world market, even if it must pay the price for those policies alone. In the context of the previous discussion, the hegemon perceives the value it gains from its own provision of the public good of an open world economy to be greater than the total costs of policies and actions need to create and maintain the economy ($v > Nc > c$). Thus it would have the privileged preference function in dyadic interactions with other actors in the international economy (PP > NP > NP > NN).

Most other states do benefit from liberal international economy. They will differ, however, in the degree to which they can or are willing to affect that economy. Highly industrialized states generally conform to Olson's definition of an intermediate group where "no member got such a large benefit from the collective good that he had an interest in providing it even if he had to pay all the cost, but in which the individual was still so important in terms of the whole group that his contribution or lack of contribution to the group objective had a noticeable effect on the costs or benefits of others in the group." (Olson 1965, 44) In these states, the benefits of an open economic regime are greater than the individual costs of provision but are not so great as to make the state willing to chance sole provision (Nc>v>c). Such states would be willing to participate in the provision of the good if others participation could be guaranteed. These non-hegemonic industrialized states would have the intermediate preference function when interacting with other states in the world economy (NP > PP > NN > PN).

States with small economies which cannot have a significant impact on the provision of the public good of an open regime would have the latent preference function when interacting with other states in the world economy (NP > NN > PP > PN). Such states would benefit from an open world economy, if someone else provides it, but their individual benefits are so small relative to either their individual costs of participating in providing the good, or the total costs of the public good, that they are not willing to participate even in joint provision of the good.

This analysis of the preferences of the hegemon, large industrialized economies, and small economies now permits the development of expected behaviors when these different actors interact in the international economy.

Variable sum, 2x2 games have often been used to model the problems of creating and maintaining a liberal world economy. Much of the literature has focused on the prisoner's dilemma as a model of public goods problems. The current analysis implies that the prisoner's dilemma is in fact a good model when no hegemon is present. That is, if no highly industrialized economy rises to international leadership, then the strategic economic interactions between industrialized economies will be based on the interactions of two intermediate actors. Such a game will be a prisoner's dilemma and the dominant strategies will be for each actor not to provide the public good. Kindleberger believed that this was the situation during the interwar years and was a primary cause of the great depression.

> The world economic system was unstable unless some country stabilized it, as Britain had done in the nineteenth century and up to 1913. In 1929, the British couldn't and the United States wouldn't. When every country turned to protect its national private interest, the world public interest went down the drain, and with it the private interests of all. (Kindleberger 1973, 292)

In the presence of a hegemon, the public good of an open world economy will be provided. In its interactions with other industrialized countries, the hegemon pursues its privileged preference function while the other countries pursue their intermediate preferences and the resulting interaction would conform to game 2 above. Rosecrance and Taw (1990, 186) characterized this game as stag hunt versus prisoner's dilemma. The outcome of this game will be that the hegemon provides the good while the other industrialized country free-rides. Many authors have noted this behavior in the interaction between the United States and other industrialized actors during the 1950s. "America pushed hard for the elimination of quotas and advocated tariff reductions universally, but it tolerated foot dragging by Europe and Japan. As Japanese growth soared and exports poured out, the United States accepted a

disproportionate share." (Kindleberger 1976, 32; see also Krasner 1982, 34-35; and Keohane 1982)

In its interaction with the smaller economies, the hegemon will provide the public good with little expectation of participation on the part of the latent actor. Olson's remedy for this situation is embodied in his by-product theory whereby the latent actor can be induced to participate in the provision of the public good through the offer of a side-payment or selective incentive. While there may be evidence of this in the international economy, it will not be addressed in the current analysis.

A Methodology for Testing Interactive Hypotheses

The strategic outcomes that are expected in the interactions of the three preference functions provide a means for testing the behavior of the hegemonic and non-hegemonic actors during the period from 1948 to 1978. Many authors believe that the hegemonic status of the US declined over this period of time - although there is significant disagreement as to when exactly this occurred. If this is true, then it should be possible to observe the US preference change from a privileged preference to an intermediate preference as it is revealed in its interactive behavior over this period. Precisely when this change occurred is not clear. For the purpose of this analysis 1960 will be used as a cutoff date. Krasner (1975, 337-338) provides some support for this in his initial work on hegemonic stability theory. He found that US concentration of potential economic power was associated with indicators of an open trading regime from 1945 to 1960. After that time, the relative size and level of development of the US economy declined. (Krasner 1975, 340)

Revealing the interactive preferences of the United States requires a slightly different approach to the games than previously stated. International interactions are seldom played out as simultaneous games. These interactions occur as a fluid stream of action and response. One actor will act (one or more times) the other actor will respond (one or more times) and the first actor may respond to the response. Actions and reactions occur in flurries (sets) of events where the two actors interact until some equilibrium, stalemate, or resolution is achieved. These sets have been termed "decision processes" because each one represents a complete set of decisions by the two actors from the initiation of interaction to the temporary equilibrium in the interaction. (Marlin-Bennett and Roberts 1993) The equilibrium may be temporary because new conditions or new information can begin the process again. Decision processes, then, are separate sets of decisions played out from beginning to end. Using the decision process as a unit of analysis is conceptually more pleasing than the typical method of aggregating events data by some arbitrary time period such as month, quarter, or year (see for instance Goldstein and Freeman 1990). Arbitrary aggregation tends to group actions together which are not contextually linked and it separates actions that may be responses to an actions in the previous period. Such aggregations do not allow investigation of the strategic nature of interaction. That is, they do not permit the analyst to investigate what was done in response to a prior action. As Zeev Maoz (1990, 8) pointed out, "the study of international processes as event aggregation tends to ignore or downgrade the interdependent and continuous nature of world politics."

The problem then is to find a way to group events into decision processes. The events themselves are taken from the Conflict and Peace

DataBank (COPDAB) complied by Ed Azar.[5] COPDAB contains 431,280 international events dated from 1948 through 1978. Ostensibly, COPDAB is comprehensive. That is, in theory it contains every interstate event that occurred during that period, although it is clear that COPDAB's coverage falls short of this.

Decision processes can be identified in this extensive stream of events data if two assumptions are made. The first assumption is derived from rational choice theory. In a dyadic interaction, one of the two actors will perform an action if the expected utility of the action exceeds the costs. This process continues between the two actors until neither can unilaterally improve its utility within the constraints of costs. Once such a point has been reached, the process has ended and the dyad is in equilibrium. It may be an uneasy equilibrium that results from a standoff or from mutual satisfaction. The equilibrium continues and no actions occur between the actors in the dyad until one of the following conditions is met: (a) new information or technology changes the expected utility of action by one of the actors, (b) new information or technology changes the expected costs of action by one of the actors, or (c) an exogenous disturbance occurs in the interaction - perhaps a new international crisis arises. If one of the conditions is met, a new decision process is begun which is played out to its equilibrium. This first assumption is similar to the assumptions that begin Gilpin's chapter on stability and change: "An international system is stable (i.e., in a state of equilibrium) if no state believes it profitable to attempt to change the system . . . A state will attempt to change the international system if the expected benefits exceed the expected costs (i.e., if there is an expected net gain)." (Gilpin 1981, 50)

The second assumption necessary to identify decision processes is that

each decision process is an independent Poisson process. If this assumption is valid, the interevent time within the process is exponentially distributed. A counting process is Poisson if the following conditions hold:

A) Non-Simultaneity - Two events cannot occur in the same instant of time.

B) Non-Instantaneous Events - No event can occur when t=0. [P(N:t)=0]

C) Independence - The number of events occurring during any time period (t) is independent of the number of events which occurred in any previous time period (s). When this assumption is violated, the distribution is said to suffer from contagion. Contagion exists if $\alpha_t = f(\alpha_s)$ where α is the average number of events per period.[6]

D) Homogeneity - The rate of occurrence of events (α) is constant across all time periods.

If the two assumptions hold, then it is relatively easy to decompose a stream of events into separate processes using a computer algorithm. Figure 2 represents the resulting identification of processes.

The algorithm sorts the events for a dyad and computes the interevent times. A running average of interevent times is computed starting with the first event in a dyad. Each new event is then tested to see if its interevent time is likely to have been generated by a Poisson process that is defined by the running average of the previous interevent times. If the interevent time is unlikely to have been generated by the previous Poisson process, the algorithm identifies that point as the end of the previous process, resets the running average, defines the beginning of the next process, and begins checking events anew. To determine whether the current event belongs in the next process and to prevent a long interevent time from erroneously creating a process with very long interevent times, the algorithm is run in reverse chronological order as well. This methodology has been used to decompose the 431,280 events in the COPDAB dataset into 92,256 decision processes.

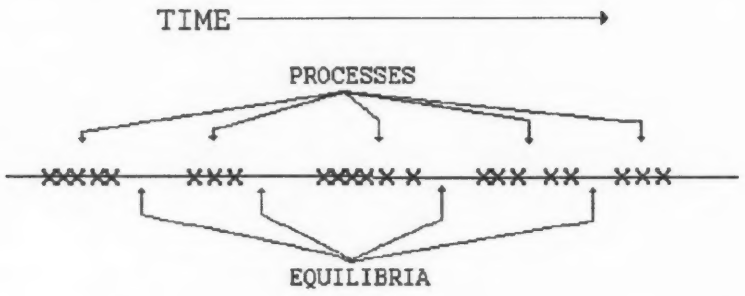


Figure 2: Graphic representation of the decomposition of events into dyads.

Each of these processes can be treated as a unit of analysis with attributes. For instance, it is possible to select out the economic processes in which the United States was either the target or the actor (or both) and analyze the types of actions taken, the issues addressed in the actions, and the level of conflict or cooperation of each event in the process. It is also possible to record the proportion of times per process that the US made a cooperative move in response to a conflictive move by another country, or - in language typically applied to strategic studies of cooperation in the international system - the proportion of times the US cooperated in response to defection by another country. In this way it is possible to document the strategic behavior of the US throughout the period from 1948-1978 to determine if it behaved according to the privileged preferences of a hegemon prior to

1960 and if it behaved according to the intermediate preferences of a non-hegemonic industrialized actor after 1960.

Hypotheses and Results

Returning to the discussion of expected behaviors in the interactions between privileged and either intermediate or latent actors, two testable hypotheses can now be derived.

H_1: In its economic interactions with large industrialized (intermediate preference), states the United States was more likely to cooperate in response to a defection prior to 1960 than after 1960.

H_2: In its economic interactions with smaller and developing (latent preference) states, the United States was more likely to cooperate in response to defection prior to 1960 than after 1960.

The concepts of cooperate and defect were operationalized in this analysis using the COPDAB conflict scale. This scale is coded as a score from 1 to 15 where 1 is the most cooperative value and represents voluntary union or forming one nation with a legally binding government, and 15 is the most conflictive value representing extensive war acts, dislocations, and high strategic costs. (Azar 1982 27-29) For this analysis, the scale was dichotomized so that scores of 1 through 8 were coded as cooperation and scores of 9 through 15 were coded as defection. The countries of the world were divided into three groups: intermediate group, latent group, and countries with a communist economy. The later group was excluded from the analysis. The intermediate group consisted of the industrialized economies (Australia, Japan, Austria, Sweden, Great Britain, Netherlands, New Zealand, Canada, Italy, Switzerland, West Germany, Greece, France, Norway, Spain, and Finland). All other non-communist countries were assigned to the latent group.

The following four dependent variables were tested, only one of which (CD) is key to the hypotheses:

CC Proportion of times in a process that the US cooperated in response to cooperation by the other actor.

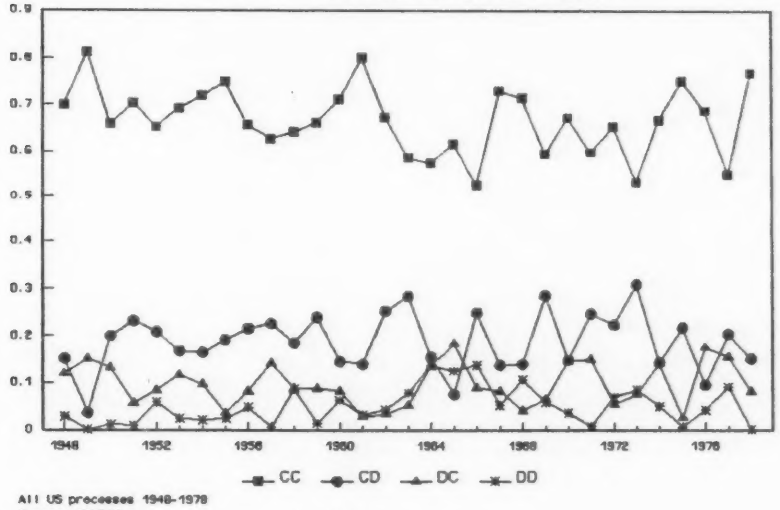
CD Proportion of times in a process that the US cooperated in response to defection by the other actor.

CD Proportion of times in a process that the US defected in response to cooperation by the other actor.

DD Proportion of times in a process that the US defected in response to defection by the other actor.

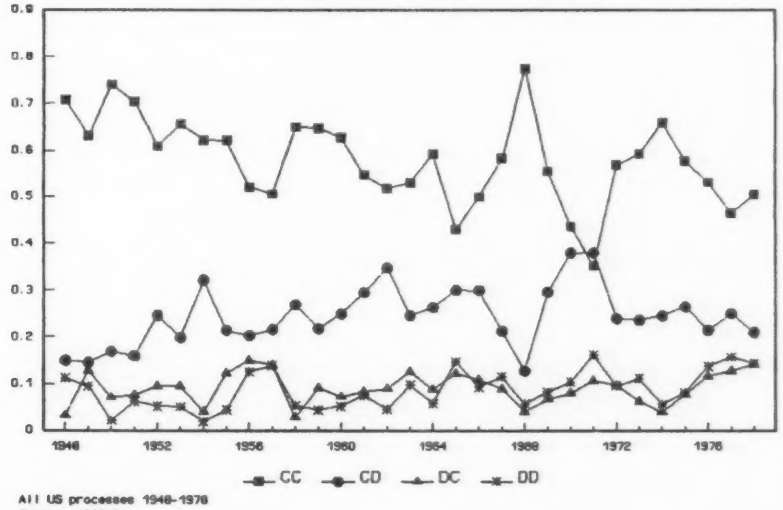
Figures 3 and 4 provide initial views of the data for all the US process over the period from 1948-1978. Each figure graphs the average for the four variables for each year. It is difficult to see any real difference in the strategic behavior of the US before and after 1960. Strategic behavior does seem to be slightly less "well-behaved" on the intermediate preference graph after 1960 in that it seems to vary more from year-to-year. Without conducting extensive time-series analysis, no conclusive analyses of these graphs can be offered.

Figure 3. Average Proportion of each Strategy Per Year for US vs. Intermediate Preference Actors



All US processes 1948-1978
Source: COPDAB

Figure 4. Average Proportion of each Strategy Per Year for US vs. Latent Preference Actors



All US processes 1948-1978
Source: COPDAB

It is possible, however, to analyze the average proportion per process of each strategy before and after 1960. Difference of means tests (t-tests) were conducted on processes which contained only economic events. Separate tests were performed for US interactions with intermediate actors and for US interactions with latent actors. The dependent variable which defined the two samples for the tests was a binary variable that identified the period of US hegemony with a value of 1 if the process started before 1960 and a value of 0 if the process started after 1960.

In economic processes with the industrialized countries prior to 1960, the US chose to cooperate in response to defection in an average of 33% of the events per process. After 1960, the US chose to cooperate in response to defection in only 4% of the events per process. This difference is significant at the .05 level for a one-tail t-test with unequal variances. Since there is some disagreement when US hegemony began to wane, the t-tests were recalculated for cutoff dates of 1961, 1963, 1967 and 1970. The results are displayed in table 3. There is a significant difference in the US use of the cooperate-defect strategy before and after the cutoff dates of 1960, 1961, and 1964. There are no significant differences for the cutoff dates of 1967 or 1970. These results support the hypotheses that the US changed its interactive preference from those of a privileged actor to those of an intermediate actor sometime around 1960.

Cutoff Date	Average CD Proportion Before Cutoff	After Cutoff	t-test Value	Sample Variances	Degrees of Freedom	One-Tail Critical t value (α = .05)
1960	.333	.044	-1.9837	Unequal	12.0	-1.782*
1961	.307	.045	-1.9081	Unequal	13.6	-1.771*
1964	.267	.048	-1.7648	Unequal	16.7	-1.746*
1968	.235	.052	-1.6218	Unequal	20.5	-1.725
1970	.178	.092	-0.9289	Equal	52.0	-1.684

* Indicates a result that is significant at the .05 level.

Table 3. Difference of means tests for average CD proportion before and after various hegemony cutoff dates for US economic interactions with "intermediate preference" states.

There is little evidence in the current analysis that US interactive behavior toward the smaller latent actors was different before and after 1960. Prior to 1960, the average proportion of CD plays by the United States was .167. After 1960 that average rose slightly to .186, although there was no significant difference between these two averages. There are no significant differences between the proportion of US cooperate-defect strategies before and after any of the hegemonic cutoff dates that were tested. This could imply that there was no shift in US preferences as predicted by hegemonic stability theory or it could imply that there was a different dynamic in the relationships with the smaller states. The t-test results for the US economic interactions with latent preference actors are shown in table 4.

Cutoff Date	Average CD Proportion Before Cutoff	After Cutoff	t-test Value	Sample Variances	Degrees of Freedom	One-Tail Critical t value (α = .05)
1960	.167	.186	+0.2752	Equal	123.0	-1.658
1961	.142	.207	+0.9524	Equal	123.6	-1.658
1964	.190	.164	-0.3938	Equal	123.7	-1.658
1968	.187	.163	-0.3398	Equal	123.5	-1.671
1970	.185	.156	-0.3639	Equal	113.0	-1.684

There are no results that are significant at the .05 level.

Table 4. **Difference of means tests for average CD proportion before and after various hegemony cutoff dates for US economic interactions with "latent preference" states.**

Conclusions

Leaders lead. Previous analyses of hegemonic stability have focused only on the expected correlation between the economic power of a possible hegemon and the degree of openness that the hegemon is presumed to create through its policies. Kindleberger (1973) pointed out the fallacy of the correlational approach to hegemonic stability in his initial work on hegemonic stability when he characterized the US as being able but unwilling to provide international economic leadership during the interwar years. If Kindleberger was correct, a purely correlational analysis of this period would have refuted the hegemonic stability thesis.

The analysis presented here tries to go beyond purely correlational study. If hegemonic stability is correctly framed as a problem of providing a public good, then a leader should engage in certain specific interactive behaviors. These behaviors are not foreign to the hegemonic stability literature. Many authors have noted that a leader trying to create an open

economic order must forego short term benefits in order to enjoy the greater long term utility of an open world market. Clearly, size and power of an economy are not unrelated to these actions as Krasner (1982, 37) pointed out that, "Only an extremely powerful state will pursue such policies." Yet economic power and size are only necessary conditions for being a hegemon, they are not sufficient.

By examining the behavior of a supposed hegemon as it interacts with other members of the world economy, it is possible to impute its preferences and make inferences regarding its intentionality. A large powerful state is not a hegemon unless it performs the actions of a hegemon. The analysis provided here implies that the United States did act as a hegemon in its economic dealings with other industrialized countries until sometime in the early 1960's. This period of "privileged preference" corresponds with the increasing economic openness and prosperity in the world economy that has been documented by other authors. Sometime in the early 1960's the United States seems to have changed its preferences away from those of a privileged actor to those of an intermediate actor. This also corresponds with the declining power and size of the US economy that has been documented elsewhere.

If the US interactive preferences changed to those of an intermediate actor during the early 1960's, then international economic relations between the industrialized states (including the US) would be characterized by a prisoner's dilemma. This is certainly supported by much of the literature on economic relations. It also offers an answer to a problem that has faced many of the correlational analysts of hegemonic stability. As Krasner (1975) pointed out, the relationship between US economic power and the openness of the world market falls off after 1960. While US economic power declined, the

openness of the market remained high or increased until the mid 1970's. This would seem to refute hegemonic stability. Correlational studies have addressed this problem by asserting that there is a lag effect between the decline of the economic power of the hegemon and the indicators of openness in the world market. If, however, it is recognized that the US shifted its interactive preferences at the some point of during the decline of its economic power, then the problem can be framed as a repeated prisoner's dilemma game. A great deal of literature has shown recently that tit-for-tat strategies in repeated prisoner's dilemma may generate the economic cooperation that leads to the public good of the open market (see most notably Axelrod 1980, 1981, 1984; Keohane 1984; and Axelrod and Keohane 1985).

The current analysis can shed some small amount of light on this question. If the US and other industrialized countries pursued extended tit-for-tat plays after US hegemony ended, then the US interactive behavior after 1960 should show increased cooperation in response to cooperation and defection in response to defection. The data analyzed in this study show a slight increase in these strategic moves by the US after 1960. The proportion of CC moves increased from .50 to .59, however, this was not a statistically significant increase (t=.5615 with 42 degrees of freedom). There was no change in the proportion of DD moves.

If cooperation evolved in prisoner's dilemma interactions between industrialized countries after 1960, then a modification of the hegemonic stability thesis may be in order. The presence of a hegemon may increase the degree of openness in the liberal world economy due to the interactive behaviors of the hegemon. If the hegemon shifts away from these behaviors, it still may be possible to generate the cooperation that is needed to provide

the public good of an open economy through the dynamic interactions of intermediate preferences in repeated prisoner's dilemmas. If this is the case, then hegemony may be a sufficient but not necessary condition for openness in the liberal world order.

NOTES

1. See for example Krasner (1975), Webb and Krasner (1989), and Mansfield (1992).

2. The "solution" algorithm that is followed for each of these games is taken from the work of Rapoport and Guyer's (1966) concept of the "natural outcome." The number in square brackets shown for each game is the game's reference number in Rapoport and Guyer's taxonomy of 2x2 variable sum games.

3. Olson (1965) discusses means that may be available to induce the latent player to participate in provision of the good. These means include selective incentive, or a side payment that is offered to change the utility calculation of the latent player. All of these means must be carried out outside the context of the rules of the 2x2 game.

4. Events databases such as COPDAB are created by reviewing news sources from around the world and coding all situations where one actor does something directed toward another actor, referred to as the target. In theory, such databases are comprehensive views of what occurs in international relations. For discussions of problems with coverage and composition in events databases see Howell 1983, Vincent 1983, and Schrodt 1988.

5. The problem of contagion is perhaps the most threat to the validity of this methodology. As this paper is being written, the methodology is being tested for evidence of contagion. Even if contagion exists, the effects of contagion are both estimable and correctable.

   Coleman (1964, 299-301) proposed a contagion model when the contagion is of the form:

   $\tau_{10} = \alpha$
   $\tau_{12} = \alpha + \beta$
   $\tau_{23} = \alpha + 2\beta$
   $\tau_{i,i=1} = \alpha + i\beta$

   where τ = the parameter of the Poisson and can be thought of as a Markov transition probability. Thus contagion is in a linear form

Coleman derived a contagious Poisson distribution from this assumption:

$$P(x;t) = \frac{\alpha(\alpha+\beta)(\alpha+2\beta)\ldots(\alpha+(x-1)\beta)e^{-\alpha t}(1-e^{-\beta t})^x}{\beta^x x!} \tag{1}$$

Coleman's form can be simplified using the product form to equation (2)

$$P(x;t) = \frac{\prod_{i=0}^{x-1}(\alpha+i\beta)e^{-\alpha t}(1-e^{-\beta t})^x}{\beta^x x!} \tag{2}$$

Coleman derived estimators of the parameters α and β:

$$\beta = \ln(s^2/\bar{x}) \tag{3}$$

$$\alpha = (\bar{x})^2\beta/(s^2-\bar{x}) \tag{4}$$

Again, if the number of events per period are distributed by this contagious Poisson, then a distribution of the interevent times can be derived as a modified exponential distribution.

PROOF:

Let T = the interval between two events.

(T>t) implies that no event has occurred in the interval t.

Thus, by equation (2),

$$P(T<t) \rightarrow P(x=0;t) = \frac{(\prod_{i=0}^{-1}(\alpha+i\beta))e^{-\alpha t}(1-e^{-\beta t})^0}{\beta^0 0!} = \alpha(\alpha-\beta)e^{-\alpha t} \tag{5}$$

and, thus $F(T) = P(t \leq T) = 1 - \alpha(\alpha-\beta)e^{-\alpha t}$ which is an exponential distribution, QED.

Since α and β are both estimable, the process algorithm can be calculated.

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Advertising Strategy, Recall and Effectiveness in the 1992 Presidential Campaign

Marilyn Roberts, Ph.D.
School of Journalism
The Ohio State University

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Introduction

Only recently have political scientists seriously acknowledged the role that political advertising may play in specific campaigns. The 1992 presidential campaign resulted in Independent Ross Perot being named "Adman of the Year" by *Advertising Age*, a major trade publication. In praising Perot, the publication stated, "His masterful exploitation of free TV time and his revolutionary 30-minute infomercials--interspersed with more conventional 30- and 60-second spots-- were the year's communications phenomena, helping the feisty entrepreneur win 19% of the popular vote for president" (Colford 1993).

Following the Independent Perot's talk show strategy, the winning candidacy of former Arkansas Governor Bill Clinton to toot its own horn on *The Arsenio Hall Show*, assisted Clinton's comeback recovery from the near-fatal Jennifer Flowers scandal. Clinton's appearance on MTV, a primary rock-video cable station that reaches the fragmented youth and young adult market, helped to produce the most sizable presidential youth vote not seen since the days of John Kennedy. Garnering precious advertising dollars, the Clinton campaign focused tightly on specialized media time buys predominately in twenty states, while ignoring the previous conventional wisdom of spending large sums of money buying the three major networks nationally.

The incumbent George Bush's acclaimed 1988 strategical brilliance evaporated into a 1992 disaster. Without a clearly defined and communicated message strategy about solving the country's economic woes, coupled with a waste of dollars on time-buying nationally, the Bush negative attack on Clinton's trustworthiness became the GOP's own nemesis -- "It's the Economy, Stupid." Unlike Dukakis who rebutted and counterattacked during lower rated national network news until the final weeks of the 1988 campaign, the 1992 Clinton campaign aggressively attacked and counterattacked in all key markets nearly gross rating point per gross rating point in an attempt to defuse each Bush campaign salvo upon launch.

Both the Perot and Clinton campaigns fly in the face of "orderly" politics. The sophistication of their 1992 integrated political marketing communication and time-buying strategies indicate that "it isn't politics as usual anymore." Although political scientists may have been late comers to acknowledge the power of political advertising, learning the "last secrets" of political consultants involve gaining greater insight into the strategic placement of airtime. Hagstrom (1992) wrote,"In a campaign's time-buying strategy are the keys to how much it is spending, who it is trying to reach, and finally the rarely asked question of how well the campaign is spending its money" (21). "The next generation of reporters and political scientists needs to be one part traditionalist, one part pollster, and one part film critic." Hagstrom's quote should not be interpreted as tenuous. Hagstrom based his observation on six years of reporting on political consulting for *National Journal* and countless interviews with the elite cadre of the nation's transcendental political powers.

The current works of Roberts (1991, 1992) have quantified the agenda-setting function of political advertising and its impact on voter choice in the 1990 Texas gubernatorial campaign. The study's candidates' issue agendas were constructed by weighting the actual frequency of airing of the candidates' political commercials by issue content. Roberts and McCombs' (1993) findings demonstrate the intermedia agenda-setting influence of political advertising on the issue agenda of both newspaper and broadcast coverage of the campaign.

Hagstrom wrote, "...polling and television commercials have come to dominate American politics, but without receiving the scrutiny they need and deserve." Jamieson (1992) wrote, "In both its "strategic" and its "substantive" reporting, television news in 1988 allowed itself to be shaped by polls and manipulated by the more artful consultants" (10). The strategic application of marketing concepts to the

political process by political consultants imbued over time. The evolution towards political marketing can be traced in a growing body of research (Kelly 1956, White 1961, Glick 1967, McGinniss 1969, Nimmo 1970, Agranoff 1976, Kotler 1982, Mauser 1983, Newman and Sheth 1983, 1985, 1987, and O'Shaughnessy 1990). For a concise evolution of political advertising research over this period, see Faber (1992).

Hagstrom acknowledged that polling and filmmaking are the "heart and soul of campaign consulting." However, he recognized and buoyed up the most under-researched "last secrets" in gaining an all-inclusive understanding of political marketing and consulting --- the strategic media planning process and media placement buys of political commercials. He wrote, " 'Political files' of advertising sales, kept in the offices of every radio and television station in the country, are an underutilized gold mine of information for reporters and scholars."

The purpose of this paper is to introduce political scholars to the strategic media planning process and time buying strategies utilized by political consultants. First, the paper will provide an overview of the media planning process. Secondly, a discussion of how political consultants have adapted this process to political campaigns will be presented. Third, an exploratory comparison of a local television media buy placed on behalf of the Clinton, Bush, and Perot campaigns from a "public file" of time buys placed in the Columbus, Ohio, market area will be examined. Followed by a discussion of the 1992 postelection recall of presidential campaign advertising and direction of candidate influence by respondents from the local market area. Finally, the paper concludes with a discussion of the study's limitations and sets forth areas for future research opportunities using campaign media placement buys.

Defining Strategic Media Planning

In presenting a definition of strategic media planning, it is essential first to examine the individual words that compose the term. Many individual definitions of strategic media planning have been offered. The author will present a definition that, in her opinion, closely adapts to the political marketing environment in terms of both conciseness and clarity. Bogart (1990) defined strategy as "the art of deploying available resources to attain objectives in the face of active opposition." Media encompasses a wide array of traditionally considered forms such as newspapers, television, radio, direct response (direct mail or telemarketing), outdoor and transit, and cable. The new media include high definition television, interactive television, videocassette, pay-per-view, televised "magazines," shopping networks and video catalogs, televised yellow pages, "location" television, computer information services, computer bulletin boards, computer shopping services, messaging and electronic mail, computer conversation channels, telephone conversation lines (Stewart 1992). The list will grow continuously as other new technologies emerge in 21st Century America.

The word *planning* indicates a series of decisions. The most resonant definition of strategic media planning is that of Jugenheimer, Barban and Turk (1992) and Barban, Cristol and Kopec (1993) which is stated as:

> the process of designing a course of action that shows how advertising time and space will be used to contribute to the achievement of advertising and marketing objectives (2).

Barban et al. state that the critical key to developing an understanding of media planning is to be able to distinguish between the three "most misunderstood words in managerial planning vocabulary -- objective, strategy, and tactics.

The authors define the word objective as simply "a statement of the task one wishes to accomplish." Former President George Bush, then Arkansas Governor, Bill Clinton, and Independent candidate Ross Perot all set out with the same objective -- to be elected (reelected) the President of the United States.

A strategy is defined as "the means prescribed for attaining the objective." In order to achieve the objective of becoming the President of the United States, a successful strategy of obtaining 270 electoral votes is required. Barban et al. have determined at least five types of strategies. These include, but are not limited to, properly defining the target market, the media mix, the continuity pattern, and the development of contingency and alternative strategies. These five major types of strategies will be described in greater detail in a later section of the paper.

Tactics are defined as "specific, detailed activities required to implement the strategy." Tactics are comprised of vehicles, units, estimating and costing functions, scheduling, ordering, and bookkeeping. Vehicles are composed of specific program selections, such as *Good Morning America*, *60 Minutes*, and *Murphy Brown*. A unit is defined as a single commercial, such as a :30 polispot (commercial) for Bush, a :60 polispot for Clinton, and a single 30-minute infomerical for Perot. In order to estimate the cost schedule for a specific candidate, several standard mathematical formulas are calculated to compare the cost of one vehicle versus another vehicle. Today special computer programs have condensed the prior endless hours of hand calculations to a few seconds. Still with the numerous technological advances in media buying, the placement of airtime is more art than science.

As shown in Figure 1, Jugenheimer, Barban and Turk (1992) and Barban, Cristol and Kopec (1993) have modeled the media decision-making process. The model is divided into five central components with constraints and uncontrollable influences having the potential to impact and interact any of the five major components. As in any marketing situation, the consumer, the product, the market analysis, and competitive situation must all be taken into consideration. Objectives appear in a hierarchical manner. Schultz (1990) chooses to use the term "cascading" to describe hierarchical requirement to ensure that the broadest objectives will be carried through and permeate to the more detailed tactical decisions.

The strategy component of the media decision-making model involves a precise definition of the target market. Target markets are usually defined in at least one, if not all three approaches -- demographically, sociopsychologically, and through identifying various levels of product usage. When segmented by product usage, this is usually relative to the competition. Four categories best describe usage. The first category are those who use your product exclusively (straight Republican or straight Democratic voters). Next are those who use your product most of the time, but will use other brands. For example, those Republicans who voted for Carter in 1976 and Clinton in 1992. Research conducted during the situational analysis may require that primary, secondary or tertiary markets be defined. The third usage level would be made up of those who are secondary users. While they may use your product, they use other brands more often. These are voters who are unpredictable true independents who "buy on price." Regardless of party, where will I get "the best deal" (no taxes, help with child care, etc.). Or approached from another perspective, which of the candidates is the lesser of the two (or three) evils. The professional expertise of defining the target market lays in the integration and interaction between brand usage (the level of partisanship voting) and product usage (the candidate). Barban et al. wrote, "The interaction between brand usage and product usage levels represents an exciting dimension in approaching target market definition and will give the media planner a deeper understanding of the advertising task relative to the competition." (41).

The most frequently used secondary data information sources that integrate consumer media usage and product usage are Simmons Market Research Bureau (SMRB) and Media Research Institute (MRI). Both sources use a similar format of data layout. While specially tailored data can be custom ordered, the majority of full-time media planners subscribe to one of these sources. The other major source of secondary information essential for media planners are either Nielsen or Arbitron television ratings. These competitive sources provide data on rating points and audience composition information for specific programs and times of the day, both nationally and on a market-by-market basis.

Strategizing also includes the determination of the proper *media mix* for the campaign. Media mix can be defined as the balance between media types (television, newspaper, radio, etc.) that will be used over a given period of time. The media mix refers to the use of two or more media. For example, a media planner may choose to spend 75% of the advertising budget on television, 15% on outdoor, and 10% on radio. Another term closely associated with the media mix is *weighting*. This term refers to the relative emphasis that each target market (primary, secondary, or tertiary), geographic area (The South, The Northeast), time segment (early morning, daytime, prime time), and media type (television, radio, etc.) is strategically given during a specific campaign.

Continuity refers to the pattern of advertising placement used throughout an advertising scheduling period. For most products and services, continuity is considered in terms of a twelve-month period. A continuity pattern is selected from three basic scheduling strategies -- continuous, flighting, and pulsing. (See Figure 2.) A *continuous schedule* spends the same percent of the total budget each month. A *flighting schedule* spends a percentage of the total in specific months, while leaving other months with no paid media efforts. Finally, a pulsing schedule can be considered a hybrid of continuous and flighting. A *pulsing strategy* spends advertising dollars continuously throughout the year, but it selects specific months for increased media emphasis. Political advertising does not appear year round; how media planners have adapted continuity strategies for shortened political campaigns will be discussed in a later section.

As all well planned campaign strategies, contingency and alternative strategies must be considered initially, not as afterthoughts. Many political advertisements are made and never aired in order to have them air ready as alternative strategies. The strategic reasons for overproduction are many. First, the nature of political campaigns are fast-paced. Prior to videotape technology, a filmed spot would take several days to get on the air. However, in 1992 spots were produced and on air in twenty-four hours. Issues can emerge and die instanteously. New traffic instructions can be faxed to stations that identify which new commercial(s) are to air in existing scheduled times. Overnight shipping services handle rushing the new commercials to specific markets. A favorite strategy that opponents use is to force each other to spend crucial advertising dollars needlessly. An advertising buy may be made in a "must win" state by one opponent, hopefully, forcing additional dollars to be placed in the market by the other candidate. A very realistic reason for alternative planning is when fundraising efforts are less than expected. In this instance, media planners have to pare back advertising scheduling since all political buys must be paid for in advance. In 1988, the Bush campaign did not need to spend advertising dollars on a commercial to inform voters about Dukakis' vote on the Pledge of Allegiance issue due to the news media's heavy coverage of the issue. However, the spot was made and ready to air if needed.

As the model of media decision-making process indicates, media planning is a dynamic process. The campaign's impact on the audience and advertising effectiveness are measurable. Tracking polls and focus groups are two of the most

popular measurement tools used to determine the effectiveness of the message during political campaign. After the message has been determined, no less important is the job of placing the message before the correct audience as efficiently as possible. The shortened length of political campaigns often requires continuous feedback (when it can be afforded) to assist in predicting voter choice as closely as possible.

The Currencies of Media Buying

As evidenced from the preceding discussion, strategic media planning has its own unique terminology. Likewise, the purchasing of media airtime has unique formulas and mathematical calculations for comparing the efficiency of buying one program versus another, or one time period versus another. Definitions necessary for the understanding of vehicle comparisons and calculations are the following : rating point, share of audience, gross rating points, reach, frequency, cost per thousand, and cost per point.

A *rating point* can be defined as the percentage of individuals (or households) exposed to a particular television program at a specific time. Rating is the most important broadcast term in that it represents the relative popularity of the program. A rating is a percentage, but the percentage sign is not shown. Ratings also serve as a yardstick about how many potential customers, users, voters, etc. can be reached if selecting a particular program. Broadcasters also base advertising costs on the size of a specific program's audience. Therefore, the higher a program's rating, the higher its cost. However, a good media planner knows that it is possible that a lower rated program may deliver a more narrowly defined audience more efficiently than a more expensive, higher rated program.

On a national basis, one rating point typically represents 931,000 television households. A rating point is said to represent approximately one percent of the coverage base. When thinking of the coverage base on a local or individual market-by-market basis, ratings are developed for a specific geographic coverage areas (Columbus, OH, San Diego, CA, Chicago, ILL). The most frequently used terms to describe geographic rating areas are Area of Dominant Influence (ADI) used by Arbitron and Designated Market Area (DMA) used by Nielsen. It stands to reason that the cost per rating point for airtime will be much higher in major metropolitan markets, like Dallas or Houston, than in secondary markets such as Abilene or Midland, Texas.

Hall (1991) defines *Share* or *Share of Audience* as "the audience of a specific program as a percentage relative to all of the households (persons) watching at the time of the program's broadcast." For example, three local newscasts may air at 6 o'clock. A percentage of viewers at 6 watch channel A's newscast versus B or C. There also may be persons watching a rerun of a movie or *Jeopardy* on television at 6 on other stations.

Reach, as defined by Sissors and Bumba (1992), "is a measurement of audience accumulation." Reach tells media planners how many *different persons* or television *households* are in a specific program's audience over a period of time. For example, over a four week period, how many different persons tuned in to watch *Northern Exposure* in weeks 2, 3, and 4 than watched during week 1. Reach is usually measured in quarter-hour intervals.

Continuing with the example of *Northern Exposure*, there will be some viewers who will watch four out of four shows, three out of four shows. The media concept of *frequency* is the number of times an average audience person or household is exposed to the advertising at least once in a specific period of time. In other words, frequency

is the number of times the same persons watch *Northern Exposure* in a 4-week period.

In order for media planners to compare one program with another, mathematical formulas are calculated to compare the costs of placing a commercial in one time slot versus another. To calculate the total sum of rating points (*Gross Rating Points*, GRPs) for a particular product or candidate's schedule, media planners use the following formula:

GRPs = rating for each spot x the number of times each spot will air.

As with rating points, gross rating points also are percentages, but the percentage signs are not shown. Gross Impressions are similar to gross rating points, but they are expressed in terms of absolute numbers of persons or households. *Gross Impressions* can be defined as the sum of audiences of all vehicles used in a media buy. Scissors and Bumba (1992) wrote that, "This number represents the message weight of a media plan. The number is sometimes called the 'tonnage' of the plan, because it is so large." The formula media planners use for calculating gross impressions is:

GIs = GRPs x number of television households or persons in thousands.

Both GRPs and GIs indicate the gross delivery without regard for multiple exposures of the same persons or households.

When determining the cost per thousand (CPM) of a media schedule for reaching each 1,000 of a specified audience (or households), the following formula is calculated:

CPM = Cost / (Audience/1000).

Cost per thousand is a common denominator for media comparisons. Hall (1991) wrote:

> The more discriminating the measurement of audience, the more discriminating will be the CPM . . . Remember that CPM, even on a weighted audience basis, simply relates cost and audience. It does not reflect the configuration of audience in terms of size or reach, frequency, or continuity. Consequently, it should seldom be used as the only criterion for media selection (p. 70).

Cost per thousand can also be used to determine the cost per rating point (CPP) in a particular media schedule. This formula is expressed as:

CPP = CPM x (Population/100,000).

Calculating CPPs is another method to compare the cost efficiency of media vehicles.

The final two calculations determine the tradeoffs that media planners routinely must face between a schedule reaching different persons and the frequency required of reaching the same persons a number of times in order to "teach" the message. Bogart (1990) wrote, "Within a given budget, one of these three dimensions (reach, frequency, and the size) [of the message unit] must always be sacrificed in order to improve the others." He also wrote, "The larger or longer the message, the more likely that the reader or viewer will be stopped in his tracks long enough to get the point." However, if a media planner considers extending the length of a commercial, for example, to a 30-minute "informercial", normally either reach or frequency is dramatically reduced due to budget constraints.

Reach and frequency occur at the same time, but at different rates and in an inverse relationship. Sissors and Bumba (1992) wrote the following regarding reach and frequency:

> Up to a certain point, it is relatively easy to build reach. By selecting television programs of a different nature in which to place commercials, it is possible to reach different kinds of people. But there is a point of diminishing returns, where each attempt to build more reach by selecting more and different kinds of programs results in reaching the same persons over and over again, with an increase in frequency rather than in reach . . . The point of diminishing returns . . . occurs at about 70 percent and varies somewhat because some target audiences are easier or more difficult to reach (p. 104).

The mathematical formula for calculating *reach* is as follows:

$$\text{Reach} = \text{GPRs} / \text{Frequency}.$$

Gross rating points, reach and frequency are all mathematically related. Given any two factors, the third can easily be calculated. The formula for calculating the *average frequency* of a schedule is as follows:

$$\text{Frequency} = \text{GPRs} / \text{Reach}.$$

Frequency distributions also are calculated by computer programs to determine the exposure distributions for a given schedule. For many years advertising practitioners have been trying to answer important questions that move beyond simple numerical calculations of reach and frequency. Media planning researchers have come up with the terms such as *effective reach* and *effective frequency* which attempt to address questions such as "How much advertising is enough?" "How many times must an advertising message be repeated for it to effectively communicate?" Currently most media planners accept a minimum frequency of at least three repeated exposures for a message to be learned. Other researchers have given a range of three to eight exposures. Considering the cluttered and competitive nature of campaign advertising for multiple candidates during a short timeframe, an effective frequency of 3 + may not be realistic. Hall (1991) wrote, "If conditions dictate, such as low awareness, tough competition, and a complex message, then a 4 + or higher effective frequency goal may be selected."

How Political Consultants Have Adapted Media Planning

Hagstrom (1992) wrote, "The process of time buying itself demonstrates how much politics has adapted to a changing world of communications." He pointed out that politicians and their consultants must now think in terms of "media markets" rather than in terms of traditional jurisdictions of states, cities, and counties. A September 17, 1992, article in *The New York Times* quoted Tad Devine, a top aide to Senator Lloyd Bentsen of Texas in the 1988 Vice-Presidential campaign, as saying, "Analyzing the media buy is some of the most important strategic information you can get . . . When you go in and you plunk that money down, you say, 'This is our strategy for winning the Electoral College'" (Kolbert 1992).

With seven weeks before the 1992 election day, Kolbert stated that the media campaign had entered "its cloak and dagger phase." She wrote, "Though there is no campaign tactic more public than advertising, no information is more closely guarded than what the candidates plan to put on television and where." She concluded that, "This is because at this stage of the race, every advertising dollar spent represents a clue to a campaign's deepest hopes and a potential revelation about its priorities."

Wilson (1987) presented a chronology of political television advertising that assists in tracing the technological developments to obtain better strategic information upon which to base media strategy and time buying. In 1952 the Eisenhower campaign was the first to use a rating service to assist in buying time (A.C. Nielsen). In 1976 Market Opinion Research used the perceptual mapping survey technique for the Ford campaign. In 1985 Senate and Congressional campaigns instituted comprehensive retrieval of opponents' media buys. Wilson noted that a less formal approach to collecting media had been used since the early 1970s.

Adding to the list of developments is the 1992 use of the computerized technology called "Polaris" from Broadcast Data Systems. In a January 19, 1992, *Newsday* article, Thomas J. Maier wrote:

> One new weapon aimed at monitoring TV ads -- and at figuring out an opponent's media strategy -- seems inspired by the high-tech thriller, 'The Hunt for Red October.' First used by the military to track submarines in the deep, this new technology takes 'audio fingerprints' of television commercials by breaking down its specific sounds into a digital code that can then be tracked by computer. It can follow an opponent's TV spots, showing what target audience an opponent's media team is going after (88).

Not only can "Polaris" track an opponent's media strategy, but the candidate's campaign can keep track of when their own commercials have aired. "Polaris" is only the latest innovation in the $3 billion business of selling America's political candidates.

According to Brad O'Leary, chairman of the American Political Consultants, there are approximately 6,000 companies and individuals involved in today's political industry. He includes in the figure those in graphics, computers, media strategy, polling, advertising, telephone contacts and grass-roots organizing efforts. In 1988 the total campaign spending for federal, state and local races was $2.7 billion. According to Maier (1992), consultants, media buys and other political industry expenses accounted for more than 90% of the total campaign spending in 1988. Of that total television media buys accounted for less than 10% of all political spending. However, television media buys accounted for more than 60% of the total spending in federal campaigns.

Media time-buying is one of the largest sources of income for many political consultants. Commissions of 15% are considered standard by both commercial and political consultants. However, in highly populated metropolitan markets that carry high media costs, a lower commission percentage rate may be negotiated. Hagstrom (1992) noted that most successful political consultants will not handle a campaign unless the firm is allowed to provide the time buying function as part of the contract.

By law, Federal Communication Commission regulations require broadcasters to offer either free or paid time 45 days prior to a primary election and 60 days prior to the general election.

During these times broadcasters may charge political candidates no more than the station's lowest advertising rates. Outside of the designated 45 and 60 day windows, stations may charge legally qualified candidates their standard advertising rate. For a more detailed description of campaign regulation for broadcasters, see Middleton and Chamberlin (1988).

Unlike the earlier discussed continuity patterns of media placement based on a twelve-month buying cycle for most products and services, buying patterns for the 45 and 60 day windows have been adapted by consultants. Sabato (1981) identified four buying strategies used by political consultants. The first is called the "flat buy." This buying patterns traditionally begins about three weeks out from election day. The same number of spots are placed during each week of the schedule, similar to the continuous scheduling strategy. The second strategy is referred to as the "orchestrated finish" and usually begins at least a month out and increases in intensity as election day draws near. The third strategy is called the "event schedule" and concentrates the airing of political spots around important events in the campaign. Finally, the "stop-start" form of scheduling can be compared to the commercial placement strategy of flighting. This strategy is useful to conserve budget and build name identification. Since Sabato (1981), the current trends toward political consultants beginning to air commercials earlier and negative advertising being brought out earlier in media strategies have been noted in the works of Kern (1989) and Johnson-Cartee and Copeland (1991).

As the focus of this paper now turns to the media strategies used during the 1992 presidential campaign, the reflections of Wilson (1987) are valuable remainders of why political scholars should begin to more closely scrutinize the least understood, but most profitable, role of political consultants -- that of buying airtime. Wilson wrote:

> No one can quantify precisely how much television advertising may matter in a presidential race, yet it is critical to electoral success. This strange oxymoron explains the ephemeral, art-science of political advertising. It justifies why campaigns work so hard to organize, win endorsements, woo the media and then, in apparent strategic contradiction, spend millions on television. Welcome to non-linear politics (21).

Buying Strategies of the 1992 Presidential Campaign

The 1992 presidential campaign "air war" sent more political advertising messages into the American television households than any general election campaign. The reemergence of Ross Perot with his self-financed campaign, candidate campaign committees, and national political party expenditures could easily exceed $100 million when the final price tag is placed on the 1992 presidential general election campaign. The unconventional use of those dollars is what makes the 1992 campaign of interest from a media strategy perspective. A September 23, 1992, article in *The Washington Post* should have been a "tip off" that the Democratic nominee's media buying strategy would be the most sophisticated application of targeted political marketing ever demonstrated in a presidential campaign. Kurtz (1992) wrote, "A new phrase has become the rage among Bill Clinton's campaign staff: 'Cost per persuadable voter'."

Using computer-aided calculations that took into account such factors as a state's unemployment figures, swing voters in past elections, and then President George Bush's approval rating, the Clinton campaign focused its media strategy on 20 states. The campaign did not depart from its strategy until the final two weeks of the campaign when the final outcome was more apparent.

The Clinton campaign launched its initial general campaign "air war" a week after the Republican National Convention. Germond and Witcover (1993) wrote, "The Clinton strategists' unconventional timing and targeting sent a distinct message: they were determined not only to define their candidate in their own terms before the Bush campaign did it for them, but to do so intensively in the key states that could win the election for them" (436).

The birth of the strategy to shun traditional major network national buys was decided upon due to the need to follow a two track approach. A heavy schedule of buys was required to define Clinton is positive terms in one track, while a second track of commercials hammered away at George Bush with issues previously raised by voters in opinion polls. The only feasible way to accomplish the two track approach was to make heavy, less expensive local buys. The Clinton campaign targeted more than 80% of the $35 to $37 million available advertising dollars in the 20 battleground states. Paul Tully held weekly meetings in Little Rock about how much and where to place the buys. Fifty media buyers stood by to implement the actual time purchases.

The greatest gamble of the Clinton media buying strategy was to withhold advertising dollars from states that could be won. The confidence in the polling results of Stan Greenberg held the Clinton team on the original 20 state strategy. In such an unconventional approach, Mandy Grunwald said that, "California watched seven weeks of negative ads about Bill Clinton and never heard an answer" (Germond and Witcover, p. 440). However, Clinton was adroit at using ample free media to respond to Bush's attacks.

In contrast, the Bush campaign strategy placed the majority of advertising dollars on national network buys. This strategy was at first presumed to be a "temporary" measure, while the Bush campaign tried to determine which states Bush could seriously compete in. In battle ground states such as Ohio, Michigan, and Illinois, Bush "heavied up" his national buys with local buys. However, the predominant "shotgun" approach taken by the Bush campaign was loosely targeted and produced a high degree of "waste." Waste in media planning termology is the degree to which a buy reaches those who are not defined in the target market. The hope of the Bush campaign was that the polls would start moving in his favor. This is not to say that the Bush media strategists were in error. A "shotgun" approach may have been the only viable strategy. However, in the opinion of this author, a "shotgun" approach can be taken as a desperation strategy when candidate's negatives are exceedingly high. Another case where a "shotgun" national approach is a viable strategy is in the opposite situation, where a candidate's positives are geographically dispersed, such as in the case of the 1984 Reagan campaign.

The much touted 30-minute infomercials, the centerpiece of Perot 's strategy was successful in large part due to unconventional approach and a sincere desire on the part of the many Americans to understand the current domestic economic crisis. In the first two weeks of October, after getting back in the race, Perot personally spent $26 million, almost exclusively on advertising. (Berke 1992) Perot aired 11 half-hour programs including repeats. On October 5, Perot's first infomercial earned a startling 12.2 Nielsen rating. Previously in the paper, the tradeoffs between reach and frequency and size of the advertising unit were discussed. The negatives of extended length were controlled by airing the programs numerous times and supplementing Perot's efforts with :30 and :60 national and local buys.

The 1992 campaign had been unconventional from the start with an perceived "undefeatable" incumbent suddenly vulnerable, a governor from a small state who became embroiled in a sexual scandal and accused of being a draft dodger, and a computer salesman who came to the party uninvited by paying his own way. The final evening prior to election day ended the campaign on a recognizable note, with all three candidates appearing on national television and making their final appeals to voters. As the 1994 and 1996 campaigns beckon, the unconventional approaches of Perot and Clinton will likely become tomorrow's conventional wisdom.

Comparing Local Buying Strategies

Hagstrom (1992) stated that "political files" of advertising sales, kept in every radio and television station in the country are underutilized gold mines of data. During campaigns, the political buys are one of the most highly guarded documents prior to airing. Postelection analysis of these buys can provide scholars with new insights and validate the various strategical approaches used by candidates. The following results, while not inclusive of the total advertising buys placed in the Columbus, Ohio ADI (Area of Dominant Influence), hopefully will demonstrate the usefulness of this information. Postelection comparisons of the media buys made on behalf of George Bush, Bill Clinton, and Ross Perot on WSYX Television, the ABC affiliate, have been selected for examination. While the format of each station's billing form may vary, WSYX's billing form was extremely helpful because it also contained the identification number of each particular spot that aired. The buys that were selected aired from October 14 through November 2, 1992. This period dealt with the final three weeks of the general campaign.

The key time-buying questions posed by Hagstrom (1992) were "how much did each campaign spend, who was the campaign trying to reach, and how well did the campaign spend its money. To construct a data set from the buys, the November 1992 Arbitron rating book for the Columbus ADI was utilized, because it most accurately reflected the actual projected audience at the time of the campaign. The data set then became a combination of "public record" and Arbitron rating and audience composition information. From the WSYX billing record the following items were coded for: year, candidate, paid sponsor, airdate of the spot, number of times the spot aired, cost per spot, daypart and/or specific day of airing, general programming format in which spot appeared, and the spot identification number. From the rating book, the household rating, household share and number of total households in the ADI were coded. For comparative purposes, the same information was coded for women 25-54 years of age, working women, and men 25-54 years of age. Mathematical calculations, previously presented in the paper, of media cost and vehicles comparisons were calculated using SPSS.

How Much Did Each Candidate Spend?

The combined cost of the Bush, Clinton and Perot buys totaled $187,695. Of the total amount, $73,145 (39%) was spent on behalf of Bush, $76,720 (41%) on behalf of Clinton, and $37,830 (20%) on behalf of Perot. As one applies the three very different strategies utilized by the candidates, the Clinton "local buy" was the major workhorse that carried the campaign's two track messages. Perot simply complemented his heavy national buys with light localized :30s and :60s. The majority of the Bush cost was paid for by the Republican National Committee. It appears that the RNC was attempting to place more "tonnage" in Ohio in hopes of placing it in the win column. Ohio was a viable battle ground for all three candidates. As final results showed, Perot

took 21% of the Ohio vote.

How Many Gross Rating Points Did Each Campaign Buy?

Gross ratings points were defined as the sum of the rating for each spot purchased times the number of times each spot would air. A total of 194 spots announcements were coded. Of that total 85 were purchased on behalf of Bush; 84 on behalf of Clinton, and Perot bought 25. A total of 933 gross rating points, (based on TV households) were purchased in Bush's schedule; 875 GRPs for Clinton and 288 GRPs for Perot. In terms of cost per rating point (CPP), the Bush schedule had a CPP of $50.61, the Clinton schedule had a $52.54 CPP, while Perot had a CPP of $30.02.

How Many Gross Impressions Did Each Schedule Produce?

Gross Impressions are calculated by multiplying the schedule's GRPs by the number of television households or persons in thousands. GIs do not take into consideration the duplication of households or persons seeing an impression more than once.

	Bush GIs	Clinton GIs	Perot GIs
Women 25-54	15,534	14,262	5,715
Working Women	7,750	7,350	3,244
Men 25-54	12,278	10,396	4,658
TV Households	213,436	179,116	79,044

What does this comparison demonstrate? As target audiences are more broadly or more narrowly defined, the opportunity to expose the right group at the right time to the right message becomes more complex. It appears that the base target that all three candidates' schedules were focused on, was TV Households, rather than narrowcasting their targets.

How Much Did Each Schedule Spend on a CPM Basis?

	Bush CPMs	Clinton CPMs	Perot CPMs
Women 25-54	$2.62	$2.82	$1.06
Working Women	$4.34	$4.78	$1.85
Men 25-54	$3.57	$4.19	$1.79
TV Households	$2.95	$3.31	$1.11

CPM is seldom used as the sole criterion for buying airtime. One observation to make is that the Bush and Clinton media buyers were 20 cents apart on the CPMs for Women 25-54 and 36 cents apart on CPMs for TV HHs across some $150,00 in local buys. One can surmise that the rules of thumb for buying media scheduling is part art-part science. A realistic factor that also may account for greater differences, beyond the strategic differences in target audiences, is the supply and demand of time. Airtime is a finite commodity that is sought by multiple political candidates and commercial products and

service. The fourth quarter is normally when most stations have the greatest demand for time. A presidential campaign year further tightens a short inventory of the most desirable time slots.

How Did the Schedules Handle the Tradeoffs of Reach and Frequency

As discussed previously, reach (different households) versus frequency (same households) are inversely related. What was the reach compared to the average frequency differences between the schedules?

	Bush Reach	Clinton Reach	Perot Reach
Women 25-54	40%	37%	12%
Working Women	34%	32%	11%
Men 25-54	35%	30%	9%
TV Households	57%	52%	16%

Bush AvFreq	Clinton AvFreq	Perot AvFreq
14.6 times	14.7 times	5 times

The calculations indicate that over the three schedules, about half of the television households who watched WSYX saw about as many Bush spots as Clinton spots. If one divided the average frequency over the three week period, is close to a 5 spot average frequency per week a realistic assumption? Yes and No. The continuity strategies discussed earlier, reveals a clearer picture.

Airdate	Bush #/day	Clinton #/day	Perot #/day	
10/14	11	3	--	n=14
10/15	1	1	--	n=2
10/16	2	4	1	n=7
10/17	--	--	--	---
10/18	2	6	1	n=9
10/19	5	12	1	n=18
10/20	6	7	--	n=13
10/21	9	5	1	n=15
10/22	2	3	--	n=5
10/23	--	1	1	n=2
10/24	3	3	--	n=6
10/25	1	3	1	n=5
10/26	7	5	3	n=15
10/27	11	12	2	n=25

Airdate	Bush #/day	Clinton #/day	Perot #/day	
10/28	6	2	3	n=11
10/29	9	2	3	n=14
10/30	2	3	1	n=6
10/31	4	3	--	n=7
11/01	4	3	2	n=9
11/02	--	7	6	n=13
	n=85	n=84	n=25	n=194

Scanning the columns of Bush and Clinton commercial frequency, a strong pulsing pattern can been seen. The continuity patterns do not fit the "flat buy," the "orchestrated finish," or the "stop-start". Without reconstructing the campaign events on the peak frequency days, the "event schedule" pattern probably is not the best fit either. However, the Perot buys appear to fit the "orchestrated finish" continuity strategy. The Bush and Clinton buys both conform to the pulsing strategy.

Did the Media Schedules Differ According to the Time of Day?

Of the 85 spots purchased on behalf of Bush, 65% of the spots were placed in more cost efficient Monday-Friday schedules. The flexibility of allowing the station to place the commercial within the time requested, but the actual day is not as critical is an economical approach. This also is an efficient way to buy programs that are daily. Rating books bear out that over a four-week period, the average rating shift across all five days is minimal. Fridays may have more viewers, for example for game shows and soap operas. Syndicated programming which often contains disconnected episodes are not worth spending the extra dollars for the day specification. Only 35% of Bush buys were purchased on specific days at specific times. Approximately 57% of Clinton spots were Monday-Friday broad time slot purchases, 43% were placed in fixed day and time slots. Perot's 25 spots were equally divided between flexible and fixed dayparts.

In the fixed day purchases, Tuesday a.m. and p.m., Thursday p.m., Saturday p.m. and Sunday p.m. were the most frequently bought for Bush. Whereas, Monday a.m. and p.m., Tuesday p.m. and Sunday p.m. were purchased most frequently for Clinton. Monday a.m. and p.m. and Sunday p.m. were the most frequent choices for Perot. Across the three candidates, Sunday p.m. and Monday p.m. contained with most presidential campaign commercials. Tuesday p.m. and Saturday p.m. collectively were nights that viewers may have seen commercials for at least two for the candidates.

How Did the Type of Program Impact the Buys?

Conventional wisdom held. Designated spot buys appeared most often during local newscasts and news oriented-type programming. Clinton purchased the most commercials during football -- 4 compared to Bush's 2 and Perot's 1. Situational comedies also fared well. Specials were purchased frequently by all three candidates. Bush and Clinton placed a couple of spots during daytime talk shows. Clinton also purchased 3 designated soap opera spots during the three week period. Depending

on the particular soap opera, viewers may schew toward the younger college age demographic.

Recalling Presidential Campaign Advertising

An indept postelection telephone survey was conducted in the Columbus, Ohio ADI. Respondents were asked, "Of the television ads for the presidential candidates that appeared during the campaign, please describe which one, if any, influenced your most in your thinking about the candidates." Of the 931 respondents, approximately one-fourth (n=226) gave a response to the question. Some of the descriptions of candidates' commercials ranged from very detailed recall such as "the Time magazine one that Bush did about Clinton," or "the Clinton ad showing Geroge Bush saying 'Read my lips'," or "the Bush ad on Clinton's Arkansas record with the vulture in the tree." Descriptions such as these can be traced back to a specific commercial. By incorporating data from candidate media buys, the frequency of particular spots can calculated to bring a greater understanding between what is being recalled, and the intensity of the message in terms of dollars and rating points invested to deliver a specific message. Other respondents' responses appear more condensational innature, such as "Perot's ads were really robust and grabbed my attention, and "I thought all Bush's ads were very negative." Likewise, the actual media placement schedule can more accurately assist in restructing the political advertising environment to later be compared with an individual's media usage levels, need for orientation and ideological leanings.

Limitations of the Study

Data presented from calculations derived from the WSYX presidential buys may not be representative of the final findings from all local tv station buys placed in the Columbus ADI. The impact of national network buys will need to taken into consideration as both local and national level buys simultaneously impact voters. Other media such as radio and direct mail currently have not been calculated. The current findings from the 1992 campaign strategy may not be generalizable to future races.

Areas for Future Research

The current study should be considered exploratory. Analysis of media buys from earlier electronic campaigns could be incorporated into revisionist efforts. Future researchers may also want to consider how levels of gross impression "tonnage" effect various types of voters. Further studies should consider how to utilize reach and frequency research to make meaningful contributions to the effectiveness of public information campaigns. Experimental research could examine the exposure levels at which the agenda-setting function of mass communication may occur across varying circumstances and viewers.

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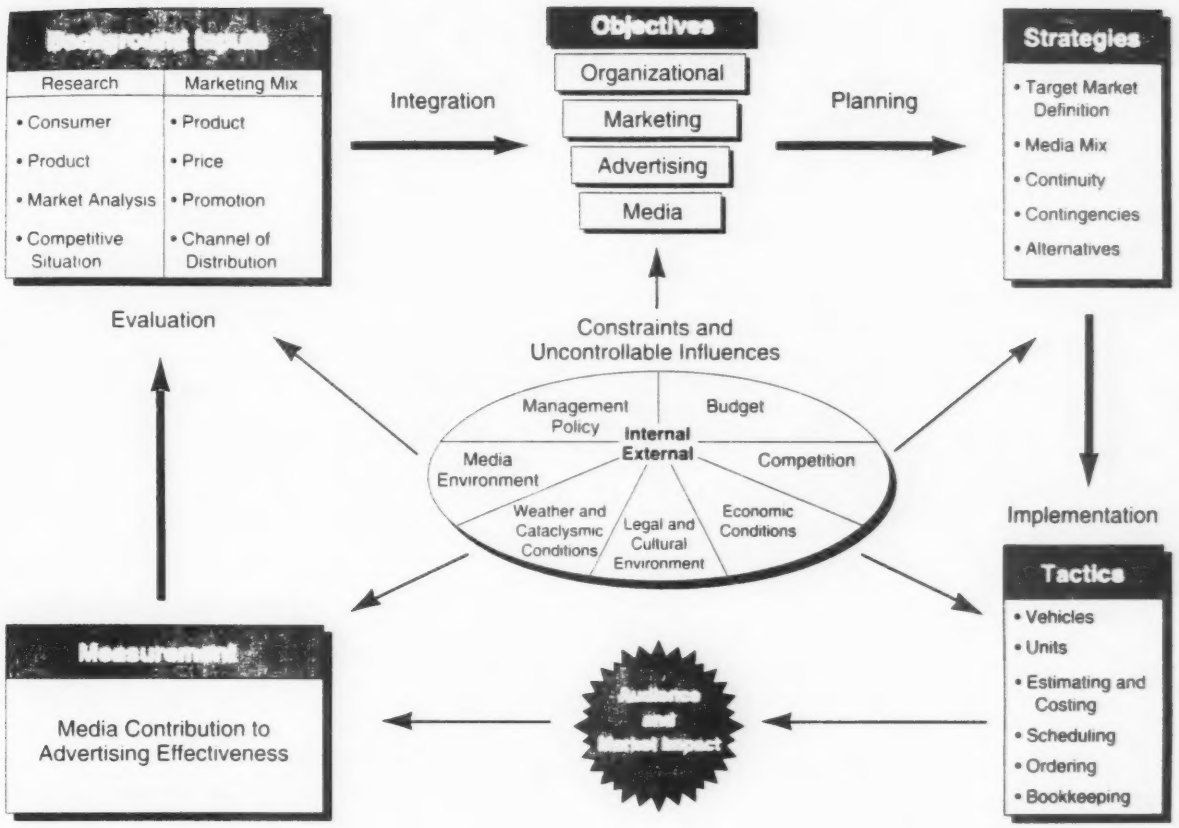
Figure 1

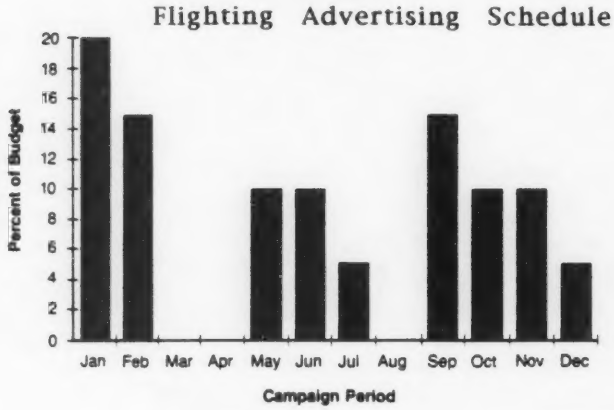
An Overview of The Media Decision-Making Process

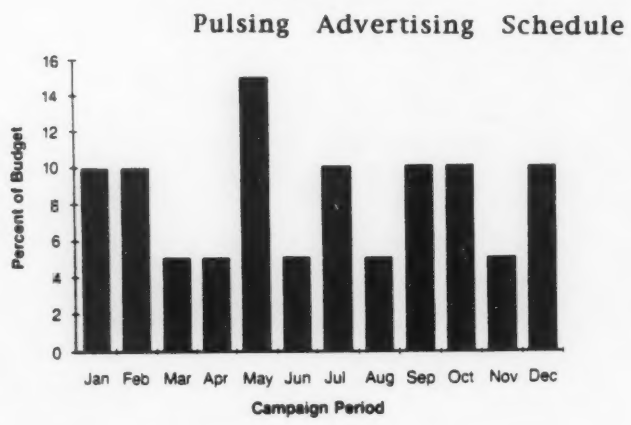


Source: Barban, Cristol, and Kopec (1993), *Essentials of Media Planning: A Marketing Viewpoint*, page 5.

Figure 2

Continuous Advertising Schedule
Percent of Budget
0
1
2
3
4
5
6
7
8
9
Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec
Campaign Period


Flighting Advertising Schedule
Percent of Budget
0
2
4
6
8
10
12
14
16
18
20
Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec
Campaign Period


Pulsing Advertising Schedule
Percent of Budget
0
2
4
6
8
10
12
14
16
Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec
Campaign Period

THE ETHNOPOLITICS OF SECESSION:

EXPLAINING SEPARATISM IN THE USSR

Lawrence Robertson
Department of Political Science
University of California, Los Angeles
4289 Bunche Hall
405 Hilgard Avenue
Los Angeles, CA 90024-1472

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This paper, drawn from my dissertation in progress, develops a framework to explain why different concentrated ethnic groups exhibit different preferences for autonomy from the state. I test the scheme with a multiple regression on the fifteen Soviet republics, which exhibited different degrees of secession from the Soviet Union over its last years, 1988-1991. First, the paper explains why secession and the disintegration of the USSR present interesting theoretical puzzles for political science. Then I consider the importance of separatism for world politics. Third, a literature review examines previous work on ethnonationalism and its limitations as explanations for separatism and the variety of its appeal for ethnic groups. Then I develop a rational choice framework from the ethnopolitics literature to explain the variation in the appeal and extent of ethnic group secession from a multinational state - the USSR. Fifth, I test the model and consider the limitations of the framework in explaining the separatism of the fifteen Soviet republics. Finally, I consider the conclusions of the model and some implications for states and groups worldwide.

The Anomaly: Ethnic Secession and the Soviet Disintegration

Nationalism at its core is the principle that groups based on territory, culture, language, or ancestry, should have their own administrative units.[1] Given the domination of world politics by states, groups ought to prefer this form. Yet states are overwhelmingly multiethnic constructs. A plethora of alternate configurations are possible based on national principles for almost all states. Despite a number of new states splitting from existing units in recent years, the preponderance of ethnic groups in multiethnic states worldwide demonstrate scant secessionist impulses. Why does the organizing principle of nationalism remain unevenly applied?[2] Why do some ethnic groups exhibit separatist preferences while others remain quiescent? What factors shape ethnic group aspirations for independence or provide incentives to remain in the central state?

The Soviet Union was one of the world's most multi-ethnic states. The March 1989 census identified 108 indigenous ethnic groups, 21 of which numbered over a million people.[3] Administration was based on national-territorial units organized around 54 officially recognized, autochthonous, concentrated groups. Yet despite the potential for ethnonationalism, the USSR appeared only marginally affected by worldwide separatist trends; both the burst of nationalism leading to independence in the developing world with decolonization in the 1950's and 1960's and the resurgence of minority nationalisms in the developed world in the 1970's found only a faint echo among Soviet minorities. While few believed hyperbolic assertions from Soviet leaders that the nationalities problem had been "solved,"[4] there was little expectation that minority nationalisms represented any immediate threat to the stability of the USSR - let alone its existence - among either western or Soviet experts in the mid-1980's.[5] The general research agenda on nationalism in the

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[1]Ernest Gellner, Nations and Nationalism (Ithaca: Cornell University Press, 1983) 1.

[2]Peter Alexis Gourevitch, "The Reemergence of 'Peripheral Nationalisms': Some Comparative Speculations on the Spatial Distribution of Political Leadership and Economic Growth," Comparative Studies in Society and History 21 (July 1979).

[3]State Committee for Statistics, Itogi Vsesoiuznoi perepisi naseleniia 1989 goda. Tom VII: Natsional'nyi sostav naseleniia SSSR (Moscow: Goskomstat, 1992).

[4]Nikita Khrushchev boldly stated that "the Party has solved one of the most complex of problems ... the problem of relations between nations" at the 22nd Party Congress in 1961. See Pravda, October 18, 1961, 1. By the 26th Party Congress in 1981, Leonid Brezhnev was more restrained and included qualifiers: "the Soviet nationalities are now united more than ever ... this does not imply that all the problems of the relations between nationalities have been resolved." See Pravda, February 24, 1981, 3. Mikhail Gorbachev rejected even these moderate claims in his keynote speech to the 27th Party Congress in 1986. Instead he first noted that "contradictions" remain in "national processes", only then maintaining that "the Soviet people" have a "unity of economic interests, ideology, and political goals." See Pravda, February 26, 1986, 5. As cited in Gail Lapidus, "Ethnonationalism and Political Stability: The Soviet Case," World Politics 37 (July 1984).

[5]This stability consensus is evident in the work of Lapidus. In a critique of the few analyses of the nationalities problem that viewed the system as unstable, she concluded that "new [national] elites are more likely to direct

USSR thus concentrated on Soviet management of the nationalities problem and explaining the stability of the Soviet system.[6] While scholars doubted that national divisions would be overcome in the future, even skeptical studies tended to view the future of the nationalities question in the USSR at equilibrium - at "impasse" - rather than leading to the dissolution of the USSR.[7]

However ethnic nationalism exploded in the Soviet Union in 1988 and became increasingly assertive to the point that the Union "ceased to exist" on December 25, 1991. The research agenda has similarly changed to explaining why the formerly stable system disintegrated.[8] Fifteen independent states have been created and other concentrated ethnic groups have upgraded their administrative status within republics, and some have still more secessionist aspirations. Different ethnic groups exhibited different propensities to secede from the USSR and its union republics over its final years, 1988 to December 25, 1991. This resulted in different degrees of secession for titular ethnic groups of the former fifteen Union republics.[9] As in these cases, separatism is neither an easy nor obvious policy for ethnic groups worldwide. While all ethnic groups seek greater "self-determination,"[10] that is greater local powers vis-a-vis the central state, not all are separatist.[11] Greater local autonomy can be sought in a variety of issue areas and through a wide range of means. Nevertheless, the desire for greater local powers vis-a-vis the central state shapes all of these goals and drives all of these processes. Regions with concentrated ethnic groups in the USSR and other states expanded their prerogatives at different rates and to different degrees.[12]

What explains this variation in national separatism? Theories of nationalism or ethnopolitics identify either broad global trends or the attributes of ethnic groups and regions as the driving forces behind ethnic group assertiveness. The inducements and disincentives to secession from the international system affect different regions and groups in different ways: thus the variation in ethnic secession from the Soviet Union must be explained by non-systemic variables. Concentrating on the differences in secession within a single state over a short period of focuses on how the effects of international factors varies across ethnic groups and regions. This research strategy isolates the effects of central state policies and institutions and ethnic and regional attributes on increased assertions of sovereignty.

The interplay of these variables is at the center of political economy. Political economy suggests how political and economic factors affect self-interested individuals and the subsequent affects of these factors on politics through the organization of individuals for collective action.

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their energies toward within-system demands than toward secession" and that "rising nationalism, in the absence of a major military conflict on Soviet territory, is unlikely to pose a serious threat to the stability of the Soviet system." See "Ethnonationalism," 579, 580. Soviet ethnographers, while producing nuanced analyses of problems in minority relations and how national characteristics endure, ignored the implications of these difficulties for the Soviet system. See, for example, the research in Iuri V. Arutiunian and Iulian Bromlei, eds., Sotsial'no-kul'turnaia oblik Sovetskikh natsii: (po materialam etnosotsiologischeskogo issledovaniia) (Moscow: Nauka, 1986).

[6]Walker Connor emphasizes how the Marxist-Leninist strategy for using and managing nationalism proved successful, at least initially, though it later contributed to minority nationalism in each of the socialist countries. See The National Question in Marxist-Leninist Theory and Strategy (Princeton: Princeton University Press, 1984).

[7]Helene Carrere d'Encausse, Decline of an Empire: The Soviet Socialist Republics in Revolt (New York: Newsweek Books, 1979).

[8]See Teresa Rakowska-Harmstone, "Chickens Coming Home To Roost: A Perspective on Soviet Ethnic Relations," Journal of International Affairs 45 (Winter 1992).

[9]Titular minorities have their administrative territories named and designed for them.

[10]Dov Ronen, The Quest for Self-Determination (New Haven: Yale University Press, 1979).

[11]Allen Buchanan, Secession: The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec (Boulder: Westview, 1991).

[12]Miroslav Hroch, Social Preconditions of National Revival in Europe (Cambridge: Cambridge University Press, 1985).

Ethnicity, embedded as the organizing principle in the ethnofederal institutional framework of the USSR, focused the attention of individuals on territorialized ethnicity.[13] The Soviet system was also etatist; planning and the predominance of state property meant the resources of the system were concentrated in the state. Consequently the aspirations of individuals and collectivities focused on state institutions, the focus of much of political economy as well as new works on nationalism.[14] Political economy thus suggests a research strategy to investigate what structures individuals and groups seek as the proper unit of political life.

The Importance of Understanding Secession

The breakup of the Soviet Union presents an opportunity to examine why and how nationalities choose to secede from the existing state in favor of creating their own state or irredentism and why other ethnic groups limit their separatist aspirations. The decision to create an independent state is not taken lightly. Separatist decisions in the Soviet Union were controversial and nontrivial, with costs to the ethnic groups and the center Limits on the process of cascading sovereignty in the pre-coup USSR, the continued effort to maintain some multilateral ties through federation, confederation, or commonwealth after the end of the Union, and the previous experience of Soviet nationalities with creating independent states between 1917 and 1923 demonstrate the difficulties and uncertainties of separatism.[15] While the number of potential ethnic seceders is tremendous since states are overwhelmingly polyethnic and increased autonomy remains a goal of minorities, separatist aspirations tend to remain limited, and secessionist outcomes are rare.[16] Until the fragmentation of Yugoslavia and the USSR in 1991, Bangladesh was the only successful secessionist case since the end of the colonial era.[17] The study of secession from the Soviet Union, an ideal setting to examine a number of cases while controlling for international factors, offers conclusions for ethnic separatism worldwide. Irredentism too is rare, though many international borders are not coterminous with ethnic boundaries, and its unpopularity among the nations of the former Soviet Union also offers cases for comparative analysis.[18]

Ethnic conflicts are some of the more intractable problems across the globe today. Communal strife brings misery to millions of people worldwide. Understanding the inducements and disincentives to national secession presents opportunities for managing the separatist aspirations, up to and including full independence, of some ethnic groups while anticipating and shaping reasons to retain present ties and limit the secession of other groups. Central state policies profoundly influence the extent of separatism sought and the degree of secession attained.[19] A better understanding of the reasons and calculations of ethnic groups can lead to the development and better implementation of national and international policies to minimize the conflicts inherent in increasing ethnic autonomy and thus has the potential to improve group, national, and international

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[13]Benedict Anderson, Imagined Communities: Reflections on the Origins and Spread of Nationalism (London: Verso, 1983).

[14]Eric Hobsbawm, Nations and Nationalism Since 1780 (Cambridge: Cambridge University Press, 1990); Joseph Rothschild, Ethnopolitics: A Conceptual Framework (New York: Columbia University Press, 1981); James E. Alt and K. Alec Chrystal, Political Economics (Berkeley: University of California Press, 1983).

[15]The best account of this period remains Richard Pipes, The Formation of the Soviet Union: Communism and Nationalism, 1917-1923 (Cambridge: Harvard University Press, 1964).

[16]Gunnar P. Nielsson, "States and 'Nation-Groups': a Global Taxonomy," in Edward A. Tiryakian and Ronald Rogowski, eds., New Nationalisms of the Developed West: Toward Explanation (Boston: Allen and Unwin, 1985)

[17]For a nuanced examination of the interests and interaction of international and domestic actors that led to the formation of Bangladesh, see Richard Sisson and Leo E. Rose, War and Secession: Pakistan, India, and the Creation of Bangladesh (Berkeley: University of California Press, 1990).

[18]See Naomi Chazan, ed., Irredentism and International Politics (Boulder, CO.: Lynne Rienner, 1991).

[19]John Brueilly emphasizes the influence of the state on the context that shapes nationalism and separatism in Nationalism and the State (Chicago: University of Chicago Press, 1985). The influence of the state on the context of nationalism was also stressed by Rupert Emerson in From Empire to Nation: The Rise to Self-Assertion of Asian and African Peoples (Cambridge: Harvard University Press, 1960).

welfare.[20] Ethnic struggles for autonomy can evolve into communal strife and escalate into destructive civil wars as in Sri Lanka. Neighboring states find it difficult to avoid becoming involved in nearby conflicts.[21] New states created by successful secession face uncertain security situations in unstable regional contexts, grievances with their neighbors and former compatriots, and new political institutions available for exploitation by xenophobic politicians.[22] New states themselves are seldom uniethnic, and interethnic relations in the new state change with independence. Soviet secession is especially important since so many ethnic groups create so many potential troublespots, the massive restructuring project of the new multiethnic states may lead to greater ethnic assertiveness, and the nuclear capabilities of the former Soviet Union mean that conflict contagion could be particularly catastrophic, with horrendous consequences beyond the region.

Nationalism is returning to the foreground of issues in political science and for policy. Political science has begun to return its focus to questions about the organizing principles of states - how units are aggregated and subdivided and why they take various organizational principles.[23] As centralized threats to international order wane, the impact of proliferating the units in the system on American interests has become one of the key questions at present and for the future. American policy has been biased against secession, as our efforts to perpetuate the Yugoslav and Soviet states and to keep Kurdistan from developing full statehood demonstrate. Such policies have proven shortsighted and increased the welfare losses of separatism for all sides - including the United States.[24] A better understanding of secession would suggest when and how American policy can make a difference and reduce the costs of ethnopolitics for all states and groups.[25]

Competing Explanations and their Shortcomings: A Review of the Ethnopolitics Literature

The political science literature on ethnic conflict has been drastically revised over time.[26] Initially, economic development was hypothesized to reduce ethnic strivings for autonomy. Modernization was expected to reduce atavistic loyalties such as ethnicity.[27] However, as

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[20]For the beginnings of a new effort to create general international policies or norms, see Hurst Hannum, Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights (Philadelphia: University of Pennsylvania Press, 1990); Buchanan, Secession; and Alexis Heraclides, "Secession, Self-Determination and Nonintervention: In Quest of a Normative Symbiosis," Journal of International Affairs 45 (Winter 1992). However, it seems more probable that states will continue to treat secession idiosyncratically, based on their "national interests".

[21]Heraclides, "Secessionist Minorities and External Involvement," International Organization 44 (Summer 1990) and his The Self-Determination of Minorities in International Politics (London: Frank Cass, 1991), chap. 4.

[22]See Stephen M. Walt, "Revolution and War", World Politics 44 (April 1992).

[23]Charles Tilly, Coercion, Capital, and European States, AD 990-1990. Cambridge: Basil Blackwell, 1990).

[24]Michael Mandelbaum, ed., The Rise of Nations in the Soviet Union: American Foreign Policy and the Disintegration of the USSR (New York: Council on Foreign Relations, 1991).

[25]See Jack Snyder, "Nationalism and the Crisis of the Post-Soviet State," Survival 35 (Spring 1993).

[26]Perceptive reviews of the history of the study of ethnic conflict include: Ronald Rogowski, Comparative Politics," in Ida W. Finifter, ed., Political Science: The State of the Discipline II (Washington D.C.: APSA, 1993); Saul Newman, "Does Modernization Breed Ethnic Political Conflict?" World Politics 43 (April 1991); Ernst B. Haas, "What is nationalism and why should we study it? International Organization 40 (Summer 1986); Rogowski, "Conclusion," in Tiryakian and Rogowski, New Nationalisms; Arthur N. Waldron, "Theories of Nationalism and Historical Explanations," World Politics 37 (April 1985); Crawford Young, "The Temple of Ethnicity," World Politics 35 (July 1985); and Gale Stokes, "The Underdeveloped Theory Of Nationalism," World Politics 21 (October 1978).

[27]For criticism of these modernization assumptions, see Michael Hechter, Internal Colonialism: The Celtic Fringe in British National Development, 1536-1966 (Berkeley: University of California Press, 1975) 16-30; and Arend Lijphart, "Political Theories and the Explanation of Ethnic Conflict in the Western World: Falsified Predictions

empirical data demonstrated ethnic assertiveness tended to increase with modernization, more "reactive" theories emerged that postulated economic development led to nationalist reaction against modernization by unassimilated, backward ethnic groups.[28] On the other hand, a "developmental" perspective argued backward peripheral regions sought greater independence precisely due to resentment over the lack of development.[29] These theories have been discredited by events and supplanted by more complex paradigms. Separatism from the USSR also demonstrates the inadequacies of these models. All ethnic groups in the former Soviet Union, from most to least developed, sought expanded competence, though to different degrees and at different paces. National aspirations focused on further modernization rather than a return to traditional economic patterns, though some past development was criticized as inappropriate.

The now dominant tradition in political science explains ethnic mobilization as a consequence of group competition with other collectives.[30] As Joseph Rothschild states: "the engine of ethnic conflict" is "perceived ethnic inequalities and inequalities in access to and possession of economic, educational, political, administrative, and social resources."[31] However, the motor of competition and the links between ethnic conflict over mobility opportunities and outcomes remains poorly understood and is seldom specified.[32] Nevertheless, the calculations of territorially concentrated ethnic groups on separatism ought to be based on individual members' estimations of their personal prospects in a new nation relative to the undivided state.[33] These calculations should have two relative comparisons as their basic components: first, what job prospects are expected in the new state compared to those forecast under the already existing central state and second, how will development in the new state affect future mobility compared to job prospects under the development program of the undivided state. While the outlines of this theoretical perspective are clear, operationalization remains difficult. The relevant actors, how they assess their current mobility prospects, and the factors they consider in assessing their future occupational trajectories remain problematic.

Theories that examine ethnic competition present two competing paradigms. One emphasizes the difference between groups and regions with a Cultural Division of Labor (a vertical hierarchy of groups) as opposed to a Pillarized Society (a parallel segmentation of groups).[34] While in practice, the differences between these two types make assigning specific cases in either category difficult, a strong version of a Cultural Division of Labor (CDL) has at least two groups, one of which is clearly "superior" to the others.[35] On the other hand, a strong version of a Pillarized

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and Plausible Postdictions," in Milton J. Esman, ed., Ethnic Conflict in the Western World (Ithaca: Cornell University Press, 1977) 46-64.

[28]One such example is Karl Deutsch, Nationalism and Its Alternatives (New York: Knopf, 1969). See also Hobsbawm, Nations and nationalism.

[29]See, for example, Clifford Geertz, ed., Old Societies and New States: The Quest for Modernity in Asia and Africa (New York: Free Press, 1963), especially his chapter "The Integrative Revolution: Primordial Sentiments and Civil Politics in the New States"; and Hechter, Internal Colonialism.

[30]This approach began with Albert Breton in "Economics of Nationalism," Journal of Political Economy 72 (December 1964), and was further developed in Fredrik Barth, ed., Ethnic Groups and Boundaries: The Social Organization of Cultural Difference (London: Allen and Unwin, 1969), and Robert Melson and Howard Wolpe, "Modernization and the Politics of Communalism: a Theoretical Perspective," American Political Science Review 64 (December 1970).

[31]Ethnopolitics: A Conceptual Framework (New York: Columbia University Press, 1981) 39.

[32]Sarah Belanger and Maurice Pinard, "Ethnic movements and the Competition Model: Some missing links," American Sociological Review 56 (August 1991).

[33]Ronald Rogowski, "Causes and Varieties of Nationalism: a Rationalist Account," in Tiryakian and Rogowski, 90.

[34]For an elaboration of the different predictions of these two schools, see Hudson Meadwell, "Ethnic Nationalism and Collective Choice Theory," Comparative Political Studies 22 (July 1989).

[35]See Leo Kuper and M.G. Smith, eds., Pluralism in Africa (Berkeley: University of California Press, 1969).

Society (PS) has at least two stratified ethnic groups, that is each group has their own elites qualified to manage group or regional affairs.[36] These groups exist side by side and therefore compete for resources and mobility opportunities. CDLs are believed to inhibit secession since the ethnic group at the bottom lacks the kind of elite necessary to organize the group for collective action and manage state or economic institutions in the region. PSs have precisely such a counterelite which seeks to expand its competence through secession. The hypothesized differences between the strong versions of a CDL and PS can be demonstrated to be practically nonexistent in economically developed states. Even in the most discriminatory system, South African blacks have a developed political and economic elite, which is both adequate for autonomy and leadership of the larger state and indeed demands these roles; even apartheid failed to produce a CDL.[37] While some nationalities in the Soviet Union have proportionally fewer members with higher education, bureaucratic employment, and Communist Party membership than other ethnic groups, all nationalities have sufficient cadres to lead the ethnic group and manage local institutions. Thus, while some ethnic groups have larger and better developed elites than others, and correspondingly other minorities are proportionally less educated, white collar, and party members, there are no CDL relationships in the USSR. Other scholars have noted that the crude categorization above fails to capture the complexity of intergroup relations; in reality the patterns of relations between ethnic groups is far more complicated. Instead, more complex paradigms, such as Rothschild's "reticulate model", have been developed that attempt to take cross-cutting cleavages into account.[38] But institutionalized discrimination or affirmative action based on ascriptive ties breaks these more complex group affiliations back closer to "we-they" differentials.

Another set of explanations of separatism examine how single factor changes lead to expanded assertions of autonomy. External factors from both the international and undivided state level affect group calculations. For example, the spread of the doctrine of self-determination across the globe,[39] and the decline of coercion in Soviet politics facilitates ethnic assertiveness.[40] Yet these two factors should affect all ethnic groups in similar fashions. The variety of responses to similar factors calls for an explanation based in the attributes of ethnic groups and regions. By limiting the sample to ethnic groups in one country, the USSR, and a few years, 1988-1991, both international and consistently applied central state policies are similar across all cases. While these factors explain part of sovereignization, they cannot explain variation within the former Soviet Union. Single factor explanations have limited domains which can be exceeded by a more general model which explains general causes of secession as well as the variations apparent in its appeal.

A third group of explanations focus on group or regional attributes or a combination of these factors as explanations of separatism. Some efforts simply produce a list of factors that cause secession; one example requires a conjunction of "primordial" and recently acquired "secondary" factors, triggered by a catalytic threat of competition with other groups, which is then affected by leadership, government, conflict management, and international factors.[41] No coherent argument about secession arises from such a "kitchen sink" method. Process models, like the one developed by C.J.F. Whebell,[42] examine continuous dependent and independent variables, but again fail to

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[36]See Hans Daalder, "The Netherlands: Opposition in a Segmented Society," in Robert A. Dahl, ed., Political Oppositions in Western Democracies (New Haven: Yale University Press, 1966).

[37]Donald L. Horowitz, A Democratic South Africa: Constitutional Engineering in a Divided Society (Berkeley: University of California Press, 1991).

[38]Ethnopolitics, 83-84.

[39]Walker Connor, "Self-Determination: The New Phase," World Politics 20 (October 1967).

[40]Alexander J. Motyl, Will the Non-Russians Rebel?: State, Ethnicity, and Stability in the USSR (Ithaca: Cornell University Press, 1987).

[41]Ralph R. Premdas, "Secessionist Movements in Comparative Perspective," in Ralph R. Premdas, S. W. R. de A. Samarasinghe and Alan B. Anderson, eds., Secessionist Movements in Comparative Perspective (London: Pinter, 1990).

[42]"A Model of Territorial Separatism," Proceedings of the Association of American Geographers 5 (1973).

examine how the independent variables they identify are related to secession; the model proposes that territorial separatism may arise from any dimension of each variable: territorial definition, institutionalization, arena of stress, and culminating events. The model thus only suggests when "conditions predisposing to separatism exist."[43] Other attempts at analyzing secession produce typologies rather than theories. The common fault in these analyses is the refusal to sketch out relationships among variables and elaborate particular causes and paths of secession. However, they self-consciously consider the crucial impact of state policies toward ethnic minorities and regions. Anthony D. Smith differentiates among separatist movements, who first need the preconditions of self-consciousness of a common history and discontent from centrally-blocked mobility opportunities, on the basis of how the central cycle of economic and social expansion and contraction, the political cycle, the changing social composition of the ethnic group, and specific government policies toward the ethnic group affect separatist aspirations.[44] John Wood's effort, after producing a long list of variables, concludes by explicitly rejecting theory:

> if certain preconditions are adequately met, a secessionist movement is likely to emerge; if it develops effectively, the central government may respond either accommodatively or repressively; if accommodation fails, a secessionist attempt may be precipitated by a number of possible events; if civil war ensues, its outcome will be affected by a number of factors, many of them unknowable in advance. Secession can apparently occur or be stopped at any of the stages we have described. Predicting secession is like predicting the moves of gamblers; even if one is familiar with their predispositions, understands their rules, and knows the cards they hold, one still cannot foretell the outcome of their game.[45]

Similarly, Alan B. Anderson presents typologies of nationalism based on the status of a language minority relative to other groups and geographic divisions, government policy, and how minorities react to state policies.[46] No patterns of relationships are identified, and no causal connections are considered.

Finally, efforts to explain the surge in nationalist agitation in the Soviet Union proposed hypotheses about ethnic separatism. My dissertation tests the basic arguments offered in these more nuanced treatments at some cost to their consideration of exceptions and other factors that alter the models' expectations.[47] Three frameworks can be formulated as theories, though the authors left their hypotheses unformalized.

Philip G. Roeder posed a scheme based how federal institutions and central government resource redistribution create or inhibit mobility opportunities.[48] Previously complacent titular groups are activated by officially sanctioned ethnic elites in developed Soviet regions. Elites mobilize ethnic constituencies to lobby the center for increased resources needed to contain increasingly serious mobility pressures in regions facing declining economic growth, a large, previously developed, potential counter-elite, and a saturation of professional positions. Mobilizing the masses serves to pressure the central government to reduce interrepublican income redistribution, which generally transferred funds from advanced to backward regions to equalize development. Continued income redistribution causes separatism, though titular aspirations focus

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[43]Whebell, 298.

[44]Anthony D. Smith, "Toward A Theory of Ethnic Separatism," Ethnic and Racial Studies 2 (January 1979).

[45]John R. Wood, "Secession: A Comparative Analytical Framework," Canadian Journal of Political Science 14 (March 1981) 133.

[46]Alan B. Anderson, "Ethno-Nationalism and Regional Autonomy in Canada and Western Europe," in Premdas, Samarasinghe and Anderson.

[47]Another test of similar conceptions is offered by Timothy M. Frye. See his "Ethnicity, Sovereignty and Transitions from Non-Democratic Rule: The Andrew Wellington Cordier Essay, Journal of International Affairs 45 (Winter 1992).

[48]Roeder, "Soviet Federalism and Ethnic Mobilization," World Politics 43 (January 1991).

initially on autonomy and sovereignty rather than independence.[49] Developed regions remain interested in ties to the center if the subsidization of other areas is reduced. How more favorable economic relations can be created between the region and the center are compared to existing center-periphery ties in considering the degree of separatism sought. Secessionist aspirations are raised as institutional changes such as competitive elections allows titular counterelites to replace previous national cadres. Yet nothing in this model suggests why or when institutional changes occur. The model does not specify when occupational pressures and income redistribution lead to protest. In addition, the reaction of subsidized regions to reductions in central funds is ignored; secession is considered for only part of the universe of Soviet ethnic groups. Also no attention is given to the inducement of promotion possibilities outside titular ethnic regions. Extraregional mobility, especially for well educated ethnic groups, while presenting certain costs in language acquisition[50] and somewhat limited in the extent of vertical mobility possible, offers alternative mobility channels. Third, the assumption that smaller ethnic groups are less separatist from their "far greater possibilities for individuals to achieve moderate success climbing the Soviet mobility ladder" seems unwarranted, unrelated, and contrary to methodological individualism.[51] Adding economic issues and their effects on mobility opportunities clears up the evident confusion about central sanctions against separatism, adds disincentives to association for groups, and expands the universe to the smaller, non-republican titular minorities that Roeder simply assumes are attracted to assimilation with Russia. An interactive model of how central subsidization and exploitation affect mobility opportunities is required to capture the full secession picture. Thus the Roeder model tells only part of the secession story.

David D. Laitin's analysis considers the full range of groups and adds these external opportunities to elites' calculations; ethnic leaders who have assimilated into the society and culture of the center attain "most-favored-lord status" with concomitant opportunities for extraregional or central promotions while elites denied such opportunities focus their aspirations solely on their national areas.[52] The Elite Incorporation Model (EIM) predicts that less separatism among favored groups - the opposite of the Roeder model's expectations. Regional elites denied central mobility focus inward and increasingly look toward secession. However, Laitin only considers the inducements to continued union membership rather than any disincentives. Economic factors are only considered in ad hoc fashion when considering "other variables that might have influenced the pattern of outcomes" although economic dynamics pervade the analysis.[53] National groups consider the existing relationship with the center and the other republics, possibilities for improving the regions standing in the system, and how increased independence would leave the economy.

Donald Horowitz proposes a parsimonious, consistent framework which applies to the full universe of logically possible cases. Secession calculations are functions of relative group and regional position in the undivided state. Examination of a wealth of Asian and African cases

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[49]The extent and results of interrepublican equalization remains controversial. See Ronald D. Liebowitz, "Soviet Investment Strategy: A Further Test of the 'Equalization Hypothesis'," Annals of the Association of American Geographers 77 (September 1987).

[50]On the role of individual choice in language and its affect on collectives, see Joshua A. Fishman, Language and Nationalism: Two Integrative Essays (Rowley, MA.: Newbury House, 1972); and David D. Laitin, "Language Games," Comparative Politics 20 (April 1988).

[51]Roeder, 171.

[52]Laitin, "The National Uprisings in the Soviet Union," World Politics 44 (October 1991). See also David D. Laitin, Roger Petersen, and John W. Slocum, "Language and the State: Russia and the Soviet Union in Comparative Perspective," in Alexander J. Motyl, ed., Thinking Theoretically About Soviet Nationalities: History and Comparison in the Study of the USSR (New York: Columbia University Press, 1992).

[53]Laitin, "National Uprisings," 158.

demonstrates the power of his scheme.[54] Another brief essay considers how the framework informs the Soviet case.[55] Ethnic groups are either "backward" or "advanced" in socioeconomic status, which determines their position relative to other ethnic groups in the competition for mobility opportunities. Regions too are either "advanced" or "backward", based on the strength of the local economy, which provides mobility opportunities without the central state. Ethnic group leaders consider their relative prospects in an independent ethnoterritorial unit verses continuing in the larger state. The conjunction of the two independent variables creates four different groups of secessionists, with different preferences on autonomy and different paths to secession (See Table 1). However the framework devotes insufficient attention to the inducements of subsidization and disincentives of exploitation provided by the unified state, though these enter his discussion of Soviet separatism. I argue the scheme misspecifies the economic variables, at least in the ex-Soviet cases. Instead of regional attributes, central state policies are critical, as Horowitz seems to note in his discussion of the Baltic and Central Asia republics. Rather than the relative level of regional development, how the undivided state treats the region shapes the preferences of ethnic elites. While Horowitz implies advanced regions are exploited to subsidize backward regions. While logically consistent, this is not always true in practice. In the USSR, some backward regions were net contributors to the center while other advanced regions were subsidized. Ethnic elites compare existing ties to their potential as more independent actors rather than assess their absolute potential as independent regions. What concentrated ethnic groups lose or gain in their current relationship with the larger state is crucial in economic as well as mobility opportunities. Finally, the model is static. No notion of how development changes relative positions and secession calculations is made.

The Future Mobility Model and Testable Hypotheses

The Future Mobility Model expects ethnic groups to move toward secession when the opportunities for occupational mobility are more promising in their own regions than in the larger state and when the central government provide few economic subsidies to the area or extracts revenue from the region. It expects occupational mobility prospects to drive individuals' calculations of what degree of secession is in their immediate interest. Increased autonomy means that management once provided by the center now may be produced locally; thus new jobs are created under ethnic preference systems that favor titular groups. Also, members of other ethnic groups, who now face discrimination, are likely to return to their own national areas, opening their old positions for mobility under the system of titular preference. Whether the central government augments mobility prospects in the region through investment or inhibits development there by extracting resources from the region affects the occupational mobility of individuals in the medium and long term. The distribution and redistribution of funds via investment and price subsidization and through taxation and price discrimination affects both the overall level of economic growth and job creation and the distribution of this development - that is, what kind of occupational mobility opportunities are created through the new jobs and the geographical location of this development. Increased flows from the center to the region mean greater future mobility opportunities, which ethnic groups hope to distribute disproportionately to members of their groups, though these increased opportunities are also likely to draw members of other ethnic groups to the region. A decline in central resource transfers to the region or extraction of regional funds for the development of other areas contracts occupational mobility opportunities, which increases the competition for the remaining positions. Some imported workers may leave as their job promotion prospects decline, who will then be replaced under the ethnic preference system by the titular ethnic group of the area.

Ethnic secession is thus hypothesized to be a function of ethnic occupational mobility and central policy toward the region. Occupational mobility depends on the distribution of existing

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[54]Horowitz, "Patterns of Ethnic Separatism," Comparative Studies in Society and History 23 (April 1981) and Ethnic Groups in Conflict (Berkeley: University of California Press, 1985), chap. 6.

[55]Horowitz, "How to Begin Thinking Comparatively About Soviet Ethnic Problems," in Motyl, ed., Thinking Theoretically.

positions in the region and at the center, while central subsidization or the extraction of funds from the region affects the number and type of regional and extra-regional mobility opportunities that accompany development in the future. The model expects individuals to assess their prospects for advancement on these two grounds. Opportunities are evaluated in relative terms; that is, individual members of ethnic groups consider whether continued development in the rest of the existing state or more autonomous development without transfers of funds through the central state offers greater mobility prospects. Central aid produces greater mobility opportunities overall through development while a loss of regional funds to the center constricts future development. These transfers simply create jobs; how the change in the number of occupational mobility opportunities affects the distribution of these positions among ethnic groups depends on the local administration, economic bureaucracies, the market, and the central government.

Occupational mobility most broadly means moving from rural to urban areas. Good jobs in most societies are overwhelmingly located in urban areas; promotion to factory employment or especially white collar occupations provides higher salary, benefits, and status than rural employment. Typically, urbanization results in closer interaction with members of other ethnic groups; consciousness of individual and group competition increases through this contact, as individuals grow to understand that some policies are designed to promote the welfare of one group compared to another.

Ethnic competition for mobility opportunities is at two levels: first, in the regions in which groups are concentrated and second, at the larger state level. As a consequence of uneven economic development, ethnic group urbanization and education levels and occupational distributions vary within states.[56] Some groups which benefited from early development attain urban positions in areas of other ethnic groups; emigration reduces mobility pressures in their own ethnic areas through moving to different regions or the center. However, urban and potentially urban members of titular ethnic groups resent immigrants, who inhibit their own opportunities for occupational mobility. Members of this titular ethnic group can also look to occupational mobility outside their own area, but again as a consequence of uneven or late development, the group and its members lack the education and work experience to successfully compete for positions at the center or in other national areas.

This two level competition results in the creation of two different types of ethnic groups based on their relative successes in occupational mobility. Groups are "urban population importers" when more of the urban positions in their titular areas are occupied by members of other ethnic groups than members of the titular group's urban population have immigrated to urban areas outside the republic. Importers thus are groups with more urban positions in their titular area than titular ethnic urban populations currently occupy in their region and in the larger state combined. The intuition behind this variable is that ethnic group members consider their mobility opportunities in the existing state relative to their prospects in an independent state; that is, they think about their job prospects in the national area if all co-ethnics were forced to return and all immigrants expelled. Importers would have an excess of urban positions in such a hypothetical population adjustment and thus plentiful mobility possibilities in their region. Conversely, groups are "urban population exporters" when more of their urban populations have emigrated than immigrant ethnic groups have occupied urban positions in their titular areas. Any population resettlement would place tremendous pressure on the few local mobility opportunities by former urban emigrants. Wholesale population resettlements are both extraordinarily painful in human terms and seldom total. Nevertheless, this way of thinking is the logical conclusion of theories of ethnic group competition for occupational mobility, and arguably, the way that the issue is examined by the

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[56]See for the Soviet cases, Roman Szporluk, "The Imperial Legacy and the Soviet Nationalities Problem," in Lubomyr Hajda and Mark Beissinger, The Nationalities Factor in Soviet Politics and Society (Boulder: Westview, 1990); S. Frederick Starr, "Tsarist Government: The Imperial Dimension," in Jeremy Azrael, ed., Soviet Nationalities Policies and Practices (New York: Praeger, 1978); and Marc Raeff, "Patterns of Imperial Russian Policy Toward the Nationalities," in Edward Allworth, ed., Soviet Nationality Problems (New York: Columbia University Press, 1971).

competing groups themselves.[57] Precedents for such drastic population resettlements are also provided in by history and recent experience: for example, hundreds of thousands of Greeks and Turks were relocated in forced unmixing following the First World War, Amin deported all Asians from Uganda, and the wars of the Yugoslav succession have led to almost total unmixing of many areas of its successor states.

Membership in the larger state also has different consequences for various regions. Central policy either retards local occupational mobility opportunities by re-allocating taxation revenues from the area to other regions or results in an increase in the possibilities for occupational mobility in the region through central investment. The model considers the first type of central policy "exploitation" while the second is "subsidization".

Examining secessionist moves as the product of ethnic group members' calculations of personal benefit based on their prospects for occupational mobility at the center and in their region and the level of regional economic subsidization by central authorities creates four hypotheses about the timing and strength of secessionist aspirations.

H1: Titular ethnic groups of urban importer regions rapidly and strongly seek secession when their region is exploited.

H2: Titular ethnic groups of urban importer regions seek secession less rapidly and less strongly when their region is subsidized.

H3: Titular ethnic groups of urban exporter areas slowly and weakly seek secession despite the exploitation of the region.

H4: Titular ethnic groups of exporter areas more slowly and weakly seek secession when the region is subsidized.

The model expects the secession calculations of urban importers under H1 and H2 to be dominated by their importer profiles. Explanation for the variation between the strength of separatist assertions of ethnic elites from regions which are net urban population importers is expected from the subsidization or exploitation question. Hypotheses 3 and 4 are also dominated by the demographic position of ethnic groups. Exporters should limit secession relative to importers despite subsidization or exploitation, although some areas which export elites should be more prone to secession than other urban exporters due to economic exploitation. Both types of urban exporters should limit the timing and extent of secession compared to urban importers. The different inducements to separatism expected by the models four hypotheses are shown in Figure 1. The future mobility model, based on four independent variables, provides a set of expectations about the full universe of concentrated ethnic groups in a state and across states. In a nutshell, the model's hypotheses are that occupational mobility opportunities dominate calculations on secession, but since subsidization or exploitation affect mobility in the longer term, they factor into calculations about the future once immediate opportunities have been assessed.

Testing the FMM: Cases, Alternative Explanations, and Evidence

I first compare the expectations of the model presented above with those presented by the leading competing models to sharpen and made explicit their similarities and differences. Then I test the FMM statistically. The Soviet Union offers an excellent opportunity to test the variation in secession across cases. The 15 republics are classified by the indicators of the FMM and the three other frameworks (Table 1) Table 2 displays the extent of separatism expected in each republic as a consequence of each model's classification scheme.

The USSR serves as an excellent laboratory for examining ethnopolitics. The Soviet state was explicitly based on national principles. The structures of Soviet ethnofederalism made ethnicity one of the organizing units of politics and of individuals. Concentrated ethnic groups were granted formal autonomy in many spheres within a federal system.[58] However, in practice, the Soviet

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[57]Susan Olzak, The Dynamics of Ethnic Competition and Conflict (Stanford: Stanford University Press, 1992), chap 5.

[58]Joseph Stalin as Commissar for Nationalities was instrumental in working out the new Soviet system, though his strong anti-national views were moderated by Lenin. See the collection of Stalin's works Marxism and the National-Colonial Question (San Francisco: Proletarian Publishers, 1975); first published in 1934.

Union was a highly centralized system. The combination of a centralized federal system means that federal institutions provide the lines that delimit the secessionist units and central administrations collect the information across all the cases. Centralization meant that local administrators operated within constraints set by central policies in many issue areas, though local latitude existed in implementation in even the most central goals of the regime. Yet these formal federal prerogatives provided opportunities for occupational mobility for ethnic group members in which nationality was a consideration in advancement. Soviet policy sought to raise the educational and occupational levels of all ethnic groups by developing the regions in which they were concentrated.[59] The Soviet state-socialist system concentrated employment in state institutions. State ownership and management of all but individual production focused individual aspirations on the state as the provider of all mobility opportunities. The Soviet Union also was premised on the development. Socialism was supposed to be validated through modernization. Service and factory employment in urban areas grew with economic development. Higher education opportunities also grew. The proliferation of local administrative positions offered potential mobility avenues, in which titular groups were favored in employment.[60] Yet economic elites remained Slavic dominated and cities continued to be disproportionately populated by nontitular groups.[61] In addition, the slowdown in economic growth levels over time sharpened the competition for mobility opportunities. Simultaneously, demographic growth rates of many minority groups were high or expanding, which promised to increase job competition in the future. Also, in some areas under the traditional Soviet system, rural titular minorities resisted urbanization. These minorities viewed their job prospects realistically, and compared their welfare with the opportunities for individual enterprise and gain in rural areas with the more proscribed private enterprise possibilities in urban areas. Thus masses of poorly educated rural Uzbeks preferred rural routines and limited private enterprise to the uncertainty or urban areas even with preferential hiring policies.[62] But as individual incentives began to change with the demise of the "command-administrative" system and the transition to a market economy, such anomalous behavior in comparison to world experience seemed to dissipate. In the long run, unregulated migration to urban areas as in much of the Third World seems likely to replace this reluctance to urbanize. Not surprisingly, ethnic groups have become increasingly urban in the USSR with development. Members of ethnic groups in urban areas in the USSR understand that they compete with other ethnic group members for urban positions and corresponding social benefits.[63] Both

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[59]For discussion of the autonomization debate between Stalin and Lenin and the formation of the "korenizatsia" policy, see Gerhard Simon, Nationalism and Policy Toward the Nationalities in the USSR: From Totalitarian Dictatorship to Post-Stalinist Society (Boulder: Westview, 1991), translated by Karen Forster and Oswald Forster; first published as Nationalismus und Nationalitätenpolitik in der Sowjetunion (Baden-Baden: Nomos Verlag, 1986).

[60]This "indigenization" led to proportionate overrepresentation in both symbolic posts, such as the top levels of most republican administrations, and even sensitive, less visible posts, like heads of republican internal affairs ministries, KGBs, and party Administrative Organs departments. See Grey Hodnett, Leadership in the Soviet National Republics (Oakville, Ontario: Mosaic Press, 1978), 103; and Ellen Jones and Fred W. Grupp, "Modernization and Ethnic Equalization in the USSR," Soviet Studies 36 (April 1984), 174, respectively.

[61]Paul A. Goble, "Gorbachev and the Soviet Nationality Problem," in Maurice Friedberg and Heyward Isham, eds., Soviet Society Under Gorbachev: Current Trends and Prospects for Reform (Armonk, NY.: M. E. Sharpe 1987), 88.

[62]See Nancy Lubin, Labour and Nationality in Soviet Central Asia: An Uneasy Compromise (London: Macmillan, 1984).

[63]Rasma Karklins found nationalities perceived a "clear 'we-they' differentiation" and competition between ethnic groups throughout her research. See "Nationality policy and ethnic relations in the USSR" in James R. Millar, ed., Politics, work, and daily life in the USSR (Cambridge: Cambridge University Press, 1987) and Ethnic Relations in the USSR: The Perspective from Below (Boston: Allen and Unwin, 1986).

the number and extent of economic opportunity and the quality of the social infrastructure and benefits increase with the size of urban areas.[64]

Titular republican ethnic groups remained disparate in levels of development. Economic development has been uneven across the Russian empire and then in the USSR. The centralized administered economic system had a greater repertoire of instruments for economic subsidization and exploitation. Income transfers were carried out through taxation and investment, as in market economies, and in the price system, by which central administrators favor some regions by placing high prices on their output while placing low values on the outputs of other areas.[65]

Soviet minorities, with a few exceptions, tended to remain in their homeland areas. Group cohesion was enhanced through concentration, which was further encouraged by the institutional structures of federalism. Soviet history, population trends over time, and recent experience also provide examples to focus individual attention on population transfers. Stalin forcibly deported seven entire national groups for alleged collaboration with the Nazis during World War II.[66] Moderate degrees of population unmixing have been ongoing in the non-European union republics since the 1960's and this indigenization trend accelerated and spread to all but Latvia and Estonia in the period of perestroika.[67] The war over Nagorno Karabakh has resulted in almost total unmixing of Armenians and Azeris in the Caucasus. Demographic issues and population movements have also been raised in wholesale terms in the Soviet Union and its successor states.[68]

The Roeder hypothesis about secession is that the "relatively advantaged" nationalities in the former Soviet Union will seek separatism rapidly and strongly, with the variation in the extent of secession of successful groups explained by the level of exploitation of the region. Roeder uses education data to determine relatively more and less successful groups considers the proportion of turnover and income taxes retained in the republic and the extent of republican budget subsidization from the USSR budget as measures of redistribution. In general, the hypotheses proposed by the Future Mobility Model concur with these predictions, but also offer hypotheses about the less successful nationalities in the USSR, their interest in separatism, and how "the federal politics of resources and life chances" lead to later and less secession among these cases that Roeder gives less than full attention.[69] The FMM hypotheses that ethnic group calculations on secession are different than those expected by Roeder, that the relevant national group population crucial in secession is broader than the educated population, and that alternative economic relationships are considered rather than simply thinking about improving the existing economic relationship with Moscow. The FMM argues that it is not the "success" of these nationalities that leads to secession, but instead the competition with other ethnics who are believed to be holding back these titular groups leads to separatism. Roeder's examination fails to explain separatism in regions which

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[64]For example, see V. N. Bugromenko, "Social Justice and Inter-nationality Relations: Territorial Aspects," Soviet Geography 32 (October 1991); first published in Izvestiia Akademii Nauk SSR, seriia geograficheskaia 6 (June 1990).

[65]See Donna Bahry, Outside Moscow: Power, Politics, and Budgetary Policy in the Soviet Republics (New York: Columbia University Press, 1987).

[66]Robert Conquest, The Nation Killers - Soviet Deportation of Nationalities (London: Macmillan, 1960); Alexandr M. Nekrich, The Punished Peoples: The deportation and fate of the Soviet minorities at the end of the Second World War (New York: W. W. Norton, 1978), translated by George Saunders.

[67]Barbara A. Anderson and Brian D. Silver, "Demographic Sources of the Changing Ethnic Composition of the Soviet Union," Population and Development Review 15 (December 1989).

[68]In terms of Soviet thinking, one publication of census data on the number of ethnic Russians living outside Russia and their distribution in the republics was titled "When I Return." See Literaturnaia gazeta 40 (October 1991), 2. In one republican example, article by a Kazakh demographer urged the repatriation of the 32% of the nationality that live outside the motherland in both the Soviet Union and in foreign countries. See Leninshil zhas, July 26, 1991, as translated from the Kazakh in Joint Publications Research Service - USSR Political Affairs, January 9, 1992.

[69]Roeder, 218.

have been subsidized to buy off mobility pressures. Armenia is an example of a republic which received large and long-term subsidies, but as central reallocations declined, and as crucial mobility opportunities formerly available in neighboring backward regions and at the center were proscribed, the urban population looked inward toward secession, though simultaneously continuing to attempt to maintain certain aspects of their former relations with the center. These are precisely the economic and occupational ties that provide opportunities for Armenian urban populations. Thus the existence of separatism at all in Armenia is problematic for Roeder, while both the extent of and the limits on secession in the republic are expectations of the Future Mobility Model.

The Laitin model of separatism has diametrically opposed conclusions to those of Roeder. Laitin hypotheses that most-favored-lord-regions rapidly assert some separatism, but the extent of secession is sharply proscribed. In non-most-favored-lord regions, secessionist pressures arise slowly but are more powerful. How ethnic elites were incorporated into the Tsarist administration when the regions first become part of the Russian empire generally makes Laitin's Elite Incorporation Model's predictions the opposite of the Future Mobility Model. Eyeballing the placement of the 15 republics and consideration of actual secession suggests that the EIM perspective leaves a great deal to be desired; rather than less advanced groups leading the charge for secession, more favored regions were more separatist. These conclusions better fit the FMM. Laitin's look at the nationalist revival stresses Ukraine as a model of a most-favored-lord republic. Yet substantially more urban positions in the republic are occupied by immigrants than Ukrainians hold outside the republic. Expanding the view of the politically relevant population emphasizes the costs of union membership for Ukraine and instead of emphasizing incentives to remain, as Laitin does, instead predicts early and frequent secession, especially since Ukraine subsidizes other regions. This rejection of the Union, rather than Laitin's emphasis on the importance of continuing ties with the center, seems more in accordance with the type of limited ties with other regions and expanded prerogatives for independent governance sought by Ukraine.

The Horowitz hypotheses about secession predict early and strong secessionist aspirations among backward groups in backward regions, late and less strong secession among advanced groups in backward regions, late and weak separatism among advanced groups in advanced regions, and early but weak efforts to withdraw from the existing state by backward groups in advanced regions. Some Horowitz hypotheses concur with Laitin, in that less favored groups from poor regions are rapid and strong seceders. This prediction is in contrast to the Future Mobility Model. The predictions of the Horowitz model are in contradiction with Roeder's expectations about the separatist aspirations of more favored groups, who Roeder predicts are more ardent separatists while Horowitz expects weak and late separatism. The Future Mobility Model concurs with Roeder on these cases. The predictive failures of Horowitz's argument are drawn out by the weak assertions of autonomy by backward groups in backward regions, which he hypotheses are early and frequent seceders. Instead, in the USSR, the groups and regions fitting this profile, like one of the Central Asian republics of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, or Uzbekistan, lag behind in the process of cascading sovereignty. Though urban population importers, the central redistribution of funds is crucial for maintaining and expanding mobility opportunities for titular groups in these regions. Nevertheless, these regions are more secessionist than others. For example, the reluctance of Belarus' to take separatist measures is also captured by the Future Mobility Model, in which its urban exporter status and the continued inflow of central funds militate against secession, which is at variance with Horowitz's prediction of early but difficult secession for backward groups in advanced regions. The regional issue in contention appears to be the existence and persistence of subsidization or exploitation of the economic assets of the area by the center; rather than the attributes of the area, how the attributes are affected by current ties with the central state are crucial in secession calculations.

I then test the FMM through a regression of rank order extent of secession on four independent variables: the extent a republic was an ethnic urban population importer or exporter in 1970, the extent and direction of change in republic ethnic urban population profile, the extent a republic was exploited or subsidized in its relationship with the center in 1970, and the extent and direction of change in this economic relationship. The regression is thus:

SEP= b_0+UrbImp/Exp1970+ΔUrbImp/Exp1970-1989+Expl/Sub1970+ΔExpl/Sub1970-1989

The first independent variable, whether an ethnic group is an urban population importer or exporter, is measured by calculating whether an ethnic group is a net importer or exporter of urban job-holders in its national region based on 1970 census data (Table 3).[70] The second independent variable, the direction and the extent the net import or export of urban job holders changes.[71] The third independent variable, central economic subsidization or exploitation of the republic, the difference between National Income Produced and National Income Utilized per capita in 1970.[72] The fourth final independent variable, the change in the extent and direction of subsidization and exploitation of the republic is measured by comparing the change in the difference between NIP-NIU between 1970 and 1989.[73] The distribution of each of the variables approaches the normal distribution, which suggests regression analysis is appropriate.[74]

I define secession broadly as any effort to assert local prerogatives at the expense of the center. The focus on the rational choice of strategies by ethnic group elites and the evident escalation of demands for autonomy over time argues for an inclusive conception of secession, in which a variety of autonomy assertions are viewed on a continuum.[75] However, separatist aspirations are not necessarily monotonic; instead, some groups or regions may prefer the regional autonomy to the status quo, but independence may be considered inferior to expanded local prerogatives within the existing state or even to the status quo situation.[76] The extent of secessionist aspirations do change over time and vary within states, as well as among members of ethnic groups. The dependent variable, level of separatism, has been converted to a numerical score and then index for statistical testing. Legislative action and debate are used as the evidence of national aspirations - they demonstrate the amount of autonomy perceived to be in the interest of various nationalities. Yet they are more than preferences which are costless; legislation represented action with costs to participating groups and republics. The most glaring example of these costs was the month-long blockade imposed on Lithuania for its declaration starting the restoration of independence. Thus legislation represents separatist outcomes. For this paper, I have scored separatism on two indicators: sovereignty declarations and independence proclamations. Each indicator was scored on its timing relative to others and the strength of its demands for increased prerogatives. Four areas recurred in most cases for both components, which were scored 1-5 from least to strongest demands. I then summed the scores for each component and then summed the two scores, and finally ranked the republics' secessionist aspiration 1-15 based on this data (See Tables 4, 5, and 6). The two components that make up the secession score are highly correlated, suggesting that the components of the dependent variable are measuring the same thing.[77]

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[70]Central Statistical Directorate, Itogi Vsesoiuznoi perepisi naseleniia 1970 goda. Tom IV: Natsional'nyi sostav naseleniia SSSR (Moscow: Statistics, 1972), vol. 4.

[71]State Committee for Statistics, Itogi Vsesoiuznoi perepisi naseleniia 1989 goda. Tom VII: Natsional'nyi sostav naseleniia SSSR (Moscow: Goskomstat, 1992).

[72]Figures calculated from Misha V. Belkindas and Matthew J. Sagers, "A Preliminary Analysis of Economic Relations Among Union Republics of the USSR: 1970-1988," Soviet Geography 31 (November 1990) and Central Statistical Directorate, Itogi Vsesoiuznoi perepisi naseleniia 1970 goda. Tom I: Chislennost' naseleniia SSSR (Moscow: Statistics, 1972), vol. 1.

[73]Belkindas and Sagers and Goskomstat, Itogi Vsesoiuznoi perepisi naseleniia 1989 goda. Tom I: Chislennost' naseleniia SSSR (Moscow: Goskomstat, 1992), vol. 1.

[74]One data point skews histograms of the two economic variables. The tremendous income transfers out of Lithuania in the 1970s and its change to subsidization in the 1980s make the republic an outlier for both economic variables.

[75]Horowitz, "Patterns," 169, and Ethnic Groups, 232.

[76]Hudson Meadwell, "Ethnic Nationalism"; and "A Rational Choice Approach to Political Regionalism," Comparative Politics 23 (July 1991).

[77]The Spearman Rank Correlation between sovereignty ranking and the independence ranking is .828. Each individual measure is more closely correlated with the combined measure, at .906 and .965 respectively.

The regression results in an explanation of 54.7% of the variance (Figure 2). While the model explains less than the full picture of secession from the Soviet Union, knowledge of the four variables provides more than half of the explanation. The direction of each variable's effects is in accordance with the predictions of the FMM. As the model expects, the strongest predictor is the change in ethnic urban population status over time. Surprisingly, the static indicator of economic exploitation or subsidization appears stronger than the dynamic measure. Possibly the stability of most economic relationships in the USSR over time reduces the value of each predictor.

Conclusions and Implications

The paper has developed and tested a parsimonious model of how aggregated ethnic group members' calculations of occupational mobility, the variable theorists generally agree to be most powerful in explaining ethnic assertiveness worldwide, combines with concrete inducements and disincentives to continued allegiance to the existing state leads to separatist outcomes. Regression analysis shows the extent the Future Mobility Model explains the extent of secession in the full domain of 15 cases in a particular universe, which allows a number of confounding factors to be ruled out as explanations of the variation. The large number of cases in the former Soviet Union present opportunities for controlled comparisons with a number of variables held constant. The project should thus suggest how occupational mobility concerns and alternative development trajectories are evaluated by ethnic group members and their collectivities, and where the FMM fails to capture the dynamics of secession or a lack of separatism.

Previous works on secession frequently are untestable or untested. Many frameworks fail or explicitly refuse to propose hypotheses and are thus unfalsifiable. Other approaches only vaguely specify the variables involved and rather than testing the propositions against an unbiased selection of cases, instead assess the experience in an ad hoc manner of a number of cases, selected through some unrevealed process. This paper attempts to rectify these methodological flaws. The study examines how some ethnic groups have incentives to autonomously limit secessionist aims and how other groups can be bought off through economic subsidization. Such subsidization, however, has only small effects on highly urban ethnic groups who require other regions available for emigration to reduce ethnic mobility pressures within their titular area. These groups are already biased against secession as long as they continue to export urban populations to other regions. On the other hand, the calculations of less urban ethnic groups, those whose national areas are net importers of urban residents from other ethnic groups, are biased in favor of secession, unless subsidization makes the existing relationship attractive compared to full independence.

The Future Mobility Model should also have broader application. Ethnic group calculations on secession in other cases appear to be captured by the scheme. For example, Bengalis in East Pakistan were not only urban importers, disadvantaged in employment vis-a-vis West Pakistanis, but the region was also exploited. Jute export earnings were expropriated by the government in Islamabad rather than returned to the devastatingly poor region. Thus secession was strongly sought and attained. The "velvet divorce" of Czechoslovakia also seems informed by this model. The urban population importer, Slovakia, was subsidized but subsidization collapsed with marketization and economic reform. Without subsidies as incentives to maintain ties with the Czechs, secession seems likely since minority preference hiring policies would expand Slovak occupational mobility under independence that would be proscribed under federation. One limitation to extension of the model is presented in the Soviet cases. The collapse of the central state reduced central resistance to separatism while most states worldwide retain robust sanctions and strong incentives to retain ethnic minority regions. Thus the model may better inform minority aspirations rather than results in other cases.

Other cases offer contrasting results for the model. The model implies that Eritrean and Tigrean separatist forces, which decisively defeated and took over the Ethiopian state in 1991 after over twenty years of armed struggle for full independence, might opt for autonomy within Ethiopia. Their role in government in Addis Abba offered additional mobility channels and their regional position on the periphery of the state presents possibilities for attaining development funds

through their intermediary role between the world economy and the hinterland.[78] A change of regime and government economic policies could alter ethnic group preferences, especially within internally divided groups.[79] Eritreans, and presumably their Tigrean and Oromo allies, could have tried to become exporter rather than importer groups and use their control of the state to subsidize rather than exploit their regions. This logically would produce corresponding changes in ethnic group preferences on separatism. Nevertheless, Eritreans voted overwhelmingly for independence in a September referendum.

The hypotheses also address how interethnic, interregional, and interstate relations are developing in the former republics as independent states. Concentrated ethnic minority populations within the newly independent states now agitate for increased prerogatives. Areas ranging from Gorno-Badakhshan, the former autonomous republic that is the least developed area of the least developed republic, Tajikistan, to modern areas of Russia, such as Tatarstan, have moved toward secession. On the other hand, efforts to maintain interrepublican ties as interstate relationships continue since urban exporter groups seek to maintain ties with urban importer regions and subsidized regions hope to retain sources of development funding. Thus, some "Commonwealth of Independent States" or "Economic Union" may be survive. The Future Mobility Model predicts which ethnic groups seek stronger and weaker ties with the post-Soviet associations and measures the commonwealth can take to increase cohesion. As concrete examples, the model expects Belarus' and Armenia to be strong supporters of the Commonwealth, with Russia also a strong backer. To the extent that subsidization drops out of common policies, Russia will be more supportive of the association, but previously subsidized regions such as Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, attracted to ties with more developed regions precisely for subsidization, will be less supportive of the commonwealth. As the model expects, the Baltic states and Azerbaijan, where titular urbanites seek mobility opportunities through replacing immigrant urban populations and a legacy of exploitation leads to fears that this unfavorable economic relationship will be perpetuated in any continued association, have rejected the Commonwealth.

International actors interested in controlling the dissolution of the USSR can also manage the process through encouraging association. Association can be encouraged in two ways; first, by providing sources of funds for development to maintain some subsidization of less developed regions without exploiting of other regions, and second, by emphasizing the protection of minority rights within now sovereign national areas as conditions for international aid and diplomatic recognition. Providing some subsidization through the Commonwealth, with funds from the European Bank for Reconstruction and Development, World Bank, and International Monetary Fund, would maintain subsidization as a reason for continued association membership without driving other ethnic groups to opposition by exploiting their resources. Emphasizing minority rights, as part of human rights, inhibits importers of urban populations from drastically discriminating against different ethnic urbanites in their efforts to expand titular group mobility. Withholding full status as a member of the world community can act as a powerful lever to slow redistributive pressures on occupational mobility opportunities in new states. Integration into the world economy offers possible new opportunities for economic development and new mobility potential, perhaps without redistribution of posts in the economy. Such a two-fold strategy makes the process of secession more gradual and less conflictual, with reduced possibilities of nuclear contagion. Thus some similar policy is also in American foreign policy interest. Even acting alone can probably have strong effects. Some unilateral use of funds, opening of markets, and limiting international recognition on human rights grounds offers the United States opportunities to influence the process of association and separation.

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[78]Tilly, Coercion, Capital, and European States; Richard Franklin Bensel, Sectionalism and American Political Development 1880-1980 (Madison: University of Wisconsin Press, 1984); and Edward Whiting Fox, History in Geographic Perspective: The Other France (New York: W. W. Norton, 1971).

[79]See Horowitz on internal divisions between Christian and Muslim Eritreans. Ethnic Groups, 253-54.

Figure 1

Varieties of Secessionist Units

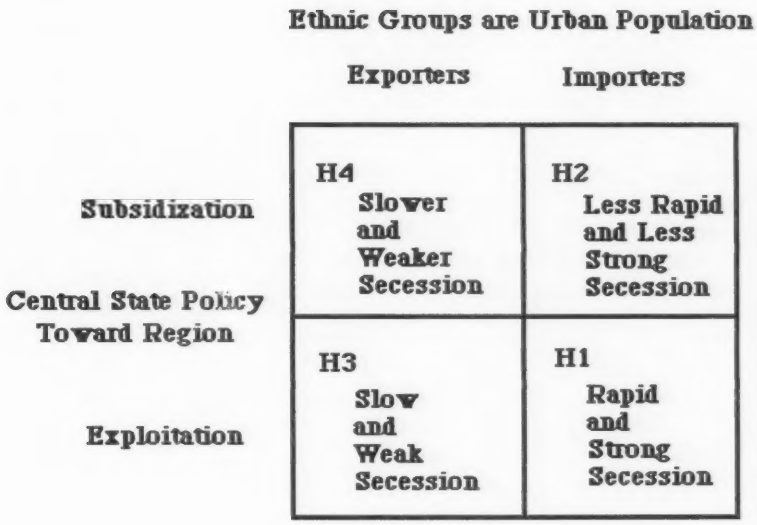

Table 1

Characterizations of Republics and Ethnic Groups

Republic and Group	FMM: Region/ Urban Population	Roeder: Group/ Fiscal Flows	Laitin: MFL	Horowitz: Group/ Region
Armenia	Subsidized/Exporter	MoreSuc/In	Med.	Adv/Back
Azerbaijan	Exploited/Importer	MoreSuc/Out	No	Back/Back
Belarus'	Subsidized/Exporter	MoreSuc/Out	No	Back/Adv
Estonia	Exploited/Importer	MoreSuc/Out	Med.	Back/Adv
Georgia	Subsidized/Importer	MoreSuc/In	Med.	Adv/Back
Kazakhstan	Subsidized/Importer	LessSuc/In	No	Back/Back
Kyrgyzstan	Subsidized/Importer	LessSuc/In	No	Back/Back
Latvia	Exploited/Importer	MoreSuc/Out	Med.	Back/Adv
Lithuania	Exploited/Importer	LessSuc/Out	Med.	Back/Adv
Moldova	Exploited/Importer	LessSuc/Out	Med.	Back/Back
Russia	Exploited/Exporter	MoreSuc/Out	Yes	Adv/Adv
Tajikistan	Subsidized/Importer	LessSuc/In	No	Back/Back
Turkmenistan	Subsidized/Importer	LessSuc/In	No	Back/Back
Ukraine	Exploited/Importer	MoreSuc/Out	Yes	Back/Back
Uzbekistan	Subsidized/Importer	LessSuc/In	No	Back/Back

Table 2

Differences in Secession Predictions

Republic/Group	FMM	Roeder	Laitin: EIM	Horowitz
Armenia	Slower/Weaker	More	Intermediate	Late/Somewhat Frequent
Azerbaijan	Rapid/Strong	Most	Late/More	Early/Frequent
Belarus'	Slower/Weaker	Less	Early/Less	Early/Rare
Estonia	Rapid/Strong	Most	Intermediate	Early/Rare
Georgia	Less Rapid/Less Strong	More	Intermediate	Late/Somewhat Frequent
Kazakhstan	Less Rapid/Less Strong	Least	Late/More	Early/Frequent
Kyrgyzstan	Less Rapid/Less Strong	Least	Late/More	Early/Frequent
Latvia	Rapid/Strong	Most	Intermediate	Early/Rare
Lithuania	Rapid/Strong	Less	Intermediate	Early/Rare
Moldova	Rapid/Strong	Less	Intermediate	Early/Frequent
Russia	Slow/Weak	Most	Early/Less	Late/Rare
Tajikistan	Less Rapid/Less Strong	Least	Late/More	Early/Frequent
Turkmenistan	Less Rapid/Less Strong	Least	Late/More	Early/Frequent
Ukraine	Rapid/Strong	Less	Early/Less	Early/Frequent
Uzbekistan	Less Rapid/Less Strong	Least	Late/More	Early/Frequent

Table 3

Independent Variables

Republic	UrbImp/Exp	Δ	Sub/Exp	Δ
Russia	8.32	3.20	9.40	-6.87
Ukraine	-23.10	-3.84	4.10	1.22
Belarus'	1.30	2.88	1.02	9.06
Uzbekistan	-46.97	-11.27	-7.82	-5.21
Kazakhstan	-78.35	-11.86	-13.50	-3.72
Georgia	-36.26	-9.08	-5.79	8.18
Azerbaijan	-32.26	-21.34	0.71	17.40
Lithuania	-20.80	-1.11	41.11	-50.40
Moldova	-51.33	-11.04	5.80	-10.95
Latvia	-48.96	4.13	2.27	-8.66
Kyrgyzstan	-80.67	-15.16	-9.09	-7.54
Tajikistan	-48.43	-20.51	-6.66	-5.31
Armenia	55.60	10.26	-5.07	18.68
Turkmenistan	-54.33	-11.61	3.24	-6.25
Estonia	-37.58	7.33	-0.87	-10.54

Table 4

Sovereignty Scores

Aggregate sovereignty scores were determined through an investigation of debates and legislation on sovereignty in the Republics over the 1988-1990 period.

Republic	Sovereignty	Timing	Role of Indigenous	Role of USSR	Legislative Supremacy	Control of Resources	Sum
Russia	June 11, 1990	10	2	1	2	1	16
Ukraine	July 16, 1990	7	2	2	3	3	17
Belarus'	July 27, 1990	6	3	3	3	1	16
Uzbekistan	June 20, 1990	9	3	1	4	1	18
Kazakhstan	October 25, 1990	2	2	2	3	4	13
Georgia	November 18, 1989	11	1	3	1	3	19
Azerbaijan	September 23, 1989	12	2	3	1	3	21
Lithuania	May 18, 1989	14	5	3	4	1	27
Moldova	June 23, 1990	8	1	4	5	4	22
Latvia	July 28, 1989	13	5	5	5	3	31
Kyrgyzstan	December 12, 1990	1	3	3	4	3	14
Tajikistan	August 25, 1990	3	2	2	1	3	11
Armenia	August 23, 1990	4	4	5	5	4	22
Turkmenistan	August 22, 1990	5	4	2	2	4	17
Estonia	November 18, 1988	15	5	2	3	1	26

Table 5

Independence Scores

Aggregate independence scores were determined through an investigation of debates and legislation on independence in the Republics over the 1990-1991 period.

Republic	Independence (Transition to)	Timing	Role of Indigenous	End Role of USSR	Increased Sovereignty	Contingency/ History	Sum
Russia		1	2	3	4	1	11
Ukraine	(Aug. 24, 1991)	10	3	2	1	2	18
Belarus'	Aug. 25, 1991	9	1	2	3	1	16
Uzbekistan	Aug. 31, 1991	5.5	1	1	3	1	11.5
Kazakhstan	Dec. 16, 1991	2	3	5	4	3	17
Georgia	April 9, 1991	11	5	4	4	4	28
Azerbaijan	Aug. 30, 1991	7	3	3	3	3	19
Lithuania	Mar. 11, 1990	15	2	2	2	3	24
Moldova	Aug. 27, 1991	8	3	3	2	5	21
Latvia	(May 4, 1990)	13	4	4	3	5	29
Kyrgyzstan	Aug. 31, 1991	5.5	1	2	1	2	11.5
Tajikistan	Sept. 9, 1991	4	2	2	2	1	11
Armenia	(Aug. 23, 1990)	12	4	5	4	4	29
Turkmenistan	Oct. 27, 1991	3	2	2	3	3	13
Estonia	(Mar. 30, 1990)	14	3	4	3	4	28

Table 6

Secession Scores and Ranks

Aggregate separatism scores were determined through an investigation of debates and legislation on independence and sovereignty in the Republics over the 1988-1991 period.

Republic	Indep Score	Indep Rank	Sov Rank	Sov Score	Total Score	Overall Rank
Russia	11	1.5	4.5	16	27	3
Ukraine	18	8	6.5	17	35	8
Belarus'	16	6	4.5	16	32	7
Uzbekistan	11.5	3.5	8	18	29.5	4
Kazakhstan	17	7	2	13	30	5.5
Georgia	28	12.5	9	19	47	11
Azerbaijan	19	9	10	21	40	9
Lithuania	24	11	14	27	51	12.5
Moldova	21	10	11.5	22	43	10
Latvia	29	14.5	15	31	60	15
Kyrgyzstan	11.5	3.5	3	14	25.5	2
Tajikstan	11	1.5	1	11	22	1
Armenia	29	14.5	11.5	22	51	12.5
Turkmenistan	13	5	6.5	17	30	5.5
Estonia	28	12.5	13	26	54	14

Figure 2

Regression Analysis

Dependent variable is: **sec rank**
R^2 = 54.7% R^2(adjusted) = 36.6%
s = 3.553 with 15 - 5 = 10 degrees of freedom

Source	**Sum of Squares**	**df**	**Mean Square**	**F-ratio**
Regression	152.736	4	38.2	3.02
Residual	126.264	10	12.6264	

Variable	**Coefficient**	**s.e. of Coeff**	**t-ratio**
Constant	7.51412	1.512	4.97
urbimp/exp70	-0.107895	0.0589	-1.83
Δurb	0.412824	0.1454	2.84
sub/exp70	0.347778	0.1671	2.08
Δsub/exp	0.259371	0.1414	1.83

CHOOSING A HEALTHY PRESIDENT

Robert S. Robins, Tulane University,

and

Jerrold M. Post, M.D. George Washington University

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CHOOSING A HEALTHY PRESIDENT

Robert S. Robins
Professor of Political Science
and Deputy Provost
Department of Political Science
Tulane University
New Orleans, La. 70118
(504) 865-5261

Jerrold M. Post, M.D.
Professor of Psychiatry,
Political Psychology,
and International Affairs
George Washington University
Washington, DC 20052
(202) 994-7386

Abstract

This article considers the requirement for - but dilemmas in - health screening of Presidential candidates. It surveys the experience the United States has had since 1931 with the health of candidates for the presidency, especially those who have been elected. The tripartite role of the president--as chief executive, as party leader, and as national symbol/model--is stressed. Several instances of deception, or at least lack of candor, are described. The dynamics of the process are reviewed, as are the advantages and inherent problems of corrective measures.

Special thanks to Bennett H. Bratt of the Department of Political Science, Tulane University.

CHOOSING A HEALTHY PRESIDENT

President Clinton, as chief executive, proposes legislation, carries on foreign affairs, and administers the federal bureaucracy. He is, moreover, leader of the Democratic party, with responsibility for seeing to it that its candidates are elected and its programs advanced. Of particular importance is his role as chief of state, as the symbolic embodiment of his nation's leadership. Health screening of presidential candidates is profoundly affected by the fact that every president must fill these three sometimes complementary, but often contradictory, roles.

Almost every other country separates these functions. No other country combines them with the intensity as does the United States. Unlike constitutional monarchies, where the symbolic function of chief of state is vested in the king or queeen and is separated from that of the Prime Minister, who serves as chief of government, this fusion of roles places a special burden on the symbolic function of the President. Americans going to the polls to elect a president are aware of this combination of governmental power, political leadership, and symbolic potency.

Issues of candidate health, physical and mental, are evaluated in terms of what the public knows the president will not only have to do, but also have to be. For the President is

expected to be all wise, all powerful, the repository of his followers' hopes and dreams, without human imperfections and frailties.

For the most part, analyses of health screening have only looked at the role that health plays or should play in selecting the president as chief executive. This is an appropriate limitation from one point of view. Considering the candidate as prospective party leader, the political parties (assuming, as one could not in the Perot candidacy, that there is a party) perhaps could look after their own interests. In regard to the candidate as prospective national symbol and model, it would make little sense to pass a law attempting to assure the public of an appropriate object of symbolic identification.

These three roles, nevertheless, interact, and any understanding--much less the generation of any set of reforms--must consider all three functions.

We are not sure that the time is ripe for remedies, or that remedies are needed. There has been little specific research on this topic, and what has been done by scholars has excluded the involvement of candidates who have faced this problem, doctors who have cared for candidates, and journalists who have covered campaigns.

We also base this essay on four assumptions:

(1) Presidents need not be perfectly healthy to function effectively in the oval office. That Franklin Delano Roosevelt had a physical disability secondary to poliomyelitis did not

impair his leadership and decisionmaking. The issue is not one of health per se, but the degree to which the requirements of presidential leadershup are impaired by the health condition. And Presidents and Presidential candidates can suffer acute illnesses and recover from them and function with full effectiveness. Consider the major heart attack (myocardial infarction) which Lyndon Johnson suffered while a Senator, the mulitple illnesses which punctuated Eisenhower's presidency: heart attack, stroke and ileitis. Even if there is some impairment, it might well be that voters may prefer, with good reason, Candidate A with some health problems to Candidate B well.

(2) We assume the public is as capable of evaluating medical information, including the disputes that may develop between groups of medical experts, as of any other type of scientific material. After all, the public is expected to evaluate controversial environmental issues such as global warming and nuclear waste disposal as well as complex and technical social issues such as macroeconomic policies and types of welfare policies. (Nelkin, 1982) While we believe that the public is capable of evaluating, and expected to evaluate, such information, we also acknowledge that the public often does so incompletely and half-heartedly.

(3) We assume that the more fully the public is informed, and the more the manner in which the information is presented, the better the quality of the public decision-making.

(4) We assume that privacy rights are conditional upon the nature of the occupation. That is, they are conditional upon the prospects for one's medical condition adversely affecting others. Just as an airline pilot loses some privacy rights as a condition of his occupation, or that a person must give up some medical privacy rights as a condition of securing an insurance policy or even a driver's license, so we suggest it is reasonable that anyone seeking the presidency would be subject to inquiries that most others need not answer. But whether a public role requires or should require giving up all personal privacy is debatable.

THE PRESENT SITUATION

There is no law that requires any type of revelation of candidate health, nor is there any legal penalty for candidate deception.

Screening takes place in three ways.

First, there is in almost all cases the campaign itself. British legislators stand for office, Americans run for office. Anyone who has ever been involved in a political campaign in the United States knows how demanding it is on everyone's, especially the candidate's, physical and mental well being. Campaigns, in this sense, are a combination of hazing, boot camp, and the Spanish Inquisition, often lasting two or three years. The degree to which the ability to withstand the rigors of a campaign meaures the candidate's fitness to occupy the oval office is

debatable, but campaigns surely are a test of stamina and the capacity to withstand sustained stress. Reactions to stress or fatigue occur in the face of such pressure, and can have catastrophic political consequences. For example, Senator Edmund Muskie of Maine, who sought the Democratic nomination for the presidency in 1972, was effectively thrown out of the race due to his tearful response to a press attack on his wife. (see Asbell, 1978, pp.287-288 for a good discussion of the event.)

Secondly, candidates are generally screened by political insiders, those who will be supplying the financial and other resources to the campaign. The "is-there-anything-we-should-know-now?" question is a very common one at the early stages of a candidate's search for partisan support, especially in the wake of the revelation during the 1972 campaign that George McGovern's running mate, Senator Thomas Eagleton, had been treated with electro-convulsive therapy 12 years earlier for a depressive illness. The revelation - and Eagleton's forced withdrawl in the face of the public reaction - threw the race into a turmoil. Also, gossip and rumors play a large role in the political selection process. Health matters, however, are likely to present special problems. People often are in denial concerning their health, especially regarding psychiatric problems or substance abuse. Because a person may believe his health is a purely personal matter, he or she may feel justified in being less than candid. As we will see in the case of Senator Eagleton, specific inquiries by McGovern's political aides were

not adequate.

The third, and most common, way in which candidates are screened is through investigation by the media. It is a great aid to a journalist's reputation if he or she can discover an important hitherto unknown fact about any candidate. For the most part such revelations are achieved through the following up of tips and rumors. Major health problems touch the lives of people other than the victim. Symptoms are likely to appear in public, or at least in view of more than intimates. Treatment inevitably involves not only physicians, but nurses, nurses aides, appointment secretaries and many others. People will talk, and word will get around. Health screening (which applies to candidates) is apt to be more successful than health monitoring (which applies to incumbents), because illnesses are often long standing, and appear and are treated before the candidate can call upon the insulation that high office often provides. The change in journalistic fashion ushered in by the investigative journalism of Watergate no longer respects the privacy of the candidate, in terms of health and personal relationships, which earlier had been the custom.

The media is the most effective means we have of health screening. Even if the candidate's opponents discover information, they are unlikely to release it directly, but rather give it to a sympathetic (and grateful) reporter to develop and disclose. The very fact that the media may discover an otherwise hidden health problem serves as a deterrent to its concealment.

Yet, as the case of Paul Tsongas makes clear, the fact or severity of illness can be successfully concealed or obscured, even
in this most open of societies with a tradition of vigorous media scrutiny.

HOW WELL HAS THE PRESENT SYSTEM WORKED?

The table below, which considers only the health status of the winning candidate, can assist us in answering this question. We have confined our examination to the modern presidency, which most scholars agree began with Franklin Roosevelt's administration.

Table I

Significant Health Conditions Not Generally Known
To Voting Public Before the President's Election

President and Term	Health Condition
Roosevelt	
1932	None. [Post polio paralysis of lower extremities known to voting public.]
1936	None.
1940	Arteriosclerosis and chronic obstructive pulmonary disease with substantial effect on stamina and episodic interference with quality of cognition.
1944	Arteriosclerosis, chronic obstructive pulmonary disease, severe hypertension and congestive heart failure, with frequent disabling effect on stamina and frequent interference with quality of cognition. Likelihood of death or incapacitating disability before end of term.
Truman	
1948	None
Eisenhower	
1952	Hypertension. Two probable heart attacks.
1956	Hypertension, history of severe myocardial infarction (publicly reported but medically downgraded). Reasonable prospect of death or prolonged disability during term.
Kennedy	
1960	Addison's disease. Treatment with cortisone and other drugs having dangerous psychoactive properties.
Johnson	
1964	None. Had major myocardial infarction, but fully reported.

Nixon

1968 None

1972 None

Carter

1976 None

Reagan

1980 None

1984 Degree of incapcitation following assasination attempt minimized. Indication of possible cancer of the colon, which was not properly investigated until after the election, whereas standard medical practice suggested more aggressive procedures before the election.

Bush

1988 None

Clinton

1992 None

Note that this table only considers physical or prescribed drug-related problems. Mental problems and substance abuse are apt to be more consequential, but more difficult to evaluate in health screening. We will address that issue later in the essay. Also note that recent candidates seem to be healthier than earlier candidates. This may be partially true given advances in treatment, technology, etc. For example, Clinton probably received a polio vaccine as a child, while Roosevelt certainly did not. Also, life expectency has increased over this time. On the other hand, news of medical problems tends to surface years, even decades, after a president leaves office, often only after his death. As of this writing, the five most recent presidents are still alive.

And, finally, we are only looking at the health of the winners in each election. What do we know about the health of Ross Perot, for example, who refused to give out any information on his health? Also, the table does not consider Vice Presidential candidates (such as Thomas Eagleton) or candidates for the nomination (such as Paul Tsongas).

Just using the table, starting with Roosevelt, we can see that the public has unknowingly chosen a president with dangerous health problems four times in the past sixteen elections. The public was not informed as to Roosevelt's failing health in 1944. The result was a president who was often ineffective. Roosevelt's death in office resulted in the succession to office

of Harry Truman, who is generally agreed to have been a good president, but who was not really chosen for that post. Had the public been as well informed as to Roosevelt's health in 1944 as those close to him were, popular pressure would likely have forced him to step aside in favor of another candidate. Perhaps that person would have been Truman, but perhaps not. Herbert Brownell, who later became Attorney General under Eisenhower, commented years later that Thomas Dewey, who did well against Roosevelt in 1944, could have won had they revealed how sick Roosevelt was. Brownell advocated doing so, but Dewey refused. "He thought it would be unpatriotic in the midst of the war." (Ferrell, 1992, p.60)

Eisenhower, as Robert Ferrell (1992) and Robert Gilbert (1992) have demonstrated, was a far sicker president than was realized at the time, though he coped with his illnesses well. Were there indications of these illnesses before the 1952 and the 1956 elections? In 1951 Eisenhower had a dangerously elevated blood pressure (sharing this pattern with much of his family), a history of heavy smoking, and a Type A lifestyle. He had probably experienced heart attacks on January 21, 1947 and on March 21, 1949 (Ferrell, 1992, 63-66). This information foreshadowed his later heart disease and stroke. Knowing this medical history in 1952, would the public still have chosen him over Adlai Stevenson? But, under conditions of adequate health reporting, the public would have known more about Stevenson's health as well. We can not comment to the same degree about

Stevenson's health condition. Because Stevenson was not elected, we know far less about his health than about Eisenhower's.

Kennedy misled the public about his adrenal insufficiency during the campaign. He and his campaign staff believed that the issue would have hurt him, and they were probably right. Kennedy's hairline victory in 1960 might easily have been a hairline defeat. Russell Baker, a journalist who had covered Kennedy in 1960, noted that "A statement like that [that Kennedy suffered from (Addison's disease), a chronic life-threatening disease requiring potentially psychoactive medication] would have been fatal to his campaign." (quoted in Altman, October 6, 1992) Because Kennedy was assassinated so early in his term, we cannot evaluate the effect that the disease and the side effects of the powerful adrenal steroid treament he was receiving would have had on his leadership and decisonmakming.

All the evidence we have reviewed indicates that Nixon was healthy in 1960 and continued so for over four years. The famous television debate, in which Nixon appeared listless in comparison to Kennedy's vigor, was due to Nixon's incomplete recovery from a painful knee injury and associated infection. As far as health and vigor went, the television camera lied.

Of the remaining presidents, we have little information that they had medically relevant disorders that were not generally known. The only instance is perhaps Ronald Reagan. In May of 1984, less than six months before the 1984 election, a small, benign, inflammatory fibrous polyp was removed from Reagan's

descending colon. (Gilbert, 1992, p.199) Although harmless in itself, this discovery should have immediately led to a full examination of the ascending colon. Indeed, in the following year a cancer was found in this area. The size and nature of this second cancer indicated that it was present in May, 1984. There are two possibilities as to why the physicians did not take a second colonoscopy in 1984:

(1) They did not want to disturb their patient with another procedure; (2) The president and his advisers told them not to. They did not want the public to be reminded of Reagan's age by having a second (well-reported) procedure performed. Reagan and his advisers may have been afraid that cancerous tissue would be found, as did in fact happen later and almost surely would have occurred in May of 1984. An announcement in May of 1984 that Reagan had cancer of the colon (which would then have been followed by immediate surgery) could very well have cost him the election. (Ferrell, 1992, 158).

Were there medical coverups regarding Clinton and Bush in 1992? Perhaps not, but it is notable that Bush was not nearly so open concerning his health in 1992 as in 1988 and that Clinton released minimal information and refused to be interviewed about his health. The Clinton campaign attitude was well reported by Robert Steinbrook of the Los Angeles Times:

> "At the governor's instructions," Clinton's physicians do "not talk to the press," said Avis LaVelle, a Clinton spokeswoman. When asked why, LaVelle said, "People have reason to be concerned about President Bush's health. There is no reason to be concerned about Governor Clinton's health."

(Steinbrook, 1992, p.A18)

The Perot campaign was even less forthcoming. A Perot spokeswoman said she did not know who his physician was. No health information was released by Perot or his staff. (Steinbrook, 1992, p.A18) Even the New York Times medical correspondent, Dr. Lawrence Altman, had assumed too much in the April before the nomination when he wrote that "...it has become standard practice for political leaders to waive the confidentiality of the patient-doctor relationship and to disclose their health records fully." (Altman, April 28, 1992)

Controversy about the presence and accuracy of health records is not new. The first presidential candidate who presented a health report was Franklin Delano Roosevelt in 1931. The event was a mixture of candor and deception. Roosevelt claimed that he was submitting to an examination in response to a challenge put forth in the July 25, 1931, issue of Liberty magagazine by the ostensibly Republican journalist Earle Looker. In fact, the "challenge" had been arranged by the Roosevelt staff, and Looker later ghost-wrote a series of articles under Roosevelt's name for Liberty. (Winfield, 1990,p. 20; also see Morgan,p. 336-337; Gallagher, 1985, pp. 84-85; and Davis, 1985, p.220) The Director of the New York Academy of Medicine chose three physicians: Russell A. Hibbs, an orthopedist; Foster Kennedy, a neurologist, and Samuel W. Lambert, a diagnostician. The report was unexceptional, noting accurately that "[Roosevelt's] powers of endurance are such as to allow him to

meet all demands of private or public life." (as quoted in McIntire and Creel, 1946, p.54)

The report was misleading at some other points, however, in that it stated "There has been progressive recovery of power in the legs [in the ten years since he was stricken with polio]; this restoration continues and will continue. Governor Roosevelt can walk all necessary distances and can maintain a standing position without fatigue." (as quoted in McIntire and Creel, 1946, p.54) The doctors must have known that Roosevelt could not walk by any common definition of the term and his legs would never recover. Standing was always difficult for him and would rapidly become painful. The principal author of the book from which these quotations were taken is Ross McIntire, Roosevelt's personal physician during the second World War, who deceived not only Roosevelt and his family but the public as well concerning the severity and prognosis of Roosevelt's health problems.

Another case of a candidate's medical deception concerns Senator Hubert H.Humphrey of Minnesotta. In 1973 Humphrey, who had run unsuccessfully for the presidency in 1968, was told by his personal physician Edgar Berman that he had cancer of the bladder. The fact of the illness was not hidden from the public during eight weeks of extremely painful X-ray therapy, ending in December 1973. In April 1974 his doctor said that the tumor had disappeared, "destroyed by the treatment last winter." (quoted in Solberg, 1984, p.449) Berman referred to the disorder as "dysplasia," or "an abnormality of the cells of the bladder

lining," though other doctors called it cancer or carcinoma. (Cohn, April 9, 1976, pp. A1,A6).

Humphrey made himself available for the 1976 presidential nomination, but did not campaign, apparently hoping that Scoop Jackson, George Wallace, and Jimmy Carter would come to a deadlock. When Humphrey was asked about his health, it was reported that "he considers himself cured of any disease and that if he weren't healthy he would not be a candidate for any major office." (Cohn, April 7, 1976). Peter Milius of the Washington Post, however, reported that Humphrey had "carcinoma in situ" since 1968 (!), but did not indicate that he would withdraw from the race for health reasons.

Carter gained momentum, however, and it became evident that unless Humphrey entered the race and defeated Carter in the New Jersey primary the former governor of Georgia would have effectively secured the Democratic nomination. But just before the filing deadline Humphrey announced that he would not run. He said that he lacked organization and funds, and that his continued candidacy would probably divide the party and so give the election to Ford. He made no mention of health considerations in his announcement, though his biographer, Solberg, suggests they played a role in his decision. (Solberg, 1984, p.453) Humphrey did say that he would run for the Senate. In May, about a month after this announcement, his office announced that Humphrey "showed no evidence of disease," and "planned no further treatment," (Humphrey Passes...). Humphrey

easily swept the Minnesota senatorial Democratic primary in September. Later that month, however, he was diagnosed with invasive cancer and had to undergo extensive surgery. He nevertheless won the election in November. (Solberg, 1984,p.453)

Humphrey apparently deceived the public regarding his cancer during the 1975-76 Democratic presidential primary campaign, as well as during the subsequent Minnesota Democratic primary (though Minnesota's electors later chose him knowing of his cancer). It is notable that he did not mention health as a reason for pulling out of the presidential contest. Of all the reasons he might have given, that reason alone might have damaged his prospects for the senatorial nomination.

Had Humphrey won the presidential nomination, he would have been stricken in the midst of the presidential campaign. Carter barely defeated Ford, but it seems likely that Humphrey's cancer surgery, with an uncertain prognosis, would have dealt a fatal blow to his campaign.

We have seen that the press has been an inconsistent guardian of the public's interest in revealing health problems among candidates. The press colluded with the Roosevelt administration in hiding his dependence on crutches and wheelchairs, and, of much greater consequence, in not revealing the extent of his deteriorating health in 1944. Kennedy's Addison's Disease and its medical consequences were poorly reported, and his amphetamine abuse while president only was revealed in the press years after his assassination.

Indeed, at least in the past, some problems, such as alcoholism, were not reported at all, witness this report filed years after the event:

> Though the room was darkened Earl [Mazo, a campaign reporter] recognized Kefauver lying on his back, flat out on top of the bedspread, completely naked, sleeping the sleep of the dead. Dick Wallace [a campaign aide] filled a glass almost to the top with straight Scotch whisky, carried it to the bed, and touched Kefauver's shoulder, saying, "Senator, it's time to get up."
>
> Kefauver began to rise stiffly. As he came toward the full sitting position, one arm rose as though grasping for something to pull himself up with. Wallace put the glass of whisky in the outstretched hand, and Kefauver brought it to his lips and drained it.
>
> (Baker, 1989, pp.304,305)

Kefauver failed in his bid for the White House, defeated for the democratic nomination by John F. Kennedy. But information on his alcohol dependence did not figure in that defeat. As we have seen, the deceptions surrounding the nature of Kennedy's adrenal insufficiency and the potentially psychoactive drugs involved in its treatment were not investigated by the press. (Ferrell, 1992, 151-157; Gilbert, 1992, 154-159, 165-170; Rensberger, 1972, pp.1ff)

Does deception concerning health take place among aspirants to the presidency? Yes it does. Is it successful? Sometimes. Is it very common? Not too common, but not rare either. Is it generally reported? Generally, but not always.

The next question is, does it matter?

HAVE UNDISCLOSED MEDICAL PROBLEMS PRESENT DURING THE CAMPAIGN AFFECTED THE CONDUCT OF THE PRESIDENCY?

There is by now a very large literature (Ferrell, 1992; Gilbert, 1992; L'Etang, 1969, 1980; Park, 1986; Post and Robins, 1993) demonstrating what should have always been obvious but which was often ignored: Presidents and other heads of government have been secretly sick in office, and their sickness and the deception associated with that sickness have affected the quality of their performances. In some cases illness first appeared with little or no warning while its victim was in office (Woodrow Wilson's stroke, Nixon's phlebitis, Coolidge's depression, Bush's Grave's disease). But in others, as we have just seen, there was warning to the candidate and to his inner circle, but not to the public.

Roosevelt was often incapacitated during his last term from a plethora of serious illnesses affecting multiple body systems. His incapacity was evident before the election but was concealed and denied. He was often an ineffective leader during that term and died before its completion, leaving a vice president unfamiliar with foreign policy to carry on his duties. Eisenhower was also disabled for two substantial periods of time by illnesses that had clearly cast their shadows before them: cardiac problems and stroke. Kennedy's deceptions were made irrelevant by his assassination, and Reagan's cancer of the colon turned out not to be disabling.

The answer to the question heading this section is clearly in the affirmative. Medical deception during a campaign has been a factor in permitting the election of a person likely to be disabled, and in two cases disability has occurred.

HAVE POLITICAL PARTIES AND FACTIONS WITHIN PARTIES BEEN DAMAGED BY MEDICAL COVERUPS?

A secondary potential consequence of concealed candidate health problems is damage to the party and its programs, for the defeat of the party or faction is generally equivalent to the defeat of its program.

A sudden revelation that a candidate has what might become a disabling condition can change the direction of an election. The candidate can then be eliminated, often leaving his followers excluded as well. It may be appropriate that the candidate, perhaps medically unsuited for the position, lose the election. With that loss, however, he will drag down many others and damage the prospects of a program that otherwise might have been enacted.

Two instances involving the presidency suggest this. The best known and best documented was the nomination, and subsequently the forced withdrawal, of Senator Thomas Eagleton of Missouri, George McGovern's running mate in 1972.

George McGovern came to the forefront of the Democratic contenders after his primary rival, Edmund Muskie, electorally

wounded himself in the wake of the "crying episode" mentioned above. That is, McGovern was aided by his principal opponent being disqualified because of what the public believed to be a serious psychological flaw.

McGovern did not start on a concentrated search for a running mate until after he was nominated, at which time he and his staff were exhausted (Theodore White, 1973, pp.203-229). McGovern considered a number of persons for the vice presidential candidacy: Governor Ruben Askew of Florida, Senator Abraham Ribicoff of Connecticut, Senator Edward Kennedy of Massachusetts, Senator Walter Mondale of Minnesota, Senator Gaylord Nelson of Wisconsin, Mayor Kevin White of Boston, President Leonard Woodcock of the United Auto Workers and Senator Thomas Eagleton of Missouri. Mondale, Nelson and Eagleton were on the short list presented to McGovern only hours before he was scheduled to make his nomination to the convention. Mondale refused the offer, but recommended Eagleton. Nelson, who was a close friend of McGovern's was next approached. He too declined, but also recommended Eagleton. Further consultation took place against the rapidly approaching deadline.

McGovern finally called Eagleton, who immediately accepted, and who was rapidly turned over to McGovern aide Frank Mankiewicz. Mankiewicz asked Eagleton if he had anything that might come out and embarrass the campaign. Eagleton said no. There was, however, no specific inquiry about health matters.

In less than two weeks, however, Eagleton announced to a

press conference that over the past twelve years he had been hospitalized three times for psychological reasons, had received psychological counselling, and had received two electroconvulsive shock treatments. As later noted in the press, Eagleton's mental health problems, though not widely publicized, were common knowledge in political circles in Missouri.

The announcement led to Eagleton's removal from the ticket and the loss of any hope the Democrats had of defeating Nixon. It also damaged the image of the national Democratic Party.

Mental illness in the chief of state, with the perception of the leader in whom we vest so much, unable to decide, emotionally out of control, much more than physical illness, invokes a feeling of dread in the public. Willard Gaylin, psychiatrist and medical ethicist, (1973) wrote a perceptive evaluation in the wake of the Eagleton affair of the public's view of mental illness among candidates. He noted that the public has come to accept the modern idea that mental illness is not likely to be something that one has, like a cold, but rather something that is part of the whole personality. The public, therefore, is less likely to assume that a defect has been eliminated.

When Eagleton was challenged for not promptly revealing his mental health hospitalizations, he stated that "My health just wasn't on my mind, it wasn't on my mind, it was like a broken leg that healed." (White, 1972, p.210; also see "A Crisis...," 1972, p.19)) The public will not accept such an analogy. They believe, not unreasonably, that a history of severe depression is

more likely to reappear, even after apparently successful therapy, than a healed broken leg is likely to re-break. A broken leg, moreover, is far less likely to affect the ability of a president to function as president than severe and chronic depression.

While many would assert that a willingness to seek psychotherapeutic treatment during a period of psychological stress, such as that attending a difficult divorce or the death of a family member, is a sign of maturity and wisdom, unfortunately the stigma associated with psychiatric treatment is so deep and pervasive in the public mind that the fact that such treatment was needed is seen as a sign of weakness and instability sufficient to disqualify the candidate. Consider the 1988 race, when the rumor that Governor Dukakis had sought psychological counselling during a low period in his life marked by the death by suicide of his brother and his loss of the governorship. President Reagan sarcastically called Dukakis "an invalid." Dukakis, in effect, had to defend against against this accusation. If this is true of outpatient counselling, a history of psychiatric hospitalization is seen as a major flaw in the candidate, representing weakness, unreliability, inability to deal with pressure. The public does not want to identify with a flawed candidate, nor does it want to trust the nation's stewardship to such a person.

An unfortunate consequence of this persistent stigmatization of mental illness is that individuals in public life who may well

benefit from counselling during periods of personal stress may choose to forgo this assistance rather than damage their political prospects.

It is important to note that the public makes a distinction between the presidency and other offices. Eagleton was re-elected to the Senate after this episode, with little controversy. Another illustration that the public is more likely to distinguish between presidential and other candidates is that of Lawton Chiles of Florida, who resigned from the Senate in 1988 after three terms due to depression, insomnia, and lack of appetite. After taking Prozac, an anti-depressant, he re-entered politics in 1990 and, in an election in which his medical fitness was debated, was elected governor of his state. (Lawrence, 1990) An even more recent and dramatic example of the public choosing to elect a very ill legislator is that of U.S. Representative Paul Henry of Michigan's Third Congressional District. On October 21, 1992, just weeks before the election, Henry's staff announced that he had just undergone surgery to remove a three-inch malignant tumor from the right frontal lobe of his brain. As the Grand Rapids Press noted, "Despite concern about his medical status, Henry, 50, was easily elected to a fifth term..." (Roelofs, January 26, 1993). The voting public of Grand Rapids clearly preferred a very ill Republican to a well Democrat.

The presidency is, however, the office that attracts the most intense reporting and has the highests saliance for the public. It is also the one, witness Eagleton, where the

temptation toward deception is greatest. The most recent incident of apparent public deception concerns former Senator of Massachusetts Paul Tsongas' health during his quest for the 1992 Democratic presidential nomination.

In 1983 Senator Tsongas was diagnosed with cancer, "non-Hodgkin's lymphoma, nodular and diffuse, poorly differentiated lymphocytic type, or small cleaved follicular center cell type." (Altman, April 28, 1992.) Because of its poor response to cancer chemotherapy, in 1986 he received a bone marrow transplant at the Dana Farber Cancer Center, at the time a highly experimental treatment undertaken because the tumor was not responding to more conventional treatment. When Tsongas entered the race, he confronted the issue of his cancer. He asserted that as a consequence of the bone marrow transplant, he was cured and that his health prospects were as good as if he had never been ill. His doctors supported him in the efficacy of his treatment and his excellent prognosis. Televison ads featuring him vigorously swimmning the butterfly in a Speedo bathing suit were featured prominently in the campaign. Tsongas won the key New Hampshire primary. The public was impressed with his bravery and his candor.

In fact, he and his doctors were by no means candid, for they had concealed the fact that the transplant had not resulted in a cure, for the cancer had recurred in 1987, requiring the removal of a cancerous node. Rather than acknowledging the recurrence Tsongas's doctors used ambiguous and evasive language:

"suspicious cells" were what the cancer was called and the attendant radiation was described as precautionary. (Altman, April 28, 1992, p.B,6). With reference to his claims to be free of cancer, Tsongas later wrote that his doctors gave him the "facts" at that time. (Tsongas, May 6, 1992) Only in April of 1992, well after Tsongas was no longer seeking the nomination, did the doctors disclose the recurrence, which, of course, made Tsongas' prognosis much more pessimistic.

In fact, Tsongas suffered a serious recurrence in Decmeber of 1992, requiring an extensive course of chemotherapy in January, 1993, during which Tsongas lost his hair and suffered serious weight loss.

Tsongas did not lose the nomination due to health problems, but in fact his victory in the New Hampshire primary had a significant effect upon the unfolding dynamics of the campaign. Had he suffered the recurrence before the New Hampshire primary, or had the gravity of his prognosis not been concealed, leading to the withdrawal from the race or loss of the primary, the whole course of the primary campaign would have been changed.

Had he been nominated, and had the recurrence occurred in October, or had the fact of the recurrence come to light, revealing Tsongas' duplicity, the health issue, combined with the candor issue, would almost certainly have cost the Democrats the election. Had he been elected, he would have been undergoing chemotherapy during the first month of his term. In a remarkable interview on NBC televison, when asked what the impact on the

nation would have been had he rather than Clinton been elected, Tsongas shrugged his shoulders and replied, "The country would have had a president with cancer."

Candidate's doctors, like president's doctors, have followed the practice of putting not only their patient's medical health but also their patient's political health ahead of other considerations. The kindest comment on Tsongas' doctors' reportage on their patient came from Dr. Robert J. Mayer, a member of the committee from the Dana-Farber Clinic that had written an evaluatory (but unreleased) report on Tsongas' doctors' public statements: They were "people who were highly professional in one part of their lives who perhaps were amateurs in another." (Altman, January 17, 1993)

HOW HAS HEALTH AFFECTED THE ELECTORATE'S PSYCHOLOGICAL IDENTIFICATION WITH THE CANDIDATE?

Politics falls far short of being a completely rational process. Rightly or wrongly, people expect a president to represent not only their will and their interests, but also their innermost hopes about who they they are and what their country should be. This idealization, with a consequent intolerance for human imperfection, can assume irrational proportions, but this irrationality must be taken into account.

This idealization of the leader as model renders behavior that the public feels is undignified or embarassing particularly troubling. In the American political arena, significant alcohol

abuse will be tolerated in public officials, as long as it does not detract from their political role and public image. But when it leads to public humiliation, the fall from power can be precipitous, as exemplified by the powerful chairman of the House Ways and Means Committee Wilbur Mills.

Mills' heavy drinking was well known, but it was only when the news hit the headlines that the U.S. Park Police had found an intoxicated Mills cavorting in the early hours of the morning in the Tidal Basin with the Washington stripper Fanny Fox that Mills fell from power.

The greater the magnitude of idealization, the greater the magnitude of subsequent disillusion. The idealization of the public figure, especially the President, and the concomitant intolerance for imperfection, places a major premium on concealing flaws, including medical flaws, from public view. That candidates Roosevelt and Tsongas concealed the gravity of their medical conditions from public view is an expression of this tendency. However vigilant the press, however vigorous the opposition, it can be expected to continue unless clear steps are taken to counter it.

WHERE DO WE GO FROM HERE?

As we have taken pains to demonstrate, the revelation of an illness is very likely to damage the prospects of a candidate and his party, even though the illness itself may not adversely

affect leadership capacity. A political party therefore, should have a special interest, a self-interest, in the health screening of its candidates.

Society has a long-term interest in encouraging healthy candidates and discouraging unhealthy candidates. A number of remedies have been proposed, ranging from full or partial disclosure of medical records, to a comprehensive medical examination of candidates by a special panel. Each has strengths, but weaknesses too. We will briefly review the suggestions, observing both advantages and disadvantages.

Requiring appropriate disclosure clearly would decrease the chances for medically impaired persons from occupying the presidency. But what is appropriate?

The question of disclosure is comnplex. The advantage of full disclosure is that, if successful, it eliminates suspicion of hidden defects. Dr. Herbert Abrams, who has written widely on the ailing VIP, argues without reservation for full disclosure. To put oneself forward as candidate for the highest office requires, in his judgment, giving up the right to medical privacy. And, he argues further, the candidate's physician should be an active party to that full disclosure. We share with Abrams discomfort over the role of the physicians involved in Senator Tsongas' cancer treatment, who actively concealed and obscured the severity of his condition. Privilege rests with the patient, of course. Should an exception be made in the special circumstances of presidential candidacy? Should the doctor, with

the patient's permission, be available for interviews by medical and political journalists? Or should there be a written medical statement? Should all or some medical records be released? Dr. Larry Mohr, until recently White House physician, argues for preserving the doctor-patient relationship and medical confidentialty. He recommends a written statement with permission of the President (or candidate), but believes the physician should not be made available for interviews, nor should full medical records be available.

One of the hazards of full disclosure and requiring full participation of the physician is that the candidate might conceal from his own physician or might delay reporting symptoms or having tests for political reasons. A recent example concerns Governor William Casey of Pennsylvania, whose cardiologist has acknowledged Casey's regular cadiac evaluation was omitted in November of 1990 for fear that adverse findings concerning Casey's heart condition would leak and adversely affect his campaign. Another negative possibility is that candidates might secretly resort to inferior treatment. One of the problems with requiring full disclosure is that irrelevant, but potentially sensational, medical problems, such as sexual dysfunction, would be given disproportionate and embarassing coverage. A democratic system assumes that the public is able to deal with such controversy, a dubious assumption at best. As we have noted, the embarrassment and the risk of losing an election or a nomination because of such disclosures might lead candidates to avoid

medical care. The requirement for full disclosure also raises the privacy issue in such an extreme manner as to make it unlikely that any legislation would be passed.

Partial disclosure, on the other hand, avoids some of these difficulties. Consistent with the recommendation of Dr. Mohr concerning the manner for handling the President's health report, the candidate's physician, with the approval of the candidate, would release a written statement concenring the candidate's health, including reference to specific health problems and their treatment. For example, a report might read that "Candidate X has no serious health problems. He has suffered from mild hypertension since 1985, which is well controlled with a beta-blocker." An additional requirement might be to comment with reference to a specific list of conditions and medications determined beforehand and made public. Only these conditions and medications would be disclosed. This approach is analogous to screening for other professions. Individuals are denied insurance policies, not permitted to fly airplanes, or may not receive a driver's license because of specific conditions determined in advance. And physicians may not be licensed to practice if they are medically impaired. In particular, a broad spectrum of positions with public responsibility requires partial medical disclsoure as a condition for being able to occupy that role. It seems reasonable that the Presidency, a position with ultimate public reponsibility, should have similar requirements. Such a process would go far toward satisfying the disclosure requirement

while preserving the confidentiality of the doctor-patient relationship and maintaining privacy. This method would not be totally satisfactory--sometimes lesser pathologies in combination can imapair functioning--and some would not be satisified without full disclosure--but it would strike a balance that would addresss nearly all of the problems we have been discussing.

Another remedy which has been proposed is the establishment of a panel of physicians--governmentally or professionally selected-- having access to the candidate and his or her health records. Failure to cooperate would deny the candidate federal campaign aid.

Concerns have been raised concerning whether there is such a thing as medical objectivity. Quis custodes custodiet? Will the party affiliation of physicians affect the manner in which they evaluate the health status of candidates? Should the commission be bipartisan? One possibility is for the candidate's political party to nominate a panel from which the other party would choose members (Schattman, 1989). Another possibility is for the medical association to nominate a panel of physicians from which the candidate would choose.

In addition to the advantage to the voting public, another advantage of a comprehensive medical examination would be better disclosure to the candidate. Candidates as well as presidents sometimes receive poor medical care. Their doctors may be old friends or political associates, not necessarily the best physicians. Moreover, their medical judgment may be overcome by

their poliitical enthusiasm. Candidates' doctors may lack the courage to tell their high status patients unpleasant truths. They may fear that being the bearer of bad news will lead to their replacement and may be overaccommodating.

Candidates would, under such a system of mandated examinations, at least be properly informed as to their medical condition, danger of medications, lifestyle etc. (Robins and Rothschild, 1981, p.251) It would be a deterrent to bad medical practice if the candidate's doctors knew that their patient would be receiving an evaluation of their care.

But how comprehensive should a comprehnsive examination be? The earliest indications of Alzheimer's disease are subtle psychological changes, best identified by careful neuro-psychological testing. Should a broad range of psychological tests be administered, including intelligence measures and personality assessment? Should such results be reported? Should there be CAT-scans or other sophisticated neuro-radiologic examinations of the brain?

The questions are daunting, and it is clear that in the search for fully healthy candidates, one can erect such formidable health screening barricades as to discourage candidates who might function effectively in that office, thus depriving the public of their services.

If it is decided that there should be a system with legal sanctions concerning health screening of presidential candidates, then there is likely to be a secondary advantage. The rule would

apply to all running for office, not simply those running for the first time. In other words, presidents seeking a second term would have to submit to this screening as well as their challengers. There would be considerably less motivation for deception while in office--and their doctors would have considerably less leeway in violating good medical practice--if candidates knew that before they could run for office again they would have their medical history taken and relevant matters revealed to the public. Even the quality of medical treatment and the candor of medical disclosure of second term presidents (where the motivation for deception may be less than among first termers) might improve due to the higher standards imposed earlier on.

This paper has idenitifed that there is a significant and continuing problem in choosing healthy presidents. Remedies have been discussed. Perhaps the most useful step to implement at this time, as was done by the Miller Commission in considering the flaws in the 25th amendment, would be to establish a commission composed of physicians, lawyers, and historians, political scientists and practicing politicians to consider the best procedures for ensuring that we choose and elect healthy presidents.

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for a mental ailment is a sign of maturity and wisdom, most would nevertheless regard the fact that such treatment was needed sufficient to disqualify the candidate. Hospitalization for a mental condition is seen as a blemish upon the patient. The public does not want to identify with a blemished candidate, nor does it want the nation represented by such a person.

REGIONAL PLANNING, PARTNERSHIP, AND THE CHANGING ROLE OF THE STATE: THE CASE OF QUEBEC'S NEW MENTAL HEALTH POLICY

David A. Rochefort
Department of Political Science
303 Meserve Hall
Northeastern University
Boston, Massachusetts 02115

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Culminating a process of several years, in which extensive professional and public consultation occurred, the Province of Quebec officially adopted its new mental health policy in January of 1989. The policy provides a major statement of the concept of mental health and the goals that should guide mental health service delivery, including the primacy of individual well-being and the enhancement of environmental supports. Most important from an operational standpoint, the measure created an innovative regional planning process for mental health care that is centered around the mechanism of a "partnership" among professional, consumer, and community actors.

At a time when fiscal concerns have preoccupied health care policymakers in other areas of Canada and throughout the Western world, diverting attention and resources away from the challenges of improving the mental health care system, Quebec's mental health policy constitutes an ambitious, far-reaching reform effort. Its component processes--reallocation of financing from institutional to community settings, decentralization of decisionmaking authority, and reconceptualization of the factors promoting mental well-being and quality service provision--could effect a fundamental transformation in the configuration of care. For these reasons, the policy commands notice, including a careful examination of its strategic underpinnings and subsequent implementation.

The purpose of this paper is to provide a preliminary analysis of Quebec's mental health policy. It is based on interviews with administrators, advocates, professionals, and planning participants in several regions, in addition to conversations with scholars interested in these developments. I have also relied on documents collected from public agencies, the academic literature, and newspaper reports. Research began in the winter of 1989, shortly after passage of the policy, and continued into the fall of 1992 with on-site research in Quebec City and Montreal. For the final stage of my research, I plan to travel to Hull for a determination of the policy's consequences in that region, which played a special role in the origination of the provincial policy.

The following pages briefly trace the historical development of Quebec's mental health system, leading up to the 1989 policy. I then underscore the significance of the policy from both practical and theoretical vantage points. The problems and possibilities of system reform as revealed in the policy's early implementation phase are examined, and I outline key research issues neeeding to be explored for a full evaluation of the new policy and its impacts. Finally, Quebec's initiative is discussed with respect to contemporary theories of the state.

THE MENTAL HEALTH SYSTEM OF QUEBEC

Like elsewhere in Canada and in the United States, prior to the 1960s Quebec's mental health system was oriented to care in large institutions, which numbered 17 and cared for some 22,000 patients by mid-20th century (Health and Welfare, 1990). Major facilities included Montreal's l'Hopital St-Jean-de-Dieu and Quebec City's l'Hopital St-Michel-Archange. Custodial care more than active therapy characterized the program of these huge establishments, as Boudreau (1980: 125) has summarized: "As with all such asylums, closed treatment, chronic overcrowding and understaffing, insufficient sanitary facilities, lack of personal attention and care, punitive attitudes, indefinite stays and dictatorial and autocratic management were

the rule."

Under the influence of drug advances, new treatment philosophies, and government reform activities such as the 1961 Bedard Report, the system was increasingly diversified during the 1960s. New sources of care in the general hospital and community settings began to appear, accompanied by growth of the psychiatric profession. Deinstitutionalization proceeded rapidly, resulting in a 40 percent decline in the number of long-term patients in psychiatric hospitals by the end of the 1970s. In the process, Quebec became a leader in "repatriating" patients to their home communities, with programs such as the one developed in Sherbrooke gaining attention elsewhere in the country.

Still other forces of change have reverberated through Quebec's mental health system in the 1980s and 1990s. These include growing consumer and family movements; recognition of the incomplete success of existing service structures, like the local community service centers (CLSCs), in improving access to care; an expanding knowldege base concerning the requisites of community support structures for the chronic mentally ill; a more global concept of mental health incorporating public health, as opposed to traditional medical, perspectives; and heightened concerns on the part of government with efficient management control of health care resources (Boudreau, 1980; White and Mercier, 1991). It is these complex currents, which pose a challenge to past clinical practices and allocation patterns within the mental health sector, that constitute the social and intellectual backdrop for the formulation of a new mental health policy by Quebec's Ministry of Health and Social Services in the late 1980s.

At the opening of the current decade, the main organizational elements of Quebec's public mental health system stood as follows: 19 psychiatric hospitals; 55 acute care hospitals with specialty psychiatric services; 156 CLSCs which offer basic mental health care; and over 100 community organizations, funded in part with provincial resources, that deliver a variety of mental health and supportive services (Health and Welfare, 1990; Harnois, 1987).

As a rough gauge of the severity of problems this programmatic network must address, a recent survey ranked mental disorders second of all health problems among Quebec residents. About 1 in 12 persons were affected, with higher prevalence among lower socioeconomic groups (Health and Welfare, 1990: 113; Quebec Ministry of Health and Social Services, Part One). Applying less strictly clinical definitions, levels of discernible disturbance in the province are much higher still. Recently, there has been an upsurge in the problem of suicide. Overall, it is estimated that only a relatively small minority of persons who experience mental health problems currently enter the system of care for treatment.

QUEBEC'S MENTAL HEALTH POLICY (JANUARY 16, 1989)

The mental health measure passed by Quebec on January 16, 1989 (Quebec Ministry of Health and Social Services, 1990) that is the focus of this paper has been described as the province's "first official, comprehensive, statement of mental health policy" (White and Mercier: 151). It is really three documents in one: a statement of principles, particular system objectives, and an implementing mechanism.

The policy begins by adopting a broad definition of the concept of mental health, emphasizing a "psycho-developmental axis" which asserts "the mental health of individuals can be appreciated in terms of their ability to make approrpiate use of their emotions when they act (affective component), to adjust their behavior to circumstances through reasoning (cognitive component), and to relate meaningfully to their environment (relational component)." Following from this definition, mental health policy must be concerned both with individuals who enter the treatment system and with the community at large, including the social, cultural, and economic factors that impinge on mental health status broadly considered.

The first of five complementary "goals and orientations" in the policy is a "focus on the individual." By this is meant the system should aim toward recognizing each person's unique needs, problems, abilities, and preferences, and preserve the rights that all share in common.

A second objective is to "enhance the quality of service provision" by concentrating on forms of care with proven efficacy and by working to develop creative new approaches that improve on past practices.

Third, Quebec's mental health policy accents equity, in terms of a broad range of services made available in every region. The distribution of human and financial resources should reflect population needs.

Fourth, the policy articulates a context-dependent vision of service development and deinstitutionalization. This feature specifies support system interventions that fit local community capabilities and encourage innovation at this same level.

The fifth goal is mobilization of a formal and informal partnership--consisting of, among others, professionals, consumers, family members, and community leaders--to plan and carry out mental health program activities.

Under each of these general goals, the policy delineates specific implementation activities. Key to maintaining the primacy of the individual, for example, is the formulation of "individual service plans" for all long-term patients in the system. Enhanced quality is seen to depend on better training, research, and evaluation. To promote equity, the mental health policy specifies an inventory of minimal or essential services belonging in every region and the use of new formulas at the provincial level to equalize distribution of regional funding. Provincial policy also gives new recognition, policymaking authority, and financial support to community-based organizations involved in delivering prevention, rehabilitation, and social reintegration services.

Finally, underpinning and interwoven throughout all of the above activities is the initiation of a new mental health planning process in which local bodies, the Regional Councils of Social Services (CRSSs), are charged with responsibility for conducting a comprehensive assessment of mental health system needs and the identification of appropriate responses consistent with this policy. The actual planning work is to be done by tripartite committees, formed by each CRSS and composed of representatives from health and social service establishments, mental health community

organizations, and other community and social groups. This planning process is the very linchpin in the concept of partnership on which the whole mental health policy depends and will receive primary attention in later sections of this paper.

THE POLICY'S SIGNIFICANCE

Quebec's mental health policy represents a public initiative of limited geographic scope in a country whose population places it among the smallest of Western industrialized nations. Even within Quebec, the mental health policy is but one of a number of reforms in the health care arena now underway following from the work of the Rochon Commission (Commission of Inquiry into Health and Social Services, 1986-87). Characterized in this way, the policy might seem of small significance. But, in fact, it is worthy of serious attention by observers inside and outside of Canada for a number of practical and theoretical reasons.

On the most immediate level, the needs of mentally ill persons, particularly the chronically and severely afflicted, remain poorly met. Newspaper reports in Quebec have documented the insufficient supplies and disorganization of community support services for this population (see, e.g., Parkes, 1991). Research has linked this problem with the thousands of mentally ill homeless found in major metropolitan areas like Montreal (Dunn, 1991). Other provinces face much the same issues, as do the states (Rochefort, 1992). In fact, it is fair to say that, while model programs do exist in certain locations, no nation has yet developed an adequate, comprehensive response to the needs of the mentally ill in the community. Moreover, the types of problems nations face in this endeavor are remarkably similar, despite other political, social, cultural, and economic differences (World Health Organization, 1987). To the extent that Quebec's attempted reform can demonstrate tangible improvements in the lives of mentally ill persons, it belongs to move center stage in this ongoing international policy discussion.

From an American point of view, Quebec's mental health policy holds special interest in yet another practical sense. As health care reform has advanced as an issue on the national political agenda, the U.S. has turned its attention abroad in search of models known to be effective elsewhere. No country has captured greater interest in this process than Canada, whose national health program offers lessons to U.S. policymakers on how to provide universal insurance coverage with limited cost increases. However, it is important for American observers to understand the weak points as well as the strong points of a system organized as Canada's. The mental health care realm yields insight into certain deficiencies of Canada's Medicare program and, through pathbreaking efforts like Quebec's, the strategies that might be incorporated into such a structure to improve its reach and performance.

In addition to these important practical concerns, Quebec's mental health policy also holds special interest for social scientists seeking to use it as a basis for testing existing concepts, and constructing new formulations, regarding the functions of the state in democratic society, a topic to which we will return at the close of this paper.

In sum, Quebec's mental health policy operates at the intersection of

broad administrative, programmatic, and intellectual concerns in Canada, the United States, and other nations. For this reason, its fate speaks with unusual relevance to key issues in contemporary mental health care and beyond.

EARLY IMPLEMENTATION FINDINGS

Far from the static bureaucratic execution of legislative design, public policy analysts recognize implementation as a highly dynamic stage fraught with pitfalls and opportunities for programmatic redirection. It is both an ongoing process of error correction (Levin and Ferman, 1985) and "the continuation of politics by other means" (Bardach, 1977: 85). Viewed in this light, Quebec's mental health policy, with barely one planning cycle completed, is still in its operational infancy. Evaluators will need to track it for many years to come if we are to get a firm sense of consequences for the variety of populations affected. At this early point, however, it is possible to outline a number of key issues that suggest the impediments needing to be overcome by a change strategy of this nature.

The regional planning process established by the mental health policy, and managed by the Regional Health and Social Service Councils, has technical and representational functions. Technically, it must carry out a systematic assessment of population needs, current service structures, and future program priorities. But the mental health field has no single set of straightforward, widely-accepted methodologies available for such an analysis. Given this lack of a source of "neutral" authority for making planning decisions, the consideration of system-reorientation necessarily calls upon varied kinds of quantitative and qualitative data whose proper weighting within the process is unclear. What results is a very complex discussion that puts at special disadvantage those planning participants with limited background in the mental health field (and prior exposure to this form of dialogue). Boudreau (1991a: 22) notes this problem, as well, and casts it as a lack of "linguistic capital." Other barriers to effective planning participation by users of the mental health system and their families that she notes include nonprofessional demeanor, feelings of being out of place, perceived lack of credibility, and a reluctance to make personal disclosures about their mental health treatment experiences.

In its representation function, the planning process clearly is meant to join in common effort groups having contending perspectives on the mental health system and whose past conflicts have impeded centralized policymaking. The main polarity targeted for abatement is that between institutional administrators and medical providers on the one hand, and the anti-psychiatry movement on the other. The former have been in control of the mental health system since the asylum's origins in the mid-eighteenth century; dating back to the 1970s, the latter has developed a strong self-identity and alternative philosophy favoring deinstitutionalization accompanied by consumer-based social supports. Not surprisingly given the presence of these two parties, planning deliberations have featured ideological disagreements and have been fraught with mutual suspicion. Often, practical questions of service performance have been submerged by the issue of whose value system will win out. Caught in the middle, and often bemused by the struggle, have been non-consumer-based advocates, community providers (including family groups), and the third group defining the tripartite planning structure—local non-mental health community and organ-

izational representatives.

To members of the alternative resource movement, their very inclusion on the official planning bodies jeopardizes their sense of independence and their value as critics of the system. Thus they are ambivalent about the representational function with which they have been charged, or at least the political context in which it must be exercised. Another representational issue concerns the exclusion of a major system player as a designated planning partner, the large corps of workers who staff the present service system and who will be much affected by any reconfigurations achieved through the planning process. Summarizes Morin (1992: 24), a member of the tripartite committee for the Montreal region: "[I]t is difficult to understand why the thousands of men and women who work in the public service have been disregarded in the Policy. Very little is said in recognition of their work, or in regard to the democratization of the public services or the relationships they must maintain with the community to favour its effective organization."

The idea of the community as a "living environment" and site of service delivery is central to the mental health policy. The policy (1990: 14) states, for example: "Closer contact with their natural surroundings is one of the best ways of ensuring an optimal response to the needs of persons who require mental health services." Maximizing social integration is the form this value takes within the planning process, per provincial order. For all its importance, however, there is much uncertainty about the precise meaning "community" is to take in different contexts. What are its geographic boundaries and psychosocial identifiers? Is a community service defined simply by location or by underlying philosophy and organizational auspices? On this latter question, the policy takes no official stance. Instead, it lumps together diverse groups in the community mental health third of the planning committees. By approach, resource levels, referral networks, etc., however, this is far from a unitary group. Some observers and participants feel that the policy errs in not recognizing such differences explicitly. It may be, also, that the policy assumes too much capability for effective input and responsibility by many communities and their unempowered groups, hoping for something to happen spontaneously that actually requires careful fostering from above.

Acting in combination with these flaws in the process are important structural factors that also limit resource reallocation. The policy emerged during a period of provincial budgetary scarcity, and few additional resources were made available for regional planners to distribute—a $32 million "development budget" spread out over four years. This compares with estimated total Quebec mental health expenditures of about $1 billion (Morin, 1992). About 65 percent of this sum goes to the province's psychiatric hospitals. Yet removing this money from institutional accounts will be extraordinarily difficult, not only because of the presence of hospital administrators and psychiatrists on the planning committees, but also because of provincial-level political commitments to union jobs in public facilities. Finally, few foresee that regional planning groups will be able to get their hands on the medical insurance funds which pay for fee-for-service psychiatric practice by specialists and GPs, a major source of public mental health expenditure. Provincial mental health planners had hoped the situation would be otherwise, but the power of Quebec's medical profession prevailed.

It is, then, just these kinds of political realities--on provincial, regional, and local levels--that will prove crucial in determining how far the mental health policy goes and how fast. Boudreau (1991b) has written perceptively about how the concept of "partnership" seems meant to smoothe over such conflicts and to remove provincial policymakers from the position of having to exercise their authority to resolve them. But when planning partners have unequal resources and influence, the outcome is likely to be systematically biased. And according to Boudreau's (1991a) analysis, virtually no one comes to the planning table ready to give up what they already have. Rather, each participant enters the partnership interpreting it in his or her own way so as to permit continued pursuit of preexisting agendas.

A RESEARCH AGENDA

This preliminary report highlights a number of important empirical questions that require investigation for a full evaluation of Quebec's 1989 mental health policy and its aftermath.

Aside from ideological issues about who should be providing different forms of community services, what evidence is there about the actual impact of different providers on the client level in terms of rehospitalization, satisfaction with services, efficiency, etc.?

Are more service referrals occurring across the tri-partite groups as a result of their common involvement in the planning process?

To what extent are community services, as feared by some, coming to serve as "feeders" into the traditional public establishments?

As institutional staff are relocated to the community, do their attitudes remain institution-bound or do they become more community-oriented?

As the planning process moves to implementation, are different personnel involved from participant organizations--say, managers rather than clinicians--and with what implications?

To what extent has the planning process served to inform the public about mental health policy concerns?

These research questions outline a multidimensional analysis intended to encompass several interrelated tensions underlying Quebec's complex new policy: rational planning vs. politics; theory vs. practice in organizational process; and intended vs. unexpected consequences.

A NOTE ON STATE THEORY

Already, a number of competing perspectives have emerged relating to Quebec's mental health policy and questions of state theory. Underscoring the obstacles to systems reorientation, even when bolstered by strong internal and external support, one approach emphasizes the capacity of institutional and medical powers to perpetuate their influence within a democratized planning and decisionmaking process ostensibly devised to promote community care (White and Mercier, 1991). Another perspective

calls attention to a "[swinging] pendulum of public administration" between centralization and decentralization in Quebec over the last few decades, characterizing the mental health policy as emblematic of the latter extreme and founded on vague notions of community organization and representation (Morin, 1992).

Boudreau (1991) interprets Quebec's mental health policy as the application of "neocorporatist ideas" to the management of human services and sees the concept of partnership as the attempt to craft a post-pluralist solution to problems of resource scarcity and weakened public authority. Without deeper structural transformations than those now entailed by the strategy, she questions how much change ultimately will be possible. Another slant on this partnership theme, however, approves of its intent to integrate planning and financing functions and emphasizes the real reform possibilities, provided the state can use new decisionmaking structures to strengthen its position vis à vis traditionally dominant interests (Rochefort, 1991).

Which model of the planning initiative, and of the state's role within it, emerges as most accurate, according to research to date? To be sure, among participants and commentators there is no clear consensus on the character of Quebec's undertaking. For some, provincial government is relinquishing its proper responsibilities by decentralizing planning and budgetary activity. Others think decentralization might be a way of attempting to undercut powerful interests. In assessing these divergent views, it is important to note the powerful functions retained by the province within its new policy system. It is the province that has determined allocation of development monies. Provincial authorities also approve the regional plans based on conformity with overarching criteria arising from the fundamental goals of the policy. This approval process is lengthy and, for the majority of plans reviewed, has resulted in rejections or conditional acceptances. Ministry personnel express dismay that the regional plans do not go farther in redirecting resources to community-based care. Far from a hands-off devolution of responsibility, these considerations point to the policy as a vehicle for managed redistribution, but at a distance and intermittently. By means of the new mental health policy, provincial authorities have attempted to breathe life into a mechanism that will carry out mandated objectives with broad-based local support. But local autonomy ends with deviation from the collective, centrally-specified purpose.

Past macro studies of social policymaking tend to downplay the role of the state. As Skocpol and Amenta (1986: 147) write: "Until recently, most work on the determinants of social policy has emphasized their socioeconomic roots and has treated states as if they were merely arenas of political conflict or passive administrative tools to be turned to the purposes of any social group that gains governmental power." Increasingly, however, there is recognition that states may carve out an autonomous role in society, exercising influence independent of dominant elites to pursue their own aims. Typically, this scenario assumes centralization as the means by which public capacity is developed and utilized. But in its mental health planning initiative, Quebec seems to exploring another route, the use of regulated decentralization and delegation as a policy instrument.

Skocpol and Amenta remind us that "not only does politics create social

policies; social policies also create politics" (p. 149), and there can be no more direct means of realizing the latter proposition than establishment of a broadly participatory planning mechanism. How Quebec officials manage the paradox of a "centrally-controlled decentralization" as political forces, old and new, come to the fore on the subprovincial level will define the true character of this reform.

In the end, the strongest asset of the new mental health policy may be that no one, not even its strongest critics, has a clear vision of what would be a preferable alternative. For different reasons, the idea of a top-down policy process is anathema to virtually all who are involved. Even while doubting the potential of regional-level partnerships to accomplish the scope of change with which they have been charged, many observers express hope that current difficulties can be ironed out and that the new approach will be redeemed.

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Financial System Reform in Transitional Economies: The Role of Political Institutions

Gretchen R. Rodkey
The University of Michigan

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A developed financial system plays an indispensable role in an efficient market economy. It mobilizes and channels savings to productive uses and investments, facilitates transactions, and allocates risks within a society. For countries undergoing extensive economic reforms, financial sectors play a crucial role in stabilization policies and structural transformations. The rapid development and efficient functioning of financial sectors are therefore crucial for the previously centrally planned economies of Eastern Europe and the former Soviet Union.

This paper examines the political causes and consequences of different approaches to financial sector reform. It begins with a discussion of three dimensions of a financial system and reforms associated with each of them. The second section presents the explanatory variables -- the insulation of economic decision makers from political pressures and the strength of opposition within the legislature -- and the hypothesized reform paths for the different East European and former Soviet states. The paper continues with a comparison of predicted and actual reforms. The conclusion considers the ramifications of different approaches to reform for financial systems' future shapes and governments' abilities to intervene in financial markets.

The Dimensions of a Financial System and Strategies For Reform

The financial sectors of various countries display different degrees of autonomy, concentration, and selectivity. Reforms directed at improving the efficiency of financial markets tend to emphasize one dimension over the others. This section describes these dimensions and characterizes the prereform financial systems of Eastern Europe and the former Soviet Union. It concludes with a discussion of reform strategies associated with each dimension.

Financial System Dimensions

A financial system possesses three dimensions: autonomy, concentration, and selectivity. *Autonomy* refers to the extent to which the allocation of credit is independent of political constraints. It depends upon the dominant means of raising capital in an economy, the state's relationship to providers of finance, and the number of financial intermediaries available. Capital market preeminence characterizes autonomous systems and leaves funding decisions outside of state control. Governments have slightly more influence in directing industrial change when credit provision by a small number of financial institutions becomes the dominant means of providing capital to industries. In the least autonomous case, direct control over prices and bank lending enables the government to channel the nation's financial resources to priority areas, which are most likely determined on the basis of political criteria.

Concentration denotes the locus of governmental decision-making in regards to the financial system. The highest levels of concentration occur when the financial assets under government control are held in a single location, such as a development bank. As government controlled assets become more dispersed, concentration decreases. The more institutions or complex organizations share and divide up tasks, the less coherent, coordinated and quick is the use of instruments likely to be.

Selectivity pertains to the tools available for government intervention in financial markets. Selectivity rises as the number of instruments and their frequency of adjustment increases. Development finance institutions, which follow state investment plans, enable

government to explicitly direct credit to targeted industries and types of firms.[1] Other avenues for selective government intervention include direct lending requirements, preferential refinance rates, interest rate controls, and differentiated reserve requirements. Selectivity decreases as the government involvement becomes limited to strictly monetary instruments, such as reserve requirements and discount rates. Primary reliance on open market operations constitutes the most imprecise means of financial intervention. High selectivity allows a government to swiftly and directly channel funds to particular projects or groups. More indirect policy tools take longer to achieve desired effects and have less assured results. Imprecise financial instruments often require greater theoretical and technical sophistication since the utilization of tools has less directly visible results.

Financial Systems Under Central Planning

Financial sectors in the previously centrally planned economies were essentially passive until the late 1980s. Beginning in Hungary in 1987, communist governments began to recognize the advantages of an efficient financial system. Wishing to force enterprises to rely upon self-financing, reform minded policy makers adopted tentative financial sector reforms.[2] These reforms were largely limited to separating central from commercial banking functions and creating a number of specialized state-owned commercial banks. Such measures did little to alter the essential character of the financial sector.

Financial system autonomy was virtually nonexistent. The central bank acted as a monobank, handling enterprise accounts as well as foreign exchange transactions. Credit allocation was made in accordance with the national economic plan.[3] Even when the single central cum commercial bank was broken into specialized banks, the central plan set the rates and amount of credit. Private or foreign ownership was prohibited. Without money or equity markets, sources of finance outside of the state-controlled banking sector were nonexistent.

Financial systems under central planning tended to possess low levels of concentration. Although financial resources were held in a relatively small number of state banks, credit allocation decisions were rarely made as a part of coherent programs for targeting economic growth. Credit decisions were shared among countless ministries, departments, and levels of government. The information overload that occurred on account of the multitude of decisions to be made under central planning meant that the greatest predictor of an annual credit policy was the previous year's, as past policies provided the most reliable indicator of economic efficiency.[4] Even the actions of enterprises had an effect on credit allocation. Because enterprises were almost automatically granted credit, even if they exceeded their planned allocation, they lacked

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[1]See World Bank, *World Development Report 1989: Financial Systems and Development* (New York: Oxford University Press, 1989).

[2]See Edward Hewett, *Reforming the Soviet Economy: Equality Versus Efficiency* (Washington, D.C.: The Brookings Institution, 1988); Kathleen Woody, *Soviet Banking and Finance* (New York: Woodhead-Faulkner Limited, 1990); and also the individual country chapters in Anne Hendrie, ed., *Banking In Comecon: Structures and Sources of Finance* (London: Financial Times Business Information Ltd, 1989).

[3]See Paul R. Gregory and Robert C. Stuart, *Soviet Economic Structure and Performance* (New York: Harper & Row Publishers, 1986).

[4]For a discussion of how information problems forced Soviet-type planning to rely strongly on information on past achieved levels for its feasibility, see Igor Birman, "From the Achieved Level," *Soviet Studies* 31.2 (April 1978).

an incentive to stay within their prescribed limits.[5] As the following year's allocation of credit was dependent upon past credit consumption, enterprises were able to increase their future lines of credit simply by exceeding their present allocations.

The selectivity of financial systems under central planning was underdeveloped. Governments relied upon direct credit limits and the provision of refinance credit to influence bank lending, but had no other instruments at their disposal. Interest rates had no allocative role and reserve requirements were not used. The lack of commercial paper and government securities precluded the development of money markets and the use of open market operations. Governments even failed to use their instruments of direct control selectively. Credit for working capital was automatically granted to firms in order for them to fulfill their centrally planned production quotas.[6] All enterprises were given access to preferential credit.

Reform Paths

While all financial sector reforms that have occurred since the late 1980s have in some way addressed autonomy, concentration, and selectivity, most have tended to give priority to one dimension over the others. This section describes the three reform paths related to each dimension.

Reforms directed at increasing financial sector autonomy entail an attempt to introduce private sector participation and competition into the financial marketplace. Strategies that make autonomy the foremost concern focus on removing barriers to private sector entry into financial markets. All types of ownership of banks and other financial institutions are permitted. State-owned commercial banks are almost immediately transferred to joint-stock ownership. Foreign banks are allowed a liberal range of activity, although their activities may be initially constrained for fear that domestic institutions' inability to compete and already shaky loan portfolios may lead to a severe banking crisis. Loose licensing requirements allow for a rapid proliferation in the number and types of new financial institutions. To quickly remove state control over economic decisions, the creation of stock markets is given priority. Longer term strategies for inducing financial sector autonomy focus on the privatization of the large state-owned banks. This privatization process inherently takes time to accomplish, as the nonperforming portfolios of banks must be cleaned up in order to make banks attractive to investors.

Strategies that focus on concentration entail an attempt to centralize and consolidate control over the financial sector. They are concerned with establishing a single center of responsibility for the financial sector and eliminating the flow of "soft" credit. To do so, governments often restrict the number of new institutions and may even recentralize the few existing ones. The development of a supervisory agency is given top priority. Tight credit policies often accompany reforms directed at concentration.

Concentration and autonomy strategies may seem to be opposite sides of the same coin. A focus on autonomy leads to a proliferation of new institutions. A concern with concentration often entails a decrease in the number of institutions. The difference between the two resides in the fact that a focus on concentration does not demand that a consolidation of the financial system be put under government control. For instance, a

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[5]For a discussion of the automatic provision of credit, see Alex Nove, *The Soviet Economic System* (Boston: Allen & Unwin, Inc., 1986). The classic work dealing with the 'soft budget constraints' of enterprises is Janos Kornai, *The Road To A Free Economy* (New York: Norton, 1990).

[6]See Domenico Mario Nuti, "Remonetization and Capital Markets in the Reform of Centrally-Planned Economies," in *Banking and Finance in Eastern Europe*, Andreas R. Prindl, ed. (London: Woodhead-Faulkner Limited, 1992).

state's financial assets may be consolidated in a single institution which is converted to joint stock ownership and sold to private interests.

Reforms directed at changing financial sector selectivity focus on the development of alternative instruments for government intervention in the economy. Selective interest rate controls and the introduction of reserve requirements add to the government's arsenal of possible intervention tools. A major thrust of reforms is the introduction of commercial paper and government securities in order to foster the development of money markets. Successful development of instruments gives the government options for either direct or indirect intervention in financial markets.

Political Institutions and the Direction of Financial Sector Reforms

This sections presents the political factors that affect economic policy making in countries embarking upon major programs of economic adjustment and structural change. These factors are related to choices over financial reform strategies and predicted reform paths for each of the East European and former Soviet states. The conclusion of this section discusses reform predictions generated by an alternative explanation based on economic criteria.

Political Institutions and Reform Strategies

Political considerations dominate decisions concerning the restructuring of economic institutions. Shaping debates and influencing eventual outcomes of the reform process, broader political institutions provide the framework within which choices over the structure of lower-level institutions are made. Recent works in the field of institutional economics have pointed to the need to examine political factors to account for the creation and maintenance of particular economic institutions.[7] How surrounding political institutions structure authority and control over resources has a substantial impact on the final choice of financial institutions.

Two aspects of a country's political landscape influence the direction of financial sector reforms: (1) key economic decision makers' insulation from political pressures; and (2) the strength of parliamentary opposition to the executive branch.

The insulation of key economic ministers and decision makers influences the coherence, speed, and probable success of reform programs. Reforms under insulated economic teams will be more coherent than under broadly-brokered plans because exceptions and accommodations do not have to be granted in order to ensure the support of all participants.[8] The unity inherent in policy makers' insulation makes consensus over the correct reform path easier to reach and enables reforms to be enacted in a

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[7]See Douglass C. North, *Institutions, Institutional Change and Economic Performance* (Cambridge: Cambridge University Press, 1990); Thrainn Eggertsson, *Economic Behavior and Institutions* (Cambridge: Cambridge University Press, 1990); Jan Winiecki, "The Polish Transition Programme: Underpinnings, Results, Interpretations," *Soviet Studies* 44 (1992). North in particular argues that a theory of the state is necessary to explain institutional change. While becoming increasingly sophisticated in their analyses, writers in this line of research have yet to examine the importance of a state's political institutional structures for the redefinition of economic institutions. For a discussion of how political institutions enable the state to shape the economy's organizational structure through the manipulation of property rights, see John L. Campbell and Leon N. Lindberg, "Property Rights and the Organization of Economic Activity by the State," *American Sociological Review* 55 (October 1990).

[8]This viewpoint comes from the same line of work as Mancur Olson, *The Rise and Decline Of Nations: Economic Growth, Stagflation, and Social Rigidities* (New Haven: Yale University Press, 1982).

speedier manner. As almost all economic reforms are painful for the population at large, the insulation of decision makers guards against the reversal of reforms.[9]

Three factors contribute to the insulation of economic decision makers. First is a unitary executive. Control of the executive by a single party or faction enables the decision making process to be much faster and more coherent than when a consensus must be found between the demands of several groups.

The second factor is the independence of the executive from the legislature. Executive branches of government are inherently more insulated than legislative ones. While usually no more than three members of an executive play a major role in formulating economic reforms,[10] consultation of the legislature may require the input of hundreds of members. By the sheer number of participants, executive independence heightens the insulation of policy makers. As the need to consider the broad spectrum of views represented in parliament adds to the cacophony of the decision-making process, dependence of the executive on the legislature may offset the advantage gained by having a unitary executive.

The third factor contributing to the insulation of key economic decision makers is a clear delineation of powers between the executive and legislature. Even in parliamentary systems, a clear demarcation of tasks between executive branch ministers and legislative committees enables key policy makers to ward off encroachment on their jurisdiction. Turf battles between different branches of government act to subvert the reform process, as redundant, often contradictory, policies are enacted. Growing conflict between the two branches causes division of power issues to supplant economic reforms on the country's political agenda.

Unity executives free from legislative control are most often associated with presidential systems of government. Presidential systems promote executive independence and unity by their very definition as systems in which the chief executives are elected for constitutionally prescribed periods and, under normal circumstances, cannot be forced to resign by legislative votes of no confidence.[11] The president's direct election fosters coherence in policy making through single party control of the executive branch. Exceptions to this rule arise when populist presidents without party support hold office or when the president's party fractures midterm.[12] Jurisdictional conflicts with the legislature may further erode executive strength. This situation often occurs under "mixed" or "premier-presidential" systems.[13] In the context of Eastern Europe and the

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[9]Adam Przeworski advocates this approach in his prescription for economic reform in Latin America and Eastern Europe, see Adam Przeworski, *Democracy and the Market: Political and Economic Reform in Eastern Europe and Latin America* (Cambridge: Cambridge University Press, 1992); For a discussion of the importance of executive autonomy for successful economic reform, see Joan Nelson, "The Politics of Economic Transformation: Is The Third World Experience Relevant in Eastern Europe?" *World Politics* 45 (spring 1993); and also the case studies in Joan Nelson, eds., *Economic Crises and Policy Choice: The Politics of Adjustment in the Third World* (Princeton: Princeton University Press, 1990).

[10]I am considering the Prime Minister or President, the Finance Minister, and, in the context of transitional economies, the Minister of the Economy.

[11]See Arend Lijphart, *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries* (New Haven: Yale University Press, 1984).

[12]The importance of party unity is discussed in Michael Laver and Normal Schofield, *Multiparty Government: The Politics of Coalition in Europe* (Oxford: Oxford University Press, 1990).

[13]For the effects of "mixed" systems, see Juan Linz, "The Perils of Presidentialism," *Parliamentary Versus Presidential Government*, Arend Lijphart, ed., (Oxford: Oxford University Press, 1992). For a careful assessment of the power of the presidency relative to the legislature, see Matthew Soberg Shugart and John M. Carey, *Presidents and Assemblies: Constitutional Design and Electoral Dynamics* (Cambridge: Cambridge University Press, 1992).

former Soviet Union, the adoption of mixed presidential-parliamentary systems and the lack of clear distinction between legislative and executive powers have frequently undermined the isolation of economic decision makers and led to extremely open reform processes.

The strength of parliamentary opposition to the executive is the second factor affecting economic reforms. Economic reforms that require structural changes, such as those aimed at the financial sector, often require enabling legislation. High levels of parliamentary opposition hinder the adoption of all or part of the executive's reform program. Since the previously centrally planned economies' ongoing processes of economic reform entail the simultaneous transformation of interconnected markets and institutions, the inability of executives to pass part of broader reform package jeopardizes the success of other, related reforms. If the executive's survival is dependent upon parliamentary approval, continuous parliamentary opposition to executive policies may lead to short-lived governments. Under either parliamentary or presidential systems, unrelenting deadlock between the two branches will often force the executive to alter reform measures to appease opponents and enact at least part of its package.

The strength of parliamentary opposition comes from two sources. The first is the number of seats held by opposition parties in the legislature. Quite obviously, the less support the executive is assured of in the legislature, the more the formulation of policies has to take the opposition's views into account.

The second source of opposition strength comes from unity among members of the opposition. Opposition strength declines considerably if members are unable to agree among themselves and present a united front against the executive. Individual members of a fragmented opposition may try to block government polices on the issues which are of most concern to them, but are unable to pose a real threat to reforms.

Certain electoral system arrangements support the creation of strong oppositions. A majority or single-member district plurality system leaves all candidates, except the winner of the largest number of votes, without representation. The party gaining a nationwide majority or plurality of votes tends to control a disproportionate share of parliamentary seats. As large parties are overrepresented and small parties underrepresented, a majority or plurality electoral system may "manufacture majorities."[14] Assuming that some of the unrepresented parties would support the government and some would support the opposition, majoritarian electoral systems enhance opposition strength by decreasing the number of opposition parties and factions.

Political Institutions and Financial Sector Reforms

Combining the insulation of economic policy makers and the strength of parliamentary opposition leads to four possible outcomes: (1) politicized reformers/low opposition; (2) politicized reformers/high opposition; (3) insulated reformers/low opposition; and (4) insulated reformers/high opposition. Each of these combinations results in a different style of policy making and in a different focus for financial sector reforms. By placing each of the East European and Soviet successor states in one of these four categories, predictions may be derived for the focus of their efforts at financial sector reform.[15]

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[14]See Maurice Duverger, *Political Parties: Their Organization and Activity in the Modern State*, trans. Barbara and Robert North (New York: Wiley, 1962); Douglas Rae, *The Political Consequences of Electoral Laws*, rev. ed. (New Haven: Yale University Press, 1971); and also Rein Taagepera and Matthew Soberg Shugart, *Seats and Votes: The Effects and Determinants of Electoral Systems* (New Haven: Yale University Press, 1989).

[15]Explanations for the coding of each country are given in Appendix I. Albania is not included for lack of data. I also have reservations about including Albania in the same population as the other

The placement of these countries is based on their political situations at the time of passage of major banking legislation. This choice was made because laws serve as the backbone of institutions. In theory, the institutions' legal bases are subject to increasing returns. Once in place, they encourage economic agents to modify their behavior in accordance with the incentives provided by written rules.[16] The passage of legislation also serves as the nexus of financial sector change. The arrival of banking reforms on the legislative agenda sparks debate over the ideal shape of financial sectors and the appropriate sequence of reforms. Other non-codified policies affecting the autonomy, concentration, and selectivity of financial sectors additionally accompany the passage of legislation.

This study covers the period of time from the end of 1989 to March of 1992. In almost all cases major pieces of banking legislation were passed during this time. A cutoff date of March 1992 was chosen for two reasons. First, beginning in March 1992 several states embarked upon a second round of financial sector reforms. Secondly, a complete set of data for all countries was unavailable for the second half of 1992.

Group I: Politicized Reformers/Low Opposition. Usually occurring under conditions of parliamentary government and electoral systems based on proportional representation, this scenario of divided reformers and low levels of parliamentary opposition leads to mid levels of autonomy, high levels of concentration, and low levels of selectivity. As members of the government are primarily concerned with keeping their fragile coalition together, yet are constrained by the need to keep their own party or faction intact, they face the opposing pressures of wanting to keep the financial sector firmly under government control in order to provide benefits to their constituents and of wanting to decrease government intervention in credit decisions in order to prevent their coalition partners from using state control of the financial sector to their own advantage. Concentration is high as policy makers wish to closely regulate financial markets in order to prevent excessive intervention in credit allocation decisions by members of the government from other factions. The need for economic elites to compromise leads to low levels of selectivity as indirect financial instruments produce less clear winners and losers of government investment policies. By controlling financial decisions at a distance, economic elites are able to avoid voter retribution and to deflect future criticisms by rank-and-file party members dissatisfied with policies reached through compromise agreements. Countries exemplifying this approach include the Czech and Slovak Federated Republic and Latvia.

Group II: Politicized Reformers/High Opposition. This situation most often comes about in parliamentary systems with majoritarian electoral arrangements. Politicized reformers facing high parliamentary opposition adopt measures aimed at creating financial sectors characterized by low autonomy, low concentration, and high selectivity. A fragmented or vulnerable executive contributes to a political climate that may be marked by horizontal coalition building and bargaining among executive participants. The presence of a credible opposition makes the need to keep the fragile ruling coalition together particularly salient. Decisions require the approval of all partners in governing coalitions, who usually represent several different constituencies with their own particular demands. Even when one party is strong enough to form a majority government, reforms must satisfy all wings of the party to guard against a vote of no confidence. Financial reforms focus primarily on improving the selectivity of financial instruments. The highly

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transitional countries of the region due to its level of economic development. The World Bank has recently reclassified Albania as a least developed country.

[16]For a discussion of this point, see Margaret Levi, "A Logic of Institutional Change," in *The Limits of Rationality*, Karen Schweers Cook and Margaret Levi, eds. (Chicago: The University of Chicago Press, 1990).

politicized, zero-sum nature of the executive prompts lawmakers to push for particularized benefits for their constituents. The largest party in the ruling coalition focuses on the development of money markets as the transfer of control over credit expansion from direct to indirect instruments enables them to remove their opponents' influence. Some measures will be taken to increase financial sector autonomy due to the threat of a government takeover by the parliamentary opposition, but policy makers' need to use the financial benefits as a means of attracting wayward coalition partners greatly constrains the final level of autonomy. Concentration is high as policy makers wish to reestablish a single center of control. Countries that exemplify this approach are Hungary, Romania, Azerbaijan, and Lithuania

Group III : Insulated Reformers/High Opposition. Most often associated with presidential systems and majoritarian electoral systems, this scenario leads to high levels of autonomy, medium levels of concentration, and low levels of selectivity. Able to formulate clear policies, yet facing rising opposition, policy makers in this instance are primarily concerned with overcoming bureaucratic opposition and reducing the ability of the parliament to thwart reforms. Since the arousal of opposition poses the greatest threat to reforms, an executive's best strategy is to enact quick and drastic measures to ensure that reforms are not sabotaged during implementation or reversed should the executive lose the confidence of the legislature. An emphasis on autonomy characterizes financial sector reforms under these conditions. To prevent subversion of their reforms, insulated decision makers make removal of government intervention in financial markets a top priority. They attempt to increase the concentration of the financial system, but their efforts meet fierce resistance from members of parliament and the bureaucracy, who enjoy substantial de facto control of credit decisions under the current decentralized conditions. As the development of financial instruments requires the acquiescence of members of the bureaucracy who are likely opponents of reform, policy makers pay the least attention to increasing the range of capabilities for government intervention. Countries falling under this rubric include Bulgaria, Armenia, Estonia, Georgia, and Russia.

Group IV: Insulated Reformers/Low Opposition. The combination of insulated reformers and low parliamentary opposition should occur most often under presidential systems with electoral arrangements based on proportional representation. This combination results in financial sectors marked by low autonomy, low concentration, and high selectivity. Politics in countries lacking a strong center for economic decision making and an opposition with representation in parliament have changed very little since 1990. Financial sector reforms are essentially modifications of the status quo. Lax credit policies continue, and responsibility for the financial sector remains elusive. Open/Low Opposition characterizes Poland in 1989, Romania, Kazakhstan, Kyrgyzstan, Moldova, Taijikistan, Turkmenistan, Ukraine, and Uzbekistan.

These predictions may be summarized in the following two-by-two table:

	Low Parliamentary Opposition	High Parliamentary Opposition
	GROUP I	GROUP II
Divisions Among Economic Decision Makers	Focus on Concentration: Med. Autonomy High Concentration Low Selectivity Predicted Countries: CSFR Latvia	Focus on Selectivity: Low Autonomy High Concentration High Selectivity Predicted Countries: Hungary Azerbaijan Lithuania Romania
	GROUP IV	GROUP III
Insulation of Economic Decision Makers	Revamped Status Quo: Low Autonomy Low Concentration High Selectivity Predicted Countries: Poland (89) Belarus Kazakhstan Kyrghystan Moldova Taijikistan Turkmenistan Ukraine Uzbekistan	Focus on Autonomy: High Autonomy Medium Concentration Low Selectivity Predicted Countries: Bulgaria (91) Armenia Estonia Georgia Russia

An alternative explanation for the financial section evolution focuses solely on economic criteria.[17] Based on the development of financial institutions in established market economies, the economic model posits three stages of financial sector development.[18] The first stage is one of bank dominance. During industrialization when per capita income is low, most savings are collected and allocated by banks.[19] The

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[17] The work of Alexander Gerschenkron is closely associated with this argument. See Alexander Gerschenkron, *Economic Backwardness in Historical Perspective: A Book of Essays* (Cambridge, MA, 1962). For a critique of the Gerschenkron hypothesis as it applies to Austria, Italy, Spain, Serbia, Japan, and the United States, see Rondo Cameron, ed., *Banking and Economic Development: Some Lessons of History* (New York: Oxford University Press, 1972).

[18] See T.M. Rybczynski, "The Role of Finance in the Restructuring of Resource Allocation in Eastern Europe," *The New European Financial Marketplace*, Alfred Steinherr, ed. (New York: New York University Press, 1992).

[19] Problems of financial deepening during this stage are the primary concern of economists working on the reform of financial sectors in developing countries. The classic statements of this problem are found in Ronald McKinnon, *Money and Capital in Economic Development* (Washington, D.C.: The Brookings Institution, 1973); see also E. S.Shaw, *Financial Deepening in Economic Development* (New York: Oxford University Press, 1973).

second stage is one of emerging market orientation. It takes place as enterprises begin to turn to capital markets to raise a growing proportion of external capital. Non-bank savings collecting institutions, such as pension funds and insurance companies, also use capital markets for reallocating and investing savings. Capital markets dominate the third stage of financial sector development. As services replace manufacturing and per capita income continues to grow, financial and non-financial enterprises continue to rely increasingly on capital markets that draw the savings of individuals and non-bank savings collecting institutions. Progress through these stages is primarily dependent upon wealth of the population. The economic model posits that per capita GNP should be positively related to financial sector autonomy and negatively related to concentration and selectivity.

Predicted Paths and Recent Reforms

Because time is needed to develop skills and imbeded norms, the development of financial institutions is an inherently lengthy process. These first steps toward reform must therefore be treated with caution. In almost all cases, however, predictions derived from the insulation or susceptibility of economic decision makers to political pressures and the level of parliamentary opposition accorded with actual directions of reform.

Autonomy. The number of commercial banks per capita proxies financial sector autonomy. As an excessively high degree of state control over financial resources marks each of these countries, the number of banks per capita reflects each country's relative encouragement of a challenge to the state's monopoly of financial resources. As policy makers have encouraged competition to state-owned banks, new commercial banks have proliferated. Table III shows the number of new banks per capita in each group.

Table II: Number of Banks Per Million Individuals, March 992.

Group I		Group II		Group III		Group IV	
CSFR	2.48	Hungary	3.81	Bulgaria	7.95	Poland	1.96
Latvia	5.19	Romania	0.30	Armenia	13.67	Belarus	2.52
		Azerbaijan	6.23	Estonia	18.24	Kazakhstan	4.31
		Lithuania	6.10	Georgia	11.50	Kyrghystan	2.22
				Russia	10.61	Moldova	4.11
						Tajikistan	1.48
						Turkmenistan	2.13
						Ukraine	1.42
						Uzbekistan	1.00
Average	3.84		4.11		12.39		2.35

Source: International Monetary Fund

Financial sector reforms in countries characterized by politically vulnerable economic policy makers and high levels of parliamentary opposition conform to expectations and focus on increasing financial sector autonomy. These countries in Group III additionally enacted other policies aimed at inducing financial sector competition. For instance, with the exception of Armenia, all of the countries in Group III had allowed the free

determination of interest rates by the end of 1991. In contrast, only Poland and Romania among the other groups had abolished interest rate controls by this time.[20]

The results of a regression of financial sector autonomy on a set of political and economic variables are shown in the first column of Table III. GNP per thousand members of the population in terms of purchasing power parity indicates level of economic development. This measure was chosen because it eliminates the distortions caused by fluctuating exchange rates and gives a relative assessment of an individual's level of subsistence. A series of dummy variables indicates a country's membership in one of the four categories. The regressions were run using Group IV as the constant term in order to compare memberships in Groups I through III with status quo policies. A dummy variable indicating a former Soviet republic was included for specification reasons.

Table II: Regressions of Autonomy, Concentration and Selectivity on Economic and Political Factors

	Autonomy	Concentration	Selectivity
Constant			
	-3.15	3.75	49.72
	(2.05)	(1.29)	(9.98)
GNP/thousand			
	.64	.24	.85
	(.41)	(.26)	(2.00)
Group I			
	1.08	-1.95	-24.60*
	(1.92)	(1.21)	(9.32)
Group II			
	2.88*	-1.00	-16.33*
	(1.26)	(.79)	(6.13)
Group III			
	9.89*	-.73	-15.91*
	(1.14)	(.72)	(5.53)
Soviet republic			
	3.70*	-1.93*	-17.98*
	(1.14)	(.72)	(5.56)
R^2	.88	.43	.60

*denotes significant at the .05 level

A political landscape marked by high levels of parliamentary opposition is critical for increasing the autonomy of the financial system. Positive coefficients on membership in all three groups indicates that countries in Group IV tended to be the most restrictive of new bank creation. This result supports the earlier characterization of Group IV reforms as being status quo oriented. Both membership in Group II and in Group III were found to have a statistically significant relationship to an increase in the number of banks. The relatively larger coefficient on Group III membership is consistent with the hypothesized relationship between united policy makers confronted with obstructionist legislatures and high levels of autonomy. The statistically insignificant relationship between membership in Group I and autonomy accords with the earlier proposition of a lack of a clear

[20]Even this fact overstates the ability of banks in other countries to set their own interest rates. Despite the nominal free determination of interest rates in Poland, most banks are encouraged to set their rates in accordance with the central bank refinancing rates.

relationship between financial sector autonomy and divided economic decision makers in the presence of parliamentary opposition.

The economic and past membership in the U.S.S.R. variables also yielded interesting results. Former Soviet republics are likely to have more banks per capita than states in Eastern Europe. This finding is not surprising due to the liberal licensing laws prevailing in the U.S.S.R. prior to 1990. The effect of per capita GNP has a noticeably uncertain effect on the number of banks.

Concentration. Concentration of government control over financial markets is measured by the inverse of the sum of each state-owned bank's percentage of total state-controlled financial assets (concentration=$1/\Sigma$ (% state held assets)). This indicator provides a measure of the "effective" number of state banks, weighted by the size of each bank. As the number of banks increases or the dispersion of state resources becomes more even across state banks, the "effective" number of state banks increases accordingly. This measure of the real number of state banks is analogous to a standard measure of the "effective" number of political parties.[21] The "effective" number of state banks is negatively related to concentration. Table IV presents each country's effective number of state banks.

Table IV: Effective Number of State Banks, as of March 1992.

Group I		Group II		Group III		Group IV	
CSFR	3.63	Hungary	3.75	Bulgaria (91)	1.81	Poland (89)	7.98
Latvia	1.08	Romania	2.72	Armenia	2.00	Belarus	2.43
		Azerbaijan	2.43	Estonia	2.69	Kazakhstan	2.16
		Lithuania	2.05	Georgia	2.26	Kyrgyzstan	2.09
				Russia	3.68	Moldova	2.28
						Tajikistan	2.80
						Turkmenistan	2.28
						Ukraine	2.07
						Uzbekistan	1.93
Average	1.96		2.74		2.49		2.89

Source: International Monetary Fund

The results of a regression of concentration on the level of economic development, political situation, and former status as a Soviet republic are presented in the second column of Table III. Although the results are non-conclusive, a focus on concentration may be associated with membership in Group I as hypothesized. The relative magnitudes of the coefficients accord with the hypothesized relationships between political factors and levels of concentration. The largest negative coefficient on Group I membership is consistent with the prediction that divided economic decision makers with low levels of parliamentary opposition will seek to increase control over the financial sector. Since reforms have tended to emphasize the recentralization of economic decision making, the universally negative coefficients on membership in Groups I through III correspond to the characterization of Group IV as being status quo oriented.

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[21] See Taagepera and Shugart (ft. 14).

Given the limited number of cases within Group II, which consists only of Latvia and the Czech and Slovak Federated Republic, the regression results are extremely susceptible to the influence of unique events. The federated nature of the CSFR, which led to a division of the old state savings and commercial banks into separate Prague and Bratislava banks, served to decentralize the Czechoslovakian financial system. The score of the Czech republic taken alone, 2.83, indicates that the federal nature of the republic may have understated the extent membership in Group I focuses attention on the concentration of the banking system.

The effects of per capita GNP and past status as a Soviet republic had efects on concentration similar to the effects they had on autonomy. The small and statistically insignificant coefficient on per capita GNP implies that a country's level of economic development is unrelated to financial system concentration. The large negative and statistically significant coefficient on the Soviet variable demonstrates that past status as a Soviet republic greatly enhances the concentration of a country's financial system. This concentration is a legacy of the 1988 Soviet financial sector reform which split the monobaking system into five specialized state banks. Each republic had a head branch of these five banks and used them as the basis of their own state financial system after declaring independence. As their assets were often held in Moscow, several of these banks were insolvent and forced to close.

Selectivity . An index of utilized government instruments comprises the selectivity measure. Appendix II describes the construction of this index. It takes into account direct and selective controls, discount and refinancing operations, open market operations, and reserve requirements. It resembles John Woolley's index of the complexity of monetary instruments.[22] Table V displays the selectivity score of each country:

Table V: Selectivity Index, as of March 1992.

Group I		Group II		Group III		Group IV	
CSFR	34	Hungary	47	Bulgaria (91)	34	Poland (89)	53
Latvia	9	Romania	28	Armenia	25	Belarus	34
		Azerbaijan	50	Estonia	9	Kazakhstan	47
		Lithuania	31	Georgia	22	Kyrgyzstan	28
				Russia	25	Moldova	38
						Tajikistan	38
						Turkmenistan	44
						Ukraine	20
						Uzbekistan	28
Average	22		39		23		37

Source: International Monetary Fund

The results of a regression of selectivity on per capita GNP, group membership, and status as a former Soviet republic are presented in the third column of Table III. The

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[22]John T. Woolley, "Monetary Policy Instrumentation and the Relationship of Central Banks and Governments," *Annals of the American Academy of Political and Social Science* 434 (1977), 151-73.

negative and statistically significant coefficients on membership in each of the groups indicate that members of the status-quo-oriented Group IV are likely to focus reform efforts on increasing the means of government intervention in financial markets. Group I conformed to expectations and displayed the lowest level of selectivity. The one surprising finding is the relative size of the coefficients on Group II and Group III. Member states of Group II were predicted to establish more selective controls than Group III. However, the differences between the coefficients is not large (.42) and may be indicative of the general difficulty in removing blunt instruments of state control, particularly in an economic climate marked by rising inflation and depression. The relatively high level of selectivity displayed by Group II countries may also be indicative of insulated executives' desires to use credit policies to build support in the face of rising parliamentary opposition.

The coefficients on the economic and former Soviet republic variables were as expected. Per capita GNP had no statistically significant effect on selectivity. This finding refutes the argument that selective government involvement is necessary at all levels of relatively lower economic development. The negative coefficient on status as a former Soviet republic is explained by the relative time frame necessary to establish a variety of government tools of intervention. Until recently, a common currency has linked the majority of the former Soviet states to Moscow.

Current Reforms and The Future Shape of Financial Systems

Three main findings emerge from this first attempt to examine financial reform in post-Soviet and East European states. The first is the inability of economic factors to explain variations among these countries in terms of number of new banks, concentration of state banking institutions, and selectivity of instruments for government intervention. Since these indicators are associated with different types of financial systems, a topic which will be addressed below, this result has important implications for undue reliance on level of economic development explanations for the evolution of different financial sectors. Economic factors are likely to play a role in determining the shape of financial sectors during the period of industrialization. At a later stage of industrial development, pure focus on the legacy of the past is not enough. Financial institutions are one of the most regulated sectors of any market economy. The structure of political institutions and the incentives that they impact to policy makers must be taken into consideration when explaining cross national variations in financial systems.

The second finding of this study is that the past does matter. While not serving as the sole determinant of financial sectors in subsequent time periods, the legacy of past reforms cannot be immediately overridden. This fact is apparent in the consistent statistical difference between financial structures in the former Soviet and East European states. Past studies have called attention to the importance of path dependency in explaining economic development within market economies and differences in East European privatization strategies.[23] While this project rejects staunch determinist interpretations of the past, it recognizes that history cannot be discounted.

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[23]For a discussion of path dependent economic development within a market economy, see Brian W. Arthur, M. Ermoliev, and M. Kaniovski, "Path Dependent Processes and the Emergence of Macro-Structure," *European Journal of Operational Research* 30 (1987), 294-303 ; and also John E. Jackson and Gretchen R. Rodkey, "Business Creation and the Local Political Economy," paper presented at the annual meeting of the American Political Science Association, Sept. 3-6, 1992, Chicago, IL; For a discussion of path dependency as it relates to privitization strategies in Eastern Europe, see David Stark, "Path Dependence and Privatization Strategies in East Central Europe," *East European Politicsand Societies* 6.1 (Winter 1992), 17-54.

The third import of this study is the attention it draw to differences among reform strategies. Although it is certainly too early in the transition process to know the final structure of these states' financial markets, speculation can be made as to the implications of particular reform paths for the future shape of financial systems in the transitional economies.

Ambiguous levels of autonomy, high levels of concentration, and low levels of selectivity follow from divided decision makers facing little parliamentary opposition. In the long-term, these reforms are expected to place responsibility for major investment decisions with functionally autonomous organizations. High levels of concentration render the most likely wielders of this power universal banks. Low levels of selectivity leave governments with little ability to target particular industries, unless ownership of powerful banks grants them a voice. Governments facing more autonomous financial systems must rely on persuasion to coax financial support for favored industries. This situation resembles the continental European model of finance.

High levels of parliamentary opposition combined with divisions among members of the executive lead to slightly higher levels of autonomy, concentration, and selectivity. State-owned banks remain responsible for almost all of the nation's financial assets and liabilities. Limits on the entry of new banks and financial institutions render alternative forms of raising capital virtually nonexistent. Stock and bond markets, as potential threats to state control, are discouraged and remain underdeveloped. With high concentration and a medium level of selectivity, governments may use indirect means of directing credit in the face of strong opposition. Alternatively, they may rely on direct means to supply favored industries and enterprises with credit at preferential rates. This situation resembles a Newly Industrializing Country (NIC) model of finance.

United control of economic decisions and the presence of strong resistance in the legislature results in high autonomy, high levels of concentration, and the retention of substantial selective tools. Although the government retains influence over the commanding heights of the financial system, high levels of autonomy encourage the transfer of investment decisions away from state control. The high concentration and selective nature of state financial institutions result in a number of state development banks which provide the bulk of subsidized credit in the system. As financial resources are shifted away from government hands, they fall under the control of individuals. This situation resembles an American emphasis on capital markets. If autonomy is encouraged before individuals are able to amass significant amounts of investment capital, other organizations, most notably enterprises, may gain control over investment decisions. This model is prevalent in Russia today and is reminiscent of the Japanese zaibatsu banks at the turn of the century.[24]

United control of economic decisions and low levels of parliamentary opposition lead to a continuation of the status quo -- low autonomy, low concentration, and high selectivity. Political considerations continue to dominate credit allocation decisions. This situation of excessive governmental involvement is akin to financial markets in many developing states.

The establishment of financial institutions -- banking systems and stock and bond markets -- and the role and relative priority assigned to each institution has important

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[24]I am indebted to Oleg Kharkhordin for drawing my attention to the zaibatsu model. Prior to the Second World War, a great number of financial institutions, each owned and centered around particular industries, dominated the Japanese financial sector. In contrast to present day conceptions of the Japanese financial system, these zaibatsu groups were not state controlled. For a study of the emergence of zaibatsus that refutes the Gershenkron hypothesis of state-led industrialization, see Kozo Yamamura, "Japan, 1868-1930: A Revised View," in *Banking and Economic Development: Some Lessons of History*, Rondo Cameron, ed. (New York: Oxford University Press, 1972).

ramifications for future governmental policies and capabilities in Eastern Europe and the former Soviet states. Reliance on one type of approach or another affects not only the fate of the present transition process, but also governments' future abilities to deal with unavoidable economic dislocations and industrial adjustments. While the time period covered in this paper does not warrant an examination of the establishment of capital markets, the banking reforms enacted from 1989 through March 1992 give a general indication of the direction of financial sector reforms. This examination of early reforms establishes a basis for monitoring subsequent reforms and charting the sources of important cross national differences in financial systems.

Appendix I: Political Classification of Former Soviet Republics and East European States During Periods Of Banking Reform, end 1989 - March 1992

	Date of Legislation	Insulation of Economic Policy Making	Strength of Parliamentary Opposition
Bulgaria			
Popov (Nov '90-Nov '91)	June 6, 1991 - Central Bank Legislation	Insulated. Caretaker government comprised mainly of technocrats. The 3 key economic ministers are representatives from UDF.	High. Broad agreement among all parties to support government
Dimitrov (Nov'91-Oct. '92)	March 18, 1992- Commercial Banking Legislation[1]	Divided. Internal disagreements arise within UDF. By early '92 disagreements between finance minister Kostov and NBB governor Volchev over interest rate policy. Rates lowered several times over the year.	High. Cabinet needs support from MRF party. Podkrepa repeatedly demands resignation of key parliamentary members. Cabinet reshuffle May '92.
CSFR			
Civic Forum/Public Against Violence (June'90-June'92)	Dec 20, 1991 - Both pieces of legislation passed.	Divided. Civic Forum divides into three factions during early '91. Different views on economic reform are key factors in instigating the split. Interparty divisions between former allies within Civic Forum and Public Against Violence affect the work of the federal government.	Low. Disintegration of Civic Forum and Public Against Violence in early '91 leads to 15 parties in the Federal Assembly. The parliament is fragmented and deeply divided along party lines.
Hungary			
Antall (March'90-present)	October 21, 1991 Central Bank Legislation. November 13, 1991 Banking Legislation passed.	Divided. Coalition government between Hungarian Democratic Forum, Independent Smallholders' Party and the Christian Democratic People's Party. Cabinet reshuffles in Dec'90 and Jan'91 over pace of economic reform. Relations between the coalition partners deteriorates during '91. Parties also experienced internal strains.	High. Alliance of Free Democrats, despite experiencing some internal splits, retains seats in the parliament and serves as a vocal opposition.
Poland			
Mazowiecki (Sept'89-Dec'90)	December 28, 1989 Central Bank and Banking legislation passed.	Insulated. Solidarity hold all six ministries overseeing the domestic economy. Toward the end of '90, Solidarity splinters.	Low. Elected under the old regime, parliamentary opposition is discredited and in disarray.
Bielecki (Jan-Oct'91)		Divided. Solidarity is factionalized, while Walesa, elected President in Nov '90, attempts to make his office the center of decision making at the expense of the government and the Sejm.	Low. See above.
Olszewski (Dec'91-March'92)	March 1992 amendments to Banking legislation passed.	Divided. After protracted negotiations, an agreement is reached whereby the executive consists of members of three parties and several independents.	High. Twenty-nine political parties achieve representation in Oct.'91 elections.

Romania			
Ilescu/ Roman (June'90-Sept.'91)	March 1991 Central Bank and Banking legislation passed.	Divided. Intraparty divisions lead to government shake up in April '91, including dismissal of Finance Minister. During the course of '91 the economic policies pursued by faction of NSF supporting Roman met with considerable resistance from the party's more conservative elements.	High. Umbrella opposition organization National Convention for the Establishment of Democracy (NCED) established in Dec. '90.
Armenia			
Ter-Petrossian (Aug '90-present)	Central Bank and Banking legislation passed in December 1992[2].	Insulated. Feb '93 Ter-Petrossian consolidates power with Oct '91 election to post of president.	High. Parliament lacks single majority. Armenian Nationalist Movement (AMN) has largest support, but still hold only 1/5 of the seats. Opposition grows through the year. By June '92 opposition party Dashnaktsutia merges with other opposition parties to form National Unity. Parliamentary deadlock occurs.
Azerbaijan			
Mutalibov (May '90 - Aug '91)		Insulated. Supreme Soviet elects Mutalibov president in May '90.	Low. Until August coup attempt, opposition holds only 40 out of 350 seats in the Supreme Soviet.
Mutalibov (Sept'91-March'92)	Banking system governed by Presidential decree of February 12, 1992, until August 7, 1992.	Divided. Conflicting jurisdictions between Supreme Soviet, National Council and Presidency inhibits consistent and comprehensive adoption of reforms.	High. 50% of National Council seats filled by ANF supporters. Opposition forces resignation of Mutalibov in March '92.
Belarus			
Kebich (Aug '91)	Central Bank and Banking legislation passed Dec. 14, 1990.	Insulated. Kebich's government is staffed by ministers drawn from former Central Committee. Except for replacement of Supreme Soviet chairman Dementei by Shushkevich, most communists retain old positions despite Aug. coup attempt.	Low. Approximately 20% of Supreme Soviet deputies occupy senior positions in the government. 75% are members of Communist Party. Opposition active, but numerically very small.
Estonia			
Savisaar	Single piece of banking legislation passed Dec. 89.	Insulated. Savisaar is appointed as chairman of the Planning Committee in the autumn of 1989 and takes control of formulation IME (Self-Managed Estonia) initiative.	High. Economic planner come into conflict with government over path of economic reform. Conflicts also develop between Supreme Council and the Planning Committee.
Georgia			
Gamsakhurdia (May '91-Jan'92)	Central Bank and Banking legislation passed August 21, 1991.	Insulated. Gamsakhurdia, chairman of parliament following Oct '90 elections, consolidates power with May '91 election to post of presidency.	High. Intellectuals increasingly oppose Gamsakhurdia's drift toward authoritarianism
Kazakhstan			
Nazarbayev ('90-present)	Single law governing banks passed on January 18, 1991.	Insulated. Nazarbaev elected president by Supreme Council in Aug '90 and by popular vote in Dec. '91. The coordination of economic and financial policies are being concentrated in the President's office.	Low. Socialist Party of Kazakhstan, the former Communist Party, hold a 70 percent majority in the Supreme Council. Opposition is fragmented.

Kyrgyzstan			
Akaev (Oct'90-present)	Central bank and banking laws approved June 1991.	Insulated. A major reform of the Government structure in Feb. '92 pared down the number of ministries and deputy prime ministers. Ministry of Finance and Gosplan merged into Ministry of Economy and Finance. A single deputy prime minister is in charge of economic affairs.	Low. March '90 elections bring in overwhelming single party majority. Kyrgyzstan party, a large umbrella group of many factions, is the dominant political party and supports Akaev.
Latvia			
Godmanis ('90-'93)	Single piece of banking legislation passed July 1990. Central bank and banking laws passed May 19, 1992.	Divided. Tensions exist between the Council of Ministers' commission on economic reforms, which includes ministers of economics, finance, agriculture, industry and justice and directors of departments under the Ministry of Economics and the Council of Ministers, and parliamentary Economics Commission.	Low. 2/3 of the deputies belong to the Popular Front faction. Small number of small parties which fall into two broad categories: those allied with the goals of the Popular Front, and the opposition, made up largely of former and current CPSU functionaries under the Ravnopravie rubric. Parties and coalitions form and reform, but broad support for government remains strong.
Lithuania			
Landsbergis/ Prunskiene ('90- Feb '91)	Single piece of banking legislation passed February 13, 1990.	Divided. Unclear delineation of powers between the parliament and the government. Prunskiene government forced to resign Feb. '91. Her replacement, Vagnorius, experiences growing number of disputes with parliament over jurisdictional issues during '91.	High. Sajudis remains an umbrella organizations. Seven major factions exist. Splits between the three which comprise the unofficial ruling coalition increase the opposition's strength.
Moldova			
Snegur ('90-	Single piece of banking legislation passed June 11, 1991.	Insulated. Parliament turn government into cabinet of ministers largely subordinate to the presidency in May '91.	Low. Popular Front goes into opposition against Snegur presidency, but is beset by declining support. By the end of '91, PF holds only 30 parliamentary seats, down from 140 the year before.
Russia			
Yeltsin (March '90-	Central Bank and banking legislation passed December, 1990.	Insulated. Supreme Consultative and Coordinating Council of the Chairman of the Supreme Soviet of the RSFSR, comprising 22 reformist intellectuals, including many economists, set up. Yeltsin elected to post of presidency in June '91.	High. Opposition from speaker of parliament, Khasbulatov, and most deputies within Supreme Soviet.
Tajikistan			
Makhkamov ('90-Aug '91)	Central Bank and banking legislation passed Feb. 1991.	Insulated. Nov. '91 Nabiyev consolidates power by winning popularly elected post of president.	Low. Opposition parties are not allowed to run in the Feb.'90 elections. 94% of elected deputies are communists. (Communists forced from power shortly after Aug. coup, but regain control by end of the year.)
Turkmenistan			
Niyazov ('90-present)	Presidential decrees issued in January 1992 govern central and commercial banks.	Insulated. Niyazov named president by Supreme Soviet in late '90. Economic policy is under the direction of the Economic Committee in the Presidential Council. The State Committee on Planning (Gosplan) remains in force .	Low. Opposition groups have been banned and were forbidden to field candidates in the '90 elections.
Ukraine			
Kravchuk (March '90- Dec.. '91)	Central and commercial banking laws passed April, 1991.	Insulated. Kravchuk chosen chairman of Supreme Soviet in summer of '90 and is popularly elected to presidency in Dec. '91.	Low. Communist win 2/3 of parliamentary seats in '90 elections. Rukh holds approximately a quarter of the seats.

Uzbekistan

Khabibulayev ('90-Aug. '91)	Single banking law passed in February, 1991.	Insulated. Supreme Soviet elects Karimov to post of presidency in '90. He chooses a cabinet of ministers to administer the government. Karimov elected to presidency by popular vote in Dec. '91.	Low. '90 elections were tightly controlled and leave complete control of the legislative body to the Communist Party. Birlik and other opposition groups are without representation.

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[1]1992 Bulgarian banking law was drafted under Popov administration.

[2]For the period under consideration, Armenian banking system is governed by old USSR laws and ad hoc policies.

Appendix II: Derivation of the Selectivity Index

A. Direct and Selective Controls
   1. Credit granted according the government plan
      yes=1; no=0
   2. Preferential refinance rates
      yes=1; no=0
   3. Bank by bank credit limits
      yes=1; no=0
   4. Interest rate floor or ceiling controls
      yes=1; no=0
   5. Control over spread of interest rates
      yes=1; no=0

B. Refinance or Discount Rates
   1. Frequency of change
      less than once per year=.5
      1-2 times per year=1
      3 times per year=1.5
      4 or more times per year=2
   2. Different rate according to time
      yes=1; no=0
   3. Quantitative limits on overall credit
      yes=1; no=0

C. Open Market Operations
   1. Use
      planned=.5
      insufficient government securities=1
      growing importance=1.5
      used as a monetary instrument=2

D. Reserve Requirements
   1. Frequency of change
      less than once per year=.5
      1-2 times per year=1
      3 times per year=1.5
      4 or more times per year=2
   2. Differentiated according to maturity of deposits or use
      yes=1; no=0
   3. Control of asset composition
      yes=1; no=0

Each country's total number of points under Direct and Selective controls was multiplied by 1.5 to reflect the greater selectivity of such instruments. After summing the values for each entry, I subtracted 1.5, the theoretically minimum number of points, and divided the new total by 16, the maximum number of points minus 1.5. In this way, the selectivity index represents a percentage of the maximum possible selectivity, while taking into account the necessity of some governmental intervention.

THE U.S. GREEN PARTY: CHALLENGES AND PROSPECTS

by

Ira Rohter

Political Science Department
University of Hawai'i– Manoa

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THE U.S. GREEN PARTY: CHALLENGES AND PROSPECTS

by

Ira Rohter
Department of Political Science
University of Hawai'i – Manoa

Panel 39-4: "Psychological Aspects of Transformational Political Movements" Prepared for delivery at the 1993 Annual Meeting of the American Political Science Association, Washington, D.C, September 4, 1993. Copyright American Political Science Association.

The "Green Movement" is a worldwide coalition of grassroots activists who share a concern for both environmental and democratic governance issues. European Green parties often speak about standing on Four Pillars – environmental balance, social justice, non-violence, and grassroots democracy. Greens played a role in overthrowing the centralized regimes controlling the Soviet Union and Eastern Europe. Green parties have elected local and national representatives in Germany, Finland, Ireland, the Netherlands, Belgium, Sweden, Austria, Italy, Luxembourg, France, Switzerland, Portugal, Bulgaria, Rumania, East Germany and the former states of the Soviet Union, to the European Community Parliament, and in New Zealand and Australia.

Official Green parties are just getting on the ballot in the United States. In 1990 the Green Party of Alaska elected two Greens to municipal offices, and ran a full slate of candidates in 1992. In 1992 Greens achieved official party status in California, Hawai'i, Arizona, and New Mexico. Hundreds of Greens ran for public office, and 53 were elected in 1992.

Optimists see these newly formed U.S. Green parties as a vehicle for a new and different form of politics, based on a unique blend of environmentalism, social justice, and participatory democracy. The worldwide rising of Green parties is seen as the political expression of a "new paradigm" of values appropriate for meeting the challenges of living on this planet in the 21st Century.[1]

Skeptics, however, see the American Greens as simply another chapter in this nation's long line of minor Third parties who flash brightly for an election or two, then fade away as mainstream parties adopt their innovative ideas.

The Woolpert and Halpern papers presented in this panel raise troubling questions about the psychological dynamics often expressed in transformational groups that may substantially

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impede the success of Green parties.[2] They follow the style of theorizing first established by Harold Lasswell in his classic work *Psychopathology and Personality*, and continued by McClosky, Lane, Greenstein, etc.[3]

Although I am sympathetic to their psychological analyses of individual members – I was one of the founding members of the Psychology and Politics Association – I think the psychodynamic approach can easily become too reductionistic. I intend to examine the question of the U.S. Greens' future largely in terms of their ability to successfully solve critical strategic, tactical, and organizational issues. This will set the context for an examination of the psychodynamic issues identified by Woolpert and Halpern that might affect the ultimate success or failure of the U.S. Greens.

An epistemological note: I wear two hats as I write this paper – as a professor of political science at the University of Hawai'i, and as one of the founding members of the *Hawai'i Green Party*, of which I am presently one of its State Co-Chairs.

STRATEGIES & TACTICS

WHO WILL VOTE FOR GREEN CANDIDATES?

The most basic question confronting the U.S. Greens is "What long term strategy will broaden the Greens' support, and allow them to win more political offices?" A sharper question is "Who exactly do Greens want electoral support from, and what kind of persons do they want to run as candidates?" Although traditional campaign organizations start their strategic thinking asking these questions, too many Greens, surprisingly, seldom explore them in any focused way. The U.S. Greens speak in many voices, ranging from leftists who talk about organizing non-voters, dis-empowered citizens, and the working class, to those who want to appeal to a broader middle-class, whomever that might be. Other Greens are intensely single issue oriented, and promote legalizing hemp, or animal rights, stopping nuclear powerplants, military spending, hydopower dams, toxic dump sites in their communities, etc.

Exactly who then can Greens expect to vote for their candidates? Is it the "Post-materialist rising new class" of educated, professional service workers in an industrialized society, as political scientists like Inglehart argue?[4] In advanced industrial democracies, issues are moving away from a class-based materialist orientation toward a more quality-of-life, participatory emphasis. Is this "new class" really voting for Greens? Are there other segments of the voting population that are attracted to Green issues?

Too many Greens are more interested in writing the perfect platform document and organizational bylaws, and achieving perfect gender-fair and consensual processes in their group, than in asking these kinds of hard political questions.

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ISSUES

Many voters view Vice President Al Gore as an "environmentalist" and believe the Clinton administration is promoting a strong environmental agenda.[5] The soon to be revealed Clinton health-care proposals appear as a major program to set this country's medical system aright. The Clintonites are trying to advance many programs that Greens advocate, such as establishing community-development banks, sustainable agriculture programs, a BTU energy tax, environmental clean-up and protection, educational reforms, advancing gay and civil rights, promoting feminist issues, etc.

What issues remain for the U.S. Greens to advocate? Duplicate these positions at lower governmental levels, or stake-out areas that have been overlooked? Will American Greens end up being just Reformers, operating as a "green wing" of a reborn Democrat party? Perhaps the Clinton initiatives will not be passed, or effectively implemented.

Or, can the Greens stake out substantially different positions that will clearly differentiate them from liberal Democrats? One possibility is for Greens to advocate much more extreme positions, such as radical gay rights and feminism, strident leftist economics, Earth First style environmentalism, animal rights, etc. While these positions may be important to various single-interest groups, espousing them as though they comprise the core beliefs of the Greens seems the path to political marginalization.

Rather than being a shopping list of radical and politically-correct (PC) positions, the Greens offer a holistic analysis that gets to root causes of America's problems and advocates fundamental structural and attitudinal changes. Are not Gore and Clinton's programs just a light shade of green, at best, offering no more than superficial reforms? They certainly are not challenging the fundamental premises of our modern society: more growth-is-good, capitalism is the best form of economics, we can significant change our environmental practices without requiring us to alter our basic style of living, technology is our saviour, consumerism is what life is all about. Greens need to communicate their alternative ideas about a more democratic economy, meaningful and decent paying work, a deeper appreciate of ecology and stewardship, cultural- and eco-feminism, less consumerism, revitalizing community life, and re-establishing citizen-based governance.

The likely failure of the Clinton presidency to implement significant environmental, health care, and campaign reforms, and restructure the economy, will support the Green's argument that radical change and not incremental reform is needed. Despite many progressives' relief over the defeat of Bush, and hopes for the changes the Clintons promised to deliver, believers in change are slowly realizing that the Clintonites cannot reach their lofty goals. Clinton and his band of supporters lack the political capacity to break through the national gridlock created by the connections between powerful Congressmen and interest groups.

Greens must set out clear difference between old and new paradigm values, and find ways to make them understandable and politically palpable to an ever-widening constituency. Greens must build grassroots groups who can pressure their legislators and elect better ones.

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A local-first strategy both matches the Greens' limited resources and ideological view of proper governance: work from the bottom up.

ALLIANCES AMONG AFFINITY GROUPS

The classic political tactical question might be posed as: "How can U.S. Greens build alliances with sympathetic groups and voters?" The German Green Party, *Die Grunen*, has its roots in the coming together of an unusual association of conservative farmers, progressive ecologists, and anti-nuclear powerplant opponents. This coalition was later joined by veterans of the 1968 radical students movement, members of the peace movement mobilized against deployment of intermediate-range nuclear missiles in Europe, and various Left parties turning green.

In the American context, this means U.S. Greens need to craft programs that draw electoral support from environmental, peace, feminist, and social justice advocates, and then broaden out to draw in home renters, native rights activists, farmers, labor, mainstream women's organizations, etc. To be successful the U.S. Greens must write platforms and policy papers that appeal to as many like-minded interest groups as possible.

THE GREENS AS A VIRTUAL ORGANIZATION. I believe this traditional model of political organizing is inappropriate given the Greens' limited resources, and is based on obsolete concepts. U.S. Green party groups need to think of themselves more as networks than formal organizations. Organizations have permanent hired staff and offices, and a centralized chain of command. Networks are informal and voluntary and self-organizing. They lack formal headquarters, permanent leaders, or a rigid chain of command.[6] People voluntarily organize around specific issues, choose task-specific coordinators, find volunteers to do things, and freely exchange information by decentralized technologies such as copy machines, telephones, faxes, and electronic and regular mail. Organizations are legal structures that are funded by donations, grants, membership dues, and government contracts. Networks have little funding and volunteers usual pay their own expenses.

This new style of organization is emerging rapidly in the business world, and has been called Virtual Organization.[7] The term "virtual" is drawn from world of computers, and describes how the machine acts as if it had far greater storage capacity than it actually possesses. A Virtual organization appears to an outsider observer as a single entity with vast capabilities, but in reality it really is a shell holding together numerous collaborations assembled only when needed.

Greens in other words should not limit themselves to "drawing support" from sympathetic groups and their members. Instead Greens parties can serve as the legal and organizational shell for existing green-oriented groups to function effectively in the electoral arena. Greens should be actively creating coalitions of existing groups that will jointly formulate shared policy positions, influence legislators and bureaucracies, and run candidates for elected office. Viable "Green" candidates with proven leadership ability and experience will come from these

groups. Green parties in the U.S. as themselves have neither money or legions of grassroots supporters; it will take a coalition of established groups, who together have resources, to influence policy makers and run successful electoral campaigns.

We Greens in Hawai'i, for example, are always being asked: "Who are YOU going to run for Governor or City Council or . . . in '94?" I always answer: "Who do you think WE, the activist coalition, should jointly nominate and support?"

In this sense U.S. Green parties are really virtual organizations or networks. They constitute the minimal structure or formal organization that is needed to meet legal requirements, and their job is to maintain a network of collaborative relationships between already existing groups. The Greens' limited resources do not allow them to "organize" the downtrodden masses. The small band of diligent members who keep the Green network alive can help embryonic grassroots activists organize their communities, mostly with advice on political strategy and help in networking with other groups, but it is simply beyond their capabilities to do intense community organizing and run a political party.

TACTICAL ISSUES

Choosing Winnable Races and Viable Candidates

Winning political offices in the United States is a daunting challenge, much harder than in Europe, where proportional representation allows Greens to be elected with only small percentages (5%) of the total vote. Since races in the U.S. for higher offices allow only one candidate to win, Greens have to carefully select which races they should contest. Many Greens are political amateurs, and seem too willing to run holy crusades directed towards making symbolic points, rather than engage in careful pragmatic targeting. To run candidates in many races dilutes already limited resources, and Greens need to target selected races where they have a decent probability of winning. The *Hawai'i Green Party*, for example, in their first election in 1992, sought to target races where they had both activist groups within the district to draw support from, and whose incumbent officeholder was not very popular.

High visibility state-wide races can, however, be vehicles for gaining media attention and produce a "Trickle-down" benefit for local Green candidates. These races also provide creditability for the party and help educate the voting public on Green ideas.

The concept of "fusion" campaigns is another tool Greens can utilize in their election strategy. Social justice, feminist, environmental, and grassroots-democracy groups can work together to come up with a list of candidates to support who share common ideals and choose to run as Democrats, Republicans, or Greens based on tactical considerations. On the Island of Hawai'i, for example, Greens helped to elect two independent Republican Councilmen, who later joined with the Green Councilwoman and an independent Democrat to form the minority faction in a 5 to 4 split Council. Many Green agenda items are being advanced by this informal alliance. What makes the alliance even more effective is the knowledge that more than 27 percent of the Big Island voters cast their ballots for the Green mayoral candidate in

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'92 – more than double the votes garnered by the Republican. Any aspiring mayor will have to win the Green vote!

A related tactical question is the "kind" of candidate Greens should run. Too often, people come out of the woodwork as candidates. They are either solo renegades, or associated with single-issue causes. I would suggest several criteria be used to evaluate "viable" candidates. Do they have the breadth of holistic vision that Greens stand for? Can they speak knowledgeably about the many Green solutions to the community's problems? Do they have relevant leadership experience; that is, do they appear to be knowledgeable and have demonstrated competence in working with others? Are they known in the community? Do they come with recognition as community or issue-based leaders? What community groups are they involved in? Do they intend to run a serious campaign designed to win? Are they willing to make an all-out commitment of their personal life for several months?

Changing the Political Structure

Minor parties are greatly disadvantaged by the America majority vote system. The hundreds of Greens who hold elected offices in Europe do so only because their systems allow proportional representation, so that minority viewpoints are represented. If non-conventional views are to be represented, the winner-take-all American electoral system must be altered. Unfortunately this winner-take-all concept is so deeply imbedded in the average American's consciousness as an unchallenged assumption that it will take years to change. We can perhaps approximate proportional representation by working for multiple member districts, smaller-sized districts, home-rule for towns and urban neighborhoods, etc.

Using Media Effectively

How can Greens creatively use the media and other forums for presenting their ideals? New candidates – and especially ones with fresh ideas – need to get themselves heard. In small districts walking the neighborhood or community and talking to people face-to-face is one tool used by newcomers. In larger districts, teams of canvassers can carry a candidate's message to the voters' homes. But in the absence of an army of volunteers, and in huge districts, newspapers, radio and television become the major form of communication.

Greens have become clever in obtaining some free news coverage. They also have worked hard at appearing at public voter forums, or participating in debates, as often only the "major" parties are normally represented. But they find it difficult to get their press releases printed, or press conferences reported. The media centers its attention on the major name contenders and offices, and only reluctantly covers the "other" candidates and local races. Paid ads in newspapers and radio are a necessary tool for a large-scale viable campaign, and unless Green candidates are capable of raising large sums of money for this advertising, they are at an enormous disadvantage in getting their ideals heard by the public.

Greens therefore should, during off-years, be vigorously pushing for a number of campaign reforms, such as abolishing paid TV and newspaper political advertising, getting public funding for forums and debates to publicize candidates' stands on issues, promote the

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distribution of *voter information booklets* before each election containing candidates' background and position on major issues, and information on initiatives, charter reforms, etc.

Fund-Raising: the Unsolved Challenge

European Greens get nearly all their income from generous state subsidies. These substantial election reimbursements pay for running party organizations and election campaigns. Winning officeholders – which occurs easily given low proportional representation threshold-levels – also receive paid staff and day-to-day expenses.

American Greens do not enjoy the luxury of paid professional staff and campaign funding. Green organizations, like most volunteer-based groups, are funded largely out-of-pocket and through small fund-raising events. Campaigns are run largely on shoe-string budgets, or from loans. Even in a small state like Hawai'i we estimate a decent legislative or council campaign requires at least $10,000 to $12,000. A *serious* statewide race might require a minimum of $200,000 for large numbers of potential voters to hear what a Green candidate stands for. Guerrilla media tactics are not enough to get proper exposure. An alternative to such large spending is mobilizing an army of unpaid volunteers.

Greens embrace the ideal of citizen-based politics, and believe there are legions of volunteers just waiting to march forth to carry the Green message far and wide. Well – I'm still waiting for this to happen! What I do see are small numbers of committed souls – usually family and close friends of the candidate – working their butts off and often paying for their campaign literature from their own pockets.

Can Greens raise enough money to run serious campaigns, when they lack good access to the usual sources of major campaign funds – big business, big labor, etc.? As challengers to the status-quo, what do the Greens have to sell?

To take the Hawai'i example, if we limit campaign contributions to $250 per individual, where will 50 or more large contributors *per district* come from? Or a hundred smaller ones? For Governor, who will elicit the support of nearly 1,000 contributors? Despite their rhetoric about being grassroot-based, I've seen no Green groups anywhere get close to meeting their organizational and campaign needs. Unless Green groups can raise modest amounts of funds and enlist the support of large numbers of volunteers, they will always be relegated to "also-ran" status.

PARTY ORGANIZATION

Greens pride themselves on being grassroots democrats. They have attempted to transplant the ideals and aspirations of movement politics and small group dynamics into the bureaucratic political structure of our modern industrial state. Green citizen-based organizations (the "anti-party" as some put it) are supposed to be characterized by (1) a low degree of formalization, (2) dominance of the grassroots over higher-level functionaries or

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elected officeholders, and (3) a strong emphasis on linkages with grassroots social movements. Germany's *Die Grunen* promoted these ideals, for example:

* Democracy means control comes from below. Elected representatives are directly accountable to local groups; positions arrived at in lower-level meetings govern their representatives' votes.

* Representatives rotate office every four years, to guard against entrenched incumbency. There are a few exceptions: in instances when 70 percent of constituency group approves, office-holders can continue in their positions for additional terms.

* Positions of responsibility are rotated often. Multiple office-holding is forbidden; no individual party leader can control several positions.

* Major decisions are *not* made by central steering committees of core activists. Instead, state chapters are autonomous, with state-wide policy decisions ratified at large assemblies of delegates. Many activities are initiated by affinity groups (women's, peace, and bio-regional groups) and coordinated on a state-wide basis by rotating spokespersons.

* Consensual decision-making processes, and not quick votes, are encouraged. Minority points of view are voiced, and accommodation sought. Admittedly seeking consensus is not the most efficient way to operate in terms of time and reaching decisions quickly, but it assures every member a role in determining the group's course of action. Politics builds understanding and empathy, and closer relationships rather than estrangement.

THE REALITIES. The major question then, is: "What models of party organization are compatible with Green values of decentralization and consensus building, yet allow timely and efficient decision-making?" Greens have found these ideals difficult to achieve, even in Europe where they are comparatively well funded and citizens are often well informed. Although the Green ideal is to establish open communications and participation with a large membership, U.S. Greens, like most grassroots groups, find themselves forced to operate with severely limited resources. They are almost totally dependent on voluntary labor, and have minimal funds for communications, duplication, travel expenses for local representatives to travel to regional meetings, etc.

While Greens emphasize maximum citizen participation and involvement, politics operates in real-time. Quick decisions often must be made to take advantage of fast-breaking public events. Responding to a scandal, or some action of the State or business, requires quickly put together press releases, news conference, and plans for mobilizing actions. How can "the membership" be engaged in deciding what exactly is said or done on behalf of the Green Party?

This need for quick yet authoritative decision-making is even more acute during election periods.

Some situations do allow for a more leisurely process, where information can be shared by mailings, meetings held and votes taken. If consensus is not easily reached, then more talking-it-out can occur. Writing platforms, policy papers, and bylaws can be done in accordance in Green organizational ideals.

Just exactly WHO? is to participate is another major unresolved question for U.S. Greens. Within any chapter, only a small group – the steering committee and kindred souls – runs day to day affairs. A larger number (though still few) show up to talk and vote at public meetings, but are mostly uninvolved otherwise. During elections another cluster of people appear who work on the campaigns by waving signs, contributing small amounts of money, passing out literature, canvassing, etc.

Green ideals say whoever shows up at a meeting has an equal voice. But in practice some sort of "seasoning" process needs to be applied to "qualify" decision-makers. Should not being well-informed, adhering to Green values, and demonstrated responsibility to the Party all play a factor in judging each member's role in decision-making? Should a candidate for U.S. Senate have her campaign tactics and statements and leaflets voted on by total membership votes? How much discretion do candidates, or elected Green leaders, have in their roles as spokespersons for the Greens?

The issue of voting, consensus, and requiring super-majorities for decisions is another area of great debate among U.S. Greens. Some state and local groups require a 80% approval before any policy can be approved. This requirement for consensus decision-making has often impeded party effectiveness.[8] Some groups have found themselves paralyzed in seemingly endless debates on policies. Both Hawai'i and Alaska groups – and others I'm sure – fall back on simple majority votes on most questions, though still demand a 2/3rd proportion on major issues such as bylaw amendments.

A few groups are exploring ways that new technologies such as E-mail, electronic bulletin boards, and fax broadcasts can enhance membership involvement in policy discussions. These devices have become essential tools for leaders. The old bugaboo about limited access to these technologies is the downside to this solution. Experiments in publicly funded computer terminals in Santa Monica and Hawai'i offer new potentialities for greater citizen participation in public policy-making. Private corporations are rapidly connecting their employees by e-mail systems that allow interactive decision-making too. I see some possibilities here, but frankly this gets us into the electronic democracy and tele-democracy material that in many respects is the antithesis of face-to-face democracy.

My guess is U.S. Greens will continue to muddle-thru, and try to strike a balance between getting-the-job done and ideals of participation. Those groups who have actually elected Green candidates, and try to support them in office, will struggle with this issue constantly. One important structural antidote to centralized power, is the creation of citizen-based taskforces and working groups that involve widely-representative members of the local community and government at all levels in solving important community problems. Having so

many citizen groups working on festering issues involving housing, transportation, the environment, social justice, women's concerns, economic conversion, etc. shares important information and allows fresh viewpoints to be heard and validated.

CAN STRUCTURAL BARRIERS BE OVERCOME?

The U.S. Greens face incredible challenges to their creating of a successful third party. The American political structure burdens them with a winner-take-all election format. The present method of campaign financing advantages corporations, the wealthy, and well-organized special interest groups. The apathy and alienation of half of the electorate, and the entertainment-oriented form of television campaigning, makes it difficult to overcome the advantages held by incumbent officeholders and regular party candidates.

The Greens' success revolves ultimately about their ability to influence, and be the benefactors of, a process of national party realignment. This process will have to entail: (1) a weakening attachment between voters and regular parties; (2) a significant increase in mass political participation; and (3) a crystallization of new party alignments based on new social divisions.

The kinds of questions about individual psychologies raised by Halpern and Woolpert must be set within these larger political and social contexts. How well Greens meet these challenges will be effected by their courage and cleverness, willingness to balance their ideals with practical day-to-day political demands, and perhaps a bit of luck.

Greens must remember the distinction between being an electoral party and a social movement. Lots of reality intrudes if they want to be a party that seeks to influence government in a significant way. Unlike Euro-greens who can win elected office if they receive only 5% of the vote, American-Greens must reach out to a mass public if they want to win in a first-to-the-post system. Greens must appeal to a broader audience, and not be labeled as "fringe" players. They must address questions that average citizens are concerned with, such as decent paying jobs, affordable homes, safe neighborhoods, good health-care, quality schooling, etc. Greens must speak like knowledgeable policy-makers. They must package their idealism into concrete solutions and understand the realities of political and bureaucratic processes.[9]

The U.S. Greens are in a transition, from being a protest movement and sculptor of idealist solutions, to being a political party that can win offices and influence policy-makers. The next election cycle or two will tells us whether the Greens are up to the challenge, or will remain a philosophical and debating society.

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ENDNOTES

I would like to acknowledge Karen Lofstrom, Toni Worst, and Linda Martin, for their ideas and comments.

1 John Rensenbrink, *THE GREENS AND THE POLITICS OF TRANSFORMATION* (San Pedo, Ca., R.& E. Miles, 1992); Fritjof Capra and Charlene Spretnak, *GREEN POLITICS* (New York, Dutton, 1984); Fritjof Capra, *THE TURNING POINT* (New York, Bantam Books, 1983); Brian Tokar, *THE GREEN ALTERNATIVE: CREATING AN ECOLOGICAL FUTURE* (San Pedo, Ca., R.& E. Miles, 1992); Ferdinand Muller-Rommel (ed.), *NEW POLITICS IN WESTERN EUROPE: THE RISE AND SUCCESS OF GREEN PARTIES AND ALTERNATIVE LISTS* (Boulder, Westview, 1989).

2 Stephen Woolpert, "The Politics of the Shadow: The Collective Unconscious of the Green Political Movement." Cynthia Perwin Halpern, "Dimensions of Identity Politics: Inclusion and Exclusion in Oppositional Political Movements." Presented at the 1992 Annual Meeting of the American Political Science Association, Chicago, September 4, 1992.

3 Harold Lasswell, *PSYCHOPATHOLOGY AND PERSONALITY* (Chicago: Un. of Chicago Press, 1930); Harold Lasswell, *POWER AND PERSONALITY* (New York, W.W. Norton, 1948); Herbert McClosky, "Conservatism and Personality," *Am Pol Sci Rev*, 52 (1958), 27-45; Robert Lane, *POLITICAL IDEOLOGY* (New York, Free Press, 1962); Fred Greenstein, *PERSONALITY AND POLITICS* (Princeton N.J., Princeton Univ Press, 1969).

4 Ronald Inglehart, *CULTURAL SHIFTS IN ADVANCED INDUSTRIAL SOCIETY* (Princeton N.J., Princeton Univ Press, 1990).

5 Al Gore, *EARTH IN THE BALANCE: ECOLOGY AND THE HUMAN SPIRIT* (New York, Houghton Mifflin, 1992).

6 I am indebted to ideas elaborated by Kenneth Boche, in his article "Networking and the Decentralist Idea," *Urban Permaculturalist*, Summer 1993.

7 "The Virtual Corporation," *BUSINESS WEEK*, Feb 8, 1993, pp.98-103. William Dividow and Michael Malone, *THE VIRTUAL CORPORATION: STRUCTURING AND REVITALIZING THE CORPORATION FOR THE 21ST CENTURY* (New York, Harper Collins, 1992).

8 See Rensenbrink, *THE GREENS AND THE POLITICS OF TRANSFORMATION*; Christa Slaton, "The Failure of the United States Greens to Root in Fertile Soil," *Research in Social Movements, Conflicts and Change*, supplement 2, pp. 83-117.

9 For a detailed description of what a Green society might look like, see my 450 page book. Ira Rohter, *A GREEN HAWAI'I: SOURCEBOOK FOR DEVELOPMENT ALTERNATIVES* (Nā Kāne O Ka Malo Press. Honolulu, 1992). [Order direct: P.O. Box 970, Waipahu, HI., 96897, 808-677-9513. Paperback $16.95]

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STATES FACE AIDS:
POLICY CHOICES FOR HIV-POSITIVE HEALTH CARE WORKERS

By

Mark Rom

Assistant Professor of Government and Public Policy
Georgetown University

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STATES FACE AIDS:

POLICY CHOICES FOR HIV-POSITIVE HEALTH CARE WORKERS

In 1991 the Centers for Disease Control (CDC) announced that a dentist in Florida had apparently transmitted HIV, the virus that causes AIDS, to a patient while providing her routine dental care.[1] Further investigation indicated that the dentist had also infected at least five other patients.[2] The federal government, responding to these announcements and the public hysteria they generated, enacted laws, offered guidelines, and issued regulations to reduce the chance that health care workers (HCW) could transmit HIV to their patients. In particular, Congress through P.L. 102-141 directed the states to adopt health care standards (by October 1992) equivalent to those written by the CDC or face the loss of their Public Health Service funding.[3] How would the states respond?

This paper attempts to explain these responses. First, it briefly reviews and critiques existing state policy choice models. Next, an alternative to these models, based on Gormley's

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[1]Centers for Disease Control, "Possible Transmission of HIV to a Patient During an Invasive Dental Procedure," MMWR, 39 (27 July 1990): 389-493.

[2]CDC, "Update: Transmission of HIV Infection during an Invasive Dental Procedure - Florida," MMWR, 40 (18 January 1991): 21-27,33; CDC, "Update: Transmission of HIV Infection during an Invasive Dental Procedures - Florida," MMWR, 40 (14 June 1991): 377-81; CDC, "Update: Investigations of Persons Treated by HIV-Infected Health-Care Workers - United States," MMWR, 42 (7 May 1993): 329-37.

[3]CDC's guidelines are in U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients during Exposure-Prone Invasive Procedures," Morbidity and Mortality Weekly Report, 40 (No. RR-8), July 12, 1991. Congress also required the Occupational Safety and Health Administration (OSHA) to issue standards for infection control in P.L. 102-170. The OSHA regulations, 29 CFR 1910.1030, became effective March 6, 1992.

"regulatory issue networks", is presented and elaborated. This model is then applied in a quantitative study of the state responses to P.L. 102-141. Implications and conclusions are then offered.

State Policy Choice Models

Numerous models have been developed to explain state policy choices. "Median voter" or "demand side" models, in which policy choices are determined by the preferences of the typical constituents, are one common form.[4] Other models have emphasized "supply side" effects, in which the self interests of public officials are seen as the main influence on policy choice.[5] Still other scholars have emphasized the features of a federalist system which leads states to compete or cooperate, rather than focusing on the intrastate characteristics stressed by supply and demand models.[6]

These quantitative models of state policy choices generally have several common attributes. First, state taxing or spending levels are most often the dependent variables; non-financial program decisions are studied much less frequently.[7] Second, the policy issue is

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[4]The median voter label comes from Duncan Black, Theory of Committees and Elections, (Cambridge: Cambridge University Press, 1958). William C. Mitchell refers to these models as "demand based" in "Fiscal Behavior of the Modern Democratic State: Public Choice Perspectives and Contributions," in Political Economy, Larry Wade, ed., (Boston: Klujwer-Nijhoff, 1983).

[5]Thomas R. Dye, American Federalism: Competition Among Governments, (Lexington, MA: Lexington Books, 1990), 44-45.

[6]For competition, see Paul E. Peterson, City Limits, (Chicago: University of Chicago Press, 1981); Peterson and Mark C. Rom, Welfare Magnets: A New Case for a National Welfare Standard, (Washington, DC: The Brookings Institution, 1990). For cooperation, Andrew Skalaban, "Policy Cooperation Among the States: The Case of Interstate Banking Reform," American Journal of Political Science, 37:2, (May 1993), 415-28.

[7]With notable exceptions, of course. See, for example, Skalaban, "Policy Cooperation".

assumed to be constant across states; that is, all states face the same choice (such as to raise or lower taxes or spending). Third, the policy issues are decided by the legislature, not by the bureaucracy. Finally, the legislatures' choices are thought to be influenced by the socioeconomic or political characteristics of the state. Policy models with these attributes have proven very useful in predicting policy choices in the states: given the relevant state characteristics, variation in state taxing and spending levels can be explained with reasonable accuracy.

There are solid practical and methodological reasons for scholars to have devoted their time and attention to such policy choice models. As a practical matter, fiscal policy is enormously important. Fiscal policy, moreover, usually produces juicy (that is, broadly distributed, interval level) dependent variables ripe for statistical analysis.[8] Fiscal policy does not comprise the universe of state policy choice, however; states also make many regulatory decisions. State regulatory policies are harder to model than fiscal policies. While much fiscal policy consists of adjusting rates in existing policies, regulatory policy usually consists of selecting from a variety of policy options. The policy problems, and the policy options available to regulators, often differ from state to state; finding a metric useful for comparing these options is frequently difficult. Regulatory policy can be made by legislatures, bureaucracies, or both. The link between socioeconomic or political attributes and regulatory policy choice is often unclear. In cases where the policy issue varies across the states, where options differ in content, where multiple actors are involved in the decisions, and where potential choices are not easily linked to population attributes, policy choice models are less well developed.

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[8]Dye notes for example that the interstate variation in state per capita tax revenues and per capita education, health, welfare, highway and total expenditures has remained virtually unchanged over the past several decades. Dye, American Federalism, 41-42.

Colby and Baker provide a typical example of the strengths and weaknesses of state policy choice models in their study of AIDS programs.[9] The authors present a statistical model regarding fiscal policy for AIDS. Using measures of party competition, political culture, revenue effort, per capita income, and unemployment they are able to explain about 60 percent of the variation in 1987 state per-case AIDS expenditures.[10] Regarding regulatory policy for AIDS, however, the authors summarize what the states are doing while noting simply that "some states attempt to balance [policy] concerns. Other states move more aggressively in only one direction, while still others remain legislatively inactive."[11]

Policy Choice for Regulatory Issues

Gormley has suggested an alternative approach to the state policy choice models that focus on fiscal policies. His "regulatory issue networks" framework explicitly recognizes that legislatures and agencies are often both involved in policymaking, and that the policy issue's characteristics can have an important influence on policy choice.[12] In particular, public salience and technical complexity are the main characteristics of the policy issue that affect policy choice. The salience of a policy issue is determined by the scope and intensity of political conflict it produces. A regulatory issue is technically complex to the degree it involves factual questions

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[9]David C. Colby and David G. Baker, "State Policy Responses to the AIDS Epidemic," Publius, 18 (Summer 1988), 113-30.

[10]As often happens in policy choice models, the coefficients were not all in the direction predicted nor statistically significant. Their analysis is not entirely coherent; they claim that the number of AIDS cases is the most important variable for predicting total expenditures, but they omit this variable from their per-case model. Colby and Baker, 129.

[11]Colby and Baker, "State Policy Responses to the AIDS Epidemic," 116-17.

[12]William T. Gormley, Jr., "Regulatory Issue Networks in a Federal System," Polity, 18:4, (Summer 1986), 595-620.

that require specialized expertise to answer. Gormley contends that issue salience and complexity "shape the contours of regulatory politics" because they

> determine [who] will participate, when, where, and how...They affect incentives to participate, the choice of tactics, the selection of a forum, and the kinds of criteria that are invoked. The outcome of a conflict depends on many other factors...but once salience and complexity are established, the matchups are determined and the odds are fixed.[13]

Despite Gormley's prudence in noting that issue salience and complexity do not by themselves determine policy outcomes, he does suggest that these factors do indeed influence both the form (legislation or administration) and content of policy choices. Gormley uses the relationships between issue salience and complexity to create a four cell typology of regulatory politics (Table 1).

(Table 1 Here)

When issues are salient but simple, "hearing room" politics prevail. The main participants include politicians, the press, and the public. Politicians have incentives to act because the issues are too important to ignore and yet are simple enough to resolve through legislation. Resolutions indeed are usually in the form of substantive legislation, with the content determined by political coalitions. Bureaucrats do not play a decisive role in hearing room politics; politicians find little reason to defer to bureaucratic expertise when issues are not technically complex.

"Street level" politics emerges when issues are low in both salience and complexity. Politicians, the media, and citizens usually do not get involved in these issues. Decisions are

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[13]Gormley, "Regulatory Issue Networks," 603.

made by the bureaucrat on the beat, with these policy choices reflecting the ad hoc judgments of these street level bureaucrats.[14]

"Board room" politics predominate when issues are complex but not salient. In board room politics, policy is typically made by a relatively small group of bureaucrats, professionals, and business groups. Politicians, judges, citizens groups, and journalists usually are not involved. Although the policy choices often reveal the participants' mutual preferences, disagreements among participants at times require compromise or expand into broader conflicts.

When issues are both salient and complex, "operating room" politics are prevalent. In operating room politics "competing values and interests collide, but nagging doubts about factual questions obviate against a purely political solution."[15] Citizens groups resort to "protest politics" unless they have the resources to hire their own professionals. Journalists provide extensive coverage focusing on human drama, not technical arcana. Politicians, when facing operating room politics, typically: 1) propose lots of substantive bills that don't get very far; 2) approve procedural bills (which does such things as alter organizational arrangements, set deadlines, and specify methods) instead. Doing so allows them to placate constituents ("we did something") without addressing the substantive issues ("we told someone else to handle it"). Because the politicians do not decide the substantive issues, upper-level bureaucrats, guided by their professional norms, constrained by their institutional environment, must. To be both politically and professionally acceptable, their decisions must be socially sensible and technically

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[14]The phrase "street-level" bureaucrat, of course, comes from Michael Lipsky, Street-Level Bureaucracy: Dilemmas of the Individual in Public Services, (New York: Russell Sage Foundation, 1980).

[15]Gormley, "Regulatory Issue Networks," 611-12.

sound. As in an operating room, the bureaucratic "surgeons" must gain the confidence of their patients as well as heal them.

Gormley provides a theoretical model of regulatory policy choice and, although he does not test it, he does attempt to place various policy issues within the typology.[16] Other scholars have also attempted to use this model by categorizing policy issues. While judgmental classification is useful in illustrating the model, it is less helpful in testing it.[17] There are several reasons why it may not always be appropriate to categorize issues judgmentally.

Salience and complexity are continuous variables, not categorical ones. Most policy issues are not either simple or complex, inconspicuous or salient; they are more-or-less complex and salient. As a result, many issues do not fit cleanly into either category: how should advertising, broadcasting, utility, and telephone regulation be categorized?[18]

Yet even the issues that appear easy to categorize at first glance do not necessarily fall cleanly into a single category. For example, Gormley considers pornography a low complexity issue and nuclear power a high complexity one. This is surely correct in some obvious ways: it is much easier to make and inspect the former than the latter. But what matters for regulatory

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[16]Gormley categorizes 42 policy issues in "Regulatory Issue Networks," Table 1, 600.

[17]If a researcher knows enough about a policy issue's characteristics to place it in the typology, the researcher also probably already knows the politics, participants, and policy choices. The question then arises: does the issue's characteristics determine its politics, or do its politics determine its characteristics? In other words, does the issue's salience and complexity determine its politics, or are salience and complexity inferred from these politics?

[18]Gormley puts each issue into a different cell in the typology. He contends that advertising regulations are high in salience and low in complexity; utility regulations are high in salience and complexity; broadcast regulation is low salience and complexity; and telephone regulation is low salience and high in complexity. Gormley, "Regulatory Issue Networks," Table 1, 600. Other analysts may categorize these issues differently.

politics is the political assessment of the salience and complexity. The differences in complexity between nuclear power and pornography seems accurate only when the former is defined in empirical, and the latter in moral, terms by the political actors. When the regulatory issue is defined politically in moral terms -- "Should we permit (pornography, nuclear power) to be produced?" -- then whatever inherent technical complexity exists is almost irrelevant. If the issue is conceived more narrowly in empirical terms, however -- "Is (pornography, nuclear power) harmful to human health and, if so, under what conditions?" -- then the issue becomes more technically complex, and specialized expertise does matter.[19]

Salience and complexity thus are affected by both objective and subjective factors. Some issues may be inherently more salient and complex than others, although, no doubt people will disagree about which ones are which.[20] But the subjective attributes of salience and complexity are at least as important for policy choice, because salience and complexity can be political resources. Political participants can increase the likelihood of obtaining the policies they prefer by defining issues in certain ways. For example, political actors who want to resolve issues through legislation (because they believe that legislation will favor their interests) will attempt to define the matter as salient but simple; those participants who prefer administrative resolutions may portray the issue as complex while attempting to suppress publicity about it. Note that,

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[19]For example, experts do indeed disagree about the empirical consequences of pornography, and especially differing kinds of pornography.

[20]Gormley suggests some examples. In general, he argues, environmental, energy, transportation and finance issues are more complex than issues involving employment, commerce, consumer protection and housing. Energy, environment, employment, health, safety, and quality-of-life issues are more salient than those of transportation, commerce, finance, and communications. Gormley, "Regulatory Issue Networks," 601-02.

because subjective interpretations are important, salience and complexity are not necessarily independent dimensions. Political actors, in attempting to make an issue salient, may portray it as "It's just that simple". Similarly, regulatory participants may present the issue as highly complex in order to make it less salient, i.e., boring.

For both objective and subjective reasons, salience and complexity are not constant for regulatory issues, but can vary over time and space. Salience and complexity can vary under at least three conditions. First, the underlying (objective) conditions regarding the issue can change; for example, air quality regulation may become more salient or complex as smog worsens. Second, salience and complexity can changed due to a "catalytic event" that draws attention to the issue without affecting the underlying conditions. Catalytic events include rare or unpredictable events such as assassinations, plane crashes, and natural disasters. Even though these events do not usually change the world, they change the perception of the world.[21] Third, a policy entrepreneur might increase the salience or complexity of an issue, even if the underlying conditions have not changed, through adept marketing. In any one location, issue salience and complexity may vary over time; moreover, at any point in time, the salience and complexity of an issue may differ from place to place.

To the extent that salience and complexity are continuous variables, affected by objective and subjective factors, and shifting over time and space, it makes sense to measure them in order to understand the politics, participants, and policy choices of the regulatory issue. In particular,

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[21]The objective probability that a psychopath would try to poison over-the-counter drugs (such as Tylenol) probably has not changed much over time. Once it happened, though, the event induced politicians and bureaucrats to take -- or at least investigate -- measures to increase the public safety.

measuring salience and complexity can help us test several hypotheses, for example:

* The more salient the issue, the more likely that politicians will make policy;
* The more complex the issue, the more likely that bureaucrats will make policy;
* The more salient and complex the issue, the more likely that politicians will enact procedural legislation and bureaucrats will adopt politically responsive rules;

A Model of Policy Choice for the HCW and HIV Issues

Gormley's "regulatory issue networks" model can be tested in part through an examination of state policy choices in response to P.L 102-141 regarding HCWs and HIV.[22] States could comply with this law in several ways with various policy instruments. State assemblies could enact substantive legislation that either adopted the CDC guidelines or set equivalent ones. Alternatively, state assemblies could explicitly delegate policy responsibility to administrative agencies through procedural legislation, or implicitly transfer these decisions through inaction. The administrative agencies, for their part, could also establish policies or delegate responsibility for doing so to others. State compliance could also come through three outcomes. States could certify that they have implemented the CDC recommendations, attest that they have adopted equivalent guidelines, or request a one-year extension in which to develop approved guidelines.

Before I attempt to explain these policy choices, however, a brief summary of them may

[22]Another article provided a qualitative case study of federal policy choices for the same issue. Mark Rom, "Health Care Workers and HIV: Policy Choice in a Federal System," Publius, forthcoming.

be helpful (Table 2).[23] All fifty states and the District of Columbia did receive their PHS funding for 1993 because the CDC approved their efforts at compliance with P.L. 102-141.[24] Delay was the most common form of compliance, however, with twenty four states asking for an extension. Twenty three states certified that they adopted "equivalent" guidelines (although equivalence varied from state to state), and only four states adopted the CDC guidelines in their entirety. Eighteen states, furthermore, enacted legislation in response to P.L. 104-141, while thirty-three states used purely administrative responses.[25]

(Table 2 Here)

The two questions a policy model attempting to explain state regulatory policy choices should answer are: 1) Why did states choose to make legislative or administrative responses? 2) Why did the content of the responses vary? In this section, I will address the first question; after that, the second.

The first part of the policy model will attempt to explain why states addressed the HIV and HCW issues through legislative or administrative initiatives. The dependent variable used to distinguish between these choices is coded "1" for states that enacted laws and "0" for states that have relied entirely on administrative procedures. Because the dependent variable is

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[23]State policies were obtained through a mail survey of state health departments. Responses were obtained from all 50 states, and the District of Columbia. At the time of the survey, twenty four states had received time extensions from the CDC and so had not issued final regulations. Additional information on state policies was obtained from the AIDS Policy Center, Intergovernmental Health Policy Project, George Washington University. AIDS Policy Center, "A Summary of HIV/AIDS Laws from the 1992 State Legislative Session," January 1993; AIDS Policy Center, "States with Laws for HIV Infected Health Care Providers," October 1992.

[24]Henceforth the District of Columbia will be treated as a state in the analysis.

[25]Administrative policies were also used in the states that enacted laws.

dichotomous, logistic regression is used to estimate the probability of each state's choice.

State policy choices are expected to be influenced by the issue's complexity and salience. The salience of the HIV and HCW issue does fluctuate across the states. Salience can vary in three circumstances, as noted above. First, the underlying conditions regarding HIV and HCWs may differ from state to state. Second, some states will experience catalytic events, while others will not. Third, policy entrepreneurs will arise in some states but not in others. Measuring this variation is more difficult than stating why it might exist, unfortunately.

There is no obvious measure of "policy entrepreneuralism" in state legislatures. One might identify those legislators who introduced legislation as policy entrepreneurs, but then one has merely identified a component of the dependent variable itself.[26] A second possibility might be that the policy entrepreneurs on this issue in the states will tend to be conservative Republicans.[27] The measure used in this analysis is the presence of a Republican governor in a state (GOPGOV).[28] The hypothesis is that states with Republican governors would be more likely to enact legislation than states without Republican governors.

Identifying catalytic events is easier. The best candidate for a catalytic event is the public exposure of an HCW (especially a doctor or dentist) who treated patients after being diagnosed with AIDS. Just as David Acer and Kimberly Bergalis provided a catalytic event for Florida,

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[26]The AIDS Policy Center has identified 22 states in which legislation concerning HIV and HCWs was introduced between 1990 and the end of 1992. Legislation may have been submitted in other states, but evaded the Policy Center's keen eyes.

[27]In the Congress, Republican Senator Jesse Helms and Republican Representative Robert Dannemeyer were the ones who initially introduced legislation regarding HCWs and HIV.

[28]"GOPGOV" is a dummy variable with two values: "0" if the governor was not a Republican, "1" if the governor was a Republican. Data from U.S. Bureau of the Census, Statistical Abstract of the United States, (U.S. Government Printing Office, 1992), 265.

HCWs in at least 5 other states have been involved in highly public "outings" (EVENT).[29] The hypothesis is that states experiencing catalytic events were more likely to pass laws than states without such events.

The final variable measuring salience involves the underlying conditions in a state. The most important condition might be objective probability of transmission of HIV from HCWs-to-patients. This, of course, is the great unknown. It might be roughly estimated by the prevalence of HIV among HCWs, but no data yet exists on this prevalence.[30] The prevalence of AIDS in a state, for which there are data, presumably mirrors the rate of HIV among HCWs and so could be used as a substitute. As the prevalence of HIV increases, so would the political salience of the HIV and HCW issue. HCWs, however, are generally interested in keeping this issue off the legislative agenda. As a result, it seems that the greater the concentration of HCWs in a state, the less likely that state would be to approve legislation restricting HCWs. Yet the overall impact of the AIDS rate and the HCWs rate on state legislation depends on the relative size of both these variables.[31] To measure the joint impact of AIDS and HCWs on the likelihood that a state would enact legislation, I created a variable (BALANCE) showing the HCWs-to-AIDS

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[29]"EVENT" is a dummy variable with two values: "0" if a state has not had a catalytic event, "1" if it has. Six states (Florida, Maryland, Minnesota, New York, North Carolina, Ohio) were recorded as having catalytic events based on nationally-published reports in a variety of sources.

[30]Several states have started requiring HIV-positive HCWs to have their status reported to the public health authorities.

[31]To see this, ask whether a state would be more likely to enact legislation if the AIDS rate and the HCW rate both increased by 1 percent. As the relative size of these variables is unchanged, the state should note be more or less likely to enact legislation.

ratio.[32] The hypothesis is that states are more likely to enact legislation as BALANCE decreases (that is, as the AIDS rate increases relative to the number of HCWs); alternatively, states are less likely to approve laws as BALANCE increases.

I could think of no reason why objective complexity of the HIV and HCW issue would vary from state-to-state, and so did not attempt to include it in the analysis. The subjective complexity of this issue probably does vary across states.[33] Unfortunately, I could think of no practical way to measure this variation.[34] At the federal level, it seems that the HCW and HIV issues were politically defined as complex. In this paper, I will assume that it was also a complex issue for the states.

The variables measuring salience were the ones expected to have the largest impact on policy choice. Several other variables common to state policymaking models could also potentially influence policy choice and so were included in the analysis; it was not clear what

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[32]"BALANCE" is calculated as the HCWs rate (the number of civilian doctors and dentists per 1,000 population) divided by the AIDS rate (the number of AIDS diagnosed per 1,000 population). This variable ranges between 5.9 for the District of Columbia, which has the highest rate of AIDS-per-HCW, to 491.1 in North Dakota, which has the lowest rate. Data on HCWs in 1990 from Statistical Abstract, 109. Data on AIDS in 1991 from CDC, "HIV/AIDS Surveillance Report," January 1992, 6.

[33]At the national level, politicians and bureaucrats grappled over complexity. Public health officials argued that the issue was complex, and that they should be allowed to make policy. Helms and Dannemeyer, among others, argued that the issue was pretty simple -- stop HIV-positive HCWs from treating patients -- and that Congress could and should make policy. Public health officials appear to have won the argument.

[34]One potential measure of complexity involves the ratio of expert-to-nonexpert witnesses (that is, credentialed authorities as compared with "regular citizens") at hearings. The greater this ratio, the more complex the issue. Because politicians control the witness list, this is one way that they can help define the complexity of the issue. A second, more easily obtained, measure concerns "bureaucratic professionalism". It is possible that more professional bureaucracies are better able to define issues as complex than non-professional bureaucracies. Reader comment on this point is especially welcome.

effect these variables would have on policy choice regarding HCWs and HIV, however. These variables comprised measures of economic affluence (PCI) as well as political ideology (IDEO), culture (CULTURE), and competition (COMP).[35]

The model used to estimate the probability that states had adopted legislation for HIV and HCWs took the logistic form:

$$P(LAW_i)=1/(1+\exp(-(B_0+\beta_1 EVENT_i+\beta_2 GOPGOV_i+\beta_3 BALANCE_i$$

$$+\beta_4 CULTURE_i+\beta_5 IDEO_i+\beta_6 COMP_i+\beta_7 PCI_i)))$$

Where:

P(LAW)	=	probability of enacting legislation;
EVENT	=	catalytic event (0 = No, 1 = Yes);
GOPGOV	=	Republican governor (0 = No, 1 = Yes);
BALANCE	=	Ratio of HCWs-to-AIDS in the population;
CULTURE	=	Index of political culture;
IDEO	=	Index of political ideology;
COMP	=	Index of political competition;

[35]Sullivan's "diversity index" (as updated by Morgan and Wilson) was the indicator of political culture. The "ideology index" developed by Wright, et al., was the measure of political ideology. Political competition was measured by the partisan distribution within state legislatures. Per capita income was the indicator of economic affluence. See David R. Morgan and Laura Ann Wilson, "Diversity in the American States: Updating the Sullivan Index," Publius, 20 (Winter 1990), 71-81; Gerald Wright, Robert Erikson, and John McIver, "Measuring State Partisanship and Ideology with Survey Data," Journal of Politics, 47 (May 1985), 469-89; Bureau of Census, Statistical Abstract of the United States, (Washington, DC: Government Printing Office, 1992), 266.

PCI = Per capita income;

$\beta_{0...7}$ = Logistic regression coefficients;

i = The 50 states and the District of Columbia.

Initial estimations indicated that political culture, ideology, and competition, as well as economic affluence, did not have an impact on policy choice.[36] None of these variables were statistically significant at the .50 level, and subsequently all were dropped from the analysis.

The final results from this model are presented in Tables 3 and 4. As these tables show, this model is useful in explaining state policy choices.[37] It correctly predicts 84 percent of the states' choice of legislation (12 of 18) or administration (30 of 33).[38] This represents a reduction in prediction error of 54 percent over a "naive" model that uses the modal vote as its prediction for all votes.[39] The individual variables are also statistically significant (Table 3) and substantively important (Table 4). States that had catalytic events, Republican governors, or a lower ratio of HCWs-to-AIDS in the population were more likely to enact legislation than states without those features. For example, North Dakota had an estimated 0.0 percent probability of

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[36]The analysis was conducted with the logistic regression program in SPSS-PC+. A forward entry method was used, with the criteria for entry set at $p<.50$.

[37]The model chi square, 14.68, is significant at the .001 level.

[38]If the estimated probability of enacting legislation is greater than 50 percent, the state is predicted to have passed legislation; a state with less than a 50 percent probability is predicted to not enact legislation.

[39]The reduction of error (ROE) was calculated by the formula: ROE(%) = 100 * (predicted % - modal %)/(100 - modal %). See L. Marvin Overby, et al., "Courting Constituents? An Analysis of the Senate Confirmation Vote on Justice Clarence Thomas," American Political Science Review, 86:4, December 1992, 997-1003.

enacting legislation while New York had almost a 90 percent chance.[40] Of the three variables, EVENT had the strongest impact on the likelihood of legislative enactments.

(Tables 3 and 4 Here)

The probability that a state would enact legislation concerning HCWs and HIV increased as the political salience of that issue within that state increased.[41] Legislators grew more willing to act when the issue became politically salient. States where the political salience of HCW and HIV issues were low, in contrast, favored purely administrative policies.

State laws have also tended to be procedural, although some do contain substantive provisions (discussed below). The common element in all eighteen state laws is the delegation of considerable authority for making policies for HCWs and HIV to departments of health, medical boards, or some other panel.[42] The law in its entirety in several states (Mississippi, Maryland, and New Hampshire, for example) basically instructs some group or groups to develop rules and regulations regarding HCWs and HIV.[43] Minnesota's law, in contrast, specifies

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[40]While the model as a whole predicted outcomes fairly well, it missed two states badly. Louisiana had an estimated 8 percent chance of enacting legislation, but did; North Carolina had a 92 percent probability of passing a law, but did not. Further research should reveal the specific reasons for these prediction errors.

[41]Mark Rom, "Health Care Workers and HIV: The Politics of State Policies," (Paper presented at the annual meeting of the Midwest Political Science Association, Chicago, 1993).

[42]AIDS Policy Center, "States With Laws for HIV Infected Health Care Providers," unpublished data, December 1993.

[43]Mississippi SB 2712, Public Law 381, 1992. Maryland has enacted two laws. The first (HB 194, Chapter 535, 1991) requires certain medical groups to develop a practice protocol for HIV-positive physicians. The second (HB 388, Chapter 154, 1992) is discussed below. AIDS Policy Center, "Laws for Health Care Providers with HIV Infection," 22 October 1992; AIDS Policy Center, "A Summary of HIV/AIDS Laws from the 1992 State Legislative Sessions," January 1993, p. 20.

policies for HIV and HCWs in considerable detail; yet even here significant discretion is delegated to administrative bodies.[44] In short: states where the issues were salient enacted legislation, and these laws tended to be procedural.

State legislatures may have hastened policy adoption. The states that enacted legislation appear somewhat more likely to have complied with the CDC guidelines than those states that did not ($\phi = .20$, $\chi^2 = 2.1$, $p<.15$). Forty-four percent (twelve of twenty seven) of the states with approved guidelines first enacted laws, while only twenty-five percent (six of twenty four) of the states asking for extensions had enacted legislation. Where the issues were salient, policymakers acted.

Policy Content

The states were required by P.L. 102-141 to adopt policies equivalent to the CDC's. The twenty-seven states with approved policies have defined "equivalence" in various ways. Why did these responses vary? We might expect that in states where the HCW and HIV issues were salient, policy choice would reflect the preferences of politicians (and the public). In states where salience was low, bureaucratic preferences may dominate.

In setting policy, states had to resolve four matters: infection control, practice restrictions, HIV-testing, and patient notification.[45] In general, the public preferred policies that were universal and mandatory, while health care professionals advocated selective and voluntary policies. The legislative and administrative policy choices in these states regarding these key

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[44]A summary of Minnesota's law (SB 2732, Chapter 559, 1992) fills four single-spaced pages. AIDS Policy Center, "A Summary," pp. 16-20.

[45]See Mark Rom, "Health Care Workers and HIV: Policy Choice in a Federal System," Publius, forthcoming.

issues are summarized below.

Infection Control At the time that the states were making policies, OSHA issued sweeping regulations concerning infection control. These regulations presumably relieved (preempted?) states of having to make policies regarding infection control. At least six states nonetheless enacted laws specifically requiring HCWs to use universal precautions and imposing sanctions on those HCWs who do not.[46] Four other states also enacted legislation mandating certain HCWs to receive training in universal precautions as part of their instructional requirements.[47] The provisions mandating universal precautions do link the public and professional views: they recognize that infection control is a key to preventing HIV transmission (the professional view) and they mandate that HCWs must be compelled to (the public view).

The administrative responses are more puzzling at first glance. We might expect that state public health officials would embrace the professional preference for voluntary standards unless politicians expressed a clear preference for mandatory standards. In thirteen states thus far, however, these officials made universal precautions mandatory, thus exceeding the standards set by the CDC; fourteen states have chosen to leave infection control standards voluntary. There is no relationship between state laws and mandatory infection control standards (χ^2 =.42, p<.52). Public health officials in states that enacted legislation were not more likely to incorporate mandatory infection control practices than were officials in other states.

State bureaucratic responses make more sense in light of the OSHA regulations. Perhaps

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[46]The states are California, Iowa, Maryland, Minnesota, Missouri, and Oklahoma. The sanctions typically involve revocation or suspension of license rather than criminal penalties. AIDS Policy Center, "A Summary".

[47]Delaware, New York, South Carolina, and Virginia. AIDS Policy Center, "A Summary".

the states that "chose" to make universal precautions mandatory were simply acknowledging OSHA's rules, while the other states revealed their non-binding preferences.[48]

Restrictions on Practice Most state laws delegated to various medical groups the power to make decisions regarding which HIV-positive HCWs may continue what practices under what circumstances. A few laws specified certain conditions that preclude HCWs from practicing.[49] No medical panel would have allowed HCWs to provide patient treatment in these circumstances, however. More difficult questions (such as whether HIV-positive but otherwise healthy HCWs may treat patients) are left unanswered. As a result, state laws appear to have taken an uncontroversial middle ground between public and professional views, making some easy decisions restricting HCW's practices while leaving the tough calls to medical panels.

State administrative policies have also delegated most decisions regarding practice limitations for HIV-positive HCWs to expert panels. Most of these policies go further by asserting that HIV infection alone does not justify limiting an HCW's duties, and that practice restrictions should be made on a case by case basis. HIV-positive HCWs generally are encouraged, but not required, to seek guidance from the relevant expert review panel. The absence of restrictions on HIV-positive HCWs clearly reflects professionals' preferences, regardless of the salience of this issue.

Testing HCWs for HIV Despite the broad public support for mandatory testing, no state has yet passed legislation mandating that HCWs be tested for HIV, although bills to do so have

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[48]It was not impossible to determine which states had finalized their policies before the OSHA regulations. Several states explicitly refer to these rules in their own policies.

[49]Missouri and Texas, for example, have prohibited HCWs with exposed lesions from performing certain procedures.

been introduced in five states.[50] State laws, moreover, do not generally specify what kinds of HCWs should voluntarily determine their HIV status or how often these HCWs should have themselves tested.[51]

While state laws do not require testing, state administrative policies generally indicate that testing should not be required for employment, credentialing, licensure, or insurance.[52] As state policies typically suggest that only HCWs who are "at risk" of HIV infection should be tested voluntarily, individual HCWs will continue to determine if, when, and how often they will be tested. Regarding testing, the professional view has prevailed in the states.

Patient Notification State laws are, oddly, virtually silent about patient notification. It is possible to read these laws as implicitly requiring HIV-positive HCWs to notify their patients of this by instructing state health officials to follow CDC guidelines. No state, furthermore, has enacted legislation specifically permitting HIV-positive HCWs to refrain from disclosing this information to their patients.

State public health officials have taken a different approach. In the extreme, New York officials have explicitly adopted a policy allowing HCWs not to reveal their HIV status to

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[50]Delaware, Maryland, New Hampshire, South Carolina, and Texas.

[51]State laws do not indicate that HCWs who perform exposure-prone procedures should determine their HIV status twice a year, for example. Virginia law does specify that if a patient is directly exposed to HCW's bodily fluids (as defined by CDC), the worker will be deemed to have consented to HIV testing and the release of the test results to the exposed patient.

[52]For a typical statement, see Michigan Department of Health, "Michigan Recommendations on HBV-Infected and/or HIV-Infected Health Care Workers," September 1992.

patients.[53] Whether New York will be able to maintain this policy in the face of legal challenges or public opposition remains to be seen, however.[54] More commonly, states have adopted policies like Michigan's:

> The public health benefit of notification of patients treated by an infected HCW has not be documented. When an infected HCW's [HIV] status becomes known, any notification of patients should be considered on a case-by-case basis taking into consideration whether exposure has occurred, an assessment of specific risks, confidentiality issues, and available resources.[55]

Other states have simply dropped the patient notification provision from their policies. Almost eighty percent of the states with approved policies (twenty one of twenty seven) do not require HIV-positive HCWs to disclose this to their patients.

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[53]The New York Department of Health issued guidelines in December 1991 that allowed HIV-positive HCWs to perform invasive procedures without disclosing their HIV-status to their patients, if the HCWs used universal procedures.

[54]The New York State Supreme Court began to address this issue in McBarnette v. Feldman. Dr. Feldman was a New York dentist who died from AIDS, and "at the time of his death it was widely reported in the local press that [he] had a substance abuse problem and that he did not follow universal precautions in treating patients." The State publicly offered to provide Dr. Feldman's patients HIV tests, but only 650 of the approximately 3,000 patients accepted the offer. In order to contact personally the other patients, the Health Department sued to obtain Dr. Feldman's patient records. The State Supreme Court ruled in favor of the Department, but noted with some irony that the Department did not require HCWs to disclose their HIV status before they treated patients although it did attempt to inform the patients after they received treatment. The Court spoke strongly in favor of patients' rights to know the HIV status of their HCWs, while noting that if public health authorities chose to limit this right they should at least identify HIV-positive HCWs so that these HCWs could be carefully monitored to ensure that they did not pose risks to patient health. Legislation has since been introduced in New York to require patient notification. AIDS Policy Project, Intergovernmental AIDS Review, February 1992, 11.

[55]Michigan Department of Public Health, "Michigan Recommendations on HBV-Infected and/or HIV-Infected Health Care Workers," September 1992, p. 8.

The willingness of state officials to make patient notification voluntary is inversely related to the political salience of HCW and HIV issues. Public health officials in states that enacted laws were more likely to have retained mandatory patient notification than officials in those states lacking legislation (ϕ=.51, χ^2=7.1, p<.01). Indeed, in only one state without such laws did public health officials preserve mandatory patient notification provisions in their policies.[56]

State Policy Response: A Summary

This analysis suggests that states in which HCW and HIV issues were highly salient also usually experienced operating room politics. Where these issues were not so prominent states were more likely to see board room politics prevail.

State legislatures were more likely to enact legislation where the political salience of HCW and HIV issues was higher. The legislation enacted in these high-salience states tended to be largely procedural. These laws seemed to prod the administrators into action. In states where HCW and HIV issues were not politically salient, legislatures were less inclined to have acted and public health officials were less likely to have issued approved policies.

Although state laws were largely procedural, as expected in operating room politics, states did adopt a variety of substantive policies. The substance of the legislation did not necessarily favor the public view, but attempted to balance public and professional concerns. State laws do not authorize mandatory testing or always require patient notification, for example, but they sometimes mandate universal precautions.

State administrative choices also were affected by political salience. Public health

[56]Kansas was the one state that adopted the CDC guidelines in their entirety without legislation.

officials often acted as if they were being scrutinized by elected officials in states where laws were enacted. In particular, public health officials rarely required patient notification in states where political salience was low; they demanded patient notification more often in states where salience was high. Administrative policies did at times mandate that HCWs follow universal precautions, however, even though there was less political demand for such measures.

State public health officials nevertheless almost uniformly rejected policies that would have placed restrictions on HIV-positive HCWs or required HCWs to submit to HIV testing. Officials rejected these politically popular remedies even in high salience states. Even though bureaucrats may be attentive to politicians' preferences, they apparently do not feel obliged to adopt them. Public health officials no doubt make their own judgments about the political acceptability of various policy options.

How would states respond to the federal mandate that they adopt policies to reduce the risk that HCWs would transmit HIV to their patients? In general, they responded as the "regulatory issue networks" model predicts. Political salience and technical complexity appear to be the dominant factors affecting state policy choices on this issue.

Table 1
A Regulatory Politic
Politics, Participants, a

Salience	Co
	Low
High	Politics: "Hearing Room" Participants: Politicians, Public, Media. Policy Choice: Legislative: Substantive law.
Low	Politics: "Street-Level" Participants: Bureaucrats Policy Choice: Administrative: Standard operating procedures.

Source: Adapted from William T. Gormley, Jr., "Regulatory Issue
1986, 595-620.

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olitics Typology
ts, and Outcomes

	Complexity
	High
	Politics: "Operating Room" Participants: Politicians, Bureaucrats, Public, Media. Policy Choice: Legislative: Substantive bills, procedural laws. Administrative: Rules guided by professional norms and political considerations.
	Politics: "Board Room" Participants: Bureaucrats, Business Elites Policy Choice: Administrative: Substantive rules made through insider decisions.

sue Networks in a Federal System," Polity, 18:4, Summer

Table 2
State Policy Choices: Forms and Outcomes

Policy Form	Policy Outcome			
	CDC Guidelines	Equivalent Guidelines	Time Extension Requested	Total
Legislation	3	9	6	18
Administration	1	14	18	31
Total[a]	4	23	24	51

[a]Includes the fifty states and the District of Columbia.

Source: AIDS Policy Center, "States With Laws for HIV Infected Health Care Providers," unpublished data, December 1992; AIDS Policy Center, "Compliance with Section 633 of Public Law 102-141," unpublished data sheet, November 1992.

Table 3
State Policy Choices: Legislation or Administration?
Logistic Regression Coefficients (Standard Errors)

EVENT[a]	BALANCE[b]	GOPGOV[c]	MODEL CHI-SQUARE
2.44** (1.18)	-.05** (.02)	1.41* (.71)	15.80***

N = 51

* p < .10; ** p < .05; *** p < .01; one-tailed test.

Notes:
[a]EVENT: Was an HCW publicly exposed as treating patients after being diagnosed with AIDS? (0 = No, 1 = Yes)
[b]GOPGOV: Was the governor a Republican? (0 = No, 1 = Yes)
[c]BALANCE: What is the ratio of HCWs-to-AIDS in the population? Where HCWs are the number of civilian doctors and dentists per 1,000 residents and AIDS is the number of persons diagnosed with AIDS per 1,000 residents.

Table 4
The Probability of Enacting Legislation for HIV and HCWs

Condition			Probability of Enacting Legislation[d] (%)
EVENT[a]	GOPGOV[b]	BALANCE[c]	
Yes	Yes	Low	97
Yes	Yes	Mean	84
Yes	No	Mean	56
No	Yes	Mean	32
No	No	Mean	10
No	No	High	0

Notes:
[a]EVENT: Was an HCW publicly exposed as treating patients after being diagnosed with AIDS? (0 = No, 1 = Yes)
[b]GOPGOV: Was the governor a Republican? (0 = No, 1 = Yes)
[c]BALANCE: What is the ratio of HCWs-to-AIDS in the population? Where HCWs are the number of civilian doctors and dentists per 1,000 residents and AIDS is the number of persons diagnosed with AIDS per 1,000 residents. Low = 5.9 (DC); Mean = 44.9 (OH); High = 491.1 (ND).
[d]If the probability is greater than .50, the state is expected to have enacted legislation. If the probability is less than .50, the state is expected to have relied on administrative policies.

HELMUT KOHL AS POLITICAL LEADER

Sketching Major Themes

George K. Romoser

University of New Hampshire/

Freiburg University (Germany)

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George K.Romoser
University of New Hampshire/
Freiburg University

"...es muss zwischen Zustimmung über Parteigrenzen hinweg und Führungsstärke einen Zusammenhang geben, der die persönlichen Popularitätswerte des früheren Bundeskanzlers Schmidt ebenso wie das Scheitern seiner Regierung erklärt und der zugleich auch einen Zugang zu der Frage bietet, warum die Regierung Kohl bei so vielen Erfolgen zugleich so viel Kritik erfährt."

--Wolfgang Schäuble, early 1989 [1]

My subject has to do in a central sense with that nebulous topic called "leadership." Here I shall break a lance for the notion that Chancellor Helmut Kohl, in that leading office in Germany since October 1,1982, represents successful leadership, especially when viewed within the given conditions of West German/ German politics and society since then. Before jaws drop in disbelief, I add that this is, at least, one way to characterize the overview I offer in this brief presentation. Obviously, there can be other conclusions from the evidence, and to apply a recent comment by the Chancellor ("Ich freue mich über die Probleme, die wir in Deutschland haben"[2]) to a different topic, I would be happy for a solid discussion in this panel on conceptual and substantive problems of discussing"leadership."

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[1] "Erfolgreich Regieren:Politikvermittlung und politische Führung," DIE POLITISCHE MEINUNG,v.34,No.242(Jan/Feb 1989),11

[2] Speech to the Economic Council of the CDU, Bonn, June 15,1993,in BULLETIN(of the Presse-und Informationsamt der Bundesregierung (henceforth:BPA), July 9,1993, 1.

I can affirm that much of the leadership literature I have reviewed in an--admittedly,rushed--period, leaves me rather unenlightened. It tends to the abstruse or self-evident, or both. There are questions whether discussions of leadership can make much sense divorced from analysis of the particular setting in which leaders function.After all, even some of the most cogent and powerful statements on political leadership--those of Max Weber in Politics as a Vocation--were connected with Weber's articulation of the "darkness" afflicting Germany in particular and the West in general.

When discussing Helmut Kohl, we are confronted first of all with a rather long series of jokes and sardonic characterizations--and not only in the popular press. Moreover, his fall from power has been regularly forseen or even predicted--probably at least four times since 1982. While effective leadership and maintenance of the leader's position of power,influence, and title are not necessrily identical, it is usually assumed,obviously, that they go together. In this sense, titles and topics such as "Wut auf den Wurstler, " "Führungslosigkeit in der Politik," dismal approval ratings," and "Kohl's Unfulfilled Promise"--to take just a few, internationally selected[3]--are thoroughly characteristic of press treatment over the years. Exceptions to this chatacterization would be the unification year of 1990 and the electoral success of December and, perhaps for the more sophisticated, Kohl's routing of the Heiner

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[3] In order: DER SPIEGEL, v. 47,No. 8 (Feb.22,1993),23-25; LEIPZIGER VOLKSZEITUNG, April 7,1992; CHRISTIAN SCIENCE MONITOR,October 1,1992; Barbara Beck in WORLD TODAY,v.41,Nos.8-9(Aug/Sept 1985), 151-153.

Geissler-Lothar Späth-Rita Süssmuth upstart troika at the CDU congress in Bremen in September 1989.[4]

In some of the press reporting, and in the scholarly writing on Kohl's Chancellorship, of course, heavy emphasis has been placed upon his thoroughgoing roots in the Christian Democratic Party and his knowledge--from long experience, from having emerged "out of the ranks," and from his telephone habits and personal contacts--of the "grass roots." This has been viewed as the major reason for his durability as Chancellor. But there are not only frequent invidious contrasts between Kohl's capabilities as a party operative and the demands of true national leadership, but most recently, it seems, "die Lage /for Kohl/ war noch nie so ernst." With a veritable barrage of local, Land and national or European elections in 1994, and with the threats of "Parteiverdrossenheit" and the drainage of votes to the Republikaner, Kohl appears to many as a best a survivor in the absence of any viable alternatives,and as dispensable should unrest in his party increase or a form of "Grand Coalition" be necessary in the event of failure of his coalition to gain a working Bundestag majority in the fall 1994 federal election.[5]

To more adequately focus on the work of Helmut Kohl as Chancellor--the theory and pattern of his leadership in a generalized interpretation--the setting of his time in office must be considered. The political, social, and cultural "surroundings" pose specific

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[4] See,for example, "No Contest," THE ECONOMIST, Sept.16,1989,52-53: "As Chancellor of West Germany, Mr.Helmut Kohl may look a bit of a bumbler;as a fixer of party rivals he moves with awesome dexterity."

[5] Consult also: Gordon Smith, "The Resources of a German Chancellor." WEST EUROPEAN POLITICS, v.14,No.2 (April1991),48-61.

parameters for leadership accomplishment. Using (though not solely) certain interpretations of leadership problems in today's Germany, and, more generally, in Western industrialized societies as a whole, Kohl's situation and behavior in office may be described briefly, and from this basis, several attitudes towards the meaning of "leadership" may be explored.

The initial interpretations stem from two of the Chancellor's closest advisers: Wolfgang Bergsdorf, Head of the "Inland" section of the Bundespresseamt, and a political scientist with degrees from Bonn University, and Wolfgang Schäuble, now a much better known man than Bergsdorf, former Minister of the Interior, and now leader of the CDU/CSU forces in the Bundestag. Indeed, now seemingly largely recovered from a serious assasination attempt a few years ago, except for the resulting paralysis which confines him to a wheelchair, Schäuble is frequently in the German news as a "power behind the scenes" and possible successor to Kohl. Were one to believe Der Spiegel, indeed (which one is free to do at a certain peril),the talented Swabian,essentially Kohl's protege, is not far off in the wings. In any case, his views on leadership may partly reflect and partly shape Kohl's own actions and perspectives.

It is the academician Bergsdorf, a member of Kohl's inner circle, who has more fully developed over the last several years certain themes pertaining to leadership in today's Germany. These are quite consistent with Schäuble's approach, but I cannot say, at least not yet, what the personal or intellectual connections between the two "theorists"(or "partial theorists")are. In any case, Bergsdorf in his writings has pointed both to necessities for effective leadership in today's world, and the grave limitations on the possibilities

for effective leadership.

One of Bergsdorf's central concerns appears to be the "linguistic presentation of politics," and it is an emphasis which deserves attention.[6] It is clearly connected with the citation from one of Schäuble's essays cited at the head of this paper. It is a specific example--perhaps the most important example--of what Bergsdorf(and,probably, Schäuble)see as the"surroundings"of contemporary politics. The role of the media is the most obvious reference point, but not the only one. It would be too simple to dispose of the point by characterizing the argument as a hackneyed complaint about the role of journalists--a complaint voiced by those close to political power. In any case, in the view of our authors, politics today may be seen as something of a contest in "political communication" between the leaders and the media.[7] Effective leaders have to "exercise communicative discipline in the interest of general policy objectives," but this need conflicts with the "insatiable" desire of journalists,and the public influenced by journalists, for "news,""i.e. a rapid turnover of topics and personalities."[8] Alluding to Max Weber's ideas about "enthusiasm, a sense of responsibility, and a sense for proportion" as personality traits needed by holders of political office, Bergsdorf finds the result of the war between communicative discipline and the voracious consumption of

[6] Wolfgang Bergsdorf, "Germany Under Stress," GERMAN COMMENTS, No. 30 (april 1993), 45.

[7] Bergsdorf, "Political Leadership as a Challenge of Communication," GERMAN COMMENTS, No.18 (April 1990),78-84.

[8] Ibid.,79,83.

news to be "an extreme challenge /which/ modern democracy poses for political leaders."[9] More precisely, it means that there is a on the one hand a need for, in Weber's sense, maintaining "proper portion" or "reflective distance between oneself and political reality", but in fact "political leadership in a pluralistic democract is not possible without damage to personal prestige." Even political victories "have a Pyrrhic nature." The public, so to speak, is not only on a different wavelength, but in a different world of images and expectations entirely.[10] What the leader can do, then, is follow a "Verfahren von 'trial and error'... und innerhalb der Frist einer Legislaturperiode bis an die Grenze der Belastbarkeit der eigenen Mehrheitsfähigkeit durchsetzen."[11]

Apologia for the style of Kohl's leadership? "Theoretical" justification with the tools of the study of political psychology, now themselves almost common currency? Such thoughts lie near, but even if such imputations seem plausible, they do not necessarily disprove the points our authors and political advisers make.For the views should cause us to reflect on expectations from "leadership" and on frequent use of that term as a code word for accomplishment, progress, or reform--investing it with an almost magical quality especially cherished in a liberal tradition. "Führungslosigkeit" goes along with "Ratlosigkeit" and "Orientierungslosigkeit" in many such scenarios.[12] We know of Helmut Kohl's reputation for slowness in making decisions, for reliance on party loyalty rather than public

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[9] Ibid., 79-80

[10] Ibid.,83. Cf. the recent article by Michiko Kakutani on deconstructionism and the breakdown of barriers between "images" and reality, "When History is a Casualty," THE NEW YORK TIMES, April 30, 1993, C30-31.

[11] Schäuble,in POLIT.MEINUNG(No.242),11.

articulation and, at least among some, for a sort of pandering to potential right-wing defectors from the CDU. The most fundamental criticism seems to center on alleged failure to face up to "real issues," with Kohl's self-admitted "mistakes" in judging the rapidity of improved conditions in the former "East Germany" currently occupying the center of attention.

Our theorists of political leadership pursue their critique beyond discussion of the role of media and of "images" said to invent a new "reality" to run alongside the facts. Again, however, their views are not necessarily unique when they refer to the fragmentation and individualization of cultural, social, and political positions in contemporary Germany: "Der politische Streit um ein Regierungsvorhaben vollzieht sich nicht nur zwischen Mehrheit und Minderheit im Parlament, sondern zugleich in einem Feld prinzipiell unendlich vieler pluralistischer Interessen..." And yet the view of "ungovernability is rejected (Unregierbarkeit)[13]; or at least is has been thus far. This is partly because they see mainly the Social Democrats as a party incapable of governing--as the very prototype of the incoherence of interest clashes with no leadership, or with inadequate coordination--as shoen by the last federal SPD-led govenment, that of a Chancellor, Helmut Schmidt, more or less buried by his own party. Of course, this view of the SPD is not unique, and it seems even more plausible today than a decade ago.[14]

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[12] Cf., for example, Robert Leicht, "Das Bündnis der Ratlosigkeit," DIE ZEIT, August 27, 1993, 1; the comments by Heinrich Weiss, former head of the Bundesverband der Deutschen Industrie (BDI) and of the Economic Council of the CDU: "In der Politik fehlen die Führungspersönlichkeiten," (Interview), SÜDDEUTSCHE ZEITUNG, May 28, 1993, 9. Weiss left the BDI Chairmanship in 1992, and in January 1993 quit the CDU.

[13] Schäuble, in POLITISCHE MEINUNG (No. 242), 10.

The authors see contemporary German society as one of increasing "individualization" of views--postmaterial conditions, in the words of other authors. This makes consensus and effective action difficult.[15] To return to Max Weber, we might summarize that the Kohlians are arguing a Weberian point in order to examine the possibilities for effective leadership today: we should not be at the mercy of chance or fortune, undisciplined instincts, sympathies and antipathies in following politics as a vocation[16]--but we live in an age which writes such attitudes large.

The most recent, and probably most serious of the threats to Kohl's survival as a political leader are depicted in a related way. Kohl is being victimized in public opinion by a Zeitgeist that is itself a product of years of affluence, and resentment at having this condition threatened. The more or less concealed criticism of Christian Democratic encouragement of the values of affluence (a problem summarized by Daniel Bell some years ago under the title "The Cultural Contradictions of Capitalism")may,indeed,be expressed more openly by conservatives less linked to the Kohl regime and, of course, in a paradoxical and muddled way by some "left" critics of"the consumption society." For the Kohlians, the Chancellor's hesitations and reversals about asking sacrifices in

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[14] As just one example, see Gunter Hofmann, "Die Enkel sind alt geworden, "DIE ZEIT, April 30,1993, 3.

[15] Cf. Hans-Georg Betz, POST-MATERIAL POLITICS IN GERMANY(New York: St.Martin's Press,1991); Bergsdorf, "Vom Guten des Schlechten:Herausforderungen für die Union," DIE POLITISCHE MEINUNG, v.34,No.243(March/April 1989),29-36.

[16] Cited from the discussion by Robert Eden in POLITICAL LEADERSHIP AND NIHILISM: A STUDY OF WEBER AND NIETZSCHE (Tampa: University Presses of Florida, 1983),p.15.

connection with unification and economic improvement in the area of the former GDR are not primarily because of a defect in political leadership,but arise from the very conditions of the time and society: according to views at least attributed to Wolfgang Schäuble, the "Zeitenbruch" of the late sixties created, or helped create, the decline of the transmission of values in the home, the school, and even the churches, and the domestic political problems of our day are connected with this failure.[17] A sense of solidarity is one of the values which has been gravely endangered,and the results are apparent today,in the Kohlian view, in connection with the problems confronting a true unification of the "two Germanies."

But with such themes, we may turn to statements by the leader himself, Helmut Kohl. At least partly, it appears, because of the new round of criticism in the last two years, and the approach of the many elections of 1994, the analyses thus far sketched are being ventilated and expanded by the Chancellor in public declarations. To be sure, such speeches do not halt the criticisms; in conformity with the dilemmas noted, the increasing difficulty of reaching policy agreements on complicated issues arising from the merging of the two Germanies hampers the incremental style of decision-making which has been Kohl's trademark. Every accomplishment (or "half accomplishment")is purchased at a higher price, or seems to contain inadequate measures--at least this is a working hypothesis. So it seems to have been recently with the "Solidarity Pact" supposed to promote a division of fiscal burdens for the sake of improvements in the East.[18] Thus Kohl's speechmaking on problems and goals in

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[17] Cited and partly quoted in DER SPIEGEL, v.47,No.8 (2/22/93),25. I am aware of the limitations of the magazine as a reliable source.

[18] For the "pact," see BULLETIN der BPA,Nos. 22,25,26 (March 16,25, 26,1993)

German politics and society may be an indication of a weakening of ability to engineer the "coordination" for which he has been noted.

According to the Kohlians cited earlier, "combativeness" and "compromise" are two sides of effective political leadership, and "in emotional terms...are a unit." "What is needed is to create unity in one's own political formation and to strengthen this unity so as to have a chance of success in competition with other political groups.[19] The heretofore-mentioned notion of communicative discipline complements these postures. But we have noted earlier that the discipline in communication, according to this theory, contains a strong element of reticence,and in fact this has seemed to be part of Kohl's overall approach. He has been accustomed to rely on a process of "ripening" decisions within his party and--very important--within the coalition of CDU, CSU and FDP. Now it appears necessary to move further into the realm of public rhetoric, perhaps "weil die Anfälligkeit nicht nur in Deutschland, sondern in praktisch allen Ländern der westlichen Welt gegenüber populistischen Strömungen in letzter Zeit zugenommen hat."Against this trend one must emphasize the importance of ties to institutions.[20]

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[19] Bergsdorf, in GERMAN COMMENTS(No.18), 82-83.

[20] Helmut Kohl, "Die Rolle der Meinungsforschung in der freiheitlichen Demokratie," BULLETIN DER BPA, May 12,1993 (Address in Bonn at presentation of the 1984-1992 Yearbook on Public Opinion of the Institut f.Demoskopie,Allensbach--April 27,1993. Henceforth identified as SPEECH B).
Other speeches from the first half of 1993 examined, or cited below: "Standortbestimmung Deutschlands für die Herausforderungen der 90er Jahre,"BULLETIN, Jan.27,1993, Speech of Jan.18 to the Industrie und Handelskammer Münster(SPEECH A);
"Neue Prioritäten für die Zukunftsgestaltung Deutschlands," BULLETIN, May 12,1993, Speech of April 30 to the Industrie-und Handelskammer f.München und Oberbayern, in Munich(SPEECH C);

Perhaps not surprisingly then, Kohl appears in 1993 to have launched a series of themes with strong elements of social and cultural criticism. They emphasize unity or solidarity, and have culminated thus far in the May 6 declaration: "Wir alle wissen, daß sich die Zukunft der Industrienation Deutschland nicht als kollektiver Freizeitpark organisieren läßt....Wir brauchen einen neuen Bürgersinn, wir brauchen...gelebten Patriotismus, bei dem wir uns auf Tugenden besinnen wie Mut und Verläßlichkeit,Fleiß und Eigenverantwortung, Mitmenschlichkeit und Hilfsbereitschaft."(Speech F-343). His emphasis on the "hysteria" which he claims reflects the "deutsche Manie des Nörgelns und Jammerns" replicates the notion of the over fragmentation of German viewpoints and interests,for it is called forth, he claims,by the slightest changes or signs of uncertainty. An "Egoistenkult der Selbstverwirklichung" is at least partly to blame.(Speech D-338). The Germans became too "comfortable" and now a "geistig-immateriellen" renewal is needed(Speech E-342-3).

While a central theme of Kohl and his followers is the need for unifying approaches, it is obvious (also to them,I think)that it is more and more difficult to find, articulate and build upon such concepts or approaches, given the heightened expectations of many about what could or should be done by leaders and,at the same time

"Kulturnation Deutschland--Herausforderung und Perspektiven," BULLETIN, May 17,1993. Speech of May 11 to the Jahresversammlung des Börsenvereins des Deutschen Buchhandels,in Bonn (SPEECH E);& "Die einigende Kraft des kulturellen Erbes im zusammenwachsenden Europa," Speech of May 6,1993 to the Bastei-Lübbe Verlag in Cologne (SPEECH D); "Die Soziale Marktwirtschaft als Ordnung der verantworteten Freiheit," see above,footnote 2,June 15,1993,Bonn, (SPEECH F); "Neue Weichenstellung zur Gestaltung der Zukunft," BULLETIN, July 12,1993. Speech of June 29 to Bundesarbeitsgemeinschaft der Mittel-und Grossbetriebe des Einzelhandels,in Cologne (SPEECH G)

the vast array of changes in the world(the movement of populations and the tensions resulting,to name just one area). Such multiplication of perspectives and interests,heightened,as has been indicated above, by new methods of "communication," go far beyond even the fact that with the integration of "East" Germany, there are more actors in negotiating situations within parties and outside the parties--the task of "coordination," which some have seen as central to the way German govenment functions[21], becomes more complicated. Andy Warhol is proving prophetic, perhaps: if not everyone is famous for fifteen minutes, at least layer on layer of events, images, pseudo-events, claims and complaints dominate our world--at least what most hear and see of the world.

Obviously, for one whose method of leadership is said to embrace(and there is plenty of evidence for this) "distance" between the leader and the hurly burly of events--as noted above about Kohl the balancing act becomes ever more formidable. A recurrent theme in Kohl's career from the start, now being re-emphasized in his recent utterances, is that the concept and developing "fact" of Europe will somehow provide a unifying guideline(Speech D-338, for example).An immediate response--or theme--is,of course, that the idea and reality of Europe is itself under weighty stress.[22]

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[21] See Gordon Smith,"Resources..." in WEST EUROPEAN POLITICS (April 1991)on the first point, and the writings of Wolfgang Jäger on the second, "coordination democracy"as an apt description of policy-making in the Federal Republic.

[22] See, for example, Günther Nonnemacher, "Die Krise im Westen," FRANKFURTER ALLGEMEINE, June 4,1993, 1.

Obviously, little if anything that has been said here tells us much about concrete relationships inside the Kohl government or--particularly--inside the the coalition of partties thus far sustaining it. That study is a different task.The purpose here,rather, has been to focus on, if you will, the "direction" or "nature" of Kohl's leadership as seen by those close to him and, perhaps even more, to encourage reflection on types of leadership, the limits of choice for leaders, and alternative assumptions about the functions of leaders. Helmut Kohl has "survived" as Chancellor eleven years--"inexorable", as some have termed him. He has both benefited from and contributed to the fact that the German political system has tendcd to be more "stable" than "innovative." [23] It is appropriate in conclusion to raise the question of alternative ways of leadership--with the emphasis,again, not on concrete details, but on concepts and approaches.

To do this properly would require much more systematic study than has been possible at the present time. But also, it would require more articulation by Kohl's critics of leadership alternatives--meaning not just personalities. Beyond that, the questions about varying leadership conceptions and methods is obviously not limited to the German situation.

Earlier references to Max Weber remind us how lacking we are in this time of thinkers and analysts of Weber's capacity. More immediately, Weber's work helps us today to broaden and deepen our understanding of the kaleidoscope of political events and structures.

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[23] Renate Mayntz," Executive Leadership in Germany:Dispersion of Power or 'Kanzlerdemokratie"?, in Richard Rose and Ezra N. Suleiman,eds., PRESIDENTS AND PRIME MINISTERS (Washington: American Enterprise Institute,1980),139-170.

In a recent study, Robert Eden, developing a contrast between "Wilsonian" ideas of leadership and Weberian ideas, has written of "plebiscitary leader democracy" as tied in with "reformist" notions articulated by Woodrow Wilson, and positing enthusiastic action by bold new leaders.[24] Wilson,child of the Progressive era, complained of "leaderless liberalism"as early as 1897; he wanted to combine liberalism and leadership. Of course, he was not alone in this view in that era, but his approach was certainly more "democratic" and more "populist" for example, than that of Theodore Roosevelt and some of his followers or associates such as Herbert Croly. Eden points to the difference between Wilson's approach and that of Weber; in our context, it is a difference which turns on the issue of "distance" between leader and public events. For the Wilsonian tradition, the new kind of leader is subsumed in and becomes part of the "public," because he or she is doing great deeds for humanity.

Eden's discussion richly deserves examination in the context of studying Kohl's leadership and critiques of that leadership. Has, indeed, the Wilsonian vision of leadership brought unmitigated good to America, where it established deep roots and has now transcended earlier party differences in many ways (one need only mention Ronald Reagan as a "populist" President)? As for Germany, does not something like the Wilsonian perspective Eden sketches underlie many of the expectations from a new "true" leadership? And what would be the

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[24]Robert Eden, POLITICAL LEADERSHIP...esp.Chaps. 1, 7.

contours, methods and concrete results of a more "engaged" leadership? What, above all, would it mean in Germany? Most immediately (because, certainly, one realizes that extreme contrasts in leadership conceptions do not necessarily prevail in practical politics), are there any signs of alternative leaders in Germany at present who would combine more innovation and engagement with stability?

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MILITARY ESTABLISHMENTS IN THE AFTERMATH OF THE COLD WAR: A THEORETICAL AND COMPARATIVE ANALYSIS

James N. Rosenau
The George Washington University

and

Paul R. Viotti
University of Denver

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MILITARY ESTABLISHMENTS IN THE AFTERMATH OF THE COLD WAR: A THEORETICAL AND COMPARATIVE ANALYSIS[1]

James N. Rosenau
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I took my oath to the Soviet Union. In principle the oath is invalid. There is no Union. My country is not here.

Anatoly Azovkin, 20-year old tank division driver from the Russian Far East[2]

The army is *my* army. For me, it's the measuring stick of my life. It's my pride, my soul's pain, my labor and sweat. It's my entire life. It's my father, who defended Leningrad, and my brothers, officers of the armed forces. What is happening to all of it?

Lt. Col. Melis Bekbasynov, member of the Russian officer corps[3]

Our points of view were very different; now they have converged around peace. No one here is interested in war anymore.

Padrino Pilartes, guerrilla colonel in Angola[4]

A curse on you all. Where are you taking the world?

Azerbaijani grandmother shouting at a helicopter loaded with military supplies[5]

These diverse observations, offered from various perspectives on and within armed forces, highlight the enormous stresses and strains that are rocking military establishments in the aftermath of the Cold War: In a turbulent world of fragmenting polities, faltering economies, restless publics, refocused enmities, and vast international transformations, where do soldiers and military organizations fit? Can they adjust to an ever greater global complexity that is rendering the threat and use of coercive force increasingly questionable as an instrument of effective control? What roles and options are available to them as the pace of change accelerates in every country and on every continent? Must their historic mission as conservators and stabilizers of their societies give way in the face of shifting values and priorities? Can the unique hierarchical structures and loyalties of their organizations withstand the powerful and contradictory globalizing and decentralizing tendencies presently eroding long-standing institutions and practices in developed and underdeveloped societies alike?

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[1]Sections of the paper are drawn from James N. Rosenau, "Armed Force and Armed Forces in a Turbulent World," in James Burk (ed), *The Military in New Times: Adapting Armed Forces to a Turbulent World* (Boulder: Westview Press, forthcoming), pp. 25-60.

[2]*New York Times*, January 10, 1992, p. A8.

[3]*Los Angeles Times*, January 18, 1992, p. A 8.

[4]*New York Times*, December 16, 1991, p. A9.

[5]*Los Angeles Times*, January 12, 1992, p. A8

Such are the questions to which the ensuing analysis is addressed. It rests on the underlying premise that no domain of human affairs has remained immune to the vast transformations of our time, that it is thus unimaginable that the huge changes at work on a global scale have not had enormous consequences for *military* institutions and personnel everywhere---that as new constraints alter the viability of armed force as an instrument of public policy, so will changes occur in the role, morale, coherence, and effectiveness of armed forces. No less important, it is also presumed that the consequences of turbulence experienced by militaries have, in turn, interactively fed back into the cascading processes that sustain the vast global transformations.

Put in the rhetoric of scientific inquiry, armed forces around the world need to be treated, not as constants in a changing world, but as both independent and dependent variables which are central to the course of events as the millennium draws to a close. More precisely, at any moment in time their conduct can be analyzed as both sources and consequences of global turbulence, but across time these dynamics need to be seen as so interactive as to undermine any effort to differentiate among causes and effects. Accordingly, here the analysis proceeds from an assessment of armed forces as dependent variables to an estimate of their operation as independent variables to a conclusion that probes the interactive consequences of how their responses to change may be shaping their emergent roles in an emergent global order.

THE TURBULENCE MODEL

To facilitate these tasks a broad theoretical context is needed. Although a number of events in recent years appear illustrative of the emergent dilemmas, opportunities, and likelihoods with which armed forces must contend in all parts of the world, the question of whether they form coherent patterns that allow for generalization on a global scale is far from self-evident. Conceivably each event is a response to unique circumstances. It is not enough, therefore, simply to call attention to the end of the Cold War, the collapse of the Soviet Union, the 32-nation coalition that ousted Iraq from Kuwait, or any of the many other startling developments that have rocked world politics since 1988. Episodes such as these are surely relevant to the broad changes that have ensued and that have contributed to the welter of adaptive challenges confronting armed forces. Important as they are, however, these major developments are nonetheless empirically founded and thus cannot in themselves be mined for insights as to whether and how various armed forces will cope with the adaptive challenges. The Cold-War-has-ended explanation can only take us so far. It describes what no longer prevails, but it does not subsume the bases for anticipating what lies ahead.

Accordingly, insofar as the future is concerned, the end of the Cold War, the collapse of the Soviet Union, the Persian Gulf war, and other such developments must be viewed as outcomes and not as underpinnings of change. They are, in effect, the surfacing of complex dynamics that reach deep into societies and their relationships to each other. Put in still another way, outcomes are empirical and observable, whereas underpinnings are not readily discernible and can only be identified through a theoretical perspective that guides inquiry beneath the immediately visible manifestations of change. Viewed in this way, the order on which the Cold War rested did not collapse suddenly in 1989. Rather, it began its long downhill slide well before the Berlin Wall came down and the people of Eastern Europe threw off the yoke of their communist regimes. These latter developments were only the last stage in a complex process whereby the foundations of the post-World War II order underwent transformation. To be sure, pundits, politicians, academics, and people everywhere were taken by surprise when the governments in Prague, Budapest, Sofia, and other East European capitals were, suddenly, replaced. But the pervasiveness of the surprise is not so much a measure of the rapidity with which history changed course as

it was a measure of how fully people tend to focus on outcomes rather than underpinnings when they respond to the course of events. Had they been sensitive to underpinnings, to the deeper sources of the events that caught their eyes, they would have appreciated well before 1989 that a new global order was in the process of evolving.

So we return to the need for a broad theoretical context that allows us to sift through the diverse empirical indicators of change and interpret them, not as responses to unique circumstances, but as products of complex dynamics that are global in scope and can thus facilitate clarity on the emergent problems with which military institutions and personnel everywhere must cope. Is it possible, in short, to frame a theory that treats armed forces as dependent variables which, through their variation, reflect the underlying transformations that continue to rock the course of events?

Our positive response to this question derives from a recently formulated bifurcation, or turbulence, theory of world politics.[6] Whatever its limitations, this model has the twin virtues of being global in scope and of focusing centrally on transformative dynamics while not ignoring those that are resistant to change and promote continuity. What underpinnings have undergone fundamental transformation, the theory enables us to ask in the present context, such that armed forces around the world have experienced new challenges and evidenced new forms of behavior?

The theory's answer involves the basic parameters of world politics. If the parameters of any system are conceived as the boundaries beyond which lie the environment of the system---those recurrent patterns that may impact upon but are not a part of the system's functioning---and within which the variables of the system undergo their unceasing processes of variation, then it follows that the parameters are normally fixed features of the system. They provide its continuities in the sense that they remain constant even as fluctuations occur in its variables. They are, in effect, the foundations of global order---those values, premises, resources, and enduring institutions that underlie and limit the nature of the international pecking order, that accord legitimacy to issues on the global agenda, that underpin orientations toward armed force and armed forces, that justify concern for human rights, that shape predispositions toward authority and authorities, and so on through all the sources out of which variation occurs within the system.

If the parameters of world politics form the bases of the prevailing global order, then a new global order is bound to emerge if and when its parameters undergo profound transformation. And that is exactly what has happened in recent decades. For the first time since the period that culminated in the Treaty of Westphalia in 1648, the basic parameters of world politics have undergone extensive and rapid alteration, with the result that the underpinnings of a new world order have been laid.[7] Put differently, global turbulence is defined in terms of simultaneous parametric transformation,[8] a formulation that leads to the conclusion that the world is presently experiencing its first bout of turbulence in more than three hundred years.

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[6]*James N. Rosenau, Turbulence in World Politics: A Theory of Change and Continuity* (Princeton: Princeton University Press, 1990).

[7]The analysis which concludes that the system's parameters are undergoing their first profound transformation since 1648 can be found in Rosenau, *Turbulence in World Politics*, Chap. 5.

[8]For the derivation of this definition of political turbulence, see Rosenau, *Turbulence in World Politics*, pp. 59-78.

The theory identifies three parameters that are central to any prevailing global order: the overall structure of global politics (a macro parameter), the authority structures that link macro collectivities to citizens (a macro-micro parameter), and the skills of citizens (a micro parameter).[9] Each of these parameters is judged to have undergone transformation in the current era, and the relative simultaneity of the transformations is considered a major reason why signs of an emergent global order---of deep underpinnings fostering unexpected outcomes---took politicians, journalists, academics, and others so utterly by surprise when the collapse of communism rendered them unmistakably manifest late in 1989.

Table 1: TRANSFORMATION OF THREE GLOBAL PARAMETERS

	from	to
micro parameter	individuals less analytically skillful and cathectically competent	individuals more analytically skillful and cathectically competent
macro-micro parameter	authority structures in place as people rely on traditional and/or constitutional sources of legitimacy to comply with directives emanating from appropriate macro institutions	authority structures in crisis as people evolve performance criteria for legitimacy and compliance with the directives issued by macro officials
macro parameter	anarchic system of nation-states	bifurcation of anarchic system into state- and multi-centric subsystems

Table 1 summarizes the changes in the three parameters, but the order of their listing should not be interpreted as implying causal sequences in which the actions of individuals are conceived to precede the behavior of collectivities. On the contrary, incisive insights into global turbulence are crucially dependent on an appreciation of the profoundly interactive nature of the three parameters---on recognizing that even as individuals shape the actions and orientations of the collectivities to which they belong, so do the goals, policies, and laws of the latter shape the actions and orientations of individuals. Out of such interaction a network of causation is fashioned that is so thoroughgoingly intermeshed as to render impossible the separation of causes from effects. Indeed, much of the rapidity of the transformations at work in world politics can be traced

[9]Rosenau, *Turbulence in World Politics*, pp. 10-11. For a formulation that identifies six parameters, see Mark W. Zacher, "The Decaying Pillars of the Westphalian Temple: Implications for International Order and Governance," in James N. Rosenau and Ernst-Otto Czempiel (eds.), *Governance Without Government: Order and Change in World Politics* (Cambridge: Cambridge University Press, 1992), Chap. 3.

to the ways in which the changes in each parameter stimulate and reinforce changes in the other two.

THE MICRO PARAMETER: A SKILL REVOLUTION

The transformation of the micro parameter is to be found in the shifting capabilities of citizens everywhere. Individuals have undergone what can properly be termed a skill revolution. For a variety of reasons ranging from the advance of communications technology to the greater intricacies of life in an ever more interdependent world, people have become increasingly more competent in assessing where they fit in international affairs and how their behavior can be aggregated into significant collective outcomes. Included among these newly refined skills, moreover, is an expanded capacity to focus emotion as well as to analyze the causal sequences that sustain the course of events. As will be seen, the skill revolution is also judged to have encompassed soldiers and their officers.

Put differently, it is a grievous error to assume that people are a constant in politics, that the world has rapidly changed and complexity greatly increased without consequences for the individuals who comprise the collectivities that interact on the global stage. As long as people were uninvolved in and apathetic about world affairs, it made sense to treat them as a constant parameter and to look to variabilities at the macro level for explanations of what happens in world politics. Today, however, the skill revolution has expanded the learning capacity of individuals, enriched their cognitive maps, and elaborated the scenarios with which they anticipate the future. It is no accident that the squares of the world's cities have lately been filled with large crowds demanding change.

It is tempting to affirm the impact of the skill revolution by pointing to the many restless publics that have protested authoritarian rule and clamored for more democratic forms of governance. While the worldwide thrust toward an expansion of political liberties and a diminution in the central control of economies is certainly linked to citizens and publics having greater appreciation of their circumstances and rights, there is nothing inherent in the skill revolution that leads people in more democratic directions. The change in the micro parameter is not so much one of new orientations as it is an evolution of new capacities for cogent analysis. The world's peoples are not so much converging around the same values as they are sharing a greater ability to recognize and articulate their values. Thus this parametric change is global in scope because it has enabled Islamic fundamentalists, Asian peasants, and Western sophisticates alike to serve better their respective orientations. And thus, too, the commotion in public squares has not been confined to cities in any particular region of the world. From Seoul to Prague, from Soweto to Beijing, from Paris to the West Bank, from Belgrade to Rangoon---to mention only a few of the places where collective demands have recently been voiced---the transformation of the micro parameter has been unmistakably evident.[10]

This is not say that people everywhere are now equal in the skills they bring to bear upon world politics. Obviously, the analytically rich continue to be more skillful than the analytically poor. But while the gap between the two ends of the skill continuum may not have narrowed, the advance in the competencies of those at every point on the continuum is sufficient to contribute to a major transformation in the conduct of world affairs. More

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[10]For lengthy inquiries into both the indicators and sources of the skill revolution, see Rosenau, *Turbulence in World Politics*, Chap. 13, and James N. Rosenau, "The Relocation of Authority in a Shrinking World: From Tiananmen Square in Beijing to the Soccer Stadium in Soweto via Parliament Square in Budapest and Wencelas Square in Prague," *Comparative Politics*, Vol. 24 (April 1992), pp. 253-72.

important for present purposes, the emergent global order rests on increasingly relevant micro foundations---on individuals who cannot be easily deceived and who can be readily mobilized on behalf of goals they comprehend and means they approve---a shift that tends to undermine the traditional bases of military organization and discipline. The new global order is thus more inclusive than its predecessor. Military elites retain control over resources, communications, and the other instruments through which coercive force is exerted, but increasingly they are constrained by publics and subordinates who follow their activities and are ever ready to demand appropriate performances in exchange for support.

THE MACRO-MICRO PARAMETER: A RELOCATION OF AUTHORITY

This parameter consists of the recurrent orientations, practices, and patterns through which citizens at the micro level are linked to their collectivities at the macro level. In effect, it encompasses the authority structures whereby large aggregations, be they private organizations, public bureaucracies, or military establishments, achieve and sustain the cooperation and compliance of their memberships. Historically, these authority structures have been founded on traditional criteria of legitimacy derived from constitutional and legal sources. Under these circumstances individuals were habituated to compliance with the directives issued by higher authorities. They did what they were told to do because, well, because that is what one did. As a consequence, authority structures remained in place for decades, even centuries, as people unquestioningly yielded to the dictates of governments or the leadership of any other organizations with which they were affiliated. For a variety of reasons, including the expanded analytic skills of citizens noted above, the foundations of this parameter have also undergone erosion. Throughout the world today, in both public and private settings, the sources of authority have shifted from traditional to performance criteria of legitimacy. Where the structures of authority were once in place, in other words, now they are in crisis, with the readiness of individuals to comply with governing directives being very much a function of their assessment of the performances of the authorities. The more the performance record is considered appropriate---in terms of satisfying needs, moving toward goals, and providing stability---the more are they likely to cooperate and comply. The less they approve the performance record, the more are they likely to withhold their compliance or otherwise complicate the efforts of macro authorities.

As a consequence of the pervasive authority crises, states and governments have become less effective in confronting challenges and implementing policies. They can still maintain public order through their police powers, but their ability to address substantive issues and solve substantive problems is declining as people find fault with their performances and thus question their authority, redefine the bases of their legitimacy, redirect their loyalties, and withhold their cooperation. Such a transformation is currently being played out in the countries of the former Soviet empire, where the redirection of loyalties and the application of performance criteria have eroded favorable predispositions toward the military establishment. In the words of one Russian,

> In our parents' day, [the army] could get away with [a compulsary draft]. People believed in suffering and sacrifice then. They believed they could do everything for the glory of the motherland and get no compensation for it. That's not a good argument for our generation.[11]

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[11]Quoted in Rick Atkinson and Gary Lee, "Soviet Army Coming Apart at the Seams," *Washington Post*, November 18, 1990.

But authority crises in the former Soviet Republics are only the more obvious instances of this newly emergent pattern. It is equally evident elsewhere, albeit the crises take different forms in different countries and different types of private organizations. In Canada the authority crisis is rooted in linguistic, cultural, and constitutional issues as Quebec seeks to secede or otherwise redefine its relationship to the central government. In France the devolution of authority was legally sanctioned through legislation that privatized several governmental activities and relocated authority away from Paris and toward greater jurisdiction for the provinces. In China the provinces enjoy a wider jurisdiction by, in effect, ignoring or defying Beijing. In Yugoslavia the crisis has led to violence and civil war. In the crisis-ridden countries of Latin America the challenge to traditional authority originates with insurgent movements or the drug trade. And in those parts of the world where the shift to performance criteria of legitimacy has not resulted in the relocation of authority---such as the United States, Israel, Argentina, the Philippines, and South Korea---uneasy stalemates prevail in the policy-making process as governments have proven incapable of bridging societal divisions sufficiently to undertake the decisive actions necessary to address and resolve intractable problems.

Nor is the global authority crisis confined to states and governments. They are also manifest in subnational jurisdictions, international organizations, and nongovernmental transnational entities. Indeed, in some cases the crises unfold simultaneously at different levels: just as the issue of Quebec's place in Canada became paramount, for example, so did the Mohawks in Quebec press for their own autonomy. Similarly, just as Moldavia rejected Moscow's authority, so did several ethnic groups within Moldavia seek to establish their own autonomy by rejecting Moldavia's authority. Similarly, to cite but a few conspicuous examples of crises in international and transnational organizations, UNESCO, the PLO, the Catholic Church, and the Mafia have all experienced decentralizing dynamics that are at least partly rooted in the replacement of traditional with performance criteria of legitimacy.

The relocating of authority precipitated by the structural crises of states and governments at the national level occurs in several directions, depending in good part on the scope of the enterprises people perceive as more receptive to their concerns and thus more capable of meeting their increased preoccupation with the adequacy of performances. In many instances this has involved "downward" relocation toward subnational groups---ethnic minorities, local governments, single-issue organizations, religious and linguistic groupings, political factions, trade unions, and the like---which, in turn, have become increasingly aware of their growing coherence and clout, an awareness that elsewhere I have suggested has brought the world into a vigorous age of subgroupism.[12] In some instances the processes of authority relocation has moved in the opposite direction toward more encompassing collectivities that transcend national boundaries. The beneficiaries of this "upward" relocation of authority range from supranational organizations like the European Community to intergovernmental organizations like the International Labor Organization, from nongovernmental organizations like the Greenpeace to professional groups such as Medecin sans Frontiers, from multinational corporations like IBM to inchoate social movements that join together environmentalists or women in different countries, from informal international regimes like those active in different industries to formal associations of political parties like those that share conservative or socialist ideologies---to mention but a few types of larger-than-national entities that have become

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[12]For an analysis of how weakened governments have operated as a major source of subgroupism, see Rosenau, *Turbulence in World Politics*, Chap. 14. The theme that the world has entered the age of subgroupism is elaborated in James N. Rosenau, "Notes on the Servicing of Triumphant Subgroupism," *International Sociology*, Vol. 8 (March 1993), pp. 77-90.

the focus of legitimacy sentiments. Needless to say, these multiple directions in which authority is being relocated serve to reinforce the tensions between the centralizing and decentralizing dynamics that underlie the turbulence presently at work in world politics.

In short, the emergent global system rests on an increasingly fluid pecking order. Although still hierarchical in a number of respects, the weakening of states and the pervasiveness of authority crises has rendered the pecking order more vulnerable to challenges and more susceptible to changes. Put differently, with states weakened by paralysis and stalemate, the power equation underlying the pecking order has been substantially altered. Where raw elements of power---armies, oil deposits, agricultural production, etc.---were once the major terms of the equation, now their values have declined relative to such complex terms as societal cohesion, the capacity to draft soldiers, decisiveness in policy-making, and the many other components of a country's ability to surmount authority crises and avoid paralyzing political stalemates.

It follows that any organization founded on clear lines of command and unquestioned compliance with orders is presently being undermined. Such a process is already evident in perhaps the most disciplined organization extant today, the Mafia,[13] and it can also be discerned in many, if not all, armed forces. Or at least it is sufficiently manifest to conclude, as will be seen, that the transformation of the macro-micro parameter has weakened military establishments as well as the states they serve.

THE MACRO PARAMETER: A BIFURCATION OF GLOBAL STRUCTURES

For more that three centuries the overall structure of world politics has been founded on an anarchic system of sovereign nation-states that did not have to answer to any higher authority and that managed their conflicts through accommodation or war. States were not the only actors on the world stage, but traditionally they were the dominant collectivities; they set the rules by which the others had to live. The resulting state-centric world evolved its own hierarchy based on the way in which military, economic, and political power was distributed. Depending on how many states had the greatest concentration of power, at different historical moments the overall system was varyingly marked by hegemonic, bipolar, or multipolar structures.

Today, however, the state-centric world is no longer predominant. Due to the skill revolution, the worldwide spread of authority crises, the impact of dynamic technologies, the globalization of national economies, and many other factors, it has undergone bifurcation.[14] A complex multi-centric world of diverse, relatively autonomous actors has emerged, replete with structures, processes, and decision rules of its own. The sovereignty-free actors of the multi-centric world consist of multinational corporations, ethnic minorities, subnational governments and bureaucracies, professional societies, political parties, transnational organizations, and the like. Individually, and sometimes jointly, they compete, conflict, cooperate, or otherwise interact with the sovereignty-bound actors of the

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[13] "The Columbo family civil war . . . is solid evidence of a widespread phenomenon: the breakdown of autocratic leadership and dissension in the lower ranks. . . . The system of dictatorial control and unflinching loyalty in all of the families . . .is fracturing in the same way that the Soviet Union suddenly collapsed." Selwyn Raab, "In the Mafia, Too, a Decline in Standards," *New York Times*, January 19, 1992, Sec. 4, p. 6.

[14] A full analysis of the diverse sources of the bifurcation of global structures can be found in Rosenau, *Turbulence in World Politics*, Chaps. 10-15.

state-centric world.[15] Table 2 delineates the main differences between the multi-centric and state-centric worlds.

In sum, and to reiterate, while the bifurcation of world politics has not pushed states to the edge of the global stage, they are no longer the only key actors. Now they are faced with the new task of coping with disparate rivals from another world as well as the challenges posed by counterparts in their own world. A major outcome of this transformation of macro structures is, obviously, a further confounding of the hierarchical arrangements on which world politics is based. Not only have authority crises within states rendered the international pecking order more fluid, but the advent of bifurcation and the autonomy of actors in the multi-centric world so swelled the population of entities that occupy significant roles on the world stage that their hierarchical differences were scrambled virtually beyond recognition well before the end of the Cold War intensified the struggle for international status.

THE NEW GLOBAL ORDER: ENDURING OR TRANSITIONAL?

However the new global order may be labeled---and the designation is not a trivial exercise[16]---one conclusion derived from the foregoing analysis stands out. While the new order is marked by a high degree of uncertainty and dynamism, these features may not be transitional. It is tempting to conclude otherwise, to view the present era of turbulence as temporary, as a necessary process through which parameters get redefined and settle into a new set of premises. After all, it could well be reasoned, the ideational foundations of a new order and the habitual modes on which it rests do not automatically fall into place, so that the period between the end of one order and the evolution of a new one is bound to be disruptive as people cling to old ways of doing things in the face of new circumstances. Time is needed for experimentation, for trial and error, for sorting out alternatives, for actors with different learning curves to arrive at the same plateau on which their new relationships can flourish. Accordingly, the argument concludes, it will surely require a long transitional period before the outlines of the new order, much less the order itself, come fully into focus. Indeed, it may even take a while before it is clear that the old order has fully passed into history.

There is surely much validity in this reasoning. The attenuation of mental sets, the collapse of paradigms, and the abandonment of structural constraints certainly occurs with much greater speed than the subsequent processes through which new orientations and structures are formed and become deeply rooted. History brilliantly affirms that it is easier to destroy institutions than it is to construct their replacements. Nevertheless, it may well be that today's uncertainties and dynamics are not as temporary as logic dictates and as observation suggests, that the changes at work in world politics are such that there is no reason to expect the slow evolution of practices and processes on which the stabilities of a new order will rest.

Conceivably, in other words, the uncertainties and dynamics of the present period are permanent rather than transitional features of the new order. Why? Because the parametric transformations are all in the direction of enduring commotion rather than stable patterns. They do not point to the emergence of new political entities that can

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[15]For an explanation of why the terms "sovereignty-free" and sovereignty-bound" seem appropriate to differentiate between state and nonstate actors, see Rosenau, *Turbulence in World Politics*, p. 36.

[16]For a discussion of the problem of labeling the order, see the appendix to Rosenau, "The New Global Order: Underpinnings and Outcomes" (xerox).

supplant the state as effective means of achieving societal cohesion and progress. They do not hint at the development of global structures that can accommodate both the decentralizing dynamics operative within the state-centric world and the centralizing dynamics at work in the multi-centric world. They do not in any way suggest that more analytically skillful citizens and publics are likely to be impressed with the intractability of most of the issues on the global agenda and thus be accepting of leaders whose performances are bound to fall short of their expectations. Rather the central tendency in the case of each parameter involves movement toward end points that are inherently and profoundly pervaded with uncertainty and dynamism, with impulses to sustain change rather than settle for new equilibria, with a potential for restless dissatisfaction with power balances and continuing resistance to whatever pecking order may seem to prevail.

In short, the most powerful forces underlying the emergence of a new global order are all conducive to persistent, long-term tensions between the need for more centralized international institutions and the equally compelling need to develop more decentralized domestic institutions. These tensions can be readily discerned in every part of the world today, in the tendencies toward strengthened regional organizations (e.g. in Europe and Latin America) and in those fomenting authority crises within countries. The fact that the Soviet Union and Yugoslavia came apart internally even as both sought to become increasingly linked externally to international organizations offers quintessential examples of how fragmentation and integration are both central characteristics of the new global order. And these are only the more conspicuous of a multitude of illustrations that could be cited.

ARMED FORCES IN A TURBULENT WORLD: A PARAMETRIC ANALYSIS

Although brief, the foregoing conception of the dynamics of present-day global turbulence enables us to formulate incisive questions with which to probe military organizations as dependent variables: what changes have they undergone with the advent of a bifurcated world of weakened states, intensified subgroupism, authority crises, and more analytically skillful citizens? Have the changes been the same for militaries everywhere or can significant regional and country differences be identified? Have the strict hierarchical foundations and rigorous commitment to disciplined command structures of military organizations enabled them to withstand the strong currents of turbulence? Or have they, too, been swept along by the powerful forces of change? Can signs of the skill revolution be discerned in the behavior of enlisted men and officers? Are military organizations undergoing crises of authority and turning to forms of subgroupism? Has the ever-expanding complexity of a bifurcated world resulted in a greater diversity of tasks undertaken by armed forces? In short, have they managed to remain essentially constant---beacons of stability in a fragmenting, unstable world---or is their conduct expressive of discernible and significant variation, thus affirming our underlying premise that no domain of human affairs has remained immune to the vast transformations of our time?

Developing initial responses to these questions perforce requires reliance on several kinds of data. A number and variety of empirical indicators have surfaced in recent years, but systematic inquiries derived from the turbulence model have yet to be undertaken. Unsystematic as they may be, however, the available data are sufficiently suggestive to allow for tentative interpretations and the framing of hypotheses designed to generate more rigorous findings.

At first glance, that is, it seems clear that change is stirring upheaval within military institutions. Notwithstanding adherence to the canons of analytic caution, one cannot help but be impressed by the continuing stream of events indicative of how the transformation of all three parameters has introduced variability into military affairs. Indeed, they readily

Table 2: Structure and Process in the Two Worlds of World Politics *

	State-centric World	*Multi centric World*
Number of essential actors	Fewer than 200	Hundreds of thousands
Prime dilemma of actors	Security	Autonomy
Principal goals of actors	Preservation of territorial integrity, and physical security	Increase in world market shares, maintenance of integration of subsystems
Ultimate resort for realizing goals	Armed force	Withholding of cooperation or compliance
Normative priorities	Processes, especially those that preserve sovereignty and the rule of law	Outcomes, especially those that expand human rights, justice, and wealth
Modes of collaboration	Formal alliances whenever possible	Temporary coalitions
Scope of agenda	Limited	Unlimited
Rules governing interactions among actors	Diplomatic practices	Ad hoc, situational
Distribution of power among actors	Hierarchical by amount of power	Relative equality as far as initiating action is concerned
Interaction patterns among actors	Symmetrical	Asymmetrical
Locus of leadership	Great powers	Innovative actors with extensive resources
Institutionalization	Well established	Emergent
Susceptibility to change	Relatively low	Relatively high
Control over outcomes	Concentrated	Diffused
Bases of decisional structures	Formal authority, law	Various types of authority, effective leadership

* Reproduced from James N. Rosenau, Turbulence in World Politics, p. 250.

highlight succinct answers to the foregoing questions: Yes, the indicators suggest, militaries everywhere have undergone substantial changes and, yes, regional and country differences in the pace and direction of change are also noteworthy. No, armed forces in most countries have not been able to withstand modifications of their strict hierarchical foundations and disciplined command structures. Yes, signs of the skill revolution are manifest in the behavior of military personnel. Yes, military organizations virtually everywhere are undergoing authority crises and resorting to forms of subgroupism. Yes, many armed forces are taking on a diversity of new tasks. And yes, there are good reasons to continue to presume that the military have been no more immune to the dynamics of turbulence than any other societal institution.

In order to elaborate and justify these overall interpretations, the pervasive traces of parametric transformation evident in the conduct of military personnel and the structure of military establishments are examined through a two-track research strategy, one that is global in scope and focuses on a few dimensions of each parameter and a second that is region- and country-specific and investigates the impact of turbulent conditions on selected problems faced by the militaries of the two former superpowers, four countries in East-Central Europe, four in Western Europe, and three in Asia. In the case of parametric changes at the micro level, the ensuing analysis probes how expanded analytic skills have affected the orientations of officers and enlisted personnel alike and how the need for sustaining the skill revolution has posed a delicate challenge to the command structure of military organizations. The transformation of the macro-micro parameter is explored in terms of the impact of global authority crises upon the exercise of military discipline and the capacity of armed forces to maintain and replenish their ranks. The changes stirred by the bifurcation of the macro parameter are briefly assessed in terms of old roles being shed and new tasks being shouldered by armed forces, the constraints imposed by the emergence of global norms and vigorous transnational social movements, and the tendencies toward subgroupism within and across military ranks. In the context of these parametric assessments, the analysis then turns to region-specific comparisons of the problems of mililtary personnel, national strategies, and force-employment doctrines confronted by thirteen countries since the end of the Cold War.

Since the transformative consequences of each parameter are interactive, as previously noted, the order in which we assess the various dimensions of the military as a dependent variable matters little and should not be viewed as reflecting an assumption as to which change dynamics are primary and which are secondary. The analysis begins with transformations at the macro level because these encompass the broadest array of phenomena, but this is not to imply that the macro circumstances with which armed forces must cope are the prime determinants of their conduct.

DIMINISHED ROLES AND NEW TASKS

The bifurcation of world politics is conceived as reflecting an ever-growing interdependence in which centralizing and decentralizing tendencies at all levels of political aggregation reinforce, offset, or otherwise sustain global affairs. One consequence of this complexity is that armed forces are becoming more marginal even as their capabilities have become more relevant. That is, the weakening of national states, the proliferation of subnational organizations and groups in the multi-centric world, the shift of systemic agenda away from security and toward economic issues, the redirection of numerous adversarial relationships within regions and countries (as well as between former superpowers), the contraction of military budgets---to mention only a few of the dynamics at work---has led societies to be less reliant upon and less respectful of their military institutions even as the very complexity that undermines their reliance leads them to seek

out their militaries to perform new tasks that are also a consequence of greater complexity and extensive change.

This paradoxical pattern of lesser reliance and expanded tasks derives, in effect, from the combination of economic recession, war weariness, and shifting norms which make the conduct of military operations less attractive. No longer are elites and publics inclined to view military actions as a solution to problems and, indeed, in some cases such actions are considered to be a major source of the difficulties with which people have to contend.[17] High-tech weapons may allow for the quick defeat of a menacing enemy, but they are of no value in controlling the many enduring problems that continue to unfold away from the battlefield. It is no accident, therefore, that a number of wars have ground to a halt in recent years; each of these various situations had its own unique dynamics, but it seems clear that each also ran afoul of humankind's lessened tolerance for prolonged combat and its greater appreciation of the limits of military effectiveness.[18] So there is less for armed forces to do---to protect, to threaten, to prepare for---and as a result their roles in governmental decision-making and societal affairs have undergone considerable attrition. On the other hand, the very same combination of economic recession, war weariness, and shifting norms has given rise to a diversity of challenges that only the military, being well organized and still in command of substantial resources, seem competent to meet. Troops of NATO, for example, were used to deliver emergency supplies to the people of the former Soviet Union. Similarly, the U.S. military was asked to take on the task of preparing shelters, sanitary facilities, and medical care for thousands of Haitians fleeing their country, a role that was widely viewed by defense officials as "a headache" but that was nonetheless accepted.[19] Subsequently, a similar request to take on a new leadership role in the war against drugs, made precisely because of its expertise in creating "a unified command authority," was rejected by the U.S. military, and one of the reasons for the rejection suggests that the adaptation of service personnel to their diminished roles and new tasks is far from easy:

> Its reluctance now to take on a bigger role was described ... as a consequence, in part, of the Persian Gulf War, which made some military officers scornful of mere anti-drug operations. But it was said to reflect also a Pentagon wariness about becoming too closely identified with the failure to make inroads against a potentially intractable problem.[20]

In addition to new roles in the fields of humanitarian assistance and drug control, militaries in various parts of the world are increasingly likely to be called upon to take on peace-keeping responsibilities. With the dynamics of bifurcation and shifting values toward international organizations thrusting the United Nations into the limelight as an instrument

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[17]For a discussion of emergent orientations toward the utility of military action, see James N. Rosenau, "A Wherewithal for Revulsion: Notes on the Obsolescence of Interstate War," a paper presented at the Annual Meeting of the American Political Science Association (Washington, D.C., August 30, 1991).

[18]James N. Rosenau, "Interdependence and the Simultaneity Puzzle: Notes on the Outbreak of Peace," in C.W. Kegley, Jr. (ed.), *The Long Postwar Peace: Contending Explanations and Projections* (New York: HarperCollins Publishers, 1991), pp. 307-328.

[19]Melissa Healy, "U.S. Military Will Shelter Haitians at Base in Cuba," *Los Angeles Times*, November 26, 1991, p. A1.

[20]Douglas Jehl and Ronald J. Ostrow, "Pentagon Said to Reject Bigger Anti-Drug Role," *Los Angeles Times*, January 17. 1992, p. A12.

for coping with both intrastate and interstate conflicts,[21] more and more countries will be asked to contribute personnel to such missions. For those involved these new supranational tasks are likely, when combined with the growing incentives to honor subnational values, to confound further the increasingly complex question of the goals and purposes for which national military organizations are designed to serve and sacrifice (see below). Not only have militaries had to adjust to an obfuscation of their enemies, but the advent of turbulence in world politics has also beclouded the identity of their superiors.[22]

GLOBAL NORMS AND SOCIAL MOVEMENTS

The spread of global norms and the greater coherence and effectiveness of social movements constitute additional constraints on the military stemming from the transformation of the macro parameter. More precisely, one norm, human rights, and several social movements, particularly the peace, womens', and environmental movements, have tended to narrow the freedom of action that armed forces have historically enjoyed. The efforts of the Organization of American States to hold members of the Haitian military accountable for their atrocities, the finding of Mexico's National Commission on Human Rights that a senior army general "bore the major responsibility" for the deaths narcotics agents,[23] and the court convictions of former East Germany border guards for explicitly violating the human rights of would-be escapees are recent examples of how a growing global concern for rights of individuals is subjecting military personnel to new forms of scrutiny and condemnation.[24] It seems probable, too, that the increasing reluctance (noted below) of military officers to order their troops to fire on fellow citizens gathered for protests in town squares is, at least in part, a consequence of the emergence of human rights as a global norm.

In a like manner, the pressures generated by various social movements, all of them transnational in scope and global in appeal, have added to the limitations within which armed forces must operate.[25] Just as the peace movement contributed to the diverse challenges to military authority discussed below, so has the worldwide preoccupation with the role of women encouraged many countries to open combat roles in their officer and enlisted ranks to females. Between the late 1960s and the early 1990s, for example, the

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[21]Cf. James N. Rosenau, *The United Nations in a Turbulent World* (Boulder: Lynne Rienner Publishers, 1992), Chaps. 4-5.

[22]It is perhaps a portent of things to come that officers of the Serbian-led Yugoslave army clashed over whether to agree to a U.N. plan to diminish their jurisdiction by introducing peace-keeping troops intended to bring an end to their civil war with Croatia. Cf. Chuck Sudetic, "Yugoslav Army Chief Pledges Support for U.N. Plan," *New York Times*, January 12, 1992, p. 3.

[23]Tim Golden, "Mexican Panel Faults Army in Death of Drug Agents," *New York Times*, December 7, 1991, p. 3.

[24]For a more general assessment indicating that the military are far from alone in having to adjust to the emergence of global norms, see James N. Rosenau, "Normative Challenges in a Turbulent World," *Ethics & International Affairs*, Vol. 6 (1992, p. 1-19.

[25]For a cogent analysis of the increasingly central role played by social movements in world politics, see R.B.J. Walker, *One World, Many Worlds: Struggles for a Just World Peace* (Boulder: Lynne Rienner Publishers, 1988).

proportion of women in NATO forces rose from 2 percent to 7.4 percent,[26] a pattern that has presumably been further reinforced by the exemplary performance of American women soldiers in the Persian Gulf War. At the same time it is also clear that the adjustment of military men to the arrival of female compatriots has not been easy. To cite just one instance, the feminist movement has reshaped the macro context in which military routines are sustained by the Corps of Cadets at Texas A&M University: not only was it charged with mistreatment of its female members, but for the first time an outside group was given the authority to examine the corps' policies and to suggest policy changes.[27]

SUBGROUPISM

The opportunities afforded by the evolution of the multi-centric world and its incentives to seek subgroup coherence and privileges has not been lost on more than a few armed services. In effect, many appear to have broken a long tradition in which they operated as a tightly-knit elite acting quietly behind closed doors, pressing policies, pulling levers, or otherwise exercising influence. Historically, that is, the military has acted as an agent of the state, either protecting its civilian leaders from perceived adversaries or, in some instances, replacing them on behalf of perceived needs for order. With the transformation of the macro parameter, however, the military have moved from behind closed doors into the public arena, acting not as agents of the state but as claimants on its resources, much like the other subgroups that populate the multi-centric world.

In short, where subgroupism within armed services used to refer to the cohesion of a governmental elite, now it also connotes the plaintive demands of a besieged subgroup outside the prevailing power structure. Where the military could readily co-opt other groups in the private sector, now they have to compete with them; and, in so doing, they have also come to emulate them. Notwithstanding the constraints of a long-standing commitment to organizational discipline, military leaders have been increasingly emboldened by the diminution of their funds, prestige, and tasks to seek redress through the rowdier methods of aggregation used by other actors in the multi-centric world. In Russia, for example, officers came together to concert their demands, which included the issuance of a call for coverage by nationwide television and the formation of a "coordinating council" to represent their interests.[28] While some might dismiss the subgroupism of the military in the former Soviet Union as a special case resulting from a particularly sudden and unexpected set of events, it is equally plausible, given the bifurcation of global structures, that subgroupism among militaries elsewhere is likely to increase in proportion to their loss of status, support, and perquisites.[29]

This is not to say, of course, that turbulent conditions have brought an end to the readiness of all militaries to eschew use of their instruments of coercion in favor of conventional subgroup behavior. Both successful and failed military coups d'etat will

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[26]William Touhy, "Are Nations Set to Dodge the Draft?" *Los Angeles Times*, August 13, 1991, Sec. H, p. 4.

[27]Roberto Suro, "Female Cadets Charge Abuse on Campus," *New York Times*, October 7, 1991, p. A8.

[28]Serge Schmemann, "5,000 Angry Military Men Gather With Complaints in the Kremlin," *New York Times*, January 18, 1992, p. 4.

[29]For a case of intensive subgroupism on the part of a military unit in the United States, see John Lancaster, "Shrinking The National Guard To Fit the Times: In Mississippi, They're Fighting Mad About It," *Washington Post National Weekly Edition*, February 10-16, 1992, p. 33.

doubtless continue to mark the political scene---if only as last, desperate measures to cling to privilege---but the politicization (can we dare call it a demilitarization?) of armed forces does seem likely to grow as their roles diminish and as the war weariness of publics deepens. Viewed in this way, the decisions taken by the military within both the government and revolutionary movement of El Salvador to reverse course and compete through parties and elections stand out as a dramatic indicator of this underlying global trend.

THE REDEFINITION OF INTERESTS

Turning now to the transformation of the micro parameter, it is useful to stress again that all the parametric changes are interactive. While the orientations of individuals in the military have certainly been shaped by the foregoing macro circumstances, so has the enlargement of their analytic skills depicted below resulted from the operation of dynamics at the micro level which, in turn, have been a source of the macro changes.

Among the numerous indicators of the skill revolution having an impact on armed forces, perhaps the most noticeable consequence of a transformed micro parameter can be found in the expansion of the skills with which both enlisted and officer personnel assess their own interests. Traditionally military persons devoted little energy to pondering their personal interests. Rather, a deep-seated habit prevailed through which self-interests were equated with service and national interests. Now, however, there are numerous signs that enhanced analytic skills have led to a disaggregation of the concept of self-interest. If the concept of expanded analytic skills is operationalized as a greater capacity to play out scenarios that locate where individuals fit in the processes of world politics,[30] it is not difficult to uncover widespread indicators of members of armed forces being preoccupied with their changing roles. For the most part, this preoccupation takes the form of distress over the loss of support, tasks, and perquisites, and in turn the distress is most manifest in a seemingly increasing readiness of servicemen and women to attach higher priority to their own welfare than to the military organizations or countries they serve. The plaintive lament of the Russian colonel quoted in the opening epigraph is echoed not only in the words of many individuals in the military of the former Soviet Union, but comparable statements can be found in the expressions of counterparts in other countries that are scaling back their armed forces in the face of budget cuts and the end of Cold War rivalries. Consider for example, the words of U.S. Vice Admiral Leighton W. Smith, Jr., the deputy chief of naval operations: "My biggest concern is they'll pull the rug out from under us and we'll go into an undisciplined free fall."[31] Or ponder the observation of Roger Spiller, a professor of military history at the U.S. Army's Command and General Staff College: asked for a reading of the present mood of the military, he responded that "I think there's a good deal of anxiety. They'd have to be completely insensitive not to feel anxiety about the impending reductions in the Army. These are men and women acutely aware of their surroundings, which right now are rather hostile to their future plans."[32]

The growing preoccupation of military personnel with their own welfare is, of course, a violation of the traditional stereotype wherein the good soldier is supposed to accept unthinkingly whatever decisions their military and civilian superiors make with

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[30]Cf. Rosenau, *Turbulence in World Politics*, p. 336

[31]John M. Broder, "Cutbacks, Criticism Take Toll on Military's Morale," *Los Angeles Times*, January 16, 1992, p. A18.

[32]*Ibid.*

respect to their status and activity. This conception of military command structures lies at the very heart of combat readiness and effectiveness. Yet, nowhere can one find traces of it being voiced by either government officials or top-ranking officers. Some may be good soldiers in the sense that they are "remarkably philosophical" and "understand what is happening and the reasons for it,"[33] but few if any have publicly affirmed that the military is duty-bound to accede to the changes initiated by their political superiors. Indeed, it is a measure of how profoundly the military have been caught up in the parametric transformations at work in world politics that all concerned, including those of us who analyze military institutions, take for granted that military personnel are no longer silent and obedient with respect to their own welfare. Not long ago, for example, the effort of Russian President Yeltsin to win over disgruntled officers by publicly offering them 120,000 apartments and 70,000 quarter-acre plots[34] would have seemed absurd, a form of public bargaining entirely out of place in a military context. Today, however, such an offer seems more commonplace than anomalous, a cogent indicator of how fully the analytic skills of military personnel are no longer treated as a constant in the political equation.

The most obvious trace of the skill revolution's impact is to be found in fragmenting countries, where the ethnic identification of military personnel is fostering the same kinds of divisions among them that divides their societies. The army in Algeria, for example, is considered to be "crossed by the same currents that cross Algerian society," with the top command "being dead set against the [Muslim] fundamentalists," but this perspective changes "as you travel down the ranks."[35] Similarly, Ukraine's insistence that members of the armed forces stationed on its territory sign loyalty oaths bespeaks a recognition that enlisted personnel and officers are no longer dutiful, that they are inclined to analyze their situations, sort out their loyalties, and then to follow the course most appropriate to their personal commitments. And that is exactly what transpired. As one analyst put it, military units and many officers are "following their paychecks" to republican governments, with the result that "Soviet conscripts, more and more, are serving within the boundaries of their home republics in a process of homogenization."[36] But it is a homogenization that stems from decentralizing dynamics, the potential of which is poignantly revealed by the fact that the Black Sea Fleet of the former Soviet Union consisted of people of 46 nationalities and that some of its ships had sailors of as many 25 nationalities.[37] Put even more poignantly, with the ethnic fragmentation of the Soviet military, "fathers are worrying about facing their soldier sons across a battlefield, if they end up serving different states. Officers are watching the unity of their troops give way to ethnic enmity."[38]

It would be a mistake, however, to view the disruptive consequences of the greater capacity of military personnel to extend their analytic skills beyond the boundaries imposed

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[33]Roger Spiller, quoted in *ibid*.

[34]Elizabeth Shogren, "Officers Demand Unity for Ex-Soviet Military," *Los Angeles Times*, January 18, 1992, p. 1.

[35]Youssef M. Ibrahim, "Algerians, Angry With the Past, Divide Over Their Future," *New York Times*, January 19, 1992, Sec. 4, p. 3.

[36]Patrick E. Tyler, "U.S. Concerned That as the Union Breaks Up, So Does the Soviet Military," *New York Times*, December 10, 1991, p. A9.

[37]James F. Clarity, "Ukraine Woos Soviet Troops' Loyalty," *New York Times*, January 10, 1992, p. A8.

[38]Carey Goldberg, "Colonel's Cry: 'It's My Entire Life,'" *Los Angeles Times*, January 10, 1992, p. A8.

by the canons of strict military discipline as confined to the enlisted ranks. The unity of top military leaders has also been splintered by the skill revolution. Or at least there are good indications that high-ranking officers are no more uniform in their underlying political attitudes than any other occupational elite, that the new license enjoyed by military personnel of all ranks to think analytically---to locate for themselves where military institutions fit in the panoply of societal dynamics---would appear to be as much a source of divergent perspectives as of widely shared consensuses among leaders of defense establishments. Even as many senior officers of the former Soviet Union, for example, gave expression to decentralizing tendencies and opted to give higher priority to their ethnic loyalties, so did others articulate centralizing values and pressed for the maintenance of the military as a single, united command structure. Likewise, just as some took a right-wing position favoring the use of strong-arm techniques to restore order, so did others resist the militant posture and voice support for democratic procedures.[39]

In short, the enhancement of analytic skills among military personnel seems likely to undermine rather than reinforce traditional command structures. The roles played by top Soviet military leaders on both sides of the August coup and its subsequent failure is perhaps even more eloquent testimony against the presumption that military elites have somehow managed to avoid the divisive consequences of a transformed micro parameter.

TECHNOLOGY AND THE EXPANSION OF ANALYTIC SKILLS

Nor is the evidence of greater analytic skills on the part of military personnel due only to the way in which turbulent conditions have heightened their self-interests. The increasingly technological nature of warfare has also contributed to their capacity to play out self-interested scenarios. High-tech weaponry cannot be operated by poorly educated and unskilled soldiers or sailors. Considerable advanced training is required to man modern weapons, thus necessitating that military institutions convert their recruits from physically able individuals to skilled technicians. And once they do, once enlisted personnel are competent to use and repair computers, complex targeting devices, intricate photographic equipment, and the other modern devices through which the instruments of war deliver their loads, the raw recruit is no longer an unthinking individual incapable of pondering cause and effect or discerning the diverse routes through which desired outcomes are produced. Rather, having been tooled up in high-tech forms of warfare, he or she is possessed of new analytic capacities that can readily be extended into other, more political realms.[40]

A quintessential insight into the relevance of the skill revolution for military personnel is provided by the spate of TV advertisements in which the U.S. armed forces stress the educational opportunities of military service. Designed to recruit volunteers, the advertisements concentrate on the subsequent, post-service uses to which technical skills acquired in the armed forces can be put, the underlying message being that one leaves the services a much more analytically competent individual than one was before joining. The same insight is implicit in the complaints of former Soviet officers who were assigned young

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[39]Serge Schmemann, "5,000 Angry Military Men Gather With Complaints in the Kremlin," *New York Times*, January 18, 1992, p. 1.

[40]For a discussion of the transferability of computer and other technical skills acquired in the workplace, see Rosenau, *Turbulence in World Politics*, pp. 352-54.

nonRussian-speaking draftees from Central Asia to operate complex, modern missile equipment.[41]

For closed and authoritarian societies like China the necessity of implementing a skill revolution poses a difficult challenge. Indeed, it has been the focus of considerable debate among Chinese leaders. On the one hand, the importance of high-tech weapons in the success of U.S.-led coalition against Iraq made clear to them that they would have to bring the skill revolution to their own armed forces if they wanted to be able to engage in modern warfare. At the same time it was equally clear that by pushing science, technology, and professionalism in their armed forces they would be risking ideological control, that the more sophisticated their fighting forces became, the less vulnerable they would be to manipulation by the party. The 1989 pro-democracy protests in Tiananmen Square highlighted this dilemma and intensified the debate inasmuch as it was poorly educated troops from the countryside who fired on the demonstrators. Had the troops been recruited from urban centers, trained to operate modern weapons, or otherwise exposed to the skill revolution, some reasoned, they may well have refused to fire on the students. In effect, the potential transformation of the micro parameter has compelled Chinese authorities to face the question of who they deem their enemies to be. As one diplomat put it, they have to decide whether the main threats are posed by the democracy movement and "peaceful evolution" or by foreign invasion:

> Are you going to have a million Soviet soldiers come streaming across the border? Are you going to engage in a high-tech war with Taiwan or the United States? Or are you going to face Tibetans and students? If you perceive your major strategic enemy being inside your own country, then your major concern is for political control."[42]

Furthermore, it can be readily argued that even this dichotomous choice may be short-lived. As the skill revolution spreads to the countryside through global television, satellite dishes, fax machines, and a host of other means, the political reliability of troops from rural areas may diminish accordingly.

For those many countries that are not so preoccupied with political control, the nature of modern warfare is tipping the balance ever more in the direction of sustaining the skill revolution in their armed forces. While 83 of the 140 countries with military forces employ some form of conscription, many are now reducing the number of conscripts and the length of their service in favor of recruiting volunteers and professionals.[43] This pattern is partly due to economic constraints that limit the funds available for large militaries, but it would also seem to be very much a consequence of the technical requirements of battlefield readiness.

The implications of these technical requirements for command structures and the maintenance of military discipline are considerable. As the ensuing analysis indicates, the surfacing of authority crises within armed forces can be traced back, in part, to the enlarged capabilities of their personnel. It even seems plausible to conclude that, given the know-how required to operate modern weaponry, the transformation of the micro parameter is

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[41]Carey Goldberg, *op. cit.*

[42]David Holley, "China Debates How to Recruit Today's Army," *Los Angeles Times*, November 12, 1991, p. H1.

[43]Touhy, *op. cit.*

likely to have a quicker and more extensive impact upon members of armed forces than any other segment of the citizenry.

THE DECLINE OF DISCIPLINE AND THE EROSION OF OBEDIENCE

Given the refinement of skills at the micro level and the diminished roles, new tasks, global norms, subgroupism, and the many other dislocating constraints that have emerged at the macro level, it is hardly surprising that the transformation of the macro-micro parameter has had major consequences for armed forces everywhere. Again, however, this is not to imply that the numerous signs of authority crises within armed forces and between them and the societies they serve are only a consequence of changes at the other levels. To repeat, the parametric transformations are interactive, with the decline of military discipline and the recasting of command structures serving to reinforce the subgroupism and sharpen the skills of officers and enlisted personnel alike.

It is especially easy to discern changing hierarchical relationships within armed forces and between them and the societies they serve because the traditional command structures of military organizations are so straightforward. At every rank military personnel are supposed to obey the orders of their superiors and, in turn, the defense establishment is supposed to comply with the directives issued by chief executives and their civilian agencies. This ideal of a responsive and responsible military is built into every aspect of military organization, with the wearing of uniforms bearing insignia designating rank and the saluting of those with higher rank being only the more obvious indicators of pervasive hierarchy. To be sure, variability marks the extent to which different armed forces have achieved this ideal, with those in the developed world having been more successful in establishing tight command structures founded on habitual obedience than those in the developing world; but irrespective of the hierarchy achieved in the past by particular countries, all of them appear to be undergoing an erosion of traditional discipline in the present turbulent era.

The authority crises that beset military establishments take several forms. A lesser form, one that may not even escalate into crisis proportions, derives from the fact that no military establishment today can avoid the impact on command structures of its increasing reliance on technical expertise to operate its weaponry. The conventional lines of authority do not follow the distribution of expertises among the ranks. Often highly skilled technicians have to report to less knowledgeable superiors and, as a result, the former may be confronted with situations where they have to ignore their orders and inform their superiors they are wrong. Conversely, frequent may be the occasions when the superiors have no choice but to follow the lead of their more skilled subordinates.

A more obvious and consequential type of authority crisis occurs when an elite officer corps defies constitutional principles and seizes power. While this classic case of military-inspired coups d'etat need not detain us here---since it preceded the onset of turbulence and is the subject of a substantial literature---there is one turbulence-generated gap in the coup literature worthy of note: as will be seen, the classic case is likely to occur less and less often. The inhibitions against outright seizures are not so great as to rid world affairs of actual or failed coups---as recent events in Haiti and Venezuela demonstrate---but the advent of parametric change does seem likely to give pause to military elites contemplating illegal takeovers and thus reduce their frequency.

But we do need to examine the more complex and historically atypical forms of authority crisis fostered by the transformation of the macro-micro parameter. Perhaps the most conspicuous of these concerns the capacity of military organizations to maintain and replenish their ranks. Resistance to being drafted by new recruits and desertions by those

serving appear to have become more commonplace in recent years. Although in some countries military service is viewed as a way to move out of humble origins (such as among peasants in China), the opposite pattern is more predominant. In most countries, and especially those at war, the proportion of young people who resist and evade being called into service appears to be growing. The figures may not alarm military planners, but the changes are apparently enough for service chiefs in many countries to recommend cutting back on drafts of conscripts and relying more heavily on volunteer personnel.44 The pattern of draft resistance is also evident in a U.S. Supreme Court decision to shut the door on thousands of asylum claims from young men trying to escape conscription by guerrilla or government forces in strife-torn countries of Central America and Asia.[45] In Germany, a sudden explosion of citizens registered as conscientious objectors occurred as the coalition against Iraq seemed increasingly likely to follow the military option, and a comparable pattern surfaced in Switzerland even though the Swiss make no provision for alternative service, thus compelling resisters to be willing to go to jail.[46] In South Africa, too, draft resistance has intensified as the abolition of the law classifying every citizen according to race led white draftees to question compulsory conscription for whites when the law defining them as white no longer existed.[47] Similarly, when Serbia tried to strengthen its forces against Croatia by mobilizing its reservists, thousands evaded the draft."[48] And even in Japan, which is constitutionally prohibited from assigning its Self-Defence Force (SDF) to UN peace-keeping operations and which limits the ranks of the SDF to 300,000, the recruitment target has been difficult to meet despite pay increases, improved work conditions, and better barrack accommodations.[49]

Nor, of course, were the superpowers immune to this form of authority crisis. Its presence was quite noticeable even at those times when they went to war against a clearly defined enemy. Indeed, the spectacle of widespread resistance to service during the US effort in Vietnam and the Soviet campaign in Afghanistan may well have contributed to comparable patterns elsewhere. And as the pattern of draft resistance reached massive proportions in the former Soviet Union in 1989-1990---from 871 in 1987 to 6,667 in 1989 and 135,000 in 1990[50]---so did evading service come to be "seen by young people as

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[44]Touhy, *ibid.*, pp. 1, 4-5.

[45]Linda Greenhouse, "Supreme Court Limits Political Asylum," *New York Times*, January 23, 1992, p. A7.

[46]These patterns are cited in unpublished 1991 paper by Lore Unt, "Draft Resistance in the Soviet Union," p.2. It is noteworthy that emerging global norms relative to human rights have also made the military's problem of draft evasion more difficult: both the European Parliament and the U.N. Human Rights Commission passed resolutions in 1987 specifying that conscientious objection to military service is a universal human right (*ibid.*).

[47]Christopher S. Wren, "Whites Defy Pretoria's 'White' Draft," *New York Times*, January 22, 1992, p. A3.

[48]Stephen Engelberg, "Yugoslavia's Breakup: Slovenia Is Secure, Croatia Is Uncertain," *New York Times*, January 16, 1992, p. A6.

[49]Louise do Rosario, "Attacked on All Fronts," *Far Eastern Economic Review*, March 7, 1991, pp. 26-27.

[50]These figures were released by the Defense Ministry. Cf. Esther B. Fein, "Youths in Estonia Defying the Soviet Military Are Finding Eager Helpers," *New York Times*, April 5, 1990, p.

normative behaviour, which met with parental approval and found tacit understanding, if not endorsement from Komsomol officials and law enforcement authorities."[51] It has even been said that the Soviets could not even consider direct military participation in the coalition against Iraq because of massive resistance to the idea at home, just as it took less than a week's time for the same resistance to compel the Kremlin to abandon mobilizing reserves in the Russian republic to retake control of Azerbaijan from militants.[52]

As authority crises have hindered the recruitment of military personnel, so have they made it more difficult for defense establishments to maintain their force levels. The readiness of those in enlisted ranks to desert, once an unthinkable idea entertained by a few isolated individuals, has increased noticeably in many parts of the world. Most recruits, of course, complete their tours of duty, but the number who do not is no longer infinitesimal. This is especially so in the armed forces of multi-ethnic societies, where greater analytic skills and subgroupism nursed by ethnic loyalties has sometimes resulted in extensive defections. When civil war came to Yugoslavia, for example, its Serbian dominated armed forces experienced more than 1,000 desertions by Croats and a quarter of its Slovenian conscripts,[53] a crisis that had devastating consequences for the Serbian campaign against Croatia: "The Croats bent but they didn't break, and in the end it was the army that fell into disarray."[54] Not only did the Serbian army encounter substantial opposition in mobilizing its reservists, but "those who were inducted seemed to have little stomach for battle; Western correspondents have seen army reservists refusing to leave their armored personnel carriers to engage the enemy."[55] In effect, because of the severity of its authority crisis, the Serbian "army's poor results belied its advantage in weaponry and equipment."[56]

As previously noted, somewhat similar developments marked the former Soviet Union when it fragmented into several republics. In this case the pattern was not so much one of desertion as that of troops shifting their allegiances from the central command to that of the republics from whence they came, with the result that the former was no longer in charge of a coherent fighting force. "People are sort of heading for home," one analyst observed. "The question is: what parts are still coherent and which parts are not? The staff arrangement at the center and the strategic nuclear forces are intact, but the ground forces and the military district system are completely undermined."[57] Another analyst described the effects of the authority crisis in the Soviet military even more cogently, noting that the decline of discipline and the erosion of obedience resulting from the inability of the country's national leadership to cope with change had drawn the military

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[51]Natalie Gross, "Youth and the Army in the USSR in the 1980s," *Soviet Studies*, Vol. 42 (July 1990), p. 483.

[52]Unt, *op. cit.*, p. 19.

[53]Stephen Engelberg, "Yugoslav Army Trying To Correct Deficiencies," *New York Times*, July 15, 1991, p. A5.

[54]Stephen Engelberg, "Yugoslavia's Breakup . . .," p. A6.

[55]Stephen Engelberg, "Yugoslav Ethnic Hatreds Raise Fears of a War Without an End," *New York Times*, December 23, 1991, p. A8.

[56]Stephen Engelberg, "Yugoslavia's Breakup . . .," p. A6.56

[57]Condeleezza Rice, quoted in Tyler, *op. cit.*, p. A9.

> inward in a process she called "cocooning." They have sequestered themselves from the larger society and are concerned chiefly with hoarding food and supplies to survive the winter.... Officers and enlisted men show loyalty only to their immediate superiors. They respond to their own chain of command. The guy immediately above you is the guy you trust and the guy to whom you report.[58]

It is perhaps noteworthy that tendencies toward disobedience within enlisted ranks are reinforced by the activities of more analytically skillful citizens who pool their efforts on behalf of loved ones in the services. Anxious to protect their sons from the risks of warfare, for instance, parents have mobilized marches and other types of protests designed to exempt their sons from commitments that could risk their lives. Such protests often get considerable publicity, especially if the marchers consist of mothers, and thus add further to the authority crises they are designed to intensify. As the level of fighting increased during the Yugoslavian civil war, for example, officials of the Croatian government "found encouragement in the mothers of army conscripts who traveled by bus from the country . . . to protest in Belgrade the continued fighting."[59] Likewise, when casualty figures revealed that Montenegrins were paying a disproportionate price in lives, a finding that led to large student rallies and, in one instance, to families of 40 Montenegrin soldiers ordered to the front occupying the office of the Montenegrin President demanding the return of their sons.[60] Under special circumstances, moreover, the external incentives toward disobedience may originate with public officials. Authorities in the Baltic Republics are a case in point: when the Soviets sought to draft Estonian, Latvian, and Lithuanian youth into the armed service, the fledgling Baltic governments refused to acknowledge the legitimacy of the draft order and helped young people to disobey it. The result was that less than 25 percent of the draftees in each republic actually showed up for duty and in Lithuania the figure was 12.5 percent.[61]

The growing presence of what might be called the "loose cannon" phenomenon is still another indicator of authority crises within the military. This refers to individuals or small groups that decide to take matters into their own hands, defy orders, and engage in acts that have wide consequences. If draft-resistance and desertion are, so to speak, the passive form of the erosion of obedience within armed services, the loose cannon is the most active form. Of course, history is not lacking accounts of lose cannon, but it is hardly surprising that their number, variety, and impact appear to be greater with the onset of global turbulence. The very complexity and interdependence of modern societies renders them more vulnerable to a small coterie of individuals who seek to prevent events from evolving in certain directions or who aspire to movement toward different goals. Terrorists are in some ways illustrative in this regard, but they stand out as deviants from societal discipline, whereas military loose cannons deviate from a discipline that does not allow entertaining the idea of individual initiatives. So it is a measure of authority in crisis that accounts of loose cannon seem to surface with increasing frequency. A few examples indicate the breadth of the phenomenon. It was "rogue local units acting without authority"

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[58]Ilana Kass, quoted in John M. Broder and Jim Mann, "Military May be Tempted, Experts Say," *Los Angeles Times*, December 10, 1991, p. A11.

[59]John Tagliabue, "Serbia Promises Reply on Truce Plan," *New York Times*, August 31, 1991, p. 3.

[60]David Binder, "Montenegro Balks As Fighting Grows," *New York Times*, November 22, 1991, p. A4.

[61]Craig R. Whitney, "Moscow Is Sending Troops to Baltics to Enforce Draft," *New York Times*, January 8, 1991, p. A8.

that shelled the quintessentially medieval (and exquisite) city of Dubrovnik in Croatia,[62] just as a UN-brokered peace in Yugoslavia nearly came apart when an Air Force jet shot down a helicopter, killing its five European occupants who were monitoring a cease-fire accord, a breakdown of discipline that may have been initiated by a larger coterie of loose canon than those who undertook the action: as one Western diplomat put it, "The helicopter downing was not the responsibility of two pilots acting alone. The only question is how high up the chain of command the decision was made."[63] Similarly, momentum toward ending a four-year rebellion by an insurgent group in India, the United Liberation Front of Assam, was resisted and slowed down by several military commanders on the grounds that an earlier operation was blunted by the army's sudden withdrawal.[64] And even after peace was successfully negotiated in Angola, there remained a few loose cannons who could undo it: "Now thousands of idle young men without food remain near arms in the assembly points. Without guaranteed food, they will form banditry groups."[65] Even greater, of course is a worldwide fear of loose cannons in the former Soviet Union who have access to stored nuclear weapons and who for any number of reasons may be impelled to use them.[66]

This is not to imply that loose canon who break ranks ought necessarily to be judged harshly. One can readily imagine situations where their actions affirm one's own values and are thus worthy of applause. It was loose cannons in the national guard, for example, that initiated the process that led to the successful ouster of Georgia's authoritarian president, Zviad K. Gamsakhurdia.[67] Sometimes mutiny in the ranks of the military, in other words, might well be viewed as sacrifice and heroism. The point here is simply that loose cannon, whatever their desirability, reflect the breakdown of traditional lines of authority within armed forces and are thus an indicator of the turbulence to which they are presently exposed.

A final type of authority crisis worthy of notation concerns the central issue of domestic conflict in which armed forces are ordered to fire on their own people. The issue, of course, is as old as the use of organized coercion, but the historic pattern founded on strict military discipline is one in which militaries have not hesitated to obey the commands to fire. While the prime function of armies has been to wage war against international enemies, the past is scarred with numerous occasions when the line between police and military functions was obfuscated and the weapons were turned inward and aimed at domestic enemies. And few, if any, are those historic moments when the orders to shoot on fellow citizens were defied. However, with the advent of turbulence in the parametric controls that sustain the conduct of public affairs, and perhaps especially with the weakening of states and the evolution of global norms that attach high value to human

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[62]Stephen Engelberg, "Yugoslav Ethnic Hatreds . . . ," p. A8.

[63]Chuck Sudetic, "Yugoslav Army Chief Pledges Support . . . ," p. 3.

[64]Sanjoy Hazarika, "India Reports Insurgents in Assam Agreed to End Their Four-Year Rebellion," *New York Times*, January 16, 1992, p. A6.

[65]Ramiro da Silva, quoted in *New York Times*, December 16, 1991, p. A9.

[66]Elaine Sciolino, "U.S. Report Warns of Risk in Spread of Nuclear Skills," *New York Times*, January 1, 1992, p. 1.

[67]Serge Schmemann, "Stunned, Georgians Reckon the Cost of Independence," *New York Times*, January 10, 1992, p. A9.

rights, there are solid indicators of a reluctance both to order attacks on fellow citizens and to comply with such orders. The 1989 collapse of the communist regimes in Eastern Europe is a conspicuous instance of this form of authority crisis. The collapse would not have occurred if the militaries in those countries had been ready to comply with orders to use force against their own people. The Ceausescu regime in Romania did issue such orders, but this exception affirms the central tendency. Leaders elsewhere in Eastern Europe, unlike Ceausescu, were aware of the authority crisis at work within their military, and they knew too that their publics would not tolerate such actions (as Ceausescu also found out at the expense of his life).

To be sure, some Soviet forces followed the orders of the coup leaders in August, 1991, and moved on the civilians who sought to protect Yeltsin at the Russian White House. Military support of the coup was short-lived, however, and the central role of the military in that episode was played by the tank battalion that rallied to Yeltsin's defense. But, some might argue, what about the roles played by the military in China and Burma? In both cases the army mowed down protesting citizens gathered in public squares and their political leaderships thereby managed to regain and retain political control. Are they not examples that stand out as indicators of the continued effectiveness of strict military discipline? Yes, of course, they are, but again they seem more the exception than the rule (and even in China there were unconfirmed reports that more than 1,400 soldiers and 111 officers above the rank of battalion commander who either fled the scene or defied the order to shoot in Tiananmen Square). Or at least there are enough instances of shifting values with respect to the avoidance of armed force against domestic publics to suggest that military personnel are beginning to set boundaries beyond which their disciplined responses in the command structure are no longer reliable. What has been said about the military in Yugoslavia might well be said about armed services in many other parts of the world: " . . . most of the army realizes they alone cannot hold Yugoslavia together at gunpoint. The army is only effective as a weapon when it is not used. They recognize that if the Yugoslav national army fires on the people, it loses all authority."[68]

STRATEGIES, DOCTRINES, AND PERSONNEL: A COMPARATIVE ANALYSIS

We turn now to the consequences of the several parametric transformations for military strategies and the personnel and doctrines available for the employment of force. Thus far we have not probed these aspects of military establishments, but they are both in a state of flux as downsizing to force levels typically one-third to one-half as large as Cold War authorizations continues in most countries. Hence these indicators seem especially suitable to a more empirical assessment of the changes wrought by turbulent conditions. Our method for this purpose is that of comparative analysis; our data consist of materials on thirteen countries in different parts of the world; and our goal is to identify the effects of turbulence on personnel and the cognitive, strategic and doctrinal uncertainties spawned by the parametric transformations.

To anticipate the main insights derived from this comparative inquiry, the data clearly suggest that the collapse of the Soviet Union has had ramifications for militaries everywhere, but that the impact of the Cold War's end has varied. The variations occur not so much with geographic distance from the continuing centers of world power, but with the functional ties and associations, or what might be called "policy distance." Thus impacts on military institutions have been relatively greater in Europe and North America than in Asia and the Pacific, Africa, and Latin America. At the same time, countries in the latter regions having close associations with (i.e., nearer in policy distance to) those North

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[68]Stephen Engelberg, "Yugoslavia: Healing Steps Are Modest," *New York Times*, May 11, 1991, p. A3.

American and European countries most directly affected have themselves experienced relatively greater impact on their own foreign policy and defense establishments than countries less closely associated (or further away in "policy distance").

AMERICAN AND RUSSIAN MILITARIES IN A TURBULENT WORLD

As discussed above, few anticipated the authority challenge that the Red Army posed in August 1991 to the Communist Party and civilian leadership of the USSR. In retrospect the coup attempt seems less surprising than it seemed at the time, given what Daniel Papp describes as a "deterioration of civil-military relations" that preceded the event.[69] He notes how the military was used by Gorbachev not just "to combat crime in major Soviet cities," but also "to control an anti-government demonstration" in Moscow and to use "deadly force against Soviet citizens" in the republics, notably in Armenia, Azerbaijan, Georgia, and Lithuania. All of this contributed to a decline both in "the prestige of military service" and in "turnout for the Soviet draft." Erosion of military pay atop poor living conditions in military housing contributed to the regime's loss of legitimacy in military eyes.

In the aftermath of the abortive coup attempt and the subsequent breakup of the union, initial efforts to retain a central defense function at the new "commonwealth" level were resisted by the republics that saw in any such continued centralization a *de facto* subordination to Russia. Implementation of decisions on relinquishing control to Russia over nuclear capabilities was delayed, in large part because they came to be seen in Ukraine, for example, as an ultimate hedge against threats to continued national independence.

Although nuclear authority and control issues understandably have received the most publicity, massive dislocations of military members resulted from the withdrawals from Eastern Europe, "repatriation" of nationals to the militaries of their respective republics, and the necessary reorganization of military units and command structures that followed the demise of the union. Disorientation with value systems in flux, not to mention confusion over roles and missions in the post-Cold War republics, only added to the overall confusion.

U.S. adjustments to about a one-third reduction in force executed over several years, though substantial, have not been so dramatic. While to a lesser degree than in Russia and the other republics, the security of established military career paths in the U.S. has given way to the personal uncertainties produced by what is still the largest drawdown of standing forces in almost half a century (see Table 3). Accordingly, it is hardly surprising that there has been no abatement in the trend toward challenges to traditional authority patterns that has accompanied the development of technology-intensive forces and their highly skilled and increasingly politicized personnel. If anything, reduced force sizes and even greater reliance on technology will lead to continued (and perhaps increased) challenges to traditional expectations of unquestioned deference to military rank and position.

Resistance to changes in established values has also resulted in challenges to authority throughout the ranks. Commanders, for example, have been unwilling or

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[69]References to the defense policies of the Russian Federation and the Commonwealth of Independent States are to Daniel S. Papp's article and references to American defense policy are to Lawrence J. Korb's article in the forthcoming Douglas J. Murray and Paul R. Viotti, *The Defense Policies of Nations: A Comparative Study*, 3rd ed. (Baltimore: Johns Hopkins University Press, 1994). Papp is on the faculty of the Georgia Institute of Technology and Korb is with the Brookings Institution.

otherwise found it difficult to curb sexist practices directed against women. Though often treated bureaucratically as separate issues, controversies over sexism, sexual orientation, and gender roles are not easily separable when they are understood as challenges to authorities who remain committed to inter-related, traditional values as a basis for defining military institutions.

Table 3: Reductions in Military Personnel: The U.S. and Former Soviet Union Forces on Active Duty

	1989	1992	% Change
United States	2,124,900	1,913,750	- 9.9
Soviet Union/CIS	4,258,000	3,293,000	-22.7
CIS Countries		Estimates	
Russia		2,720,000	
Ukraine		230,000	
Byelorus		125,000	
Kazakhstan		63,000	
Turkmenistan		34,000	
Uzbekistan		15,000	
Kyrgyzstan		8,000	
Tajikistan		6,000	
Moldova		12,000	
Armenia		50,000	
Azerbaijan		30,000	

Source: International Institute for Strategic Studies

For two decades during which expanded roles for women have been discussed seriously, movement was glacial---first opening service academies to women in 1976 and subsequently expanding non-combat (including aviation) career opportunities for women. That combat, particularly in the air and at sea, has become more technology- and less labor-intensive reduced the persuasiveness of physical-strength differences and other functional arguments marshalled to preclude women from assuming combat roles. Always significant in the debate, of course, has been a traditional, value-based opposition to the very idea of women in combat as being contrary to the established norms of society in general and its military institution in particular.

Sometimes overlooked is that advocacy of gender equality in the military by almost all women (and many, if not most, younger men) in uniform has been a challenge not just to traditional norms that defined the military ethos, but also to senior authorities who have held such values. It is significant that it is in the increased turbulence of the post-Cold War that this last formal career barrier to women has been challenged successfully in the navy and air force--the most technology-intensive of the services.

Not unrelated to female exclusion from combat, sexism, and anti-feminism is a pervasive homophobia throughout the ranks. As in the combat-exclusion issue, the sexual orientation question is usually addressed by senior officials on a functional ground--that homosexuality (or at least overt homosexuality) is prejudicial to the good order and discipline that make cohesive units effective in combat. Quite apart from the merits of arguments on either side of the issue, it is noteworthy that senior military officers have made direct political challenges to presidential authority on this question. Extraordinary

and uncharacteristic public expressions of disrespect for the president and selected members of Congress by military members of various ranks are further indications of how parametric transformations have impacted upon military institutions with the end of the Cold War.

Beyond challenges to authority observed in the armed forces of both the U.S. and Russia, military strategists and writers of force-employment doctrines predictably have been slow to adapt to the new and still changing post-Cold War circumstances. Since the late 1980s, Soviet doctrinal pronouncements have been used to cover over uncertainties with such ambiguous terms as "reasonable sufficiency," "comprehensive security," and "defensive defense." In some respects, such terminology--so subject as it is to multiple interpretations--can create the illusion of certainty through what amount to commonly accepted, politically approved slogans. It is through such means that attempts were made to accommodate objections raised by the military to new strategic views that departed from a customary Soviet military doctrinal focus on the offensive and counter-offensive.

Compounding these differences after the breakup of the union are disagreements among the former Soviet republics on the role nuclear and non-nuclear forces are to play in their separate national defense policies. Strategic and doctrinal uncertainties are, of course, part of the American post-Cold War experience as well. Lawrence Korb notes that "with the end of the Cold War . . . Americans are no longer sure what role they wish to play in the world or what type of military force they wish to support." He discusses four competing views held by American elites: (1) the neoisolationist "come home America" school; (2) the polar opposite of the first school--advocates of what would amount to a "pax Americana" on a global basis; (3) those who favor multilateralism and using force under the collective security mantle of the U.N.; and (4) what Korb calls a "pragmatic intervention" policy that "rejects the extremes of isolationism and world policeman as unrealistic, and collective security as utopian."

Korb notes that official documents posit the post-Cold War American military as dealing with strategic deterrence, forward presence, crisis response, and reconstitution of forces back to Cold War levels should a more threatening world return. There has been considerable confusion in specifying more precisely what these roles and missions involve and which forces are to perform them. As noted above, force-employment doctrine has tended to lag behind the reduction of forces already well underway.

Notwithstanding a disestablishment of such prominent organizational structures of the Cold War era as the Strategic Air Command, the role of nuclear weapons and the relevance or meaning of strategic deterrence in a post-Cold War world have not been addressed seriously, much less conclusively. Consistent with strategic uncertainty is the incrementalism in strategic and doctrinal thinking with force posture driven more by the shorter-term politics of the budgetary process than by any post-Cold War rethinking of concepts. Thus, the army is to have 10 divisions instead of 12, the air force 20 fighter wings instead of 26, and the navy 10 aircraft carriers instead of 12. In what seems to be something of a "1 1/2-war" approach, these forces could be committed to two regions simultaneously, winning in one and holding the line in the other, whatever that may mean in practical terms.

The absence of consensus on an appropriate rationale and modes for using force in the post-Cold War period results in an incremental groping or muddling through crises or other potentially military contingencies. Not only is such policy uncertainty reflective of continuing paramteric transformations, but it also lessens the predictability of the U.S. response to particular contingencies and thus adds further to the uncertainty of other actors. Thus do turbulent conditions beget more turbulence.

In sum, dealing with strategic and doctrinal questions in a complex, post-Cold War context has been extraordinarily difficult. Gone are the constants and relative stability of Cold War strategic thought on matters of war and peace. In personnel matters as in strategic thought there is a striking similarity in the American and post-Soviet experiences, however the parties may differ in their responses to global turbulence.

EAST-CENTRAL EUROPEAN MILITARIES IN A TURBULENT WORLDE[70]

The defense policies of East-Central European states have been affected dramatically by changes in variables at both international and state-society levels of analysis. Changes in the international environment since 1989 have affected the calculations of all states, but only those in East-Central Europe also experienced significant changes in regime and their domestic political economies even as ethnic and nationality differences in the region remain a core regional security concern. Formulation of defense policies in these countries has been caught in the interplay between these internal and external factors.

As is clear in Table 4, decisions to reduce rapidly and significantly the size of the armed forces in Poland, the Czech and Slovak republics, and Hungary are one readily observable result of this interplay. In the case of the less-than-complete Romanian revolution, however, the military establishment has been left more or less intact and, if reporting is correct, even larger in size in 1992 than in 1989. By contrast, personnel in military establishments in the other countries have suffered to a considerable degree as a consequence of having to adjust to the new circumstances created by the kind of downsizing they have experienced.

Table 4: Reductions in Military Personnel on Active Duty in East-Central Europe

	1989	1992	% Change
Czechoslovakia	199,700	145,800	- 27.0
Hungary	91,000	80,800	- 11.2
Poland	412,000	296,500	- 28.0
Romania	171,000	200,000	+ 17.0

Source: International Institute for Strategic Studies

The adjustment problems are especially conspicuous in Poland. Since the military under Jaruzelski was the political mainstream in that country, great uncertainties remain concerning the appropriate role of military officers in political matters. The advent of pre-revolutionary Solidarity members to governmental leadership positions has, in some respects, left the military on the political sidelines as the inheritor of a legacy of distrust and resentment from its execution of anti-Solidarity policies in the 1980s. Indeed, political decision-making in Poland is understood to be a three-way matter---the president, the government, and parliament---a constellation that minimizes direct military input.

[70]This section depends heavily on extensive interviews conducted with military officers and senior defense and foreign ministry officials in Hungary in November 1989; in Hungary, Czechoslovakia, Romania, and Poland in June 1991; and with Polish and Czechoslovak officials in the United States in summer and fall of 1991.

The changing relationships of military officers to the church further complicates the adjustment process in Poland. Before the revolution some 95 percent of Polish officers were party members and thus effectively precluded (although not, strictly speaking, by regulation) from the open practice of Catholicism. Soldiers were allowed to attend services, but no church facilities were maintained on military installations. All of this has changed. Chapels and chaplains now carry out religious activities on military installations, although the professional officer corps seems likely to remain more secular in orientation as the actual level of religiosity appears to have been relatively low in this group before the revolution.

Uncertainties about past Communist Party ties and present loyalties of military members are also pervasive. While almost all officers were party members before the revolution, only some were seen as truly "red." Party membership had become for many as ritualized as putting on a military uniform. In that sense, party membership for most officers was a "ceremonial" rather than substantive matter. Those who were party members for instrumental reasons (rather than deep conviction) have had the easiest transition to the new order. Some with deeper commitments are said to have left in "shock" or because they saw the handwriting on the wall. The officer making these comments acknowledged, at least, the honesty of these individuals. He was less laudatory about an undetermined number of "two-faced" officers who were deeply committed before, but have since adapted silently. He wondered where they really stand now.

There is similar distrust outside of the military, not surprisingly, among those who had been active in Solidarity. Of course, as has become increasingly evident in the factionalization that has occurred since the revolution, Solidarity was by no means a unitary group even before the revolution. Nevertheless, some in Solidarity would have abolished the military altogether. Although this is more of a "fringe" or extreme view, it is certainly true that there are few bases of support for the military among civilian elites. With a relatively few exceptions, civilian and military elites have tended to remain apart in their separate, distinct worlds even though the military, given the centrality of its organizational concerns in a period of drastic reductions in both budget and existing forces, has been trying to adapt to its new, less favorable circumstances.

Nor are the military and military life highly valued in Czech, Slovak, and Hungarian societies. On the other hand, because the military was not the obstacle to change in these countries that it was in Poland, integrating the armed forces has been somewhat less problematic. Church influence in these countries (as in the military segment of society) remains relatively low, particularly when compared to Poland, although cathedrals (as national symbols) are under repair.

Soon after the Czechoslovak revolution, Britain, Sweden, and Germany actively promoted their alternative models of democratic civil-military relations. Although to a lesser degree than in Poland, distrust by civilian elites of the military was one of the legacies of the Communist period in what would become separate Czech and Slovak republics. The fact that a civilian rector, a mathematics professor, was appointed to the Air Academy at Kosice is indicative of the regime's attempt to gain control of the military curriculum and transform the military into an institution compatible with, and supportive of, the new democratic political system.

Czech-Slovak (and even Bohemian-Moravian) separatism were openly addressed within military circles. Notwithstanding perceptions of inequitable treatment across the national groups, most agreed that the military had been fairly successful as an integrating institution. Breakup of the country into different Czech and Slovak states has had

disruptive effects on careers and personal lives in the military as in other sectors, adding to the turmoil with which separate military institutions now must cope.

Similarly, as in Poland and the Czech and Slovak Republics, redeployment of Hungarian units adds to the turmoil affecting military members and their families. Under the Warsaw Pact these forces were concentrated in the western part of the country. Complicating restationing efforts in a period of budgetary stringency and downsizing is a need for new barracks, family housing, and schools in the new northern, eastern, and southern locations. In short, the adjustments to a turbulent world continues unabated insofar as the personnel of East-Central European militaries is concerned.

These countries have also been struggling to adjust their strategic doctrines to the changing external condictions. The result has been a distinct tendency to take primarily a national view of security. As noted below, they do look to the United States and to multilateral institutions for a stabilizing contribution to security in the pan-European region and to their national positions in particular; but antagonisms within, between, and across these countries nevertheless dominate their security agendas. Lost territories, the fate of minority national and ethnic groups, and threats from nearby countries are the principal concerns. The idea that the security of any given state can be tied to a regional or global notion of security is discussed, but it is often secondary to realities closer to home.

Thus there has been a shift in military doctrine to territorial defense, albeit this concept has a decidedly different meaning in East-Central Europe than it does in countries like Finland, Sweden, or Switzerland where offensive capabilities are minimized. Territorial defense to military planners in Poland, Czechoslovakia, Hungary, and Romania in practice has meant taking defensive measures first and at the same time preparing for a counter-offensive.

In spite of radically altered circumstances (or, perhaps, because of them) military planners have tended to hold on to well established force-employment language even as they have fashioned what was intended to be new doctrine. Indeed, an offensive and counter-offensive doctrinal orientation survived the organizational demise of the Warsaw Pact relatively unscathed. Mind sets are often slow to change, especially in a turbulent period, since customary or established modes of thought no doubt bring some comfort to those trying to cope with great uncertainties.

It would be extraordinarily difficult to defend Poland against a great-power attack. Indeed, Polish planners agree that they could not deter such an event in any absolute sense; they could only hope to dissuade or discourage such an attack by having the capability to mount a defense designed to be as costly as possible to any would-be adversary. The hope, in part, is that such an adversary would calculate (based on a net assessment of costs and benefits) that invading Poland would not be in its interest. Beyond this, Poland's security is to be provided through external associations and international organizations that contribute to stability in the region. As a small state, Poland sees NATO and the CSCE, for example, as multilateral institutions that can add to its national security.

A continuing U.S.-in-NATO presence is reassuring, given Polish feeling of vulnerability in relation to both Germany and the former Soviet Union. The Poles (and other Central European states) have sought closer association with the alliance through the NACC--the North Atlantic Coordinating Council. Having a separate military doctrine from that prescribed by the USSR in the Warsaw Pact has been a major departure. After all, the Warsaw Pact was an alliance that legitimated, structured, and stabilized military roles, missions and associated capabilities.

Previously western- and offense-oriented doctrine has become country-wide in scope and somewhat more defensively oriented, but counter-attack capabilities for use when defenses fail are still part of Polish military doctrine. Broadly speaking, security is to be achieved in two ways. One is that of creating a more non-threatening environment through effective confidence-building and the other is providing, at the strategic level, for defense of the entire country from any threats emanating primarily from the east or west.

In its conceptual or formative stage and always subject to revision, the doctrine has included five general approaches. First, in the event of attack there are to be mobile operations on Polish territory. If these fail, there is to be irregular activity or armed resistance in occupied areas. Second, to resist aggression effectively, an air-land counterattack is to be launched against the enemy, not just in Poland, but also on the enemy's home territory with the aim of eliminating the threat and ending the aggression. A third element is resort to special operations as would occur in a contingency involving troops of the former Soviet Union. A fourth element is that Polish forces in any given contingency are to be part of multinational efforts, whether in Europe or out-of-area. Thus a "grouping" system is preferred not just for the need to share costs, but also for the security to be drawn from such multinational associations or "groupings." Finally, the operational readiness of Polish forces is to vary in relation to the threat.

Offense has not been abandoned and has been seen as legitimately part of an effective defense. For example, air "defense" is aimed not only air-to-air (or ground-to-air), but also air-to-ground (against the operating bases of an adversary). Air superiority has remained the first objective with close-air support to ground forces identified as another important role. Thought has also been given to the use of reserves. One approach is to have two kinds of reserves, those who would augment operational units, as was existing practice, and those who would be part of territorial units in the home areas where reservists live.

In all of this there is a severe doctrine-force mismatch derived from a reluctance to take fully into account the more limited capabilities of smaller forces operating without the coordinated support of alliance partners. There is realization that Poland could not expect to defeat a great power committed to invading (as one officer, referring not just to the country's flatness, but also to its geopolitical position between two great powers, stated: "We are a table!"). To the makers of doctrine, Polish military forces are to resist as best they can, buying time to allow for the international community to respond in the country's defense. Having a defensive capability (that included an offense) is also seen as discouraging or dissuading a would-be invader from attacking in the first place. In any event, national defense is understood to be part of a broader, multi-national security structure for building confidence and providing for security over the longer run.

Military doctrine in Poland appears to be developing in an evolutionary fashion, a study in incrementalism rather than radical departure from established modes of thought. By no means are the Poles moving to a Swedish total-defense model that constrains force-projection capabilities. "Defensive" doctrine has continued to retain the option of counter-attack. A civilian, parliamentary view critical of the "new" doctrinal approach is that such a doctrine is intended merely to sustain the military as a bureaucracy, providing the rationale for large, expensive forces now that Polish forces no longer can rely for their budgetary rationale on tasks assigned within the Warsaw Pact. The new doctrine is, in effect, a modified "para bellum" approach with forces not intended to be threatening to other states. There are, of course, those of the old school--not part of the new "defensive" doctrinal persuasion and thus not troubled by the offensive character of counter-attack forces; however, those still holding to old doctrinal premises are said largely to remain silent and not participate in these debates, whatever their private thoughts on such matters.

Air defense (to include air-to-ground, as noted above) will receive greater emphasis in the new doctrine. There is great interest in advanced military technologies to support this effort, although funding such purchases is a real problem. Division between military and civilian leaders on the level of funding allocated to the defense sector remains much more severe than intellectual differences on doctrinal matters as such. CFE provides a ceiling on armed forces in the region, but also adds legitimacy for civilian governments to cut military establishments.

Military doctrine in the former Czechoslovakia was also in a state of flux, although general guidelines were published by the Parliament. Defense of the entire country (with restationing over a two-year period of some 38 percent of the forces to Slovakia) and "reasonable sufficiency" were to be general principles to guide defense reorganization. Mobilization of the economy in a crisis was part of the plan; however, the degree to which there would be reliance on mobilization of reserves was not entirely clear. As before, the air force would continue its air defense and support to ground forces roles.

Earlier plans to convert the entire arms-export industry (rifles, pistols, tanks, small transport and trainer aircraft, etc.) to civilian purposes were more easily stated than accomplished. Decisions to close factories worsened an already difficult labor unemployment problem, particularly in Slovakia. Even so, doubts about the future competitiveness of the arms industry on world markets added to uncertainties, notwithstanding receptivity to the argument that small, nonaligned countries need at least some domestic arms production capability---an argument also made by advocates in other nonaligned or neutral countries. For example, Switzerland and Sweden also have had to deal with questions of maintaining technology (in practice, importing much of it and assembling weapons systems domestically) and achieving economies of scale to remain competitive internationally. Interest in foreign technologies was underscored in a brief interview in Prague with an American from a U.S. communications technology firm; at his table were two contract lawyers and a third representative of the defense ministry.

None of those interviewed disputed the view that a small state cannot expect to deter in an absolute sense an invasion by great powers; however, there was acceptance of the view that a small state can mount defenses that impose costs to a would-be invader that dissuade (or discourage) serious consideration of invasion. Czech and Slovak military planners understand the difficulties associated with defense of so wide an expanse of territory (much of it flat or hilly in Bohemia and Moravia in western and central areas, although mountainous territory to the east in Slovakia, by contrast, does provide greater opportunities for a more effective defense). Of course, the division into separate Czech and Slovak republics has further complicated attempts to achieve doctrinal agreement in separate Czech and Slovak military establishments.

In Romania, Perhaps because of the less-than-complete (primarily anti-Ceausescu) revolution, established institutions such as the military were less affected by the events of 1989 and 1990. Post-revolutionary formulation of Romanian military doctrine envisioned fewer changes than otherwise might have been the case. Unlike counterpart institutions in Poland, Hungary, and the Czech and Slovak republics, the Romanian military appears to have grown in size between 1990 and 1992. Consistent with the past, Romanian armed forces are understood to be a factor for stability, mainly externally but also domestically. And there doctrine, as such, begins by stating that the broad aim is defense of the territorial integrity, interdependence, and sovereignty of the country--changing only the direction of defense from its Cold War, westward orientation. Indeed, post-revolutionary Romanian military doctrine envisions an "all-directions" territorial defense. Efforts will continue to be made to have good relations with all states so as to avoid invasion in the first place. Because talk is never enough to assure security, however, military forces will

continue to be necessary, sized in accordance with the principle of "sufficiency" for dealing with invasions.

Force reductions under CFE in the Romanian view apply mainly to older, outdated equipment---another indicator that movement from well-established roles from the Warsaw Pact years will be modified only incrementally, even though their missions have changed in orientation to support a territorial defense. The Romanians are well aware that their post-revolutionary military thinking has been affected by former Warsaw Pact doctrine and perspectives. Old tactics and approaches (e.g., use of heavy armor, artillery, and air-to-ground capabilities) are to be adapted to the new circumstances.

It is technology (and Romanian recognition of its relevance), even more than the revolution of 1989-90, that is the principal inducement to doctrinal reassessment by military planners. Influenced directly by their observation of the Gulf War, they see any future war as a "war of technologies"; consequently, there is in their view a need for technical training and education, both theory and practice, and a need for the right kind of equipment.

The Romanians concur that a small state cannot deter absolutely, but by raising the cost to a would-be invader, it can dissuade or discourage such an invasion and thus "prevent" it. Reflecting on the "Clausewitzian view of the importance of people," one Romanian general offered the notion that "sometimes a small branch can overturn a large cart" (an indirect reference to Romania's problem of defending against the USSR or Russia and the successor republics). After all, Romania never had had to become a province in the Ottoman empire because, in their view, of strength deriving from its population. One can raise an entire people to resist; a small qualitative force would thus be joined by the people as a whole in time of crisis. There is, in short, considerable emphasis in Romanian doctrine on popular support. Reserve forces mobilized in time of crisis would be of two kinds--those operating in their home areas (territorial units) and those who would join the regular forces in operational units.

In contrast to the comparatively marginal adjustments in Romanian doctrine and force posture, the Hungarian experience has been quite different with substantial drawdowns in forces and, consequently, a clear sense that force-employment doctrine also would have to change. With the withdrawal of former Soviet forces complete, no foreign troops on Hungarian soil is to be a central part of the country's new defense policy. Hungary seeks a balanced set of relations with Russia and Ukraine as with other countries. Thus there is now an "all-direction" defense objective. Indicative of the overall turmoil, however, the political leadership did not give clear guidance as to the "enemies" (and the priorities among them) for which Hungary should plan. General military principles were worked out by November 1990; however, the Ministry of Foreign Affairs still had the task of coming up with the overall security rationale in coordination with Defense Ministry officials.

All-direction defense is understood as requiring greater mobility of forces than now exists---a costly project. The plan is to create three or four military districts, each with ready forces (regular units) able to move throughout the country. Training centers are essential as are small staffs able to accept mobilized reserve members for local, territorial defense. In addition, civil defense is a separate Ministry of Defense function. As in the other countries, the established routines of the defense decision-making process were disrupted with the demise of the Party-State mechanism that previously had determined the military budget. Parliament became the new locus of political authority with Defense and other ministries trying to find their way in the new political milieu. The military had always had relatively low acceptance in Hungarian society, a factor that complicated efforts to establish its new position and partly accounts for the slowness of parliamentary authorities

in Hungary (as in Poland and the Czech and Slovak Republics) to endorse new military doctrines. Developing formal doctrine in coordination with the parliament is a way of developing a parliamentary-defense ministry consensus, which clearly had been elusive.

From a defense ministry planning perspective, constraints on equipment and personnel preclude Hungary as a practical matter from developing an offensive capability. When funding allows, Hungary will need military forces capable of defending the country's territory. The relatively flat terrain (plains) of most of Hungary makes it vulnerable to an air and ground offensive. Defense must take place within Hungary's borders, but an aggressor in principle could be attacked across the frontier. As a practical matter, however, Hungary is not capable of doing this in any event.

A military professor at Hungary's national military academy commented on the lack of civilian expertise in the defense field, seen as a particular problem now that civilian government has assumed an important role in defense matters. Previously, military tasks were "assigned" from Moscow and, as a result, civilian government expertise in Hungary was not developed. He indicated his frustration with parliamentarians who, in his view, do not understand military questions.

This military professor also stressed that Hungarian military thinking is still affected by the legacy of Soviet military thought. After all, Hungarian officers were trained for forty years by the USSR. How can Hungarian officers be expected to change their views on military doctrine overnight? As a result, there is a tendency to apply the concept of defense against a NATO attack followed by a counter-offensive to the new circumstances—not against NATO, but against any adversary. In short, as in Poland, the Hungarian concept of defense still includes the Warsaw Pact notion of a counter-offensive. He recalled that the scenario of Warsaw Pact games always began with NATO attack followed by a large-scale Pact counter-offensive. Although the new Hungarian doctrine is defensive, a counter-offensive would be launched after initial defensive action. Hungary's aim, however, is not to provoke neighboring states. A counter-offensive would be confined to Hungarian territory. Without parliamentary approval, no Hungarian forces would be allowed to leave Hungarian territory.

Another perspective was offered by a university professor in Budapest. A political scientist, he noted competition among "different constellations" caught up in party politics on what should be the proper military doctrine for Hungary. He confirmed incrementalism--a gradual, step-by-step shift from Warsaw Pact doctrine--rather than any sudden departure from this mode of thinking about military force.

The professor spoke of deep manpower reductions underway. He mentioned that the idea of an all-professional army was being discussed; however, such a force likely would be too costly. The idea of a smaller but highly modernized, professional force has been "tabled" for budgetary reasons. Another problem is the lack of adequate transportation to support a mobile force; logistics to support an effective mobile defense structure are lacking. The professor added that air defense is the most expensive aspect of the whole issue. Hungary's small size makes the problem difficult. Moreover, there is sensitivity in Hungary lest even its air defense efforts be seen as provocative by Romania or other countries. In this regard, the "open skies" initiative between Hungary and Romania was seen as a positive development. Hungary's present shortcomings in air defense have to be understood in relation to the fact that, even in the Warsaw Pact, Hungary's air defense role was small and relatively insignificant.

Indeed, air force limitations were underscored by others. The Gulf war was said to demonstrate Hungarian vulnerabilities, given Iraq's experience and the fact that Hungary

presently relies on MIG-21s and MIG-23s, Russian technologies, and a similar navigation infrastructure. One general lamented that "Hungarian air defense is exposed in every way." He also recognized the high cost of air force and air defense programs as having the greatest budgetary impact, a severe limiting factor.

Constraints on equipment and personnel preclude Hungary from having an offensive capability. One military planner observed that Hungarian forces were not capable of attacking other states, but added that before Hungary redeploys forces from their concentration in the west, it will need to proceed carefully lest redeployments be provocative of others. Nonetheless, the armed forces are seen to have the task of demonstrating to a would-be invader that the costs of invading would clearly outweigh any gains to be had from invading. Defense capabilities that blocked or slowed an invader's progress would buy time for getting assistance from the international community. Hungary will opt for modest rather than fully robust defenses. Although battle tanks do have a counter-offensive role, Hungary does not have aircraft in its inventory capable of striking the enemy's rear or engaging in related missions of an offensive, air-to-ground character.

With respect to external models of defense, those interviewed in Hungary identify the Finnish case for emulation in its military aspects only---not its Cold War dimension of political accommodation of Soviet foreign policy preferences. Similar topography and contiguity with the the former USSR are common features that make for similar geopolitical circumstances even after the breakup of the Soviet Union. The Swiss case, by contrast, is decidedly different and thus is not considered suitable as a model for Hungary to use in developing its own force posture and military doctrine.

Although nonaligned in the post-Cold War period, national strategies and military doctrines of all the countries surveyed here included the idea of security to be gained through multilateral associations in Europe within the CSCE and with the EC and NATO (through its NACC), complemented by subregional ties as in the "Visegrad group" (Poland, Czechoslovakia, and Hungary) and the earlier "Pentagonale" of countries with territories that had been part of the Austro-Hungarian empire (Austria, Hungary, Czechoslovakia, northeast Italy, and the former Yugoslavia--primarily Slovenia and Croatia). The emergence of the latter even before the end of the Cold War was striking because of the conscious attempt to formalize in the present turbulent era the pre-1918 associations that transcended East-West, Cold War barriers still in place.

"Visegrad-group" talks at the presidential level began in late 1990 in a Hungarian castle by Czechoslovakia, Poland, and Hungary to explore cooperation across a wide range of programs, not just military. The meeting place was said to be significant historically in that it was the venue some 500 years ago for a meeting of the Bohemian, Polish, and Hungarian kings. Yet, cooperation in the Visegrad group has amounted to separate sets of bilaterals that include such cooperative ventures by military establishments as military-academic and training exchanges. As in the earlier Pentagonale, historical reference points are used to ground or justify political arrangements preferred by policymakers for other, present-day reasons.

Officials in the region continue to press for guarantees from multilateral organizations such as NATO that are at once both explicit and specific. As a practical diplomatic fall-back position, tacit assurances--if not formal guarantees--from multilateral associations are seen as better than no assurances at all. The possibility of a regional confederation has been discussed; however, there has not been much enthusiasm for such schemes. The vision is at most one of very loose subregional associations. There is much greater confidence in the security small states can derive from NATO or the CSCE as a

pan-European association inasmuch as both organizations including the United States as part of the security order in Europe.

Earlier Soviet-proposed "friendship" treaties were not met with much enthusiasm, particularly since they included a degree of intrusion that was not acceptable to these small states. Significantly, only Romania signed a "friendship" treaty with the former Soviet Union. Officials in Romania were somewhat defensive about the treaty, noting that it is a "necessary evil" that was at least better than the 1973 treaty in that the new agreement was said to establish a "truly equal partnership." Although overtaken by the withdrawal of troops and the demise of the Soviet Union, the self-defensive reason offered by officials to explain why Romania was the first former Warsaw Pact country to sign such a treaty was that Romania was the only one of these countries at the time "not to have Soviet troops on its soil." Not since 1956 had there been Soviet troops stationed on Romanian soil. By contrast, the other countries were portrayed as not being able to negotiate freely until Soviet forces were withdrawn.

Finally, in varying degrees national strategies and military doctrines posit progress in arms control as having the capacity to contribute substantially to security by removing the possibility of surprise attack. One official noted the CFE logic that the armed forces of any state not grow to provoke other states. Moreover, following this logic, no country is able to defend itself alone, but only as part of a larger system or in "groupings" of states. Confidence- and security-building measures---observations and notifications of exercises, exchanges, open skies agreements, and other efforts of a mutually cooperative kind---are valued for their direct and indirect contribution to regional security. It is noteworthy that one official insightfully saw security in social development—i.e., a growth in tolerance and acceptance of ethnic and national diversity. He expressed the view that European borders must be taken for granted as they are; they must become "spiritualized" in the sense that individuals may make progress wherever they happen to live. Yet, however progressive, this is not a commonly accepted view either within or between populations of the small states in this volatile region.

TURBULENCE AND THE MILITARY IN OTHER COUNTRIES AND REGIONS

We turn now to a comparison of military institutions at varying policy distances from the countries already discussed. Our focus is on the same two dimensions, sketching the impact of turbulent conditions on both military personnel and on national strategies and force-employment doctrines. To keep within the bounds of this modest effort, we have confined our review to only a few carefully selected, representative countries. A more comprehensive study would include more cases across regions and levels of development---examining them in greater detail with indicators of greater precision than is possible here.

The continually increasing role technology can be expected to play in the structuring of military forces is described by David Greenwood as "a set of interlocking vicious circles."[71] Reduced manning levels means ever more reliance on technology:

> Technological innovation is sought so that existing missions can continue to be performed effectively. Each generation of weapons systems must therefore be more complex than the last. As a result, both initial acquisition and overall life-time costs per unit go higher. To accommodate this, quantities are reduced, limiting the scope for learning and scale

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[71]Citations attributed to David Greenwood, University of Aberdeen, Scotland, were drawn from his manuscript on the United Kingdom, which is part of the forthcoming *The Defense Policies of Nations*.

> economies. . . . And the prospect of fewer units serves as an inducement to make each one do more---that is, to require multi-role or general purpose capabilities---which entails building systems of even greater complexity and expense. Budgets are, therefore, increasingly taken up with fewer and fewer costly, but complicated items.

This increased dependency on complex weaponry, of course, requires personnel trained at ever higher technical levels of expertise. Old patterns of seemingly unquestioned, hierarchic authority inevitably are challenged since the effective use of advanced technologies frequently requires considerable discretionary authority at ranks well below traditional command levels. As Greenwood observes: "Management styles in the services have become less rigid and hierarchical, the blurring of officers and men distinctions being particularly noticeable in functions with a high technological content."

Likewise, Yost underscores this difference in French military authority patterns and associations between what can be referred to as the *armee des techniciens*--"those dedicated to technology"--and the *armee traditionelle*.[72] The latest chapter in the ascendancy of the former over the latter is the "technological revolution" that has taken place in the information field. Yost observes that in addition to "the need for more professional forces with greater mobility, including long-range logistical support" is "the even more imperative need for improved intelligence, communications, and information systems."

Joseph Rallo notes a similar impact of technology on personnel relationships within the Italian military.[73] Given increasing reliance on technology that reduces differentiation in gender roles, women are now admitted to both enlisted and officer career ranks in the Italian armed forces. Conscripts, given their relatively lower skill levels compared to professionals, are in danger of being seen merely as "water-carriers" for the professionals.

In addition to this long-term trend toward increasing dependency on sophisticated technologies, the problems of the Italian military have been compounded by what Rallo describes as the "domestic political upheaval" in Italy that is "perhaps unmatched by any modern western government." Beyond "the conflict inherent in the traditional North-South split," traditional patron-client social structure and associated politics, particularly in the south, would seem to have become less and less compatible with the exigencies of an increasingly advanced technological society.

As discussed in earlier sections, rapid and deep force downsizing is an indicator of how military establishments have been affected by the turbulent changes since the end of the Cold War. The countries least affected by the changes tend not to experience force downsizing to the same extent, whether this is due to greater "policy distances" or to greater abilities to insulate themselves from external influences. Table 5 presents the reductions in military forces of those countries most directly impacted by the reduced-risk environment that followed the end of the Cold War. Here it can be seen that force-sizing in India, Indonesia, and Japan were least affected. If anything, the end of the Cold War may have increased uncertainties faced by India and Japan, although not to the degree that major force-size increases were deemed necessary.

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[72]References to David Yost, Naval Postgraduate School in Monterey, California, are to his article on France in the forthcoming *The Defense Policies of Nations*.

[73]Citations of Joseph Rallo's work refer to his manuscript on Italy to be included in the forthcoming *The Defense Policies of Nations*. Rallo is a faculty member at Michigan Technical University.

Personnel reductions are not new for the British armed forces, which for some four decades have been steadily in retreat from global power pretensions. Nevertheless, great upset has been caused by disbanding even historically celebrated units. Significant challenges have been raised, as Greenwood reports, on "the scale of Army cutbacks, especially as they affect the infantry," coupled with skepticism about the relevance of "needlessly extravagant" programs such as advanced fighter aircraft and nuclear submarine programs "in the new strategic circumstances."

The Indian case is perhaps representative of many Third World countries in that post-Cold War circumstances have added to societal upheaval with the expansion of existing problems to include national and ethnic strife.[74] Auhtority crises in these countries are not new, but they have been given an additional boost. Jerrold Elkin notes "the greater reliance on the military for restoration of public order" and observes that "frequent use of the army to quell internal strife carries the germs of politicizing the army," especially since "army operations at times have alienated minority communities."

Table 5: Changes in Military Personnel on Active Duty in Selected Countries

	1989	1992	% Change
Germany			
West	494,300		
East	173,100		
Unified		447,000	- 9.6
France	466,300	431,700	- 7.4
United Kingdom	311,650	293,500	- 5.8
Italy	390,000	354,000	- 9.2
Japan	247,000	246,000	- 0.4
India	1,260,000	1,265,000	+ 0.3
Indonesia	285,000	283,000	- 0.7

Source: International Institute for Strategic Studies

The challenge to authority posed by national-ethnic "factionalism in the military" was exhibited in a "1984 mutiny by Sikh personnel." Elkin concludes that military challenges to civil authority may be "an unintended consequence of the military's efforts at suppressing violence," given that such involvement in countering "secessionism, communalism, and terrorism" may lead to "weakened constraints on the officer corps regarding involvement in politics."

Not unlike India and many Third-World countries in this respect, national and ethnic conflicts also have beset Indonesian society throughout the Cold War with observable impact on civil-military authority relations. Phil Williams observes how army officers have been involved in these matters, leading as well to their idirect and indirect interventions in the political realm.[75] The armed forces have indeed acted as "a central part of government" with a primary focus on domestic matters.

[74]Conversation with Jerrold Elkin, April 5, 1993. Other citations refer to his manuscript on India, which will be included in the forthcoming *The Defense Policies of Nations*. Elkin has served in the U.S. Embassy in New Delhi. The views are his own.

[75]References to Indonesia are from a manuscript prepared by Phil Williams, University of Pittsburgh, which will be included in the forthcoming *The Defense Policies of Nations*.

Japanese military personnel persisted throughout the Cold War in a society that, given the World War II experience, ranged in orientation toward the military institution from one of indifference to one of hostility. More favorable attitudes have been promoted, as John Endicott notes,[76] after "40 years of disaster relief, civil assistance" and other "good works." At the same time, however, post-Cold War involvement by Japanese military members in overseas activities (as in UN peacekeeping) exposes them to criticism by large sectors of society that oppose any such military activity.

Similarly, as Catherine Kelleher remarks, there is "deep-seated aversion many Germans have to the idea of greater military responsibilities" outside of their borders.[77] Participation in the Gulf War, in "Blue Helmet" peacekeeping contingencies, or other UN actions are controversial activities for German soldiers as they are for their Japanese counterparts. The end of the Cold War has challenged stock answers developed and maintained over all the years since 1945--that Japanese and German militaries would be constrained to their home territories.

As indicated in Table 5, Germany and France have significantly downsized their forces . Adjustment to these new circumstances has been relatively less severe in France, although the French have experienced the personnel disruption that comes from reducing forces thus far by more than 7 percent over two to three years. The German experience has been more traumatic and disorienting with a dismantling of the NVA (East German People's Army), absorbing some of these Germans into a downsizing Bundeswehr, and returning the rest to civilian life. Kelleher remarks how "the divide between 'Ossies' and 'Wessies' dominates military as well as civilian life." She mentions the "added special symbolic and psychological burdens" borne by former NVA members as they adjust personally "to membership now in NATO forces after decades of enmity." Professional acceptance of East Germans has also been problematic for many westerners in the Bundeswehr. Adding to adjustment difficulties for easterners is the expectation that they will accept the West German democratic concept of Innere Fuehrung--the inner-direction of soldiers that puts their status as citizens first.

As for changing strategic doctrines in these diverse countries, Greenwood notes that although "cutting the armed forces down to size" became a priority, the UK's retention of capabilities to perform multiple missions across the services "demonstrated that it still wished to be regarded as in the front rank of European powers," albeit "as no more than a medium power in a regional setting." He describes the British military institution after the Cold War as being in "a protracted period of adjustment."

The British have been marginally more successful than the Italians in developing a commitment to a new strategic concept in NATO of mobile, rapid-reaction, tactical-air and ground forces. Rallo notes Italy's pledge of units to NATO's rapid-reaction forces and the country's adoption of an "active prevention" model of national defense that in addition to "protection of national interests" contains vague commitments to "crisis control" and "peace management and protection." Compounding Italian difficulties in reaching consensus on a post-Cold War strategic doctrine have been evolutionary changes in NATO thinking coupled with political disarray within Italy itself. Moreover, intense rivalries for resources to support particular roles and missions are apparent in Italian defense circles, with the

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[76]References are to John Endicott's manuscript on Japan, which is included in the forthcoming *The Defense Policies of Nations*. Endicott is on the faculty of the Georgia Institute of Technology.

[77]References to Catherine Kelleher, Brookings Institution, refer to a manuscript on Germany by her and Cathleen Fisher, which will be included in the forthcoming *The Defense Policies of Nations*.

army losing out to the technologically intensive air and naval arms. Fashioning a coherent defense doctrine in a period of global change and domestic turmoil has been extraordinarily difficult, predictably producing incremental shifts rather than a comprehensive response to post-Cold War developments.

As in Italy, recurrent scandal and political turmoil define the domestic political context within which Japan's military establishment must function. This is in addition to uncertain policy implications for the Far East of the change from a Soviet Union to the new Russian Federation. Turmoil in China and in Korea, not to mention Japan's dependence for its security upon the United States and its concern over future American security guarantees, are further complicating factors. As Endicott concludes, Japan "must ultimately depend on the United States to repel any large-scale and determined invasion."

Nevertheless, any formal strategic or doctrinal shift from "defensive defense" or "defensive missions in and about the home islands" (not to mention advocacy of overseas power projection capabilities) is highly controversial and thus far has been avoided. The absence of significant changes in doctrine does not mean, however, that the foundation of support for present doctrine is as firm as it often seems. Old quandaries have assumed new prominence in the post-Cold War world. Still unresolved, for example, is the dialectic between an "internationalist world view" and what Endicott calls Japan's "self-reliant view" (that is, "introspective" and favoring "autonomous development")---a perspective sometimes accompanied by a dose of anti-military feeling. Without resolution of this fundamental question, of course, it is difficult to make (or carry out) decisions that would involve Japanese military forces in peacekeeping or other external activities even when conducted under UN auspices.

Moreover, the broader view, particularly in the post-Cold War period, is that true security rests not so much with military matters, but with maintaining "the viability of the free trading system, including access to raw materials." In this decidedly internationalist world view, advocates see "the entire industrial base and current economic wealth" as being "based on unhampered access to the global market." Thus, even in the "internationalist" camp, there remains disagreement on the purpose or relative importance of the Japanese military role.

In one of the clearest statements of increased turbulence produced by the end of the Cold War, Greenwood observes how after the fall of the Berlin wall in 1989 the established "framework of assumptions around which British defense policy had been built for more than a generation began to fall apart also." With smaller standing forces the emphasis has shifted (as elsewhere) to "immediate and rapid-reaction capabilities." How these forces are to be integrated with other national forces under NATO or under EC, WEU, or other auspices is not clear. Nor is there consensus on the types of contingencies to which Britain would wish to commit its forces.

The breakup of the USSR has added complexity to the Indian strategic view, given India's concerns with a "nuclear-armed China and Pakistan." Elkin observes how the "disintegration of the Soviet Union" has put Indian security policy in disarray in that India previously had "counterbalanced Chinese and American support to Pakistan" with carefully crafted "security linkages" to the USSR. In this unsettled period it seems doubtful, Elkin asserts, that India has yet developed a nuclear doctrine to counter such threats to its security even though "a conventional war between India and Pakistan readily could escalate into a nuclear exchange." Even on the more basic matter of assuring a supply of conventional armaments, India faces significant uncertainties. Although surpluses of older equipment are available in world markets, India will have to cope with "protracted disruption of arms shipments" from the former Soviet Union, given "lowered production

rates" as well as a "transition of some military-related industries to the manufacture of civilian goods."

Being a Third-World country at considerable policy distance from the center of post-Cold War developments, Indonesia and its military have experienced the changing structures of world politics to a lesser degree than many other countries. Yet, whatever the degree of impact, Williams tells us that "Indonesia is increasingly having to focus on external threats." This is due to the prospect that "American power in Southeast Asia will be reduced and perhaps even withdrawn altogether" along with "concerns over the increasing power projection capabilities of China, India, and Japan."

By contrast to the relatively modest changes in Indian, Indonesian, and Japanese circumstances, France and Germany have been at the policy center of the increased turbulence in Europe. Yost notes that the French see "the collapse of Soviet communism" as "likely to result in a series of upheavals in the European global political order." Consistent with this turbulent world view, they see the end of the Cold War as having "transformed several of the political alignments, power relations, and threat assessments that defined French policy regarding security in Europe." In an extraordinarily clear expression of the confusion experienced by policy makers in response to these transformations, Yost records the French defense minister as saying that present-day "risks" are "innumerable, diverse, and geographically dispersed, and for this reason difficult to grasp and evaluate." As a result, defense thinking "must be adapted to crises of more and more varied forms." Yost comments that because of their "uncertain utility in countering emerging threats," nuclear weapons have been "devalued in the current security context."

France's status and roles in the post-Cold War period are also uncertain, notwithstanding efforts "to assure its [French] security and retain its preferred level of political status in the new circumstances." After all, much of its Cold War military importance (and its relatively independent position in relation to the United States and NATO) depended on its prowess as a nuclear power. French willingness to participate actively in multinational military activities, even under U.S. operational control, is yet another approach to maintaining its great-power stature that made it a permanent member of the UN Security Council in the first place.

Of even greater significance are, as Kelleher puts it, "the many unanswered questions in Germany regarding the nature of security in the post-Cold War world." Indicative of the effect of global changes on German strategy are "three competing conceptions of a united Germany's role in Europe and global affairs." Opposed to those who would normalize Germany's role as a great power, including the use of force outside of Germany and thus moving beyond the legacy of World War II, are those who see a new Germany as a "civilian" power not disposed to use force for national purposes. Germany in this view can be a "civilizing force" by way of its "moral example" of "support for international organizations and international law" and "an international 'peace corps'" committed to "economic reconstruction and ecological projects." Contending with these military and anti-military internationalist views is "a strongly inward-looking Germany that either chooses [not], or is unable, to assume greater responsibilities in Europe because of its preoccupation with domestic affairs."

In the face of these uncertainties, the German government, not surprisingly, "has persistently pursued a pragmatic policy of incremental adjustments." In the absence of a clear strategic design, the German position has been to be reactive and flexible in relation to "changing circumstances." Seeking "reassurance and stability" as essential elements of a new security order, Germans have focused on "transparency," "reciprocity," and other confidence- and security-building measures within the CSCE. They also have looked

toward "smaller, more flexible, lighter forces" that are consistent with post-Cold War strategic and doctrinal shifts within NATO. Still, all such matters remain in a high state of flux as the pace of change continues.

ARMED FORCE AND ARMED FORCES AS AGENTS OF CHANGE

If the foregoing analysis is essentially correct and the world is destined to be ensconced in a long, if not permanent, period of turbulence, it seems likely that both armed force and armed forces will undergo increasing diminution as agents of change. The lessened utility of armed force can be anticipated because the world has become too complex to be managed through the exercise of coercive power and the decreasing influence of armed forces can be expected because their command structures have been undermined by the skill revolution and the worldwide crisis in authority. Given the constraints imposed by dense populations, faltering economies, war-weary publics, weakened governments, divided societies, and transnationalized borders---to mention only some of the dynamics that sustain global turbulence---there are fewer and fewer degrees of freedom within which military power can operate as an independent variable that accounts for sizable proportions of the variance in public affairs. High-tech weapons can strike targets with pin-point accuracy, but neither they nor conventional forces can be very effective when directed toward segments of a bifurcated world marked by shifting loyalties, diverse ethnic groups, decentralized social structures, deep historic commitments, massive migrations, and interdependent economies. And if the personnel charged with exercising armed force are themselves in conflict, uncertain of their tasks, and aware of their limitations, the chances of effective applications of coercive force are further diminished.

The implications of this conclusion for military establishments are profound. They not only suggest that recourse to war across national boundaries is likely to be increasingly eschewed, but they also point to a counter-intuitive insight that negates a long-standing and widely-shared core premise about the role armed forces play within their own societies: the premise is that the military, having control over the means of violent coercion, are the one institution that can bring order out of chaos and establish societal stability where none existed before. This premise is often voiced by observers fearful that too much societal disorder will lead the military to seize governing power, and it is also a premise that high-ranking officers in many parts of the world have articulated in the hope that their expression of the idea will be experienced as a threat that stabilizes situations bordering on chaos. In some cases, of course, military coups d'etat have actually been undertaken on these grounds. As global turbulence mounts, however, the soundness of the premise becomes increasingly questionable. The skill revolution, authority crises, and bifurcated global structures---not to mention population explosions, dynamic technologies, and the globalization of national economies---have rendered societies too complex, resources too scarce, loyalties too diffuse, and military organizations too hesitant for the military-as-the-only-stable-institution scenario to retain its viability. As militaries in Algeria Argentina, Brazil, Burma, Chile, China, the Philippines, and elsewhere have discovered, and as those in Algeria, Haiti, and Serbia are presently finding, establishing and maintaining societal stability is no longer a simple matter even if military leaders are ready to resort to force and ruthlessly mow down their own people. For many of the reasons noted here, armed forces can no longer assume they have the competence to overcome the dynamics of internal turbulence and set their countries on a stable course; and, of course, the knowledge that this assumption is no longer tenable contributes to their hesitancy to act decisively, a predisposition which, in turn, further lessens their chances of success.

This conclusion lends itself readily to a particular situation presently preoccupying policy-makers. It suggests that the likelihood of a successful military coup in the former Soviet Union are virtually nil. It could not last long enough to bring order out of disorder

even if the military in any or all of the former republics were unified and used all the means at their disposal. The disarray and complexity in that part of the world, along with the potential for opprobrium and counter-measures from other parts of the world, are far too extensive for a military take-over to conform to the historic pattern. To be sure, some Russian officers are "so terrified of the loss of their power, privileges, perquisites and the collapse of everything they believed in and dedicated their lives to, that an effort to seize power cannot be precluded," but the probabilities are to the contrary, not only because "very few senior military leaders believe that they can solve the nation's social and economic problems," but also because it is estimated that "the majority fear that any effort to impose order on the country through martial law would be more likely to touch off what the world fears---large-scale civil war in a nation with 27,000 nuclear weapons."[78]

This counter-intuitive reasoning that ascribes a growing reluctance by military elites to initiate coups also applies to those situations where a military take-over is not so much a coup against society, but is rather an action that immediately evokes wide support from diverse segments of society. If, for example, persistent economic disarray leads to extensive public backing for the military to restore order and productivity, as appears to have been the case in Venezuela and as many anticipate will occur in one or more of the countries of the former Soviet bloc, that backing is not likely to last long as the intractability of the problems reveals that a military regime is no more able to resolve them than was its civilian predecessor. Furthermore, a widespread public readiness to welcome a military take-over can be misleading: "When soldiers have moved to intervene, people's dissatisfaction with the civilians in power has generally turned out to be not so great after all."[79]

To be sure, most military establishments continue to be more hierarchical than other societal institutions. Except for the current situations in the former Soviet Union and Yugoslavia, the world is not witnessing an open season for the flouting of rank and the breakdown of command structures. On the other hand, traces of undermined discipline and expanded analytic skills fostering redefined self-interests, cocooning, and subgroupism are manifest in many countries, and it is thus self-deceptive to dismiss the most conspicuous situations as mere exceptions, as expressive of unique circumstances that are unlikely to occur elsewhere. As our comparative analysis has indicated, the very same dynamics that brought the Soviet and Yugoslav militaries to their present state are at work on a global scale. The multi-ethnic foundations of these two situations have doubtless intensified the erosion of their conventional lines of authority, but even the most homogeneous military organization is faced with their hierarchies of rank being undermined by the technical expertise and the highly trained personnel required to apply them.

It seems crucial, therefore, to view the Soviet and Yugoslav situations not as exceptions, but as extremes on a continuum, as indicative of a potential to which all armed services are susceptible during a period when established loyalties and organizational practices are everywhere subject to parametric transformations. Soldiers and officers are not exclusively habit-driven; they too are susceptible to learning and change as their skills expand and their opportunities narrow. And the changes they experience are as likely as not to mirror the transformations at work elsewhere in the world. Military establishments and their personnel may be distinguishable by the uniforms they wear and the weapons they shoulder, but otherwise their distinctive missions, roles, and services seem bound to become increasingly blurred by the turbulence that is sweeping across world politics.

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[78]Broder and Mann, "Military May be Tempted . . . ," p. A16.

[79]Tim Golden, "Democracy Isn't Always Enough to Repel Attempted Coups," *New York Times*, February 9, 1992, Sec. 4, p. 3.

RX TO OTC: PUBLIC POLICY MAKING OFF-THE-AGENDA

by
Pauline Vaillancourt Rosenau
Management and Policy Sciences / Health Policy Institute
Un. of Texas at Houston - Health Science Center
Post Box 20186
Houston 77225 Texas

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RX TO OTC: PUBLIC POLICY MAKING OFF-THE-AGENDA

Pauline Vaillancourt Rosenau
School of Public Health
Management and Policy Sciences / Health Policy Institute
Un. of Texas at Houston - Health Science Center
Post Box 20186
Houston 77225 Texas

ABSTRACT

A case study of medication switched from prescription status to over-the-counter availability illustrates that policy making may occur without ever formally being part of the public policy agenda. More than 200 Rx (prescription) medications have been redefined as OTC (over-the-counter) drugs in the last 5 years. The definition of prescription medication status itself has been substantially modified with little public attention to the fact. Rx no longer signifies that a drug is inherently unsafe, potentially toxic or harmful except under supervision of a licensed practitioner. Increasingly it designates a preliminary trial status, necessary until experience accumulates and an estimate of benefit-to-risk established, at which point a drug can be switched to OTC.

A confluence of circumstances permitted policy to be adopted, a change implemented, in the absence of formal intention to do so, without executive consideration, legislative deliberation, or public debate. **First**, it was facilitated by an exceptionally receptive cultural and social context (an increase in individualism, a decline of faith in science and scientific expertise, an emphasis on deregulation, and a concern with cost-containment). **Second**, awareness that policy making is occurring requires effective interest aggregation. Here the policy issues did not generate enough attention to arouse and mobilize those concerned. One well-organized group with a considerable stake in the matter, pharmaceutical manufacturers, was very much in favor of the change. It is not surprising if the resulting policy was favorable to it. Theirs was the only voice heard because it was the only clear expression of a position and it argued that the change was in the public interest. **Third**, the impact of the policy on most other groups was mixed and this made it hard for them to mobilize either way. Some consumers benefited because they could obtain medication without paying for a doctor visit. But other consumers lost out because their Rx medication was not covered by insurance after it was switched to OTC. Some insurance companies saved by not having to pay for OTCs but misuse due to new liberalized access could lead to additional patient hospitalization and increase costs. **Fourth**, the group that had the most to lose because of the policy change, the American Medical Association, never mobilized to present the opposing view. Thus the case against the change from Rx to OTC was never effectively presented. **Finally**, the regulatory agency designated to monitor the public interest, the FDA, acquiesced to the pharmaceutical manufacturers requests for switching. Regulatory agency co-operation of this nature may be critical for policy making off-the-agenda.

RX TO OTC: PUBLIC POLICY MAKING OFF-THE-AGENDA[1]

by
Pauline Vaillancourt Rosenau
Management and Policy Sciences / Health Policy Institute
School of Public Health
Un. of Texas at Houston - Health Science Center
Post Box 20186
Houston 77225 Texas

It is commonly assumed that agenda setting is crucial to the policy process because if "an issue cannot be placed on the agenda," it cannot be considered and nothing will happen." If policy formulation is the "plan of action intended to rectify the problem" then getting it on the public agenda might seem like a necessary, if not sufficient condition for action (Peters, 1991: 41). In the mid-1960s there was some suggestion that issues were deliberately kept off the public agenda (non-issues) in order to avoid the need to take action on them and assure the status quo (Bachrach and Baratz, 1966). It is assumed that if an issue is to receive attention it needs to be on the policy agenda.

In this paper I examine a case study of policy making or policy change of substantial importance that took place without the matter in question ever being recognize as a problem worthy of being put on the public agenda. A new public policy concerning prescription medication has been established almost without any conscious intention to do so. *There has been a substantial modification of the implicit definition of prescription drug status* as a result of a series of smaller incremental changes in the status of specific drugs that were switched from Rx[2] status to OTC.[3] New policy and procedures were molded, *de facto*. The number of individuals affected was substantial and the new policy will have an impact on how illness and disease are diagnosed and treated. No resources were expended to draw attention to the issue. No "policy stream/community" made up of researchers, advocates, experts and other specialists ever came together to analyze this policy arena or set out explicit alternative policy proposals (Kingdon, 1984). No one attempted or formally sought to determine the financial and technical viability of the policy.[4] No Congressional

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[2] They are also referred to as "ethical drugs" because historically they were not advertised (Duncan and Weber, 1979:3) or "legend drugs" because they carried a Rx legend.

[3] OTCs are also called "proprietary" or "patent" medicines.

[4] FDA Advisory Committee Members were consulted on the shifting of specific drugs but not on the *global policy* or on the re-definition of Rx status.

committees held hearings. No organizational input was apparent. No formal legislation was ever proposed or adopted. The initial stage of getting on the agenda, "issue recognition" involving official notice of a concern where government action would be appropriate, never occurred (Nelson, 1984). But policy was made just the same, without formal consideration on either the systematic or institutional agenda (Cobb and Elder, 1983).

Policy making that is not on any agenda shares more characteristics of "policies without publics" (May, 1991) than with other models in the policy literature. Nevertheless, it differs significantly from this model of policy design, as well, because there is no formal recognition that policy making is even intended.

For "polity without publics," there is a "lack of interested and organized publics" (May, 1991:198) and as we will see, this is true, to some extent, for the Rx to OTC switch movement as well. "Publics" exist in theory but interest aggregation is confused by the complexity of how issues impact on the various interest groups and in these cases it is difficult to act on an issue or advocate explicit demands. The whole switching issue had low visibility and the public remained largely unaware of any change until the switched drugs began to be advertised and when a drug's switched status began to be employed as an incentive for purchase.

Peter May notes that "for policies without publics, there is a potential for issue capture by a single public whose preferred policy definition or solution substitutes for broader debate over appropriate policy responses. . . " (1991: 198). This means that "there is more limited opportunity for policy learning" because the absence of competing publics prevents debate over the appropriate boundaries for public policy. The lack of debate among competing publics over "problem definition and preferred solutions creates uncertainty about social preferences and related criteria for determining what constitutes a good policy" (May, 1991:202).[5]

None of the agenda setting approaches presently known (pluralist, elitist or state-centric) considers policy making off-the-agenda (Peters, 1993:45-6) perhaps because it is so unusual. But even though it may be a residual category it is, nevertheless, worthy of attention because it challenges broadly accepted views of the policy process. It makes us ask what other policy action has taken place unnoticed because it was never formally registered on the public agenda? Finally, this case study suggests some hypotheses as to the conditions in which policy making off-the-agenda is produced.[6]

The recent trend toward switching medications previously available only with doctors prescriptions (Rx) to over-the-counter (OTC) status presents an opportunity to study successful policy making and policy change off-the-agenda. During the 1980s more

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[5] Like "policies without publics" exposure to risk appears to be high (numerically) but the consequences of risk are judged to be low. This accounts for the low visibility of the issue area because there is "little incentive to redress relatively minor harms (May, 1991:195). In the case of the Rx to OTC switches risks may appear low but it may also be the case that the risks are simply very difficult to calculate or determine in advance or that they range very broadly within the category of switched medications.

[6] My method and approach are straightforward. This paper is based on open-ended, interviews with representatives of the various sectors affected by the switch movement. Analytical assessment of library materials and other published documents contributes to the analysis. My orientation is interdisciplinary and centered in the social and behavioral sciences.

than 200 drugs were switched from Rx to OTC (Segal, 1991:8).[7] The Nonprescription Drug Manufacturers Association (NDMA) estimates that more than 400 OTC products now use ingredients or dosages available only by prescription 15 years ago (NDMA, 1991). The medications that are being made available upon demand are not just those that "relieve symptoms of minor, self-limiting conditions." They include medications of substantial importance that "prevent diseases" and "manage chronic conditions" (Young, 1988: 6).[8] The impact of switching on the medication practices of citizens, doctor-patient relations is tremendous. Neither are the financial dimensions of the Rx to OTC switch trivial. Switched drugs have improved the profit margin of pharmaceutical manufacturers (Rosen, 1991). All but one of the 10 best-selling OTC drugs introduced since 1975 was a switched drug including Advil, Nuprin, Sudafed, and Benadryl (NDMA 12/91; Cope, 1991:7).

The Rx to OTC switches question common assumptions and the generally accepted justifications for keeping certain medications off the open market, for restricting their use to doctor-supervised situations. Sometimes called the switch movement, it has proceeded in a singularly incremental fashion. The liberalization of access to so many powerful mediations may even undermine the rationale for continuing to restrict other drugs to a prescription-only status. Few of those who actually brought this policy change about had any idea or vision as to where they were going and what they were doing (Paulus, 1990). For all practical purposes policy making off-the-agenda is still ongoing.

I. OTC AND RX: ORIGINS, DEFINITION, AND RE-DEFINITION

In this section the background and logical consequences of the Rx to OTC movement are examined. Why were certain drugs designated Rx-only to begin with? Why are the justifications previously offered for Rx restriction no longer adequate? It was the changing legal/regulatory requirements of OTCs that actually provided the initial thrust for switching.

OTC drugs existed long before anyone thought about regulating them.[9] "Prior to the 1938 Federal Food, Drug and Cosmetic Act (FD&C) any non-narcotic drug was available without prescription" (Temin, 1979A: 433; 1979B:91). Even then, the government's concern, until very recently, was limited to the **safety** of OTCs. Only in 1962, in the wake of the Thalidomide tragedy, (Bruch, 1989: 528; Meier, 1985:83), did Congress pass legislation, the Kefauver-Harris Amendments to the Federal Food, Drug and Cosmetic Act, requiring that all drugs, including OTCs that entered the market after 1938, be tested for efficacy as well.[10] The enormous task of assessing the effectiveness of the over 300,000 OTCs did not

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[7] From 1976 to 1983 twenty-nine prescription ingredients moved from Rx to OTC (Hearings, 1983:4).

[8] Peter Temin of MIT concluded that even penicillin could pass the cost-benefit analysis test for switching and should be available OTC (1982: 21). He dismisses the possibility that "resistant strains" might develop, the argument that most authorities use to preclude OTC penicillin.

[9] See Berridge and Edwards (1981) for the fascinating story of self-medication with opiates in nineteenth century England. Such addictive drugs remained broadly and openly available throughout the U.S.A. until the first decade of the 20th century.

[10] Some contend that this OTC review was not required by statute but was rather undertaken voluntarily by the FDA (Fisher, 1987).

begin until 1972 (Farley, 1987-1988:12).[11] The FDA, assisted by the National Academy of Sciences and the National Research Council, delegated much of the work to a series of externally staffed, expert advisory committees (Bruch and Larson: 1989). The FDA, however, was free to accept or reject the recommendations forwarded by these advisory bodies.[12]

It was this process of verifying the safety and determining the efficacy of OTCs that initiated the Rx to OTC movement (Rachanow, 1984:201).[13] Manufacturers up until this point had "resolved most of the prescription/OTC appropriateness issues informally with the FDA on a drug-by-drug basis" (Fisher, 1987:3). Once the FDA's OTC review was underway drug manufacturers began to monitor the working progress of the advisory committees. In some cases manufacturers prematurely switched a drug from prescription to over-the-counter status on the basis of what they expected the advisory committee would recommend. The manufacturers thus assumed the FDA would adopt the course of action suggested by the outside advisory committee. In 1975 the FDA formalized the ongoing switching of Rx to OTC by establishing formal guidelines for initiating the process by way of a petition (from anyone, even an individual citizen), as a supplementary NDA (New Drug Application), or through the OTC review procedures itself (Fisher, 1987:3; Hearings, 1983:11).[14]

The existence of Rx drugs as a separate category of medication is a relatively recent phenomenon. Prior to the "enactment of the 1938 FD&C Act there was little distinction between OTC and Rx drugs".(Meier, 1985:81). In 1938, a year after more than 100 people died from the "Elixir Sulfanilamide," the FD&C Act was adopted requiring manufacturers prove a drug was safe before it was sold to the public. Up until this time 85% of all drugs were effectively OTC. Mention in the FD&C Act of the possibility of sale of drugs on a "prescriber" status if "toxicity" was a "problem" led to the establishment of Rx status by general administrative regulation (Temin, 1979B; 1980A: 1; 1980B: 303).

The actual legal status of prescription drugs remained a bit fuzzy until the 1951 Durham-Humphrey Amendments to the FD&C Act that required drugs unsafe for self-mediation be defined as "prescription drugs" and used only under a doctor's supervision (Temin, 1980A). The Durham-Humphrey Amendment officially recognized that drugs available in the post-World War II period were "vastly more potent and complex" than had been the case in previous times (Fischer, 1987).[15]

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[11] Grouping these products by treatment category and ingredients facilitated the review.

[12] Seventy-five percent of OTC drugs lacked evidence of effectiveness according to Farley, 1987-1988:12 and Silverman and Lee, 1974: 230. Only in 1990 did the FDA officially and publicly conclude that 258 OTC ingredients were ineffective and should be banned. Over the years most of these substances were voluntarily removed from the market (FDA Consumer, September 1990: 24 #7: 5).

[13] See the appended list (prepared by the NDMA) of medications transferred by the FDA to OTC status as a result of the review of nonprescription drug products.

[14] Because the OTC review is now completed only the first two methods for switching remain available (Fred, 1990:14).

[15] Temin contends (1980A: 55) that it was not just new drug technology but a positive attitude toward government regulation, an acceptance of government intervention, a move away from the free market economy, and a belief that citizens needed to be protected, that inaugurated "prescription status."

The rationale for designating a medication as a prescription-only drug were fairly straight forward. "Seventeen habit-forming drugs and their chemical derivatives" were included. Other *drugs were designated Rx if they "were not safe for use except under the supervision of a practitioner licensed to administer them"* (Young, 1988:6). These drugs had benefits but were assumed to require a doctor's supervision for safe usage because they were "potentially harmful." The criteria for designating a drug "prescription-only," according to judicial interpretation of the Durham-Humphrey Act, involved the "toxicity or other potentiality for harmful effect" of the drug if employed without expert supervision (Kaplan, 1982:5). Rx status was also accorded if the drug involved the sudden onset of dangerous side effects (timing), or if it was thought to mask a serious underlying condition that required immediate attention (Fisher, 1987:2).

The switching of a medication from Rx to OTC represents a substantial revision of medical opinion about the character and qualities of the drug in question. From a strictly logical point of view it might initially appear that switching is an admission that a mistake had been made about the characteristics of a drug. Switching might seem to imply that a drug was not, in fact, as dangerous or so toxic or potentially harmful as originally thought and therefore the supervision of a physician was not required for prudent use. But given the large number of drugs switched in the last decades it is hardly imaginable that switch movement is merely a reflection of error.

The switch movement, rather, indicates that the original definition of Rx no longer stands and has been informally, but substantially, revised. Thus the criteria originally used to designate a drug Rx are no longer being applied to all medications that fall in this category. In some cases Rx has come to signify a preliminary trial status, necessary until experience accumulates. Today, many drugs are designated Rx status for the time needed to demonstrate that they are relatively safe for self-administration and have a favorable "benefit-to-risk ratio." While toxicity and potential harmful effects are still a consideration, potential benefits may outweigh these considerations. "A low margin of safety may be appropriate for particular OTC drugs (where the benefits to be obtained are high) . . ." (Rachanow, 1984:205). The reasons for a Rx assignment today are not always that a drug is inherently unsafe, as the definition of Rx long assumed. It is often that there is not enough knowledge about it (Hearings, 1983: 30). Long-term experience with an Rx drug is taken as evidence of safety and hastens the conferral of OTC status.[16]

II. CULTURE AND SOCIAL CLIMATE FACILITATE THE SWITCH MOVEMENT

A favorable cultural and social context is critical, perhaps a necessary though not sufficient condition, for policy making off-the-agenda. The enormous, almost unopposed success of the Rx to OTC switches did not occur in a vacuum, independently of context. They are the result of a climate of opinion that is tremendously supportive. Intellectual, political, and economic currents prepared the ground for the switch movement. Increased confidence in individual autonomy, a loss of faith in science and medical expertise, the rise of deregulation, and a growing concern with cost containment all set the stage. At other historical points in time a switch movement, such as that we are observing, might have been impossible. Today it appears logical and reasonable.

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[16] While this may be true it is certainly not always the case. Nadakavukaren (1990:250) reports that many items that have been on the GRAS (Generally Recognized as Safe) list for decades are now being removed.

a) Individualism in America: The Modern, Sophisticated Consumer and Self-Medication

A number of public beliefs, true or not, encourage switching prescription drugs to OTC status because it empowers patients. Consumers of health care, today, are thought to be more analytically skillful, better educated, and consequently more able to make decisions about their own health (Silverman, 1987:1; Fisher, 1987:4; Blishen, 1991: 146).[17] Citizens have "demanded more freedom to self-medicate and to exert control over their own health" (Cope, 1991:4).[18] Medical information is widely available and in a form that is comprehensible at least to the college-educated citizen. Many physicians, insurers, drug manufacturers, and the Food and Drug Administration conclude that patients today are capable and sophisticated (Hearings, 1983: 2-24). If, in the past Rx status used to mean that the citizens needed the physician to assist in using a drug safely, effectively, and with success, today the switch movement implies that even in the case of complex drug administration, patients can learn about the precautions necessary just as well from the written material accompanying the package as from a physician. This presumes that if an individual is literate, then information about dosage, and warnings about side effects can be written in understandable language.

American individualism, expressed as the desire to have control over one's destiny, reinforces the right to self-medication and supports the Rx to OTC switch movement.[19] When Rx drug status was implemented it was with the explicit intention of not removing the citizens prerogative to self-medicate (see Hearings, 1983; Temin, 1980: 45; 1983: 188). The right to choice in medical care and the right to refuse treatment has long existed but it is more vehemently defended today than ever before (witness the rise of New Age medicine, "alternative medicine" and the increased popularity of homeopathy). The self-medication movement supports switching because it promises "an even broader range of self care with nonprescription medicines" (Cope, 1991:5-7). The Rx to OTC switch is part of a larger societal trend toward individual rights, human rights, civil rights and the "public acceptance of the notion of rights as applied to health care" (Beauchamp, 1990: 148; Cope, 1991:5-7).[20]

For some people prescription status implies a model of medicine where a patient consults a doctor and complies with the advice given without questioning or requiring much explanation. This model is fading for the many Americans who question authority, be it governmental or medical. Patient power is on the rise and doctors are increasingly expected to negotiate treatment with patients and to treat them as equals (Beauchamp, 1990:145). Some even suggest the professional MD's new role, will be that of an advisor, a partner, except in the few instances where the patient is unconscious (Blishen, 1991: 147). Patient preference plays an increasing role in medical decisions and researchers suggest

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[17] Self-medication has a long history in the U.S. and Western Europe (Berridge and Edwards 1981).

[18] And this has given rise to some very strange alliances and coalitions. For example AIDS activists and drug manufacturers both lobby the government to pressure the FDA to reduce the time it takes to approve a new drug.

[19] Self-medication is a "matter of convenience" for many (Cope, 1991:4) but it has a down side as well. For those without medical health insurance self-medication may be more a necessity than a choice.

[20] Berridge and Edwards (1981:204) suggest that public experience and high levels of self-medication with even dangerous drugs such as opium in England in the 19th century "resulted in no persuasive evidence of large-scale social incapacity. . . " Associated mortality levels while "not too disastrous," were greater than would be accepted today.

ways of presenting risk data so that patients can assess whether they want to accept the diagnosis and treatment recommended by their doctor (Chassin, et al, 1987;:2457). Self-medication advocates even argue that "consumers will be the primary practitioners in the new health care system," (Ferguson, 1992: 9).[21]

b) The Decline of Faith in Science and Medical Expertise

The Rx to OTC movement takes place in an atmosphere where the prestige of science is on the decline and this leads to a questioning of the rationale by which medical doctors, "scientific experts," are accorded the power to restrict access to drugs. Many conclude that science has failed in the sense that it does not have a single "right" answer for every question (Rosenau, 1992: 6-7). Doubts about the legitimacy of expert, scientific opinion emerge. A parallel critique of medicine follows (Widgery, 1989: 897) because the mystic of the medical profession is closely linked to that of science.

There are a number of bases for questioning the authority of medical knowledge and these undermine the expert role of physicians thus supporting the view that more drugs should be available over-the-counter. The present state of science does not allow for "the selection of a unique 'best drug'" (Temin, 1980:8-12). Drug effectiveness is vaguely defined and poorly measured. Side-effects vary from person to person. Studies of these phenomena are expensive and difficult. Most doctors lack the technical skill to evaluate drugs in every case. (Temin, 1980). Prescription drug choices, as it turns out, are often customs, sustained by the local medical community rather than a designation of the "best" drug available. The broad distribution of information about liability suits, medical mistakes, and the suggestion of widespread inappropriate use of medical procedures (Wenneker, 1990: 1259), have also made the public more critical and suspicious of medical expertise (Lambert, 1978; Blishen, 1991:146).

c) Deregulation

The enthusiasm for removing government regulation across the board has encouraged the Rx to OTC switch (Young, 1988: 24). There has been a change of opinion about the government's role in the modern Western world today. Government intervention is viewed with suspicion and government is no longer seen as responsible for citizen welfare so much as an umpire who intrudes as little as possible. The deregulation philosophy calls for "minimal government," and for government to withdraw from the private lives of citizens. Government regulation is viewed as interfering with healthy competition, as discouraging innovation, and as causing higher prices (Fletcher, 1967; Feder, 1992: E1; Quirk, 1980:195). The trend to switch from Rx to OTC parallels the desire to reduce government's role. In the 1930s the spirit of regulation received broad approval and the government's monitoring of unsafe medication to protect citizens was viewed as appropriate (Temin, 1980:55; Quirk, 1980).[22] Efforts to reduce the power of the FDA so as

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[21] Seventy to ninety percent of "illness episodes" are self-treated. Both Rx and OTC medications are involved, saved over time and exchanged between family members (Segal, 1990: 301-302). The switch movement is likely to encourage this trend. Little data is available on this group as a whole but specific studies of particular drugs are available.

[22] Temin suggests that by initiating prescription status for drugs in 1938 the FDA was overstepping legal bounds and restricting citizens rights to self-medicate. He argues that citizens have the right to "ineffective treatment" if they want it (Temin, 1980a: 162, 205-206).

to accord greater and freer access to medication began in the mid-1970s (Wardell and Lasagna, 1975). By the 1980s sentiment grew for allowing citizens to assume the consequence for their own risks, not just in the area of medication but in all areas of life (Temin, 1980). Self-medication was said by some to be a "God-given right" (Silverman and Lee, 1974). "U.S. patients have forgone significant health benefits because of regulatory delays and obtained only modest benefits from their reduced exposure to risk" (Grabowski and Vernon, 1983). Extreme advocates even suggest that citizens even have the "right to kill themselves" with home remedies if they so desire (Silverman and Lee, 1974: 211). Rx status is assumed to interfere with self-medication (Temin, 1979B) while the greater availability of OTCs enhances and encourages this option.

d) Cost-Containment

Runaway health care costs generate enthusiasm for the Rx to OTC switch. Proponents argues that switching drugs to OTC status is one way to save money because it reduces the number of doctor visits and lowers drug prices (Temin, 1982; 1983: 189; FDA/PA Symposium, 1988: 7-11; Young, 1988:9). James Cope, President of the NDMA, suggests that "self-care with self-medication is the largest component of our health-care system and the least costly" (quoted in Segal, 1991:11). Studies undertaken by drug manufacturers, world wide, support the virtues of cheaper OTC drugs and the capacity of citizens to use them safely (Proprietary Association, 1984; WFPMM, no date).[23]

III. PHARMACEUTICAL MANUFACTURERS

The interests of the pharmaceutical drug manufacturers were clearly advanced by switching and they spoke out in favor of it not as a general policy option but rather on a case by case basis. Without their advocacy it is unlikely that this off-the-agenda policy making would be taking place. The pharmaceutical manufacturers support the easing of restrictions on over-the-counter availability because non-prescription status results in wider use, increased sales, and higher returns to the manufacturers (Temin, 1990:3; Howard and Madhavan, 1992:6). They are fully aware of the special circumstances which have made switching possible: an unusually positive context and little organized opposition. As Peter May (1991) predicts with respect to "policies without publics," such issue areas may be monopolized by the only group to be organized. The pharmaceutical industry, whose interests were clearly defined and homogeneous, moved unopposed to advance the switch movement and to consolidate gains.

Today Rx to OTC switches are initiated almost exclusively by drug manufacturers though this was not always the case. In the 1970s some switches were proposed by the advisory panels or the FDA itself.[24] Between 1976 and 1982 the FDA approved only 18 of 27 switches suggested by advisory panels (Hearings 1983:10-13). "Forty-nine

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[23] But it is debatable whether the switch movement reflects cost containment or cost shifting. "Cost-benefit analysis counts all people equally," and switching has a different impact on various sectors of society. Medicare and Medicaid do not always cover drugs but where they do, payment is almost always limited to Rx medication. The switch movement will reduce government costs substantially as recipients are expected to pay for their own OTC drugs. Many insurance companies and HMOs, if they cover drugs to their clients, reduce their costs when drugs are switched to OTC because reimbursement is limited to Rx drugs. This is discussed in more detail below.

[24] In a few cases FDA personnel inaugurated a switch (Hearings, 1983:11) but this was the exception.

ingredients/dosages were transferred from prescription to OTC status as a consequence of FDA's OTC review" (NDMA Fact Sheet, 12/91). By the end of the 1970s nearly all switches were being requested by the drug manufacturers or by a petition put forward by a group of companies within the pharmaceutical industry (Hadeler, 1985:3, 24). Such action has proved easier when only a few producers are involved as this makes uniformity a relatively simple matter and minimizes FDA involvement (Hearings, 1983:11). Nearly all of the 50 or more switch petitions expected to be filed through 1997 will be sponsored by the manufacturers.[25] Such important medications as Zantac, Tagament, and Naprosyn are on the agenda (Winters and Freeman, 1990:3-4).

As a result of switching, drug manufacturers have developed a whole new marketing strategy for drugs coming on the market. Planning begins as much as four years before the medication is approved.[26] Drugs are expected to be Rx-only initially. After a few years a switched is planned and an OTC version is presented for the market (Winters and Freeman: 1990:11). Taking advantage of the previous prescription status in advertising, drug manufacturers contend that because formerly only doctors could provide it, the medication must be effective and desirable (Hearings, 1983:49-50). The motivation to obtain OTC status for a drug is especially compelling as the drug comes off patent. The profitability of a drug that remains on Rx status will be reduced when the patent ends and sales drop 25-40% as generics enter the market (Winters and Freeman, 1990:4).

Historically manufacturers have needed doctors and pharmacists as vehicles to promote and market their Rx products. Switching means that they are no longer dependent on intermediaries for the sale of these particular drugs. Substantial savings can be had by eliminating detailers who visit doctors and educate them as to the benefits of Rx products. The potential for savings is substantial as drug "companies spend more than $5,000 per doctor per year on marketing activities" (Rosenthal, 1991 A1, B11). OTC marketing also by-passes the pharmacist who is expected to do little counseling on the OTC drugs. The switch from Rx to OTC may mean that a lower proportion of drug profits go to MDs and pharmacies and a higher percentage remains with the manufacturers.[27]

Drug manufacturers understand the need to take precautions to preserve the gains achieved from the switch movement. Representatives of their professional associations counsel caution, responsibility, and moderation (Young, 1988: 58). The importance of public relations is stressed including the need to educate "over cautious" health care providers who might oppose the switch. Members are urged to support the FDA inasmuch it fosters switching. Voluntary forms of industry self-regulation are emphasized. Such actions include providing clear, understandable readable labels for all switched drugs, respecting industry guidelines for packaging and mail samples, following generally recognized and respectable business practices aimed at consumer satisfaction, being

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[25] According to an interview with David Spangler, NDMA, Jan. 15, 1992.

[26] Most companies produce both OTCs and Rx drugs, though the two divisions are not always integrated. The switch revolution has provided the rationale and motivation for such co-ordination (Rosen, 1991). Switching of Rx to OTC has become part of merger strategies as well. See F-D-C Reports ("The Pink Sheet") August 24, 1992.

[27] The drug industry has complained of poor profits (Industry Perspective) and research by the American Enterprise Institute supports this contention (Statman, 1983:7). On the other hand, Fortune Magazine (August 1988) says drug industry profits increased nearly 40 % in 1987, 11 percent in 1988 (Gilbert, 1990: 31). Whatever the case, there is little debate about the fact that switched drugs are among the most profitable sectors (Silverman and Lee, 1974: 213; Rosen, 1991).

truthful and fair in advertising because "misuse of these methods of communication and legitimate salesmanship can dampen the weather and help poison the climate in which you operate" (Cope, 1991:12). Professional associations representing manufacturers fear that without caution the switch movement could be reversed.[28]

IV. THE PHANTOM PUBLICS

Another reason why switching and the consequence re-definition of Rx never got on the public policy agenda is that some of those powerful group (consumers, pharmacists, insurance companies, HMOs, etc.) whose interests are seriously affected by switching, can not act, in good part, because the impact on their members is complex, favorable for some and detrimental for others. Unable to take a position without offending part of their constituency they simply ignored the issue. Policy making off-the-agenda, therefore, is not a classic case of "policy without publics," The public is present though it's potential is not being realized.

a) Consumers: On the One Hand and on the Other Hand

The effect of Rx to OTC switching on consumers is difficult to calculate. Consumers are better off in some ways but there are disadvantages for them as well. Switched drugs are a convenience because consumers can purchase them at a local pharmacy and save not only the cost of a doctor visit but the need to arrange for child care, to take time off from work, and to find transportation. Consumers are also relieved of having to fill out insurance claims for doctor visits, if they have coverage. On the other hand, the costs of switched medication sometimes increases when a medication first goes OTC, especially if the drug is still on patent (Hearings, 1983:43-44).[29] In the long run the price of switched drugs tends to decline, especially when the patent runs out and competition drives down the price. For those who feel competent and comfortable self-mediating, the switch movement is a welcome fact of life.

Not all consumers benefit from the switch movement. For consumers who have health insurance or are covered under government plans that reimburse only for Rx drugs the switch is a net loss. Once switched, medications are no longer covered. They must be paid for out of the consumer's pocket (Cope, 1991:7). There are also increased hazards for the consumer involved in self-diagnosis and self-medication with switched drugs and these costs must also be entered into any assessment of net loss or gain. Some switched drugs are toxic, especially if purchased in OTC form but taken in prescription strength. Consumers also lose whatever value accrues from the expert assistance and advice of the physician.

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[28] The recent move by the FDA to "disentangle marketing from scientific exchange" marks just such an area where ethical conflict of interest was too quickly set aside." A flurry of falsified test results submitted to the FDA as part of the drug approval process is another example (Kolata, 1992:1, 16).

[29] This is because manufacturers have the monopoly and can pass the full costs of advertising, new labelling, and promotion of the switched drug on to the consumer. For example, when Alupent was switched a 13 million dollar advertising campaign initiated its OTC status and this cost was passed on to the consumer.

b) Insurance Companies and HMOs

The impact of switched drugs on insurance companies and other payers is a complex interaction of physician behavior, patient actions and how the switched drugs actually go OTC i.e. in all forms, only at low doses, or simultaneously with a new combination version (a combination that will stay Rx with a new component incorporated). There are some benefits for insurance companies and HMOs that usually reimburse clients for Rx drugs but not OTC medication. In addition to savings on drugs these payers might reasonably conclude that if certain medications were available OTC, visits to the doctor on the part of those they insure would be reduced.

But HMOs and insurance companies have not been active in an obvious manner to advance their interests if indeed switching advances their interests. I found no reports of their making presentations at advisory committees, for example. Might this be because obvious benefits must be weighted against costs which are difficult to assess?

Many switched drugs are indispensable for health and even life-sustaining. But some of them have significant side effects. If misuse of OTCs makes for an increase in doctor visits and/or hospital admissions, then little will be saved. "A study of the American Hospital Association has estimated that 7 percent of all hospital admissions are related to the misuse of prescribed pharmaceuticals, and in 1983, such drug-induced illness led to an estimated 2.7 million admissions costing up to $5 billion." (Luce, 1988: 288; Morse, 1986:58; Beard 1992). But little or nothing has been published on the consequences of side effects or the misuse of switched OTCs. Misuse may result from an inability to read OTC labels or a refusal to take heed of warnings about usage. The groups most susceptible to these adverse effects of OTCs, of switched drugs, include pregnant women, children, the elderly (Beard, 1992), those taking multiple drugs or those with a specific disease status (such as diabetics) that cause them to be particularly vulnerable (Teplitsky, 1985; Lamy, 1983; Hadeler, 1985).[30] Individual variability in reactions to drugs also suggests that the Rx to OTC switched drugs may present problems. Finally, switched drugs may be employed by individuals who should see a doctor but who rather take a switched drug that temporarily relieves symptoms while the conditions gets increasingly serious and more difficult to treat (Silverman and Less, 1974: Hearings, 1983: 9).[31] All these are matters of serious consideration for HMOs and insurance companies - without more information it is hard for them to take a stand on the Rx to OTC switches.[32]

For non-staff HMOs, prospective payment and non-capitated organizations where the payer has no physicians on staff, the impact of the switch movement will also be

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[30] The misuse of OTC drugs in the Third World has been studied by anthropologists. "There is overuse and abuse of antibiotics and injections of all kinds, given and prescribed freely by almost all practitioners, folk and cosmopolitan." Drug company detail-men do not provide knowledge of hazards and side effects but only emphasize benefits. Multiple use of different drugs leads to unanticipated adverse interaction effects (Cosminsky and Scrimshaw, 1980: 276).

[31] It has been suggested that the misuse and abuse of OTCs is underreported and therefore the public is not aware of its importance because the mass media avoids reporting on it since so much advertising revenue comes from OTC drugs. Some science editors report that "pharmaceutical companies threaten to withhold advertising if a magazine publishes articles unfavorable to its products" (Consumer Reports, 1992b; 142).

[32] Insurance plans and HMOs, as well as Medicaid and Medicare, that provide complete health care coverage may need to begin to provide OTCs if they are to avoid greater expense in terms of treating sicker patients at a later date.

difficult to forecast. Here there is competition between different components of the system and an incentive for physicians to see patients over and over. These types of HMOs have limited control over the physicians who care for their clients and they do not have specific formularies that required certain medications be employed for specific treatments. Non-staff HMOs worry about "adverse selection." Their programs only pay for Rx drugs and they find that faced with the switch movement patients are responding by asking the doctor for a prescription version of a drug rather than paying for the OTC version out of pocket. In this case the HMO still pays for the medication.[33]

It is, however, likely that even without control of physicians and without formularies, the switch revolution will reduce costs (fewer doctor visits and fewer prescriptions written). Those I interviewed suggested that on balance, a net savings was probable and they believed that eventually the savings would be passed on to the consumer in the form of lower premiums or greater benefits.

For staff HMOs (such as Kaiser in Los Angeles) the benefits of the switch movement are clear though publicly they express uncertainty. They say that they are aware of the switch revolution but that they are not doing any studies on it or paying much attention to it. They treat switched drugs on a case by case basis. If a drug is switched they do not immediately cut off drug benefits - free provision of drugs may continue for a time for those with coverage (not all of Kaiser's members are covered - only 76%) if only because the OTC format will not be immediately available.

Staff HMOs do an "intuitive cost-benefit analysis." Some drugs that have been switched may still be provided without cost in the future because the drug is essential to the patient. Patients would return for care in a more serious condition if they didn't get the medication required.[34] In these circumstances the doctor may prescribe a form of a drugs that has not yet been switched.[35] But staff HMOs expect a savings in the case of many switched drugs where OTC drug availability will result in fewer doctor visits.[36]

c) Pharmacists and Retailers

Pharmacists and retailers of Rx and OTC did not take an official position on switching for economic considerations and because of professional aspirations. In the U.S. many pharmacists own their own retail outlet pharmacies and if they are unaware of the implications of switch for their economic status it is, perhaps, because though they have a lot at stake the impact on them is complex. These pharmacists see some shift in sales. But the decline in profits in one category of products is likely to be offset by gains in other drug sales. A survey found 42% of pharmacists thought switching would be good for pharmacy while 29% felt its impact would be negative (American Druggist 1984: 12).

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[33] This point and those in the above paragraph were made by Dr. Craig Stern of CareAmerica Health Plans. The problem for the HMOs as far as studying the impact of switching is that pharmacy record data bases and medical visits data are not linked. So much of what one expects to happen is based on guess work. There is no certainty in assessing the costs and benefits of switching.

[34] Hydrocortisone 1% is offered as an example.

[35] This point was made by Steven Litsey, Pharmacy Director at Kaiser, Los Angeles.

[36] Gyne-Lotrimin is an example.

Chain drug stores support the switch movement arguing it will "help reduce the costs of drugs". They are supportive of the FDA's encouraging the switch movement and express confidence in it's leadership.[37] They expect switched drugs will mean greater revenues. But this assessment does not take into account the possibility that some switching will cause sales of other products to decline.[38]

Profit margins to pharmacies on certain switched products may, in fact, be quite small if the drug in question is marketed by the manufacturer as a brand name product. This is because manufacturers charge a relatively high price to retail outlets for brand name products and retailers have no choice but to settle for a small mark-up because consumers use these easily identified brand names to assess the retailer's general pricing policy. Sometimes brand name drugs are used as loss leaders, that is they are sold below cost in order to create a positive price image for the outlet. If the switched product is marketed as a generic then the pharmacy's profit margin is considerably higher.[39]

Pharmacist reaction to the Rx to OTC switching may depend on where they are located in the market system. Some pharmacists like the idea that they can recommend very effective medication to patients (Bectel, 1984: 185). Others quite correctly see their profession as changing[40] and many of them assess the switch movement as an opportunity to expand their contribution to the health care field. Today pharmacists are no longer simply mixing medication. They do more counselling as to purchases and more education of customers about medication use, interactions, and potential side effects. But so far, pharmacists' efforts to employ the Rx to OTC movement as a vehicle to achieve recognition and compensation for these increased responsibilities have been without success.

The NARD (National Association of Retail Druggists) and the American Society of Hospital Pharmacists (Gans and Hogan, 1985) suggest that switched drugs be given the status of "pharmacist-legend class." This would mean that they would be available only with counseling from a pharmacist (Madhavan, 1993). This proposal amounts to establishing three categories of drugs: those administered under prescription by MDs (Rx), those available without a prescription but under advice from pharmacists, and those sold in the general market place (OTC) (Segal, 1991:11). This situation already exists in Germany, France, Switzerland, parts of Canada (British Columbia) and the state of Florida.

Efforts to establish a third category of drugs in the U.S. meets strong opposition. The Proprietary Association viewed it as reducing the market for their products. It has also been rejected by the FDA (Hadeler, 1985). The Department of Justice argued against it because it might "restrain competition, inconvenience the consumer, depart from U.S.

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37 Personal correspondence from R. L. Ziegler, President of the National Association of Chain Drug Stores.

38 "When ibuprofen came on the market, it didn't expand the analgesic market; it took sales from aspirin and acetaminophen" (Gopal, 1991: 45).

39 Hosein Salehi suggested this analysis to me.

40 Consumers do pay for pharmacists counseling in the sense that small pharmacies, where the pharmacist is more accessible, charge more for drugs and "counseling" is included in the price.

economic policy, and cause price increases for the consumer with no attending benefit" (Segal, 1991:11).[41]

V. PHYSICIANS: THE FAILURE TO MOBILIZE

In one case those affected by switching failed to intervene even though it is clearly in their economic interest to make the case against switching. The Rx to OTC switch stakes are high for the medical profession; its economic impact on physicians is largely negative. My interviews with physicians suggest that they are either unaware of the fact or they dismiss its significance. They seem to view switching as a "scientific," not a "political, economic or social question." Many assume that there is something unprofessional about examining switches from the point of view of how it will affect their income.

Doctors are the gatekeepers of medication accessibility and this role is being eroded.[42] If drugs are available over-the-counter then visits to the doctor will decline as a result. A doctor's overall income could be reduced as former patients simply purchase the medication they conclude they need over-the-counter. It is estimated that nearly 50 million dollars in payments for doctor visits was saved in one year, 1989, when cold remedies were switched from Rx to OTC status (Temin, 1990:3). One third billion was saved in doctor visits when .5% hydrocortisone was switched (NDMA 12/91). By the year 2000 the savings in costs from reduced doctor visits due to OTC use is expected to be nearly 20 billion dollars (Proprietary Association, 1988:17).

The Rx to OTC switch also limits doctors' ability to satisfy patients' needs in another sense. Some patients feel they are not getting their money's worth from a paid visit if the only advice they receive from their physician is to purchase an OTC drug. Had the patient known in advance they would have skipped the doctor visit and purchased the medication at their local pharmacy.[43]

Two reasons account for the medical profession's inability to respond to their professional self-interest vis-a-vis switching. First, the evolution of the profession itself has resulted in lower job satisfaction and reduced morale, factors which mediate against effective defensive action in situations where professional interests are at stake such as is

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[41] The failure of the proposal to establish a pharmacist-legend class of drugs represents a considerable set back for pharmacists. The switch movement has benefited this group very little and the window of opportunity it opened was quickly closed

[42] This loss of power may have been underway independently of the switch revolution. When individuals paid for drugs, doctor's authority was critical; now third party payers are involved. Doctors are "losing authority over prescriptions as hard-bargaining hospitals, employer-insurer groups and health maintenance organizations dictate decisions and force price discounts" (Freudenheim, 1992b: 6).

[43] Pharmaceutical manufacturers are aware of this problem and they realize that physicians need to have Rx forms of drugs available to meet patient expectations. In response to this situation and based on the logic that a higher dosage of a drug merits closer medical supervision, many drug companies continue to market a Rx form of many switched drugs. The only difference is that the Rx version of the drug is presented in a larger dosage format. Patients could, of course, quite correctly conclude that the same Rx dose is available without prescription and with the same effect by simply taking more of the OTC format drug.

the case with the Rx to OTC switches.[44] Second, the profession's representative association, the AMA, has failed to adjust to changes in society at large and to changes in the medical profession in particular. Both will be examined here.

a) Lower Professional Prestige

Physicians have suffered a decline in prestige and a loss of practitioner freedom and autonomy and this has made them more vulnerable as a group and puts them at a disadvantage when their collective self-interest comes into conflict with other more powerful groups. There is an over-supply of physicians in many geographical areas and in many professional specialities and this aggravates the situation. Increased medical specialization has also lead to professional fragmentation and a decline of internal professional unity.

In an effort to reduce costs and survive in a very competitive market environment non-medical authorities, payers intrude on physician's expectations regarding professional respect, authority, and independence. Payers (Medicare and Medicaid included) develop practice guidelines and demand that physicians abide by them. Increasingly physicians, especially younger doctors (up to 50% of them), are salaried employees of health provider organizations such as HMOs (Leary 1992C; Roper et al, 1988). Even those remaining in private (solo) practice, are faced with fixed fee schedules and shrinking income (McKinley and Stoechle 1988:195). Physicians find themselves in situation where they are financially penalized for aggressively treating, for ordering tests etc., (Welch, Hillman, and Pauly, 1990; Feldman et al (1990). Their authority to make decisions in what they see to be their patient's best interest is no longer respected (Wennberg, 1990:1202; Wenneker, 1990:1257, 1259; Chassin, 1987:2547; Hearings, 1983:30). Those practitioners who do "contract work" are being evaluated with computer software that tracks whether a doctor conforms to insurance company or HMO policies that are designed to cut the costs of diagnostic procedures and treatment. The results are used to "reward or dismiss doctors" (Rice, 1992; 33-34; Freudenheim 1992C: C2). The medical profession is losing "control over certain prerogatives relating to the location, content, and essentiality of its task activity . . . . This is concurrent with the re-organization of medical practice as any other corporate enterprise" (McKinley and Stoeckle, 1988: 191).

b) The American Medical Association (AMA) Fails to Respond to Switching

The AMA, the major professional representative of physicians, is unprepared, perhaps unable, to defend the interests of its members who themselves do not understand what is at stake in the switch movement. The AMA is generally thought of as a powerful, well-financed lobby but the switch movement fails to provide evidence to confirm this.[45] It has worked closely with the Pharmaceutical Manufacturers Association as an advocacy coalition on many issues, taking a unified front vis-a-vis the FDA (Meier, 1985:82). This historical alliance may have impeded the AMA's perceiving that on this issue, physician

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[44] See the Milbank Quarterly, vol. 66, supplement 2, 1988 for an extensive assessment of the evolution of the medical profession both nationally and internationally.

[45] Temin argues that the AMA never was very effective. He suggests that doctors were "passive recipients" of the benefits of the establishment of prescription drug status to begin with. "By curbing self-medication, the government channeled business to doctors and increased the value of their licenses" (Temin, 1980A:55). It is ironic that they are equally absent from the arena when these "benefits" are being eroded.

interests and those of the pharmaceutical industry differ.[46] But the principal reasons for AMA ineffectiveness in the case of switching may be a reflection of growing budgetary and structural problems.

First, the AMA has not kept up with societal evolution and the changing nature of the medical profession. It represents, for the most part, those in solo practice and this is, increasingly, a minority of medical doctors. There is little incentive for salaried MDs or those in group practice that contract with insurance companies to join the AMA. As relevance declines, its membership shrinks (Belkin, 1991) and this results in less revenue and a less effective presentation of AMA views in the public sphere.

Second, AMA ineffectiveness is also a function of structural factors. It is a highly decentralized, democratically and horizontally organized association. These characteristics do not make for efficient self-defense of interests. No surprise then that the "AMA sees itself as a "reactive" rather than an 'offensive lobby'".[47]

Third, the internal organization of the AMA is highly consultative, to the point of reducing effective political representation of its members. The AMA's structure produces high quality position papers but it is a slow and laborious process. For an issue to receive attention it must be put on the national AMA agenda by a state organization and/or a speciality AMA associated group. Proposals first go to a science reference committee. Often a proposal will be sent back for more information, data and evidence. Next it is referred to the House of Delegates for adoption or it is referred to the Board of Trustees for an appropriate resolution. Medical speciality groups "hold the data card" and they have the first say. They have the evidence required to take a position and the national office is not always informed immediately. In addition, the national AMA must be careful to avoid appearing to invade the territory of the speciality organizations or state associations. As a result the national AMA consciously did not lobby the FDA on switching.

This organizational structure and this form of division of labor has means that when the AMA, or any one of its subunits, is finally ready to act, it sometimes, fails to see the larger issues. In the case of the switch movement it got bogged down in the sub-issues. It focused on argument around a particular drug rather than the switch movement itself.[48]

Finally, AMA officials admit to paying too little attention to the switch movement because there are many other pressing issues facing the organization today. Budget problems and the amount of money the AMA has to put into these kinds of topics is limited. A choice as to where to focus has to be made. Today AMA representatives estimate that questions involving the safety, efficacy and cost of new Rx drugs (biotech) are of more central import. The AMA regards OTC drugs, in general, to be non-toxic and

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[46] The AMA representative to a symposium on Rx to OTC switches organized by the Proprietary Association, November 1, 1982, enthusiastically supported the move even though the implications of reduced doctor visits and the potential problem of surplus doctors in the U.S. were explicitly pointed out (Proprietary Association, 1982:20, 22-23).

[47] For example, only after metaproterenol sulfate inhalation aerosols were made available OTC in 1982, at the FDA's request, did the medical community get involved. Physicians did succeed, however, in having the decision reversed (Hearings, 1983: 6-20; Segal, 1991:11).

[48] Much of this information about the AMA comes from an interview with Dr. Bennett of the AMA. The interpretations are in all cases my own.

harmless so it seems reasonable to turn attention to other matters where the safety of products is not so certain.

VI. THE BUREAUCRACY AND OFF-THE-AGENDA POLICY: THE FDA

Policy making off-the-agenda may often involves close cooperation and mutual understanding between government bureaucracy and an interested private sector actor (Peters, 1993: 55). The FDA was sensitive to pharmaceutical industry need of Rx to OTC switches. In the 1970s the FDA critically rejected half of all switches proposed by its advisory committees but, today, it is far more receptive and accepting of industry requests for switches. Guidelines and procedures have been developed over the years in conjunction with industry to the point where switching is a regularized, routinized procedure.

What began as an incremental departure from an existing policy, switching a few drugs, ended up as a more important policy change. The drug manufacturers never demanded blanket policy changes or a sweeping modifications in the status quo (Peters, 1993:57). Had this been the case the issue would have been brought to public attention and would have become part of the policy agenda. Rather, they indicated a willingness to "work with the government to help government expedite switches" on a case by case basis (Cope, 1991:8). Dr. Frank E. Young, became Commissioner of Food and Drugs for the FDA in July 1984 and he was highly favorable to industry initiatives on switching and he brought the FDA with him on this issue (Young, 1988:4). Under his leadership, for example, the FDA and the Proprietary Association (representatives of OTC manufacturing sector) jointly sponsored conferences on the topic (Proprietary Association, 1988). The situation remains much the same with David Kessler thus facilitating the ongoing incremental decisions that result in a qualitative change in the definition of Rx.

Policy making off-the-agenda can be beneficial to the governmental bureaucracy. The pharmaceutical industry has been very supportive of the FDA on this issue, calling upon the government to strengthen the FDA, increase its authority, and expand and enhance its power and prestige. The industry requested government allocate more resources to the FDA so that it could better carry out its responsibilities for switching drugs quickly (Merck, no date, 23-28).[49] This level of support for a regulatory agency in a period when representatives of most industries are calling for less government involvement is striking (Cope, 1991:7).[50]

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[49] Personal communication, John Gans, Executive Vice-President, American Pharmaceutical Association, March 1, 1990.

[50] The drug industries may endorse the switch revolution but their support for the FDA is narrow and does not represent a clear case of "capture". Many important individuals within the FDA are/were approving of the Rx to OTC movement. But the FDA's relationships with the drug manufacturer's is much more complicated, ranging over time from cooperative to hostile depending on the issue. But cooperation on one issue is not sufficient for concluding capture exists. For example the Pharmaceutical Manufacturers Association opposed a Congressional bill to give the FDA subpoena power last year. It also lobbied against changing secrecy regulations that protect industry products but hinder FDA access to data necessary for assessing the safety of drugs and medical devices (Kolata, 1992: 1, 16). The pharmaceutical industry apparently only supports giving the FDA powers and resources that will facilitate the FDA's serving industry needs, such as funds to speed the drug review process (Merck, no date: 28), and the Rx to OTC switch. Given this, it is hard to conclude that the FDA is a "captured" regulatory agency. Cases of fairly close cooperation such as that of the Rx to OTC switch are less frequent than instances of disagreement (Meier,1985: 84-87).

VIII. SUMMARY AND CONCLUSION

While getting on the agenda may be critical for policy making and the power to set the agenda is very important it is neither necessary nor sufficient for policy making or policy change of substantial importance. While it may be "easier by far to tell when an issue has achieved the agenda than when it has not" (Helson, 1984:231), the fact that is has not been put on the policy agenda should not be taken to mean that policy has not been produced. Policy made off-the-agenda may be like a black hole in physics, largely invisible but with important material consequences. In both cases the "invisible" is harder to study than what is discernible, evident and manifest. Policy that is actually on the agenda and formally considered is easier to study than policy off the agenda. One important tool for establishing the existence of such off-the-agenda policy making may be temporal comparative analysis. If policy making has taken place or if policy change has occurred, its effects can be observed by comparing a given situation at two points in time. Even if the process is so subtle as to escape notice on a day to day basis, temporal comparative analysis can be of assistance.

In the case of the Rx to OTC switches and the implicit policy change with respect to definition of prescription medications that it involved, the usual, formal procedures for eliciting policies and policy change never took place. Rx has come, in many cases, to mean a temporary trial period for accumulating evidence of safety and doing a cost-benefit analysis of risk rather than a definite designation of administration only under a physicians supervision because a medication is potentially harmful and toxic (Kaplan, 1982:5).

Conspiratorial explanations are not required to understand policy off-the-agenda. Peters hints at a new model of policy formulation - one which accepts that policy changes can occur without formal recognition (1993:55). May (1991) develops of model of "policies without publics" which is also helpful. Both contribute to our understanding of the case study offered here and policy making off-the-agenda.

From this case study hypotheses about off-the-agenda policy making, such as that implied by the Rx to OTC switch movement, can be formulated. First, such policy is more likely if contextual factors are favorable, when the cultural environment, intellectual currents, political climate and national economic policy encourage it. Second, interest aggregation may not develop in a normal fashion in part because the consequences of the proposed policy are and its impact varies widely within groups. This constrains groups from taking a position and acting on it. Other groups with a substantial interest may fail to act for extraneous reasons and this too permits policy making off-the-agenda. The AMA is an example in the case of switching. As a result the pluralist conflict that usually accompanies agenda setting and policy change may not occur. In this case study the pharmaceutical sector's goals were largely met without substantial qualification. Third, the probability of major policy change off-the-agenda is enhanced when the government agency responsible for its implementation, the FDA in this case, is predisposed to favor it.

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COGNITION, VALUE AND CULTURE: A DEVELOPMENTAL ANALYSIS OF POLITICAL EVALUATION

Shawn W. Rosenberg
Graduate Program in Political Psychology
School of Social Sciences
University of California, Irvine, CA 92717
BITNET: SWROSENB@UCI.VMSA

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What people value and how they judge political events are of ongoing interest to political science. Typically the analysis of political values focuses on people's attitudes. In empirical studies, subjects are presented with issues or events of current public interest and asked to express their opinion, usually in some close-ended bipolar format. The research reported in this paper is oriented differently. Rather than looking at attitudes, the final product of a reasoning process, an attempt is made to examine how people evaluate political phenomena. Attention thus turns to a consideration of what people focus on when evaluating an event or policy and how they judge it. This is investigated through in-depth interviews in which subjects are asked to explain in an open-ended fashion what is important to them.

While individuals' political evaluations are the focus of the present work, macropolitical considerations of culture and social structure remain central to the theory driving the research. Indeed, a central assumption here is that macrolevel and microlevel political analyses are inextricably intertwined in fundamental ways. Analysis of either kind necessarily depends on the other and therefore each is best pursued with the concerns of the other clearly and explicitly in mind. The paper begins by locating the perspective adopted here relative to those more commonly adopted in the study of politics. The theory of political evaluation and associated empirical research is then presented. The paper concludes with a discussion of the implications of the research for the analysis of political structures and change.

The political psychology of collective phenomena

Political science is generally concerned with how groups do and should make decisions regarding the regulation of social exchange and the allocation of resources. This leads to an analysis of power; how it is defined, created, sustained and exercised. Depending on the political theory adopted, this entails a consideration of such collective phenomena as culture, institutions and social structure. In liberal or methodologically individualist conceptions of politics, individuals are a matter of concern, but they are conceived in minimal terms and are dealt with as a matter of definition. How individuals act and how they differ from one another are understood in terms of the context in which they pursue their purposes. Individual preferences and choices are the medium of political life, but are guided and constrained by cultural settings and social arrangements. The latter are understood to have an objective status of their own which is readily understood by all individuals given adequate exposure and information. Good examples here are liberal analyses of political institutions and the closely related work of neoclassical political economy (e.g., Downs, 1957; Riker, forthcoming) or methodologically individualist analyses of culture and the closely related survey research on public opinion (e.g., Almond and Verba, 1963; Inglehart, 1990.)

In more sociological and methodologically collectivist visions of politics, there is no interest in individuals. The focus is on the structural qualities of culture and forms of political exchange. This is an arena which is self-constituting and therefore must be understood in its own terms. Thus the analysis

focuses on structures of social organization (e.g., Durkheim and Marx), forms of cultural definition (e.g., Foucault, 1978) or types of communicative exchange (e.g., Habermas, 1984/7). Here individuals, their thoughts, purposes or action, are no longer the media of political life, but merely its product. As a result, individual behavior or attitudes are not the proper focus of either explanatory theory or descriptive research. To the degree to which they receive any consideration at all, individuals' behavior, values and cognition are regarded to be a sociohistorical product, a somewhat distorted reflection of culture and/or forms of social exchange.

Here an alternative conception of the individual is adopted. Theory and empirical research is presented which suggests that there is a structure to an individual's thought and action that may vary across people. This structure is reflected in the meanings individuals construct and by the purposes they pursue. At any given moment, this structure determines how the individual will make sense of his/her context and how s/he will interact with others. Over time, it gives impetus and direction to an individual's development and provides a normative standard whereby that progress can be evaluated. Adopting this view, the perspective adopted here challenges the fundamental assumptions regarding human nature adopted in the aforementioned political theories and, by implication, the conceptions of social and political life which build upon them.

Claiming that there is a structure to thinking that varies across individuals, the present research emphasizes the various ways in which individuals construct their understanding of the world and orient their action. In so doing, it raises basic questions regarding the liberal presumption of a universal rationality and the associated rather ill-conceived notion of the common sense. In this theoretical context, the present research calls for a more elaborated conception of the underlying structure of so-called "rational thinking" and a consideration of the various forms this rationality may take. This suggests the need to reconsider the liberal analysis of the interplay between individuals and collective contexts. Consider first the impact of the social and political environment on individuals. It can no longer be assumed that individuals will understand cultural norms or institutional contexts either according to their objective reality or in light of some common sense. In most cases, norms and contexts will be subjectively reconstructed in inadequate and deforming ways and the sense guiding that reconstruction will not be common, but may vary significantly across individuals. As a result, the same cultural and institutional environment may be understood and valued differently by different individuals and therefore have a differential impact on their purposes and actions. In a similar vein, the effect of individuals have on their social and political environment must be reconsidered. The quality of the ends individuals pursue and how they pursue them will be powerfully affected by the structure of their thinking. This must necessarily be reflected in the reality of the types of exchange which emerge and the kinds of norms by which that exchange is interpreted and evaluated. In this manner, the structures of individuals' thinking necessarily has on impact on the possibilities for cultural development and institutional change.

Addressing more sociological theories of politics, the current research challenges the view that meaning and value are only collectively or intersubjectively constituted. It suggests that culturally mediated communication and socially regulated exchange are subjectively reconstructed by the participating individuals according to the structure of their own thinking. Consequently the meaning of collective or intersubjective phenomena and their impact must be conceived, at least in part, with reference to the individuals in question. In another language, politics is not simply a public phenomena with its own internal structure and dynamic. Rather, what is public and shared is always being reconstructed on a private level, a level which may have its own distinctive form and logic. This requires a fundamental reconceptualization of political life. Macrolevel phenomena such as social structure and culture may have their own internal dynamic but this is realized through the actions of individuals and thus is necessarily mediated by the structure of their private understandings and values. Both the nature of structures as they are currently manifest and the manner in which they are transformed must be understood accordingly.

Culture and reason: A developmental political psychology

It is with these considerations in mind that I have developed my own approach, one which combines the insights of macropolitical theory with those of developmental psychology. Consistent with an interdisciplinary intent, I have made several attempts to sketch a framework for a developmental political psychology (e.g., Rosenberg, 1988b, Chapters 1 & 6; Rosenberg, 1991). The result is not a full theory, but rather the foundation upon which such a theory might be constructed.

Briefly stated, I have argued that theorizing in developmental political psychology should be predicated on a recognition that social and political life is always dually structured, both by the determinations of the thinking individual and by those of a defining social structure. These two structuring forces engage one another on the common ground which they regulate and through which they are realized; that is through social interaction and discourse. This interaction and discourse are directed and made meaningful both by the participating individuals and by the social context in which they engage one another. Despite this unification in the concrete specificity of ongoing social exchanges, the two forces are not reducible to one another. The structural qualities of individuals' understandings and purposes cannot be equated with those of a society's regulations and culture. Thus although the substance of a statement or action generally has both a psychological and social reality, the qualities it acquires as it is incorporated in each reality makes its definition in one frame of reference potentially irreducible to the other.

Because of this difference in individual and social structure, there will always be an inherent uncertainty and tension in social life. The uncertainty reflects the fact that meaning and trajectory of a given action or statement oscillates between two sources of determination, psychological or private on the one hand and social or public on the other. Which is primary and most effective

at the moment will always be somewhat uncertain. The tension reflects the fact that the two sources of structuration are always deconstructing and reconstructing each other. Individuals are always assimilating public statements and social regulations in their own subjective terms. They are also directing their own action and discourse accordingly. At the same time, the social structure is always assimilating private meanings and purposes in terms of cultural or intersubjective understandings and regulating discourse and social exchange in a complementary fashion. The resulting struggle for the determination of the meaningfulness of action is complemented by a certain attempt to also to discover that meaningfulness. The latter reflects the fact that both individuals and societies also have the capacity to adapt their structure by accommodating to constraints which are confronted at each level. There in lies the creative potential of social life, both to promote individual development and societal transformation.

Within this skeletal conception of the relationship between psychological and social structure, I have tried to reconstruct certain concepts in political and psychological theory. Most important has been the attempt to argue that, like the social action in which they are realized, structures at each level are dually constituted. At the level of politics and society, I have developed some of these ideas in light of the sociological writings of Jurgen Habermas, Anthony Giddens and Michel Foucault. (Rosenberg, 1988b, 1991). Here I have suggested that social structure not only reflects some internal coordination at the macrolevel, but necessarily incorporates the concrete directions and destructuring influences introduced by the individual members of a society. Social structure must thus be conceived not only as coordinating, defining and integrated, but also as unraveling, fragmenting and designified by the pressure of structural reorganization imposed by individual actors. In this light, I have argued that the interpretation of social realities cannot follow the "linguistic turn" with its claims regarding the unidimensionally public nature of meaning and sociological determination of action. I have also suggested that an understanding of historical development cannot simply focus on the dynamic or internal contradictions of structuration at the macrolevel, but must make sense of these as they reflect and operate on the kinds of meanings and purposes which are crafted by the individual citizens.

Considering structure at the individual level, I have built on the psychological theorizing of Jean Piaget (1971). Here, I have argued that reasoning not only reflects the internal coordinations of mind, Piaget's focus, but also the appropriation of meaning and direction provided by the social environment. Moreover, these two aspects of reasoning imply and depend on each other. It is by virtue of the coordination of action and the construction of meaning which the individual subjectively constructs that s/he can recognize and employ, albeit in crude and limited ways, the language and action strategies available in the environment. At the same time, it is because the social environment does exercise a direct pedagogical influence through the introduction of specific higher order concepts and highlighted repetition of relatively complex exchanges, that the individual can objectify, reflect upon and

thereby fully coordinate his or her own subjectively constructed meanings and purposes.

Consequently I have suggested several modifications of Piaget's conception of cognitive structure and its development. First, as a product of and direction for social action, cognitive structure should be described in the language of action rather than in the language of mathematics. The latter is justified when cognition is thought of as a closed system which entails successive steps in the internally driven progress toward the elaboration of a mathematical logic. It is of less heuristic value when cognition is viewed as an interactive product, dialectically related to concrete, social interaction.

Second, reasoning at any given stage of development must not be seen simply as an internally constructed equilibration of operational activity. Rather than simply being a product of internal coordinations, equilibration is facilitated by, indeed may require, the appropriation of higher order meanings which are culturally or intersubjectively constructed. Therefore, in Piagetian terms, development at one level is always dependent upon the appropriation of social knowledge which is usually considered part of the first substage of the next stage in cognitive development. Thus, the social or political psychological conception of cognition presented here suggests that individual's reasoning at a given moment in development will be lodged between stages as conceptualized by Piaget. (Some of the theoretically anomalous evidence of decalage may be more readily understood in this light.)

Third, the dynamic of development itself must be reconceived. For Piaget, development is motored by the reflexive abstraction of the individual confronted with pragmatic limitations of his or her own understanding. The means and direction of development is understood in exclusively psychological terms. From a social psychological perspective, this captures only one dimension of the process of development. This reflexive abstraction is complemented by the cultural and intersubjective definition and orchestration of action. The relationship between these two dimensions of the developmental dynamic is dialectical, each constraining, guiding and potentially transforming the other. In this context, culture and social structure do not simply provide a context in which development occurs, but are internal to the process. As a result, they delimit the possibilities for psychological development and, in turn, have their own transformation and development tied to psychological determinations. (Some of the theoretically anomalous evidence of many adults who do not reason in a fully equilibrated, formal operational manner may be understood in this light.)

Guided by these considerations, I defined three structures of political reasoning: sequential, linear and systematic. In each case, an attempt was made to explicate the basic mode of reasoning characteristic of the stage, the structure of the understanding generated, and the understanding of the players, action and relationships of social and political life. With the aim of avoiding some of the confusion by paragraph long descriptions of cognitive structure, each structure is described in considerable detail and length (Rosenberg, 1988b; forthcoming). The cognitive aspect of each type of reasoning briefly in the next section, but it is

recommended that the reader make sense of these with reference to the more complete definitions available in the book length expositions.

This theoretical effort has been accompanied by a empirical one. Several studies have been conducted to explore the adequacy with which the structure of an individual's reasoning and differences among individuals may be captured in the terms suggested. In each case, an adult population of varying educational and class background was examined. Typically each subject was interviewed in-depth and participated in an experiment. The interviews required the subject to explain a political event and to discuss a personal situation. In both cases, the subject's initial description and explanation was followed by extensive attempts to probe the meaning of the claims made. This was accomplished either by direct questioning or through the suggestion of alternative scenarios. The experiments, drawn from Piaget's own work, presented subjects with a problem which they were then asked to solve. Both interview and experimental performances were then coded according to theoretically derived typology of structures of reasoning. The results provided strong evidence that a given individual reasoned about substantively very different issues in the same way and that different individuals might reason about the same issue in structurally different ways (Rosenberg, 1987, 1988a, 1988b).

Political evaluation

In the present project, I extend the work on political reasoning to the analysis of the political values individuals hold and the manner in which these values are marshaled in the evaluation of social and political events. In so doing, I expand the definition of the three types of reasoning to include an analysis of the mode of evaluation and the qualitative nature of the values associated with each. The three types of reasoning and evaluation, sequential, linear and systematic are described below, focusing first on the understandings crafted and then on the evaluations made.

SEQUENTIAL THOUGHT. The sequential thinker reasons by tracking the world as it appears before him or her. The focus is on the immediate and concrete events observed and the memories of earlier ones they evoke. These events are understood as moments of an unfolding sequence. The questions which guide the intellectual activity of the sequential thinker are: What does this look like? What happens next? The answers are found primarily through personal observation, either of one's own or another's experience.

The social world constructed by the sequential thinker revolve around what is immediate and present. It consists of the unfolding sequences of events which include the activity of objects, animals and people. The familiar and recurring sequences are learned and the sequential thinker can be a skillful player in them. The understanding of these sequences lacks either causal analysis or categorical definition. Action is not abstracted from the unfolding events of which it is a part. Consequently, cause and effect relations are not explored and notions of necessity are not appropriately or consistently applied. Like action, individuals are conceived in terms of the sequences in which they are involved. They are not

categorical identities and natural objects of thought. If asked to describe an individual, the description offered is concrete, fragmentary and limited to one or two references to specific behavior the person performs. Social groups, such as classes, ethnic groups, political parties or nation states, are not naturally constructed by the sequential thinker. To the degree such categories are attended to when presented, they are not well understood. The part is confused with the whole. As a result, the features of the group as a whole are understood by reference to the particular features of a present or remembered individual member or symbol of the group. Intangibles, dynamic forces and abstractions are not objects of sequential thought.

The sequential thinker does not really comprehend the more remote domain of politics. S/he has little sense of the dimension of states, the nature of political hierarchies or the importance of abstract concerns. Contact with the political domain depends on direct exposure through immediate experience or as mediated by television. The focus will be on the concrete sequence of unfolding events. The sequences are not related to one another, each is an island of specific knowledge unto itself. The time of politics is a passing present with little causal analysis projecting into the past or the future. Rather the current events are tracked and their sequence sometimes remembered later. Although the sequential thinker does not normally think about politics, groups or hierarchies, they are often presented in the environment and understood in sequential terms. Thus, groups and states are confused with representative individuals, leaders or symbols. Hierarchies are reduced to the ability of one person to tell another what to do.

The evaluative activity of the sequential thinker consists of feeling and needing. The orienting questions are: What does this feel like? Do I want this to happen? Embedded in present experience or cued by memory, this evaluation depends on sensory experience (e.g., pain or pleasure). These sensed emotions or reactions are experienced as an inextricable aspect of the observed sequence of events in which they are evoked. (In this regard, subjective evaluation and objective definition are not well distinguished.) The resulting evaluations are linked to concrete events and do not generalize except through the process of sequential (and often distorting) matching of present events and remembered ones. These evaluations and the internal dispositions they create are quite mutable. As experience unfolds or new experience enters, old evaluative associations (except where learning trials are traumatic) are readily reconstituted.

Based on the individual's direct experience of feelings and needs as they are evoked in the course of events, sequential evaluations are quite egocentric. Social influences do, however, enter in important ways. This is true in several respects. First, the sequential thinker's behavior may be coordinated with that of others through existing reinforcement structures in the social environment. Second, the sequential thinker may unwittingly internalize the expressed feelings and reactions of others. This reflects the confusion of categories and of subject and object characteristic of sequential thought. When observed in the course of events, another's feelings or wants come to be understood as attributes of the

event itself. The feelings now associated with the event are then matched with and evoke one's own. The result is the appearance of an empathic response, one which is produced by the confusion of another's feelings with one's own. Third, sequential evaluations may be affected by labeling. The terms good and bad, as used and reinforced by other people, may acquire a reward value of their own and when attached to events by others may affect the sequential thinker's own evaluations.

The sequential thinker evaluates the world in a simple, largely egocentric and fluid fashion. Despite these limitations, there are circumstances where this is sufficient to enable the individual to negotiate the demands of day to day experience. This is particularly true in a social world constituted largely of habitual face-to-face exchange where novelty is rare and choices are few. Sequential evaluation is also adaptive to the extent to which the organization of social action reflects the emotional life of the sequential thinker and thus allows for the spontaneous expression of feelings of joy, frustration and anger. To the extent that social conditions demand self-control of feelings and needs, attention to the wants of others, consistent evaluation of objects and people over time, or the evaluation of remote and abstract objects, then sequential evaluation will not prove adaptive and pressures for development will increase.

LINEAR THOUGHT. Linear thinkers analyze the sequence of activity they observe. They focus on specific actions and then place one in relation to the other. Three kinds of questions guide their intellectual activity: (1) Regarding active relationships: What was the cause of an observed effect or what future effect will an observed cause produce? (2) Regarding categorical identity: What group of actions produces the same effect or is the result of the same cause? (2) Regarding standards: What is the sequence of actions which should take place? The answers to these questions are found with equal ease through one's own experience or another's report of experience.

Reasoning in this manner, linear thinkers are anchored in the immediate present, but can readily build on this to construct a more extensive universe. Through causal analysis, they can go beyond present activity to the past and future and consider remote actors and actions. Despite its power, linear reasoning remains grounded in experience and retains its concreteness. As a result, linear analysis is powerfully guided by the quality of the individual's experience or the specific information others provide (leading to agenda setting effects). Within these limits, the linear thinker readily generalizes from specific experience. Action relations are assumed to hold across the specific actors performing the act. Indeed, those relations are understood as concrete regulations or laws. Additionally, the linear thinker readily constructs simple categorical and hierarchical relationships based on the observation of the effective qualities of actors and acts.

For the linear thinker, the social world is constituted by actions which are in regular relationship to one another. These actions are extensive, an action is always understood as a cause or effect of another action. However, in the analysis, the tendency is to be satisfied with the identification of a single cause or

effect. In this context, individuals are conceived as they are related to action. As categorical entities, they are defined by the set of things they do or have done to them. In addition to concrete action, this set may include unobserved causes or effects of actions such as feelings, beliefs and intentions. Alternatively, individuals may be defined by their membership in groups. Groups are defined as categorical entities which include actors who are identical by virtue of the action (ritual), physical appearance, origin (common parentage) and territory they share in common.

Politics is an extension of this world. It is thus concrete and active; an extended stage with actors and groups, each pushing in their own direction with more or less power to direct the behavior of others. It is an arena of alliance, conflict and subordination. Its constituent actions are differentiated largely by the labels others provide or their association with what others define to be governmental institutions. These actions are causally and categorically linked. In this manner, simple hierarchies in which the more powerful dictate to the less powerful are recognized and particular groups are identified. Politics is thus bound by a kind of social necessity or lawfulness. This said, the understanding crafted by the linear thinker is still fragmentary. It centers around pockets of observed or reported action. Where a set of facts or claims are not experienced in connection with one another or their relationship is not expressly discussed by others, no subjective connections will be constructed. Additionally, there is little understanding of the collective or intersubjective quality of political life.

An expression of the structure of linear thought, linear evaluation consists of wanting and liking. This involves an active, unidirectional link between the action or actor to be evaluated and another action or actor which has already been evaluated. The questions posed are: How good, likable or desirable is the action or actor? Is the action correct? The resulting evaluations are abstracted from the concrete and immediate flow of events and then are applied as a standard for subsequent judgment. They are therefore more stable and enduring than those of the sequential thinker.

Linear evaluation established a unidirectional relationship between an evaluated action and the one being evaluated. One or the other is thus subordinated to and thereby become part of the other. The evaluative relationship may then be generalized to the other actions which are categorically linked to one another. Thus, when a liked actor performs an action, that action becomes subordinated to the actor (part of the categorical definition of the actor). As a result, the evaluation of the actor generalizes to the action and the action itself is liked. Alternatively, when a disliked action is performed on an actor, the action again becomes part of the category of the actor. In this instance, the evaluation of the action will generalize to the actor and perhaps through this to an evaluation of that actor's own action. (Here we have the structural underpinnings of the observed phenomena of cognitive consistency (Heider, 1958) and dissonance (Abelson, et al., 1968). One result of this kind of categorically mediated evaluation is the tendency to form univalent judgments in which the entity evaluated is considered to be either all good or all bad. This also creates an

avenue whereby social identifications and evaluations may powerfully affect the linear thinker's likes and dislikes.

Linear evaluation also includes a consideration of how actions should be linked to one another. The linear thinker's observation of how actions are recurrently related lead to the construction of a conceptual relationship among them (in other terminology, a schema is created). This not only creates an expectation, but also a standard for the evaluation of subsequent experience. Thus an orienting question also asked by the linear thinker is, "Is this sequence of actions or relationship among actions normal and/or correct?" Such standards are in part the result of personal observation, but they are also very powerfully determined by social convention and authoritative dictate. Culture defines what is desirable and social structure determines what is regular or recurring. In the understanding of the linear thinker, the two, the desirable and the normal, are interchangeable and both come to be subjectively valued.

The linear thinker's evaluative activity provides more flexible orientation than that of the sequential thinker. It enables him or her to make clear, consistent and enduring evaluations of actions and actors. It also allows for a reflection on one's own feelings and reactions and, through this, to consider them relative to one another. This in turn facilitates the self-control required for more effective and acceptable participation in social life. The linear thinker's abilities prove particularly adaptive in a homogeneous and traditional social world in which the place and value of actors and actions are consistently and coherently defined. Linear evaluation functions less well in a heterogeneous environment where there are varieties of definition regarding what is acceptable or desirable practice. Similarly, this kind of evaluative activity is ill-suited to social environments in which there is rapid cultural change with the ensuing denial of the familiar. To the extent that more cosmopolitan and modern environments undermine the authority of tradition and require individuals to make and justify choices among standard preferences, they create demands which simply cannot be met by the linear thinker. The result will be either cognitive development or social withdrawal and retreat.

SYSTEMATIC THOUGHT. The systematic thinker makes sense of events by juxtaposing the relationships among actions and beliefs. A number of real interactions or expressed propositions and preferences are considered simultaneously. These are placed relative to one another in a subjectively constructed system of relationships. The systematic thinker analyzes a situation in terms of its component aspects and, at the same time, defines those aspects with regard to the system of which they are a part. Reasoning in this manner, the systematic thinker can induce the general from the particular, define those generalities in their own abstract terms and then use them as a basis for identifying, redefining or imagining particular objective interactions or subjective propositions. The intellectual activity of the systematic thinker is oriented by the following questions:

A) When considering objective phenomena.

1) What are the basic or general laws which govern the interactive relationships which may occur?
2) Under what conditions, real and hypothetical, will a given interactive relationship hold?
3) What role does a given type of activity play in a system? What function does it serve?

B) When considering subjective phenomena.

1) What is the general principle upon which the validity of a particular proposition depends?
2) What is subjective or cultural meaning of particular proposition or statement?
3) What role does a particular claim or belief play in maintaining an individual's personality or a society's culture?

The systematic thinker answers these questions in two ways. On the one hand, s/he relies on observation, both his or her own and others'. Given the nature of systematic thought, this reliance on observation incorporates considerations of chance, circumstance, interactive effects and the perspective of the observer. On the other hand, the systematic thinker addresses the foregoing questions through reflection and argument. Here the concern revolves around issues of procedure (deductive logic, fairness, etc.) and coherence (noncontradiction, relevance, etc.).

The social world constructed by the systematic thinker is an integrated one in which present action and events are interpreted in a larger context of the meanings and values of the acting subject or regulating community. Individuals are seen as thinkers who through the subjective construction of reciprocal relations among actions create their own meaning and value. In this light, individuals are also viewed as a personalities which provide a more or less coherent integration of the individual's actions and reactions. Any specific action they take or statement they make must be interpreted in this broader subjective context. Communities are seen in similar terms, as a source of meaning and organization in social life. This naturally leads the systematic thinker to consider political matters.

Systematic thinkers naturally construct an elaborated conception of politics, one which may go well beyond the particulars of their own or others experience and information. They begin with an extended frame of reference and then place present and immediate events in that context and self-consciously interpret them accordingly. Thus, the interaction among political actors and forces are considered with reference to the system of political exchange in which that interaction occurs. Political action is understood with reference to its underlying social organization. This suggests that a given act must be understood in context and thus seen to possibly be the result of multiple causes and may have multiple effects. This organization has functional requisites and a structure. The latter consists of a complex hierarchy of interdependent orders and levels within orders. At the same time, there is a recognition that the organization of political exchange depends on a culture which defines and thereby helps coordinate interaction. This culture is understood to have its own integrity and coherence.

Systematic evaluation is a matter of self-conscious judgment in which the evaluator is aware of the reflective and interpretative dimensions of his or her evaluative activity. These judgments are made either with reference to some standard of systemic functioning or by application of rules regarding the relationship between systems. Thus, systematic evaluation is oriented by a concern to maintaining the coherence or integrity of persons (themselves or others) or societies (as organizations or cultures). Here judgment revolves around such concerns as meaningfulness, coherence, and function. Evaluation is also guided by general principles for adjudicating the potential conflicts and contradictions which may exist among the aims and desires either of a single individual, between individuals or between the individual and the collective. Here concern focuses on interdependence, cooperation, power, etc. Particular concrete interactions, propositions or preferences or social norms are interpreted and judged accordingly.

The systematic thinker naturally distinguishes between two levels of evaluation, one of social preference and the other of moral judgment. The first reflects specific concrete relations expressed in an individual's or group's preferences. A number of these may be considered simultaneously and therefore the systematic thinker may readily recognize both positive and negative aspects of a given action or actor. The second level involves an interpretation and judgment of these specific relations with reference to the overhearing requirements of systemic functioning or inter-systemic relationships. Examples of concerns voiced at this level include the integrity of individuals or communities, the openness and good sense of argument, and the obligation of individuals to care for one another.

At the level of more concrete and specific considerations, the systematic thinker can identify various systems of interaction and of belief. This may be a matter of recognizing different ways of life in different societies or different patterns of exchange in different subsystems (e.g. the economy or the family) of the same society. The different systems may be understood to have different functional requisites and hence produce and require substantively different standards for evaluation. Judgment is conducted accordingly, leading to domain specific, relativistic evaluations. This said, basic moral values and considerations which speak to the general qualities of systems are understood to apply universally.

Proceeding in this manner, the evaluations of the systematic thinker are much more independent of specific experience and social context than those of the linear thinker. Particular events and the consequences they produce are defined and judged with reference to a preexisting frame of reference. Similarly, the specific preferences others voice or the shared values that a group asserts are considered and evaluated in light of more abstract and general concerns and independently of the determinations of the immediate events and social direction. These considerations, however, do not extend to a self-conscious analysis and evaluation of the basic assumptions regarding systems and their functioning

which orient systematic thought. Therefore there is little appreciation of the relativity of these assumptions as the products either of subjectivity or culture.

RESEARCH METHOD

The research reported here is part of a larger project. To provide the requisite context, I will briefly discuss the project and then describe the aspect reported here in greater detail. The larger project of which the present research is a part was designed with several aims in mind. The first and most central was the testing of three hypotheses regarding the structural developmental analysis of political evaluation. These were: (1) that an individual's evaluation of different phenomena reflected a single underlying structure (sequential, linear or systematic), (2) that different individuals would evaluate social and political phenomena in structural different ways, (3) that there was a chronological order to the development of evaluative activity from sequential through linear to systematic. In addition, an attempt was made to juxtapose the results of the structural developmental analysis of individual's political evaluation with an assessment of their reasoning based on alternative theories of political ideology or social evaluation. To this end, subject's evaluations were also assessed according to (a) the levels of political conceptualization measure developed by Philip Converse (1964), (b) levels of cognitive complexity measure reintroduced by Philip Tetlock (1983; Harvey, Hunt & Schroeder, 1961), and (c) stages of moral development measure developed by Lawrence Kohlberg. The research has been conducted over extending from August of 1991 to December of 1992.

SUBJECT POPULATION. Two populations were studied. Each reflects certain specific aims of the overall study. To examine the development of individuals' political evaluations, one population was stratified by age. It included 78 students. Twelve students were drawn randomly from the sixth, eighth, tenth and twelfth grades of a small, upper middle class school system in southern California. An additional thirty 3rd and 4th year students from a neighboring university participated. To provide evidence with regard to the nature and variety of adult political evaluations, the second population was stratified according to factors which might cause or reflect differences in development. This second population consisted of 90 adults who lived in Orange County, California. One-third of this group had a high school education or less, earned less than $20,000 a year and had little or no responsibility for others on the job; another third had some college education, earned between $25,000 and $35,000 and did exercise some on the job control; and a final third had at least some postgraduate education, earned more than $60,000 and had job which gave them considerable control over other people.

METHOD. The research methods employed were essentially the same with two different populations. In all cases, the subjects were interviewed individually at length. The interviews were taped and then transcribed. Each interview consists of several different parts.

1) Subjects were surveyed using close-ended and short answer questions in order to collect basic demographic data (on age, ethnicity, occupation,

education, etc.). They were also asked about their political ideology (on a continuum from very liberal to very conservative), their partisan identification, the amount and type of political participation in which they have been involved, and the significance of identification they have with social groups (e.g., family, religious, social, ethnic or national groups).

2) Using standard National Election Study procedures, subjects were asked to state and briefly explain their evaluations of the two major political parties and the two (or three, when Ross Perot was a factor) major presidential candidates. Subjects were later scored according to techniques developed by Philip Converse (1964) and commonly used in current public opinion research. The aim here is to juxtapose these results with those of part four in order to determine the extent to which this approach offers a rather uncertain measure of rhetoric rather than a reliable insight into values and evaluation.

3) Subjects were asked two questions, one regarding the exhibition of controversial photographs (examined in depth in part four) and one regarding current independence movements in Europe and elsewhere. In each instance, the subject was asked to state his or her view and explain it. No additional probing was done. The subject's responses were then coded for their cognitive complexity.

4) Subjects were interviewed in-depth on three topics, one social and two political. The social issue poses a problem in which the subject identifies a significant other and then is asked whether or not they would steal in order to save that other person's life. The problem here revolves around questions regarding the value of other persons and of social convention. One of the political issues addresses questions of individual freedom and community integrity. With the adult population, this is examined in the context of the controversial homoerotic photography of Robert Mapplethorpe and the attempt of one midwestern city to close a public display of his work. With the school age population, the same basic situation is posed by an exhibit which defiles the American flag is discussed rather than the homoerotic art. In both cases, subjects were asked first to state whether or not they want the work to be exhibited and then to justify their choice. The other political issue focuses on foreign policy, more specifically when it would be desirable to have the United States interfere with activities of other nation-states. The point of departure for this interview is a discussion of the Gulf War. Subjects' evaluation of all three issues was probed extensively. This includes the use of follow-up questions directly probing expressed values and associated justifications and the use of alternative scenarios to further clarify and challenge the subject's values. Subjects' evaluations of each topic was then scored according to the type of evaluation, sequential, linear or systematic, employed.

5) Subjects were presented with an ethical dilemma which juxtaposes the right to property and the right to life. Developed by Lawrence Kohlberg for the assessment of moral reasoning, the dilemma requires subjects to decide what a fictitious character ought to do when saving a loved one's life requires breaking

the law. Subject's responses were coded both according to Kohlberg's coding scheme and my own.

The interview takes approximately two and one-half hours and was conducted in two sessions. Whereas all subjects were asked to respond to parts 1, 2 and 3 in the same sequence, the order of the issues addressed in parts 4 and 5 was randomly varied from interview to interview. As suggested, parts 2, 3, and 5 were coded according to the procedures stipulated by researchers adopting the theoretical approach being explored. Parts 4 and 5 were coded according to a scheme developed in light of the analysis of political evaluation presented here.

The interviews were conducted by myself and five research assistants. Parts 4 and 5 of the interview are open-ended and quasi-clinical. The conduct and subsequent coding of these parts of the interview are demanding exercises in the structural exploration of and subsequent interpretation of a subject's reasoning. Consequently, both interviewing and coding required extensive training. Each of the assistants were involved in a lengthy process which involved the reading and discussion of relevant theoretical materials and the conduct of three to six successive practice interviews. When each interview was completed, it was transcribed and then closely analyzed and critiqued before the next was conducted. The purpose was to train interviewers (1) to elicit sufficiently rich responses to allow for later structural interpretation and (2) to introduce concerns consistent with typical of each structure of evaluation (sequential, linear and systematic). The latter procedure was used as part of the test of the consistency of subjects' evaluative reasoning. For coding purposes, each topic was considered separately and, within topic, two to three sections were distinguished. Each section of each topic was then analyzed by two coders who were blind both to the identity of the interviewee and to each other's coding. To guide coding, a manual was developed which elaborated how each mode of evaluation would structure the definition and evaluation of the concerns addressed in each section of the in-depth interviews.

The research reported here pertains only to the second subject population which included adults only. The data reported are restricted to the core investigation of the structure of political evaluations evidenced in the course of the three interviews dealing with a personal issues, a domestic political issue and an international conflict. The interviews and the manner in which they were coded are described below. It should be noted that the interviews are being coded twice: once toward a global assessment of the entire interview and once in which the interviews are broken into several sections which are coded separately. Only the first method of coding is presented here.

The personal controversy interview and coding. The interview on the personal controversy focuses on the relationship between one's own desires, those of another and social norms and conventions. It begins by asking the subject to identify a person who is close and important to them. Typical choices include family members and best friends. The subject was then asked to imagine a situation in which that significant other is dying of a disease. The disease is curable, but the necessary drug treatment is extremely expensive, well beyond the

financial means of the dying other or the subject. In the first part of the interview, the subject is then asked whether s/he would steal to save the other's life. The subject is then asked why s/he would or would not do so. The reasons offered are further probed by asking the subject to explain why those reasons are compelling.

In the second part of the interview, the subject's evaluation is examined by presenting contrary issues and scenarios which emphasize considerations which are prominent at each of the three stages of development. For example, if the subject decided to steal the drug, scenarios would be presented which might lead to a change of mind. To emphasize sequential considerations, the subject is asked if s/he would steal knowing that s/he would be caught and go to prison and suffer in certain specific ways. Alternatively, the subject would be asked if s/he would steal if she did not really like the other or got along badly with them. To emphasize linear concerns, the subject is asked if they would steal even though stealing is a bad thing. Good people do not steal. Alternatively, if the subject emphasizes conventional personal obligation, s/he is asked what s/he would do with a some one where the obligations may be less (e.g., a stranger).
Finally to introduce systematic considerations, the subject is asked to consider the nature and role of the conventions themselves. Here a demand for a second-order evaluation is created.

The global coding of the interview is as follow:

SEQUENTIAL. The focus is on sequences, unfolding series of events, and the feelings (e.g., pleasures and satisfactions) associated with them. Evaluations focus on chains of events and are determined by the feelings those events bring with them. These feelings and the evaluations which follow them are sensory, concrete and egocentric. Thus, the sequential thinker will not steal because this will lead to running and being shot at and being caught and going to prison. Alternatively, s/he may act to save the other because "I love him" but this love is later explained as the result of the specific pleasurable things he does for the subject. Moreover, when asked if the subject would help if the other is not being nice, the subject is clear that s/he would not steal. This also reflects how specific evaluations are to the context of a sequence. The sequential nature of the evaluation is also reflected in the repair of a bad sequence. Thus upon considering stealing was bad because it had led to some painful end, the sequential thinker will repair the problem completely by simply returning events to their original position. For example, s/he would return the drug. Evaluations may reflect an empathic confusion of the other's feelings, the attributes of the event and one's own feelings in the event. Thus the sequential thinker may steal for the other because they are focusing on the pain or fear of the dying other and this becomes an attribute of the event and thus a feeling the sequential thinker has when considering the event. In this sense, the judgment is not strictly egocentric, but remains concrete and oriented by immediate feelings and needs.

LINEAR. The focus is on specific actors and concrete observable actions which are evaluated as desirable, good or correct. Thus the linear thinker considers the qualities of the action or actor themselves. Evaluation is based on the linear relationship of the action/actor in question to other actions or actors. This may be an active or categorical relationship. In the case of active relationship, actions are evaluated in terms of their causes or consequences and actors are evaluated in terms of what they do or have done to them. Thus, the action of stealing may be deemed good because it saves someone who is valued or because it is motivated by a good intention. The action may be evaluated negatively because it does harm to the owner of the drug, it will have the effect of landing the subject in prison, or it will produce bad feelings, e.g., guilt, in oneself. The other person may be

valued because of what they do for the subject or anyone else. Thus, the subject values his friend because she helps others in the world. In the case of categorical relationships, actions and actors are evaluated by the category to which they belong. Thus, one may suggest I am a good person which means I do good things in which case my decision to steal must be good. In addition, the subject may introduce moral considerations expressly or implicitly. In both instances, reference is to correct specific behavior (chain of concrete action) as determined by authoritative decree, cultural convention, role requirements or normal practice. Thus, the subject may decide not to steal because stealing is bad, or breaking the law is bad. Alternatively, they may decide to steal because it is correct for a friend to help a friend in need. These conventions cannot be justified, they are given. Following conventions is explained in terms of outcomes. To violate a convention is bad because it ends in punishment (you will go to jail), negative self-image (you will think of yourself as a bad person) or the revenge of fate (you will probably end up getting hurt in some way later). Might worry about what is fair or just, but this is equated with doing what is correct. At best, it is equated with concrete procedure (an eye for an eye, taking turns, etc.)

SYSTEMATIC. The focus is on the exchange among actors and the behavioral conventions which are relevant. In this context, the stealing is not simply a matter of taking something. Rather, it is taking something which both involves depriving someone of property and at the same time helping someone in need. Moreover there is a consideration of the conventional responsibilities (role) and behavioral norms (e.g. culturally and legally correct behavior). Thus, the act of stealing may be legally prohibited and at the same time culturally permissible under the circumstances. At this first level of consideration, actions may have multiple effects and be assessed complexly - that is as having positive and negative ramifications. At the second level, the exchange and conventions are judged by their systemic consequences. Thus, the act of stealing or the failure to steal may be evaluated in terms of the integrity or coherence of the subject's personality and self-definition. Alternatively, the needs of the community, as a organization and regulator of social life, might be invoked. In this context, the theft may be judged by its implications for the functioning of the community as cultural as well as social system. The law governing theft may be judged similarly. These pragmatic considerations may be complemented by moral ones which revolve around the relations between systems - either at the same level (individual to individual) or at different levels (individual to community). Here general principles are evoked and then applied deductively to the judgment of exchanges and conventions. For example, a principle of human sociality and mutual obligation between individuals may be invoked and stealing, the deprivation of property and the breaking of the law legitimated accordingly. In a different vein, a principle of the subordination of the individual to the community may be asserted and the breaking of law to save an individual regarded as illegitimate.

The community-individual conflict interview and coding. The interview on community-individual relations presents a domestic political conflict between the director of a city museum and an artist on the one hand and the local community and its leadership on the other. To begin, there is a brief presentation of the controversy which arose in Cincinnati, Ohio over the exhibition of photographs by Robert Mapplethorpe. Some of the photographs were sexually explicit and homoerotic. The city of Cincinnati was characterized as unusually homogeneous and conservative in outlook. There was a public outcry and the city council demanded that the offending photographs be removed. The director of the museum disagreed and argued that this was part of Mapplethorpe's art and deserved to shown. The subject was then asked to decide whether the photographs should be shown or not. S/he was then asked to explain why and justify the reasons given.

To further probe, the subject's reasoning a number of modifications and additions were made to the initial story. In each case an attempt was made to confront the subject with contrary considerations reflecting different types of evaluation. For example, if the subject wants the photographs to be shown, s/he is asked what they would do if they personally saw the pictures and thought them disgusting and ugly to emphasize sequential concerns. To focus on linear considerations, the evaluation of a group of respected art critics and clergy who judge the photographs to be obscene and of little artistic value is introduced. To emphasize systematic concerns, the venue is changed to the Hispanic Santa Ana, California and the exhibition is of racist art which presents Hispanics in demeaning ways. In each instance, the subject is asked if the photographs should be shown and justify holding to or changing the initial judgment.

The global coding of the interview is as follows:

SEQUENTIAL. The focus is on the sequence of unfolding events, the story of Mapplethorpe as told. The sequence presented may evoke feelings as it involves the subject directly in the story, as global events are matched (in sequential fashion) to the subject's own remembered experience, or as the subject empathizes with the observed or imagined feelings of characters in the story (through a confusion of other's feeling, attributes of the events and one's own response to the event). Evaluations thus focus on the immediate and present and are egocentric and changeable. Thus the exhibition of the pictures may be negatively valued because it is followed by all those people being upset or their bad feeling may follow with the director himself also feeling hurt. Alternatively, the exhibition may be negatively valued if others reward the subject leading him/her to feel good. The subject may want the pictures shown if s/he has seen them and judged them found them beautiful or pleasurable. Comparative judgment of several alternative courses of action is difficult. There is a tendency to remain anchored in a single sequence at a time and evaluate it in terms of the associated feelings. The sequential thinker will not understand the community per se and value it not at all. Additionally, authoritative judgments of experts or leaders will have little effect unless this engages associations with a sequence of reward or punishment. Similarly, the quality of the relationship among the players will not be considered or evaluations made in this light.

LINEAR. The focus is on specific actions and actors, both observed or presented or related observable ones which are remote in space or time. The actions and actors are evaluated in terms of their active or categorical links to actions and actors already evaluated. This leads to the determination of whether the actions and actors are good, likable or desirable. An example of the active linkages that lead to evaluation is negative evaluation of the exhibition of the photographs because it produces causes people to copy the action depicted which in turn causes them to hurt themselves or others. Alternatively the exhibition may be judged good because viewing the photographs will lead others to have positive attitudes toward homosexuals and be nicer to them. An example of categorical linkages that lead to evaluation is the notion that the exhibition is good because it has been chosen by the director (an expert who by definition makes good choices) or because it is the work of a good photographer. The unpopular exhibition may be negatively valued because it helps good people (homosexuals) but an exhibition which helps bad people (e.g., racists) may be negatively valued. Alternatively, the exhibition may be negatively evaluated because the action depicted falls into a class of actions, homosexual acts, which are already defined as negative. These judgments tend to be global and univalent. As a result, in the last example, not only will the photographs be judged undesirable because the depict a bad act, but they will also be judged artistically worthless or unattractive.

Notions of correct behavior may also be introduced. These might include the notion that artists have the right to express themselves, that people have the right to choose what they see, that the decision regarding exhibitions is the proper preserve a museum director, that people ought to be

exposed to new things, etc. Cultural mores, social traditions, moral imperatives and law all enter in here on an equal footing as conventions regarding correct performance of roles and rituals. In each instance, the exhibition of the photographs would be evaluated as correct or good to the degree it conformed to the behavioral convention in question.

The linear thinker can make sense of groups and of hierarchy and will evaluate people and action by their social location. The conflict between the individual and the group will be judged in favor of one or another depending how each specific person or group is valued.

Because they focus on specific action relations, the linear thinker's judgments may be altered by introducing alternative foci. If the linear thinker is initially considering the good of the artist, the agenda can be redefined by the interviewer focusing on the good of the viewers leading to different judgment. Alternatively, judgments can be altered by changing the focus from one relevant cultural norm (e.g. freedom of expression) to another (e.g. right of community to maintain its tradition). The conflict between norms thus introduced is confusing for the linear thinker unless the cultural or accepted authority provides specific direction.

SYSTEMATIC. The focus is on the various exchanges in light of the multi-sided relationships between the director, the artist, the city council and the public. At the same time, there is a clear recognition of the place and needs of the community as the system which both regulates social exchange and defines social meaning and value. The preferences of the various players and particular social conventions are regarded as first order concerns, ones which have significance, but must be judged in light of second order considerations. Thus, the artist's desire to show his photographs and even his more general invocation of the American convention of freedom of expression will be considered and evaluated in terms of the broader consequences for the functioning of the artist or the community. This may lead to an evaluation based on a prior understanding of the functional requirements of individuals as thinkers and personalities or to one based on functional requirements of communities as regulators of social exchange. The latter may lead to very different judgments of the same activity enacted in different systemic contexts. Thus, the exhibition of photographs may be deemed appropriate and functional in the context of a multicultural progressive city with a significant homosexual population, but unnecessary and destructive in homogeneous, traditional city.

The systematic thinker may also invoke moral imperatives regarding the relationship between systems. Specific exchanges and social conventions will be judged accordingly. The problem presented in the interview is particularly difficult because it involves nested systems and is readily cast in terms of the relationship between the individual citizen as a personality and the state as a community of citizens. The systematic thinker will often attempt to allow each system its integrity and to meet its needs. However, this is difficult and will often devolve in a tendency to focus on one level as systemic (and thus the source of meaning and value) and the other as derivative. Examples of this are classic liberal (individual as system) or conservative (community as system) visions of the relationship between the individual and the state. At best, the systematic will invoke imperatives that both the community and the individual be respected and give examples of how to accomplish each with out integrating the various principles enumerated.

The Gulf War interview and coding. The interview on the American-Iraq war of 1991 has three parts.

Part one . The subject is asked what the United States gained from the war and what the costs had been. S/he is then asked to consider costs and benefits relative to one another.

Part two . The focus here is on economic threats. Brief examples are presented of how Japanese unfair trade practices or Arab manipulation of oil availability might have disastrous consequences for the American standard of living. The subject is asked if such economic attack constitute a good reason to go to war and then to explain why this is the case. The subject's decision is then

probed by presenting contrary scenarios in which value considerations at each level of reasoning were presented. For example, if the subject decides that war is warranted, the interviewer raises contrary sequential concerns suggesting that the economic threat would have no effect on the subject personally or alternatively the decision to go to war might cost the subject personally. Contrary linear concerns are then raised such as the fact that the economic attack would have little effect on friends, family or ethnic group or later that going to war might have considerable costs for them. Finally contrary systematic concerns are raised by suggesting that although the American standard of living would be affected, the quality of American political and cultural life would not or alternatively that the quality of American life would be adversely affected by the act of going to war. In each instance, the subject's decision to maintain or change his/her decision is probed by follow-up questions asking why the decision was made.

Part three . The focus turns from a response to an economic threat to a consideration of political principles as a rationale for going to war. Brief examples are given about countries who engage in practices (e.g., the Nazi practice of genocide or South African apartheid) which are contrary to American political principles. The subject is asked if war is warranted in such cases and to explain his/her choice. Again contrary concerns at each level of evaluation are introduced to further probe the subject's thinking. For example, if the subject decides against American involvement, the interviewer raises sequential concerns by suggesting that the discriminatory practices abroad may have a direct effect on the subject by leading to personal attack. Linear concerns are then raised by suggesting that the discriminatory practices affect people such as the subject (his/her racial, religious, ethnic background) both in the foreign country and, if necessary, in the U.S. Finally systematic considerations are introduced by the suggestion that the condoning of abhorrent practice undermines our own values. In each instance, the subject's decision to maintain or change his/her decision is probed by follow-up questions asking why the decision was made.

The global coding of the interview is as follows:

SEQUENTIAL. The focus is on specific isolated concrete sequences of unfolding events presented on television or vividly narrated by others which are associated with pleasurable or unpleasurable sensations or feelings. Insofar as the sequential thinker is not directly involved, evaluation will occur if these concrete sequences engage the sequential thinker by evoking a other-event-self confusion such that there is an empathic feeling for the other in the sequence. Thus being able to observe an American soldier's joy at hitting a target or a Kuwaiti's pain and anger for the bombing of his house may evoke the same feeling in the sequential observer. The sequential thinker will also evaluate a sequence if events are matched (often in a partial and distoriting) with a remembered events in a sequence which was rewarding in the past. For example, the sequential thinker may here that Iraq is bullying Kuwait to do something and this evokes a memory of a sequence in which the subject remembers being bullied, fuses the two sequences and then evaluates the international sequence accordingly. Evaluations may also be voiced, if this expression is associated with pleasurable sequences. For example, if others reward the subject for condemning the Iraqis, then the subject will do so even if the actor and action have no meaning for him/her.

LINEAR. The focus is on action and actors as discrete units of analysis to be evaluated as good, desirable or correct. Thus, the linear thinker's evaluations readily and consistently focus on specific actors (e.g. the United States, Iraq, or the Israelis) and concrete actions (e.g., the decision to go to war, the bombing of Iraq, the bring together of allies, the invasion of Kuwait, the particular statements a leader makes). Actions and actors such as these are evaluated in three ways. First, by the already evaluated causes and outcomes with which they are associated. Thus the bombing of Iraq is considered a good thing because it insures we get oil which is a good thing. Alternatively, Kuwait is a bad country because it was easily overrun and being easily overrun is bad. Second, actions and actors are evaluated by their categorical identification. For example the American attack on Iraq is a good thing because it was done by the United States which is a good country. Similarly, the Iraqi attack on Kuwait was a bad thing because it was done by Iraq which is a bad country. Kuwait is a good country because it is positively associated with the United States which is a good country. In this way, actions and actors are evaluated globally - that is they have an overall evaluation. This overall evaluation is unidimensional and will be sustained even in the face of specific contrary evidence. This will involve the reinterpretation, denial or devaluation of the evidence. For example, the U.S. may be observed to engage in a bad act (aggressing against another nation), but this act may be redefined as a good act (it helped someone) or its connection to the U.S. reduced (the U.S. was forced to do it). Finally, actions are evaluated by the degree to which they conform to concrete behavioral norms. For example, the American decision to help weak Kuwait fight strong Iraq is good or correct because one is suppose to help the weak against the strong.

SYSTEMATIC. The focus is on interactions, conventions of specific behavior and cultural values and definitions. Examples would include the attempt of Iraq to assert its leadership in the Middle East, the problems of defining the national status of Kuwait, the appropriateness of American involvement in the Iraqi-Kuwaiti conflict, the nature of the exchange between the U.S. and Iraq or the relationship between Israel and the U.S. On the one hand, these are evaluated by examining them in relation to the functioning of political systems. For example, the systematic thinker might evaluate the Iraqi-Kuwaiti relationship in light of the functioning of the system of relationships in the Middle East. The assertion of Iraqi power could be judged to have a disintegrating effect on the stability of the area and be judged negatively. Alternatively, s/he might evaluate American involvement in terms of its consequences for the functioning of the American system. The involvement in war might be seen as contributing to a culture of violence and judged negatively. On the other hand, interactions and conventions may be judged by application of general principles of how systems ought to interrelate. Thus, the idea of assassinating Saddam Hussein might be recognized to as an effective military option, but ultimately condemned because it does not conform to a principle of international exchange based on free and open negotiation oriented to establishing cooperation.

RESULTS

The following report of results is preliminary. Because of some unexpected delays associated with the transcription of interviews, only 42 of the cases from the adult sample have been fully transcribed and coded. The 42 subjects are drawn in roughly equal proportion from the three social categories. All interviews were divided according to topic, personal controversy, domestic political issue or international conflict and each section was scored separately by two coders blind both to the other's score and the identity of the interviewee. Inter-coder reliability after the training procedure was 82%. In the 23 (out of 126) cases of disagreement, the coders met and an agreement was reached.

The theory developed here suggests two hypotheses: (1) that there is a general evaluative structure which underlies an individual's consideration of both

political and non-political phenomena, and (2) that different people's evaluations may be structured differently. To test the first hypothesis, subject's responses across the three interviews were examined. Thirty-two of the subjects, slightly less than 80%, responded to all three interviews in the same structurally determined way. This provides strong support for the claim that there is a single underlying structure which shapes how a person evaluates both personal and political events (domestic and international). The remaining subjects scored at the same level on two of the three interviews. For the other purposes of the study, these ten subjects were given a global score at this level. Keeping in mind the small number of cases, it is noteworthy that there was no particular pattern indicating that one of the interview topics typically produced higher or lower scores.

To test the hypothesis of individual differences, the overall scores of the 42 subjects were compared. Nine subjects were scored sequential, twenty-two were scored linear and eleven were scored systematic. This suggests that there are differences in the structure of individual's evaluative activity and that these differences are well captured by the typology presented here.

It is worth noting that there are alternative interpretations of these results which grow out of a social learning perspective. Although I have discussed these at some length elsewhere in connection with my work on reasoning and understanding (Rosenberg, 1988a, 1988b), I will comment on two briefly. One raises the issue of differential exposure to information and the other to differences in formal training (education). Neither explanation is particularly persuasive here. Exposure to relevant information hardly seems a factor which would meaningful differentiate adults speaking of their evaluation of a good friend or loved one and considering the opportunity to steal to prevent their death. Moreover it is highly unlikely that what ever differences might be imagined here would apply consistently across the very different matters raised by this personal issue, a domestic controversy and American involvement in the Gulf War such that subjects would respond to all three interviews in the same fashion.

The formal training issue is potentially more persuasive. It might be that those with similar educational background would use the same language and concepts to make sense of various issues. This explanation may be countered in two ways. First, the scoring of an interview does not revolve around the concepts employed or the language used by the subject. Rather, the attempt is made to evaluate the understanding of those concepts. Thus subjects may use the same concepts or language and be scored differently. Alternatively, subjects who have different training and exhibit clear differences in vocabulary may nonetheless think in the same way and be scored accordingly. Second and following on the first, the evidence suggests that this training argument is incorrect. In the present research there is only a very rough relationship between all three demographic characteristics (educational level, income and job responsibilities) and type of evaluation. In earlier research the matter is deal with directly. Evidence is presented which demonstrates that subjects who have virtually identical training (students in the same year at the same university with the same major in the

relevant area) score differently on the same task or interview (Rosenberg, 1987;1988a; 1988b).

CONCLUSION

I have adopted a developmental approach to the study of political reasoning and evaluation. This approach is based on three basic assumptions. These are: (1) reasoning and evaluation are subjectively structured activities; (2) through interaction with a structuring environment, the structure of an individual's reasoning and evaluation develops; (3) because the structure of environments vary, people reach different stages of development and therefore will reason and evaluate in fundamentally different ways. Adopting this approach, I defined three types of political reasoning and described the kind of evaluative activity associated with each. To test this, the preliminary results of empirical research on a population of 42 adults were reported. They provide strong support for the claims that (1) an individual's political evaluation has an underlying structure which determines his/her judgment of both political (domestic and foreign) and nonpolitical phenomena, and (2) different individuals may evaluate the same phenomena in structurally different ways. Furthermore, the results suggest that these structural differences in evaluation are well captured by the threefold typology of sequential, linear and systematic political reasoning.

Combined with other research on the development of political understanding, the present work on political evaluation has clear implications for both the study of individual behavior and the analysis of macrolevel phenomena such as political culture. At the level of the individual, the research suggests that different individuals expressing the same political opinions may be understanding and judging the issues in fundamentally different ways. Understanding these differences may be critical not only to the proper description of the opinions expressed but also to a proper understanding of the causes of the opinions, the conditions under which they are likely to change, the impact they will have on other opinions voiced and their effect on choices made. At the level of the collectivity, the research suggests that political theories of culture and institutions cannot assume that these collective entities simply shape individuals' choices and preferences or determine the meanings they construct or the ends they value. Instead, these theories must recognize that individuals actively construct their understanding of the world and the value of the purposes they pursue. Insofar as culture and institutions are realized through how individuals talk to and interact with one another, these large scale phenomena must be defined with reference to structural qualities of human agency. The suggestion was made here that this leads to social and political theory which recognizes that social interaction and discourse is dually structured, both by the thinking individual and the defining society. Specific analyses of political institutions and culture, both as they currently function and as they change over time, must be crafted accordingly.

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Presidential Success and Failure in the Congressional Budget Process

by

Alan J Rosenblatt, *George Mason University*
James A. Thurber, *The American University*

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Presidential Success and Failure in the Congressional Budget Process

Alan J Rosenblatt, *George Mason University*
James A. Thurber, *The American University*

Abstract

The debate over President Clinton's first budget raises many important questions regarding the assessment of presidential success and failure in the congressional budget process. How can we objectively measure the degree of success and failure? How can we create a consistent measure that allows comparison among different presidential budgets? What factors explain presidential success and failure in the congressional budget process? This paper explores several methodological difficulties in creating an index of presidential budget success and offers a plausible model for explaining variation in this index.

Perhaps the greatest test of presidential leadership is the battle of the budget. Likewise, this battle is the moment of definition for Congress's ability to set its own spending and revenue priorities. The budget is the tangible manifestation of public policy and the shape it ultimately takes is an ideal indicator for assessing who wins this annual policy battle. Decisions about the federal budget are at the heart of the relationship of the president and Congress. The allocation of funds to specific programs is an essential step toward the enactment of any policy. If the allocation matches the president's requests, then the president has attained some measure of success in the process. But is this the extent of a thorough evaluation? In this paper, we suggest that a program level analysis of success and failure is necessary, but not necessarily sufficient for identifying the degree of presidential success in the budget process.

The battle over President Clinton's first budget highlights many of the key questions confronting those who study the budget process (Thurber 1991a). The president requested several tax increases, policy changes in existing programs, and modifications to expected funding levels of existing programs. President Clinton did this at a time when his job approval ratings were at an all-time low and his disapproval ratings were unusually high. At the same time, the 103rd Congress is flush with 110 freshman House members, attempting to change the congressional power structure. To further complicate matters, there is a growing and vocal movement throughout the electorate, spearheaded by Ross Perot, demanding that the federal government address the federal deficit and debt; to resolve the severe fiscal problems facing this nation.

All of this takes place against a backdrop of severe budgetary and political constraints. Much of the budget is relatively uncontrollable, the president and the Congress have an increasingly smaller share of the budget that can be changed (Thurber 1992). Over 49% of the federal budget is paid out for entitlement programs. The amount of this payout is dependent upon the number of qualified people filing for benefits. As the economy falls, more people qualify. This creates a double threat to our fiscal integrity, for the people that qualify for government assistance are the same people who can no longer contribute taxes to the country's coffers.

The budgetary battles between Clinton and Congress leaves many Americans wondering how we can break the cycle of protracted conflict and deadlock. To many the budget process seems bogged down and the federal government seems incapable of breaking the gridlock, or as some have referred to the budget battles, "greedlock".

Influence and Success

The scope and size of the annual budget of the United States poses a dilemma for presidential and congressional scholars, as well as for the general public. How can we evaluate the political power and performance of the president and the Congress in the congressional budget process? When we compare the outcome of the final budget with the initial requests of the president, two questions come to mind. First, was the president successful? Second, did the president influence the outcome of the process?

If we were to believe the rhetoric from Washington, there is no difference between these two questions. The closer the outcome to the request the greater the level of presidential leadership. In politics, the word "leadership" has blurred the distinction between success and influence. One definition of presidential budgetary influence is the power of producing an effect or outcome that the president wants as opposed to some other competing position; the power of winning acceptance to proposed budgetary priorities (Neustadt 1990).

At a more analytical level, we must conclude that there is a clear distinction between influence and success. In some sense, this is the distinction between true leadership and apparent leadership. Recall Dahl's classic formulation of power, namely that **A** is powerful to the extent that **A** can get **B** to do something that **B** would not otherwise do (Dahl 1957; Sigelman 1980; Sigelman and Rosenblatt forthcoming). Crucial to this definition is the condition of **A** altering an outcome. If the president's budget is passed because it is the same type of budget already supported by a majority in Congress, then the president's success may not be due to any form of influence. When the budget is passed over the objections of an opposing majority there is definitely an indication of presidential budgetary influence.

This distinction between success and influence leads our study of the president's role in the budgetary process into two complimentary lines of analysis. First, we need to assess the congruence of presidential budget requests and congressional appropriations. This focuses on presidential success. Second, we need to assess the normal or baseline budget expectations of congressional budgetary decisions and compare them the outcomes of the current process. In other words, we need to know what the budget would look like if we projected out the funding levels from the previous year. This allows us to identify the relative shift in congressional support for budgetary priorities. It allows us a comparison of congressional preferences before and after the president's requests and efforts to influence the passage of those requests.

Measuring Success

Establishing Standards

How are we to evaluate presidential success in the budgetary process? As already indicated, the budget is a very large and complex document with many levels of analysis. These levels of analysis include statements of general goals, targets for the funding of functional categories of federal activity, targets for the funding of cabinet departments, agencies, programs, as well as funding targets for specific line items. Making sense of the concept "success" must be done within this multi-leveled context.

Knowing that the budget may be viewed at all of these levels does not, in itself, identify how we should measure presidential budgetary success. Serious questions remain regarding the assignment of priorities and weights to each of these levels of analysis. Should we look at the broad goals or the specific programs? If we look at specific programs, which ones should we observe? If we observe all programs, how should we evaluate the relative importance of each program? These questions highlight some the concerns about how to evaluate the president's performance in the battle of the budget. For example, was President Clinton unsuccessful because he only got $4 billion out of the $16.1 billion stimulus package that he presented in a $1.5 trillion budget?

Eventually, we must develop effective means for creating a comparable index of presidential success for each fiscal year's budget. But before we can do this, we must identify a

theoretically justifiable standard for weighting the various levels of analysis. *Congressional Quarterly Weekly Report* provides a listing of the votes the editors consider to be the key components of the president's program. The problem with using these votes as the standard for evaluating presidential success is that the measure is *ad hoc;* it is set externally to the process. It is *ad hoc*. What we need is a standard which is set within the context of the process. For it is such a standard that drives the actors involved, themselves. In Dahl's formulation of power, **A** must actually engage in an attempt to change **B**'s behavior. If **A** never indicates a desire to change a particular policy, then **A** is not exercising any influence on that policy. If this is true, then it makes little sense to evaluate **A**'s success based upon the outcome of that particular policy. Any such evaluation is relevant only when we debate the merits of the president's program with some other program. While this type of analysis may be interesting, it is not an analysis of presidential success and influence.

Fishel's work evaluating the congruence of presidential campaign promises with subsequent presidential performance is based upon the simple premise that the candidate's rhetoric is the most appropriate indicator of the standards of performance (Fishel 1985). By applying this principle to the budget process, we can judge presidential success and failure in the process by comparing what a president says he wants with what the president gets. Fishel's approach is even better suited for the budget process than it is for campaign promises because budget rhetoric is more often born out of real world experience, as opposed to campaign idealism.

The identification of appropriate standards for evaluating presidential success in the budgetary process can be gained by reading the president's formal communiqués regarding each budget. Specifically, the annual budget transmittal letter identifies the president's budgetary goals, at all levels of analysis.

Arguably, we may also wish to evaluate presidential speeches and other messages on the budget, but if we do we should be careful to use only those that precede the debate. We should avoid dependence on *post hoc* statements by the president regarding any goals because presidents usually attempt to revise their goals after the fact to enhance the perceptions of their success.

Creating an Index of Budgetary Success

In many ways, the establishment of the standards for evaluating presidential budgetary success is easy compared to actually creating an index of success which is comparable across annual budgets. This difficulty arises at two levels. First, it is certain that the specificity of budget requests by presidents will vary from year to year. This seriously jeopardizes any hope of generating a functional variable. Second, we need to incorporate very distinct characteristics into a single measure. If we hope to preserve an already small sample size of one observation per year, we need a single annual index to measure the president's budget success. If we try to create a separate index for each level of analysis (*i.e.* total budget size, functional category requests, departmental requests, program requests, etc.), each index would have missing values, for in some years the president may not specify goals for some of these levels. This would complicate evaluation of the effects of budgetary reforms, presidential scandals, and other significant events affecting the success and failure of presidents. As the value of measuring the president's success in the budgetary process is inextricably linked to evaluating the impact of these phenomenon, as well as the effect of other variables such as partisanship and elections, the loss of any observations may prove intolerable.

Our efforts, to date, include an exhausting collection of presidential requests from the formal transmittal letters introducing each budget and congressional appropriations for nearly all of the programs identified by Presidents Kennedy through Bush (1963-1990). An explanation of the methodology employed follows this section. In addition, we have collected, where possible, the previous year's presidential requests and congressional appropriations (see Table 1 for a sample of the data we have collected). These data allow us to measure presidential success and congressional support or opposition at the program level. This is only the first step in our research agenda of explaining presidential success and failure in the congressional budget process.

Our goal is to discuss several measurement questions associated with the creation of an annual index of presidential budgetary success.

Incorporating Fiscal Goals

The measurement of success and failure in the budgetary process should reflect the president's preference regarding the level of funding appropriate to each particular program. It is unreasonable to assume that the goal is to maximize budget appropriations. Aside from divergent partisan preferences for existing and proposed programs, the ever-expanding national debt and annual budget deficits have forced us to take a hard look at how much money are government is spending. In many cases, the president may actually seek to reduce expenditures on existing and proposed programs. Presidents ask for increases in some programs and decreases in others (see Table 2).

The federal deficit has plagued Congress and the president for the past decade. The mismatch between revenues and spending keeps growing and a long term solution has proved elusive. The growing fiscal crisis serves to highlight the fact that presidents sometimes seek to reduce funding levels for some programs (CBO 1993). Though high deficits and an ever-growing national debt have focused recent attention on this aspect of budgeting, it is not a new phenomenon. Our research, dating back to the Kennedy Administration, has found that all of the presidents, except for Ford and Bush (in his first budget), expressed the desire to reduce funding for one or more programs (see Table 2 for tallies; also see the fiscal qualifier column in the Table 1 for examples of programs). When we looked beyond the president's rhetoric and compared requested levels of funding with the previous year's requests and appropriations, all of the presidents since Kennedy have sought to reduce funding for some budget line-items.

Any measure of budgetary success that ignores these markers of fiscal priorities and direction of changes to funding levels cannot claim to be an accurate measure. This consideration further indicates the importance of establishing a standard of success based upon the president's own stated goals.

Possible Methods of Measuring Presidential Budget Success

In order to accommodate these concerns, we offer some possible methods for measuring success. Each of the methods offered have their strengths and weaknesses, and the list of possible approaches is by no means exhaustive. Each attempts to develop a measure of presidential success that incorporates the president's fiscal preferences.

For all approaches discussed here, the following process would be used to identify the policy goals of the president. The corresponding funding levels for these goals provide the data for calculating the index. In order to identify the programs used to calculate success, we would generate a list for each year based upon the president's transmittal letter to Congress accompanying each budget. If the president mentions a program it makes our list. Next, using the same letters, we code the president's preference for increasing or decreasing funding to that program. Next we locate each program in the budget document in order to determine the amount of funds requested. Then we locate the same program in the budget document two years after the request in order to get the final tally on congressional appropriations. This allows us to include any, and all, supplemental appropriations. Whenever possible, we would also collect the same line item data for the year prior to the first request. This allows us to compare the truthfulness of the President's fiscal preference (*i.e.*. if the president claimed to request an increase in funds, this could be verified by comparison to the previous years request and appropriations) and it allows us to estimate the expected appropriation from Congress if the president had not tried to change the funding levels.

Once we collect these data, we eliminate observations that measure funding of entitlement programs and department level requests. Entitlements are not controllable and department funding is aggregated at too high a level to be comparable to other programs. Recognizing the physical limitations of the data collection process, we also eliminate suspect programs. Programs are deemed suspect if the label given by the president in the transmittal letter does not clearly match a line item in the budget. Further, some labels in the letter seemed to overlap. We attempt to eliminate one of these redundant measures wherever possible.

Percent Deviation Method. The first possible approach is an attempt to identify the average percent deviation from the president's request. This method may be applied to any of the levels of analysis discussed above. We focus at the program level for the following analyses.

In this approach to creating an annual index of success, we have tried to devise a method that would prevent large budget items from subsuming the smaller ones. As a result, we may have given undue attention to the small items. Specifically, the success index is created by calculating the percent difference for each program's requested funding and the appropriated funding. This percent is then multiplied by 1 if the president intended to increase funding and by -1 if the intent was to cut funding levels. We then take the average of these percentages over the year to produce the final annual index of presidential budgetary success.

$$\text{Success} = \sum ((R_i - A_i)/R_i)(\text{fiscal qualifier}) \qquad \textit{(Equation 1)}$$

The higher the value of this index, the more successful the president.

If we aggregate the program requests and the appropriations before we calculated the percent difference we would overemphasize the big money programs. This method, however, may overemphasize small programs. A simple example will illustrate this problem. If the president requests $1 million for a program and Congress appropriates $5 million, this yields a program score of +500%. If the president requests $100 million for a program and gets $105 million, this same $5 million increase is only 5%. While it may appear reasonable to follow this procedure, generally, if we consider that it is easier to double and triple small programs than large programs, it is likely that annual scores may be driven up disproportionately as a result. In fact, in one observed year a small program over-funded by 1200%.

Variations on this approach include keeping entitlement and department levels requests in the tally, as well as eliminating outlying observations (like the 1200% increase mentioned above). This approach provides us with the mean of the percent difference between requests and appropriations across programs, not dollars, for each year. If we were to tally the total amounts requested per year and the total amounts appropriated for each year for the programs identified by the president before we calculate the percent difference, the measure may offer a usable alternative to the one just described. As suggested in this analysis, however, this approach would bury the president's successes and failures on small programs. This may not be desirable. A current example, President Clinton's National Service Corp, helps make this point. While the price tag on this program is relatively small (approximately $300 million in the first year), the program is a major policy innovation that may set precedent for future policies.

Proportion of the Whole Method. This approach seeks to build into the index the relative fiscal priority of each program. In other words, it is an attempt to measure the relative dollar size of each program used for the annual index.

In this method, we would first find the total of the requests and appropriations for all the programs listed in a given year. Then we would divide each program's request and appropriation by their respective totals. Then we calculate the difference between the quotients and multiply by the fiscal qualifier (1 or -1, depending upon the president's funding goal). Finally, we would sum each of these modified differences to generate an annual index.

$$\text{Success} = \sum (R_i/R_t - A_i/A_t)(\text{fiscal qualifier}) \qquad \textit{(Equation 2)}$$

The higher the value of this index, the more successful the president.

Other Methods. The question remains as to what method is best. These and other possible methods must be evaluated as to the context they incorporate. Do the measures consider the policy priorities of the president? Are certain types and sizes of programs over emphasized? So far, we have not found the perfect measure. This paper, as mentioned earlier, is an attempt to foster a discussion toward resolving this problem.

Factors Influencing the Budget Process

Any effort to measure presidential success in the budgetary process should have two primary goals. First, it should seek to provide a more objective standard for evaluating the successes and failures of a presidential administration. Political debates regarding the state of any administration are too often distastefully biased, mean-spirited, and misleading. While we may never be able to change the dispositions of the spokespersons for each side, we may be able to establish a more objective frame of reference as a backdrop to the debate. Second, as political scientists, we should use this type of index as a dependent variable in a model that attempts to explain under what circumstances the president is more or less successful. Having said this, we now offer a general outline of the factors that seem likely candidates for this explanatory model.

The outcome of the budgetary process would seem to be dependent upon the following factors: presidential resources, congressional resources, and three environmental contexts (the prevailing political environment, the prevailing economic environment, and the constraints created by previous budgets). Each of these have numerous components of varying relevance, but overall, they appear to capture the full context of the process.

Presidential Resources

Public Support for the President. Electoral support, job approval, and general policy support in the public provides the president with added leverage in the policy making process. The stronger public support for the president, the more likely Congress will yield to administration requests (Pritchard 1983; Rivers and Rose 1985; Bond and Fleischer 1990; Bartels 1991). To this extent, we should consider the president's approval and disapproval ratings at the moment of the budget's introduction. This provides some context for the nation's first impression of the president's budget. We should also consider the ongoing level of approval throughout the process. If the president remains popular during the decision-making process, Congress would be more likely to yield to the proposals.

Public support for the president and public support for specific policies also enhance the president's position in this process. Being aware of this, president's will often campaign to increase the levels of public support. Nationally televised speeches, visits to regions affected by policy proposals, and other public relations efforts often effect these levels, though not always in the desired direction (Ragsdale 1984, 1987; Simon and Ostrom 1989; Gilboa 1990; Rosenblatt 1992; Brace and Hinckley 1992; Sigelman and Rosenblatt forthcoming).

Staff Resources for Formulation and lobbying for the Budget. The concentration of staff and money resources in the Bureau of the Budget and later the Office of Management and the Budget provide the president with the ability to conduct comprehensive analyses in order to develop a coherent, extensive budget proposal. Furthermore, this resource provides the president with an enhanced ability to lobby Congress for the proposed budget.

History of Legislative Success in Congress. When presidents are successful in Congress they can gather momentum. As the White House racks up more victories, Congress is placed under greater pressure to support the budget. If the president is floundering, opportunities emerge for Congress to reassert itself. While there are objective measures of legislative success, this phenomenon may also reveal itself if the president has the appearance of floundering. Brace and Hinckley (1992) find that when Presidents pursue larger legislative agendas, their success rates decline. This may lead to a situation where a president may succeed in getting a large number of programs passed, while being perceived as ineffective due to the proportionately higher number of losses. This may explain the differences between the records and reputations of Presidents Carter and Reagan.

Presidentially Relevant Events. The occurrence of presidentially relevant events that enhance or detract from public support effect the level of presidential support and influence. Major foreign policy events, especially those highlighted by Administration communications efforts, tend to drive

up presidential approval (Jentleson 1992). Domestic travel often creates more focus on negative developments in the economy. This tends to drive down approval (Brace and Hinckley 1992). These events may be characterized in terms of the control the president has over them.
1) *Non-discretionary Events.* Many of these events are beyond the control of the president. Invasions, terrorist attacks, massive job lay-offs are driven by external factors. While the president may be able to capitalize on some of these events, such results come from reaction.
2) *Discretionary Events.* Other events are constructed by the president. Summit meetings, Executive Orders, etc. can create events that have an effect on approval, although not necessarily positive (*i.e.*. Ford's pardoning of Nixon).

Congressional Resources

Public Support for Congress. Congress culls public support in two ways, they can cultivate it directly from the public or they can capitalize on the President's decline of public support. This suggests that some aspects of the relative public support of Congress and the president are non-zero sum games and other aspects are zero-sum games. Though congressional approval is generally very low, the evaluations of individual members tends to be much higher. Perhaps the best indication of public support for Congress lies in the incumbency rate and the number of safe seats.

Institutional Strength. Some of the institutional strength of Congress are born out of its electoral record (*i.e.*. seniority of members). Others come from the working dynamics of coalition building in the chambers. Measures like Party Unity and the Conservative Coalition identify the level of cohesiveness in the legislature. To borrow a phrase from Abraham Lincoln, "A house divided cannot stand." The ability of Congress to counter presidential dominance in the budgetary process is enhanced when winning coalitions emerge to guide the formation of the budget.

Staff Resources. Like the president, the Congress also has staff and money resources for formulating a budget. Initially, these were focused in the House Ways and Means and the Senate Finance Committees. Eventually, Much of the budget authority was shifted to the Appropriations Committees. In 1974, CBICA created Budget Committees in both chambers and the Congressional Budget Office, further enhancing the amount of resources available to Congress for this process. Note, however, that while the Presidents staff resources are centrally organized, Congress's is not. This may make direct comparisons between the two branches difficult.

Work Load. The larger the workload of Congress, the less able it would be able to focus energy on counter presidential budget influence. Congress has attempted to streamline the process through various reform acts, though these may have caused an increase in workload.

External Actors. The opening of the congressional decision-making process may bog it down. Open hearings provide access for many voices to be heard. At the same time, it may reduce the behind the scenes decision-making. A countervailing force may be the level of influence and contributions made to Congress by PACs.

The Policy-making Environment

General Political Environment. Shifts in the political climate and the electoral cycle create a fluctuating policy-making environment. During election years, much of the activity in Washington is an attempt to posture for successful re-election. Constituent pressures may force greater partisanship. Even within parties, divisive posturing may emerge between the liberal and conservative wings of each party.

Scandals and wars can also drastically change the policy-making environment. When such drastic events and revelations reflect poorly upon the president they can erode public approval and thereby enhance the bargaining position of the Congress. Negative events and national conditions may actually force members of Congress to distance themselves from the president in order to

preserve the support of their constituencies. Likewise, when scandals occur implicating the Congress, the president may be driven to step back from the fracas.

While these reactions these events and conditions may promote a knee-jerk reaction among policy makers to distance themselves, such a reaction may prove to be counterproductive to the overall ability to govern. The current battle between President Clinton and Congress over the FY1994 Budget offers an illuminating example. Both Clinton and Congress are suffering from the effects of negative events and conditions. Clinton's problems with job approval scores and the fact that he won only 43% of the vote with Ross Perot remaining on his heels, and Congress's problems with the House Post Office scandal could yield disaster if both sides seek to distance themselves from each other. Such a reaction, while political justified in the most cynical interpretations, might destroy any hopes of the budget's passage. Such an outcome, itself, would have tremendous political fallout. In some ways, confronting the budget crisis may be a no-win situation. Political demise lurks around every corner.

Wars can also cut both ways. A popular war can play well into the hands of its supporters (for a recent discussion of this "Rally around the flag" effect see Brace and Hinckley 1992). Obviously, in the case of a war, the president is seen as a supporter. As commander-in-chief of the armed forces, the president is a driving force in the conduct of a war. Within Congress, some members may be seen as supportive, some not. As long as the war is popular, these actors will benefit. When a war is unpopular, the president can take a severe nose-dive in the polls. Anti-war forces may gather strength and enhance Congress's bargaining position.

Overall, the general political climate can account for the rise and fall of both presidential and congressional resources. The net effect of these changes may swing the budget debate in one or the other direction.

General Economic Environment. Since one of the key pivots to the budget debate is the role of fiscal policy as a means of economic stimulus, the condition of the economy is an important factor in the budget process. The levels of unemployment, inflation, and the combination measure called the misery index (inflation plus unemployment rates) effect concern for both the focus of policy priorities and the concern for fiscal integrity. As more citizens are economically dislocated, demand for federal support rises. Meanwhile, the dislocation also undermines the federal government's revenue raising potential. This dilemma heightens as the problems within the budget, itself, become more critical.

The Budget Context. The current state of budgetary affairs has a great deal to do with the decision-making environment of the next budget. If the current budget is under stress due to high deficits, excessive taxes, or controversial spending priorities, then the debate over the next budget is likely to be driven toward those aspects of the package. An over-emphasis on one of these concerns may even lead to legislative paralysis or palsy. This type of breakdown may have ripple effects throughout the entire budget process. It can lead to declines in capital markets, rises in interest rates, a breakdown in bipartisanship, and a gutting of public support for the government. Each of these potential outcomes, in themselves, undermine the successful passage of the budget. The end result is a steady slide into gridlock.

Hypotheses

Given the preceding analysis, the following hypotheses should be tested:

H1: Relative increases in presidential resources increase the level of presidential success in the budget process.

H2: Relative increases in congressional resources decrease the level of presidential success in the budget process.

In addition, each of the various contexts should, inevitably, effect the balance between the president and the Congress. Changes in the political and economic environment may greatly enhance or diminish both presidential and congressional resources. Budget constraints may prevent either side from exerting any influence.

Conclusion

Our project raises several important points about explaining presidential success and failure in the congressional budget process. First, the establishment of a standard for evaluating presidential success should be determined by the president's own stated goals. While analysts external to the process may be able to identify other important criteria, if the president does not attempt to achieve them they are not directly relevant to discussions of presidential influence and success. Second, success in the congressional budgetary process is not simply a matter of getting at least as much as requested. Budget maximization is not a universal goal, and it should not be treated as such. Third, presidential success can be measured at any level of budgetary aggregation. To the extent that the president identifies more than one level in a given year, the creation of a coherent index becomes very difficult. To the extent that the president identifies different combinations of levels of aggregation (i.e. large increases, moderate increases, and decreases) in budgetary goals statement, comparability of any index across years becomes difficult.

While we may be able to specify a reasonable model of the factors influencing the level of presidential success and failure in the congressional budget process, the problems associated with creating a objective annual index may preclude the testing of any such model. It is therefore imperative that we direct our efforts at developing a usable index if we are ever to unravel the confusion surrounding the presidential-congressional battle of the budget.

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Table 1. Example of Program Level Data for Annual Success Index

FY	Program Requested by the President in the Budget Transmittal Letter	Current FY Request	Current FY Approp	Last FY Request	Last FY Approp	Fiscal Qualifier (+1/-1)
63	ABM Research and Development	$1,329,000	$1,329,434	$1,251,600	$1,337,175	1
63	Food for Peace	$1,389,000	$1,824,000	$1,489,000	$1,484,000	1
64	NASA	$5,712,000	$5,099,714	$3,787,276	$3,673,313	1
64	Dairy Program / Feed Grain	$2,799,400	$2,489,955	$2,372,455	$3,111,211	1
65	Hill-Burton Program	$293,346	$266,907	$214,514	$231,286	1
65	Higher Education	$165,390	$189,890	$118,650	$149,798	1
66	Peace Corps	$105,000	$94,000	$90,000	$79,000	1
66	Tennessee Valley Authority	$39,000	$54,000	$68,000	$48,000	1
67	Peace Corps	$110,500	$109,896	$125,200	$114,100	1
67	Clean Air Project	$35,577	$40,061	$24,403	$26,622	1
68	New Weapons	$7,273,000	$7,285,298	$6,905,359	$7,172,460	1
68	Teacher's Corps	$36,000	$13,500	$7,500	$11,342	1
69	Model Cities	$250,000	$15,421	$150,000	$4,000	1
69	Manpower Programs	$926,000	$541,026	$526,000	$2,012,000	1
70	GI Bill Grants	$721,000	$988,000	$604,000	$701,000	1
70	Hill-Burton	$330,000	$315,000	$577,000	$292,000	1
71	Manpower Training Act	$652,713	$1,165,123	$556,442	$450,318	1
71	Law Enforcement	$368,000	$233,332	$196,211	$64,576	1
71	Low-Income Housing	$678,650	$41,881	$495,000	$70,885	1
72	Foreign Assistance Program	$4,035,625	$5,985,461	$2,326,200	$3,708,365	1
72	Training of Doctors	$540,801	$673,451	$242,234	$428,658	1
73	Veterans' Programs	$12,396,867	$12,735,303	$10,953,700	$11,291,684	1
73	Acquisition of Historic Areas	$10,000	$11,559	$8,096	$8,396	1
74	Medicare	$12,096	$11,348	$10,436	$9,479	1
74	EEOC	$46,934	$44,135	$30,562	$31,756	1
75	Biomedical Research	$2,188,000	$1,835,000	$1,688,000	$1,650,000	1
75	Food Stamp Program	$3,926,000	$4,599,000	$2,196,000	$2,845,000	1
76	General Revenue Sharing	$6,304,000	$6,240,000	$6,200,000	$6,130,000	1
76	Interstate Highway System	$4,967,000	$6,477,000	$4,848,000	$4,821,000	1
77	Defense	$101,129,000	$97,501,000	$94,027,000	$89,996,000	1
77	Medicare Reform	$19,646,000	$21,549,000	$14,990,000	$17,779,000	1
78	Defense	$121,704,480	$115,332,033	$111,249,705	$108,425,170	1
79	NATO	$46,800,000	$47,400,000	$44,300,000	$41,300,000	1
80	Strategic Nuclear Programs	$13,536,100	$13,560,975	$12,468,000	$12,436,594	1
80	Toxic Substance Control	$1,192,000	$1,235,000	$905,000	$1,091,000	1
80	Youth Employment Program	$2,047,000	$2,101,000	$1,967,000	$2,024,000	1
81	Subsidized Housing	$5,494,000	$5,747,000	$4,404,000	$4,529,336	1
81	Department of Education	$13,314,192	$15,056,000	$11,050,889	$12,950,227	1
83	Agricultural Research	$703,000	$712,000	$692,000	$657,000	-1
83	Combat Training	$44,200,000	$42,200,000	$39,200,000	$39,600,000	1
84	Food Stamps	$11,739,000	$12,375,000	$10,342,000	$12,653,000	-1
84	Defense	$245,305,000	$227,413,000	$221,068,000	$210,484,000	1
84	Federal-State Block Grant	$886,000	$798,000	$487,000	$763,000	1
87	National Defense	$282,238,000	$281,999,000	$285,669,000	$273,375,000	1
87	Amtrak Grants (Railroads)	$255,000	$808,000	$411,000	$885,000	-1
88	Job Displacement Programs	$6,003,000	$5,954,000	$5,180,000	$5,759,000	1
88	Defense Spending	$297,550,000	$290,361,000	$282,238,000	$281,999,000	1
90	Space	$11,730,000	$12,428,836	$10,181,000	$11,036,492	1
90	Education	$24,117,000	$23,109,836	$22,392,000	$21,608,427	1

Source: *The Budget of the United States, 1963-1990.* Washington, DC: USGPO

Table 2. Number of Programs and Requested Funding Decreases per Year Identified in the President's Budget Transmittal Letter

		Foreign Policy		Domestic Policy		All Policies	
President	Year	Programs	Decreases	Programs	Decreases	Programs	Decreases
Kennedy	1963	15	1	20	1	35	2
	1964	10	2	30	0	40	2
	Total	**25**	**3**	**50**	**1**	**75**	**4**
Johnson	1965	18	3	35	3	53	6
	1966	6	0	40	0	46	0
	1967	12	0	25	1	37	1
	1968	23	0	57	1	80	1
	1969	20	1	90	39	110	40
	1970	4	0	66	1	70	1
	Total	**83**	**4**	**313**	**45**	**396**	**49**
Nixon	1971	3	1	30	0	33	1
	1972	3	0	53	0	56	0
	1973	11	1	51	0	62	1
	1974	1	0	31	1	32	1
	1975	5	0	26	0	31	0
	Total	**23**	**2**	**191**	**1**	**214**	**3**
Ford	1976	1	0	14	0	15	0
	1977	1	0	1	0	2	0
	1978	2	0	0	0	2	0
	Total	**4**	**0**	**15**	**0**	**19**	**0**
Carter	1979	4	0	9	0	13	0
	1980	5	0	15	1	20	1
	1981	2	0	12	0	14	0
	1982	4	0	7	0	11	0
	Total	**15**	**0**	**43**	**1**	**58**	**1**
Reagan	1983	6	0	7	7	13	7
	1984	1	0	8	1	9	1
	1985	0	0	0	0	0	0
	1986	1	1	6	6	7	7
	1987	1	0	25	20	26	20
	1988	1	0	11	0	12	0
	1989	1	0	21	3	22	3
	Total	**11**	**1**	**78**	**37**	**89**	**38**
Bush	1990	0	0	8	0	8	0

Source: *The Budget of the United States, 1963-1990.* Washington, DC: USGPO

Voter Turnout:
Myth and Reality in the 1992 Election

Steven J. Rosenstone
Center for Political Studies, Institute for Social Research
University of Michigan

John Mark Hansen
University of Chicago and
The Center for the Advanced Study in the Behavioral Sciences

Paul Freedman
University of Michigan

Marguerite Grabarek
University of Michigan

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Myth and Reality in the 1992 Election

Abstract

After three decades of decline, voter turnout rose 5.1 percentage points in 1992, to 55.2 percent. Unable to round up their usual suspects, political commentators looked to the peculiar aspects of the 1992 campaign for explanation. Some saw the increase as the electorate's angry outburst against the architects of a failing economy. Some took the increase as a popular uprising against an arrogant, aloof, and unresponsive government in Washington. Others credited the increase to the personal appeal of a maverick independent presidential candidate, H. Ross Perot.

In the first part of this paper, we test these popular propositions and find that none stands up to careful scrutiny. Using data from the 1992 National Election Study, we discern no relationship at all between voter participation and concern over the economy, disaffection from government, and the appeal of Ross Perot. The idiosyncrasies of the 1992 campaign do not explain the increased public involvement in the electoral process.

In the second part of this paper, we offer a positive program, a systematic way of understanding voter involvement in 1992 and more generally. Applying a general theoretical model of political participation and using estimates derived from earlier elections studies, we show that processes that caused voter turnout to increase in 1992 are the same processes that caused voter turnout to decline in previous years. Turnout rose in 1992 because the electorate's resources were augmented by additional education, additional efficacy, and additional experience. Turnout rose in 1992 because the electorate's interests were engaged by more attractive choices and more momentous stakes. Turnout rose in 1992 because the electorate was more extensively mobilized by campaigns, interest groups, and activists motivated by the closest presidential election in a decade. Turnout rose in 1992, finally, because the impediments imposed by voter registration laws abated ever so slightly.

This paper relies on data from the 1952-1992 American National Election Studies conducted by the Center for Political Studies of the Institute for Social Research under grants from the National Science Foundation. The data were made available by the Inter-university Consortium for Political and Social Research. Neither the original collectors of these data nor the ICPSR are responsible for our analysis and interpretations.

We appreciate Mary Jo Sofflet's assistance in making ready the final manuscript.

Voter Turnout:
Myth and Reality in the 1992 Election

Among the many surprises in an unusually surprising 1992 election season was the 5.1 percentage point increase in voter turnout. Fifty-five and two tenths percent of Americans of voting age, over 104 million people, cast a presidential ballot in 1992, lifting voter turnout to its highest level in a quarter century. (See Figure 1.)[1] The gain was the first since 1984 and the largest since 1952. In a single year, voter participation made up nearly half of the much-deplored and much-conjectured 12.7 point decline in turnout since 1960.

[Figure 1 here]

The increase in turnout in 1992 was at the least inconvenient: a legion of specialists who had devoted year upon year to refining their diagnoses of the chronic decline of participation now suddenly had to confront the abrupt revival of the patient. Their explanations, generated in the heat of a reporter's deadline, were a mix of the old and the new, but in some way echoed the particular content of the 1992 campaign, its issues, its context, and its personalities. Some observers saw the increase in turnout as the electorate's angry outburst against the architects of a failing economy. Some took the increase as a popular uprising against an increasingly arrogant, aloof and unresponsive government in Washington. Others, finally, credited the increase to the personal appeal of a maverick independent presidential candidate, Texas billionaire H. Ross Perot.

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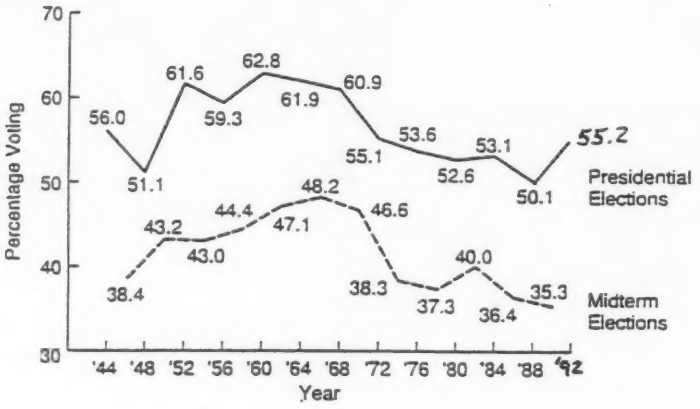
[1]The turnout percentages displayed in Figure 1 are aggregate estimates based on votes cast for president divided by the U.S. Census Bureau's estimate of the voting-age population. Source for 1992: U.S. Department of Commerce, "Voting Age Population Will Total 189 Million in '92 Presidential Election, Census Bureau Says," 18 February 1992, Table A; *Congressional Quarterly Weekly Report*, 30 January 1993, p. 233. Survey estimates of turnout also found participation higher in 1992. The November 1992 Current Population Survey conducted by the Bureau of the Census showed turnout up 3.9 percentage points over 1988. Jerry T. Jennings, "Voting and Registration in the Election of November 1992," Current Population Reports, Series P20-466, U.S. Department of Commerce, April 1993, Table A. Estimates based on data gathered by the National Election Studies detected a 5.7 point increase in reported turnout over 1988. Estimates of voter turnout from sample surveys are always different than estimates from aggregate counts of ballots cast. The pluses and minuses of each approach are described in Steven J. Rosenstone and John Mark Hansen, *Mobilization, Participation, and Democracy in America* (New York: Macmillan, 1993), pp. 58-59, n. 19.

Figure 1

Voter Turnout, 1944-1992



As attractive and as plausible as these accounts might seem, however, none stands up to careful empirical scrutiny, and it is one of the burdens of this paper to provide such investigation. The larger aim of this paper, however, is to provide a positive program, to advance a systematic way to understand turnout in 1992 and more generally. The sources of the increase in turnout in 1992, we will argue, were in fact the same as the causes of the decline in voter turnout in years prior. Voter participation rose in 1992, that is, not because of the idiosyncrasies that made 1992 different from other years but because of the processes that made it the same. Turnout grew in 1992, we will show, because the electorate's resources multiplied, because the polity's sense of investment in the outcome deepened, and because the competitiveness of the campaign forced parties, candidates, and other activists to redouble their efforts to turn people out to vote.

Once the systematic causes of voter turnout--the resources and the interests of voters, the mobilization efforts of parties and campaigns--are taken into account, we find, there is little of the increase left to explain; what there is left, moreover, is not very well accounted for by the idiosyncratic elements of the 1992 campaign. The way to understand participation in 1992, we suggest, is as a piece with participation more generally. Voter turnout rose in 1992 for the same kinds of reasons that it declined in years prior.

The Proto-Mythology of Voter Turnout in the 1992 Election

In 1992, say Germond and Witcover, voters were beset by economic troubles, angry, apprehensive, and frustrated. "Added to this mix was the combustible Ross Perot--a match on dry tinder. He was in a real sense the embodiment of the American voter who was fed up with politics as usual. . . . There is no doubt [his effort] contributed greatly to shaking the political lethargy and apathy that had captured the country for so long."[2] The combination of economic distress, public alienation, and cynicism incarnate, they, like others, hold, influenced not only

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[2]Jack Germond and Jules Witcover, *Mad as Hell: Revolt at the Ballot Box* (New York: Warner Books, 1993), p. 514.

the preferences of the American electorate but its willingness to express them. The economy, the disaffected, and the independent candidate caused turnout to rise in 1992.

These are claims we are able to test. In *Mobilization, Participation, and Democracy in America* we estimated a model of voter turnout on data from the 1956 to 1988 National Election Studies. Here, we estimate the same model on the data from the 1992 National Election Study. The basic model takes into account individual resources, evaluations of the political parties and their candidates, social involvement, electoral mobilization, and the legal organization of elections. To these variables we add indicators of concern about the economy, disaffection from the political system, support for Ross Perot, and contact with his campaign.[3] Overall, the economy, the alienated, and Perot account for very little voter turnout in 1992, even before we control for other causes of citizen involvement. Consider them in turn.

1. The Economy

There can be little doubt that the sad state of the U.S. economy was the dominating issue of the 1992 presidential election campaign. The economy was undeniably bad. Unemployment was at 4.9 percent when George Bush took office, but it topped 7.5 percent in 1992. People knew the economy was bad. Asked in July 1992, 34 percent identified "the economy" as the most important problem facing the nation and another 20 percent identified "jobs." Bush's opponents sensed that the economy was the President's Achilles heel. The overriding message of their 1992 campaigns boiled down to the hand-lettered reminder posted in Clinton's campaign headquarters: "It's the economy, stupid."

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[3]The coding of the variables follows the coding reported in Appendix B of Rosenstone and Hansen, *Mobilization, Participation, and Democracy in America*, with some exceptions. Income is a 24-category variable recoded to a 0-1 interval. Internal efficacy is a scale coded onto a 0-1 interval built from five questions (M1d through M1h of the 1992 NES Post-Election Survey); together they have a reliability of .81. The number of neighbors to whom the respondent talks regularly varies between 0 and 5 (for more than 5 neighbors). Finally, each measure of contact (with a party, with somebody other than a representative of a party, and for purposes of encouraging participation in particular electoral activities) is coded 1 for contact and 0 for none. The estimates of the effects of these variables are reported in the appendix to this paper.

In the light of the results of the 1992 election, commentators deemed it likely that voters' anger over the foundering economy not only influenced their Election Day choices but also drew them out to the polls, helping to account for the rise in voter participation. "The prevailing discontents made it all the more striking that voter turnout in 1992 reversed the long decline in participation," Wilson Carey McWilliams argued. "That the race was apparently closing undoubtedly helped, as did the fact that so many voters felt themselves immediately threatened by the recession." Curtis Gans agreed: "The biggest factor [accounting for the rise in voter turnout] is the recession." "Recession always tends to focus the mind and increase turnout." "Increased voter interest," Walter Dean Burnham concluded, "is in large part driven by 'economic stress.'"[4]

There is an undeniably attractive logic to this line of reasoning: The people who have suffered in the recession rise up to demand an accounting from their leaders. The only problem is that there is no careful evidence to support this proposition. (In fact, as we shall show in a moment, there is good evidence the relationship between economic conditions and voter turnout is the exact *opposite* of Gans's firm pronouncement.) Using the data from the 1992 National Election Study, we compared the turnout rates of the unemployed to the employed; the turnout rates of those whose financial condition had worsened to those whose well-being had improved;[5] the turnout rates of those who believed that the government's policies had made them worse off to those who believed that the government's policies had

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[4]Wilson Carey McWilliams, "The Meaning of the Election," pp. 190-218 in Gerald M. Pomper, ed., *The Election of 1992* (Chatham, N.J.: Chatham House, 1993), pp. 196-97; Inter Press Service, "United States: Elections Brought Highest Turnout in 20 Years," 5 November 1992; Robert Pear, "The 1992 Elections: Disappointment--The Turnout; 55% Voting Rate Reverses 30-Year Decline," *New York Times*, 5 November 1992, p. B4; Will Dunham, "Experts Predict Small Increase in Voter Turnout," States News Service, 2 November 1992; Rhodes Cook and Ronald D. Elving, "*Race Tightens; Duelling Polls Disagree on the Numbers*," *Congressional Quarterly Weekly Report*, 31 October 1992, p. 3498; Ruy Teixiera, "Turnout in the 1992 Election," *Brookings Review*, Spring 1993, p. 47.

[5]Our measure of economic well-being summarizes responses to eight questions: whether over the last year the respondent was better or worse off financially, had a positive or negative change in income, had to put off buying things, had to put off medical or dental treatment, had to borrow money, or had to look for additional work, and whether she was able to save money or had fallen behind on rent or house payments. Together the eight items form a single dimension with a scale reliability of .72. For more on the provenance of these items see Steven J. Rosenstone, John Mark Hansen, and Donald R. Kinder, "Measuring Change in Personal Economic Well-Being," *Public Opinion Quarterly*, 50 (Summer 1986), pp. 176-92.

made them better off; the turnout rates of those who thought the nation's economy had declined to those who thought the nation's economy had gotten better; and the turnout rates of those who claimed that the economy was the most important problem facing the nation to those who identified other problems. Table 1 presents the results, first showing the bivariate relationships between participation and economic condition and then showing the relationship controlling for participation's other causes: individual resources, evaluations of the parties and candidates, social involvement, electoral mobilization and the legal organization of elections.

[Table 1 here]

For advocates of the view that economic distress provoked people to take part in the electoral process, the results leave only a thin reed of hope. Citizens who saw the economy as the nation's most important problem or who believed that government policies had worsened their condition were more likely to turn out to vote, but citizens who were unemployed or who were worse off financially were less likely to turn out to vote.[6] Once the other causes of participation are taken into account in the multivariate analysis, however, only those who believed the economy to be the most important problem facing the country were any more or less likely to vote in 1992.[7]

Although these cross-sectional estimates suggest that citizens who identified the economy as the nation's leading problem were more likely to vote, for several reasons, however, we regard this finding with some skepticism. Of all the available measures of the concern about the economy, the most important problem is the furthest removed from the claim that those adversely affected by the economy turnout to hold leaders accountable. The

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[6]Our analysis of pooled data from 1956 to 1988 reveals a consistent, strong, and significant negative effect of unemployment. The pooled estimate is by far the better one: the number of observations is much larger and unemployment has greater variability both over time and across individuals rather than merely across individuals at a single point in time.

[7]In order that collinearity among the economic variables might not distort the results, we entered each variable individually in the equation for each form of electoral participation. Thus for turnout, there are five equations: one for each economic measure, also controlling for the other causes of participation. None of the conclusions we draw from the multivariate analysis changes if all the economic variables appear together on the right-hand-side of the equation.

Table 1

Relationship Between Concern About the Economy and Electoral Participation in 1992

A. Bivariate Analysis[1]

	Voted	Tried to Persuade Others	Worked for Party or Candidate	Attended Meeting or Rally	Contributed Money to Party or Candidate
Unemployed					
Not unemployed	77.5	37.9	3.7	8.3	7.9
Unemployed	57.4	34.5	1.3	6.0	2.6
Personal Economic Well-Being					
Better off	81.1	36.9	3.6	7.8	9.8
Neutral	74.5	37.3	3.3	7.9	6.7
Worse off	66.7	40.2	3.2	8.7	4.2
Effect of Gov't Economic Policies					
Better off	77.6	39.5	1.3	1.3	3.9
No Difference	73.4	35.2	3.9	7.9	6.8
Worse off	81.3	44.1	2.6	9.4	9.1
National Economy					
Gotten Better	77.0	48.0	6.0	6.0	12.0
Stayed the Same	74.8	35.0	4.2	8.0	7.5
Gotten Worse	75.8	38.1	3.1	8.4	7.1
Economy is Most Important Problem					
No	70.2	40.5	2.5	7.8	6.1
Yes	80.2	37.1	3.9	8.6	8.5

[1] The cell entry is the percentage of respondents participating.

Table 1 (cont'd)
Relationship Between Concern About the Economy and Electoral Participation in 1992

B. Multivariate Analysis[2]

	Voted	Tried to Persuade Others	Worked for Party or Candidate	Attended Meeting or Rally	Contributed Money to Party or Candidate
Unemployed	-.106	.025	-.317	-.037	-.232
	(.126)	(.109)	(.312)	(.187)	(.273)
Drop in Personal	-.059	.242*	-.134	.148	-.409*
Well-being	(.180)	(.133)	(.289)	(.223)	(.250)
Gov't Policies	.138	.337*	-.649	.201	.195
Made R Worse Off	(.235)	(.178)	(.421)	(.277)	(.288)
National Economy	-.041	.198	-.477	.126	-.475**
Worse off	(.184)	(.144)	(.302)	(.229)	(.237)
Economy is Most	.183**	-.196**	.207	.005	.183
Important Problem	(.087)	(.068)	(.163)	(.110)	(.120)

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[2] The cell entry is the estimated probit coefficient (with standard error in parentheses) controlling for the variables that appear in the Appendix.

*prob < .10
**prob < .05

reason why this measure was the only one of the five to yield the "right" coefficient is utterly mysterious. Given the primacy of economic issues in the 1992 campaign, moreover, it is at least as likely that the relationship is spurious as it is causal. The people who were moved to participate by the efforts of others--by what we will soon call "mobilization"--were also likely to have internalized the arguments their contacts offered.

If we look a little further, our doubts increase. The 1992 National Election Study asked people whether they had tried to influence somebody else's vote, attended a political meeting or rally, worked for a party, or contributed money to a party or candidate. Table 1 also presents the relationships between participation in these activities and the degree of concern over the economy. Thirteen of the 25 probit coefficients have signs suggesting that preoccupation with the economy increased participation; 12 coefficients suggest preoccupation with the economy reduced participation. Only 3 of the coefficients that show participation higher among those most preoccupied with the economy are statistically significant. But, there are also 3 "significant" coefficients showing that preoccupation with the economy reduced participation. The most reasonable conclusion, we think, is that economic worries have no consistent effect on participation in elections, and the positive relationship between the opinion that the economy is the nation's leading problem and voter turnout does not fit into a broader pattern.

The final reason for our skepticism is that this single finding to link economic worries to voter turnout runs counter to a host of empirical evidence for the contrary. Not a single investigation that we have encountered turns up evidence that electoral participation in America is higher among people who have experienced economic setbacks or during periods of economic difficulty. Some scholarly studies discern no relationship between economic conditions and participation; others (including ours) find that a poor economy reduces voter turnout.[8] Economic hardship, we have argued elsewhere, taxes the resources people need to

[8]See Francisco Arcelus and Allen M. Meltzer, "The Effect of Aggregate Economic Variables on Congressional Elections," *American Political Science Review* 69 (December 1975), pp. 1232-39; Morris Fiorina, "Economic Retrospective Voting in American National Elections: A Micro-Analysis," *American Journal of Political Science*

participate in politics, reducing their income, their time, and their attention. As angry as they might be, voters facing difficult financial times have other more pressing demands on their resources than participation in politics.

All in all, then, we read the evidence to say that the economy had very little, if anything, to do with the rise in voter turnout in 1992. But suppose, for the sake of argument, that the lone finding in the favor of the hypothesis is real. Imagine that 1992, for whatever unspecified reason, was the proverbial exception to the rule. Given the size of the estimated effect, how much could the increased salience of the economy have contributed to the increase in turnout between 1988 and 1992? This is a simple calculation that requires us to estimate what turnout would have been among NES respondents in 1992 had the economy been as salient in 1992 as it was in 1988. The answer is, not much. In 1988, 42 percent of the electorate named the economy the country's number one problem; in 1992, 63 percent did. Under the best case scenario, the 21 percentage point increase in the salience of the economy lifted turnout by about .79 percentage points. Even when we put aside the most reasonable interpretation of the data and let our imaginations take flight, concern over the economy could not have contributed even 1 of the 5.1 percentage point increase in voter turnout between 1988 and 1992.

It's not the economy.

2. The Insurrection of the Alienated

By now, twenty years after Watergate and the end of the war in Vietnam, "outsider" campaigns are a staple of American elections. Even so, in the bilious commentary on radio

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22 (May 1978), pp. 426-43; Kay Lehman Schlozman and Sidney Verba, *Injury to Insult* (Cambridge: Harvard University Press, 1979); Steven J. Rosenstone, "Economic Adversity and Voter Turnout," *American Journal of Political Science* 26 (February 1982), pp. 25-46; Gregory A. Caldeira, Samuel C. Patterson, and Gregory A. Markko, "The Mobilization of Voters in Congressional Elections," *Journal of Politics* 47 (May 1985), pp. 490-509; Priscilla L. Southwell, "The Mobilization Hypothesis and Voter Turnout in Congressional Elections," *Western Political Quarterly* 41 (June 1988), pp. 173-88; Benjamin Radcliff, "The Welfare State, Turnout, and the Economy: A Comparative Analysis," *American Political Science Review* 86 (June 1992), pp. 444-54; Rosenstone and Hansen, *Mobilization, Participation, and Democracy in America*, pp. 81-82, 112-113, 135.

call-in shows, in the vengeance visited on congressional check-kiters, in the popularity of term limitation initiatives, in the persistent damage to the Bush candidacy from a broken campaign pledge, and in the appeal of outsider candidacies such as Perot's, political observers in 1992 found a new crest in the rising tide of popular cynicism and distrust toward American government. Indeed, the readings from the 1992 National Election Study were as bad as ever: as shown in Figures 2 and 3, trust in government was down, confidence in the government's responsiveness was up by a micron, and both were about as low as they have ever been.

[Figures 2 and 3 here]

Without even looking at the data from the 1992 election, though, we can state categorically that popular disaffection did not influence voter turnout either one way or the other. Twenty years of survey research has consistently concluded that distrustful and cynical citizens are neither more (nor less) likely to participate in the voting than their pollyannaish neighbors.[9] The data displayed in Figures 2 and 3 should raise further doubts. Although trust in government and a sense of government responsiveness rose between 1980 and 1984, for example, turnout barely budged. In 1992, turnout rose to the highest level in 25 years while popular confidence in government remained at historic lows.

Even so, commentators have long pointed to popular alienation from government as a leading cause of Americans' disengagement from the electoral process. As one reporter put it, in the sixties, seventies and eighties voter turnout was "driven down by apathy and general disaffection with politics and politicians."[10] But when turnout revived in 1992, some of the same commentators credited it to the public's being fed up with the foibles of politicians. Voters were "mad as hell," Germond and Witcover wrote, with negative campaigns and

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[9]For a sampling see Jack Citrin, "Comment: The Political Relevance of Trust in Government," *American Political Science Review* 68 (September 1974), pp. 973-88; Raymond E. Wolfinger, David P. Glass, and Peverill Squire, "Predictors of Electoral Turnout: An International Comparison," *Policy Studies Review* 9 (Spring 1990), pp. 551-74; Rosenstone and Hansen, *Mobilization, Participation and Democracy in America*, pp. 146-50.

[10]David G. Savage, "High Voter Turnout Reverses 32-year Slide" *Los Angeles Times*, 5 November 1992, A36. See also the references in Rosenstone and Hansen, *Mobilization, Participation, and Democracy in America*, pp. 146-50.

Figure 2

Trust in Government, 1958-1992

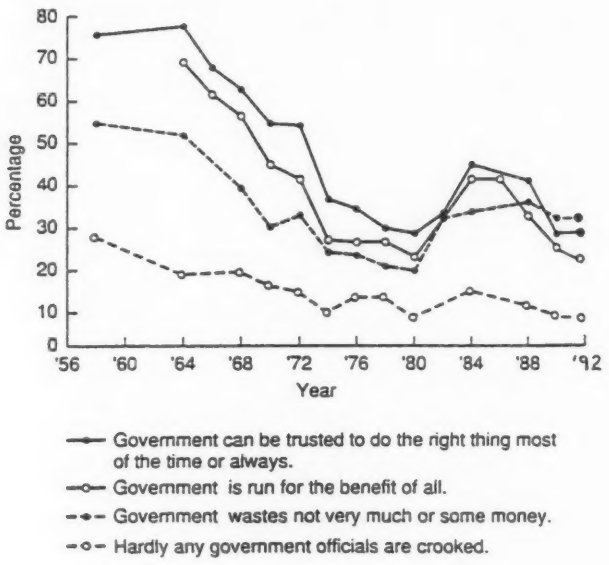
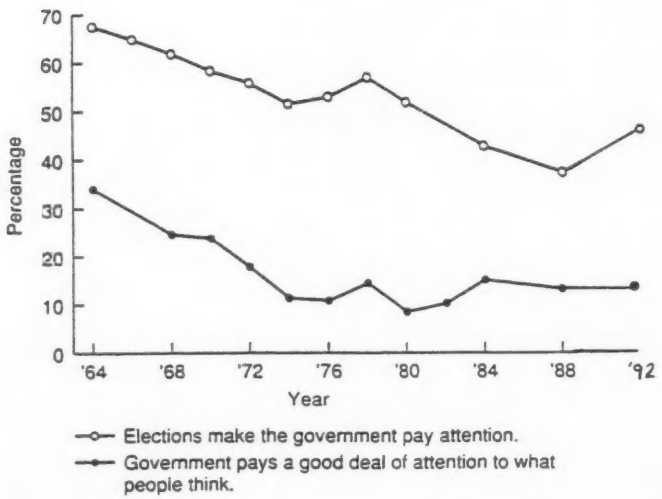


Figure 3

Government Responsiveness, 1964-1992



politics-as-usual.[11] If this were true, if alienation from government caused turnout both to decline and to rise, popular distrust and cynicism would constitute one of the most powerful explanations of the behavior of the American electorate ever discovered--the phlogiston of American political analysis.

But, even in 1992, even with scandals and broken promises and prominent "non-politicians" stoking the public's fury, it was not true. Citizens who most doubted the responsiveness of the government in Washington were not more likely to turn out to vote; neither were they less likely. (See Table 2.) Likewise, citizens who least trusted the government to do what is right were not more prone (nor less prone) to vote, once other causes of political involvement have been taking into account.[12] Alienation and distrust bore no relationship to any other kinds of participation in elections either, with one utterly charming exception: the disaffected were more likely to try to influence the voting choices of others!

In short, public disaffection from government does not move voter turnout.

[Table 2 here]

3. Ross Perot

Of all the possible explanations for the increased voter participation in the 1992 election, the one that most captured the fancy of political analysts was the strange, on-and-off-and-on-again candidacy of Ross Perot. Perot's populist affectations, his enthralled legion of "volunteers," his extraordinary showing--at 19 percent of the popular vote, the second best finish by a 20th century independent--all pointed to a sensational appeal, enough even to beguile the apathetic and the jaded out of their long expatriation. "Perot certainly contributed

[11]Germond and Witcover, *Mad as Hell*, p. 16. In advance of the election, in fact, some observers could not make up their minds about what effect public disaffection might have on turnout--it might make it go up, but by the same token it might make it go down. "People might not vote at all," Walter Dean Burnham commented. Cook and Elving, "Race Tightens," pp. 3502-3503.

[12]Our measure of trust in government is a four-item scale based on responses to the four questions displayed in Figure 2. The scale reliability over the years 1964-1988 is .72. Our measure of government responsiveness is a two-item scale based on responses to the two questions displayed in Figure 3. Responses to these two questions are correlated at .38 over the years 1964-1988.

Table 2

Relationship Between Evaluations of the Political System and Electoral Participation in 1992

A. Bivariate Analysis[1]

	Voted	Tried to Persuade Others	Worked for Party or Candidate	Attended Meeting or Rally	Contributed Money to Party or Candidate
Trust in Government					
Low	77.2	40.0	3.6	8.2	7.7
Medium	69.3	28.0	1.3	10.0	8.0
High	73.6	32.4	4.4	7.8	5.9
Sense of Government Responsiveness					
Low	66.2	34.0	3.5	7.0	5.2
Medium	76.8	37.4	3.1	7.9	6.8
High	80.0	41.1	3.8	9.3	8.9

B. Multivariate Analysis[2]

	Voted	Tried to Persuade Others	Worked for Party or Candidate	Attended Meeting or Rally	Contributed Money to Party or Candidate
Trust in Government	.073	-.754**	.210	.137	.053
	(.200)	(.174)	(.398)	(.272)	(.296)
Sense of Government Responsiveness	.013	-.138	-.174	-.098	.133
	(.016)	(.143)	(.320)	(.231)	(.238)

[1] The cell entry is the percentage of respondents participating.

[2] The cell entry is the estimated probit coefficient (with standard error in parentheses) controlling for the variables that appear in the Appendix.

* prob < .10
**prob < .05

to the sharp increase in voter turnout," Gerald Pomper stated. Perot's candidacy sparked "the interest of otherwise disengaged voters," one reporter wrote. His "specific appeal to people who felt disenfranchised and had not voted in recent elections," Curtis Gans commented, boosted turnout in 1992. "People who backed Perot," he elaborated, "have been largely absent from the political process in recent years." The Perot campaign, of course, was only too pleased to take the credit for the swell of public involvement in the electoral process.[13]

Already, however, we have thrown cold water on at least one part of this argument. As the preceding section demonstrated, the alienated, the distrustful, and the skeptical were not more likely to vote in 1992. Whomever Perot brought into the process, if he brought anybody at all, they were not the disaffected.

But the Perot campaign might have activated voters in other ways. For one, citizens may have responded to Perot's personal appeal, turning out merely to gain the satisfaction of making a point or the pleasure of helping a such an heroic guy to win.

This line of argument does not stand up either: Perot's enthusiasts were no more likely to turn out than his detractors or the handful of voters who were indifferent to him. Whether or not we take other causes of electoral participation into account, citizens who placed Perot high on a 100-point "feeling thermometer," citizens who fixed Perot higher than both Bush and Clinton on the thermometer, and citizens whose positive views of Perot overbalanced their negative views were no more and no less likely to cast a ballot in 1992.[14] (See Table 3.)

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[13]Gerald M. Pomper, "The Presidential Election," pp. 132-56 in Gerald M. Pomper, ed., *The Election of 1992* (Chatham, N.J.: Chatham House, 1993), p. 142; Richard Benedetto, "Turnout Tops 100 Million for First Time," *USA Today*, 5 November 1992, p. 6A; Doug J. Swanson, "Voters Turn Out in Record Numbers; Economic Worries Loom Large Over U.S.," *Dallas Morning News*, 4 November 1992, p. K1; Robert Pear, "The 1992 Elections: Disappointment -- The Turnout: 55% Voting Rate Reverses 30-Year Decline," *New York Times*, 5 November 1992, p. B4; Inter Press Service, "United States: Elections Brought Highest Turnout in 20 Years," 5 November 1992. Also see Jeffrey Schmaltz, "The 1992 Campaign: The Voters; Americans Sign Up in Record Numbers to Cast a Ballot," *New York Times*, 19 October 1992, p. A1; Cook and Elving, "Race Tightens," pp. 3498-3503. Fifteen percent of Perot's voters told interviewers that they would have stayed home had Perot not been on the ballot. Evidently, nobody thought to ask the same question of Bush and Clinton voters. See Rhodes Cook, "Clinton Picks GOP Lock on the Electoral College," *Congressional Quarterly Weekly Report*, 7 November 1992, p. 3553.

[14]Perot returned to the presidential campaign half-way through the NES pre-election field period and so the open-ended likes/dislikes questions were asked of only about half of the NES pre-election respondents. Although

Perot's sympathizers were neither more nor less likely to attend a rally, to work for a party, or to contribute money to a party or candidate, but they were more likely--about 11 percent more likely--to try to convert others.[15] The surge in voter turnout was not brought about by Perotites, Perotians, Perotistas, or Perotazoa.

[Table 3 here]

A second possibility is that the rise in voter turnout was created by the activities of Perot's campaign. This, we believe, is a line of argument that holds more promise. Perot, independently wealthy, spent at least $60 million on his bid for the White House. Part found its way to national, state, and local campaign organizations in all 50 states. Staffed both by employees and volunteers--many recruited from among callers to Perot's toll-free telephone number--the campaign gathered many times the 780,000 signatures needed to place Perot on the ballot nationwide. Even while Perot sat out of the race, from July to September, the campaign maintained the organizations, and during the fall they did what all campaign organizations do: organize, contact, and mobilize friends, neighbors, and co-workers. By election day, Perot's campaign had personally contacted about 2.8 percent of the electorate, some 5.3 million Americans.[16]

In *Mobilization, Participation, and Democracy in America* we made the analytical case that such personal contacts, such mobilization efforts, are extremely effective in turning people

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the Perot, Bush, and Clinton feeling thermometers were asked in both the pre- and post-election surveys, we rely on the post-election feeling thermometers because roughly half the pre-election respondents were asked about Perot before he resumed his campaign. The three measures of empathy for Perot are correlated, of course: responses to the Perot feeling thermometer are correlated .38 with responses to the likes/dislikes question and .50 with preference for Perot over Clinton and Bush. Responses to the likes/dislikes questions are correlated .34 with preference for Perot over Clinton and Bush.

[15]For obvious reasons, the three measures of solidarity with Perot do not appear together on the right-hand-side of an electoral participation equation. Instead, each alternative measure is entered individually in the equation for each form of electoral participation. Thus for turnout, the probit coefficients reported in Table 3 come from three probit equations: one with the Perot feeling thermometer; one with responses to the Perot likes/dislikes questions; and one with the measure of preference for Perot over Bush and Clinton (each equation controlling for the other causes of participation that appear in the appendix).

[16]Ten percent of the respondents to the 1992 National Election Study report that someone other than a representative of the two major parties came around and talked to them about supporting a candidate in the election. On a follow-up question, 28 percent of these respondents said they were contacted by an independent presidential candidate, presumably Ross Perot.

Table 3

Relationship Between Alternative Measures of Sympathy for Ross Perot and Electoral Participation in 1992

A. Bivariate Analysis[1]

	Voted	Tried to Persuade Others	Worked for Party or Candidate	Attended Meeting or Rally	Contributed Money to Party or Candidate
Perot Feeling Thermometer					
0-49 (cold)	77.3	38.2	4.2	8.6	7.3
50 (neutral)	70.4	29.7	2.3	7.7	6.7
50-100 (warm)	79.1	43.3	3.7	8.2	8.1
Perot Likes /Dislikes					
Dislike	84.1	40.0	3.7	11.2	10.6
Neutral	64.1	30.3	3.2	7.2	4.0
Like	74.1	43.3	4.4	7.4	10.8
Prefer Perot over Bush or Clinton					
No	76.6	37.4	3.6	8.7	7.7
Yes	75.9	45.0	3.4	5.6	6.6

B. Multivariate Analysis[2]

	Voted	Tried to Persuade Others	Worked for Party or Candidate	Attended Meeting or Rally	Contributed Money to Party or Candidate
Perot Feeling Thermometer (divided by 100)	.104 (.176)	.348** (.236)	-.261 (.288)	-.090 (.217)	-.365 (.230)
Perot Likes / Dislikes	-.379 (.321)	.664** (.228)	.529 (.464)	-.782** (.362)	.460 (.366)
Prefer Perot over Bush or Clinton	.096 (.117)	.372** (.092)	.076 (.208)	-.255 (.168)	.020 (.155)

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[1] The cell entry is the percentage of respondents participating.

[2] The cell entry is the estimated probit coefficient (with standard error in parentheses) controlling for the variables that appear in the Appendix.

*prob < .10
**prob < .05

out to vote. They exploit existing webs of friendship and social obligation, providing the intelligence and the social incentives needed to overcome the costs of information, the costs of participation, and the temptation to free ride.

Perot's mobilization was likewise effective, at least on voter turnout: Citizens contacted by someone other than the two major parties were 5.5 percentage points more likely to vote than people who were not contacted.[17]

In the aggregate, however, the effect of personal contacts with Perot's campaign on voter turnout was very small. His forces caused 2.8 percent of the electorate to become 5.5 percent more likely to vote, but that yields a total increase in turnout of only .15 percentage points. Moreover, mobilization by Perot forces did not have a detectable effect on the likelihood of people trying to persuade others how to vote, working for or contributing money to a party or candidate, or attending meetings or rallies. Turnout, but no other form of electoral participation, was incrementally higher than it would have been in 1992 had Perot's campaign not been in the field.

So why was the impact so small? For one thing, put in perspective, the Perot campaign did not devote very much energy or very many resources to voter mobilization. While the independent candidate managed to contact 2.8 percent of the electorate, the major parties typically reach 25 percent between them; in 1992 they contacted 20 percent of the electorate.[18] Instead, the Perot campaign concentrated its efforts on the instruments of persuasion, spending $45 million of its $60 million budget on television advertising and "infomercials." In many respects, the Perot organization was the quintessentially modern

[17]We calculate the probability that each individual would participate under two scenarios: first assuming that the respondent was not contacted by someone other than a person from the two major parties, and the second assuming that the respondent was contacted by someone other than a person from the two major parties, each time allowing all other variables to take their observed values. The reported effect is the difference between these two probabilities, averaged across the entire sample.

[18]Rosenstone and Hansen, *Mobilization, Participation, and Democracy in America*, p. 163. The 1992 estimate of contact with the Perot campaign may be a bit on the low side. The party contact question explicitly asks the respondent about interactions with someone from the two major parties. The measure of contact with the Perot organization relies on volunteered responses to an open-ended question about contact with someone other than a person from the two major parties; it makes no specific mention of Perot.

campaign. All election campaigns have increasingly abandoned voter mobilization for media buys; in fact, we will show in a moment drop in personal contact with the Democratic and Republican parties actually held voter turnout below what it could have been in 1992. The quantum difference was that Perot's campaign (like all independent campaigns) did not have the developed apparatus that candidates and parties have--the experienced canvassers, the voter lists, the constituency groups--for effective grassroots mobilization efforts. The Perot campaign opted to persuade rather than mobilize, with the consequence that it drew very few people into the process.

The effect of the Perot candidacy on voter turnout was small from another perspective. Although people contacted by the Perot campaign were 5.5 percentage points more likely to vote in 1992, citizens visited by the Democrats and the Republicans were about 9.2 percentage points more likely to turn out.

We suspect that the structural imperatives of an independent bid for the presidency account oncemore for the Perot campaign's lesser ability to turn people out at the polls. First, without the established contacts and protocols that candidates and parties build over the years and refine during the primary season, the Perot organizations were forced more to rely upon "cold calls" and follow-up contacts with people who had earlier reached them through the campaign's toll-free number. The Perot campaign, that is, did not have the same degree of access to established social networks of family, friends and co-workers. Accordingly, its communications may have lacked the intimacy and the implicit social pressure to make good on a favor that make personal contacts most effective. There are disadvantages as well as advantages to being a johnny-come-lately.

Second, lacking the time to develop an extensive set of contacts, the Perot campaign concentrated on the most accessible, the closest at hand, the people everybody else also contacts. For all the talk of the Perot campaign mustering its supporters from the ranks of the disenfranchised, fully 68 percent of the people the Perot forces contacted also were contacted

by one of the two major parties. As shown in Table 4, Perot mobilized the same kinds of people the Democratic and Republican parties mobilized, the well-educated, the affluent, the late-middle-aged, and the socially integrated; all but the partisan. The Perot mobilization, that is, had to settle for having a marginal effect beyond that of the major parties. The Republicans and the Democrats, in a sense, had already gotten there first.

[Table 4 here]

Perot's campaign was largely ineffective in bringing voters out to the polls, and for good reason. Independent campaigns go as much "to the people" as Perot's, rely as much on personal appeal as Perot's, but, like Perot's, they cannot shake the inherent limitations of an independent bid for the White House: the need to persuade a whole lot of people in a very short time with a newly formed campaign organization.

If it is any consolation, though, Perot was as ineffective in raising voter turnout as was his predecessors. Historically, voter turnout has not fluctuated with the ebb and flow of support for third party and independent candidates (Figure 4). No matter how you slice it--regress it, difference it, log it, or otherwise--support for independent candidates is unassociated with the level of voter turnout in presidential elections.[19] As shown in Table 5, even the most successful independent contenders had no evident impact on voter participation.

[Figure 4 and Table 5 here]

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[19]When we modelled the voter turnout time series as a simple first order autoregressive process with interventions for the advent of woman's suffrage in 1920, the extension of the franchise to 18-to-21 year-olds in 1972, and support for third party candidates, the coefficient for the vote for third party candidates was overwhelmed by its standard error (b = .01; SE(b) = .09). Restricting the analysis to the twentieth century did not change the results (b = -.12; SE(b) = .09). Neither differencing the data nor taking the logarithm of third party vote changed the results. The results did not change when we estimate the effect of prestigious and nationally prestigious third party candidates on turnout. Turnout is not higher when either prestigious third party candidates run (e.g., James Weaver in 1990, William Lemke in 1936, or Lester Maddox in 1976) or when nationally prestigious candidates throw their hats in the ring (e.g., Martin Van Buren in 1948, Theodore Roosevelt in 1912, Robert LaFollette in 1924, or George Wallace in 1968). Finally, the effect of independent candidacies on turnout was no greater when we took into account the proportion of the electorate that had these candidates on their ballots. These variables are defined in Steven J. Rosenstone, Roy L. Behr and Edward H. Lazarus, *Third Parties in America: Citizen Response to Major Party Failure* (Princeton, N.J.: Princeton University Press, 1984).

Table 4

Variables Associated with Being Contacted by a Political Party and by Ross Perot in 1992

Variable	Percentage Contacted by One of the Political Parties	Percentage Contacted by Ross Perot
Education		
Grades 0-8	11.0	.6
Grades 9-12	13.7	1.6
High school diploma	17.1	1.5
Some college	20.8	2.7
College degree	28.8	4.1
Income		
0-16th percentile	10.8	.6
17th-33rd percentile	15.8	1.8
34th-67th percentile	19.8	3.3
68th-95th percentile	28.7	2.3
96th-100th percentile	23.1	5.8
Age		
18-24	11.0	1.5
25-44	19.1	1.7
45-64	23.6	4.1
65 and over	21.9	1.8
Strength of Partisanship		
Apolitical, independent, with no partisan leanings	12.5	3.2
Independent, with partisan leanings	18.9	2.6
Weak partisan	21.1	1.7
Strong partisan	23.5	2.4
Number of Neighbors Talk to Regularly		
0	12.8	1.5
1	18.0	1.3
1 or 2	19.5	2.7
2 or 3	20.7	2.7
4 or 5	25.4	2.6
more than 5	25.1	2.9
Union Household		
no	18.6	2.2
yes	28.1	3.3

Figure 4

Third Party Vote and Turnout, 1844-1992

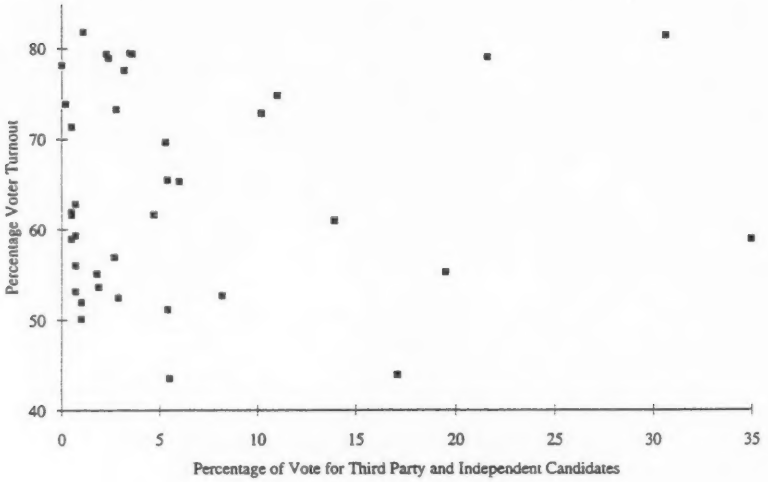

Table 5

Independent Candidacies, Popular Vote, and Voter Turnout, 1912-1992

Year	Independent Candidate	Percentage Popular Vote	Percentage Change in Voter Turnout
1912	Theodore Roosevelt	27.4	-6.6
	Eugene V. Debbs	6.0	
1924	Robert M. LaFollette	16.6	.4
1948	Henry A. Wallace	2.4	-4.9
	J. Strom Thurmond	2.4	
1968	George C. Wallace	13.5	-1.0
1980	John B. Anderson	6.6	-1.0
1992	H. Ross Perot	18.9	5.1

Take, for example, Theodore Roosevelt's 1912 "Bull Moose" campaign--the most successful independent presidential campaign in American history. Like Perot, Roosevelt championed the sovereignty of the American people declaring, "we recognize in neither court, nor Congress, nor President any divine right to override the will of the people." Like Perot, Roosevelt attacked the Democratic and Republican Party as "husks" lacking "real souls . . . divided on artificial lines, boss ridden, and privilege controlled."[20] Like Perot, Roosevelt had charisma and flare for the "dramatic and the spectacular," which made the 1912 contest an unusually spirited race. (During a campaign stop in Milwaukee, Roosevelt was shot at close range, but he went on to deliver his speech, holding up a blood stained handkerchief before the crowd.) In the end, Roosevelt captured 27 percent of the popular vote and 88 electoral votes from 6 states. Voter turnout plunged 6.6 points between 1908 and 1912.

The Perot organization, in sum, helped to increase voter turnout in 1992, but its impact was very, very, very modest and its influence was blandly conventional. Perot himself, however, did not rally new voters by offering hope to the disenchanted. Perot did not rally new voters by the force of his charisma. Perot's mobilization efforts did not achieve the grand effect that Perot might have liked and that many commentators would have us believe.

The Reality of Voter Turnout in the 1992 Election

So far, the anger of the recessed, the alienation of the ignored, and the pied-piping of Perot have come up short of explaining the 5.1 percentage point gain in voter turnout in 1992. In fact, the situation is even worse: we are halfway through the paper and we have not managed to explain much of *any* of the increase in citizen involvement in 1992. Clearly, ad hoc explanations have not succeeded; let us offer a different account.

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[20]George E. Mowry, *Theodore Roosevelt and the Progressive Movement* (New York: Hill and Wang, 1946), pp. 262-278. Also see Rosenstone, Lazarus and Behr, *Third Parties in America*; George E. Mowry, "The Election of 1912," In Arthur M. Schlesinger and Fred L. Israel (eds), pp. 2135-66, *History of American Presidential Elections, 1780-1968* (New York: McGraw Hill, 1971); and Amos R. E. Pinchot, *History of the Progressive Party, 1912-1916* (New York: New York University Press).

We do not provide a theory of voter turnout in 1992. Such a theory would not be enough really to help us solve the puzzle of 1992--change.[21] Rather, we have sought to understand the general processes that lead some citizens to involvement in politics and others to impassivity, the general processes that pull great numbers into politics at some times and relative handfuls into politics at others. In *Mobilization, Participation, and Democracy in America* we elaborated these processes at length, both theoretically and in empirical application. The conclusions of that work give us the means to understand how particular circumstances in the 1992 election affected voter turnout for better, for worse, or for naught.

To reach this assessment, we began with the estimates reported in *Mobilization, Participation, and Democracy in America*, estimates based upon analysis of the National Election Studies from presidential election years between 1956 and 1988. We then "transformed" the electorate in 1988 into the electorate in 1992. One variable at a time, we gave each of the respondents to the 1988 National Election Study the characteristics of their 1992 counterparts: their more advanced educations, stronger sense of political efficacy, slightly more diffident attachments to political parties, more enthusiastic assessments of the candidates, less frequent exposure to the mobilization efforts of parties, but stepped-up mobilization arising from a more hotly-contested campaign. For each variable, we then computed how much more or less likely members of the 1988 electorate would have been to participate had they been like the members of the 1992 electorate.[22] We also reversed the

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[21]Gerald H. Kramer, "The Ecological Fallacy Revisited: Aggregate- versus Individual-Level Findings on Economics and Elections and Sociotropic Voting," *American Political Science Review* 77 (March 1983), pp. 92-111.

[22]We use the probit equations reported in Appendix D of Rosenstone and Hansen, *Mobilization, Participation, and Democracy in America* to estimate the magnitude of the effect of each of the political and social changes that occurred between the 1988 and 1992 on the change in electoral participation. In the first step, we used the equations to generate the predicted probability of turnout for each respondent to the 1988 National Election Study. We then altered the scoring of the independent variable of interest to reflect the change in that variable between 1988 and 1992. (For example, to estimate the impact of rising levels of education, we raised each respondent's level of education to reflect the increased level of formal education that prevailed in 1992.) Finally, we calculated the predicted turnout under this simulated condition. The difference between the estimated probability of turnout in 1988 and the simulated probability of turnout under the conditions that prevailed in 1992, averaged across the respondents, yielded an estimate of the marginal effect on participation of that particular change. We repeated this procedure for each variable to calculate its contribution to the change in electoral participation between 1988 and 1992.

exercise. We "transformed" respondents to the 1992 National Election Study into their 1988 counterparts, simulating what turnout would have been in 1992 had each variable assumed the value that prevailed in 1988. The two simulations yielded very similar estimates of the partial effect of each variable on the change in voter participation between 1988 and 1992.[23] The estimates we report below are their averages.

The theoretical understanding that undergirds these estimates situates voter participation in four basic processes, some motivating, some constraining: personal resources, personal stakes, strategic mobilization, and legal context.

The first set of processes is personal. Citizens bear the costs of political participation--the time, the effort, or the money--that they might receive the benefits of political involvement--the products of the policy process, the approbations of other citizens, or the satisfactions of having contributed to a worthy cause. People differ in their resources, in the degree to which they can meet the demands of political involvement. The wealthy, the educated, the experienced, and the efficacious can all more easily afford the charges against their money, time, skill, and self-confidence. Likewise, people differ in their interests and beliefs, in the degree to which they are attracted by the dividends of political life. People who see greater stakes in politics, either because policies affect them more, identities beckon them more, options appeal to them more, or duty calls them more, find more to gain in political action. As resources change, as identities change, as options change, political involvement rises and falls.

The second set of processes is political. Without the intervention of political elites, the public's involvement in the electoral process would quickly be defeated by the collective nature of political life. As attractive as the benefits and as light as the costs might be, citizens face powerful incentives to free ride on the efforts of others. The social nature of political life, however, makes it possible for individuals in concert with political leaders to overcome

[23]The turnout equation estimated on respondents to the 1956-1988 National Election Studies correctly predicts the reported turnout of 79.2 percent of the respondents to the 1992 National Election Study.

those disincentives to take part: Working through social networks of friends, family, co-workers, and associates, politicians, parties, campaigns, and interest groups supply information and occasion the creation of the particularized social benefits that surmount the free rider problem. Locked in struggles to win elections, politicians mobilize public involvement strategically. They calibrate their efforts to necessity, working harder the closer the contest. As competition intensifies and diminishes, mobilization--and with it participation--rises and falls.

Finally, political participation and political mobilization take place within a framework of electoral institutions that allocate participatory burdens and rewards. The requirements of local, state, and federal election laws impose additional costs on participation and on mobilization. They force people to come up with even more resources to participate; they force political activists to come up with even more resources to offset the increased burdens on those they would mobilize. As barriers rise and fall, mobilization and participation fall and rise.

As Table 6 shows, many of the attributes of the electorate and many of the characteristics of the election environment changed between 1988 and 1992; some changed markedly. The electorate acquired more education, gained efficacy, and aged, but it also found itself in more difficult employment circumstances. Its partisanship continued slightly to weaken, though its affection for the major parties remained unchanged. Its feelings for the candidates deepened and its concern over the outcome intensified. Continuing a trend, the number of people contacted directly by the political parties declined. Still, the 1992 race was much tighter, and the efforts by the campaigns, by interest groups, and by activists to mobilize were much more acute. The impediments to voter registration abated, if only partially.

[Table 6 here]

The next four sections examine each of these changed circumstances, gauging the contribution of each to the largest increase in voter turnout since 1952. Some helped to

Table 6

Characteristics of the Electorate and the Electoral Setting, 1988 and 1992
(Percentages, Unless Otherwise Noted)

Resources	1988	1992	Change
Education: 1-3 years of college	22.5	23.6	1.1
College degree	19.8	23.5	3.7
Unemployed	7.8	10.3	2.5
Age: < 25	9.9	8.9	-1.0
45-64	24.6	26.2	1.6
> 65	17.9	19.4	1.5
Internal efficacy: Politics too complicated (disagree)	23.3	27.2	3.9
External efficacy: Public officials don't care (disagree)	42.5	37.7	-4.8
No say in what govt (disagree)	54.5	57.5	3.0
Evaluation of Parties and Candidates			
Strength of partisanship: Strong partisans	31.2	29.0	-2.2
Pure independents & apoliticals	12.2	12.8	.6
Affect for a party (on a 1-10 scale)	2.0	2.0	0
Care which party wins presidential election	61.0	75.7	14.7
Affect for presidential candidate (on a 1-10 scale)	2.8	3.4	.6
Social Involvement			
Years in community (logarithm)	3.0	2.9	- .1
Regular church attendance	36.4	37.5	.9
Homeowners	63.4	65.6	2.2
Currently employed	63.5	61.9	-1.6
Mobilization by Parties			
Contacted by a party	23.6	20.1	-3.5
Mobilization by Campaigns			
Closeness of last Gallup poll	12.0	7.0	-5.0
Perceived election as close race	69.7	79.1	9.4
Gubernatorial election in state	12.1	12.0	- .1
Competitive presidential primary election in state	82.8	83.7	.9
Legal Organization of Elections			
Voter registration closing date (days before election)	26.2	25.3	- .9
Other Demographic Variables			
Live in a southern state	31.6	31.4	- .2
Live in a border state	5.1	5.4	.3
Blacks	13.2	13.0	- .2
Mexican-Americans and Puerto Ricans	5.4	5.2	- .2

expand voter turnout; some kept it below what it might have been. All told, however, they together account for 4.1 of the 5.1 percentage point increase--a touch more than 80 percent (Table 7).

[Table 7 here]

1. Increased Resources

On balance, the electorate's resources increased in 1992. Just as it has for five decades, its educational attainment improved. The fraction of the population that had at least attended college grew by nearly 5 percentage points since the last presidential election. The electorate also aged. The proportion of the population comprised of the youngest citizens--those under the age of 25--fell by a point, and the proportion comprised by the late middle aged continued to rise. Finally, the electorate's efficacy grew, particularly its internal efficacy. The proportion of the electorate who rejected the claim that public officials "don't care much what people think" fell slightly, and the proportion who rejected the notion that "people like me don't have any say in what the government does" rose only a tad between 1988 and 1992 as did the number who resisted the idea that "politics and government seem so complicated that a person like me can't really understand what's going on."

In 1992, that is, greater numbers of people were able to bear the costs of political participation. Better educated, the electorate had more information, more ability to assimilate and use new information, and more skills with which to negotiate the maze of requirements--from registration to making a choice to casting a ballot--that even the simple act of voting entails. Better educated, it was better placed in social networks that convey information about politics, social networks that expect and reward political involvement. Older and presumably wiser, the electorate had more experience in politics, more integration into the political community, and more familiarity with the political process. More efficacious, finally, the electorate had greater psychological resources, greater confidence in its ability to affect the political system.

Table 7

Decomposition of the Increase in Voter Turnout Between the 1988 and 1992 Presidential Elections

The Change	Effect (in Percentage Points) on Change in Turnout Between 1988 and 1992	Percentage of Increase In Turnout Explained
Resources		53
Increased formal education	+ .7	
Increased unemployment	- .1	
An older electorate	+ .7	
Increased feelings of efficacy	+1.0	
Evaluation of Parties and Candidates		30
Weakened attachment to and evaluation of the political parties	- .3	
Greater concern over which party wins the presidential election	+1.2	
Stronger evaluation of a major party presidential candidate	+ .4	
Mobilization		15
Less contact by a political party	- .4	
A closer election	+1.0	
Legal Organization of Elections		2
Shorter closing date	+ .1	—
Net change in voter turnout:	+4.1*	100

* Note: Because of nonlinearity in the probit model, the total net change does not necessarily equal the sum of the changes in each of the components of that change.

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A closer election	+1.0	
Legal Organization of Elections		2
Shorter closing date	+ .1	—
Net change in voter turnout:	+4.1*	100

* Note: Because of nonlinearity in the probit model, the total net change does not necessarily equal the sum of the changes in each of the components of that change.

These more ample resources explain about half of the increase in voter turnout all by themselves. Gains in education and gains in age and experience both contributed .7 of a point to the 5.1 percentage point rise. Gains in efficacy, particularly in internal efficacy, the sense of personal competence to understand and participate in politics, contributed 1 percentage point.

Voter turnout might have increased still more, however, had the economy been as strong in 1992 as it was in 1988. Nearly 3 percent more of the electorate reported being unemployed in 1992; 3 percent more of the electorate faced substantial opportunity costs of political involvement. Economically pressed, the unemployed have better things to do with their time--chiefly, finding a new job--than to register and vote. Wrenched from their workplaces, the unemployed are no longer exposed to the daily interactions with employers, unions, colleagues, and friends, to the subtle social pressures and expectations that help to motivate political involvement. Economic adversity does not make people angry and eager to participate; economic adversity makes people anxious, alone and preoccupied. In 1992, the electorate's greater experience with joblessness pulled voter turnout .1 percentage points below what it could have been.

The argument generalizes. These same factors, better education and heightened efficacy, account for about a quarter of the 8.7 point increase between 1988 and 1992 in attempts to influence the choices of other voters. (See Table 8.) The electorate's more ample resources permitted greater political activism.

[Table 8 here]

2. Better Choices

Citizens perceived greater benefit from their involvement in the 1992 election than they did in 1988.

Table 8

Decomposition of the Increase in Trying to Persuade Others How to Vote Between the 1988 and 1992 Presidential Elections

The Change	Effect (in Percentage Points) on Change in Turnout Between 1988 and 1992	Percentage of Increase In Turnout Explained
Resources		26
Increased formal education	+ .9	
An older electorate	- .5	
Increased feelings of efficacy	+1.8	
Evaluation of Parties and Candidates		59
Weakened attachment to and evaluation of the political parties	- .4	
Greater concern over which party wins the presidential election	+3.1	
Stronger evaluation of a major party presidential candidate	+2.4	
Mobilization		15
Less contact by a political party	-1.8	
A closer election	+3.1	___
Net change in persuading others:	+8.6*	100

* Note: Because of nonlinearity in the probit model, the total net change does not necessarily equal the sum of the changes in each of the components of that change.

Despite "straight Texas talk" about the inadequacies of the two major parties, the electorate's affection for the Democrats and the Republicans did not diminish at all between 1988 and 1992, though its identification with the major parties weakened a little. The proportion that claimed strong attachment to one of the major parties was about 2.2 percentage points lower than it was in 1988, but the proportion that claimed to be either apolitical or independent with no partisan leanings grew but .6 of a point.

Likewise, despite the usual post-primary kvetching about the deficiencies of the nominees--they were not Lincoln and Roosevelt, after all--the intensity with which the electorate cleaved to its favorites actually increased. Americans were more enthusiastic about the major party options in 1992 than they had been about the alternatives in 1988. More so than Bush and Dukakis in 1988, Bush and Clinton offered more choice than echo, and citizens noticed the difference, professing greater devotion for their favorites.

Finally, despite the prevailing portrait of popular apathy and despair, the electorate in fact cared deeply about which party would win the 1992 election. Indeed, the number of Americans who expressed a significant measure of concern over the outcome was the highest in the 40 years that the National Election Studies have been asking the question. Seventy-six percent said that it meant a good deal to them which party won.[24]

All told, the public's more acute sense of the benefits of political involvement lifted voter turnout in 1992 by 1.3 percentage points. To be sure, its weaker attachments to the political parties caused voter participation to be lower than it might have been--.3 percentage points lower. But the depressing effect of looser identification with the parties was more than

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[24]Thirty-nine percent of the respondents to the 1992 National Election Study, a number equal to the greatest number recorded back into the sixties, reported a great deal of interest in the 1992 campaign. The Gallup Organization found a similar increase in interest in the campaign: 83 percent of the 1992 electorate reported in October that they had given a lot of thought to the upcoming election for president, the highest level of interest recorded since Gallup began asking this question in 1968. American Political Network, Inc., "Turnout: The Indicators Say This One Will be Different," *The Hotline*, 28 October 1992. Voters followed their interest up with action. The audience for the three presidential debates averaged 66.4 million people, almost 25 percent more than four years earlier. Viewership of the 1992 vice-presidential debate was 9.2 percent higher than in 1988. The voting age population grew only 3.5 percent during that same period. Nielsen Media Research, quoted in *ibid.*

overcome by the stimulating effects of greater enthusiasm for the options--.6 percentage points--and, especially, greater concern over the outcome--1.2 percentage points.

The same was true for other forms of involvement in the 1992 election. While weaker attachments to parties sapped the electorate's enthusiasm for attempts to influence others, greater affect for the candidates and greater concern over the outcome encouraged people to try to convert others, explaining 5.1 of the 8.7 percentage point rise in persuasion all by themselves.

In 1992, in sum, citizens perceived more to win and more to lose in the election. They identified more closely with the alternatives and expected greater gains and gratifications from the triumph of the "right" side. With a better sense of the value of one candidate beating the other, there was greater incentive for citizens to take part. Given a choice, the people responded.

3. More Extensive Mobilization

Citizens turn out to vote not only because they have the resources to devote to politics and not only because they have the interests and beliefs to sense something to gain from politics. Citizens also turn out because somebody encourages them or pressures them to take part. The very nature of elections motivates political leaders to mobilize public involvement: the winner takes office and the loser goes home. Accordingly, in any election campaign, candidates, political parties, campaign organizations, interest groups, and other activists do their best to muster participants. Candidates appear at factories, offices, and service clubs; parties canvass and staff phone banks; campaigns proselytize, advertise, and troll for contributors; interest groups rally their troops. In any election campaign, moreover, the efforts of candidates, parties, campaigns, and interest groups are magnified by the subsequent social interactions of the people they reach. Families discuss campaigns, friends debate the options, and co-workers convey expectations. Electoral mobilization, in short, is an essential feature of electoral politics.

Over the years, the nature of electoral mobilization has changed in the United States. Party organizations powered by patronage have virtually disappeared. Television and direct mail have achieved new efficiencies in reaching an increasingly mobile, disconnected electorate. Face-to-face canvassing in neighborhoods has given way to polls and focus groups as means of assessing the public's opinions and reactions to issues. Door-to-door electioneering in precincts, on Main Street, and at factory gates has yielded to direct mail, TV ads, and infomercials. Grass-roots organization has succumbed to professional staff.

As political parties abandoned the labor-intensive canvassing methods of the 1960s for the capital-intensive media strategies of the 1980s, they contacted fewer and fewer Americans. Between 1972 and 1988, the proportion of the electorate reached by the Republicans or the Democrats fell 5 percentage points. It dropped again in 1992, by 3.5 percentage points; only one in five Americans was contacted by either of the major parties during the Clinton and Bush campaigns. This latest decline in party mobilization, our estimates indicate, pushed 1992 voter turnout .4 percentage points below and 1992 voter persuasion 1.8 percentage points below what it might have been had party mobilization been what it was in 1988.

In any electoral campaign, however, the political parties are not the only factions in the field. Candidates build independent campaign organizations. Interest groups, activists, and people with axes to grind pursue their own agendas. The print and broadcast media both cover and configure the election campaign. The activities of campaigns, interest groups, and the media, like the activities of political parties, promote electoral involvement. They underwrite the costs of political participation, especially the costs of information. They set in motion the social processes of expectation, obligation, and reward.

The activities of candidate organizations, interest groups, and other mobilizers are always proportional to electoral need. When elections are closely fought, they labor as if there is no tomorrow; when elections are runaways, they live to fight another day. The media, too,

respond to competition. They stay focused on the hot races; they grow bored with the blowouts.

The 1992 campaign between George Bush and Bill Clinton was the most competitive election contest in a decade. The election-eve Gallup Poll showed only 7 points separating Bush and Clinton, and some polls conducted in the final weeks of the campaign showed the race even tighter, with Clinton ahead by only 2 to 5 percentage points.[25] In contrast, the outcome of the 1988 campaign was never much in doubt; George Bush led Michael Dukakis by 12 percentage points on the eve of the balloting.

The American public's sense of the closeness of the election was likewise greater in 1992 than it was in 1988. In 1992, 79 percent of the electorate thought that the race was tight; in 1988, only 70 percent did.

The greater competitiveness of the presidential election contributed 1.0 percentage point to the rise in voter turnout and 3.1 percentage points to the rise in voter persuasion in 1992. The narrowness of the margin right up until the final days of the campaign increased the seriousness of the efforts by candidate organizations, interest groups, and activists to get people to the polls. The uncertainty of the outcome heightened the urgency of efforts by ordinary people to coax, cajole, and coerce their families, friends, neighbors, and co-workers to turn out on Election Day.

4. Lower Barriers

Finally, the barriers posed by registration and election laws came down, if only a little, between 1988 and 1992. Although still only 4 states permitted citizens to register to vote on election day and although only 6 other states allowed registration within 10 days of the election, the average 1992 voter faced a registration closing date that was about a day nearer the election than the closing date the average 1988 voter confronted.

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[25]*The Gallup Poll Monthly*, November 1992, p. 9; and the CBS News/*New York Times* poll of 24 October 1992, the CNN poll of 27 October 1992, and the *Time*/CNN poll of 20-22 October 1992.

Easing the burdens the law placed upon the exercise of the franchise, by moving the registration closing date nearer the election, when awareness is greater and when the intensity of the campaign is closer to its peak, increased voter turnout in 1992, by a slight .1 of a percentage point.

5. The Residual

Greater resources, better choices, more extensive mobilization, and lower barriers together account for 4.1 of the 5.1 percentage point increase in voter participation between 1988 and 1992. They account for 8.6 of the 8.7 percentage point increase in attempts to persuade. That is not perfect, but it is a whole lot better than the combined contributions of the economy, the alienated, and the data processing mogul from the Lone Star State, which explained roughly zero.[26]

Still, 1 percentage point of the rise in turnout is as yet unresolved. What explains it?

It may, of course, simply be random error. Every social process has both stochastic and determined elements, and this remainder represents as much the idiosyncrasies of traffic, the weather, and local races as the peculiarities of the economy and Ross Perot. For another,

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[26]We also considered the possibility that Perot and the economy might have had indirect effects on voter turnout. Perot's followers, we found, were no more likely than other citizens to be contacted by a political party or by someone else other than a representative from the two major parties. Perot's followers were not more likely than other citizens to be mobilized to take part in a political meeting or rally, to work for a candidate, or to contribute money to a party or candidate. Perot's supporters did not care any more than other citizens about who won the presidential election or about which way the election to the U.S. House of Representatives came out. The indirect effects of the economy were no more apparent. People who were unemployed or who were worse off financially were no more likely than other citizens to express concern over the election outcome. Respondents who believed that the government's economic policies had made them worse off were a few points more likely to express interest in the outcome of the House elections but no more likely to express interest in the outcome of the presidential contest. Citizens who judged the national economy worse off than the year before were about a bit more likely to care about which party won the presidential election, but they expressed no greater concern over the outcome in the House than did other respondents. People who regarded the economy as the most important problem facing the country were about 2 percent more likely to express concern over the outcome of the House contest, but were not more concerned than other citizens over the outcome of the presidential contest. None of these indirect effects contributes even a few tenths of a percentage point to turnout. Finally, none of the five economic variables had any significant effect on the likelihood of being mobilized by a political party or by someone other than a political party. People who were unemployed and people who were worse off financially were slightly more likely than other citizens to be mobilized to work for a party or candidate, but the effects are very small.

every social process is imperfectly measured, and these estimates of voter turnout depend as much as any other upon the vagaries of statistical accounting--estimates of the voting-age population, an accurate counting of the ballots, and survey estimates of population characteristics. It is not entirely clear that there is anything left to explain.

But supposing there is, just for the sake of argument, it might be the effect of processes we have been unable to represent in the statistical model upon which we base our simulations. The National Election Studies, like any data collection, imposed their own limitations on our model, and it falls short of a complete representation of the theory. In particular, we are still a considerable distance from a full accounting of the social context of individual voters and the efforts made by actors other than parties and candidates to reach them. Given the closeness of the 1992 election, extra-partisan mobilization efforts were surely more intense, but we had no direct way to assess their extent or their effect.[27]

Or, supposing there is a percentage point yet to explain, and supposing that we just cannot get the idea out of our heads, it might be the economy, the alienated, and the data processing mogul from the Lone Star State. As we have already argued, the most reasonable interpretation of our findings indicates that collectively they had but a tiny effect. The Perot mobilization of voters, by our best estimate, increased voter turnout .15 of a percentage point. But if we set aside our scruples and accept the validity a single coefficient, even though it has no analysis, no historical experience, and no side evidence to vouch for it, we can in fact locate the missing remainder. Under the most forgiving scenario, voters' concern over the economy lifted voter turnout .79 of a percentage point. That is only about one-sixth of the total increase, and it requires assumptions we consider heroic to reach it.

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[27]New instrumentation on the 1992 National Election Study, as shown in the Appendix, has improved the situation.

Conclusion

And so we come to a close. The processes that brought voter turnout to an increase in 1992, we have shown, are the same processes that have affected voter turnout, primarily for the worse, over the previous three decades. Turnout rose in 1992 because the electorate's resources were augmented by additional education, additional efficacy, and additional maturity and experience. Turnout rose in 1992 because the electorate's interests were engaged by more attractive choices and more momentous stakes. Turnout rose in 1992 because the electorate was more extensively mobilized by campaigns, interest groups, and activists motivated by the closest presidential election in a decade. And turnout rose in 1992 because the electorate was impeded by fewer requirements of registration laws.

Many of these conditions, of course, have been improving for years, in some cases for decades. The educational attainment of the American electorate has increased steadily since the Second World War, and the most oppressive legal restrictions on the exercise of the franchise--poll taxes and literacy tests--fell before the advance of the civil rights movement in the 1960s. Why, then, did we watch voter turnout fall for three decades? Why did we wait until 1992 for voter turnout to improve?

The simple answer is that other conditions, conditions that diminished voter involvement, prevailed. Partisan allegiances weakened, eroding the electorate's appreciation of the benefits of involvement. Social attachments loosened, isolating the electorate from the social expectations, obligations, and rewards that promote political activism. Finally, and according to our estimates most importantly, elite mobilization of citizen participation waned. Campaigns abandoned labor-intensive canvassing strategies for capital-intensive media strategies, relinquished mobilization for persuasion. Civil rights protests, marches, boycotts, and voter registration drives subsided. These conditions continue to this day to depress voter turnout. They show little sign of abating.

Other conditions, however, have recently improved and provide some measure of hope, if not optimism, that the gains in voter involvement in 1992 might not, as in 1984, prove fleeting. By fits and starts, the electorate's belief in the efficacy of its actions has lately increased, bolstering the confidence it needs to take part. The enormous postwar "baby boom" generation is finally entering middle age, leaving behind the stage of life during which participation in politics is least and entering the phase during which involvement rises. The legal impediments to political activism, most particularly voter registration laws, continue to shrink.

The imponderables are the conditions of the electoral system. The 1992 election had an intensity that has been more the exception than the rule in the last couple decades. Whatever the pundits said, the public found the choice among George Bush, Bill Clinton, and Ross Perot consequential: It was motivated to turn out because it related to the candidates and it cared about the outcome. Whatever the oddsmakers expected, the contest was the most competitive in a decade: The campaigns, interest groups and activists were motivated to mobilize citizen participation because the additional increments mattered.

The future of voter turnout depends upon the confluence of this variety of conditions, and whether some things get better faster than others get worse. But unless the political system assists by generating attractive choices and fostering genuine competition, the revival of voter turnout in 1992 can only prove to be an engaging anomaly.

Appendix

Causes of Electoral Participation in 1992
(Probit Estimates)

	Voted	Tried to Persuade Others	Worked for Party or Candidate	Attended Meeting or Rally	Contributed Money to Party or Candidate
Resources					
Income	.404 (.172)			.234 (.211)	.492 (.266)
Education	1.251 (.177)				.309 (.241)
Age	.013 (.003)	-.015 (.002)		-.004 (.003)	.013 (.004)
Internal efficacy	.763 (.208)	.712 (.165)	.291 (.331)	.892 (.251)	.564 (.278)
External efficacy	.376 (.148)	.265 (.115)		.254 (.187)	
Evaluation of Parties and Candidates					
Strength of partisanship	.363 (.127)	.271 (.100)			
Affect for party			.392 (.333)	.692 (.246)	
Care which party wins presidential election	.481 (.094)	.355 (.086)			.270 (.176)
Care which party wins House election	.607 (.150)	.576 (.118)			.877 (.216)
Affect for presidential candidate	.337 (.175)	.666 (.128)	.392 (.333)	.267 (.209)	
Social Involvement					
Years in community (natural logarithm)	.064 (.034)				
Church attendance	.215 (.097)		.206 (.166)	.199 (.119)	
Homeowners	.270 (.094)				
Currently working					.216 (.141)
Number of neighbors talk to regularly		.034 (.019)			

Appendix (cont'd)
Causes of Electoral Participation in 1992
(Probit Estimates)

Variable	Voted	Tried to Persuade Others	Worked for Party or Candidate	Attended Meeting or Rally	Contributed Money to Party or Candidate
Mobilization					
Contacted by party	.473 (.127)	.224 (.081)		.168 (.114)	
Contacted by someone other than party	.276 (.163)				
Contacted to attend a meeting or rally	.200 (.173)	.148 (.112)	.739 (.168)	1.048 (.128)	.361 (.136)
Contacted to work for a party or candidate		.356 (.161)	1.115 (.182)	.319 (.172)	.697 (.173)
Contacted to give money	.191 (.097)	.258 (.070)	.285 (.155)	.136 (.112)	.859 (.130)
Other Variables					
Voter registration closing date	-.015 (.006)				
Lives in Southern or border state	-.353 (.086)				
Women		-.150 (.066)			
(Constant)	-2.364	-1.342	-2.949	-2.775	-4.500
Number of cases	1674	1858	1787	1662	1770
Log likelihood	-614.4	-1047.1	-180.1	-378.2	-336.3
Percent of cases correctly predicted	84.1	70.6	96.9	91.6	92.7
Null model	76.6	61.3	96.6	90.9	92.4

WHO 'OWNS' AIDS SERVICE ORGANIZATIONS?: ISSUES IN THE POLITICAL ACCOUNTABILITY OF FOUR UPSTATE NEW YORK AIDS ORGANIZATIONS

Donald B. Rosenthal
State University of New York
at Buffalo

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WHO 'OWNS' AIDS SERVICE ORGANIZATIONS?: ISSUES IN THE GOVERNANCE OF FOUR UPSTATE NEW YORK REGIONAL AIDS ORGANIZATIONS

Donald B. Rosenthal
State University of New York at Buffalo

The use of public monies to support non-governmental organizations in delivering government programs has a long history in American government.[1] Sometimes those funds have added to the resources available to existing organizations -- both not- for-profit and profit-making -- to expand the delivery of existing services; sometimes they have been designed to stimulate organizations to undertake new program activities. At times, the availability of government resources also has served as an incentive for the creation of the non-governmental organizations in the first place.

While this relationship between governments (national; state; local) and non-governmental organizations in responding to what are perceived to be societal needs remains an important and interesting aspect of American public life, issues continue to beset society over where properly to draw the line between the reach of government and the independence of "third sector" organizations. That problem is well illustrated by the multi- dimensional debate over the use of public resources to support the provision of services by religiously-affiliated organizations whether those services are in education, health or foster care. Even where the public resources committed to private organizations are not substantial, the boundaries of the oversight responsibilities of government in influencing the operation of non-governmental organizations are by no means clear, as recent controversies over the access of gays and lesbians to the St. Patrick's Day Parade in New York City or governmental actions in the San Francisco Bay area to halt the discriminatory policies of the Boy Scouts of America illustrate.[2]

For political scientists, a fundamental problem in the maintenance of the relationship between government and private sector organizations is how to define and implement standards of accountability. Accountability, of course, has a long history as a normative issue in political science, both in the realm of democratic political theory and in debates over the application of performance standards in public administration. Even with respect to the operations of the public sector alone, that debate is as old as Plato's Republic or as recent as continuing controversies over Robert Moses' operations in New York or J. Edgar Hoover's in Washington, DC. If the establishment and maintenance of standards of accountability are difficult to achieve in purely governmental situations, such standards are probably more difficult to establish and put into operation when a non-governmental receives a share of its funding from government in order to carry out programs that are supposed to serve the public interest.

What standards of accountability are at issue? At a minimum, strict standards of fiscal accountability should be as readily applicable to private entities as to public agencies, though this is easier said than done. Much evidence from the performance of the public sector suggests that

even within its own house, government is not always capable of staying on top of individual agency fiscal performance, whether it be the performance of the Defense Department's procurement officers or overruns on major projects like the space station or supercollider. This type of scutiny is even more difficult where intergovernmental funding is involved; a literature on the fungibility of intergovernmental grants is now a part of the lore of the study of fiscal federalism.[3] In relation to non-governmental organizations, the history of malfeasance and misfeasance in the savings and loan industry and in the abuse of overhead from research grants by universities illustrates how difficult it is for adequate standards of fiscal accountability to be established and maintained.

What also can go wrong is suggested by recent events in San Francisco, where the Shanti organization has undergone a major upheaval apparently as the result of a poor performance on a housing contract with the city intended to provide housing to people with AIDS (PWAs). It is not clear to me from the one story I have read on the case whether the organization's lapses are the result of misfeasance or nonfeasance. What is more to the immediate point is that AIDS Service Organizations (ASOs) like Shanti -- dependent as they are on government money to support a major portion of their program activities -- must be held to a certain standard of fiscal responsibility by the governments that fund them.[4]

As troublesome as fiscal accountability issues may be, equally problematic are two other types of issues involving what might be characterized as program accountability and governance accountability. Program accountability is closely connected to fiscal accountability but focuses on performance and evaluation issues such as: how well did the recipient of the the funds carry out the program activities for which it was given government responsibility (and funding)?

In this paper, however, I will address aspects of the third form of accountability -- governance accountability. What is at issue here is how far governmental agencies do play a part in conditioning the internal operations of organizations which may be technically private but, in fact, depend largely upon those governments for their funding.[5] Equally important, I am concerned with how far they should bear responsibility for promoting democratic accountability in the operation of those organizations. From a somewhat different perspective, the principal question being asked here is, "To whom should governmentally-funded ASOs be responsible and how -- short of revolution, death or scandal -- can the leadership of those organizations be made democratically responsible to those who make up the relevant portions of their publics?"

There are many sides to the issues raised here, but I shall limit my focus to consideration of problems I have identified in the course of studying four multi-county ASOs over the past five years in the upstate New York regions centered on the cities of Albany, Buffalo, Rochester and Syracuse. These organizations have received the greater share of their operating funds from New York State's AIDS Institute since their designation as Community Service Programs (CSPs) in 1984.[6]

Creation of the Government Connection

In each of the four regions, the origins of the CSPs were in informal groups of friends and acquaintances (primarily from the gay and lesbian community) who saw a need late in 1982 or early in 1983 to "do something" about the spread of what only later came to be called Acquired Immunodeficiency Syndrome (AIDS). Instances of the infection were rare or slow to be recognized in these localities, so that the "grassroots" networks that developed were essentially volunteer-organized efforts to circulate warnings about the prospective emergence of the disease and to inform local people about possible precautions to be taken to minimize risk rather than involving the delivery of services to the infected.

In emulation of New York City's Gay Mens Health Crisis (GMHC), money might be raised locally through fund-raising events (including "bar nights" at local gay and lesbian bars) in order to establish an informational "hotline" to share whatever limited information was available about the disease or the proceeds were used to prepare pamphlets on AIDS or to give presentations to gay and lesbian groups. It is important to note that both in this early period and for many years thereafter, municipal and county governments (and many other "established" organizations) in the four regions were silent about the disease, which left much of the responsibility for responding to the crisis to the volunteer- run ASOs initiated during this period.[7]

Elsewhere, I have tracked in some detail the evolution of the four CSPs as they began to receive state funding in 1984.[8] State government involvement began with a small appropriation of $5 million in late 1983 by the New York state legislature (over the initial opposition of Governor Mario Cuomo) to create an AIDS unit within the state's Department of Health that would assist community-based organizations in providing information and support services. This first step also gave rise to the AIDS Institute, which began as a temporary unit within the Department of Health and has since become an increasingly large and relatively autonomous bureaucratic unit within the Department.[9]

Among the early responsibilities of the Institute were to work with existing ASOs or to assist in the creation of ASOs which could apply for designation as CSPs and then for program funding from the state government. In each of the four regions studied, groups were already in existence (though sometimes in a fairly rudimentary condition) in the central cities of the region -- Albany, Buffalo, Rochester and Syracuse -- which would fulfill the role of counterpart non-profit grant recipients. For the most part, these ASOs were based within the local gay and lesbian communities, but some of them also drew upon connections into local hospitals and into other health care and social service organizations. With the encouragement of the Institute and the promise of state funding, efforts were made by the nascent organizations to gain incorporation as not-for-profit organizations and to prepare by-laws for internal governance.[10]

The Growth of the CSPs

As state funding for each of the CSPs increased over the next nine years, they grew: 1) larger in the number of staff members employed; 2) increasingly bureaucratic in the way those

staffs were structured; and 3) more professionalized in the way services were delivered. Thus, by the 1990s, the four CSPs had full-time staffs ranging from 23 to 32 persons. In addition to building in a number of purely administrative positions (executive director; associate or assistant executive director; directors of operations; secretaries, receptionists and clerks; fund raisers and grant writers), typically the organizations came to contain two major service departments: one which provides client support services; the other whose principal function is preventative education. Typically, one staff member is also responsible for coordinating the recruitment, in-take, training and supervision of volunteers.

As any student of organization theory might predict, growth in the number of staff members and specialization within the staff has been associated with professional credentialing. This is particularly the case in client support services where staff are expected to counsel individuals and run support groups for clients (including collaterals) and provide case management services. The latter normally means identifying, gaining access and coordinating the provision of a wide range of services for which individual clients or their families may qualify.[11] Client support staffs are also responsible for overseeing the operation of "buddy" programs which link volunteers to clients so that they may provide appropriate support to those clients, including performing relatively simple household tasks and providing transportation services; buddy services are supposed to exclude more demanding psychological or personal services.

Education department staffs are normally engaged in dispensing information about the disease and recommended procedures for reducing or eliminating risk of exposure. This is done through a great variety of educational presentations as well as through the preparation and circulation of appropriate publications. While appropriate educational backgrounds as health educators and trainers are desirable, the professionalization of service positions in this area has proceeded more slowly than credentialing in client services.[12]

The Governance Problem

Mechanisms for internal governance of the CSPs were fairly primitive in their initial stages. Essentially, anyone interested enough to attend organization meetings was qualified to participate in decision-making. In each of the four organizations, as in any set of informal organizations that last for more than a few months, leadership began to emerge fairly early, though the Syracuse situation was more complicated in this regard than the others.

Early ASO leadership took different forms: in Buffalo, the creation of the local AIDS Task Force was largely the result of the efforts of a gay activist physician; in Albany, it was provided by several gay men who were well placed professionals within the state government or in academia; in Rochester, there was an especially close connection between AIDS activism and the extension of its influence by the leading gay and lesbian organization in the area. The Central New York CSP (centered in Syracuse) found itself in the most difficult situation of the four as conflicts between closeted gays and gay and lesbian activists made it more difficult to create an effective governance structure and also contributed to major problems in organizational management.

Selecting a Board of Directors

One aspect of early organizational development was the establishment of CSP boards of directors. Initially, the selection of a board was an informal process, often dependent on who showed up at meetings or who could be coerced into taking the positions. As noted earlier, most early board members were volunteers from the gay and lesbian community, though efforts were made in some places to bring in gays and lesbians and others who were health care or social service professionals.

As organizational resources grew, efforts were sometimes made by members of the boards or sometimes at the instigation of the administrative heads of the CSPs -- their executive directors -- to expand the representational "reach" of the boards. Some of these CSPs took initiatives on their own to build more diverse boards, but the AIDS Institute also came to play an increasingly stimulative role in pressing CSPs, in turn, to add: 1) people with AIDS; 2) minority representatives; and 3) representatives from outside the metropolitan core areas to the boards. Each of these additions reflected a distinct set of issues for the organizations.

One of the more contentious issues with which CSPs have had to contend is the role that people infected with the Human Immunodeficiency Virus (HIV) should play in their operations. Because testing for HIV infection was not available until 1985, there may have been some members of CSP boards who knew themselves to be infected before that date, but very few disclosed that fact. Indeed, the CSPs founders in the four communities initially discouraged the participation of persons with AIDS on their boards and most (at least for a time) limited the kinds of volunteer services that persons infected with the virus could provide.[13]

Local complaints and the political clout of downstate AIDS activists including persons with AIDS (PWAs) ultimately contributed to AIDS Institute pressures on the upstate CSPs for explicit of representation of persons infected. Nonetheless, even in 1993, the number of PWAs on any board is usually limited to only one or two. The picture is somewhat clouded by the fact that some board members have never indicated their HIV status, although these "closeted" PWAs are usually not very visible in challenging the policies of their CSPs.[14]

The "representativeness" of the PWAs formally selected as such also has varied with the particular persons. In Rochester, one of the PWAs currently serving on the board is the very visible head of an independent fund-raising organization for AIDS causes who is well-connected into the local PWA population. In contrast, those PWAs who have served on other boards have tended to be unaffiliated with any local PWA organization. Indeed, in one instance a PWA remained on a CSP board for several years after he had been ousted from leadership in a bitter dispute within the major PWA organization in the city. (The continued service of the PWA in question on the CSP board may have reflected the personal preferences of the executive director of the CSP who used it as an emblem of his continuing warfare with the local PWA organization.)

Secondly, the representation of African-Americans and Latinos/as on CSP boards has been a mixed experience. On the whole, minority populations in the four regions are small, and those minorities have been only weakly mobilized on the AIDS issue until quite recently. Indeed, until perhaps as recently as 1990 (except for Rochester), minority populations and the organizations that claimed to represent them in the four central cities tended to avoid any serious involvement in the AIDS issue. As a result, there was very little insistence by local minority organizations upon representation on the board or recruitment of minority staff, although an increasing proportion of agency clients were drawn from those populations.

Again, the AIDS Institute seemed to be responding more to the concerns of minorities in the New York City metropolitan area (and to the minority caucus in the state legislature[15]) than to upstate New York's minority communities when they encouraged CSPs throughout the state to add minorities to their boards. In most instances, this membership tended to be more symbolic than substantive, since the persons selected have been more concerned with representing particular minority-serving organizations than because they have any great interest in influencing the policies or operations of the CSP.[16]

The result, as in the case of PWAs, has been a kind of minority tokenism, though there are some notable exceptions to this characterization. Thus, the person who has served as president of the AIDS Rochester board for the last five years is a staff member of a neighborhood health center which serves primarily the African-American community. From her position on the board, she has played an active role in overseeing the operations of the CSP, including participating in the firing of the executive director who dominated the organization until 1989.

A third kind of representation has involved the recent inclusion of persons either living or working in outlying counties in order to build the involvement of professionals in those areas for the work of the agency. For the most part, the CSPs have sought to fill these positions with health care or social service professionals, rather than PWAs or AIDS activists of any stripe.

Finally, it should be noted that the selection of persons to serve on CSP boards has sometimes involved efforts at outreach to other service organizations. The options of the four CSPs have been rather limited beyond that. Perhaps it has been the relatively conservative environments in which they operate (though that argument would not apply as readily to the Rochester CSP), but the CSPs have recruited to their boards neither the usual social nor economic elites often associated with service on the boards of more "mainstream" diseases. Nor have they succeeded in gaining the organizational representation of major religious groups, although some religious groups have been supportive of CSP activities and some well-connected laypersons have been board members.[17]

Typical of the wariness with which board membership is approached by some people, a member of the AIDS Rochester Inc. (ARI) board who was executive director of the large and well- funded local Jewish Community Center (and also served as vice- chair of the CSP board for a time) made it very clear that he was serving as an individual and not as a representative of the Jewish community. Indeed, some of his own board members had apparently looked askance at his involvement in the CSP initially, though their concerns had abated as his service

continued and the CSP became accepted as more of a mainstream organization in the community.

Whatever their by-laws permit, the electoral procedures that have been put in place in each of the four CSPs has involved the effective creation of self-perpetuating boards whose nomination committees propose uncontested slates of candidates to fill board positions that open up because of resignation, death or term expiration. No class of organizational membership exists beyond members of the board, though in some instances, the electorate may include not only board members but persons who have been selected to serve on various standing committees but are not themselves on the board. For all practical purposes, then, the electorates are narrow ones and reflective principally of the preferences of the incumbent board and/or the incumbent executive director.

The practical effect of adding nominal representatives of population segments or organizational interests (rather than persons committed to AIDS policy issues) has been to weaken the influence on these boards of AIDS activists, or, at least, of dissident voices. For the most part, the minority board members and representatives of ancillary health care and social service organizations --including organizations serving intravenous drug users (IVDUs) --are more likely to be concerned with protecting their own organizational turfs than in building the influence and effectiveness of the CSPs. Along with representatives from the outlying counties, they have constituted a conservatizing force on the boards, supporting or encouraging the agencies' executive directors to go slow in promoting innovations in outreach or greater organizational visibility where leadership on controversial policy issues might be called for. This may account, in part, for the fact that the CSPs have not generally been "out front" on matters of preventative education through the schools or efforts to promote needle exchanges.[18]

What is at stake in the struggles for control over board membership can be illustrated by drawing upon the history of the Syracuse CSP. The original organization design for the AIDS Task Force of Central New York (as it came to be known) grew out of discussions with representatives of the AIDS Institute in late 1983. The organization was intended to draw together individuals recently mobilized on the AIDS issue with existing organizations that might have a concern with the issue, like hospitals and the Red Cross. However, there were conflicts between two sets of gays and lesbians represented at the initial meetings: an activist group which was already "out" to the larger world; and a group of closeted professionals who walked a fine line between committing their professional skills to responding to the AIDS crisis but were unwilling to become identified as gay and lesbian AIDS activists. While this conflict within the lesbian and gay community existed in some measure in the other communities, it seemed to be most pronounced in Syracuse.

What emerged organizationally was an unusually complex design for a Task Force. The Task Force itself would be constituted as an advisory committee made up of the various interests, while there would be a separate entity that would be incorporated to raise funds and to provide whatever education and support services were found to be appropriate. Before these

activities could be undertaken, however, it would be necessary to write a grant proposal to the AIDS Institute.

While the grant-writing effort was going forward under the aegis of the Task Force's Finance Committee, another committee was formed to deal with questions of organization. The activities of this committee provided a particularly contentious forum to the gay and lesbian members of the Task Force. Much discussion went on, for example, about whether even to include an allusion to "gays" or to "AIDS" in the name of the new organization with the closeted gays preferring to call the new organization the "Central New York Health Crisis."

The AIDS Task Force of Central New York, as it eventually emerged, continued to operate throughout the 1980s as a large body -- upwards of forty members. From one perspective, that arrangement allowed for a much more participatory organization than was the case in the other three cities. Instead of creating a small board of directors as the other organizations did -- with all the potential for elitism that that implied -- the Task Force remained a membership organization open to the vagaries of volunteer participation and to the interplay of particular personalities.

Unfortunately, that form of organization occasioned the creation and re-creation of numerous committees whose membership shifted with the ups and downs of volunteer interest. Committee chairs did eventually come to make up an Executive Committee of the CSP, but persons filling the chair positions shifted with some frequency, with the result that the continuity of operations of the Executive Committee was affected. Thus, while this open procedure in principle encouraged democratic participation, in practice it denied a measure of stability to the organization. For better or worse, it continued to reflect the state of the AIDS "community" in Syracuse as AIDS activists struggled to define the identity and work of the CSP.

Whether it was these struggles over style and program content among individuals and groups, or the participatory structure itself that was responsible, much of the first eight years of the CSP were spent in administrative turmoil as executive directors quarreled with their Executive Committees and with the Task Forces and it became increasingly difficult to fill administrative positions.

Some of the strains on the operation of the Task Force -- including a rapid rate of staff turnover -- might have been relieved had executive directors had the proper political skills for the position. Unfortunately, they did not. Thus, the woman who assumed the position early in 1988 did not effectively demonstrate those skills. Leaders of the gay and lesbian activist community, in particular, viewed the situation at the time with some suspicion. As one commented early in 1989,

> The scuttlebutt I keep hearing ... is that [she] feels she was hired to 'mainstream' fighting AIDS in this community and that she doesn't feel the necessity to include gay and lesbian concerns as part and parcel of what the Task Force does. There's an effort to have a committee that would handle gay and

> lesbian concerns [within the Task Force]... There are also committees to deal with women's issues, minority issues. It's like the ghettoization of all these groups.

Typically, the Task Force was accused by these activists of refusing to develop and circulate safer sex materials directed explicitly to gay men and lesbians and of not returning calls for volunteers that came from gay men. As one gay informant claimed, "There's a feeling that certain people don't want ... gay men on phone lines."[19]

Some of these complaints were voiced publicly during the city's Gay Pride celebrations in June 1988 when a leader of the gay community talked briefly in an open forum about a growing gulf between the Task Force and the gay community. A few days later, he was contacted by the Chair and Vice-Chair of the Executive Committee about meeting with them. That meeting, as he recalls it, did not prove to be so much an opportunity for reconciliation as for criticism from the CSP's Executive Committee leaders that he had complained in such an open forum.

As a result of this escalating alienation, a contingent of gay and lesbian activists appeared at a Task Force meeting in July of 1988 to air their complaints. The people in charge of that meeting attempted to restrict their access to the floor. Despite that effort, activists were able to raise a number of questions about the content of the agenda, which (among other things) was supposed to deal with proposed by-laws for changes in the structure of the organization. The dissidents succeeded in sending the by-law revisions back to committee for further work. A second meeting came to no better outcome as quarrels over the proposed by-laws were referred back again to committee for review. This opposition clearly reflected a growing concern among activists that the proposed by-laws would move the organization much more in the direction of a hierarchical, "professional" organization than many of the gay and lesbian community activists were unwilling to accept.

Ultimately, these struggles were not only over the direction the organization was taking but whether it would maintain sufficient sensitivity to the concerns of gays and lesbians. Those feelings were put in the following terms by one gay activist:

> We have supported [the Task Force] thinking that what we are going to get in return is a fair delivery of services. We have done that at the expense of our own organizations and our own community resources. For us to be treated as just one of the needs areas to me is ludicrous and insensitive.

Typically, the new Executive Director and the Chair of the Task Force's Executive Committee moved during this period to further strengthen professional representation on the CSP board. While they conceded some representation to gays, minorities, and PWAs (in keeping with AIDS Institute encouragment) they also included seats for county health officers from the nine-county region served by the CSP. Where there was no formal position of county health commissioner, equivalent persons were sought. This professional "outreach" alarmed some gay activists. For, as one commented,

> By taking the course that they are now taking, where the majority of the people on the [board of directors] are professionals and they are getting their salaries, making their livelihoods in health care, it's just ludicrous for me to think that they are going to be responsive to what we really need.[20]

In contrast, the Chair of the Executive Committee (who was herself a staff member of a non-profit organization) commented on the need for professionalization at the time the new Executive Director arrived in 1988,

> Before [she] came, the agency was just about defunct... So these other agencies were saying, 'Until you can be real and credible as a professional agency, we're not going to have anything to do with you.' So a lot of them sat back. Then, there was another group who said, 'I'll get on the board of directors and maybe we can do something about this.' So, you had on the board of directors, people who were saying, 'This is what needs to be done as a professional agency...' And, then, you would have the gay group saying, 'What about us?'

Given the contentious history of the organization up to that point, many of the professionals (both gay and non-gay) associated with the Task Force were supportive of reforms that would concentrate power in a smaller, more professional, board. As the then-Chair of the CSP commented in 1989, in relation to the "general membership" on the Task Force,

> My own preference is that [the] general membership ... need[s] to be there for meetings, but I don't think we need to give them a lot of on-going responsibility... I think the board people are very committed and very interested and put in a lot of time and hours. What we had before is that ... the board could pass certain things, but the general Task Force had the final approval and it just made it kind of ass backwards.

Despite occasional successes in putting the organization on a sounder administrative footing, the Executive Director found herself under continuous fire from her critics. Rather than struggling to overcome that situation, she resigned early in 1989, barely more than a year into her service, when an opportunity arose to assume another position. After her resignation, the board launched a search for a replacement. The selection process was a very difficult one, given the troubled history of the Task Force, the high turnover of its staff and the small budget allocated to it by the AIDS because of the Institute's dissastisfaction with its administrative capacity. Interestingly enough, the person selected as Executive Director had been associated with the "closeted" wing of the gay and lesbian participants in the early years of the organization and then had withdrawn from the organization as it was divided by quarrels. He now came back into an organization where he could draw upon the support of professionals and gay and lesbian non- activists to establish a more narrowly-focused organization which was only marginally responsive to the concerns of the gay and lesbian and issue activists. Within a year, new by-laws had been put in place which established a small board of directors and did away with the large participatory mechanism that had operated up to that point.

Selecting an Executive Director

The evolution in board membership outlined in the previous section is consistent with the service organization strategy that the current generation of executive directors has pursued. That trend has been associated with the bureaucratization and professionalization of the administrative side of the CSPs. In the process, boards and their chairs have become less visible entities than the agency executive directors, who in turn, typically have become more service managers than what might be distinguished as issue advocates and constituency mobilizers.

On the whole, a decade of ASO evolution has seen the passage of organizational leadership from those imbued with personal or ideological commitments to the issue of AIDS -- those we might call issue advocates -- as opposed to those who have emerged from various service backgrounds to take on administrative leadership of the organizations. Their type of leadership might best be characterized as service organization management. In between lie the constituency mobilizers: those who seek to build the organization by mobilizing support from various actual and potential constituencies. Where they stand on issue advocacy, however, is problematic, since they are not necessarily militant on the issues.

As I suggested in the previous section, increasing professionalization and bureaucratization of the CSPs (with the encouragment of the AIDS Institute) has worked to narrow the access and influence of diverse groups that initially served as constituencies for the CSPS: gays and lesbians; organization volunteers; issue advocates.[21] There has also been limited access by self-identified PWAs to decision-making positions. Instead, there has been an increasing tendency toward the selection of service managers to position of administrative leadership in the CSPs who look primarily to two other constituencies for support and validation: the AIDS Institute; and other health care and social service providers within the region.

In some ways these patterns of change have been most clearcut in Albany and Syracuse, where issue advocates who also functioned as constituency mobilizers served as the first executive directors of both CSPs. In Albany, however, the first executive director came into conflict with her predominantly middle-class professional gay white male board over her ideological commitments very early in her administration. She was dismissed. She was followed by a persons with professional credentials whose administrative inclinations became increasingly bureaucratic as time passed. The result has been a narrowing of access and influence by volunteers and dissident voices within the community including PWAs, some of whom complain both about the quality of care they receive under this arrangement and the access they are given to administrative decision-making.

Because of the larger cleavages within which the Syracuse CSP's service delivery has had to operate, it was not until 1989 and the selection of the current executive director that the organization was put on a more consistent bureaucratic basis. As in Albany, there are many complaints about access to services and influence within the organization by AIDS activists. Reflective of that level of dissatisfaction are the efforts of a group of activists to place their

concerns before the board late in the summer of 1993. They had returned from a state-wide PWA conference energized by their involvement there to place a number of demands before the CSP's board. While they were heard with courtesy, I am not aware that any of their complaints have been attended to.

Somewhat different administrative leadership scenarios have operated in Buffalo and Rochester where the lines between issue advocates, constituency mobilizers, and service managers were not as distinct initially and other factors have intervened to complicate the picture since then.

In Buffalo, the gay physician who was most instrumental in creating the CSP sought (in principle) to avoid day-to-day responsibility for operation of the organization. He led the selection process that chose the organization's first two executive directors from his position as president of the board and then continued to exercise influence over the direction of the organization. Some informants contend that this created considerable difficulty for the first two executive directors. The second one, in particular, was both a constituency mobilizer and an issue advocate, and she also had some training as a social worker, but she came into conflict with the board over personal style and managerial shortcomings that became more pronounced as the board added more professionals to its membership.

For various reasons, including the completion of his medical residency and his assumption of responsibility for setting up the first hospital-based AIDS clinic in Erie County, the physician eventually chose to draw back from his commitments to the CSP. He exchanged positions with the treasurer of the board in mid-1985 but then resigned from the board altogether.

By the time he resigned, the founder had recruited a number of gay and lesbian professional service providers to the CSP board. Among them were two gay men who were involved in health- related administration. One was a middle-management hospital administrator; the other was executive director of Planned Parenthood of Niagara County. It was with the latter that the founder of the CSP exchanged the CSP board presidency in 1985. It was this person who played a major part in the dismissal of the organization's second executive director in December, 1986, allegedly on the grounds that she was a poor administrator and spent too much time on building community support for the organization rather than on organization management. (Indeed, it was just these characteristics that endeared her to the CSP's small staff and to many of the volunteers of the organization.)

The new president played a major role in the selection of the hospital administrator as the third executive director. While the executive director claimed to be just as much interested as his predecessor in mobilizing connections into various populations (including gays and lesbians, women and minorities), some observers suggest that he began the trend that led the organization to focus much of its energy on building good relations with the AIDS Institute and with other professional health care and social service providers in the community rather than with integrating clients more closely into the operation of the agency or with mobilizing volunteer and

public support for the organization. When he resigned two years into his service in late 1988, his successor was the president of the board.

Whatever the personal style of the outgoing executive director, under his leadership the values associated with "good" service management were placed much higher in the organization's hierarchy of values than issue advocacy or constituency mobilization. Service management and strong leadership (by which he understood bureaucratic control) were even more highly prized by his successor. As a result, operations have become not only increasingly professionalized but they have become remarkably bureaucratized to the point where internal organizational control and demonstrations of loyalty to the hierarchy have become the dominant value of the organization.

In the process, the role of volunteers -- although publicly celebrated -- has been substantially deemphasized in favor of service delivery through carefully controlled professional staff. (Volunteers, of course, constitute a less controllable form of organization labor than full-time employees.) Such vestiges of volunteer activity as the buddy program, for example, have been markedly de-emphasized in favor of counseling and client management activities provided by full-time staff; educational presentations by volunteers has also been played down in favor of the use of paid staff. Indeed, over time, opportunities for forums between volunteers and staff have been reduced and volunteers and other interested members of the public have been discouraged from attending board meetings on grounds of confidentiality.

A rather different situation arose in Rochester where the person selected in 1984 as the first executive director of AIDS Rochester Inc. (ARI) had shortly before that served as president of the leading gay and lesbian organization in the community. While she had devoted considerable time as an ARI volunteer in its formative months, she had no professional background in health or social services. However, she proceeded to mobilize the support of the community (beyond gays and lesbians) and to build an organization which came to be seen as a powerful voice of concern on AIDS issues in the Rochester area and as a major vehicle for delivering AIDS-related services. The stability and continuity she provided to ARI as executive director over the next five years made ARI an important organizational model for other upstate cities.

Thus, at first appearance, Rochester succeeded in moving rather smoothly from mobilization around the AIDS issue into and through subsequent stages of organizational development. It grew in staff size, in funding and in the range of services it provided during these years. Nonetheless, by the middle of 1988, complaints began to surface about its operations. Complaints came, in particular, from two sources: first, a group of gay white PWAs felt that their problems were not being given the attention by the organization they felt they deserved; and, secondly, various professionals, including gay and lesbian professionals (some of whom were either board members or former board members but many of whom were political activists) argued increasingly that the Executive Director's lack of managerial skills had begun to hurt the operation of the organization.

As in Syracuse, the first set of complaints reflected a concern that the claims of the gay and lesbian community were being shortchanged as more resources were being directed toward education in the African-American and Latino/a populations, as well as toward IV drug users, and to heterosexual women and infected children. Whatever the reasonableness or unreasonableness of these complaints, it was generally agreed in the activist community that one of the more damaging symbols of the Executive Director's obstinancy was her unwillingness to seek out an openly-admitted gay or lesbian PWA for membership on the board as late as 1989. As one gay activist commented in the Spring of 1989 in this connection,

> They don't want a PWA on the board. PWAs have been practically on strike to get on the board... [The] organization felt it was going to disrupt their well-run agency, which isn't so well run. They have taken on a real bunker mentality.

This kind of distrust was even reflected in the emergence of a controversy between PWAs and the agency over the use of ARI facilities for meetings and "drop in" sessions. Thus, despite the fact that the Executive Director and most of her staff members came from the gay and lesbian community, several informants pointed to examples such as these as evidence of the organization's increasing alienation from PWAs and from the gay and lesbian community.

An equally large share of the dissatisfaction with ARI appeared to stem from the managerial style and the lack of administrative competence of the organization. Along with this complaint, there was growing discontent in the gay and lesbian community (as well as among non-gay professionals on the board) that the Executive Director had come to treat ARI as a personal fiefdom and to brook very little dissent from board members. Thus, while applauding the impact of her public persona in helping to spreading the message about AIDS among the general public and in gaining financial contributions to the organization, these critics became increasingly vocal about her limited organizational abilities (including the organization's shortcomings in maintaining personnel records and managing funds) as well as her lack of professional credentials. Indeed, the lack of credentials provided some of them with a relatively "neutral" instrumentality for attacking her leadership while staying away from certain behavioral issues that they felt were best left out of public view. As a former board member remarked in an interview in early 1989,

> There have been many of us ... who have left the board because we simply felt that the organization had outgrown [the Executive Director] and [she] couldn't keep up, and yet she simply refuses to allow any criticism or any openness at all. She continues to try to dominate the board and everything else and some of us became so alarmed at what was going on and saw that it was hopeless to stay and fight that we simply left.

It is not necessary to review in detail the events that led to the firing of ARI's Executive Director in July, 1989 after several months of maneuvering between her and her opponents. One highlight was a board meeting held in October 1988, where there was an especially heavy

turnout of former board members who read a letter listing a variety of complaints about managerial matters. Although some of her critics claim that the Executive Director ran the board with an iron fist, the fact that a majority of members of the board were sympathetic to the position of the dissidents and were willing to give them access to the meeting is, itself, indicative of the limits of the actual power she was able to exercise in this situation.

One result of the airing of these grievances was the formation of a committee to review the structure and activities of the organization; another was the voiding of elections to the board and a move to hold new elections in January, 1989. Those elections brought on to the board new people who included some critics of the incumbent administration.

While the new board attempted to establish a working relationship with the Executive Director, over the next several months they put her work under increasing scrutiny. This led ultimately to her being fired in July amidst displays of anger and threats of legal action from her side. Three days later, seven staff members either resigned or were fired.

While complaints of managerial incompetence came from a number of critics, a few who were closely questioned on the issue insisted that they wanted an organization that was professionally managed but was not marked by the autocratic leadership style of the outgoing Executive Director. For, while the CSP under the former leadership had succeeded in establishing and maintaining a degree of bureaucratic control of organizational operations, it had become too dominated by one person who stood at the apex of the organizational hierarchy, and demanded too much personal loyalty to herself on the part of the staff while being incapable of taking a sound professional approach to the management of the organization.

One of the more neutral observers of these events -- a person politically active in the gay and lesbian community -- put the problems in terms of both the personalities and managerial issues involved when he described the former Executive Director in the following terms:

> [She] is very forceful, very forthright, very outspoken. [She] can also be very stubborn... [P]ushing to get that budget and pushing to get that organization done and bamboozling people into things is real important. As you move on, as you grow, you need a lot more mediation skills... as more people come in and feel part of it and so I am not surprised that [she] would butt heads with people.

With the firing of the Executive Director and the turnover in the rest of the staff, the CSP was left with a skeleton crew through the Summer and Fall of 1989, but the need for the organization and the support that still existed for its reconstruction led to a quick revival of ARI operations. The board of directors elected earlier in the year remained in office and proceeded to select a new executive director, a straight woman with a background working in both health and social service organizations. Most recently, she had served as Executive Director of the local unit of the Heart Association; before that she had been associated with a local mental health services organization. In her time in office, she has been careful to build good relations both

with members of her board (and with the "interests" they represent) and with the larger community -- including the politically influential gay and lesbian population of the metropolitan area. As a result, relatively few of the tensions apparent in the three other cities currently appear to exist. It may be overstating the case, but ARI seems to be closer to a model of democratic accountability than can be found in the other cities, although it is as professionally managed as any of the others.

In this section, thus far, I have traced some of the factors which have worked to limit the acountability of the CSPs by focusing on what might be viewed as the critical governance structures of these organizations: their boards of directors; and their executive directors. As the literature of public administration and organization behavior has long indicated, the relationship between the two is itself problematic,[22] though how the structuring of that relationship may have an effect on the accountability to wider social forces is open to question. In principle, boards and executive directors should be capable of operating as equals in matters of policy and public accountability, but studies of many organizations both in the private sector and in governmental agencies that have boards have shown how executive directors may come to dominate their boards. Such behavior is apparent in at least two of the four cities studied where the current executive directors tend to play major roles in the selection of new board members and in setting general policy for the board. Indeed, in three of them, the executive directors are much more visible than are the presidents of their boards or individual board members. (In Rochester, there is somewhat greater parity in the relationship between the board and the executive director.)

Two Approaches to Accountability

One of the more troubling issues in dealing with the subject of accountability is developing an adequate set of responses to the question, "To whom are the CSPs accountable?" In a highly fragmented political system like our own, a measure of accountability of non-governmental entities might be achieved through: 1) vigorous oversight by democratically-elected governmental bodies -- particularly legislatures -- or by their executive surrogates, acting in the name of the public to produce changes in organization behavior or policy where appropriate; or, 2) or, mobilization of a series of interested "publics" or "constituencies" capable of providing a check on the behaviors of the organizations. In practice, both kinds of mechanisms have serious shortcomings. Nonetheless, the small measure of accountability that does exist within the AIDS policy system owes something to the presence of both types of accountability mechanisms. In this section, I wish to address briefly the role of government oversight (and particularly the part played by the AIDS Institute) and in the next section to deal with some aspects of the problem of constituency mobilization and development in relation to the CSPs.

The Limitations of Government Oversight

As we noted earlier, local government officials have chosen to be largely absent from the AIDS policy arena. A few may show up on symbolic occasions like AIDS Day commemorations or at openings of new CSP offices or other AIDS-related facilities, but the state's assumption of the primary responsibility for funding the CSPs has allowed local politicians to flee

involvement in an area of public policy that might be considered too controversial in these relatively conservative parts of the state.[23]

Similarly, many local school districts (in both urban and non-urban areas) have been wary of taking on responsibility for preventative education which might have been expected to be a major area of responsibility. While a few upstate urban and suburban school districts have been forthcoming on the issue, most have sought to avoid the inevitable conflicts that might follow complaints from conservative Catholics, and Christian and Jewish fundamentalist groups about explicit safer sex education. Besides developing a curriculum and "recommending" the adoption of that curriculum to school districts, the state government's Board of Regents -- its highest educational authority -- has been hesitant in the initiatives it is willing to take in these matters and the state legislature and governor have been noticeably absent from this debate.[24]

Whether by intentional default or not, then, leadership on AIDS policy and programming other than educational policy has been left to the AIDS Institute, which has been relatively insulated from local political influence and only intermittently affected by the behaviors of the state legislature.[25] The location of the Institute within the state's highly-bureaucratic and highly professionalized Department of Health has allowed it considerable autonomy. For the most part, the charge (whether implicit or explicit) that has been given to the AIDS Institute has been to maintain state-funded AIDS services in such a way as to minimize political controversy. This has meant, for example, keeping the educational presentations given and materials prepared and distributed by the agency (and by the CSPs) as non- controversial as possible, allowing for some variation among different parts of the state and among audiences to whom the materials and presentations are given.[26]

It is not clear to me how much this message of bureaucratic caution is conveyed explicitly to the CSPs by the Institute or is the reflection of a natural caution of the professional leadership of those organizations themselves. Certainly, on the financial front, the Institute has maintained regular and close supervision of the operations of the agencies by requiring them to document in considerable detail every cost and every expenditure they undertake.

Complaints from informants in the CSPs were particularly commonplace during the early years of the agencies when they had neither the personnel nor the bureaucratic mind-set necessary to expend the enormous time and energy required to keep up with the stream of reports and funding applications required by the Institute. These complaints have receded as the administrative infrastructure of the CSPs has grown (along with the Institute funds used to support the proliferation of administrative staff) and as the CSPs themselves have become more self-conscious bureaucracies. At the same time, those involved in the system appreciate that charges of misuse of funds has been kept to a minimum during the nearly ten years of state funding of CSPs.

Associated with requirements for fiscal accountability, the Institute has maintained performance oversight of the CSPs by requiring them to set specific program goals on an annual basis and then by monitoring CSP operations to assure that they are meeting those goals in order

to qualify for funding renewal.

While such an approach encourages CSP accountability to the Institute, there are questions regularly raised by observers of the system about the accountability of the Institute itself and the way the state-level AIDS policy system operates in New York. Unfortunately, this is a subject that has not been studied systematically and one which I have not focused on in this research. Furthermore, it is a system much more driven by the needs and pressures emanating from the New York City metropolitan area with its overwhelming AIDS crisis than from the upstate regions we have been considering.[27]

Nonetheless, there is some evidence that the leadership of the Institute has been highly sensitive when necessary to the political currents in which it finds itself. Thus, when the Syracuse CSP was threatened with probation in 1989 because of problems in administrative performance, the intervention of a powerful State Senator from the region allegedly prevented that from happening and contributed to helping the new executive director get the organization back on an acceptable track for state funding support.[28]

Similarly, the Institute has been sensitive to pressures from minority members of the state legislature during budgetary negotiations about making resources directly available to community-based organizations (CBOs) within the African-American and Latino/a communities to support services directed toward those populations. In 1992, there was also serious discussion about making new funding available to minority CBOs which might have led to the creation of a set of minority organizations running parallel to the CSPs. While the CSPs were unhappy about the possibility of this coming about, the minority caucus in the state legislature pressed for such a strategy. As of 1993, however, such organizations have not emerged in any measure in the upstate regions studied here. (I cannot speak to the role the growing number of minority AIDS-related CBOs may be assuming in the New York metropolitan area.)

On another dimension, the Institute (either on its own or as a result of pressures from within the Cuomo administration) has sought over the years to encourage a measure of accountability within the CSPs. This has taken several forms. We mentioned pressures for enhanced representation of PWAs, minorities, and outlying areas on boards of directors in an earlier section. There has also been encouragement for the recruitment of minority persons to CSP staffs.

Yet another approach to accountability has involved encouraging the CSPs to develop and employ quality assurance measures. These essentially ask clients of the agencies (and others with whom the agency comes in contact like the audiences at educational presentations and volunteers at training sessions) to respond to questionnaires reporting their levels of satisfaction with the agencies. The use of such an approach is consistent with notions of total quality management which have emerged in the past decade within public and private management.[29]

A few CSP informants allude to the use of such measures as evidence of accountability and suggest that the results are reviewed and acted on by quality assurance committees. On the other

hand, critics contend that such committees rarely meet and that the data is collected and analyzed in such a way as to be relatively useless. Indeed, some claim that unfavorable responses tend to be suppressed, or that responses are solicited only from those likely to be favorable to the agencies with the result that quality assurance measures have been a less effective way for assuring accountability than their advocates hoped they would be.

On the whole, accountability to the Institute has meant financial and procedural accountability, the latter involving the formal goal-setting and goal-achievement activities mentioned earlier. In contrast, the Institute has been wary of intervening too openly in the internal governance of the CSPs beyond encouraging the addition of certain types of representatives to the boards. What the Institute has not pursued through explicit intervention, however, has been achieved in small measure and unsystematically through the encouragement its officials have sometimes given to dissident voices in the four regions. Before discussing that style of intervention, it is useful to review the recent condition of constituency mobilization and development at the local level.

The Problematics of Constituency Accountability

Along with the formal accountability relationships that exist between the CSPs and the AIDS Institute, there is a sense in which non-governmental organizations like the CSPs operate selectively to recognize or not recognize their relevant publics by the way their leaders choose to interact with various individuals and groups in their organizational environments. This form of accountability is clearly a more tenuous one than the more formal processes touched on in the previous section, but it touches on the analytical problems involved in trying to describe the factors that influence (or fail to influence) the practice of organizational accountability.[30] It also admittedly leads us into the intellectually murky territory of dealing not only with the actual constituencies with which the leaderships of the CSPs may choose to interact but with those potential constituencies to which the CSPs might be expected to bear some measure of political accountability if they were effectively mobilized.[31] To further complicate matters, it is very difficult to draw the line for the purposes of the present discussion between relevant and non-relevant "publics" (whether expressed in the presence of mobilized population segments or not), so that the "interests" discussed in this section are in some sense included only arbitrarily.[32] However, that very fact points to the difficulties involved in "constructing" an effective accountability system either in theory or practice under which the CSPs or other non-governmental organizations might work responsibly.

The most obvious constituencies for CSP activities consist of four analytically distinct categories which overlap considerably in personnel: 1) clients; 2) PWAs; 3) gay and lesbian activists; and 4) volunteers. Yet, each of the CSPs has had difficulties dealing with these segments of the population in the past.

As we have already noted, each CSP has had to contend with issues arising from the character of relations with PWAs and with client populations. While there is a considerable overlap between the two categories, the point to be made here is that not all agency clients are

PWAs. A small portion are family members and lovers of infected persons who make use of support groups and other agency services to deal with their grief or to deal with other needs related to the PWAs but they may not or may not be energized by their feelings to participate in efforts to influence the operations of the organizations.

On the other hand, a segment of the local PWA population is sufficiently dissatisfied with the quality of interactions with agency staff or the character of agency services so that they seek to meet their needs outside the agency. Many are former clients of the agency; some do not bother to seek services from the agency because they have heard negative things about it or because they have the skills necessary to gain access to the services they need without the agency's help. Still others may use agency services selectively when it serves their purposes, but they will also make use of other personal and organizational resources when they are available.

Curiously enough, the CSPs have not consistently used their clients to build a political support base for their organizations even when those clients include articulate gay middle class men with professional skills. Instead, as we have noted, the organizations' responses to clients and PWAs has taken the symbolic route of occasionally adding (sometimes "token") PWA members to their boards or providing social events (including lunches; parties; outings) for clients. While systematic efforts to keep clients from using CSP facilities have occurred only in a few situations, a number of clients in different cities point to the feeling of not being welcome if they drop in at the agency rather than having a scheduled counseling appointment or support group. There also appear to be few mechanisms by which the CSPs are forced to hear their complaints, whether they act upon them or not.

As a result, an implicit division of labor has emerged in which alternative PWA organizations have been created to provide certain kinds of social supports of a kind the CSPs are not willing to take on ("drop-in centers;" meal services; social activity groups; exercise and alternative therapy sessions; sometimes, counseling and case management opportunities). While the CSPs will sometimes work on projects with these PWA organizations, coolness or overt conflicts have also characterized their relations.

Instead, the CSPs have come to play the classic role of caregiver to the compliant client. In an era when clients of health care and social service agencies are increasingly acting as informed "consumers" of services who question the advice given to them by professionals and are seeking to participate in the decisions that are made about the delivery of services, at least three of the CSPs (I am not as sure about the current Rochester situation) seem to be engaged in reinventing bureaucratic forms of relationships between clients and care-givers of the kind that have been under attack in the organization theory literature for at least twenty years.[33] Furthermore, the dissident client -- the one who expresses reservations about the quality or content of the care he or she is receiving -- is discouraged from seeking help from the agency because he or she is viewed as being too disruptive.[34] In some cases, that kind of client may also be the one who helps to build alternative organizations and in some instances serves as a support base for

criticism of the CSPs.

The last few years have also witnessed the increasing attenuation of connections between the gay and lesbian populations in the four service regions and the CSPs. This is, in part, a result of the shifting character of the disease as heterosexual men and women have come to constitute a growing minority of CSP case loads. Yet, in each of the upstate communities, gay and bisexual men still constitute the majority of current clients. Staff positions in the agencies also continue to be filled by gays and lesbians, though the agencies vary in the extent to which they acknowledge that fact or make an effort to publicly acknowledge the concerns of gays and lesbians.

In varying degrees, the leadership of the CSPs has sought to benefit from the financial support that gays and lesbians have provided to the organization through various fund-raising events and individual contributions (including United Way checkoffs) but they have sought to hold the activists from that population at bay. The result is a sort of organizational -- and personal -- ambivalence on the part of CSP leadership in which the linkage is encouraged for reasons of financial and social support but discouraged on other fronts. Complaints abound, for example, about a decline in efforts to reach gays and lesbians with safer sex presentations and, more specifically, with the lack of condoms and gay-relevant educational materials at bars, bookstores and other places where gay men and lesbians congregate.

At the same time, there are occasional concerns expressed by gay and lesbian activists about the reluctance of CSP leadership to play "gay-positive" roles in their communities. This tension takes different forms in different places and also reflects the level of organization of the gay and lesbian community in each place. Oddly enough, it is least visible in Rochester, where the straight woman who heads the CSP appears to work comfortably with gay members of her staff and with gay and lesbian organizations in the community. In contrast, it continues to be an issue of some significance in Syracuse and to an extent in Buffalo. Reflective of the atmosphere in the latter city, a minor controversy arose in 1991 following the publication of a story in the city's general circulation newspaper when a casual remark by a community activist was taken by the Executive Director as an effort to "out" him. The result was a certain amount of sniping within the gay and lesbian community between the two sides. In an era of increasing emphasis among gays and lesbians on "coming out of the closet" as a sign of self-respect, the Executive Director's behavior was hardly likely to win esteem for him in gay and lesbian activist circles, whatever support it may have won from the closeted.

And, indeed, that is part of the evident ambivalence of the CSPs with respect to mobilizing their gay and lesbian constituencies in Albany, Buffalo and Syracuse. They are more than willing to employ the professional talents of gays and lesbians in staffing their organizations and they are eager to draw on the financial resources that gays and lesbians can provide, but they deal gingerly with community activists. The result is that even while closeted gays and lesbians fill staff and board positions, activists tend to be invisible in the organizations.[35]

Discomfort with activism and activists is not confined to gay and lesbian activists, because

the CSPs have also had difficult relations with units of ACT UP during periods when that group has operated in the four communities. While not exclusively gay and lesbian, ACT UP groups have drawn together AIDS activists from various backgrounds including gays and lesbians, non-gay PWAs and AIDS issue advocates. These are the kinds of people with whom the buttoned-down leaderships of the CSPs are notably uncomfortable, even though on occasion they may express some admiration for the pressures ACT UP can bring to bear in advocating on various local issues from the provision of safer sex education in the schools to the introduction of needle exchange programs.

If, at a minimum, the CSPs have been forced to contend with issues touching on relations with PWAs and clients, on the one hand, and with gay and lesbian activists, on the other, they have worked fairly steadily to weaken the influence of what might be described as non-elite volunteers and any accountability the organization may owe them. Thus, while the four CSPs continue to make use of the contributions of time and energy (and money) by volunteers, bureaucratic and professional tendencies within the organizations have had the effect of constraining the role of volunteers. This has come about in several ways.

First, except for the Syracuse CSP (for a time), notions of democratic participation in organization decision-making have never been particularly strong in the other three CSPs. The organizations in those cities were all formed by small numbers of volunteers drawn mainly from the gay and lesbian community, but they all became narrowly controlled over time. Save for Syracuse, there was no notion of general membership in the organizations.

From the outset, of course, voluntarism took two forms. First, there were elite volunteers who played roles of varying importance as members of CSP boards of directors. However, memberships on these boards were self-perpetuating and were influenced either by the preferences of the founding board leaders or by increasingly powerful executive directors. Opportunities for participation in decision-making by non-elite volunteers was not very evident in these organizations. Instead, the notion developed that most volunteers -- no matter what the level of their skills, experience or credentials -- would play a support role (of varying importance) to professional staff in delivering the services of the organization.

Thus, while the AIDS Institute continues to support the "ethos" of volunteerism by collecting measures of volunteer labor in assessing various aspects of the work product of the CSP, and uses those measures as one of a number of indicators in providing funding to the agencies, the reality is that there has been an increasing marginalization of most volunteers in the CSPs insofar as organizational accountability and access to decision-making is concerned.

In part, this reflects changes in the nature of the disease, in its treatment and the way services are understood to be delivered best. Originally, the educational and support service activities of each of the organizations were not seen as requiring more than a limited training program to prepare volunteers for participation in the work of the agency. As the services required have become more complex and demanding, the work of the volunteer has sometimes been reduced to little more than clerical support and participation in the preparation of

fund-raising events. The "buddy" function, once regarded as emblematic of ASOs' work (when most clients were gay middle-class white men) necessarily has been played down as the proportion of minority intravenous drug users has grown. (Many of these clients bring to the client-agency relationship multiple personal and family problems of great complexity.)

Each of the CSPs continues to struggle with the best uses to be made of volunteers. The greater the number of staff members, the more it is likely that the volunteer will become vestigal to operation of the organization. Nonetheless, the volunteer base of the agency has both a symbolic and a substantive set of uses that makes it unlikely that the use of volunteers will end in its entirety. Substantively, there are still important needs not being provided by the staff of the agency which volunteers can cover (including buddy-related activities where a demand still exists). Symbolically, the presence of volunteers as an integral part of the CSPs provides the organizations with a measure of autonomy and legitimacy that they might lack if they were simply the creatures of the AIDS Institute. Thus, the CSPs continue to honor their volunteers (through parties and picnics and various forms of individual recognition) and to draw upon their services, even as their ability to influence the direction of the organization -- serving as a "grassroots" base for the organization -- has become less meaningful.

Less need be said here about five other actual or potential CSP constituencies: 1) minorities (primarily African American and Latino/a); 2) intravenous drug users (IVDUs); 3) women; 4) interested persons and groups in geographically peripheral areas; and 5) other health care and social service organizations. Each of these target groups might merit detailed treatment in its own right, but here we will simply point to the nature of the challenges represented by these groups or interests and indicate how one of more of the CSPs have responded to them.

When this research began in late 1988, the CSPs appeared to have very few connections into minority racial communities (principally the African-Americans and Latinos/as) in their respective areas. They reported very little interest among minorities in volunteering for the organization and great difficulty recruiting minority staff to the CSPs. Most admitted that their predominantly gay and lesbian white organizations were probably not attractive environments for those few minorities who showed an initial interest in volunteering or working for the CSPs.

The argument frequently advanced by leaders of the CSPs for their lack of success in delivering the AIDS message to minority communities was that their message was being blocked by the culture and institutions of those communities. In the case of African-Americans, the conservative nature of many local churches made it difficult to reach the community; other indigenous institutions (including media), and political leaders were reluctant to take on the issue.[36] Similarly, for the smaller Latino/a populations in the four regions, the opposition of the Catholic Church and the prevalence and acceptance of attitudes influenced by "machismo" created barriers to communication with these communities.

Despite their relative lack of success in mobilizing minority community participation prior to about 1990, the CSPs viewed with some disappointment a decision by the AIDS Institute to undertake educational outreach to those communities through instrumentalities that had stronger

holds within the minority populations. Thus, the Buffalo CSP was by-passed in favor of two minority community organizations and the local chapter of the Red Cross when it came to funding pilot programs for minority education in 1989. A staff member of that CSP described his reaction to this decision, particularly with respect to funding of the Red Cross, in the following terms:

> We should have gotten the grant, but politically I think the state has decided that minorities will not deal with anything that has gays in it, so that they are not going to fund [us doing that]. I think that is reality on their part, but I am not sure it is the most effective way to spend money.

Save for Rochester, the addition of minority staff and the inclusion of minority representatives on boards did not seem to have a major impact on drawing significant minority community participation to the CSPs. This problem continued to exist even as client loads from minority populations began to increase dramatically after 1989 and more serious efforts were made to add minority staff. What minority staff there are -- and there are an increasing number in each of the CSPs -- have tended, however, to be primarily at the middle or lower levels of the organization rather than in decision-making positions.

Something of an exception to this situation occurred in Rochester where an African-American woman associated with a community-based health center that served largely the African- American community became Vice President of the CSP in October 1988 and, then, President. She held that office at the time that the executive director was replaced and clearly continues to play a significant role on the board down to today.

In the last three years, a number of minority-based CBOs and health care institutions serving minority populations (as well as the Red Cross) have increased their concern with AIDS education and with the provision of support services to persons infected with HIV, but they have proceeded somewhat independently of the CSPs. In some instances, they have developed their own institutional capacity to provide services or they have linked PWAs with various service organizations (including the CSPs) but they have not sought to integrate their efforts directly with the CSPs. In some measure, this may be a reflection of a kind of "turf war" that has developed between the CSPs and other service delivery organizations in their environments over the issue of "who owns" a piece of the AIDS "action".

While cases of HIV infection associated with intravenous drug use have been present in the population of the four communities for the better part of the last decade, only since about 1988 have they become prominent in the case loads and thinking of the CSPs. CSP informants generally argue that IVDUs are the most difficult clients to work with, whether it is in terms of monitoring their behaviors or providing services (including the services of buddies). Even where the CSP may provide support groups or individual counseling, it is not uncommon for the IVDU to "backslide." Indeed, one of the more controversial policies adopted by at least one of the agencies involved a "tough love" approach in which the agency would withdraw services where non-compliant IVDUs refused to abide by the rules of personal care, appropriate medication and

"clean" behavior in relation to the use of services agreed upon with the agency.

At the same time, it is not clear what the four agencies are doing to more effectively "outreach" IVDUs in their communities. Proposals for vans to circulate in high user areas do not appear to have gotten very far (except in Rochester). Given New York State's mixed messages about supporting local needle exhanges, the CSPs have been slow to assume responsibility for encouraging such activities and have not even been very aggressive in distributing bleach kits in inner-city neighborhoods. Typically, the Buffalo CSP was well in the background when the debate arose in Buffalo in 1992 over an effort to promote needle exchanges undertaken by the local unit of ACT UP.

Such voices as IVDUs themselves have in the provision of services and in the governance of the CSPs are largely mediated through representation by persons from agencies which serve that population. How much those persons who sit on the CSP boards or interact with CSP staff truly speak for the IVDU population is itself problematic. Like other PWAs -- except for those who have the skills necessary to get some of their needs met within the organization -- they either accept what the organization is prepared to give them or seek to meet their needs elsewhere.

Greater attention to the needs of women infected with HIV only began to be given around 1991. The Syracuse CSP had a Women's Committee (along with the many other committees that made up the earlier Task Force) for at least three years in the mid- 1980s. Rochester's CSP, led by two women since its founding, has paid some attention to women's health concerns in relation to AIDS. Still, despite suggestions from the AIDS Institute, this is not yet a major area of concern that has significantly conditioned the organizational activities of the CSPs, though that situation may be changing in light of the growing number of cases among women (including many women with children).

Throughout this paper, we have focused implicitly on the operations of the four CSPs within their core metropolitan areas, where most of their clients are located, rather than looking at the services they provide to their regional peripheries. Yet each of the four CSPs is at the center of a multi-county region covering from eight to fifteen counties.

Until relatively recently, public health agencies in many predominantly rural counties have admitted the presence of only a few cases of HIV infection among residents (aside from the substantial prison populations from elsewhere in the state that have been housed in some of these counties) and have sought to minimize the need for those residents and service delivery agencies to receive significant training and support services. In the last three years, however, all of the CSPs (spurred on by the AIDS Institute) have moved to increase their presence in outlying areas through the establishment of satellite offices staffed by agency personnel and by efforts to establish and assist county- level task forces (usually consisting of local health care and social service professionals, as well as some local volunteers) to provide appropriate local services to the extent possible.[37]

Obviously, as the number of cases of HIV infection continues to grow, the CSPs will continue to struggle to define their own responsibilities to persons in outlying areas and their roles in working to set up and coordinate responsibilities with local health and social service providers within those sub-regions. However, thus far, the efforts of the CSPs and their satellite offices do not appear to be "demand-driven" (except by occasional clients or volunteers who highlight the problems involved in meeting service needs in the regional periphery). There is also an interactive effect of adding county representatives to CSP boards, since such representatives may initiate or reinforce efforts to disperse services to the areas they represent. At the same time, those who represent the outlying areas tend to be either county health officials or representatives of health or social service organizations who approach issue advocacy with respect to AIDS with the greatest caution.

From their origins as organizationally isolated volunteer- based organizations in the early 1980s, the four CSPs have sought to establish their legitimacy with existing social service and health care agencies -- those organizations with which they must necessarily deal in the course of delivering services. For various reasons, many of the "mainline" organizations in each community were initially reluctant to become involved in such interorganizational relations. In some cases, the personalities or management styles of the first CSP leaders may have had something to do with it; in other instances, homophobia or reluctance to be publicly associated with AIDS may have been a factor.

Over the past decade, a variety of bilateral interorganizational relationships have evolved in each region. In particular, most clients of the CSPs make use of local health care facilities, normally the designated AIDS Care units (usually the principal public or teaching hospital in the area) for both primary and more advanced medical care. Similar relations have also developed in most places with local service agencies including county Social Service departments, child and family services agencies and with agencies that run alcoholism and drug abuse programs. As a result, the CSPs have become part of local interorganizational networks, though individual service providers (especially independent physicians and dentists) have continued to be uncooperative in providing adequate services to clients.

Such participation has granted a measure of professional legitimacy to the CSPs, which their current generation of professional managers seems to prize, but at a certain price. That price is their conformity to norms of "mainstream" professional organizational behavior. In a sense, they have become victims of their own success, so that the price of their growth is acceptance of a circumscribed advocacy role within their regions. As noted earlier, for example, while the Buffalo CSP has been well aware of the abysmal performance of the Buffalo Board of Education in providing even minimal sex education (including education about the prevention of HIV infection) in the schools, it was not until 1991 that it came forward on this issue and then only as part of a coalition with other groups concerned about sex education.[38] Furthermore, the issue received major publicity in Buffalo not because of the work done by the CSP or by the coalition but because of the publicity given to the issue by the local chapter of ACT UP.

Another front on which the CSPs have sought to build good relations with other "establishment" organizations is in regard to entree to United Way systems of fund raising. By the early 1990s, each of the CSPs was either a listed agency under the terms set by local United Way (or United Way-type[39]) or had access to funding through procedures by which contributors could take the initiative in designating the organization. In the course of qualifying for such participation, the CSPs have had to conform to various United Way guidelines.

These efforts at professional recognition constitute in their own right a form of accountability, but they do not assure that the CSP is universally accepted as the lead agency in its own region on matters related to AIDS. The degree of acceptance varies with the region. In some measure, ARI appears to be the premier AIDS service organization in Rochester (though the major roles in health care are played by Strong Memorial Hospital and a community-based AIDS clinic, the Community Health Network). In contrast, the Buffalo CSP is probably the least influential of the four in its own region, though the existence of other ASOs does not serve as a direct source of accountability. The two other CSPs fall somewhere in between on AIDS issues.

Emblematic of the level of antagonism that currently exists in the Buffalo region, there was a considerable struggle in 1991- 92 over the design and membership of a new AIDS Network, one of whose responsibilities was to recommend to the AIDS Institute projects to be funded through federal money provided to states under the Ryan White Act. In all of the regions of Upstate New York, the initial funding reviews and recommendations were to be siphoned through local health systems agencies, whose primary responsibility is regional health care planning. In most of the regions, this process was conducted in relative harmony. In the case of the Buffalo HSA, the committee created to review the various proposals (made up of a variety of persons involved in a range of health and social service agencies) pointedly chose to deny funding to the sizable request submitted by the CSP.

About the same time, members of a previously ineffective HIV Care Providers Consortium found themselves under assault from outspoken members of a local PWA organization and from the Buffalo unit of ACT UP for failing to undertake serious efforts to identify and plan for ways to fill existing gaps in the delivery of services to HIV-infected persons. For the most part, members of the Consortium were persons employed by health or social service agencies. The PWA group and ACT UP used the occasion provided in late 1991 by plans to develop new by-laws for the organization to raise issues about representation of PWAs, and other interested communities (including minorities and women) on the board. The result was a highly conflictual process in which the old Consortium was replaced by a new HIV Care Network in early 1991 representing a diversity of areas and organizations within the Buffalo CSP region. Significantly, a majority of persons in the group did not necessarily look favorably upon the operations of the CSP. The Network, in fact, has produced little more than its predecessor in terms of improvements in service provision or filling existing gaps in services, but it continues to reflect antagonisms toward efforts by the CSP to play a leadership role. This is partly because of the efforts of the CSP to block its initatives, but also because of turf wars among its other members.

In this section of the paper, we have identified and reviewed the character of some of the real or potential "publics" or "constituencies" that exist or might exist for the work of the CSPs. Except for relations with established health care and social service agencies, however, the reality is that those interests are rarely mobilized well enough (even allowing for the mobilization in some places of PWAs and gay and lesbian activists) to overcome significant tendencies toward centralization of power in staffs and boards.

The result has not necessarily been domination of the AIDS policy sector by the CSPs, however, so much as the emergence of challenges to their influence through processes of what might be called pluralization. As the next and final section of this paper indicates, a kind of ungainly and apparently unintended accountability system has been created after a fashion in New York State through the development of organizational alternatives never anticipated in the early years of the AIDS crisis and through the role that the AIDS Institute has chosen to play in the development of AIDS policy and funding ASOs in the state.

The Intended and Unintended Consequences of Pluralization

Finally, I want to turn the question asked at the outset of this paper around by asking not "Who Owns AIDS Service Organizations?" but "Who Owns (Responsibility for Dealing with) AIDS?" There are three points that need to be made in formulating a response to that question: 1) the changing nature of the disease and how it has been responded to in New York State; 2) the pluralization of organizations trying to either provide AIDS- related services or to influence the way those services are being provided by others; and 3) the role the state government (and, especially, the AIDS Institute) has assumed in influencing claims to ownership of the disease.

First, as AIDS has spread increasingly into IVDU and minority populations, new organizations have grown up in New York State (particularly around New York City) to claim a "piece of the AIDS action" and established organizations have found it in their interest to develop new programs or to modify existing ones in order to serve people infected with HIV. While the organizational impact of these trends has not been felt as deeply in upstate New York, some of the same tendencies toward the spread of organizational involvement are beginning to occur there.

Second, during the first four or five years of the AIDS epidemic in upstate New York (approximately 1983-88), the CSPs were the primary claimants for regional "ownership" of the educational and support service aspects of the disease, though in terms of funding and direct client responsibilities, they probably took third place to regional hospitals (and related clinics) and government social service agencies in terms of the expenditure of state funds in responding to the health and welfare consequences of the disease.

While the CSPs continue to play the leading role in the provision of client support services (individual counseling and support groups; case management), they are no longer the exclusive providers of those services. They now operate in an environment of multiple groups engaged in providing some or all of the same services. This has necessitated some divison of labor, for

example, between the CSPs, on the one hand, and minority service organizations and organizations providing services to drug abusers, on the other, in areas like education, counseling and case management. Each of the four core localities has also developed transitional housing or hospice-based services for PWAs outside of the ambit of the CSPs, although Rochester's CSP also operates a small housing for PWAs. (Some of these housing facilities are run by groups which either formally or informally provide other support services, as well.)

While some of these alternative organizations receive a measure of state funding, that source of support is limited in relation to the resources provided by volunteers and private donations (including the fund-raising efforts of gay and lesbians). They also depend in some instances on the support of religious groups. The result of this proliferation of organizations is that while the CSPs continue to receive the largest share by far of state money directed toward the provision of (non-health care-related) AIDS services, their voice in influencing the direction of local AIDS policy generally and in the provision of program services overall has been challenged. Unless they are willing to work cooperatively with other ASOs -- something that ARI, for example, has been more willing to do than has the Buffalo CSP -- with the Albany and Syracuse CSPs falling somewhere in between -- they may lose their primacy as service providers.

Indeed, one measure (though perhaps a weak one) of the level of accountability or accommodation achieved between the CSPs and other ASOs has been their potential adversaries has been the degree to which each region continues to spawn alternative AIDS service and advocacy organizations. Thus, Rochester had a small unit of ACT UP around 1988 -- just about the time ARI was having its greatest internal problems -- but that organization effectively disappeared shortly after the turnover in CSP leadership. A PWA client group within ARI also played some role in bringing complaints against the previous regime, but they, too, disappeared in the wake of reorganization.

Similarly, an ACT UP unit was particularly visible and effective in Syracuse during the period around 1988-90 when the CSP was going through some of its most tangled internal wrangling. Although the unit was out of business by late 1991, an organization designed to serve the needs of PWAs for social support had come into being and was putting pressure on the CSP to be more responsive to their needs. A like situation existed in Albany where alternative advocacy and PWA-run organizations (including a unit of ACT UP) came into existence and then evaporated, but the remnants of these groups by their occasional mobilization continue to put pressure on the CSP for changes in policy or the quality of service delivery.

Not only has a rough kind of accountability (though with varying effectiveness) been achieved from below by this process of organizational pluralization, but the interventions of the state government have also encouraged a measure of indirect accountability through encouragement of this pluralization. Whether intended or not, in the last two to three years, the AIDS Institute has adopted what some might view as a rather Machiavellian strategy for encouraging local system accountability by supporting pluralization. For, while the Institute continues to fund the CSPs at the same or greater levels (given the constraints of tight state budgets), it has also encouraged the development of alternative local organizations.

We have already noted funding initiatives to encourage the development of CBOs in minority populations. For the past two years, the Institute has also been providing basic funding to a PWA support organization in Buffalo (help with rent, office expenses and the salary of the one staff person). What is particularly interesting about that is that the PWA organization has been engaged in political conflict on a regular basis with the local CSP during these years.

In the same period, the Institute has encouraged the formation of a state-wide organization of PWAs called the Living Well Commission in the past two years and has provided some funding to keep the organization afloat. The stated function of the Commission is to identify major needs of PWAs and their families which state and local AIDS service providers are not meeting. Funding levels for organizational operations and the continuous procedural hurdles which the Institute (and the organization itself) have thrown in the way of greater effectiveness suggest, however, that Institute support for this activity may be two-edged. On the one hand, the Living Well Commission and its regional units may be seen by the Institute as vehicles for making the CSPs and other service delivery organizations more accountable to clients. On the other hand, the Commission may be seen as a way of diffusing PWA energies by keeping PWAs tied up in organization-building routines.

These efforts to enhance the role of independent minority CBOs and to recognize and support PWA organizations may also serve the power interests of the Institute because it has turned itself into something of a court of appeals and arbiter for complaints against the CSPs. Thus when activists have sought to bring about changes in local policy -- whether it has to do with the introduction of needle exhange programs or the modification of state Medicaid rules about subsidizing nutritional supplements -- they are more likely to receive a supportive hearing from AIDS Institute personnel than they do from their local CSPs. While the Institute is sometimes more involved in these matters verbally than in terms of actual intervention, its recent style has given significant symbolic support to dissident voices and thus kept an important kind of pressure on the CSPs to be more accountable to interested segments of their local populations.[40]

In sum, while accountability mechanisms for opening the operations of the CSPs to more democratic internal controls -- through board member selections and the way choices of executive directors are made -- are relatively weak in New York State, certain mechanisms of external control, or more properly, external influence are being set in place. These reflect the role the AIDS Institute has chosen to play (partly in response to pressures brought to bear on it by minority legislators and by AIDS activists based in the New York metropolitan area). Thus, while efforts to promote greater accountability through more diverse representation of potential and actual interests has proven largely ineffective for producing CSP responsiveness to interested publics, the role the Institute now seems to be playing involves encouraging the development of a greater diversity of organizations which can put pressure on the CSPs to be more responsive to clients and or they can develop their own service delivery systems independent of the activities of the CSPs.

That still leaves open the question of how much the Institute is itself accountable to democratic forces -- how much it has been taking these courses of action in response to pressures on it from different organized constituencies within the state of New York (including state legislators both as a collectivity and as individuals) or how much it functions as an autonomous bureaucracy intent on building up its own political and administrative authority by taking advantage of tendencies toward pluralization in the AIDS delivery system. Unfortunately, to draw a clearer picture of the motives behind the actions of the Institute would require research that goes well beyond what I have undertaken here.

NOTES

1. See, Peter Dobkin Hall, "A[n?] Historical Overview of the Private Nonprofit Sector," and James Douglas, "Political Theories of Nonprofit Organizations," in Walter W. Powell (ed.), The Nonprofit Sector (New Haven: Yale University Press, 1987), pp. 3- 26; 43-54. For an account of 19th century governmental involvement in cooperative undertakings with private and charitable organizations, see The American Partnership (Chicago: University of Chicago Press, 1962). Also see, Michael Lipsky and Steven Rathgeb Smith, "Nonprofit Organizations, Government and the Welfare State," Political Science Quarterly, 104 (Winter 1989-90), 625-48. What is more arguable is how best to characterize these relationships: ones of "cooperation" between government and the private sector (as Elazar would have it); domination by government over private agencies (as contemporary conservatives sometimes tend to describe them); or exploitation of public resources by private interests (as revisionist critics of the relationships between government and not-for-profit authorities, in particular, might suggest). For present purposes, it is unnecessary to address these issues.

2. The opposition of the New York Civil Liberties Union on free speech and freedom of association issues to efforts by New York City's government to pressure the organizers of the St. Patrick's Day Parade into compliance with the demand for gay and lesbian participation in the parade illustrates the dilemmas that can arise in this area.

3. Deil S. Wright defines "fungibility" (rather neutrally) as the "ability to shift or exchange resources received for one purpose to accomplish another" in his Understanding Intergovernmental Relations, 3rd ed. (Pacific Grove, Cal.: Brooks-Cole, 1988), p. 95. While the term is most often employed in intergovernmental fiscal relations, it can also be applied to non-profit organizations which receive grants and donations from multiple sources or different grants from the same source. They then have the capacity to divert those funds to uses which the original grantor never intended as long as they keep a step or two ahead of fiscal reviews.

4. "The Price of Progress," The Advocate, #632, June 29, 1983, 34-35. It is not really on point to suggest, as Jeff Levi of the AIDS Action Council (and former executive director of the National Gay and Lesbian Task Force) does, that such behaviors are characteristic of organizations undergoing "growing pains" because of rapid expansion like the community action organizations of the 1960s. More questionable is a quote attributed to Dr. Mitchell Katz, director of San Francisco's AIDS office, "We have no complaints with Shanti's ability to run housing from a programmatic perspective, but we have problems with their mismanagement of a substantial amount of city money." Is that a distinction without a difference?

5. The traditional legal position on government grants since the 1920s has been that an agreement by a state or local government or by a non-profit organization to participate in a grant program is tantamount to accepting the conditions that accompany that grant. Nonetheless, the power of the federal government to attach regulations to grants to private and sectarian institutions became a lively constitutional issue in the 1980s as a result of the decision of the Supreme Court in Grove City College v. Bell (1984) which held that governmental funding of student financial aid programs was too remote from the operations of the college's athletic

department to require enhanced expenditures on women's athletics. That triggered Congressional efforts to reverse the decision through passage of the Civil Rights Restoration Act of 1988, which was passed over President Reagan's veto. We are likely to see a number of cases in this area when issues are raised with respect to implementation of the Americans with Disabilities Act of 1990 and the various state and local anti- discrimination laws passed in recent years protecting gays and lesbians against discrimination in housing, public accomodations and employment.

6. As part of the arrangement by which they became Community Service Programs, the four organizations assumed responsibility for providing services to multi-county regions. As a result, while their main offices are in the central cities mentioned, and the bulk of their services are provided to persons in their immediate metropolitan areas, they also are expected to maintain services for regions which cover from eight to fifteen counties. In responding to that need, they have established satellite offices in some of the outlying counties in the last few years.

7. The responsibility for public health programs in New York State is a county function, but county governments throughout New York State have been reluctant to become actively involved in AIDS-related activities, even in regard to running vigorous education and prevention programs. While a few counties have hired AIDS educators, most county administrative heads and county legislatures have been notably silent on AIDS matters, except when provoked into action by local AIDS activists. Much the same can be said for the schools districts of New York, which (with a few notable exceptions) have been slow to adopt a state- recommended AIDS curriculum approved by the State Board of Regents in 1988.

8. For more detailed accounts of the development of the four CSPs, see my "Dilemmas in the Development of AIDS Service Organizations in Upstate New York," Paper prepared for delivery at the 1990 Annual Meeting of the American Political Science Association, San Francisco, Calif., Ag. 30-Sept. 2, 1990; and "Routinizing the AIDS Crisis: Issues in the Operation of AIDS Service Organizations in Upstate New York," Paper prepared for delivery at the 1992 Annual Meeting of the Urban Affairs Association, Cleveland, Ohio, April 29-May 2, 1992.

9. According to informants, part of the reason for the form the Institute initially took was a hesitancy about creating another permanent bureaucracy in the state government. Since the AIDS crisis was still in its infancy in 1983-84, there was no way to foresee how long the emergency would last. It was not until two years later that Institute employees originally hired on a temporary basis were made eligible for the full range of benefits available to other state government employees. From there, the Institute's budget and staff have grown enormously.

10. Unlike the other three localities, quarrels within the Syracuse CSP from the beginning (discussed below) made it impossible to achieve incorporation status and a settled set of by-laws until 1991. In the interim, funding took place through a complex pass-through arrangement with the Research Foundation of the State University of New York.

11. By 1992, each of the four CSPs was receiving between $400- 600,000 a year in state

monies, principally from the AIDS Institute (but also from other state agencies with whom they contracted to provide services like drug and alcohol counseling). Except for the Rochester CSP, state funding constituted the overwhelming financial base of the organizations. AIDS Rochester has been more successful than the others in raising large private contributions through major fund-raising events. The CSPs have also been increasingly successful in soliciting contributions through arrangements with local United Way organizations, though this channel constitutes only a small share of total revenues.

12. How well those functions are being performed (particularly case management and counseling) are matters of considerable local controversy. Client disatisfaction has contributed to the formation of alternative service and support organizations in at least three of the four CSP regions, as we shall indicate below.

13. The rationale for this was never explicitly spelled out, but it took various forms. Early in the history of the disease, the expectation was that PWAs would not live long enough to play a major role on the boards. Later, even as HIV infection was detected earlier and PWAs lived longer lives, it became difficult to overcome that view. As the organizations became more bureaucratic and professional, too, there was a stated concern that there might be a conflict of interest between serving on the board and being a client of the agency. These rationales also extended to PWAs serving as volunteers in the agencies. While there has been some loosening of these constraints, there is a continuing tendency to discourage PWAs from serving as "buddies" to other clients. (Interestingly enough, these kinds of limitations have been less apparent in ASOs in bigger cities like GMHC in New York City.

14. It is ironic that the Director of the AIDS Institute, Nicholas Rango, who has served in that position for five years, announced only in the summer of 1993 that he has been living with AIDS for at least the last three years.

15. A notable exception to this statement is the role played by State Assemblyman, Arthur Eve, Deputy Majority Leader of that body. Eve, who represents a Buffalo district, has been prominent in seeking funding for programs directed specifically to minority populations.

16. One might follow Jeane Kirkpatrick in distinguishing between "representativeness" and "representation." The former requires only similar distributions of personal characteristics in a representative body and a larger population. Representation, however, is described by Kirkpatrick as "an emergent characteristic, the outcome of the process that includes the choice of some persons to act as representatrives, their interactions and decisions, and their continuing relation to those represented." Jeane Kirkpatrick, The New Presidential Elite (New York: Russell Sage, 1976), p. 281, cited in John M. Bruce, John A. Clark and John H. Kessel, "Advocacy Politics in Presidential Parties," American Political Science Review, 85 (December 1991), p. 1090.

17. The four core metropolitan areas are predominantly Catholic in population (though there are large numbers of Protestants in the rural areas and small towns that dot the rest of the regions).

Catholic religious figures leaders --with a few notable exceptions -- have stayed aloof from involvement in AIDS issues. More liberal religious leaders especially from among Episcoplians and Presbyterians have not been particularly visible on the boards of the CSPs but they have been active in providing a variety of services to PWAs including housing, feeding programs and spiritual counseling. In some places, individual Catholic priests have been active in various ASOs. Thus, in Buffalo, a priest took the lead in creating Benedict House, a residence for men with advanced HIV infections; its board also contains a strong representation of persons with religious backgrounds, as well as persons with backgrounds in the social elite of the city. The AIDS Alliance of the Niagara Frontier, which is an organization created by and for PWAs, originally had considerable support from a prominent Episcopal laywoman and recently has selected a Catholic priest as its president. The latter has been active in the organization since its founding. Nuns and Catholic and Episcopal priests have also worked in various capacities in the CSPs, including as counselors and volunteers.

18. It is only recently, for example, that AIDS Rochester has come forward with a proposal for developing a needle exchange program in that city. See, Paula Silvestrone, "Needle Exchange," in Resources (Summer 1993), a quarterly publication of the organization.

19. In at least two of the regions, informants insisted that there was also a tendency to minimize the visibility of gay volunteers by not assigning them responsibility for educational presentations especially to certain (predominantly non-gay) groups.

20. One activist informant suggested the existence of an interesting dividing line between activist board members and professionals, particularly those employed by government agencies: the former were willing to attend meetings in the evening or at any time of day; the latter, he suggested, preferred meeting during the day when they could count their time away from work as part of their employment obligations.

21. For a provocative formulation of the the movement of ASOs from "grassroots" to "business suits," see Cindy Patton, "The AIDS Industry: Construction of 'Victims,' 'Volunteers,' and 'Experts,'" in Erica Carter and Simon Watney (eds.), Taking Liberties (London: Serpent's Tail, 1989), pp. 113-25. But, also see, Jan Zita Grover, "Constitutional Symptoms," in the same volume (pp. 147-59). Grover questions the "incontinent nostalgia" she associates with the work of Patton and others, who appear to dream of a kind of communitarian utopia within the gay and lesbian community that should find expression in the way ASOs are run.

22. One classic study that illustrates these problems is Philip Selznick, TVA and the Grassroots (Berkeley: University of California Press, 1949). Also see, Annmarie Hauck Walsh, The Public's Business (Cambridge, Mass.: MIT Press, 1978), esp. chs. 7 and 8, which deal with the operations of the boards of directors of a number of public benefit corporations and the role played by administrative leaders of those organizations -- those Hauck characterizes as "the mandarins"-- including Robert Moses and Austin J. Tobin of the Port of New York Authority.

23. One of the rare exceptions to this pattern of behavior was the appearance of Mayor Thomas Walsh of Albany in 1992-93 in safer sex public service announcements on television created by ACT UP/Albany. It is noteworthy that Mayor Walsh was then engaged in a struggle for influence in the Democratic party which involved efforts by the contending factions to reach out to the increasingly politically-active gay and lesbian community. Later in 1992, Mayor Walsh announced that he did not plan to run for re-election and he was appointed in 1993 to a court position by Governor Cuomo.

24. The recent mobilization of conservative forces in educational politics in supposedly liberal New York City and their measure of success in achieving some of their goals (including the firing of the administrative head of the city's school system) has probably contributed to the wariness of elected state officials and the Board of Regents in pressing any further on matters of safer sex education and plans (in New York City) for condom distribution in the schools.

25. The problems involved in holding national government bureaucracies accountable to legislative bodies or even to executives have been discussed in the literature of public administration for many years. For one recent treatment of the subject, see Dennis D. Riley, Controlling the Federal Bureaucracy (Philadelphia: Temple University Press, 1987), esp. chs. 2 and 3. If problems exist at the national level, as they do, they are likely to be just as great at the state level in states as large and diverse governmentally as New York State.

26. One of the complaints commonly heard among gays and lesbians in the upstate communities is that the kinds of materials produced by the AIDS Institute and the CSPs and the presentations given in the name of "education" have tended to ignore the special needs and circumstances of gays and lesbians for safer sex messages.

27. Although I have not stressed the point in this paper, it should be emphasized that the number of cases diagnosed in the upstate area covered in this study constitute less than five percent of the cases in the state as a whole. As of December 31, 1992, 83 percent of the state's more than 51,000 cases had been diagnosed in New York City since statistics on infection began to be collected. "Only" 13 percent of the cases were in the rest of the state with the majority of those being found in the three counties immediately adjacent to New York City: Nassau, Suffolk and Westchester. (The remaining 4 percent of the cases were among inmates in the state prisons.) It should be noted that the same pattern of distribution essentially holds for data gathered only for the calendar year 1992. Bureau of Communicable Disease Control, New York State Department of Health, AIDS Surveillance Quarterly Update: For Cases Reported Through December 1992, p. 11.

28. In recent years, conservatives in the legislature (including most members of the Republican party) have continued to support funding for the Institute, but at the same time have put forth an increasing number of proposals involving such matters as breaching patient confidentiality and controlling the behaviors of persons thought to be infected with HIV. Thus far, such measures have been narrowly defeated. Whether some of those proposals have been introduced with the expectation that they would never be passed is a matter for conjecture, but it is consistent with

the rather cynical style of politics in New York State.

29. In that connection, see David H. Rosenbloom, Public Administration (New York: McGraw-Hill, 1993), p. 174.

30. Public administration has traditionally focused on conflicting models of accountability which either stress forms of external control (like legislative oversight) or internal controls which flow from socialization to professional roles. In that connection, see Riley, op. cit., esp. pp. 4-7. Here I am suggesting a need to go one step further and to identify the way the varying forces in an organizational leader's environment are incorporated into the organization's way of doing things. Some of the theoretical issues touched on here might be cast in the terminology of principal-agent relations, but I have chosen not to address those issues in this paper.

31. While this point is fairly abstract, it is one of those issues that has haunted the analysis of interest group influence since at least the work of David B. Truman. See his, The Governmental Process (New York: Alfred A. Knopf, 1951). Thus, minorities, IVDUs, and women may be categories of intellectual concern for the CSPs -- and individuals from those categories are being provided with services -- but it is much less clear how the CSPs could or should be held accountable to those population segments if they are not politically mobilized. Failing their own mobilization, who legitimately speaks for these population groups?

32. We might for example, have included other population segments in this section like adolescents and hemophiliacs, but I have chosen not to do so.

33. Why this should be is difficult to determine. One informant suggested that the establishment of bureaucratic routines in ASOs is one way of coping with the painful experience of working with clients who are frequently dealing with issues of death and dying. Thus, it is a strategy for avoiding "burnout" on the part of agency staff, but the distancing behaviors involved may not contribute in a healthy fashion to providing the psychological and social support that the person infected with HIV so badly needs.

34. Here we need to be careful in distinguishing between the non- compliant yclient, who may be unable or unwilling to follow the direction given by agency support staff because of addictions or other self-destructive behavior patterns, and the dissident client, who decides for himself or herself that the counsel being given by the agency does not meet his or her physical or psychosocial needs. In real life, the line between the two is not so easy to draw. Some critics of the agencies argue that agency personnel are all too ready to dismiss complaints by clients as expressions of behavioral disorders or even AIDS-related dementia rather than recognizing the political and governance issues that need to be addressed by the agency.

35. That does not mean that they are not present. Several current members of CSP boards have long histories of gay and lesbian activism, but they do not promote gay and lesbian identity within the organizations nor have they played a prominent role in encouraging the CSPs to take a more visible role in issue advocacy. Some continue to be visible activists outside the CSPs;

others seem to have retired from community activism.

36. For one interpretation of African-American attitudes towards AIDS, see Harlon L. Dalton, "AIDS in Blackface," reprinted in Nancy F. McKenzie (ed.), The AIDS Reader (New York: Meridian Books, 1991), pp. 122-43. Unfortunately, the empirical grounding for a number of Dalton's arguments is unclear. Furthermore, the piece was originally published in 1989 and even by then organizations serving the minority community were beginning to overcome community resistance to discussing AIDS and organizing around it.

37. In only a few places outside of the major metropolitan areas did ASOs develop independent of the CSPs. One notable exception was the task force that emerged in Utica during the mid-1980s when the Syracuse CSP was going through administrative turmoil.

38. After several demonstrations at city high schools organized by ACT UP members, in the Spring of 1991 an interorganizational group of more "respectable" organizational participants was formed in Buffalo calling itself Community Action for Sex Education which began to pressure the Buffalo Board of Education to provide a comprehensive sexuality education program that included AIDS information. The CSP was a participant in this effort along with Planned Parenthood and some supporters of general reform in the Buffalo schools.

39. Here I have in mind such mechanisms as the state government's employee checkoff system which allows for greater flexibility to donors in the selection of organizations than some of the traditional United Way procedures. Arrangements have been made in such cases to allow persons to contribute to non-designated organizations so long as those organizations have filed proper evidence of not-for-profit status.

40. Membership in local ACT UP and PWA groups have not been quite the same in the four communities. While there is some overlap, ACT UP chapters have tended to attract some non-infected, younger people (often with college backgrounds) who see AIDS issues as vehicles for the expression of general dissatisfaction with the way American society makes decisions that affect the poor and the powerless. PWA organizations tend to be composed predominantly of infected persons and persons directly involved in dealing with their personal needs. with them. There is less of a generalized ideological underpinning to PWA groups, though they are quite prepared to become involved in agitating on service issues that directly affect their lives.

Beneficial Exchanges? Trade Wars and International Security

David M. Rowe
The Department of Political Science
The Ohio State University
August 28, 1993

Abstract

This paper uses trade wars as a vehicle for exploring the key conceptual and theoretical issues needed to understand international economic conflict and how it may impinge on broader issues such as security. Starting from the recognition that conflict is a fundamental characterstic of trade, this paper identifies three different types of trade wars. The first is the optimum tariff war which arises from disputes between importing and exporting states over the terms of trade. The second is the protective trade war which arises from disputes over the effects of trade on the locus of production. The third is the strategic trade war which arises from disputes between rival exporting states over the level of prices on the one hand, and the effects of trade (and government trade policy) on the locus of production on the other. Each type of trade war will involve a different underlying domestic coalition, which, in turn, will affect the dynamics of how the conflict evolves and its likelihood for spilling over into other areas and issues. The central role played by domestic coalitions in determining the trajectories of trade wars points research in this area toward two frontiers -- understanding how national preferences regarding security are formed and articulated across political systems; and integrating domestic and international levels of analyses.

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Wealth and power have always been two central objectives of state policy in the international system. Yet, these two objectives have often not been accorded equal importance by students of international relations. Trade and economic relations between states were often relegated to the realm of low politics, issues important to the state's economic welfare but not critical to the high politics of maintaining national security. This relative valuation is changing, however, as economic issues assume a more prominent place on the security agenda.

A number of factors account for the rise of economics as a security issue. First, the end of the Cold War enables states to consider more critically other issues -- such as international trade -- which were once considered secondary to the superpower conflict. It has also created a number of new state actors in the international economy whose role, and commitment to the liberal principles underlying the GATT, are uncertain. A second factor is Japan's remarkable success in creating a competitive high-technology economy and the aggressive export behavior of Japanese firms. Japan's economic success is popularly believed to have come at the expense of its trading partners, sparking a debate over what role governments can and should play in protecting their home industrial base from aggressive economic competitors. Finally, the threatened breakdown of the GATT-based open world economy into regional trading blocs means that countries may soon be operating in a far more hostile international economic environment.

The rise of economics as a security issue also signals that international economic relations are likely to become more conflictual in the future. On the one hand, this is simply an extrapolation of current world trends. Increasing levels of economic conflict are to be expected should the GATT-based system of free trade break down. Shifting interstate alliances brought on by the end of the Cold War may also increase the level of economic conflict by leading states to reduce the volume of trade in the international system. Worried that trade may strengthen potential rivals, states may limit trade with other powers as one tactic for enhancing their own security.[1] The shrinking levels

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[1]Joanne Gowa and Edward D. Mansfield, "Power Politics and International Trade," American Political Science Review 87 (June 1993) pp. 408-420.

of trade that result, however, may well increase the potential that serious economic conflicts will erupt between states.

On the other hand, increasing levels of economic conflict may also arise from the greater importance being attached to economic relations. As states place a higher value on achieving favorable outcomes in their economic relations with other states, the potential for economic conflict between states increases. As a result, some have characterized the future international system as one dominated by trade wars between the world's major economic regions -- Europe, Asia and the Americas. In the Japanese version of the book The Japan That Can Say No, Shintaro Ishihara characterizes the twenty-first century as one in which economic warfare will replace military warfare as the dominant form of international conflict, and claims that Japan will be the winner of the twenty-first century's economic wars.[2]

Although increasing levels of international economic conflict seem fairly certain, there is little agreement about the broader implications of this development. Three different scenarios seem to be emerging -- one optimistic, one pessimistic and one neutral but with pessimistic overtones. The optimistic scenario sees little scope for international economic conflicts to develop which will also spill over into intense political conflicts. States continue to have an interest in open international markets, and even if the GATT does break down, the resulting trade blocs will closely reflect current patterns of trade. As a result, "Regional free trade agreements will do more economic good than harm; and the problems of the GATT are so deep-seated that it is unlikely that a world without regional free trade agreements would do much better."[3] The pessimistic view, which finds its theoretical roots in strategic trade theory, holds that coming international economic conflicts could easily degenerate into damaging mercantile rivalries as states seek to seize positions of competitive advantage through

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[2]Shintaro Ishihara, The Japan That Can Say No: Why Japan Will Be First Among Equals (New York: Simon and Schuster, 1991) p. 50. Two further examples of works that identify international economic conflict as a likely feature of the coming world order are Lester C. Thurow, Head to Head: The Coming Economic Battle among Japan, Europe, and America (New York: William Morrow and Company, 1992); Jeffrey E. Garten, A Cold Peace: America, Japan, Germany, and the Struggle for Supremacy (New York: Basic Books, 1992).

[3]Paul Krugman, "Regional Blocs: the Good, the Bad and the Ugly," The International Economy, November/December 1991, p. 56.

aggressive unilateral trade and industrial policies.[4] Finally, the neutral view argues that whether economic conflict emerges as a serious problem in international politics depends upon the willingness of one or more dominant states to play a stabilizing role in the international system. This view, which is an extension of hegemonic stability theory, is pessimistic in so far as it foresees few states able or willing to take up this task.[5]

The disagreements between these views have several sources. One is the focus of analysis. The optimistic view focuses on each state's general interest in having an open world economy and hence maximizing world economic welfare. Because aggregate levels of trade will not fall much under a three bloc trading system, it sees little room for intense political conflict. The pessimistic view focuses its analysis not on the aggregate gains from trade, but rather on how they are distributed across states in the international economy. As states seek unilateral advantage in capturing the gains from trade, they may spark serious interstate conflicts. Moreover, by contributing to uneven growth between states, trade may also create disparities in power which then lead to interstate conflict. Finally, the neutral view focuses on the underlying configuration of power in the international system and whether a dominant power exists which can play the role of stabilizer.

Because each scenario focuses on different aspects of the international economy -- aggregate welfare, distribution of the gains from trade, stability of the international system -- each characterizes the problem posed by trade somewhat differently. In the optimistic view, trade remains the positive sum game of liberal international trade theory. By focusing on how states may capture gains from trade in ways that impose costs on others, the pessimistic view transforms the trade problem into a zero sum game in which states struggle for national advantage. Finally, by focusing on systemic stability, the neutral conception views the "trade" problem as that of providing a public good -- international stability -- from which all members of the international community benefit.

Clearly these three views are not incompatible -- but they are incomplete. Taken together they illustrate the considerable conceptual and theoretical ambiguities of dealing with trade and international economic conflict. Like the proverbial blind men and the elephant, each describes a different aspect of the

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[4] See, for example, Michael Borrus, Steve Weber, Joseph Willingham and John Zysman, "Mercantilism and Global Security," The National Interest 29 (Fall 1992) pp. 21-29.

[5]See, for example, the remarks by Charles Kindleberger in The International Economy, Novembr/December, 1991.

problem, drawing different and sometimes contradictory conclusions, but the elusive whole remains to be seen. As a consequence, the broader implications of a world characterized by increasing levels of international economic conflict remain unclear.

One objective of this paper is to try to glimpse that elusive elephant. By exploring one form of intense interstate economic conflict -- trade wars -- this paper seeks to sharpen our focus on the key conceptual and theoretical issues needed to understand how it may impinge upon broader political issues such as international security. Moreover, in exploring the theoretical and conceptual ambiguities surrounding trade wars, this paper seeks a further objective: to map out a research agenda of the critical issues needed to understand the intersection of international economic conflict and international security.

UNDERSTANDING TRADE WARS

This paper defines trade wars as serious international economic conflicts in which

A) the conflict is between states and arises because the states hold conflicting economic objectives;
B) trade is the primary instrument these states use to pursue the conflict, either defensively by closing off the home market, offensively through aggressively subsidizing exports to deny foreign markets to other states, or through some combination of both;
C) the conflict is iterative and is characterized by some positive level of reciprocal threat.[6]

All three conditions are important for understanding trade wars. The first emphasizes that trade wars are interstate conflicts as opposed to conflicts between firms or other non-state actors in the international economy. Limiting trade wars to conflicts over economic objectives is important for two reasons. It brings the term "trade war" as defined here in line with common usage of the term, which usually refers to cycles of retaliatory tariff setting between two or more countries.

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[6]This definition is similar that of John A.C. Conybeare in Trade Wars: The Theory and Practice of International Commercial Rivalry (New York: Columbia University Press, 1987). Conybeare (p. 3) defines trade wars as "a category of intense international conflict where states interact, bargain, and retaliate primarily over economic objectives directly related to the traded goods or service sectors of their economies, and where the means used are restrictions on the free flow of goods and services."

Moreover, because the objective of this paper is to understand better how international economic conflicts can affect broader issues such as state security, this paper must begin by examining conflicts which are economic in nature.

The second condition brings trade wars under Baldwin's rubric of economic statecraft by stressing that trade is the instrument states use to pursue the conflict.[7] Trade wars result when two or more states try to exert influence by manipulating the flow of goods and services between them. By treating trade wars as one possible outcome of the reciprocal use of economic statecraft, this definition enables us to link up the study of trade wars with other instances of economic statecraft -- embargoes, sanctions, and even free trade -- whose commonalities and differences should provide useful insights into not only how these phenomena relate to each other, but also to broader issues such as international security.

The third condition emphasizes that a trade war is a form of strategic interaction between states. Trade wars can arise only when states are interdependent; hence, not all instances where states manipulate trade -- such as non-discriminatory tariffs, optimum tariffs or trade embargoes -- are necessarily salvos in a trade war. Moreover, the conflict between the states must be iterated -- actions by one state must provoke a counter-response by the second. Without interaction, no trade "war" can exist. This definition of trade wars is quite broad, and includes conflicts such as the tit-for-tat trading disputes that often seem to arise between the EC and the United States, as well as more protracted economic conflicts, such as the breakdown of world trade in the 1930s through a series of "beggar-my-neighbor" tariffs.

It is important to note that this definition conceives of trade wars as existing along a continuum of international economic interaction, defined by free-trade at one pole and overtly hostile, political acts such as embargoes and economic sanctions at the other. Movement along the continuum from free trade toward interactions such as embargoes reflects increasing

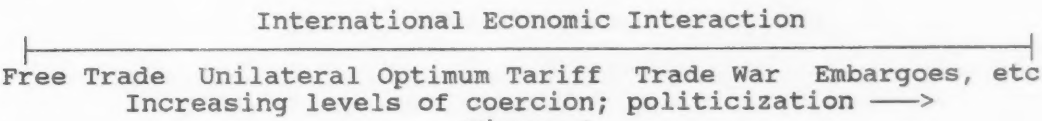

Figure 1

levels of coercion and politicization. For example, a unilateral optimum tariff is more coercive than free trade because a state

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[7]David Baldwin, Economic Statecraft (Princeton: Princeton University Press, 1985).

which applies an optimum tariff uses the country's market power to extract wealth from its trading partners. Optimum tariffs which do not provoke a retaliatory response, in turn, are less likely to be politicized than trade wars which represent reciprocal conflicts between two or more states. Finally, the most hostile forms of international economic interaction are boycotts, embargoes and sanctions, where trade may actually break down. These actions not only involve the cessation of trade between countries, they also represent highly politicized conflicts in which one or more states seek to manipulate trade for explicitly political ends. Thus, Britain's economic sanctions against Rhodesia were intended to bring that country to majority rule; the COCOM embargo of strategic goods to Eastern Europe and the Soviet Union was designed to weaken the Warsaw Pact's military capabilities; the ongoing U.S. embargo of Cuba is meant to undermine the Castro regime.

Trade wars lie between the two extremes of free trade on the one hand, and hostile economic acts such as embargoes on the other. What is clear is that trade wars may involve greater or lesser levels of international conflict. The tit-for-tat Chicken and Rapeseed disputes between the United States and the EC were relatively minor conflicts that had little impact on the broader interplay of US-EC relations, while earlier trade wars such as the Anglo-Dutch and Anglo-French trade wars of the 17th and 18th centuries at times erupted into military warfare.[8] Thus, a central question to be addressed is what factors enable some trading disputes to remain limited, while others may snowball into problems involving vital national interests.

In fact, that countries may engage in trade wars is itself something of a puzzle. Trade is a mutually beneficial exercise in which each party exchanges goods that it holds for goods held by others that it values more. If either party perceived no "gain," the exchange would not take place and trade would not exist. Because trade is a mutually beneficial exchange, common sense and the theory of international trade suggest that trade wars should be rare, because by reducing trade, trade wars may make both countries worse off.

Yet trade wars do occur. The reason they do so is that like mutually beneficial exchange, conflict is also a fundamental characteristic of trade. Trade involves two different types of conflict, both of which can lead to trade wars. The first type of conflict inherent in trade is over price. Even when two parties agree to a mutually beneficial exchange, they may still have substantial disagreements over the terms of that exchange. The same is true of trade. Trade consists of buyers and sellers. Buyers will desire lower prices for the goods that they buy

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[8]Conybeare, Trade Wars, pp. 129-159.

(imports), while sellers will desire higher prices for the goods that they sell (exports). This conflict between buyers and sellers is zero-sum: the gains buyers reap through lower prices translate directly into losses to the seller and vice versa. Moreover, this conflict is a fundamental feature of economic exchange, arising because the two actors (buyers and sellers) occupy opposite sides of the market.[9]

This inherent conflict between buyers and sellers over the terms of exchange provides the first clues into the origins of trade wars. First, when states have market power in world markets, they may attempt to shift the terms of trade in their favor. These attempts may be unilateral as in the case of optimum tariffs or export taxes. They may also result in international cartels such as OPEC and the International Coffee Agreement, in which the producing states of those commodities seek to raise prices by jointly controlling the supply reaching world markets. In either case, the objective of state policy is to use the country's power in world markets to raise the value of exports relative to imports. But by intervening to raise the value of their countries's exports on world markets, states also create the potential for trade wars. The gains they achieve translate directly into losses by the importing countries.

Conflicts over price may also induce other economic actors to turn to the state to reap gains that they would otherwise be unable to capture via their activity in the marketplace. Markets, even world markets, do not exist in a vacuum. Rather they are nested within legal and institutional structures which set the parameters of the market by vesting property rights and determining transaction costs. By turning to the state to alter the legal and institutional underpinnings of the market, economic actors may achieve outcomes that would be impossible by acting in the marketplace alone. For example, consumers may lobby the government to regulate monopolies or increase competition among producers, both of which would lower the prices they pay. Likewise, producers may seek state intervention to limit competition in markets, enabling them to raise prices to the consumer. Where these efforts engage the interest of foreign actors (either producers or consumers), the potential for trade wars emerges.

The second conflict inherent in trade concerns the effects of trade on the locus of production. Trade forces factors of production to move out of those sectors in which the country is

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[9]Interestingly, conflicts over price are obscured when markets are perfectly competitive, because neither party can secure prices that deviate from those obtaining in the marketplace. In this instance, both buyers and sellers act as price-takers.

uncompetitive at world prices and into those sectors where it has a comparative advantage. This can be a highly disruptive process, leaving some owners of factors of production (capital, land, labor) permanently impoverished even though the country as a whole benefits. This creates an inherent conflict of interest between the "losers" from trade and three other sets of actors: foreign producers who are their direct competitors; domestic consumers who enjoy lower prices brought by trade; and domestic producers in the export market who desire open markets for their exports.

The effects of trade on the locus of production may generate the potential for trade wars in two ways. First, the state may become directly concerned should trade threaten to make the country's strategic industries uncompetitive. This could, in turn, prompt the state to undertake protectionist policies which may impose costs on foreign actors. Second, the domestic "losers" from trade may demand that the state raise barriers against the imports which are harming their industries. To the extent that the state's efforts to protect its domestic producers impose costs on foreign actors, the potential for trade wars emerges.

Thus, conflict is an inherent feature of trade. Trade creates conflicts between states over the terms of trade, between foreign and domestic producers who compete the same market, and internally between both domestic import competing producers and consumers on the one hand, and import competing and exporting producers on the other. Recognizing the conflictual aspects of trade is important, for it is these which create the potential for trade wars between states to arise. They also give rise to three different types of trade war, as well as create considerable ambiguity when trying to examine the wider implications of trade wars for international relations.

Three types of trade wars

The first type of trade war involves conflicts over the terms of trade between two or more countries. This trade war, the "optimum tariff war," arises when one country seeks to shift the terms of trade to its advantage by applying an optimum tariff or export tax, thereby provoking a retaliatory response from its trading partners.

International trade theory has long recognized that when countries are "large" (i.e. they possess market power), they may extract wealth from their trading partners by restricting trade. The mechanics of this process are straightforward. Figure two

represents a large country's market for imports.[10] Demand for imports is given by the schedule DD; the supply of imports from world markets is given by SS. At free trade, the country imports Q_1 of the good at price P_w. Because this country faces an upward sloping supply curve, it may improve its terms of trade by applying a tariff on its import. The tariff raises the domestic price of the imports to P_t, causing the quantity of imports to fall to Q_2. The drop in imports is perceived by foreign exporters as a fall in demand, which causes world prices to fall to P_w'. The difference between the domestic price of imports P_t and their world price P_w' is the tariff levied by the government.

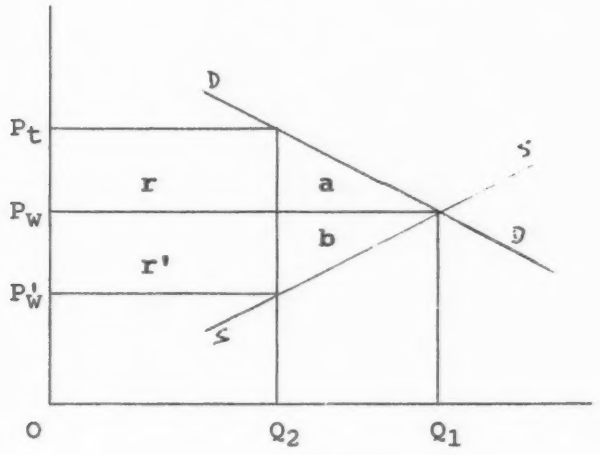

Figure 2

Several important effects follow. The tariff imposes deadweight welfare costs represented here by the triangles **a** and **b**, which are the deadweight welfare costs of the tariff to the domestic economy and to foreign producers respectively. The tariff also creates a transfer of wealth to the government imposing the levy. The rectangle **r** represents the tariff revenue that the government captures from domestic consumers of the imported good, while **r'** is the amount the government extracts from foreign exporters. This transfer to the government will, in the absence of foreign retaliation, result in a net gain for the economy so long as **r'**, the wealth captured from foreign exporters, exceeds **a**, the deadweight costs of the tariff on the

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[10]The following argument is presented in terms of a tariff on the country's imported good. Tariffs and export taxes are symmetrical in terms of their welfare effects, so the argument also applies to taxes on the target countries exports. Tariffs and export taxes may be significantly different, however, in terms of their political consequences, as they will fall on different domestic groups.

domestic economy. Moreover, it is important to note that states may capture foreign wealth by restricting trade only in cases where the country is large -- i.e., faces an upward sloping supply schedule for imports. As the supply curve flattens out and becomes more elastic, the ability of the government to extract wealth from foreigners drops until, in the limit, the supply schedule becomes flat. At this point, the country becomes a price taker ("small") on world markets and any attempt by its government to manipulate the terms of trade through restricting imports will only impose costs on the domestic economy.

So far this paper has considered the optimum tariff only from the perspective of the country imposing it. How that country's trading partners respond to the optimum tariff is critical in whether a trade war emerges, and depends largely on whether the trading partners are price takers on world markets. In cases where the trading partners small, retaliation will be less likely to occur.[11] Any efforts by the small country government to manipulate the terms of trade will only impose costs on the domestic economy.[12] If the country is large, however, retaliation is more likely. A large government facing an optimum tariff may negate its effects by applying its own optimum tariff against the first country's exports. In most cases, the net result is lower levels of trade and economic welfare in both countries, making them worse off economically. In some cases, however, it will not. Thus, Harry Johnson in a seminal article on optimum tariffs has demonstrated that a country may benefit from an optimum tariff -- even with retaliation -- in instances where the retaliating country's trade is highly inelastic.[13]

The optimum tariff trade war is the most studied form of trade war. John A.C. Conybeare used the optimum tariff war as the basis for his study of the subject, finding that the payoff structure to large countries involved in optimum tariff disputes approximated that of a prisoner's dilemma. This created a

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[11]Conybeare, pp. 44-45. Even when the country is small, retaliation may occur, although it is analogous to shooting oneself in the foot. Conybeare resolves this puzzle by pointing to reputation effects -- small countries may choose to retaliate to build reputations. Trade Wars, pp. 270-271.

[12]This statement is not entirely correct. A small country may still retaliate in order to impose costs on the initiating country's firms and hence political costs on that country, even if it cannot shift the terms of trade back in its favor. See below, pp. 13-14.

[13]H. G. Johnson, "Optimum Tariffs and Retaliation," The Review of Economic Studies 21 (1954) pp. 142-153.

predictable pattern of interaction which closely followed that of tit-for-tat. One country's optimum tariffs prompted retaliatory tariffs from its partners, resulting in welfare losses to both sides, which, eventually, lead them on the path back to free trade by lowering tariffs.[14]

But disputes over the terms of trade are not the only source of trade wars. Trade wars may also arise because countries disagree over the effects of trade. Trade can be a powerful force, dramatically altering a country's productive structure as well as disrupting relations among its major social groups.[15] Disagreements between states over the internal effects of trade may develop into the second type of trade war, which I term the "protective trade war." A protective trade war emerges when one country seeks to protect domestic industries by raising barriers to trade, and in so doing prompts a retaliatory response from its trading partners.

Protective trade wars differ from optimum tariff wars in a number of important respects. First, the two wars differ in terms of the underlying source of conflict. In the optimum tariff war, the source of conflict is the terms of trade. Both parties agree to the exchange but not to the terms on which it takes place. Thus, each seeks to restrict trade in an attempt to shift the terms of exchange in its favor. In the protective trade war, however, it is not the terms of trade which are at issue, but rather trade itself. The demand for protection arises not because the main parties to the exchange -- importers and exporters -- disagree about the terms of trade, but rather because the exchange itself has deleterious consequences for a third party -- import competing producers. For these producers, trade drives down prices on the goods they produce and hence their incomes. As a result, they may turn to the state to enact tariffs to raise the price of imports entering their market. Thus, even though the optimum tariff war and protective trade war may be pursued using the same policy instrument -- tariffs -- the two are fundamentally different. The state's objective in an optimum tariff war is to lower the price of the country's imports relative to its exports; in the protective trade war, the state's objective is the opposite -- to <u>raise</u> the price of imports entering the economy.

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[14]Conybeare, <u>Trade Wars</u>, pp. 266-269.

[15]See for example, Ronald Rogowski, <u>Commerce and Coalitions: How Trade Affects Domestic Political Alignments</u> (Princeton: Princeton University Press, 1989) and Jeffrey A. Frieden, <u>Debt, Development, and Democracy: Modern Political Economy and Latin America, 1969-1985</u> (Princeton: Princeton University Press, 1991).

This discussion suggests, moreover, that state policy in optimum tariff and protective trade wars will be supported by two different types of domestic political coalitions. For a country engaged in an optimum tariff war, the underlying domestic coalition will be principally between exporting and state interests. Exporters gain from the tariff because it raises the relative price of their good on world markets, while the state benefits both because it supplies a demanded policy and because it captures tariff revenues from both domestic consumers of the imported good as well as foreign exporters. Conversely, the underlying political coalition of a country engaged in a protective trade war will be principally between domestic import competing interests who demand a protected home market, and the state which reaps the benefits of supplying a wanted policy response as well as the tariff revenues generated by the trade barrier.

These differences will have important consequences for the dynamics of how each type of trade war is pursued. On the one hand, states involved in optimum tariff wars are likely to be more flexible, and more responsive to retaliation, than states engaged in protective trade wars. Foreign retaliation against a state levying an optimum tariff (provided the retaliating country is large) imposes costs directly on the two constituencies likely to support a strategy of optimum tariffs -- domestic exporters seeking to raise prices on world markets and the home state. Domestic exporters lose because retaliation shifts the terms of trade back in the retaliating country's favor, while the state suffers both because its policy of raising the relative price of exports backfires and because it loses tariff revenues captured from foreign exporters of the imported good. Moreover, the policy path for these actors is relatively straightforward -- to improve access to foreign markets by reducing trade barriers. This supports Conybeare's conclusion that optimum tariff wars are likely to result in a tit-for-tat pattern of interaction which eventually leads the parties back to free trade.

States pursuing protective trade wars, on the other hand, are likely to be less flexible in the face of retaliation than those engaged in an optimum tariff war. The import-competing producers who provide the primary impetus for the "protective" state's initial tariffs will be largely immune from any retaliatory tariffs levied by that country's trading partners. These tariffs will fall instead upon the initiating country's exporting interests and will only bolster the protective walls around the initiating country's economy.

Because retaliatory tariffs will not fall on the main beneficiary of the initial tariffs -- import competing industry -- they will only be effective if they can pressure the initiating state severely enough through other channels to compel it to overturn the original decision to supply tariffs to import

competing industry. Not only may these levels of economic pressure be harder to achieve than in the case of optimum tariff wars, but any attempt by the initiating state to reverse its decision will likely be opposed strongly by the initiating country's protectionist lobby. As a result, the most likely outcome of the protective trade war seems to be one of deadlock -- in which both countries maintain high barriers to trade even though these barriers make them worse off economically.

Moreover, the potential for the conflict to spread to other markets and issue areas seems greater in cases of protective trade wars than in optimum tariff wars. Because the retaliating country cannot impose costs directly on the main beneficiary of the initial tariffs, it must impose costs on other actors in the initiating country's political economy -- its exporters. How the initiating state responds to these actions cannot be predicted in the abstract, but it is entirely plausible that the initiating state may choose to escalate the conflict with counter-retaliatory tariffs, particularly if it cannot address the initial cause of the grievance -- its protective tariffs -- because of the strength of the domestic import-competing lobby. In instances of protective trade wars, then, there is a very real danger that the conflict will degenerate into a vicious and expanding cycle of "tat-for-tit" as each successive move imposes costs on actors not party to the initial conflict.[16]

Finally, optimum tariff wars and protective trade wars differ in that protective trade wars may emerge among countries which are both large and small on world markets. In the case of a large country, the mechanism by which the conflict is generated is straightforward and identical to that of the optimum tariff war. The initiating country's tariff drives down prices on world markets and generates a transfer of income from foreign sellers of the good to the tariff-imposing country. The drop in world prices, in turn, may prompt foreign governments to retaliate with tariffs of their own in an attempt to shift the terms of trade back in their favor.

However, a trade war may also emerge even when the initiating country is small on world markets and its actions do not affect the general level of world prices. The mechanism by which the conflict is generated is not, in this instance, the

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[16]To see the dynamics of this point, imagine a feud between two families in which each instance of conflict is matched by retaliation against a family member not already in the fight -- "you hit me, therefore I will hit your brother; you hit my brother, therefore I will hit your sister." It is easy to conceive that a conflict pursued in this matter can quickly become irresolvable.

movement in world prices, but rather the costs imposed by the tariff on the individual exporters to the initiating country's market. Although the drop in demand created by the tariff may be too small relative to world markets to affect the level of world prices, it may nonetheless loom large in the calculations of the foreign firms serving that country. Theoretically, these firms could shift output to other markets and suffer no losses from the tariff, but this occurs only if markets operate in a frictionless manner. More realistically, the firms will suffer a period of falling demand (and incomes) as well as the search costs associated with finding new markets for their output. It is even possible that the initiating country's market will be critical enough to some firms or that the costs to these firms of finding new markets will be so high, that the initial tariff may threaten their continued viability. Where these firms are concentrated in a single nationality (or carry sufficient weight inside their country's politics) the political demand for retaliation may be generated, even though the aggregate effect of the initiating country's tariff on world prices is negligible. Unlike optimum tariff wars which are the domain of large countries, protective trade wars can engulf the small as well.

The third type of trade war, which I term the "strategic trade war," finds its theoretical roots in the idea that world markets are often imperfect -- characterized by small numbers of oligopolistic firms, high barriers to entry, economies of scale, and the existence of excess profits or rents which are not bid away by competition. Moreover, many of the goods in these markets not only comprise the cutting edge of high technology but their very production generates positive externalities for the economies in which they are produced. For example, the research and development (R&D) necessary to compete in these markets may increase productivity in other sectors by raising the country's general level of knowledge. As a result, states may be able both to capture excess rents for home country firms as well as ensure higher long-term economic growth through trade and industrial policies designed to guarantee a national presence in these markets.[17] A strategic trade war would arise whenever one state's policies to promote or protect its "strategic" industries elicits a retaliatory response from its partners.

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[17]Michael Borrus and John Zysman, "Industrial Competitiveness and American National Security," The Highest Stakes: The Economic Foundations of the Next Security System, Wayne Sandholtz, et al. (New York: Oxford University Press, 1992) pp. 49-50. See also, Paul R. Krugman, ed., Strategic Trade Policy and the New International Economics (Cambridge, Mass.: The MIT Press, 1986). A recent statement is Laura Tyson, Who's Bashing Whom? Trade Conflict in High Technology Industries (Washington, DC: Institute for International Economics, 1992).

Strategic trade wars are important in several respects. First, the strategic trade war combines elements of both the optimum tariff and protective trade war. On the one hand, the strategic trade war, like the optimum tariff war, is a conflict over price. However, unlike the optimum tariff war, which is a conflict between producer and consumer, the strategic trade war is a conflict between producers. It is driven by fears that foreign government policies will enable foreign competitors to undercut the prices of home country firms. This not only diverts the sector's excess profits abroad, it imposes costs directly on the home country's firms in the form of lower profits. On the other hand, the strategic trade war, like the protective trade war, is also a conflict over the effects of trade on the locus of production. It is driven both by the desire of home country firms to shield themselves from competitive pressures, as well as the state's desire to preserve the country's industrial base in markets perceived to be vital to the country's long-term economic growth or perhaps even military security.

Another important aspect of the strategic trade war is that the economic actors involved will be large firms. Almost by definition, oligopoly firms operating in world markets must be large entities with global reach. The size of these firms will be an important variable in how strategic trade wars are pursued, because in politics, size matters. Large firms not only face fewer resource and organizational constraints than small firms in pursuing political strategies, but their very size and influence in the national economy makes them loom large in the calculations of politicians. As a consequence, the political choices of state actors may be more constrained in instances of strategic trade wars than in either optimum tariff or protective trade wars.

Finally, strategic trade wars may emerge from disputes over a broad range of issues, involving not only the traditional aspects of trade policy such as tariff levels, but also issues which were once considered the purview of a country's domestic politics such as the structure of its R&D subsidies or the nature of its anti-trust and industrial policies. Any foreign government policy which confers a perceived advantage on rival foreign firms can be fodder for a strategic trade wars. This not only stretches the boundary of what are issues of international politics, but it means that resolving strategic trade wars may be particularly problematic, as it will involve issues -- such as the nature of government-business relations -- which may be considered by the states involved to be purely domestic affairs.[18]

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[18]A colleague of mine long involved in US security policy once remarked to me how eerily similar an agreement between the US and the EC over the level of subsidies to the American and

One implication of these points is that strategic trade wars are likely to be acrimonious. Not only do they involve conflicts over the distribution of resources in the international economy, but they will tend to be highly politicized. Strategic trade wars occur at the intersection of two vital state interests: creating or maintaining a high technology base and promoting the long term economic development of the country. Moreover, the critical nature of the sectors involved in strategic trade disputes creates a compelling political logic in favor of "managed trade" arrangements in which states attempt to preserve market positions of home country firms through market sharing agreements with other states.[19] Politically managed trade will often be demanded by firms in these sectors as a way of easing competitive pressures. Moreover, states may often oblige these demands because they will be unwilling to cede to the whims of the world market (and unscrupulous foreign governments) the perceived critical role that these oligopoly industries can play in promoting national wealth and power.

TRADE WARS, SECURITY, AND INTERNATIONAL RELATIONS

In this paper, I have identified three types of trade war, each of which originates in a different aspect of international economic conflict. Optimum trade wars emerge between producers and consumers through conflicts over price; protective trade wars emerge between states through disagreements over the effects of trade on the locus of production; strategic trade wars emerge both from conflicts between rival producers over the level of prices and from state concerns about the effects of foreign government policies on the locus of production. Moreover, each type of trade war engaged different coalitions of state and private actors. The underlying domestic coalition in a state pursuing an optimum tariff war was between exporting and state interests; in the protective trade war between import-competing and state interests; in the strategic trade war between large oligopoly firms operating in world markets and the home state. Understanding how these private and state actors interact is critical to understanding trade wars. Different actors bring different sets of policy preferences to the table. This not only has implications for the dynamic manner in which trade wars

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European airliner industries was to the complex and minutely detailed arms control agreements which covered conventional forces in central Europe, including the provisions for verification measures.

[19]I will not consider her whether a managed trade solution is stable (I think in many instances, it is not) or whether the managed trade solution is desirable (I believe it will stifle innovation and lower long term growth).

unfold, it also determines the likelihood of whether trade wars may then spread to encompass other areas and issues.

The role that underlying domestic coalitions may play in determining the dynamics of a trade war underscores another important point. Instruments matter. The instruments a state uses in pursuing its international economic interests can play an important role in whether trading conflicts emerge between states as well as how they may evolve. Different types of economic instruments, even ones which have equivalent "protective" effects on the home economy, will engage the interests of foreign actors in different ways. Consider, for example, the differences between tariffs and voluntary export agreements (VERs). Although both will raise the same protective barrier around the home country's economy, they will have strikingly different political implications. Tariffs, which impose costs directly on foreign exporters, are much more likely to spark political conflict than are VERs. By requiring that foreign exporters act as a cartel to "voluntarily" restrict the amount of exports flowing into the economy, VERs enable foreign exporters to raise prices and increase profit margins. As a result, VERs benefit two powerful sets of interests in both countries -- domestic producers who gain the protective benefit of reduced import competition, and foreign exporters who now reap higher prices and profit margins inside the protected economy. Moreover, by benefitting powerful interests in both countries, VERs lessen the likelihood that trade conflicts in this market will emerge.[20] Thus, the specific means by which states pursue a trade war may be as important to the final outcome as the range of issues over which the trade war is waged.

Moreover, the pivotal role played by underlying domestic coalitions in determining the dynamics of international economic conflict highlights that there exists a crucial difference between economic security and more traditional formulations of national security which focus on maintaining the independence and territorial integrity of the state. In more traditional formulations, the central actors in international conflicts tend to be organs of the state itself -- its military, intelligence and diplomatic establishments. These actors are hierarchically tied to central decision-makers, allowing the state to articulate a reasonably well defined set of interests, as well as to formulate coherent policies for achieving them. In international economic conflict, however, the relationship of the state to the actors most directly involved in the conflict (exporters,

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[20]This still does not make VERs a good policy, as they still muffle price signals to producers and raise costs to consumers. Moreover, they also enable foreign exporters to extract wealth from the home economy that could have otherwise been put to more productive uses.

importers, import-competing interests) is fundamentally different. These actors are generally not tied hierarchically to the state's central decision makers (with some exceptions), but are private interests whose relationship to the state can vary considerably across political systems.

This difference has both practical and theoretical consequences. Practically, this means that the character of state policy will differ fundamentally depending on whether the issue at hand involves economic or more traditional conceptions of security. In more traditional security realms, the state will be able to pursue its interests by means of directive -- commanding the various organs of the state apparatus to implement those policies which best achieve its goals. In the economic realm, however, the autonomy of private economic actors from central decision makers means that policy by directive will be the exception rather than the rule. Here, the problem confronting the state is to develop policies which generate the incentives for private economic actors to implement state goals while simultaneously acting in their narrow self interests. Yet, devising policies which create a convergence between the security interests of the state and the narrower interests of the country's private economic actors is a difficult task. As a result, the state will be less likely to articulate a consistent set of economic security interests, while its policies for achieving these interests will be less coherent than its policies aimed at more traditional security goals.

Theoretically, the differing structure of intra-state relations in economic as opposed to more traditional areas of security points the study of international economic conflict toward two research frontiers. The first is to understand how national preferences regarding security are formed and articulated across countries and political systems. Economic security is an ambiguous concept. Unlike more traditional conceptions of security such as territorial integrity, which can be plausibly advanced as truly "national" interests which benefit all members of the community, no such "national" formulation for economic security can exist. Different definitions of economic security will connote different distributions of economic resources and property rights inside domestic society, with different sets of winners and losers. How a state defines and articulates its economic security interests will result not only from the external imperatives of operating in an international system defined by anarchy, but equally from an internal political choice about the domestic distribution of wealth.

This leads directly to the second research frontier, which is to disassemble the increasingly artificial barriers separating the domestic and international levels of analysis -- as neither level by itself can provide a sufficient explanation for the politics of international economic conflict. Only by integrating

across the divide can we arrive at robust explanations for the behavior of actors -- both state and non-state -- in the international economy. Changing international circumstances are causing states to consider as security issues problems once relegated to the realm of domestic politics. Understanding these new issues and how they relate to broader concepts of state security requires the fruitful collaboration between specialists in both comparative politics and international relations.

CONCLUSION

In this paper, I have sought two objectives. The first was to use the study of trade wars as a vehicle for glimpsing the elephant of international economic conflict. The second was to map out a research agenda of the critical issues needed to understand the intersection of international economic conflict and international security. Although this paper has offered no unifying vision of international economic conflict, it has added a second layer of complexity to our understanding of international economic conflict. The three scenarios for the future of the world economy outlined in the introduction to this paper all concentrated on the role that states played in pursuing or ameliorating international economic conflict. This paper has argued, however, that understanding the behavior of states in this arena, also requires understanding how the state and private economic actors interact. For ultimately, it will be the interaction of these two sets of interests which will determine which vision of the future will come to pass.

The Domestic Political Economy of International Economic Sanctions

David M. Rowe

Department of Political Science
The Ohio State University
Columbus, OH 43210

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The Domestic Political Economy
of International Economic Sanctions

Abstract

In this paper, I use a simple partial equilibrium model of sanctions to derive several propositions concerning the political impact of economic sanctions on the sanctioned country. Most important, I show how economic sanctions may lead the target government to intervene extensively in the country's traded markets by creating new economic institutions for organizing trade. These new institutions will play both economic and political roles. Economically, they enable the government to minimize the costs of sanctions to the target economy. Politically, they become a valuable resource for maintaining domestic political support at a time of concerted international and economic pressure. Finally, this model accounts for many of the stylized facts that one can distill from the sanctions literature; in particular, the observation that using sanctions to compel desirable changes in the target country's behavior rarely seems to work.

The Domestic Political Economy of International Economic Sanctions

The analysis of traded markets must be the starting point for any study of the political economy of economic sanctions. It is these markets which link the target country's economy to world markets, and it is through them that the economic effects of sanctions are transmitted. Understanding how economic sanctions may influence political behavior in the target country thus requires understanding how sanctions may alter a target country's traded markets, and how these changes may affect the political and economic incentives of actors inside the target country.

In this paper, I use economic trade theory to create a simple partial equilibrium model for analyzing this problem. In particular, I use this model to explore how sanctions can lead the target government to intervene in the country's economy to create new economic institutions for managing trade, and how the government may then exploit these new institutions to influence the subsequent course of the country's domestic politics.

The reach of this paper, however, extends beyond contributing to a better understanding of sanctions to also exploring the political economy of trade. Both fields of inquiry share a common goal -- to discern how trade (or trade disruptions) can affect a country's political behavior. Yet

despite the closeness of their subject matter, there is surprisingly little contact between the two.[1] By using concepts from the political economy of trade to structure my analysis of sanctions, I attempt to bridge the gap between the two fields. Thus, this paper is both a theory building exercise in which I seek to understand the political and economic dynamics of economic sanctions, as well as a theory "linking" exercise, in which I use the study of sanctions to deepen our understanding of the political economy of trade.

The Political Economy of Economic Sanctions - A Basic Model

Figure 1 is a back-to-back partial equilibrium model depicting the effects of a sanction on the target country's imported good. The right-hand panel represents the domestic market for the imported good. **dd** is the country's domestic demand schedule, relating the price of the good to the quantity demanded. As prices fall, demand for the good rises; hence this curve slopes downward to the right. **ss** is the country's domestic supply schedule, relating the price of the good to the amount supplied by domestic producers. As prices rise, domestic

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[1]The most notable exception is the work of Kaempfer and Lowenberg, who explore economic sanctions from a public choice perspective. See, for example, W. H. Kaempfer and A. D. Lowenberg, "Determinants of the Economic and Political Effects of Trade Sanctions," The South African Journal of Economics 56 (December 1988) pp. 270-277.

producers supply more of the good to the market; hence this

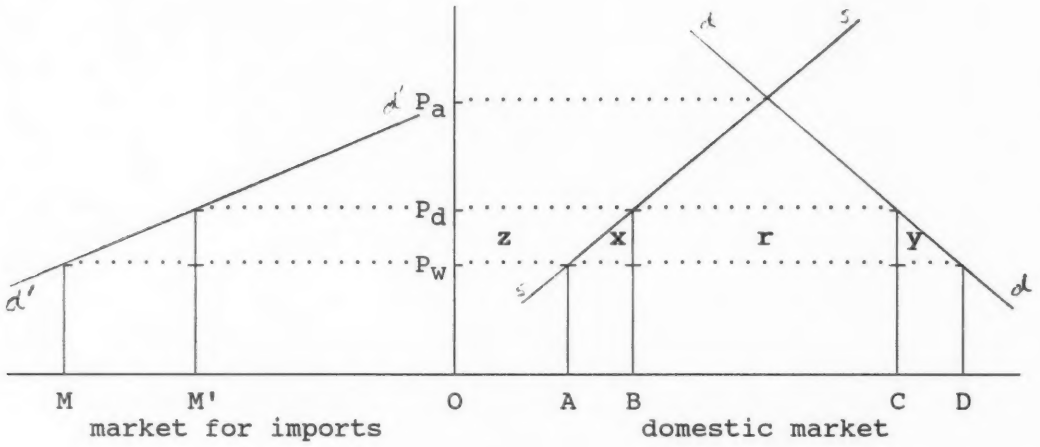

Figure 1

schedule slopes upward to the right. At free trade, domestic prices equal the world price P_w. Reading from the two schedules shows that at the price level Pw, the country produces OA of the good while consuming OD. AD, the difference between the quantity supplied by domestic producers and that demanded by domestic consumers, represents the quantity of imports from world markets.

The left panel of the diagram represents the target country's market for imports. **d'd'** is the country's import demand schedule. This curve relates price of the imported good to the quantity of imports demanded by tracing out at different price levels the difference between the country's domestic demand and supply schedules given in the right hand panel. At P_a, the autarky price, imports will be zero because domestic

demand equals domestic supply. As the price drops below autarky levels, domestic demand exceeds domestic supply and the quantity of imports rises; hence, the import demand (**d'd'**) curve slopes downward to the left.[2] World supply is given by the price line P_w, because this model depicts the small country case in which the changes in the country's demand for imports do not affect world prices. At the free trade price P_w, the country imports OM of the good which also equals AD in the right hand panel.

Now suppose the country is sanctioned by some of its trading partners who embargo OM-OM' of their exports to it. Turning first to the left-hand panel, these sanctions reduce the target country's imports from OM to OM'. This sanctions-induced shortage of imports drives their price upward to P_d.[3]

The right-hand panel allows one to trace out the effects of the sanction on the target country's domestic market. The

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[2]Because this is a back-to-back diagram, the slope of the import demand curve is reversed.

[3] Essentially, this model assumes that the sanctions change the shape of the foreign supply curve rather than shifting it -- the supply curve is horizontal to M', at which point it becomes vertical. This model depicts sanctions in this manner because not all suppliers participate in the sanctions. Those suppliers from countries participating in the sanctions will be unable to supply the market regardless of price, while those suppliers from countries not participating will still be willing to trade at price Pw. Hence, the supply curve is horizontal over the range of non-participating suppliers and turns vertical at M'.

higher price of the sanctioned good stimulates domestic production to rise from OA to OB and causes consumption of the good to fall from OD to OC. This results in deadweight welfare losses to the target country, shown here by triangles **x** and **y**. Triangle **x** represents the opportunity cost of securing output AB from domestic producers rather than trade, while triangle **y** represents forgone consumption of the good at free trade prices. The sanction also redistributes wealth within the country. The area **z** represents a transfer from domestic consumers to domestic import-competing producers who now enjoy higher prices for their product. Finally, the sanction creates an area **r**, the sanctions rent, which represents the difference between domestic and world prices for the sanctioned good multiplied by the quantity of imports. The question of who captures this rent is not clear cut and will be considered below.

What insights can be generated from this model? My analysis will be based on several simple assumptions about the actors and the sanctioned market. I first assume that exporters seek higher prices for the goods they sell; importers seek lower prices for the goods they buy; and that the target government seeks to minimize the overall welfare losses of any sanctions to the economy. Second, I assume that markets are competitive; that they are initially free of government intervention; and that there will be no subsequent entry into

the sanctioned market by "sanctions busters" which dissipates any rents created by the sanction.[4]

Given these assumptions, I can derive several important propositions concerning the impact of sanctions on the target country's domestic political behavior. First, a sanction which raises the domestic price of the sanctioned import will cause the target government to intervene extensively in the market to organize trade in that sector. Second, sanctions may create domestic constituencies in the target country which have an interest in seeing the sanctions maintained. Third, the economic costs inflicted on the target economy will vary not only according to the elasticities of supply and demand for the sanctioned good, but also according to the structure of the market within which it is traded. Finally, the relationship between "sanctions busters" and the target government will be conflictual, despite the sanctions buster's role in continuing to trade with the target country.

The remainder of this paper explores these propositions under three variants of its model. In the first instance, it considers the case where the sanctions are applied against a "small" country's imports. This is the basic model presented above. The second case examined by this paper is that where the sanctions are applied against a "large" country's exports.

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[4]This last assumption will be relaxed below.

Although it seems illogical that countries should apply sanctions against the source of a substantial portion of their imports, historically there are a number of instances when this, in fact, happened. The boycotts of Libyan and Iraqi oil, as well as the British boycott of Rhodesian tobacco, are all cases in point. Finally, this paper constructs a rudimentary "dynamic" model of sanctions which relaxes the assumption that the sanctions rent will not encourage new entrants into the market.

CASE 1: Sanctions on a small country's imports

Returning to Figure 1, the initial effect of the sanction is to restrict the imported supply of the good from OM to OM' in the left-hand panel, and from AD to BC in the right-hand panel. Domestic importers competing for this restricted supply will bid up the price offered to foreign exporters of the good to the level P_d. Foreign exporters receiving P_d thus capture a rent equal to the difference between the competitive world price of the good and its domestic sanctions price $[P_d-P_w]$ multiplied by the amount of imports OM' or BC. In essence, the sanction transfers wealth from domestic (target) importers of the sanctioned good to foreign exporters. Thus, a competitive domestic market for the imported sanctioned good generates welfare losses which not only include losses of producer and consumer surplus, but also the loss of sanctions rents.

How does the target government, seeking to minimize the costs of the sanction, respond to these losses? First, the welfare losses from the sanctions arise from two sources. On the one hand, the deadweight welfare losses (triangles **x**, **y**) result directly from the ability of the sanctioning governments to restrict the target country's imports. Outside of convincing the sanctioning governments to lift the sanctions, there is little the target government can do to minimize these losses to its economy.

On the other hand, the lost rent is caused not by the sanctions themselves, but by the structure of the market for the sanctioned good. Because it is a competitive market, domestic importers bid against each other for the restricted supply of the sanctioned good. This raises the price offered to the foreign exporter to P_d, and generates a transfer of wealth from domestic importers to foreign exporters.

A target government seeking to minimize economic losses must impede this transfer. It can do so by restructuring the domestic market as a monopsony. In essence, the target government can consolidate all buying activity into a single unit which intervenes between domestic importers and foreign exporters of the sanctioned good. This government "marketing agent" first buys from foreign exporters on world markets and then distributes the good among domestic importers. Because

the government now operates in the sanctioned market as a monopsonist, it can bid the exporters down closer to their reserve price, P_w.

How close the government comes to procuring the world price depends upon the specific structure of the international market for the sanctioned good. If the target government faces foreign exporters who compete against one another, border prices (prices paid to foreign exporters) for the good should approach world prices. If the foreign exporters collude, border prices will settle at an intermediate position between world prices P_w and the market clearing domestic price P_d, with the exact level determined by the relative bargaining strengths of each side. In either case, the target government is better off than if it had not intervened in the sanctioned market.[5] By acting as a monopsonist, it recaptures at least some revenues that initially went to foreign firms as rents from operating in a sanctions-distorted market.

But, restructuring the sanctioned market as a monopsony also has a political dimension. On the one hand, the government is likely to meet little domestic resistance to its extension of state control over trade. Because the rents it seeks to capture are currently flowing abroad, the government's efforts to manage trade impose few costs on domestic actors.

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[5]Assuming, of course, that intervention is costless.

Moreover, if domestic actors are able to share in the rents the government captures, they may even demand that the government intervene in the market. Thus, sanctions may generate a political dynamic in which domestic actors cooperate with the government in creating new economic institutions to manage trade.

On the other hand, once the target government establishes its position between international and domestic markets, it is able to exploit the differential between domestic and world prices. Acting as a monopsonist in world markets, the target government procures the sanctioned good for at or near its world price; however, the domestic market clearing price remains at P_d due to the restricted supply of the good available from world markets. The target government may either capture this differential for itself by selling the good at its market clearing price, or it may hold the good's price at P_w but ration it among domestic consumers. Both courses of action have domestic political payoffs for the target government. In the first case, the government may use the sanctions generated rents to subsidize important constituencies. In essence, the rents become a tax on domestic importers of the sanctioned good which is then redistributed to groups the government favors. In the second case, the target government can use rationing as a political resource either to build or consolidate its governing coalition by offering access to the sanctioned good

in return for political support.

Thus, economic sanctions create powerful incentives for target governments to intervene in sanctioned markets. Economically, by restructuring the domestic market as a monopsony, the target government is able to recapture at least some of the sanctions generated rents. Politically, by intervening between the domestic and world markets, the target government can exploit the difference between domestic and world prices to shift the costs of the sanctions or to strike deals with domestic groups. As a result, sanctions may strengthen the government domestically and hence increase its capacity to resist the demands of the sanctioning governments.

At least three other important implications follow from this discussion. First, it highlights the fact that economic sanctions create winners and as well as losers in the target economy. Sanctions on the target country's imports generate a transfer of surplus from domestic consumers of the imported good to import competing producers. Because import competing producers will capture this windfall as long as the sanctions persist, this group has strong economic incentives to encourage the target government to reject the demands of the sanctioning countries. Thus, this perspective suggests an economic basis for the highly nationalistic, go it alone responses within the target country which often accompany the imposition of

sanctions.[6]

Second, looking at sanctions from this perspective highlights the fact that sanctions-induced losses vary not only according to the elasticities of supply and demand for the sanctioned good, but also according to the structure of the market within which the sanctioned good is traded. Aggregate losses to the target country will be lowest when it is a monopsonist facing competitive foreign exporters; they will be greatest when domestic importers compete against one another to buy on world markets and face monopolistic foreign exporters. Thus, determining the economic impact of sanctions requires one to examine not only the nature of the sanctioned good, but the structure of its market as well.

Third, this discussion points out that the relationship between sanctions busting firms (foreign exporters) and the target government is far from cozy. Rather, it is characterized by substantial conflicts of interest. On the one hand, foreign exporters seek to maximize the amount of rent they receive from trading in the sanctioned market. By doing so, however, they inflict losses on the target economy to the

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[6]See for example, Johan Galtung, "On the Effects of International Economic Sanctions, With Examples from the Case of Rhodesia," World Politics 19 (April 1967) pp. 378-416; and Gary Clyde Hufbauer and Jeffrey J. Schott, Economic Sanctions Reconsidered: History and Current Policy (Washington, DC: Institute for International Economics, 1985) p. 10.

extent the prices they charge exceed world prices. This contradicts the target government's desire to minimize losses to the economy by minimizing the amount of sanctions rent which flows abroad.

Thus, despite the fact that sanctions busting firms continue to supply the target country, their interests in the sanctions episode do not coincide with those of the target government. In fact, in some cases sanctions busting firms may even make the sanctions more effective by further restricting

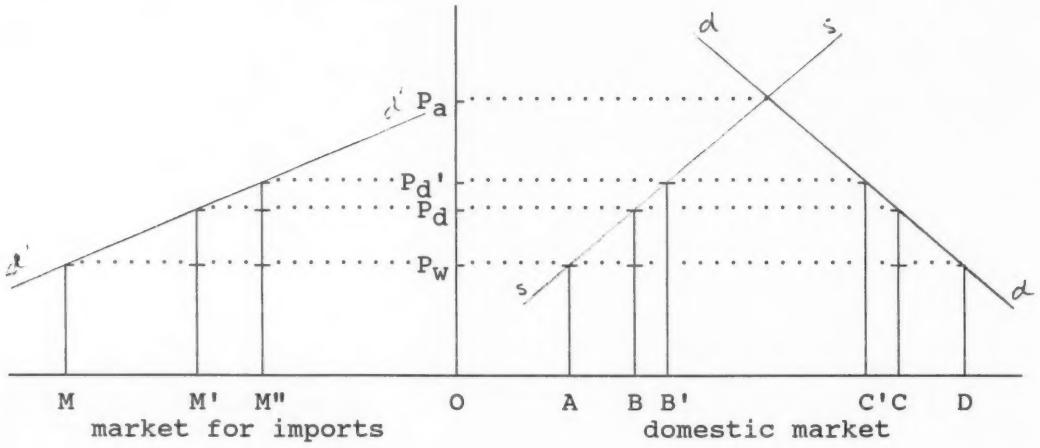

Figure 2

the supply of the good to the target country. In figure 2, the sanctioning countries limit the target country's imports of the sanctioned good to OM' (BC in the right hand panel), causing the sanctioned good's price to rise to P_d. Suppose, moreover, that the sanctions also facilitate collusion among the remaining, sanctions busting firms by shrinking the number of

suppliers to this market. If they collude, these firms can increase the rents extracted from the target economy by further reducing the supply of the good to the amount M" (or B'C'). This raises the good's price to P_d', yielding a rent of $[P_d'-P_w]B'C'$ which is greater than the initial sanctions generated rent of $[P_d-P_w]BC$. Thus, in certain cases, sanctions busting firms may actually increase the effectiveness of sanctions by further restricting the supply of the sanctioned good into the target economy![7]

This discussion of rents and sanctions shows that the conventional wisdom that the market effects of sanctions work against the interests of the sanctioning countries is only half true. Sanctions do generate rents which sanctions-busters exploit by supplying the target country; but whether these market effects work for or against the interests of the target government depends critically on the structure of the affected markets. Indeed, in cases where domestic importers compete to buy on world markets, the market dynamic created by sanctions imposes costs on the economy beyond the usual deadweight welfare costs associated with trade disruptions as the sanctions rent flows abroad. As a result, the target government must intervene <u>against</u> the market to minimize the economy's losses from sanctions. Moreover, the relationship

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[7] There is some evidence that this actually occurred in the case of oil sanctions against Rhodesia. See David M. Rowe, "Slippery Business: Oil Sanctions Against Rhodesia," unpublished manuscript.

between target governments and sanctions busting firms is characterized by a substantial conflict of interest which may even lead sanctions busters to set prices against target country, paradoxically increasing the economic effectiveness of the sanctions.

CASE 2: Sanctions against a large country's exports

So far this paper's four propositions are based on the case where sanctions are applied against a small country's imports. Will they differ if the sanctions are applied against the target country's exports or if the country is large?[8]

Figure 3 depicts the case of sanctions against the large country's exports. The right hand panel depicts the domestic market for the exported good, with domestic supply and demand schedules given by **ss** and **dd** respectively. At free trade, the domestic price is given by the world price P_W. The country produces OD the good, while consuming OA. The excess of production over consumption, AD, is exported to world markets.

The left hand panel represents the target country's world

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[8]It is important to remember that large and small refer not the physical size of the country, but rather whether the country's supply of exports or demand for imports is large enough to affect prices on world markets. Moreover, the same country can be large or small depending on the market in question. For example, Rhodesia would be a large country in tobacco as it supplied roughly 25 percent of world exports, but a small country in oil as its import requirements for this good were minuscule in relation to the world market.

market for exports. The target country's supply of exports to world markets is given by the curve **s's'**. It relates the quantity of exports supplied to the world markets to price by tracing out the difference between the domestic supply and demand schedules given in the right hand panel. At the autarky price, P_a, exports will be zero because domestic demand equals supply. As the price rises above autarky levels, supply exceeds domestic demand and the quantity of exports rises. Hence, the export supply schedule rises upward to the left.

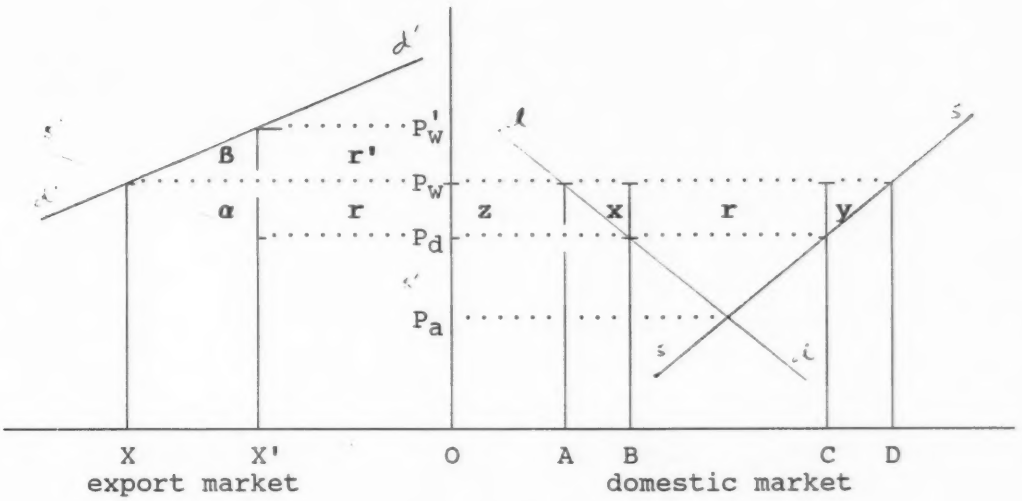

Figure 3

Because this is the large country case, world demand for the country's exports is given by the downward sloping schedule **d'd'**. Thus, shifts in this country's export supply schedule will affect not only the quantity of exports reaching world markets but also the world price, P_W, which is determined by the intersection of the two curves. At P_W the country exports

OX to world markets, which equals AD in the right hand panel.

Again, suppose some of this country's trading partners impose economic sanctions against it by boycotting OX-OX' of its exports. By reading first from the export supply curve **s's'**, one sees that the sanctions-induced fall in demand to OX' causes the sanctioned good's domestic price to fall to P_d. Domestic exporters, suddenly facing a reduced demand for their product, will competitively lower prices in order to secure sales to the few foreign importers remaining in the market. The sanctions' effect on world prices is obtained from the world demand curve **d'd'**, which shows that a drop in the target country's exports to OX' also drives up world prices to the level P_W'. The areas **α** and **ß** represent the deadweight losses of the sanctions. **α** is the deadweight loss suffered by producers of the sanctioned good in the target country. It is the amount of producer surplus lost due to the sanctions and is equal to the sum of the triangles **x** and **y** in the right-hand panel (simple geometry will confirm this). **ß** is the deadweight loss of surplus suffered by foreign consumers of the exported good; it represents foregone consumption of the sanctioned good. The area (**r+r'**) is the rent created by the sanctions. Foreign importers who remain in the sanctioned market can now buy the good for its domestic market clearing price, P_d. The world price, however, has risen to P_W'. Thus, those foreign importers who remain in the market can capture a rent equal to the

difference between the two price levels [P_W'-Pd] multiplied by the amount of exports, OX' (or BC). The rent itself has two components. The area **r** is producer surplus captured from domestic exporters who now receive a lower price for the good due to sanctions. The area **r'** is captured from foreign consumers of the sanctioned good who must now pay a higher world price.

Turning next to the domestic market, the effects of the sanction are similar to those of a sanction against the country's imports. The lower price to exporters causes production to fall from OD to OC and domestic consumption to rise from OA to OB. The triangles **x** and **y** represent the deadweight welfare costs of the sanction to the economy in terms of lost producer surplus. The area **z** is a transfer of producer surplus to consumers, who now enjoy a lower price for the good. The area **r** represents the (by now familiar) rents created by the sanctions; it is equal to the area **r** in the left-hand panel.

Examining this model reveals that the four propositions change only slightly when considering sanctions against the target country's exports or when the country is large. Export sanctions generate much the same dynamic between domestic and foreign actors as import sanctions. Because this is a competitive market, domestic exporters will respond to falling

demand by undercutting the prices of other exporters, resulting in a transfer wealth from domestic exporters to foreign importers. Foreign importers remaining in the sanctioned market can now procure the good at the price P_d while its world price has risen to P_w'. Thus, the sanctions set in motion a dynamic which causes the sanctions-generated rents to flow abroad. Again, the target government can reverse this transfer by organizing the traded market, this time as a monopoly. The government's new export agency first buys the good from domestic producers and then sells it to foreign importers. By acting as a single seller on world markets, the government should be able to bid the foreign buyers up to a price closer to the prevailing world price.

But creating a monopoly in the export market will also have internal consequences. To be effective, the government's new export agency must not only eliminate price competition among domestic exporters (producers), it must also be able to control their output. Should the recaptured rents be passed back to producers in the form of higher prices, this could lead them to increase output and thereby undermine the government's export monopoly. The target government may solve this problem in several ways. It can buy up any excess output which it then keeps from export markets; it may limit output through a series of production quotas; or, it may prevent any rise in output by simply not passing the recaptured rents back to domestic

producers.

Each course of action has political payoffs for the target government. The first two entail transfers of income back to domestic producers which the government may use as a means of building or maintaining its governing coalition. However, these two courses are not identical in terms of their political implications. If the government maintains its monopoly position by simply buying up and holding off the export market all excess production, its price to the domestic producer becomes a form of public good. Each producer enjoys this price regardless of whether he supports the government; thus, this policy comprises a very weak instrument for a government seeking to build or maintain a political coalition. The second course of action, higher prices coupled with production quotas, provides the government with a much more potent instrument. This policy also distributes wealth to domestic producers of the country's export. Yet, the higher price realized by domestic producers is now a divisible good because individual producers must first obtain a production quota from the government. The government's ability to either offer or withhold quotas thus becomes a means by which to ensure the political loyalty of this group.[9] Third, the government may

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[9]The government's choice between these two policies may be an indicator of its relative strength vis-à-vis the producer group. The producer group will prefer the first policy, as it shifts the costs of maintaining the monopoly in the export market entirely onto the government. The government, on the

choose to control output by not passing the higher prices it obtains on export markets back to the producer. In this case, the captured rents become a tax on domestic producers of the sanctioned good which can be redistributed to groups the government favors.

Thus, sanctions on the target country's exports generate incentives similar to those which lead the target government to intervene when sanctions are applied against the country's imports. Moreover, because the two types of sanctions create a similar dynamic, two other propositions derived from the basic model also hold. The costs of sanctions will vary according to the structure of the traded market; and, there will be substantial conflicts of interest between the target government and foreign traders who continue to buy the target country's exports.

In fact, the export case differs significantly only in terms of the domestic distributive effects of sanctions. Here, sanctions generate a transfer from domestic producers of the sanctioned good to domestic consumers. Although sanctions also create winners in this case, they are less likely to create domestic constituencies in the target country which favor seeing the sanctions continued. The reasons are twofold.

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other hand, will prefer the second, as it provides a means by which to enhance or consolidate its political power.

First, because they accrue to consumers, the benefits from export sanctions will be more thinly dispersed across the economy than in the case of import sanctions. Second, consumer groups are also less likely to be organized than are producer groups. Thus, even though consumers may win from export sanctions, there is a lower likelihood that they will be able to voice this preference effectively.

Finally, this model also points out that the main difference between the large and small country case is that the target government's incentives to intervene will be even stronger when the sanctioned market is large. Sanctions in the large country case generate rents from both domestic and foreign actors in the sanctioned market. By organizing the domestic market into a single actor, the target government can both recapture the rents from its own citizens which initially flowed abroad, as well as extract rents from foreigners (here represented by r'). This raises the possibility that the government's intervention may even make the economy better off than before sanctions were imposed. Whether this turns out to be the case depends critically on the relationship between α (the costs sanctions impose on the target economy) and r' (the foreign-generated sanctions rent). If $\alpha > r'$, the country will suffer net losses from the sanctions; if $\alpha = r'$, the net cost of sanctions will be zero; if $\alpha < r'$, the country will actually

gain from having sanctions imposed on it.[10]

CASE 3: A dynamic view of sanctions

So far this paper's treatment of sanctions has been static. It assumes that there is no subsequent entry into sanctioned markets by other actors which dissipates the sanctions rents. This is unrealistic. Rents will encourage new entrants into the market which, in turn, will also cause the gap between world and domestic prices to narrow. Thus, the target government may be able to minimize the costs imposed by sanctions by seeking a "market" solution in which it does not intervene. Instead, it allows the market to settle at some post-sanctions competitive equilibrium. In the third case, I consider this possibility by creating a rudimentary three stage "dynamic" model of sanctions.[11]

Figure 4 is the (reversed) left-hand panel of the model, representing the small country case where sanctions are applied against the target country's exports. The target country's export schedule is given by the upward sloping curve **s's'**; the foreign demand for this country's exports is given by the world price line, P_W.

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[10]Assuming, of course, the government is able to capture the entire amount of the rent **r'**.

[11]The term "dynamic" is a misnomer. The model actually consists of three static snapshots of the sanctioned market connected by a verbal description of the dynamic changes occurring in this market.

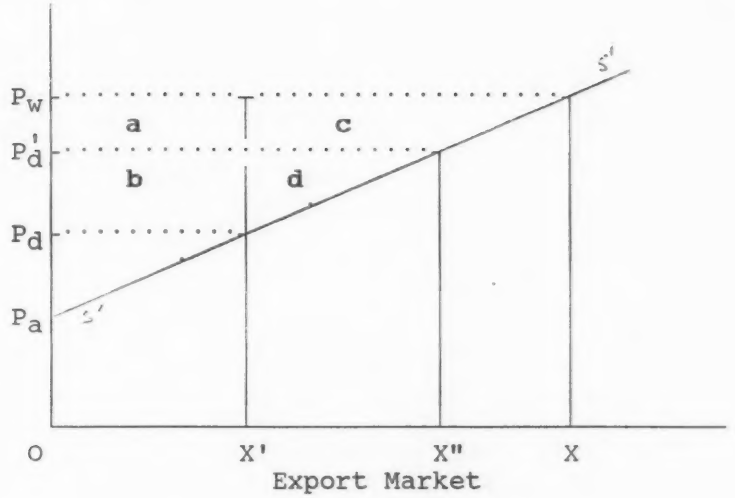

Figure 4

Three time periods are depicted here. In the first period, the country is at free trade. It exports OX of the good at the world price P_w. The second period depicts the initial shock created by a boycott OX-OX' of the country's exports. The effects of the boycott are already familiar to the reader. The sanctions-induced fall in demand causes domestic exporters to drop their prices to P_d, while world prices remain at Pw. The falling price for the target country's exports generates welfare losses to the target economy (areas **c+d**) consisting of lost producer surplus, as well as a sanctions rent (areas **a+b**) which flows to those foreign importers not participating in the sanctions.

The third period represents the post-sanctions equilibrium. The initial shock of the sanctions induces new

entrants into the market who seek to exploit the differential between domestic and world price levels. By entering the market to buy the good at its sanctioned price P_d while its world price remains P_w, these actors attempt to capture for themselves the rents created by sanctions. However, as more actors enter the market to exploit the difference in prices, demand for the target country's export rises. This bids up the price offered to domestic exporters to P_d' while also increasing the quantity of exports to OX".[12] Moreover, because there is free entry into the market, P_d' now represents a competitive price for the target country's exports, as well as its new (sanctions-distorted) world demand schedule. Thus, the post-sanctions equilibrium is characterized by levels of prices and exports which lie above the levels realized under the initial shock of sanctions, but which may remain below the levels of free trade.

Several important implications follow from this dynamic view of sanctions. First, although the target government may be able to pursue a market response to sanctions, there nonetheless remain strong incentives for it to intervene in the market to organize trade. Consider the case where the target

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[12]Note that the domestic price for the sanctioned good could return to the level of world prices given new entry into the market. In this discussion, I assume that prices will not return to world levels either because the new entrants either demand a discount to cover the risks of trading in the sanctioned market, or because the methods used to circumvent the sanctions (such as transshipment) entail significant costs.

government chooses not to intervene. In this instance, the target economy sustains losses equal to the sum of areas **a** and **c**. Because P_d' is a competitive price, these areas represent a sanctions discount which must be offered to foreign importers to cover the risks of operating in the sanctioned market (the area **a** plus that portion **c** to the left of X"), as well as the deadweight welfare losses imposed on the target economy by sanctions at the new price level (the area **c** to the right of X"). On the other hand, the target economy gains by recapturing the areas **b** and **d**. Both areas represent surplus reaped by domestic producers in the form of higher prices; **b** is a portion of the original sanctions rent which is recaptured because of the increased demand in this market, while **d** represents the recovery of some of the deadweight welfare losses initially imposed by the sanctions.

Whether this outcome is superior to one where the target government intervenes in the second period to capture the sanctions-generated rents depends on a comparison of the costs imposed on the economy under each strategy. When the government chooses not to intervene, the sanction's net costs to the country are areas **a+c**; if the government intervenes, the country loses **c+d**. Thus, the government's decision to intervene turns critically on whether the deadweight welfare losses it recovers by pursuing a market solution (**d**) exceed the sanctions rents it would forego (**a**). If **d** > **a**, the government

should not intervene; if **d** = **a**, the government will be indifferent between the two courses of action; if **d** < **a**, intervening remains the government's optimal strategy.[13]

Moreover, each course of action has different political payoffs for the target government. Pursuing a market response results in the recovery by domestic producers of some of the losses in producer surplus imposed by the sanctions. However, this strategy also entails a significant opportunity cost for the government. By forgoing intervention, the target government also forgoes the opportunity to use the sanctions rents as a political resource in its process of building or maintaining a governing coalition. The upshot is that even if the welfare gains from a market response to sanctions exceed the forgone sanctions rents, the government may nonetheless opt to intervene. The sanctions rents may simply prove to be too enticing a political resource for the target government to let them slip from its grasp. Thus, even in this dynamic view of sanctions, there still exist strong incentives for the target government to organize the traded market as a single actor.

The second implication of this dynamic view of sanctions is that the government must intervene in the second period, when the market exists in a state of disequilibrium. It is the

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[13]Please note that this will be an intertemporal comparison. That is, the government must make its decision based on its expectations about the relative sizes of **a** and **d**.

disequilibrium caused by sanctions which creates the political space for the target government to intervene in the economy. Intervening at this stage imposes few, if any, costs on domestic society, because the rents the government captures are flowing abroad. Thus, societal resistance to the further extension of government control over the economy is likely to be low. In fact, actors in the market may even demand government intervention as a way to recapture at least some of the sanctions rents.

However, once the (sanctions-distorted) world demand schedule establishes itself at P_d', the opportunity for the target government to intervene in the economy disappears. The government cannot now intervene to capture the sanctions rents because the rents no longer exist; they have been dissipated by the entry of new foreign actors into the market. P_d' is a world price over which the target country cannot exert any influence. Thus, any attempt by the government to raise the price of its exports by creating a monopoly in the export market will only impose costs on domestic producers -- a course of action they are likely to resist.

This raises two important points. First, the rate at which the sanctioned market clears becomes a critical variable for whether governments can intervene. The faster the market clears, the less time available to the government for extending

its control over this sector of the economy. Second, this discussion also yields a prediction about the timing of government intervention. It is while the economy is in disequilibrium that the incentives emerge which lead the target government to organize the sanctioned market into a single actor. Thus, the target government will erect these new economic institutions shortly after sanctions are imposed, but before the economy reaches a new state of equilibrium.

Finally, this dynamic view of sanctions points out the need for a better understanding of the process by which markets move from one equilibrium to another. For it is precisely in the dis<u>equilibrium</u> phase of the sanctions' impact on the target economy that the incentives arise for the target government to intervene extensively in the sanctioned market. Moreover, it is also during this phase that societal resistance to the extension of government control over the market is lowest. Yet, a static comparison of the pre- and post-sanctions equilibria of this market would miss these aspects entirely. Thus, this rudimentary model not only provides insights into the behavior of the target country under sanctions, it also pushes at one of the most important problems on the research frontier of political economy -- creating a dynamic theory of economic and political change.

* * * *

This paper has explored three variants of an extremely simple model of economic sanctions. Despite the model's simplicity, I have arrived at several powerful propositions concerning the likely behavior of a country undergoing sanctions. In static versions of the model, I have shown that sanctions create incentives which will lead the target government to intervene extensively in the sanctioned market; that they may create constituencies inside the target country who have an interest in seeing the sanctions maintained; that the cost of the sanctions to the target country varies according to the structure of the sanctioned market; and that the relationship between sanctions busters and target governments is characterized by substantial conflicts of interest. By exploring a simple dynamic version of the model, I also arrived at a prediction concerning the timing of the government's intervention in the market, as well as demonstrated the need for understanding better the process of economic and political change.

Elegant theoretical frameworks, however, are worthless if they cannot explain facts. Fortunately, this framework seems to perform well empirically. It accounts for many of the stylized facts about sanctions which can be distilled from the literature. First, it explains the observation that economic sanctions often cause the target government to intervene

extensively in the economy. For example, Renwick writes that "Sanctions almost invariably result in increased state intervention in the economy to which they are applied as governments introduce or intensify import and other controls to mitigate their effects."[14] Likewise, Schreiber finds that Castro was able to use the sanctions against Cuba as a means of extending totalitarian control over the country.[15]

Another stylized fact concerning sanctions is that they are often counterproductive because they can cause the target populace to rally behind the government. In fact, the idea that sanctions "create their own antidotes" is one of the most common conventional wisdoms concerning the impact of sanctions on the domestic political behavior of the target country. By pointing out that sanctions may actually benefit strong constituencies inside the target country, this framework suggests that there may be an economic basis for this oft-noted response by the target country to sanctions.

Third, the model's treatment of the dynamics of sanctions seems to capture well the process by which sanctions generate rents, which, in turn, induce other private actors into the

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[14]Robin Renwick, Economic Sanctions, Harvard Studies in International Affairs (Cambridge, MA: Center for International Affairs, 1981) p. 80.

[15]Anna P. Schreiber, "Economic Coercion as an Instrument of Policy: U.S. Measures Against Cuba and the Dominican Republic," World Politics, 25 (April 1973).

market. Licklider notes that "the consequent rise in price makes it too profitable for individuals and groups not to supply it (the sanctioned country) by hook or by crook." Hufbauer and Schott note that sanctions invariably lead to higher prices for the sanctioned good, and that these prices, in turn, attract new entrants into the market.[16]

Finally, this model offers a powerful explanation for the most important stylized fact in the sanctions literature -- that using sanctions to compel desirable changes in the target country's behavior is a very difficult enterprise. I show that sanctions may create domestic constituencies inside the target country who favor seeing the sanctions continued. More importantly, I also show how sanctions may lead the target government to intervene extensively in sanctioned markets and how the government may then exploit its new position in these markets to consolidate or extend its domestic political power. As a result, sanctions may end up strengthening the target government, and hence enhance its ability to resist the coercive attempts of the sanctioning governments.

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[16]Roy Licklider, Political Power and the Arab Oil Weapon: The Experience of Five Industrial Nations (Berkeley: University of California Press, 1988) p. 297. See also Gary Clyde Hufbauer and Jeffrey J. Schott, Economic Sanctions, p. 64.

THAT OBSCURE OBJECT OF DESIRE:
"The Environment" and Contemporary Environmentalism

by

Charles T. Rubin
Duquesne University

Prepared for the panel "Environmentalism and Political Philosophy," Science and Technology Studies Section, American Political Science Association annual meeting, Washington D.C. September 2-5, 1993

Few would quarrel with the assertion made by writers with perspectives as different as Walter Rosenbaum and William Tucker that we live in an "environmental era" or the "age of environmentalism."[1] And yet despite, or perhaps because of this sense that our time is specially one of environmental concern, there is much dissatisfaction with what we have accomplished in this age. Norman Vig and Michael Kraft are typical in castigating "official Washington" for failing to take environmental problems seriously enough. Nevertheless, they have argued, the early 1990s present "reasons for greater optimism" that the "global ecological crisis" will be taken "more seriously." Their optimism goes along with the suggestion that it is time for a new look at environmental issues, and the development of a "new agenda." The first thing necessary is "to rethink the nature of the policy problems themselves, and to broaden and deepen our concept of the environmental agenda."[2]

It is always encouraging to see people eschew crude pragmatism and acknowledge the link between policy problems and conceptual foundations. But what do Vig and Kraft come up with for their conceptual deepening? We need, they tell us, to be aware of ever "more threats to human health and ecological systems," and in so doing develop a "truly global environmental agenda" that includes understanding the connection between the environment and "virtually every other issue" including national security.[3]

There are three remarkable things about this recommendation. The first is how unremarkable it is. The search for new threats to our health and well being has been a staple of the environmental agenda at least since Silent Spring. Barry Commoner long ago observed the interconnection of the environment with social, political and economic issues.[4] U Thant, then Secretary-General of the United Nations, gave a speech in 1970 that called for "a global authority" that could "enforce its decisions for the benefit of the world community" in dealing with "the problems of the environment."[5] In the

absense of such an agency, U.S. environmental policies throughout this period did concentrate on more narrowly focused issues. But no "rethinking" is required to criticize that focus; it has long been regarded by activists as a defect, i.e. just the sort of fault that makes Vig and Kraft's complaints about "official Washington" plausible.

All its familiarity should not prevent us from stepping back and noticing the second remarkable thing about this supposedly "new environmental problematique": the sheer scope of its definition of environmental problems. When they are linked, as Vig and Kraft do, to eliminating poverty; stabilizing population; raising living standards; and such diverse factors as climate change, social disruption, political instability, trade patterns, raw materials, and military spending, what actual or potential action of government is not included within the rubric of "the environment"?[6]

Yet the third, and perhaps most remarkable, thing about this not-so-new and not-so-much-rethought "concept of the environmental agenda" can be seen if we take yet another step back from it. Imagine for a moment that we were talking about something other than the environment, and we were told that this Problem X had to be dealt with at a global level, that it was connected to all political, social and economic problems, that dealing with it would require vast changes in the way people lead their lives all over the world. Would one not want a rather careful definition of Problem X? For decades, for example, people have debated about the meaning of "class struggle," or "capitalism," "imperialism," "totalitarianism," problems that were said to be urgent, and require global and far reaching efforts. These definitional debates informed the various revolutionary (or counter-revolutionary) agendas that followed, and allowed those who agreed or disagreed with them a starting point against which they could judge the plausibility of the claims that were being made about the problem and its purported solution.

Vig and Kraft, on the other hand, never come right out and say what the environment is. There is, at best, an implicit definition in the long list of issues that we are to connect with rethinking the concept of the environmental agenda: the environment is everything. This definition, however, cannot be made explicit, since serious political scientists would hardly want to claim credit for articulating the "new tout problematique."

Vig and Kraft are simply examples of a widespread problem that dogs contemporary environmental thinking and policy making. Their failure to define "environment" when explicitly concerned with conceptualizing environmental problems is regrettable, but not unusual. In this as in so many other ways, Vig and Kraft simply embody the conventional wisdom. This paper, on the other hand, is an attempt to challenge that convention by an explicit look at the meaning of "the environment" and its consequences for the movement and policies made in that name.

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The environment, along with its cognates "environmentalism" and "environmentalist" have become such accepted parts of the language that it is easy to forget what new, and rather strange, words they are. As late as 1972, an extremely thoughtful essay on what we would now call "environmentalism" was published as "Roots of the New Conservation Movement."[7] "Environmentalist" and "environmentalism" do not even appear in my 1966 American College Dictionary; only the latest (1987) supplement to the Oxford English Dictionary includes them. At that, most of the definitions refer to the meaning the terms have as anthropological or sociological schools of thought. The first example provided of "environmentalist" in its now popular sense comes from a 1970 New Yorker article.

Citations under "environment" in The New York Times yearly index tell the story of a word moving from relative obscurity to spectacular success. In 1955 the word is not indexed; in 1960 there is one citation to a story about environmental science and the aerospace industry. Of course the Times covered stories about pollution and man's effect on nature in this period. But they were considered stories about discrete if serious problems, not about a grave threat to some overarching entity called "the environment." In 1965 the word is first found as a heading in its present sense, and there are two citations. By 1970, the year of the first "Earth Day," there were 86 paragraphs under the heading, taking up nearly two pages of the index, many paragraphs containing citations to more than one story. After that things settled down a bit: 30 paragraphs in 1975, 73 in 1980, 41 in 1985. In 1990, however, the 20th anniversary of Earth Day, there were 172 paragraphs, some two and a half index pages, under the heading of "environment."[8]

What is the meaning of his magical word, that seems to unify so many diverse phenomena? In that old American College Dictionary "environment" is defined primarily as "the aggregate of surrounding things, conditions or influences." The Oxford English Dictionary, despite its updating of examples, maintains its original definitions of "environment" nearly unchanged; hence we are left with "The action of environing; the state of being environed," and "The conditions under which any person or thing lives or is developed; the sum-total of influences which modify and determine the development of life and character." The examples provided suggest that the word came into its own in the 19th century, with Herbert Spencer speaking of soil and air as the "two halves" of the environment, and Henry Sidgwick asserting that organisms are "continually adapted" to their environments. One must turn to a dictionary of the vintage of Webster's Ninth New Collegiate Dictionary (1990) to find a sharper distinction drawn between "environment" as a term refering to "social

and cultural conditions" and to "the complex of physical, chemical, and biotic factors (as climate, soil, and living things) that act upon an organism or an ecological community and ultimately determine its form and survival." Yet even this definition only hints at how one might get from the multitude of factors that might constitute the particular environment of a given organism ("an environment") to the even more comprehensive idea of "the environment" which is so commonly referenced today.

Dictionaries, we know, are hardly reliable when the word in question has specialized or philosophic uses, and perhaps the above cited definitions do no more than vindicate this mistrust. For if they say the last word about "the environment," we would have to admit that the term is little more meaningful than a sweeping gesture to whatever is "out there." Its usefulness would reside in the extent to which it frees us from the necessity of discrimination among cases and circumstances, providing both the same ease of use and potential for overuse as a file folder labeled "miscellaneous."

But such a conclusion is as yet premature. Are there not more specialized and exacting uses of the term? Let us look at some typical examples of how it is employed in the environmental literature.

To reconstruct what Rogene A. Buchholz believes we need to manage in Principles of Environmental Management: The Greening of Business is no easy task. He does not list "environment" as one of the "Important Concepts of Ecology" even though ecology is "the study of organisms and their environment." The implicit suggestion that "environment" is anything that is not an organism seems to be confirmed when he notes that an ecosystem is made up of the interaction of organisms plus "the chemical and physical factors making up their environment."[9]

Perhaps Buchholz believes that the business students to whom his work is addressed will have had a course in environmental science that made them familiar with the term in a more rigorous way. If so, he had best hope that they did not use the Penelope and Charles ReVelle text, The Environment, where the term does not show up in the glossary and gets no treatment in the places one might expect to find it in the text.[10] On the other hand, Bernard J. Nebel provides his readers with a glossary entry that would give the lie to Buchholz; environment is "The combination of all things and factors external to the individual or population of organisms in question."[11] In other words, Nebel suggests that one organism can be part of another organism's environment, i.e. he goes beyond "physical and chemical factors." So doing suggests the possibility of a complex of interlocking environments; the bunny is part of the hawk's environment, and vice versa. We begin to see how "an environment" can lead to "the environment."

Nebel here seems closer to the mark set by Barry Commoner in The Closing Circle. "The environment makes up a huge, enormously complex living machine that forms a thin dynamic layer on the earth's surface . . . This machine is our biological capital, the basic apparatus on which our total productivity depends."[12] Here, "environment" comes to be equated with what is sometimes called the biosphere, with the additional implication that while we are in it, human beings are somehow not of it--at least, it comes ready made to us as capital. And yet elsewhere, Commoner says that "the environment is, so to speak, the house created on the earth by living things, for living things."[13] This statement, which makes the environment sound less like capital and more like labor, suggests a yet more inclusive rubric, and one more consistent with the fact that Commoner is curiously unable to describe the environment without reference to human artifacts.

It begins to be clear why in 1969 the American Chemical Society called the environment "a global system of almost infinite complexity." But it gets worse. So far, "environment" looks much like what might once have been called "nature." But the environment, the ACS added, is "by nature thoroughly geopolitical." It is a broader category than "nature," yet apparently not quite all inclusive, for the report speaks mysteriously of "the environment and the associated phenomena." It is a system "made up of a bewildering number of subsystems that often are only distantly interdependent," a point which the ACS notes in order to suggest skepticism about the usefulness of a "systems analysis" of this "system."[14]

What are some of these bewildering subsystems? Another of environmentalism's founding fathers, Paul Ehrlich, once expressed the fear that "All too many people think in terms of national parks and trout streams when they say 'environment.'" But "Slums, cockroaches, and rats are ecological problems, too. The correction of ghetto conditions in Detroit is neither more nor less important than saving the Great Lakes--both are imperative." Hence "'Environment' must be broadly construed to include such things as the physical environment of urban ghettos, the human behavioral environment, and the epidemiological environment."[15]

If the meaning of the word seems to be ballooning significantly one might still wonder why in principle we should restrict "environment" to external conditions in the "thin layer" of the biosphere that Commoner speaks of, man-made or otherwise. No one knows as well as he the important role the sun plays in maintaining that environment, and one could also point to the moon, or to the deep rocks that are the source of volcanoes. Are these, then, to be excluded from "the environment," simply in virtue of their depth or distance? Not if we follow the logic of Beyond Spaceship Earth: Environmental Ethics and the Solar System, whose contributors would have us

pay more attention to pollution in Earth's orbit, the ecological problems of space colonies, and (as its ad copy states) "the moral status of extraterrestrial life, and the preservation of nonliving value in the solar system."[16]

We begin to understand better the treatment William H. Rodgers gives "the environment" in his text Environmental Law. He quotes another law professor: "The environment is not a modest concept, it embraces. . . 'the universe and all that surrounds it.'" (The internal quote is from comedian Peter Cook.)[17]

This note, though lighthearted, is no mere law-text joke. Authors of environmental law texts are mightily and favorably impressed by the vast scope of the cases and controversies that are available to them.[18] In part, that is because we have a National Environmental Policy Act that maintains the tradition of implicit yet broad definition of the environment that we have so far seen in other sources:

> The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man. . .[seeks to] create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.[19]

Add to these goals and issues that Americans are to have "safe, healthful, productive, and aesthetically and culturally pleasing surroundings," and an environment that supports "diversity and variety of individual choice"[20] and you get some idea of why there are now more environmental lawyers than labor lawyers in the United States.[21]

In Metropolitan Edison Co. v. People Against Nuclear Energy (460 U.S. 766) Justice Rehnquist noted that

> If we were to seize the word 'environment' out of its context and give it the broadest possible definition, the words 'adverse environmental effects' might embrace virtually any consequence of a governmental action that someone thought 'adverse.' But we think the context of the statute shows that Congress was talking about the physical environment--the world around us, so to speak.[22]

Rehnquist's intuition may be better than his ability to read the statute; given the laundry list of goals noted above, this remark does not seem to embody judicial restraint, however much it restrains the scope of NEPA. Still, "the world around us, so to speak," is already impressively inclusive, even had the statute not linked "the environment" with a whole host of goods, past, present and future, that go far beyond the "physical environment," (which again is hardly a small category).

The Supreme Court's reading would perhaps not satisfy Lynton Keith Caldwell, one of the architects of the NEPA. While in International Environmental Policy Caldwell believes his readers need an explicit definition of "policy" and discussion of what makes an issue international, he provides no like treatment of "environment."[23] Still, speaking at the "high level of generality" he believes appropriate to the "far-reaching scope of the subject,"[24] Caldwell suggests that

> The environmental crisis is an outward manifestation of a crisis of the mind and spirit. There could be no greater misconception of its meaning than to believe it to be concerned only with endangered wildlife, human-made ugliness, and pollution. These are part of it, but more importantly, the crisis is concerned with the kind of creatures we are and what we must become in order to survive."[25]

In other words, "Mankind's environmental relationships thus comprise a profound problem in human psychology."[26] Thus we come full circle to the Oxford English Dictionary definition, as "the environment" is anything and everything which contributes to making human beings of a certain character. (An implication of Caldwell's usage, which may differ from what the OED is suggesting, is that we are fully in control of what we are to become.)

This exploration of the way in which "environment" is typically defined suggests that whatever internal logic the term has promotes a relentless expansion of its meaning. (We will meet this tendency again when we discuss one of the hallmarks of environmental thinking, that "everything is connected to everything else.") The result is that for once the dictionaries have it more or less right. We would do little conceptual violence, and perhaps clarify for ourselves some of the problems we have had in thinking about, and formulating policy concerning, the environment if we simply replaced "environment" by "everything," and likewise started to speak about "everythingists" and "everthingism."[27]

As we will discuss in more detail later, a reform movement that attempts to deal with everything is obviously going to face an uphill battle when it comes time to make concrete policy choices. This admission might lead a skeptic of my case thus far to suggest that, if it proves anything at all, it proves too much. "Obviously" environmentalism is not really everythingism, because no reform movement could possibly present such an agenda seriously. Something must prevent its actual agenda from becoming "everythingism."

In return, as a skeptical observer of the environmental movement, I could point, for example, to environmental crises of the moment, to the vast proliferation of mutually contradictory apocalyptic scenarios, to the large number of jealously sectarian environmental organizations, and wonder whether the environmental agenda is quite as much under control as the skeptic on the other side seems to suggest. But for the moment, let us take the original objection at face value. Many constraints other than principles (e.g., of time, money, organizational focus, membership appeal, political salience) act to confine interest group agendas, and such factors are as powerful for the environmental movement as they have been for every other interest group. But beyond such constraints, there seem to be two simple reasons why

"environmental problems" are less difficult to define than "the environment" itself is: we can rely on our common sense, or on science, to tell us what they are.

Twice Environmental Protection Agency Administrator William Ruckelshaus put the common sense argument succinctly when he noted that "most people do not need a scientific panel to tell them that air is not supposed to be brown, that streams are not supposed to ignite and stink, that beaches are not supposed to be covered with raw sewage."[28] But there is less truth to this truism than meets the eye. Not all that long ago, the stink of raw sewage was simply a fact of life, and within the memory of my generation the belching smokestack was a symbol of progress and power. As I was growing up, drainers of swamps were still accounted net benefactors of mankind. In Pittsburgh, many did, and some still would, agree with the barber who said, "When smoke is pouring people get a haircut. When there isn't smoke, people don't spend money."[29] A 1915 Congregational hymn contains the lines, "The Wilderness is planted, the deserts bloom and sing; On coast and plain the cities, their smokey banners fling." Changing the public perception of such things required not only that they come to be seen first and foremost as "pollution." It also required adoption of a perspective from which brown air and smelly streams were all "environmental problems." Common sense might have been tempted to say that there is at best a tenuous relationship between fouled beaches and brown air, beyond the obvious one that both involve something where we do not want it. It took more-than-common sense arguments about, for example, the supposed bad effects of capitalism, or biblical religion, to get people to connect such different things together.

If "common sense" can be benighted, then surely modern natural science is responsible for its enlightenment. Science, we know, is very good at

uncovering otherwise hidden connections. We are ready to listen to it, since the progress of science is seen as intimately linked with our national prestige and well being. As befits the provider of so many goods things, science becomes an increasingly powerful public authority. On this view, science seems to be the origin of the rubric of "the environment," and for the definition subsequently of particular "environmental problems."

There are several difficulties with this explanation. The first is the increasingly open secret that much existing environmental policy has only the slimmest scientific foundation. In May 1991, EPA Administrator William K. Reilly commissioned a four member panel to examine how his agency used scientific data in its decisions. The result was a report highly critical of the EPA for failing to take the appropriate science into account, and for failing to employ the best scientists. In other words, while there is widespread agreement that the best available science should inform environmental policy, the EPA is weak in its ability to generate or even use such information. Reilly vowed to change all that by reorganization and special efforts to attract better scientists to the agency.[30]

This finding would come as no surprise to the EPA's more perceptive critics,[31] nor is it a weakness that the Agency itself has only just been made aware of. As early as 1985 then-EPA Administrator Ruckelshaus was admitting that EPA science was inadequate and promising improvements.[32] This admission is particularly ironic, since as the agency's first Administrator he turned the EPA away from making scientific research the foundation for its policy recommendations.[33]

Better science will only take the EPA so far, for problems do not announce themselves, even after science has spoken. Science can point out the existence of certain situations, but to make these states of affairs into problems, we need to believe that some other state of affairs is both possible

and desirable. For ages nobody thought that infant mortality was a problem; it was a fact of life, part of the human condition. It became a problem only when people began to imagine that things didn't have to be that way, and when they gained the power to change them. Gravity, on the other hand, is still not a problem; no one seriously anticipates doing anything about it. Until very recently the fact that an asteroid or comet could collide with the earth was simply a fact of life well known to astronomers and geophysicists. Now that some believe such an event could be prevented, it is being taken up by experts and popularizers as a problem requiring public action.[34]

That the existence of a problem requires both a view of how things should be different and the power to make the change is an insight well established (if not entirely uncontroversial) in the study of public policy.[35] The consequence for environmental issues is not often explored, since it is to the advantage of those most concerned about the environment not to disturb the common-sense or scientific veneer with which their arguments are covered. But consider urban air pollution. How did the existence of certain substances in the air, a fact that can be ascertained by science, turn into a problem which now "everyone agrees" we should do something about? Are those substances a problem because they threaten human health, or the health of other living beings? Because they might harm everyone, or because they are bad for some already weakened by disease? Is it a problem because of a hubristic modification of the God given atmosphere? Is it a problem because of an aesthetic revulsion against smog and dirty air? Or because we want our grandchildren to be able to see the great spectacle of the city laid out before us that is now only visible on a "good day?"

And what is the cause of the problem? Let us assume that it has a great deal to do with cars. Does urban air pollution exist because we have too many

people driving too may cars, too many people altogether, too many badly designed cars, or a badly designed transportation system that puts too much reliance on cars? Is it caused by a dangerous individualism that makes us like cars in the first place? By industries that seek profit at the expense of the environment? Or by industries that are behaving rationally given that they are allowed to treat the environment as a commons, rather than having to internalize the costs of pollution? Perhaps the problem is that we have cars and industry at all.

In each case, a different goal or endpoint of policy is suggested by the different understanding of the problem. It's not enough to say we want clean air, or even only cleaner air. If the problem is too many people, we would want population reduction policies. If it is badly designed cars, we need technological regulation. If we want to protect human health, we would focus on some kinds of pollution before others; if we want a pristine atmosphere, we need to take on everything at once. To say we all want cleaner air does not tell us what that means and how much change is required, nor when we want it and at what cost, nor how to weigh this goal against others--all issues that actually define policies.

As Ruckelshaus far more perceptively noted, the creation of problems needs more than science, it requires also some "vision of how we want the world to be,"[36] some ideal against which the present is found wanting. Modern science is what it is precisely because it eschews the attempt to find rational or empirical justifications for such norms. It may or may not be correct to make this kind of distinction between facts and values, but it is a condition of modern science's existence that has to be appreciated and respected.[37]

Where then do the visions that support the environmental movement come from? One does sometimes come across the claim that at least one branch of

science, ecology, is uniquely capable of providing the normative guidance to see what situations represent problems that require attention. This line of thought is particularly evident in some of the earliest popularizers of the new environmental consciousness, particularly Rachel Carson and Barry Commoner. A closer look at their thinking on this point shows it is not so easy for ecology to fill this role.

Rachel Carson's many supporters celebrate the fact that she introduced a vast public to the need for a moral re-evaluation of our relationship with nature, based in large part on an ecological perspective that taught the necessity of respecting the "balance of nature." This idea has indeed had great persistence among the general public. Ironically, in 1962 ecologist LaMonte Cole could already assert that the balance of nature "is an obsolete concept among ecologists," and that judgement has, if anything, been strengthened in the time since.[38] Nevertheless, one sees in Carson the reasoning that makes people think that there is a delicate and static balance of nature, and that "upsetting" it is a particularly reckless deed. At the same time, a look at Carson's own metaphors and examples suggests the difficulties and ambiguities of this concept.[39]

Silent Spring presents the current human relationship to the environment as that of both poisoner and poisoned. The imagery of death and disaster that she uses to such great effect is supported by a notion of the balance of nature as something that cannot be ignored any more than a "man perched on the edge of a cliff" can defy the "law of gravity."[40] In other words, we face a situation in which the slightest misstep will be final. After all, it took "eons of time" for life to reach "a state of adjustment and balance with its surroundings" that we see around us.[41] In a moment mankind can disturb this delicate balance. And because "in nature nothing exists alone," such

disturbance will have the most far reaching consequences.[42] Thus, Carson feels justified in speaking not of "pesticides" and "herbicides," i.e. poisons with specific targets, but of "biocides."

If everything is connected to everything else in a finely tuned balance, then physically and temporally remote, or speculative problems of pesticide use, on which Carson places a good deal of stress, become a plausible substitute for looking at positive immediate consequences such as prevention of epidemics or increased crop yields, which she touches on only in passing. Her argument that small, repeated doses eventually can have widespread and dangerous consequences likewise becomes more reasonable. Carson must develop this argument because however tragic the acute cases of pesticide poisoning she cites, they were relatively rare and often linked to what even at the time would have been considered flagrant misuse.

When nature comes to be seen as a seamless web and a delicate balance, human activity is more easily painted as the violation or destruction of that balance. This situation becomes a powerful source of the expansion of the notion of "environment." Instead of a variety of potentially distinct man/nature relationships, each to be judged on its own merits, all interactions come to be viewed in light of the manifold impacts of the most intrusive and disruptive. Thus diverse situations come to be simplified into one "environmental crisis." Looking at the destruction we have shown ourselves capable of causing, it becomes hard to see how human beings "fit" into nature; some wonder whether Carson has created an ideal of nature in which human beings have no place.[43]

Yet this notion of a fragile natural balance precariously perched on the edge of disaster is precisely the one that has least ecological support. To her credit, it is not even Carson's final word on the topic, however much the emotional force of some of her arguments depends on it. For she also likens

the present interaction between man and nature to the "rumblings of an avalanche."[44] While this image retains the idea that small beginnings can have disastrous and unstoppable consequences, it makes human interventions seems less "unnatural." We are not the only cause of avalanches. Furthermore, nature recovers from avalanches; they are an ongoing aspect of ecosystem change.

Thus, despite her sometime use of static imagery, at other times, Carson recognizes that if we are to speak of a "balance" at all, it is better understood in dynamic terms. "The balance of nature is not a status quo; it is fluid, ever shifting, in a constant state of adjustment. Man, too, is part of this balance."[45] Over time, changes, even vast changes, are normal. Species and habitats disappear. Life adjusts to hostile or dangerous situations, and takes advantage of favorable conditions.[46]

Might it not be argued, then, that human beings, as participants in this ongoing, dynamic balance, are simply promoting the same kind of changes which are always going on in nature? Why any special concern about our modifications? Carson tries to explain the peculiar danger human actions pose even to the dynamic balance of nature. Human-induced changes, she argues, work much faster than nature normally works on its own.[47] Such speedy changes mean that ecosystems may not have time to adjust, and that, in turn, raises the specter of a domino-like collapse of the system as a whole.

This argument from collapse due to rapid change has proven increasingly popular. It is a staple of those concerned about the greenhouse effect. They admit that life on earth has flourished during periods even warmer than those projected. But if we were to make a transition to such a warmer world in a mere hundred years, as opposed to hundreds of thousands, there would be no chance for various biota to adjust to the change.

Still, we know that natural ecosystems can undergo vast and rapid changes due to things like volcanoes, earthquakes, fires, floods, and hurricanes, any of which can produce destruction on a scale that dwarfs just about anything humans can do at any speed. Recent reports suggest that even climate can change far more rapidly than anyone had previously thought, although the meaning of the ice-core studies that draw this conclusion is not as clear as newspapers make out.[48] The crucial question is, is the effect even of such great changes amplified over time and through space, as the avalanche metaphor suggests? Or does nature tend to dampen the effects of such disturbances? Will the system collapse from even a minor perturbation, or can major changes be absorbed while life flourishes?

Carson is well aware that the avalanche simile is not entirely appropriate for what human beings are doing to nature. In yet another instance, she likens the consequences of our actions to "ripples when a pebble is dropped into a still pond."[49] Nature is hardly a still pond, but even so, this likeness reminds us that ripples, even as they widen, have less and less impact on the pond. What may be a tidal wave to the water strider next to the pebble's point of impact is hardly felt by the tadpole near shore. The sudden collapse of the eco-system surrounding Mt. St. Helen's did not cause the fall of surrounding and dependent systems, in turn spreading out an avalanche of destruction.

Is there reason to believe that the way humans interact with nature will weaken nature's ability to dampen the impact of our changes? Carson believes so, despite her use of the pebble metaphor. "Nature has introduced great variety into the landscape, but man has displayed a passion for simplifying it."[50] Carson associates what has come to be called "biodiversity" with stability. The consequences of human induced changes become more rather than

less severe over time if the result of those changes is to destabilize ecosystems by simplifying them.

Now Carson must be aware that human activity can also create richer and more complex ecosystems.[51] However, as plausible as the association of diversity and stability might seem, within the discipline of ecology it is not taken as a matter of course; indeed, it is probably safer to say that it is almost completely discredited.[52] If diversity uniformly bred stability, it would be hard to understand how tropical rain forests, widely regarded as the greatest reservoirs of biological diversity, would be as fragile as they are said to be.

So then what remains of the "balance of nature?" Carson herself cannot give a coherent meaning to the concept, and the various accounts she provides are less than adequate descriptions of how nature behaves overall. What we come away with, however, is the sense of a--largely spurious--unity among natural phenomena that clearly points in the direction of the comprehensive rubric of the environment. That connection is formalized by Barry Commoner's famous "laws of ecology."

Commoner recognizes clearly the limits of science's ability to define environmental problems; nevertheless, the "laws of ecology" are presented with a strong normative cast. Commoner, unlike some who cite these laws, at least admits that they are "informal," and not like the laws of physics, perhaps <u>because</u> of the normative content he imbues them with.[53] Unfortunately, he does not specify in what sense they deserve to be called laws at all; and certainly not all ecologists find them satisfactory.

Commoner's first law--"everything is connected to everything else"--is surely the hallmark of what it means to think about "the environment," and obviously requires the most inclusive possible definition of environmental problems. To establish this interconnectedness as completely as possible,

Commoner is thoroughly egalitarian; one finds no hint that connections can be closer or more tenuous, that some parts may be more important than others. As a result, more explicitly than Carson, Commoner argues that this law means that ecosystems act like amplifiers, so that small changes can produce "large, distant, long-delayed effects."[54] Yet in the very same discussion he suggests that unless they are "overstressed" ecosystems tend towards stability.[155] Surely for most ecosystems a "small perturbation" is not enough to overstress it, therefore we might think that most impacts are likely to be dampened, not amplified. But human actions are once again presented as unnatural in their speed and tendency towards simplification, so that what we do is more likely to be amplified than not.

Thus, Commoner wants the reader to come away with the impression that any human induced change is likely to be for the worst: his third law is that "nature knows best." He explains it by arguing that through billions of years of "R & D" (i.e. evolutionary change) nature has come up with an arrangement that is "'best' in the sense that it has been so heavily screened for disadvantageous components that any new one is likely to be worse than the present ones."[56] He likens nature to a watch, and our present interventions in it, to the extent that we lack proper knowledge, to poking a pencil into the works. We are not likely to improve the watch thereby.[57] Here again, the metaphor points us to a comprehensive view that discourages discrimination; Commoner blurs any differences between, say, poking the balance wheel of the watch or poking a main gear--or between poking the watch with a pencil and hitting it with a hammer. We are back to the notion of a static, human-excluding balance that Carson used so effectively, even as she denied its truth.[58]

Commoner carries this view to the point of incoherence in his long-standing concern with the supposed problems caused by declining availability of "nonrenewable" mineral resources and the use of non-renewable energy sources.[59] Yet if his second law is true--"everything must go somewhere"--then no material resource can be "used up." What "somewhere" is "outside" of the environment if everything is connected to everything else? Commoner admits as much; the problem, he says, is actually that metallic resources will be scattered, and can only be recovered and concentrated by the use of energy, which is itself a limited resource, in order to make them useful again.[60] Never mind that human activities can concentrate metallic resources, which is what makes things like aluminum and steel recycling as compared to mining economically feasible. Never mind that Commoner admits that metals considered precious are readily recovered, suggesting that any metal could be readily recycled if market conditions were favorable.[61] Never mind that solar energy is renewable, hence overcoming the problem of the supposed limit on energy available to recycle mineral resources. Never mind that it is Commoner himself who wants to see more extensive materials recycling.[62] Everything must go somewhere, except we are running out of metallic resources.

Finally, the last and best of Commoner's four laws, "there is no such thing as a free lunch" is the one he takes least seriously. He is very good at using it against the pretensions of those who would defend the present constellation of politics, technology and economics. But when he comes to presenting his own recommendations, he is nearly silent on any possible costs that will be associated with his suggested gains. Commoner leaves it to others to argue the costs of "going solar," or of recycling sewage into the soil.

While the four laws point clearly in the direction of thinking about our relationship with nature in terms of "the environment," they do not add up to a picture of the world any more scientifically correct or conceptually

consistent than Carson's less formal presentation of similar ideas. Laws that are not themselves rigorous could hardly produce analyses that are rigorous, how ever much Commoner relies on the rhetorical impact on impressionable types (like law professors) of bringing "laws" of ecology to the fore.

If, then, the science of ecology is not the normative "mother load" that environmentalism seeks, then all of the stock answers to the question of how environmentalism avoids being "everythingism" explain far less than one might think. Our look at what cannot be concluded simply from ecology, "common sense," or particular scientific findings suggests that we must take seriously what the label for the reform movement of our era is telling us: ours is the age in which we are attempting to solve the everything problem. This admission, however absurd it makes the effort sound, in fact helps explain a great deal about the character of the environmental movement.

Environmentalism bears some striking resemblances to the temperance movement; it is obvious it wants to save the environment, but remarks like Caldwell's reference to our "mind and spirit" show how quickly that becomes a desire to save ourselves, a desire which can be pursued with evangelical fervor. But one difference is noteworthy for our purposes. The temperance movement expected vast social reform would occur based on a change in one kind of behavior. Environmentalism expects vast reforms based on changes in many kinds of behavior. In this respect, it is obviously the more "realistic" of the two movements, but its energies are therefore directed into a bewildering variety of paths. The comprehensiveness of the project is often presented as a strength, as if environmentalism were going to be the reform to end all reforms. But one wonders whether the very open-endedness of the project might not help account for the fact that environmentalism has achieved only a

"passive consensus" in American politics; support for it is widespread, but not very intense.[63] People know more or less what to say when asked about environmental issues by pollsters, but not what to do when faced with choices in their lives.

That there is a certain irony in environmentalism's achievement of this status is indicated by another comparison with the prohibitionists. Temperance advocates could only threaten individual damnation, family destruction, or at (worldly) worst social decay if their message were not heeded. With such evils in view, a constitutional amendment looks like a reasonable policy option. On the other hand, the all or nothing logic of the environment has made the price of failing to change our ways nothing less than the destruction--perhaps imminent--of human life--perhaps most life--on earth. The scope of the means necessary to avoid <u>this</u> evil must be made to match the scope and urgency of the end. Thus, while the general public knows only enough to pay lip service to environmental causes, environmentalist activists and popularizers are busy thinking up global schemes of economic and political control, sweeping revisions of value structures, vast increases in the powers of government.

Yet addressing perceived problems from the assumption that they are all interconnected and that dealing with them is potentially a matter of life and death is, to say the least, going to be difficult and frustrating. It would hardly be surprising if, having set ourselves this extraordinary problem, we should have difficulty doing anything about it. Unless we acknowledge just how wrong headed our initial assumptions are, we might well grow contemptuous of our own efforts, come to believe that only stupidity or venality stand in the way of success, and therefore be tempted to think that the whole show would be better off without us. Absent a sense that there is or may be some distinctive place for humanity within a larger whole, the

actions of humans within the environment will seem incomprehensibly different from, and dangerous to, everything else. As a result, policies and programs that mark us off from the environment will tend to look very attractive.

Or, we can be as easily led to the other extreme, and attempt to "manage" the environment, seeking enough knowledge, power and control to deal with everything at once. "We are as gods and might as well get good at it," as the Whole Earth Catalog pronounced. Thinking in terms of "the environment" invites us to multiply endlessly the arenas for the exercise of our powers, and thereby encourages dissatisfaction with whatever we have accomplished.

Examples abound of each these tendencies that can arise from defining problems in terms of "the environment." The misanthropy of deep ecology is frequently commented on, based on statements like that which appeared in an Earth First! newsletter expressing hope that AIDS might be the plague that would clear off excess human population.[64] But aside from such crude sentiments, there is a deeper and more systemic hope for the end of humanity expressed in apparently more benign arguments. Thus, for example, we have William Devall writing:

> Perhaps Sasquatch does exist--as an ideal. Perhaps Sasquatch represents a more mature kind of human, a future primal being. Understood in this way, Sasquatch has a fully realized ecological self. While we, who are children of technocratic civilization, must bring cumbersome technology into the forest to provide shelter and to satisfy our other needs and desires, Sasquatch dwells freely in the forest unencumbered by the burden of complex and complicated technology.
>
> While we are torn with desire for more power over other people and domination over nature, Sasquatch dwells peacefully and unobtrusively with other creatures of the forest. While we are dependent on huge bureaucracies such as schools, governments and military agencies, Sasquatch is independent and autonomous and fully integrated with the forest.[65]

As Bob Pepperman Taylor has dryly noted, a project to transform mankind into homo sasquatch is "obviously not an auspicious position from which to

evaluate the nature of human society and political life."[66] And yet this ideal expresses consistently the results of deep ecology's critique of the modern world. Aristotle noted long ago that it was the human capacity for speech and reason, logos, that made it possible for humans to be either the best or worst of animals. With post-Aristotelian history in mind, the deep ecologists have plainly decided that on balance it acts for the worst. Classical and modern rationalism come under sustained attack, while we are exhorted to cultivate a capacity for experience unmediated by thought or reflection. In effect, we are being told to emulate the way in which other animals live in the world. "Sasquatch is alert to the moment, attuned to sounds, feelings, changes in the forest, while we show our insensitivity to the moment when we ride our motorized vehicles or jog plugged into our Walkmans."[67] Can it be doubted that a squirrel burying a nut is alive to all the nuances of his surroundings, totally immersed in the experience, and living so much for the moment that he probably will not remember where the nut is buried?

The deep ecology programs of bioregionalization (where ways of life are to reflect constraints of location) and ritualization (in which human beings invent a reenchanted nature) may appear to stand in tension with these "animalizing" tendencies, as they involve distinctly human capacities for organization, activity and thought. But the more we imagine the ultimate success of these programs, the more a likeness to unreflective animal existence appears. The peaceful coexistence that vastly different bioregions are supposed to maintain makes some sense if we imagine a variety of post-human species that live such distinct lives as to make interaction between them decreasingly likely or meaningful. Grizzlies don't try to muscle in on polar bear territory. Likewise, a powerful ritual becomes "second nature"; one can hardly conceive of not doing it. From there it is a smaller step to the dance of bees, the song of whales, or the mating ritual of penguins.

This same tendency to remove human beings from the environment shows itself in a different way in one of deep ecology's most interesting critics, Bernard Lewis. Lewis argues cogently that the deep ecology desire to recreate a "primal" world would not necessarily be any better for nature than the impacts we have on it with our present technological infrastructure.[68] His answer to this dilemma is the accelerated development of that infrastructure, with the expectation that it will allow human beings to be progressively more "de-coupled" from nature in meeting the needs that now produce unwanted environmental impact. In this respect, he has particular hopes for nano-technology, for its ability to manipulate matter at the molecular level.[69]

It is hard not to think of the various versions of Star Trek in this connection, e.g. the "replicators" which presumably build up food and supplies atom by atom, not because what Lewis proposes is mere fantasy, but because these shows are sustained efforts to consider what it would mean for human beings to overcome the "realm of necessity" in the way Lewis advocates. In order that there be any "drama" at all under such circumstances--that is, in order for there to be life that is recognizably human--those who inhabit this future must constantly be imposing restraints <u>on</u> <u>themselves</u> to substitute for their freedom from all natural constraint. Hence exploration is always pressed outward, guaranteeing that eventually one will come up against new hostile aliens, thus requiring military discipline. Or, more obviously, there is the Prime Directive, admonishing non-interference in the lives of other worlds. These constraints give the lives of members of Star Fleet meaning under circumstances where otherwise they could have anything they want. (Thus, the Star Fleet elite has no understanding of relations of mutual dependence such as trade and commerce, and there are no long term erotic attachments. The

only character who seemed to have a happy married life had to be seconded to the more primitive and atypical conditions of Deep Space Nine.) But what about everybody else? It is striking how often civilian characters are bad guys; vain, petty, self-absorbed, i.e. just what you would expect of people who are de-coupled from natural or any other constraint. Of course, these are typical stereotypes about civilians held by military organizations, but in Star Trek we see writ large the contempt of those who in some way confront necessity for those who do not.

The tendency towards intensive "environmental management" is perhaps the one that is more pronounced in mainstream thinking about the environment. Indeed, the idea of Managing Planet Earth is sufficiently prosaic that Scientific American could choose it as the title for one of their collections of essays.[70] This management is to be "adaptive" in character, i.e. it must do what we want it to do even in the face of incomplete information. Its goal is "sustainable development."[71] "In essence, sustainable development is a process of change in which the exploitation of resources, the direction of investments, the orientation of technological development, and institutional change are all in harmony and enhance both current and future potential to meet human needs and aspirations."[72] While it is hard to know just what a statement like this means, the importance of bringing everything into harmony seems to be central to what "sustainable" adds to "development," since development is always a process of change in various areas that aims to meet present and future human needs and aspirations.

So we are to achieve for Planet Earth a harmonious and unified managerial capacity that would be the envy of anyone who has ever had to run a five-person office, let alone a large corporation. While those who articulate goals such as these often have experience with large bureaucracies and organizations, it seems impossible to believe that what we are seeing is not

the triumph of hope over those experiences.

The managerial impulse is nevertheless a powerful one. Edward O. Wilson, for example, wants us to catalog all species on Earth[73]--a task that may well rival the human genome project in scope and complexity, since at least strands of DNA stay still and do not hide. What are we to do with such information, once we have it, except start to reach some mutual accommodation with all the life forms we identify? Arne Naess, the founder of deep ecology, has hinted at one consequence of such thinking, showing that even deep ecology is not immune from this temptation to take over and run things right. In a passage explaining how ideally we should look at the environment, he notes that we

> . . .see a lonely, desperately hungry wolf attacking an elk, wounding it mortally but being incapable of killing it. The elk dies after protracted, severe pains, while the wolf dies slowly of hunger. Impossible not to identify with and somehow feel the pains of both! But the nature of the conditions of life at least in our time are such that nothing can be done about the 'cruel' fate of both. The general situation elicits sorrow and the search for means to interfere with natural processes on behalf of any being in a state of panic and desperation, protracted pains, severe suppression or abject slavery. But this attitude implies that we deplore much that actually goes on in nature, that we deplore much that seems essential to life on Earth.[74]

The sentiment Naess describes will surely be familiar to many; what is remarkable is not the sentiment but what he makes of it. When he says that "at least in our time" nothing can be done about the situation of the wolf and the elk, there is an implication that perhaps there will come a time when something <u>can</u> be done. Naess may or may not believe the fate of these animals cruel, but he is ready to discuss what might be done in the way of improving on nature. These changes go well beyond anything ever imagined by Francis Bacon, the arch-enemy of deep ecology for his advocacy of the conquest of nature. He thought merely that such control of nature could benefit human beings. In this passage Naess imagines a project that would extend comfortable self-preservation to all beings. Is what he is saying here so

very different from what Dixy Lee Ray--conventionally regarded as at the opposite end of the spectrum from Naess--says when she advises us that we use our knowledge and understanding to "better the lot of all species on the planet"?[75]

The goals that result from "everythingism"--either a complete remaking of human beings or a complete remaking of the earth--suggest why the reforms environmentalists call for are so often self-consciously radical, i.e. require a thorough reconstruction of politics, economics and society. But it also becomes clearer why the reforms so often point in a direction that is at best utopian and at all-too-frequent worst totalitarian.

While it is now a well accepted proposition that it is indeed a political vision that is the root of the environmental movement,[76] the charge of totalitarianism, I recognize, will be more than troublesome to many, and I do not intend it as a description of all environmental thought. But a troubling tendency in this direction, particularly among the popular authors of the movement, has long been recognized. Writing shortly after the first Earth Day in 1970, Richard John Neuhaus noted that

> . . .as much as we may credit the humane sensitivities and democratic convictions of its authors, the totalitarian bias of much ecological literature is inescapable. The essential idea that society should be reorganized around a "single guiding concept" reveals a totalist approach to social structure. All demurrers to the contrary, this assumption is the cornerstone of ideological opposition to the pluralism that most Americans who have thought about the matter claim to cherish. The call for an embracing "coherence" that can overcome chaotically threatening fragmentation has marked all integralist and authoritarian political movements. . . [T]he demand for social coherence suggests an ideological rigidity and political centralism that is, I believe, foreign to the American social experiment at its best. . .
>
> When the call for coherence is joined to the single guiding concept of survival, the implications are particularly grave.[77]

Even authors much more sympathetic than Neuhaus to the essentials of the environmental program are not blind to the totalitarian implications of at

least those branches of environmental thought with which they disagree. For example, Robert Paehlke realizes that the population limitation programs of Paul Ehrlich and Garrett Hardin would require a government capable of reaching "into every bedroom on the planet."[78]

It is not my purpose here to develop this aspect of the environmental perspective at length, since I have presented such arguments in detail elsewhere.[79] But once again, it is useful to step back and see that defining "environment" in the open-ended way we do has consequences for how we think we need to deal with environmental problems. For the environment is the totality. If we presume to deal with it as such, how can we be anything but totalitarian? Such an outlook explains why, when Friends of the Earth wanted to make a devastating critique of the Rio Summit, they pronounced it no less than "a failure to set a new direction for life on earth."[80] That such remarks pass muster as analysis serious enough to quote is a tribute to the pervasive effect that environmentalism has had on our thinking. Indeed, it could be said that FOE did nothing but hold the Rio Summit to the standard of its own rhetoric.

Where does one start to set a whole new direction for life on Earth? Is it enough to take the bus to work? To recycle? To use cotton diapers? To vote Democrat? In the unreformed world we presently live in, individual choices and policy making alike involve the creation of priorities. It is the open-ended rubric of "the environment" that makes such decisions appear, as they often do, arbitrary. Why make heroic efforts to save the California condor when "the environment" is filled with other endangered species? Why be satisifed with present regulations of airborne particulates, when finer measures and more sopisticated analysis can reveal they allow continued threats to our health and well being? If we think of the world in the way Carson and Commoner have taught us to think--everything is connected to

everything else--then these questions have no good answers, and the door is left open for a cynical intuition that it's all merely partisan politics. The presumptive unity of a fragile environment makes even the most reasonable tradeoff look like an arbitrary decision about which card to remove from a house of cards.

The last refuge for the legitimacy of the environmental perspective is the threat of global destruction. There have always been vast scientific uncertainties in the various, and sometimes mutually contradictory, end-of-the-world scenarios that have been popular over the past 30 years. What is far more certain is that creating the perception that the whole earth is under the gun, that everything is a stake, is a ready excuse for the worst kinds of political extremism. Short of either terrible consummation, we prepare the way for defeat, despair and cynicism as we are forced by our own definition to confront an impossible problem. We increase the sense of individual powerlessness, when only a moment's thought is needed to realize that my action---for better or worse--is unlikely to be meaningful on a global level, the recent vogue for the creation of an environmental calendar of saints notwithstanding.

There is no law that says we must conceptualize our relationship with the world around us in terms of "the environment." However useful the term has been to justify schemes of radical reform, the very speed with which "environment" has taken over our thinking may, with a measure of optimism, be viewed as indicative of a certain evanescence. Certainly there is even less excuse now than there might have been in the 1960s and 1970s for not being wary of political programs that promise to set a new direction for life on earth. But are alternatives readily available?

How to think in terms other than that of "environmental concern" seems to have been in Rene Dubos' mind in his later work. Best known for the much misunderstood phrase "think globally but act locally," Dubos was a major figure in the development of contemporary environmentalism. He started his most public career as a vocal critic of the hope that we could or should seek to eradicate disease[81], and later argued that modern technology was creating a world in which human beings were not biologically programmed to live.[82] In 1972 he wrote, with Barbara Ward, Only One Earth: The Care and Maintenance of a Small Planet.[83] Commissioned by the United Nations, the book set much of the ongoing agenda for official UN environmental action, with its condemnation of industrialization and the market, its suspicion of the West, and its calls for redistributionist policies.

Yet having become a mainstay of many such international efforts, Dubos was for a time disenchanted with them. He came to see them as "a waste of time," because they produced only vague and high sounding statements to cover partisan and ideological disputes among various UN factions.[84] Even that position needed subsequent revision. International conferences could be object lessons, he came to think, not just in common problems, but in the diversity of human situations and institutions. Hence they could demonstrate the danger of "globalization," a dangerous trend towards uniformity imposed from above. Dubos became less and less patient with those who proposed grand schemes of reform that could be applied everywhere.[85]

Obviously, thinking in terms of "the environment" fits perfectly with globalization, and it should be no surprise that Dubos found the term highly unsatisfactory:

> The word environment does not convey the quality of the relationships that humankind can ideally establish with the Earth. Its widespread use points in fact to the present poverty of those relationships. In common parlance, as well as etymologically, the environment consists of things around us, out there, that act on us

> and on which we act. Whether good or bad, the physical components of our surroundings are foreign to us and we are foreign to them.[86]
>
> We expect more of the environment in which we live, however, than conditions suitable for our health, resources to run the economic machine, and whatever is meant by good ecological conditions. We want to experience the sensory, emotional, and spiritual satisfactions that can be obtained only from an intimate interplay, indeed from an identification with the places in which we live. This interplay and identification generate the spirit of place. The environment acquires the attributes of a <u>place</u> through the fusion of the natural and the human order. All human beings have approximately the same fundamental needs for biologic and economic welfare, but the many different expressions of humanness can be satisfied only in particular places.

As we have seen, the concept of "environment" has come to include just about everything Dubos speaks of here <u>except</u> the particularism of place, i.e. precisely the necessary corrective to its overblown sensibility. At times, deep ecology comes close to a like insight. Poet Gary Snyder rightly bemoans the the way in which so many people no longer seem to be from any place in particular, and writes eloquently and plausibly about the importance of a sense of place for a child's education, and for subsequent healthy adult growth.[87] In a telling critique of much environmental sentiment, he notes that it is not enough to want to "'love nature' or. . .'be in harmony with Gaia'." One must be grounded in serious knowledge of that bit of nature which is local and immediate--knowledge that we have even forgotten that we lack.[88] At first glance, bioregions seem to respond to this missing element. But the corresponding search for the most "primal" relatedness to the earth, along with the attempt to create new rituals or adopt old ones to express that relatedness prove to be distractions that lead us from the places we actually inhabit. Snyder admits that one must "indulge in a bit of woo-woo" to call sacred some of these newly created sacred places;[89] nevertheless, the deep ecologists delight in traveling the world over literally and in literature, to pick out the values and rituals that will define their new autochthony.

Over against this mythic quest, one finds in Dubos a poetic and homey sensibility about the myriad combinations of human and natural relationships that make up real and present forms of the local, without the pretense of searching for some primal ideal. He is entranced at how "natural" landscapes inform and are informed by the many ways of life that human beings pursue, as in the distinctive looks of the French or English countrysides.[90] Indeed, he delights in pointing out, most of what we experience as nature is really a result of nature and humanity working together. Yellowstone is a national park because of the rail barons, the last old growth forest in Europe is a remnant of aristocratic privilege, the stark beauty of Greek landscapes is a result of deforestation and erosion, the American Great Plains may exist because of the hunting fires of Native Americans, and many of our wildflowers are here only because of "European imperialism."

Dubos admits to having caused some consternation on college campuses in the late 1970s when he drew out the consequences of this perspective. "Faculty as well as students were surprised and somewhat annoyed when I suggested that, instead of being exclusively concerned with the nation or the world as a whole, they should first consider more local situations." What sort of local situations did Dubos have in mind? He mentions not only local fields and streams, but also "the messiness of public rooms on their campus and the disorder of their social relationships."[91] Little wonder an "environmentally concerned" audience would be annoyed; who wants to hear it's time to clean up his room?

"Think globally, act locally" is Dubos' attempt to encapsulate his thinking on globalization, diversity and localism. While it has been taken to mean we should do our part at home to solve the world's environmental problems--101 things to do to save the earth--that mistakes Dubos' intention.

If "global thinking" is to avoid globalization, it must appreciate the widely differing ways in which human beings interact with the world around them in order to address common needs like food supply, clean water, pleasant surroundings, decent behavior. It would therefore be foolish to define our fundamental relationship with nature in terms of "global challenges."[92]

That global thinking is for Dubos precisely not a call to global action casts the proper light on what we might reasonably expect from the local action he commends. We are capable of finding enough problems in that part of nature which is our own figurative (or even literal) backyard to keep us busy for many years to come, if we no longer have the excuse of looking far away in order to complain about how somebody else is making life difficult for us. If many people take this route, so much the better; if fewer, then at least some corners will be more pleasant and livable.[93]

For those who are convinced, or hopeful, that our civilization is on the eve of destruction, such a course will sound like putting one's head in the sand. But perhaps that some catastrophe of nature might bring all we do to nothing is simply an unlikely, yet not impossible, fact of life. Even if that is true, to make it the starting point of all our thinking provides too easy an excuse for doing nothing or doing far too much. Metaphorically speaking, for fear of being hit by a meteorite I could refuse to mow my lawn at all, or I could hold out until the government sets up a satisfactory space shield. Or I could do my job, and mow my lawn.

All the talk about problems of unprecedented scope, all the fearful celebrations of our power, all the handwringing about the death of nature are distractions from the day to day situations and problems of people all over the world. If we do not allow ourselves to be misled by the totality of the environment, and if we do not give in to utopian hopes for a perfect world, we see that what face us are the same fundamental questions and aspirations of

human life that have always faced us. Messy rooms and messy social lives are hardly new. The human characteristics that are the sources of our fears and our hopes about what we are doing with nature--our greed or altruism, our domination or care, in short, our vices and our virtues--were not born with, or first recognized by, the environmental movement. Neither was the question of how, in the face of these characteristics, we are to have a good life a new question when Rachel Carson came along.

That this question of a good life need not be the starting point for mindless anthropocentrism becomes evident if we simply recall the extent to which thinking about it has long been closely linked to concepts of "nature." Is it simply coincidence that the concept of "environment" was on the rise during the 19th century, i.e. in the same period that sent "nature" into its conceptual decline? Be that as it may, it is true that "nature" too is much used, and abused, and can suffer from the same comprehensive vagueness as "the environment." "Love of nature" no less than "environmental concern" can become an excuse for not paying the degree of attention to particulars that is appropriate.

Yet nature has the advantage over environment at least in being a term that can be abused not because it refuses to discriminate, but because it holds a long, rich and even conflicting set of distinctions and meanings. More to the point, it is a word that has long been closely bound up with our thinking about ethics and politics. As much as we may use it thoughtlessly, "nature" stands ready to open doors that remain closed to "environment." Even a superficial comparison between mainstream environmental popularization and the American tradition of nature writing as evidenced, e.g., in the work of Thoreau, Leopold, the early Carson, Edwin Way Teale, or Roy Bedichek confirms

that "naturalism" is likely to be superior to "environmentalism" in its ability to focus our attention on human questions, and what is near to us.

A reflection on that great icon of the environmental movement, the "whole earth" pictures taken from outer space, provides a way to summarize my argument. One such picture appears on the cover of Al Gore's bestselling Earth in the Balance. The choice is appropriate, as it is precisely Gore's argument (contra Dubos) that we need to shift our environmental attention away from local pollution problems to global or strategic threats like ozone depletion and global warming. He repeatedly, and at times with great moral obtuseness, uses examples drawn from World War II to justify the need for, and possibility of, the kind of unified and concerted global effort he wishes to see begun.[94]

But however moving, these pictures of Earth conform to the defects of the "environmental" rubric in two noteworthy ways. In terms of how they present nature, they exacerbate a problem described nicely by Bedichek:

> Airplane travel obliterates intimate views of the planetary scene and spreads out before the downward-looking eye an unrealistic surface from which everything except the huger features of nature are eliminated. London from a great height on a clear day looks like insect mold of some sort strung along the valley of the Thames. Nature becomes impersonal.[95]

On the one hand, such a view, and the impersonality it provides, encourages the delusion that the globe is "manageable," after all, it is "so small" in the "vastness" of space. Furthermore, it is convenient that certain things like national boundaries are invisible. The world appears as a great and complex inkblot, encouraging the most free ranging imagination for how we would like it to be.

On the other hand, the difference between the view from an airplane and the planetary view from space is that human things no longer even appear as insect mold--they do not appear at all. The "whole earth" image celebrates a

planet from which human life is entirely absent. All that touches us on a daily basis, the world we really live in, is missing. It is, as is appropriate to a view from outer space, an entirely alien vision. It is a view that defining our relationship with nature and ourselves in terms of "the environment" has prepared us to love.

NOTES

[1]Walter A. Rosenbaum, Environmental Politics and Policy (Washington: C.Q. Press, 1991): 1; William Tucker, Progress and Privilege: America in the Age of Environmentalism (Garden City: Anchor Press/Doubleday, 1982).

[2]Norman J. Vig and Michael E. Kraft, "Conclusion: Toward a New Environmental Agenda," in Norman J. Vig and Michael E. Kraft, eds. Environmental Policy in the 1990s (Washington: C.Q. Press, 1990): 369-370

[3]Ibid., 371-372

[4]Barry Commoner, The Closing Circle: Nature, Man and Technology (New York: Alfred A. Knopf, 1971): 178-179, 250-251

[5]U Thant, "A Global Problem," The Humanist 30(November/December 1970): 9

[6]Vig and Kraft, "Conclusion," 372

[7]Donald Fleming, "Roots of the New Conservation Movement," Perspectives in American History Vol 6 (Cambridge: Cambridge University Press, 1972): 7-91

[8]The New York Times Index 1955: A Book of Record (New York: New York Times Co., 1955) Also cited is information from indexes for 1960, 1965, 1970, 1975, 1980, 1985, 1990.

[9]Rogene A. Buchholz, Principles of Environmental Management: The Greening of Business (Englewood Cliffs: Prentice Hall, 1993): 37, 29-30

[10]Penelope ReVelle and Charles ReVelle, The Environment: Issues and Choices for Society (Boston: Jones and Bartlett, 1988)

[11]Bernard J. Nebel, Environmental Science: The Way the World Works 3rd edition (Englewood Cliffs: Prentice Hall, 1990): 576

[12]Commoner, Closing Circle, 16

[13]Ibid., 32

[14]American Chemical Society, Cleaning Our Environment: The Chemical Basis for Action (Washington: American Chemical Society, 1969): 3-5

[15]Paul R. Ehrlich and John P. Holdren, "Impact of Population Growth," Science 171(March, 1971): 1215, 1212

[16]Eugene C. Hargrove, ed., Beyond Spaceship Earth: Environmental Ethics and the Solar System (San Francisco: Sierra Club Books, 1986)

[17]William H. Rodgers, Environmental Law (St. Paul, West Publishing Co., 1977): 1

[18]Zygmunt J.B. Plater et al., Environmental Law and Policy: Nature, Law and Society (St. Paul, West Publishing Co., 1992): 2-3

[19]Ibid., 597 [Public Law 91-190(1970)]

[20]Ibid.

[21]Ibid., xxxiv

[22]Roger W. Findley and Daniel A. Farber, eds., Cases and Materials on Environmental Law 3rd edition (St. Paul, West Publishing Co., 1991): 110

[23]Lynton Keith Caldwell, International Environmental Policy: Emergence and Dimensions 2nd edition (Durham: Duke University Press: 1990): 10, 12

[24]Ibid., 2

[25]Ibid., 7

[26]Ibid., 9

[27]Compare David E. Cooper, "The Idea of Environment," in David E. Cooper and Joy A. Palmer, eds., The Environment in Question (London: Routledge, 1992): 165-180. This essay is an extremely thoughtful argument along the lines of the one presented here, although with a narrower focus. It is directed particularly against those who call for a "'new' environmental ethic" (Ibid., 165). "Put crudely, their notion of environment is of something much too big" (Ibid., 167). Cooper regards this usage, which he calls "The Environment" as a departure from an earlier employment of the term, which was limited to "something for a creature, a field of meanings or significance" (Ibid., 169). "New" ethics that ask us to feel oneness with or reverence for The Environment are incoherent because they attempt to extend such sentiments into a realm where they are inappropriate, and because The Environment is a result of the very scientific thinking the new ethics so often rail against. Like the present argument, Cooper doubts that any new environmental ethic is necessary and suggests that people would best focus on what is close to them if they care about their relationship to the environment.

A crucial flaw mars this otherwise lovely essay. In commending a concept of the environment as field of significance, and in turning however briefly to Martin Heidegger to bolster that case, Cooper neglects the lesson Heidegger teaches that such fields are not given to human beings once and for all. For Heidegger, it is only too likely that, in Cooper's terms, we will come to understand our field of significance as The Environment, however destructive that might be to something that is (in ways that remain mysterious) more genuinely human. If that is happening or should happen, then it seems likely that a new ethic would be necessary. Cooper, it seems unwittingly, himself provides evidence for the seductions of such a change as he at one moment (quite rightly) discusses how the concept of sustainable development glosses over the issue of "depriving people of environments which are the setting for the traditional activities in which they are 'at home'" (Ibid., 174) and at the next presents his personal experience of being one day anchored off the coast of Egypt, and the next back in his "personal, homely" realm of pine woods (Ibid., 177).

To put what is essentially the same point another way, Cooper does not pay the attention he should to how often those authors he believes display a proper understanding of environment talk not in the language of environment at all, but about nature.

[28]William D. Ruckelshaus, "Risk, Science and Democracy," Issues in Science and Technology 1(Spring, 1985): 25

[29]Charles O. Jones, Clean Air: The Policies and Politics of Pollution Control (Pittsburgh, University of Pittsburgh Press, 1975): ix

[30]Janet Raloff, "Revamping EPA's Science," Science News 141(April 11, 1992): 234-235

[31]Marc K. Landy, Marc J. Roberts, Stephen R. Thomas, The Environmental Protection Agency: Asking the Wrong Questions (New York: Oxford University Press, 1990)

[32]Ruckelshaus, "Risk, Science and Democracy," 22

[33]Mark H. Moore and Malcolm K. Sparrow, Ethics in Government: The Moral Challenge of Public Leadership (Englewood Cliffs: Prentice Hall, 1990): 11-13; Landy et al., EPA, 35-36

[34]It is instructive to compare Sharon Begley "The Science of Doom," Newsweek (November 23, 1992): 56-60 with "Proceedings of the Near-Earth-Object Interception Workshop," (Los Alamos: Los Alamos National Laboratory, February 1993)

[35]For an excellent overview and discussion of the various schools of thought on this point, see David Dery, Problem Definition in Policy Analysis (Lawrence: University Press of Kansas, 1984): 14-27

[36]Ruckelshaus, "Risk, Science and Democracy," 31

[37]Anything like a complete elaboration of this point would require a paper in itself, but a few words of further explanation are in order. There may be ironies or inconsistencies in science's adoption of the fact/value distinction, e.g. the consequent inability to defend the way of life of science on scientific grounds, or the possibility that modern science is grounded in a vision of the human good that can have no rational justification. It may be that what makes a "fact" might be much harder to pin down than a naive reading of the fact/value distinction suggests. Still, the distinction stands as one of the pillars upon which modern science understands itself to rest. There seem to be two ways to respect this constraint, even while challenging it. One can attempt to reconstruct a science that has room for rational judgement of norms within it, or one can allow science to confine itself to facts, however understood, without prejudice to the possibility that rational discussion and judgment of values is possible. The latter, admittedly provisionl, course is the one implicit in the present paper.

[38]LaMont C. Cole, "Rachel Carson's Indictment of the Wide Use of Pesticides," Scientific American (December, 1962): 176

[39]Vera L. Norwood, "The Nature of Knowing: Rachel Carson and the American Environment," Signs: Journal of Women in Culture and Society 12(Summer, 1987): 740-760

[40]Rachel Carson, Silent Spring 25th Anniversary Edition (Boston: Houghton Mifflin Co., 1962): 5

[41]Ibid., 6

[42]Ibid., 51

[43]Norwood, "Nature of Knowing," 748

[44]Carson, Silent Spring, 262

[45]Ibid., 246

[46]Ibid., 6

[47]Ibid., 6-7

[48]Compare Walter Sullivan, "Study of Greenland Ice Finds Rapid Change in Past Climate," The New York Times (July 15, 1993): 1 (National edition) and R. Monastersky, "Ancient Ice Reveals Wild Climate Shifts," Science News 144(July 17, 1993): 36

[49]Carson, Silent Spring, 127

[50]Ibid., 10

[51]Carson believes that selective use of herbicides to keep large, woody plants away from roadsides is acceptable, while wholesale spraying is wrong because it destroys wildflowers that make the road beautiful. (Ibid., 75, 69-70) But surely Carson knew two things about those roadside wildflowers: most of them are there because the road exists; many wildflowers do best on disturbed ground, which they take over and colonize. And that in turn is true because a great many North American wildflowers are aliens brought from Europe; they do well in disturbed ground because there they have less competition from native species. Finally, left to itself, the roadside would tend to exhibit ecological succession; the larger, woody plants that she is willing to see sprayed would force out many of the wildflowers that do well on open ground. In other words, in defending roadside wildflowers, Carson is defending a diverse "natural" state that is in three ways a result of human intervention: the importation (accidental or otherwise) of the wildflowers, the building of the road, and the maintenance of conditions suitable for wildflower growth.

[52]Mark Sagoff, "Fact and Value in Ecological Science," Environmental Ethics 7(Summer, 1985): 107-110. See also Paul Colinvaux, Why Big Fierce Animals are Rare: An Ecologist's Perspective (Princeton; Princeton University Press, 1978): 123, 209 In general, Colinvaux's book is a highly readable presentation of how a professional ecologist looks at nature, and it is striking how different his view often is from the environmental popularizers who claim to be inspired by ecology. As Colinvaux himself puts it in his Preface: "Ecology is not the science of pollution, nor is it environmental science. Still less is it a science of doom. There is, however, an

overwhelming mass of writings claiming that ecology is all of these things. I wrote this book in some anger to retort to this literature with an account of what one practicing ecologist thinks his subject is really about. . .I take the opportunity to brand as nonsense tales of destroying the atmosphere, killing lakes, and hazarding the world by making it simple" (vii).

[53]Commoner, Closing Circle, 29

[54]Ibid., 35

[55]Ibid.

[56]Ibid., 39

[57]Ibid., 38

[58]Sustained attack on the idea that nature knows best has done little to lessen the popularity of the idea. William Tucker critiques "nature knows best" by comparing it Deism, and accuses Commoner of adopted a kind of "Panglossian philosophy." He presents examples where it is hard to see how natural design has worked for the best (Tucker, Progress and Privilege, 167--168). Rene Dubos offers a similar critique (Rene Dubos, The Wooing of Earth: New Perspectives on Man's Use of Nature (New York: Charles Scribner's Sons, 1980): 80-84). George Claus and Karen Bolander contest the notion that nature produces nothing it cannot recycle by noting that there is no natural enzyme to break down so common a thing as plant pollen and spores (George Claus and Karen Bolander, Ecological Sanity (New York: David McKay Co., 1977): 516-518).

[59]Commoner, Closing Circle, 118

[60]Ibid., 118-119

[61]Ibid., 119

[62]Ibid., 283

[63]Rosenbaum, Environmental Politics, 27

[64]Martin W. Lewis, Green Delusions: An Environmentalist Critique of Radical Environmentalism (Durham: Duke University Press, 1992): 37. Though usually more carefully couched, the anger behind this often quoted statement is not so unusual. In so mainstream a collection as that of Vig and Kraft, we have Geoffrey Wandesforde-Smith's ruminations that what environmentalism needs is more of the politics of moral outrage (Geoffrey Wandesforde-Smith, "Moral Outrage and the Progress of Environmental Policy: What Do We Tell the Next Generation About How to Care for the Earth?" in Vig and Kraft, Environmental Policy, 325-347). Then there is Robert W. Loftin, who in reviewing Roderick Frazier Nash's The Rights of Nature speculates with some apparent enthusiasm about a "second Civil War waged by radical environmentalists on behalf of trees" (Environmental Ethics 12(Spring 1990): 83-84).

[65]William Devall, Simple in Means, Rich in Ends: Practicing Deep Ecology (Salt Lake City: Gibbs Smith, 1988): 39

[66]Robert Pepperman Taylor, Our Limits Transgressed: Environmental Political Thought in America (Lawrence: University Press of Kansas, 1992): 99

[67]Devall, Simple, 39

[68]Lewis, Delusions, 43-81

[69]Ibid., 16-17, 143-44

[70]Scientific American, Managing Planet Earth (New York: W.H. Freeman and Co., 1990)

[71]William C. Clark, "Managing Planet Earth," in Managing Planet Earth, 9

[72]World Commission on Environment and Development, Our Common Future (Oxford: Oxford UNiversity Press, 1987): 46

[73]Edward O. Wilson, The Diversity of Life (Cambridge: Harvard University Press, 1992): 312-319

[74]Arne Naess, Ecology, Community and Lifestyle: Outline of an Ecosophy ed. and trans. David Rothenberg (Cambridge: Cambridge University Press, 1989): 198-199

[75]Dixy Lee Ray, Trashing the Planet (New York: HarperCollins, 1990): 171

[76]That there is a political program at the heart of environmentalism, once a charge largely confined to critics, is being ever more widely acknowledged. Bob Pepperman Taylor has a particularly thoughtful way of understanding the implications of the fact that "our political and environmental values are necessarily connected" (Taylor, Our Limits Transgressed, xiii). Langdon Winner has likewise noted perceptively that, "We must learn to read contemporary interpretations of the environment and ecology as we read Hobbes, Locke, or Rousseau on 'the state of nature,' to see exactly what notion of society is being chosen" (Langdon Winner, The Whale and the Reactor: A Search for Limits in an Age of High Technology (Chicago: The University of Chicago Press, 1986): 137). Robert C. Paehlke distinguishes environmentalism from its conservationist forebearer by, among other things, the fact that "from the mid 1960s to the present" the movement has been "largely political and ideological in its perspective" (Robert C. Paehlke, Environmentalism and the Future of Progressive Politics (New Haven: Yale University Press, 1989): 21). See also David Pepper, The Roots of Modern Environmentalism (London: Croom Helm, 1984).

[77]Richard John Neuhaus, In Defense of People: Ecology and the Seduction of Radicalism (New York: The Macmillan Co., 1971): 112-113

[78]Paehlke, Progressive Politics, 58 Paehlke wants to reject the extreme political conclusions drawn from the various arguments on behalf of an environmental crisis, but he seems largely to accept the way environmental problems have been defined, as for example when he accepts the conventional view that Carson "documented in impeccable detail the scientific evidence" against pesticides (Progressive Politics, 28). I am obviously less convinced than he that it is possible reasonably to draw moderate conclusions from the immoderate premises on which environmental problems have come to be defined.

At any rate, it is striking that the only grounds he can suggest for so doing are a certain reading of world politics over the last decades, and a faith in the power of democracy and altruism (Progressive Politics, 75).

[79]Charles T. Rubin, "Environmental Policy and Environmental Thought: Ruckelshaus and Commoner," Environmental Ethics 11(Spring, 1989): 27-51; "E.F. Schumacher and the Politics of Technological Renewal," The Political Science Reviewer 16(Fall, 1986): 65-96; The Green Crusade (New York: The Free Press, 1994).

[80]Paul Lewis, "Storm in Rio: Morning After," The New York Times (June 15, 1992): 1 (National edition)

[81]Fleming, "New Conservation Movement," 36-39

[82]Edith Efron, The Apocalyptics: How Environmental Politics Controls What We Know About Cancer (New York: Simon and Schuster, Inc., 1984): 38

[83]Rene Dubos and Barbara Ward, Only One Earth: The Care and Maintenance of a Small Planet (W.W. Norton and Co., 1972)

[84]Rene Dubos, Celebrations of Life (New York: McGraw Hill Book Co., 1981): 83-84

[85]Ibid., 84, 86

[86]Rene Dubos, Wooing of Earth, 109-110

[87]Gary Snyder, The Practice of the Wild (San Francisco: North Point Press, 1990): 25-16

[88]Ibid., 39

[89]Ibid., 95

[90]Dubos, Wooing of Earth, 79-127

[91]Dubos, Celebrations, 83

[92]Al Gore, Earth in the Balance: Ecology and the Human Spirit (New York: Penguin Books, 1993)

[93]Even in his later work there are moments where Dubos cannot rid himself of a managerial approach to nature; as was already suggested, consistency of thought does not seem to have been of first importance to him. Michael Pollan's Second Nature: A Gardener's Education (New York: Dell Publishing, 1991) exhibits a more thoughtful still--+and highly readable--understanding on this point. Pollan points out that the combination of nature and culture is what is meant by "cultivation," a word which far better acknowledges the constraints arising from nature and human nature than "management."

[94]Gore, Earth in the Balance, 272-275

[95]Roy Bedichek, Adventures with a Texas Naturalist (Austin: University of Texas Press, 1961): 25

NATIONAL CHARACTER, INTERNATIONAL IMAGE, AND THE CONSTRUCTION OF IDENTITY

Frank Louis Rusciano

Department of Political Science

Rider College

Bosah Ebo

Department of Communications

Rider College

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This paper addresses the issue of the re-emergence of nationalism in the new world order by studying the construction of national identity as a social/psychological process, and as an international negotiation. The essay includes four sections. The first section describes the processes which led to the need for a reassertion of national identity and new means to define it. The second section describes how the national consciousness and international image of a nation become the primary factors in the negotiation of a nation's identity in world forums. The third section presents two pilot studies of these negotiations-- Iraq during Kuwaiti crisis and Germany during the anti-immigrant violence. These studies include analyses of the critical role of political communications in these processes. The final section discusses the relationships between the macro-level political communication involved in the negotiation of national identity, and the micro-level psychic and material needs of citizens served by this negotiation.

NATIONAL CONSCIOUSNESS, INTERNATIONAL IMAGE, AND THE CONSTRUCTION OF IDENTITY

The emergence of a "new world order" is defined, in part, by the concurrence of two preternatural phenomena: the collapse of the Soviet Union and its subsequent loss of control over its satellite states, and the resurgence of nationalism as a basis for conflict within and among nations. To date, the relationship between the two has been articulated only in unconvincing terms, in which nationalism is viewed as a latent syndrome previously suppressed by centralized control from the Soviet government. By this argument, it was inevitable that the full force of nationalism would be unleashed once the center collapsed. While this argument has some validity, it is incomplete for three reasons. This thesis assumes that the resurgence of nationalism can be understood in the same terms as earlier nationalistic movements, and that centralized control only represented an "interruption" in history regarding such movements. It also overestimates the ability of centralized authorities to control nationalistic movements, while ignoring the extent to which Soviet authorities (among others) used nationalism as a means of advancing their own ends (see Greenfeld, 1985)[1]. Finally, it also ignores the role which national feeling may play in the definition and maintenance of nations, and the reasons why this role has become critically important in the wake of the Soviet collapse.

This paper will address the issue of the re-emergence of nationalism in the new world order by studying the construction of national identity as a social/psychological process, and as an international negotiation. What follows is divided into four sections. The first section describes the processes which led to the need for a reassertion of national identity and new means to define it. The second section describes how the national consciousness and international image of a nation become the primary factors in the negotiation of a nation's identity in world forums. The third section presents two pilot studies of these negotiations-- Iraq during the Kuwaiti crisis and Germany during the anti-immigrant violence. The final section discusses the relationship between the macro-level political communication involved in the negotiation of national identity, and the micro-level psychic and material needs of citizens which are served by this negotiation.

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[1] Greenfeld, Liah. "Nationalism and Class Struggle: Two Forces or One?" **Survey**. 29. (1985):153-174.

The Need for a New Path to National Identity: The Collapse of the Marxist Developmental Model and the Sources of Ressentiment

The key to understanding the present resurgence of nationalism lies in interpreting this collapse in terms of its effects upon the economic and ideological status of nations in the world. Prior to this event, analysts divided the world into three parts: first world nations (the major industrial countries), second world nations (the Soviet Union and the Warsaw pact nations), and third world nations (the less developed nations of Latin America, Africa, the Middle East, and Asia). This division defined a developmental hierarchy based, in part, upon ideological distinctions. As such, it provided alternative definitions of the notions of "national development" and "national identity."

In liberal economic theory, the stages of development are traditionally divided into pre-industrial, industrial, and post-industrial levels, characterized by such factors as the main occupation of a majority of the workforce and the economic and natural resources available to the nation (Best, et. al., 1986)[2]. However, the nations of the first, second, and third world do not fit easily into this typology: first world nations tend to be both industrial and post-industrial, second world nations tended to be both industrial and pre-industrial, and third world nations tend to be pre-industrial. As such, the second world overlaps with the first and third worlds by this hierarchy of economic development. The reasons for the overlap concern other ideological distinctions which formerly separated first and second world nations, and which provided alternative views of the notion of national development.

Talmon distinguishes between the forms of liberal and totalitarian "democracies" which define the difference between the first and second worlds respectively:

> The essential difference between the two schools of democratic thought as they have evolved is not, as it is often alleged, in the affirmation of the value of liberty by one, and its denial by the other. It is in their different attitudes to politics. The liberal approach assumes politics to be a matter of trial and error, and regards political systems as pragmatic contrivances of human ingenuity and spontaneity. It also recognizes a variety of levels of personal and collective endeavor, which are altogether outside the sphere of politics.
>
> The totalitarian democratic school, on the other hand, is based upon the assumption of a sole and exclusive truth in politics. It may be called political Messianism in the sense that it postulates a pre-ordained, harmonious perfect scheme of things to which men are irresistibly driven, and at which they are bound to arrive. It recognizes ultimately only one plane of existence, the political. It widens the scope of politics to embrace the whole of human existence... Its political ideas... are an integral part of an all-embracing and coherent philosophy (emphases mine)[3].

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[2]Best, Paul J., Rai, Kul B., and Walsh, David F. **Politics in Three Worlds: An Introduction to Political Science**. (New York: John Wiley and Sons, 1986). pp. 51-52. This typology is commonly accepted by most analysts of development; one can find similar references in a variety of other introductory and advanced texts on the subject.

Liberal theory rests upon the notion that economic activity, and the related measures of growth and development, are objective standards, outside the realm of politics. Marxist theory, by contrast, includes economic activity, and all related measures, within the context of political definition. This conflict delineates the ideological division of nations into first, second, and third world countries. For nations of the first world, material satisfaction was measured in terms of the Gross National Product and the subsequent division of wealth in the society. Accordingly, development related only to the economic status held by the nation according to these standards. For nations of the second world, material satisfaction was a political construct, relating to the satisfaction of desires or goals deemed appropriate by centralized authorities. Within Communist nations, "development" followed Talmon's "Messianistic" notion, as nations were ranked according to their progress towards the ultimate end of historical and material development-- i.e. the Communist society. Third world nations occupied different positions, depending upon the interpretation of first, second, and third world one used. According to liberal theory, third world nations occupied the lowest position in the developmental hierarchy. However, third world nations were also potential battlefields upon which the clash of worldviews was pursued. Here, the West advanced the purely economic interpretation of development, wooing these nations with the promise of greater material wealth and a higher standard of living. The East advanced a Messianistic interpretation of development, wooing these nations with the status of being more advanced historically, if they embraced Communism, than the Western nations[4].

That the clash of these two visions would include national identity was inevitable. As Tamir notes "Aspiring to national self-determination is... bound up with the desire to see the communal space not only as an arena of cooperation for the purpose of securing one's interests, but as a place for expressing one's identity (emphases mine)[5]." National self-determination, or the claiming of a common culture leading to national identity, presents citizens with considerations of economic viability (how does citizenship serve my economic interests?) and personal identity (what status do I derive from being a member of this nation?). Greenfeld argues convincingly that the Marxist critique of nationalism was, in actuality, an assertion of a different form of nationalism:

> In the final analysis, to use of Marx's favourite phrases, Marxism may not be an exception in the age of nationalism, but another expression of this age; and class struggle not an independent phenomenon as characteristic of the modern society as the rise of nationalism, but another face of nationalism[6].

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[3]Talmon, J. L. **The Origins of Totalitarian Democracy**. (New York: Praeger, 1960). pp. 1-2. Lindblom refers to such systems as "Model II" and "Model I" systems, respectively. (See Lindblom, Charles. **Politics and Markets: The World's Politico-Economic Systems**. (New York: Basic Books, 1978). pp. 250-3.

[4]This is not to say that the Communist nations did not also promise a higher standard of living as part of their appeal; yet, the relative examples of the Eastern and Western standards of living did not make this appeal their primary emphasis.

[5]Tamir, Yael. "The Right to National Self-Determination." **Social Research**. 58 (1991):587.

[6]Greenfeld. "Nationalism and Class Struggle." p. 174.

The two models of development delineated in the description of first, second, and third world countries therefore defined two alternative paths towards national identity. The first defined the nation only in terms of its ranking relative to objective measures, as compared to other nations. The second defined the nation in terms of its place in the paradigm of historical development embraced by the Eastern bloc.

As the appeal of these models changes in the emergence of a new international order, so too does the role which nationalism and national identity plays within the internal and global setting. For national identity has a social aspect with which liberal theorists were never entirely comfortable. An individual's national identity not only describes their location and material position; it also defines their sense of place and status among fellow citizens and those of other nations. Indeed, Greenfeld describes three critical social ends served by national identity: (1) an internal purpose within nations, as national identity lends individuals a sense of "fundamental human worth"[7]; (2) a global purpose regarding the nation's status in the world, as a means of overcoming ressentiment, or humiliation relative to other nations' core values[8]; and (3) a means of controlling one's economic position in the world, particularly for less-developed nations to improve their status by embracing an alternative economic theory which bolsters their international standing[9]. As long as the division of nations rested upon a developmental hierarchy based partly upon ideological conflict, two paths to national identity lay open for countries.

The collapse of the second world portended the rise of nationalism, then, because it removed a fundamental path by which nations could define their status in the world and their stage of economical, social, and political development. The ideological collapse is arguably of equal, or greater, importance than the power collapse which ended the Soviet Union's centralized control over the second world. The power collapse provided the opportunity for the emergence of nationalism in its present form, but the ideological collapse provided its impetus.

From Propaganda War to Negotiated Construct: The Construction of Identity as a Structuring of Social Reality

The preceding analysis begs the question of why more than one path was necessary for nations to define their status in the world-- why nations could not draw status from their position in a single developmental hierarchy. The answer lies in a closer examination of the role of national identity in a person's life. Greenfeld states how "National identity is, fundamentally, a matter of dignity. It gives people reasons to be proud[10]." As such, it is a means of avoiding the condition of ressentiment,

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[7] Ibid.: 159.

[8] Ibid.: 160.

[9] Ibid.: 173.

which

> refers to a psychological state resulting from suppressed feelings of envy and hatred (existential envy) and the impossibility of satisfying these feelings. The sociological basis for ressentiment-- or the structural conditions that are necessary for the development of this psychological state-- are twofold. The first condition (the structural basis of envy itself) is the fundamental comparability between the subject and the object of envy, and the belief on the part of the subject in the fundamental equality between them, which makes them in principle interchangeable. The second condition is the actual inequality (perceived as not fundamental) of such dimensions that it rules out practical achievement of the theoretically existing equality. The presence of these conditions renders a situation ressentiment-prone irrespective of the temperaments and psychological makeup of the individuals who compose the relevant population. The effect produced by ressentiment is similar to "anomie"[11].

The collapse of the second world, and the resulting loss of one path to national identity, leaves both an assumption of equality and an actual inequality. In contrast to the Cold War era, in which the Western and Eastern blocs often did not recognize (or respect) as legitimate various governments allied with the opposite side, nations in the new world order were supposed to enjoy equal claims to sovereignty. As Obasanjo argues, the new order assumes a "commonly agreed security arrangement taking due cognizance of the principles of respect for the United Nations' Charter, non-aggression, the observance of the rule of law, justice, and respect for the sovereignty of nations (emphases mine)[12]." Yet, is naive not to recognize that the classification of nations into pre-industrial, industrial, and post-industrial necessarily confers upon countries unequal standing in the world. First, there are the clear inequalities in resources and standards of living; as Brzezinski notes, the new global conditions are characterized by "individual and collective expectations rising rapidly, especially as the world's rich want more of everything and the poor desire what the rich already have[13]." Second, there are the related inequalities in the "social value" derived from being among the most developed and powerful nations. The "social value" of national identity lies in its ability to accord pride to their citizens. Within any hierarchy, only those occupying the top positions may derive status, and hence pride, from their position. By this international standard, the status of the most developed nations is defined, in part, by the fact that only a few countries may occupy the highest rankings at any given time. Hirsch refers to this problem as "social crowding", in that the top positions would lose their social value as reasons for national pride if all or most nations were able to achieve these positions[14].

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[10] Greenfeld, Liah. **Nationalism: Five Roads to Modernity**. (Cambridge: Harvard University Press, 1992). p. 487.

[11] Ibid.:15-16.

[12] Obasanjo, Olusegun. **Proceedings of the Conference on Europe in the New World Order**. Georgetown University. November, 1991:94.

[13] Brzezinski, Zbigniew. "Power and Morality." **World Monitor**. March (1993):24.

[14] Hirsch tends to discuss this problem only within the context of particular societies, but the same argument applies for nations on a global level. Hirsch, Fred. **The Social Limits to Growth**. (Cambridge: Harvard University Press, 1976).

Citizens of less privileged nations therefore find themselves in a status deficient position, or a position of relative status deprivation compared to citizens of other nations, similar to that of individuals in past societies which first prompted the emergence of nationalism:

> In the society of orders, pride and self-respect, as well as the claim to status or the respect of others, was a privilege of the few, a tiny elite placed high above the rest. The lot of the rest was humility and abnegation, which they tried to rationalize or make tolerable in one way or another, and sometimes even managed to enjoy, but could never escape... Nationalism diminished the significance of [these] invidious distinctions, and at the same time, secured everyone from ultimate degradation. Within a nation, status (and with it, sense of pride and self-respect) can never be totally lost[15].

Within the new world order, the scramble for status becomes global rather than societal. Yet, major similarities remain from the first appearances of nationalism. National identity still remains one means by which "invidious distinctions" among the privileged and non-privileged can be alleviated-- but the distinctions now exist among privileged and non-privileged nations, and their respective citizens, rather than among the individuals within nations. As such, the present emergence of nationalism involves the assertion of national identity as a means to claim status in the community of nations outside of the developmental hierarchy as it now exists. This global context makes the expression of nationalism in the new world order different from previous manifestations. Out of the ressentiment produced by a single developmental hierarchy comes a "creative impulse" born of the "psychologically unbearable inconsistency between several aspects of reality"[16]-- an impulse expressed in several nations' renewed, and often aggressive, expressions of their national identity.

It was inevitable that the collapse of the second world would alter the role of political communication in this assertion and establishment of national identity. For political communication is the fundamental venue for the construction of social reality regarding political objects. When the construction of national identity could be construed in terms of an economic hierarchy based upon an ideological conflict, the struggle for identity was predominantly an ideological struggle. As Avineri notes, "The institutions we have had until now, and which will have great difficulties adapting to the new situation, were based on the concept that the West had to be defended, and if possible, things should be helped along to be changed peacefully, rolled back... in the East[17]." When the primary conflict over national identity involved the competition between two notions of development, political communication served mainly as a venue for the propaganda battle between East and West. A variety of (often anomalous) structures resulted as the two sides created borders for nations which served this conflict. Entities which

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[15] Greenfeld. **Nationalism**. pp. 478-488.
[16] Ibid.:16.
[17] Avineri, S. **Proceedings of the Conference on Europe in the New World Order**. Georgetown University, November, 1991:25.

shared ethnic and historical identities, such as Germany and Korea, were divided; others which shared few discernible characteristics, such as the Soviet Union, Czechoslovakia, Yugoslavia, and many nations in Africa and the Middle East, were combined or created.

Since the end of the Cold War, the elements which go into the structuring of national identity have become bases for conflict. As ressentiment arises among nations due to their standing in the single developmental hierarchy, the tangible and intangible aspects of national identity become issues in the struggle for status. The tangible aspects include the exact borders of the nation and the peoples over whom the government has legitimate authority. The intangible aspects include a shared historical memory, a common cultural heritage, and a common ethnicity. But all of these factors are social constructions[18]. The problem in the new world order, then, is what the basis of "social value", or status, will be in the wake of the ideological collapse of the Marxist alternative and the status deficiencies arising from the single developmental hierarchy.

The two primary factors in the construction of identity in the new world order are national consciousness (here referred to also as "national character", or the citizens' and leaders' perceptions of their country's borders, culture, and ethnic composition) and international image (or the manner in which other nations regard the country's borders, culture, and ethnic composition). Previous analyses of national identity have tended to focus exclusively upon citizens' national consciousness[19]. While such information provides a critical part of the definition of a nation's identity, it does not provide the complete picture. For like individual identity, national identity is defined "in the context of a relationship[20]." Identity consists of the notion one has of oneself, and the recognition of that notion by others. Similarly, national identity consists of the idea a nation has of itself, and the recognition of that idea by other nations. If national identity is to provide a sense of dignity for individual citizens, if it is to have some "social value" to those who claim it, it must command the respect of others. This respect must necessarily arise out of a process by which a country's sense of itself is reconciled with other nations' image of it. Hence, national identity grows out of an interactive process, a negotiation between national character and international image which is conducted in world forums such as the United Nations and the global media outlets.

National character clearly serves the material and psychic needs of the citizens or leaders associated with it. But what defines a nation's international image, and hence, its status? In individual societies, public opinion and reputation define the

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[18]Mazrui, Ali A.. **The Africans: A Triple Heritage**. (Boston: Little, Brown, 1986):23-38. Mazrui's commentary on the "social construction" of reality regarding Africa illustrates only one manner in which the third world literature can be a critical resource for the discussion of nationalistic phenomena.

[19]Traditionally, social scientists have used poll results from the nation in question to measure consciousness. For a classic example, see Verba, Sidney and Almond, Gabriel. **The Civic Culture**. (Boston: Little, Brown, 1965).

[20]Gilligan, Carol. **In a Different Voice**. (Cambridge: Harvard University Press, 1992):160.

status of particular objects and the individuals associated with them[21]. In the global community, world opinion and the international reputation of a nation defines the basis for this status and the citizens and leaders associated with it.

World opinion no longer conforms to the structures set by the ideological conflict in the Cold War; a nation does not automatically command status with a significant portion of the world merely by declaring itself Communist or democratic. Instead, world opinion has become a more free-floating phenomenon, whose meaning for each nation must be negotiated. The major variable in a nation's success in asserting its own vision of its national identity is its ability to convince other nations, particularly the major powers, that this vision does not conflict with the norms or interests of the international community. "International image" is therefore primarily determined by the moral and pragmatic components of world opinion regarding a nation's identity. As noted in another paper, the moral component of world opinion deals with "values which relevant nations [are] supposed to share, where issues are discussed in terms of right and wrong behavior", thereby referencing the norms of the world community. The pragmatic component of world opinion deals with "interests which relevant nations were supposed to share, where issues are discussed in terms of practical costs and benefits" to the nations involved, thereby referencing the interests of the world community[22]. Most of the activity concerning world opinion primarily includes leaders (and sometimes citizens) of the various nations involved in the negotiation of a country's identity in various world forums.

This paper describes two pilot studies of the construction of identity in cases where nationalistic claims raised issues of importance to the world community. The first case concerns the Iraqi invasion of Kuwait, which was justified by Saddam Hussein's claim that, historically, Kuwait was a province of Iraq whose borders had been shifted for the convenience of non-Arab powers. The second case concerns a different type of crisis, the anti-immigrant violence which occurred in Germany after unification, and the feared rise of neo-Nazism in the assertion of German nationalism.

At first, these cases may appear incomparable. The first concerns an invasion and raises concerns about the legitimate use of military force, while the second concerns an internal problem within one specific nation. Also, the Iraqi case occurs within the context of a dictatorial regime, in which citizens have little control over the leader's pronouncements regarding national character. The German case occurs in the context of a democratic regime in which national character is strongly influenced by the citizens' attitudes, actions, and interactions with the government. Yet, both crises are directly tied to the reconstruction of national identity and the threat of status deficiency among nations or groups within nations. In both cases, the assertion of nationalism became a justification for violence. In both cases, the state responses were activated with the deliberate intention of

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[21] See Rusciano, Frank Louis. **Isolation and Paradox: Defining "the Public" in Modern Political Analysis**. (Westport: Greenwood Press, 1989):79-110.

[22] Rusciano, Frank Louis and Fiske-Rusciano, Roberta. "Towards a Notion of 'World Opinion'". **International Journal of Public Opinion Research**. 2 (1990):312.

influencing the nation's identity by negotiations regarding its international image. Finally, in both cases the negotiation between these two factors was carried on in a manner which reflected German and Iraqi influence upon the international media and the construction of social reality regarding their respective nations.

The Iraqi Case: Failures in Negotiation

Analyses of international reaction to the Iraqi invasion of Kuwait generally focus upon two obvious affronts to the world community: Hussein's unprovoked military aggression against a relatively defenseless nation, and his subsequent control of a significantly greater proportion of the world's known oil reserves. Hussein attempted to justify the attack on Kuwait by claiming a historical right to sovereignty over that nation, in effect redefining Iraqi national identity by absorbing Kuwait into its borders. It is difficult to judge the extent to which Iraqis accepted this redefinition of their borders; however, there appeared to be a great deal of Iraqi public support for the (initially) successful invasion of Kuwait. Given the dictatorial nature of Hussein's regime and the lack of survey data on citizens' reactions, his actions and statements must serve as the primary measure of Iraqi national consciousness regarding this issue. No doubt the attack on Kuwait was partially motivated by a desire to erase some of the national frustration with the stalemated war with Iran, which lasted eight years and claimed hundreds of thousands of lives. A war of this duration which ends without a clear victory is sufficient to encourage the form of ressentiment described above, particularly since Iraqi military power made it appear one of the most formidable forces in the world.

It is reasonable to assume that the international response to Hussein's attack might have been muted had Hussein been able to generate world public support for his historical claim to sovereignty over Kuwait. His early efforts in the crisis were designed to engender world acceptance of an international image of Iraq which included the new borders. As Hinckley notes "One of Saddam Hussein's stratagems for emerging politically... victorious from the crisis... was to divide and disrupt public opinion of the coalition arrayed against him and to draw the non-aligned and Arab masses to his side[23]." Accordingly, Hussein focused on three potential cleavage lines in world opinion regarding the invasion. First, he aimed a disinformation and propaganda campaign towards the Arab publics, framing the invasion in terms of the religious, economic, and anti-Israeli sentiments these individuals shared with Iraq. Second, he attempted to influence American public opinion against the use of military force by recalling the Vietnam analogy, and emphasizing Iraq's greater willingness to sustain troop losses. Finally, he appealed to the European publics to reject American foreign policy leadership as they had in the past, arguing that the Europeans would support Iraq if they examined the situation closely[24]. The evidence suggests that none of these strategies was

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[23]Hinckley, Ronald H. "World Public Opinion and the Persian Gulf Crisis." A paper presented at the annual meeting of the American Association for Public Opinion Research; Phoenix, Arizona; May 16-19, 1991: 1.

successful.

Regarding the first strategy, media analyses from December 1990 suggest that the major newspapers in third-world nations in Asia, Africa, and Latin America questioned American motives in the Gulf. Still, they were almost unanimous in their anti-Hussein sentiment. They also generally supported the United Nations' resolution approving the forceful removal of Iraq from Kuwait, albeit with some complaints that a "double standard" had been applied which was not used in such cases as the American invasion of Panama[25]. The Arab newspapers tended to break along two dimensions in their reactions to crisis: an anti-Hussein/pro-Hussein axis and an anti-American/pro-American axis. However, the anti-Hussein sentiment eventually dominated in most newspapers, except those which represented a strong pro-Iraqi perspective.

In addition, an in-depth study of references to world opinion in the New York Times and the Times of India during the six-month pre-war period revealed that the latter newspaper agreed with the former newspaper's moral condemnation of Iraq, even while it disagreed with the pragmatic judgment that the invasion violated all nations' interests. Indeed, references to world opinion and the international isolation of Iraq converged in timing in the two newspapers after the first eight weeks of the crisis, indicating that a rough consensus emerged regarding the importance of the issue in world opinion during the weeks prior to the Persian Gulf War[26]. This consensus was also reflected in the timing of documents regarding the crisis presented to the United Nations after the first eight weeks following the invasion. World opinion, as expressed in that forum, appeared to follow a similar schedule on the crisis[27]. This emerging consensus eight weeks into the crisis indicates that Hussein failed in his attempt to divide world opinion enough so that Iraq's new claims to sovereignty would be accepted.

Regarding the second strategy, anti-Hussein sentiment was so strong in the United States that it tended to override the fear of war in the American public. An example of Hussein's miscalculation in this aspect of the campaign occurred on August 23, 1990, when he appeared with a group of British children being detained with their parents in Iraq. The appearance was intended as a public relations gesture to the international media; it became a public relations disaster as the image of the frightened children merely intensified revulsion towards the dictator.

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[24] Ibid.

[25] United States Information Agency. "Global Media Generally Support Bush Gulf Peace Talks Initiative, Mixed on UN Force Resolution; See Dwindling U.S. Public Support for War." **Foreign Media Analysis**. December 11, 1990. pp. 6-10.

[26] Rusciano, Frank Louis. "Media Perspectives on World Opinion During the Kuwaiti Crisis." In **Media and the Persian Gulf War**. Robert E. Denton, ed. (Westport: Praeger, 1993).

[27] Rusciano, Frank Louis. "Media Perspectives on World Opinion During the Kuwaiti Crisis: Political Communication and the Emerging International Order." **Proceedings of the American Political Science Association Convention**. Chicago, Illinois. 1992.

Finally, Hussein failed to derive support from the European nations, due to their immediate and almost universal condemnation of the Iraqi invasion. Only three major daily European newspapers out of 50 sampled categorically opposed the use of force to remove Iraq from Kuwait[28].

Hussein's attempt to negotiate a new identity for Iraq which encompassed Kuwait therefore failed to influence the moral or pragmatic components of world opinion. Morally, he could not muster support for the legitimacy of his claim over Kuwait. Pragmatically, he was unable to convince the United States, or the rest of the international community, that it was in their interests to accept tacitly Iraq's new image by not intervening in the conflict. A final factor in this failure was Iraq's lack of influence over the international media. Without credible media outlets within their nation, Iraq was at a disadvantage getting their message across to other nations. Even within its own borders, Iraqis were bombarded with pro-Kuwaiti news messages from outside outlets. This lack of control combined with Hussein's failed attempts at international public relations to doom Iraq's attempt at nationalist claims over Kuwait.

The Case of Germany: A More Successful Negotiation

Perhaps no nation carries with it more negative historical baggage regarding the assertion of national feeling than the German Federal Republic. Both within and outside of this country, assertions of German national pride are always viewed suspiciously through the lens of the Nazi experience. As such, the post-war history of the German nation has been marked, in part, by a search for a "masterable past", an interpretation of the Nazi era which would allow the expression of national consciousness freed from the possibilities of a Nazi revival[29]. For example, during the pre-war Kuwaiti crisis, the Frankfurter Allgemeine Zeitung, a German newspaper of record, contained almost as many references to world opinion on the upcoming German unification as references to world opinion on the Iraqi invasion. (By contrast, neither the New York Times nor the Times of India even mentioned German unification in their references to world opinion durino this period)[30].

It is therefore not surprising that the rise of neo-Nazi violence towards foreigners in Germany after unification would affect citizens' views of their nation, and concern for Germany's international image. Unification was initially greeted with increased optimism by German citizens. These optimistic expectations had faded by the end of 1992, partially due to the anti-immigrant unrest[31]. In this case, the assertion of Germany's national identity in unification had resulted in nightmarish reminders of the

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[28] Ibid.

[29] See Maier, Charles S. **The Unmasterable Past: History, Holocaust, and German National Identity**. (Cambridge: Harvard University Press, 1988). pp. 49-50.

[30] Rusciano. "Media Perspectives on World Opinion During the Kuwaiti Crisis."

Third Reich. The ressentiment described regarding the new status of nations and citizens became especially evident in the former Eastern sectors of the nation, where the anti-immigrant violence was often concentrated. New citizens, aware of their inferior economic position vis-a-vis the former West Germans, often reacted with violent expressions of their "rightful" German identity against foreigners, due to the new citizens' status deprivation.

The German reaction to these potentially harmful expressions of national identity was decidedly different from the Iraqi reaction. For German intellectuals and citizens, the negotiation of their new identity became a matter of central concern, which involved all levels of society, not just the political leadership.

On the elite level, intellectuals joined a campaign to counteract the negative images being broadcast in the media. Several German academics involved in international exchange programs submitted a letter to a German newspaper, condemning the violence and stating that it was atypical of the nation's attitudes towards foreigners. Copies of this letter were circulated to academics in the United States who had participated in foreign exchange programs with German scholars. Poll results which indicated that German tolerance for foreigners, and intolerance for right-wing extremism, were also publicized[32]. This publicity clearly illustrated the full significance of the confrontation between national character and international image in the construction of a nation's identity. It noted how "Pictures and news stories were transmitted to every corner of the globe, creating the impression that a reunited Germany was on its way to becoming a hotbed of a new and dangerous right-wing extremism[33]." The report's authors attempted self-consciously to serve two purposes. They addressed the issue of German national consciousness by claiming to "show that right-wing rioters and hooligans, who until recently believed they were admired or at least tolerated by a silent majority of the German population, were operating under completely false assumptions[34]." They addressed the issue of Germany's international reputation by claiming a desire to "curb the damage inflicted on Germany's image abroad" with the survey results[35]."

German citizens also became involved in the effort to assert a more benevolent view of their national character, both domestically and in the international media. In January 1993, candlelight vigils were held in dozens of major German cities to protest the anti-immigrant violence. Originally conceived by four individuals in Berlin as a means by which "the country's 'silent majority' [could] break its silence and show its repudiation of these attacks", the movement grew to involve over two

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[31] Allensbach surveys. Institut fuer Demoskopie Allensbach.

[32] **Allensbach Berichte**. "Germans Shun Extremists: No signs of a new anti-Semitism." Institut fuer Demoskopie Allensbach. January, 1993.

[33] Ibid.:1.

[34] Ibid.:5-6.

[35] Ibid.:5-6.

million German citizens, or approximately one in every 40 people in the country[36]. As with the publicity campaigns described above, this movement served two purposes. An organizer claimed that it addressed questions about German national character, as "it [showed] that a majority of Germans are not secretly hostile to foreigners or sympathetic to fascism." As a result, he claimed that "the climate in Germany" had changed regarding citizens' public reactions to the attacks[37]. Another observer stated that these efforts were directed towards an international audience: "Some people go out and hold candles because they want to improve Germany's image in the world[38]."

German government officials were quick to use this publicity to establish a link between the efforts of citizens and opinion leaders, and a drop in anti-immigrant violence in the early part of 1993. On March 17, 1993, Cornelia Schmalz-Jacobsen, the government's advisor on matters dealing with foreigners in Germany, announced that while

> A year ago, even six months ago, it seemed that our society was paralyzed by violence... That has clearly changed. Our society and our political leaders have shown that this violence is something we do not want in our country[39].

Schmalz-Jacobsen then attributed the "change in attitude" in part to the candlelight vigils and to "countless smaller initiatives by individuals and social groups[40]." The Week in Germany, a newsletter published by the German Information Center, echoed the statistics regarding the drop in attacks on foreigners in its March 19, 1993 edition.

All of these efforts illustrate a self-consciousness effort on the part of German citizens, intellectuals, and government officials to identify their national character with anti-fascist and anti-xenophobic sentiments, and to protect Germany's international image after unification. In part because these individuals used their influence over media sources so effectively, through careful public relations efforts, the negotiation appears to have been accomplished primarily in the nation's favor. Even as right-wing attacks increased again in the later months of 1993, analyses speculating about whether a resurgence of German nationalism was to blame did not reappear. Instead, these acts were interpreted as criminal behavior, and treated as such by the international press.

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[36] "Germany Ablaze: It's Candlelight, Not Firebombs." **New York Times**. January 13, 1993. A4.

[37] Ibid.

[38] "Stepson of German Politics: Is Fatherland Proud?" **New York Times**. February 23, 1993. A4.

[39] "As Strife Recedes, Germans Breathe Easier." **New York Times**. March 18, 1993. A13.

[40] Ibid.

Conclusion

The two cases studied above illustrate the process by which identity is constructed in the new world order. Hussein's efforts represent a failed attempt to overcome the ressentiment associated with a stalemated war with Iran by the forced annexation of Kuwait. This assertion of Iraqi national identity failed because Hussein was incapable of reconciling his image of the new borders of Iraq with the international image of that nation's legitimate boundaries. In the case of Germany, efforts to overcome the ressentiment caused by economic upheavals which occurred in the wake of reunification were more successful. Here, German citizens and opinion leaders asserted a vision of their national identity which did not tolerate xenophobic or neo-fascist elements, and illustrated their vision by pointing to survey results and public demonstrations against right-wing violence. This negotiation between their national character and their international image proved more successful than Iraq's, in part because government officials were able to build upon the citizen efforts in presenting their case to the domestic and international media.

The process of the construction of identity, outlined briefly in these two case studies, defines an agenda for future research. This research must necessarily focus upon two variables: national character, or how citizens conceive of their nation's boundaries, culture, historical heritage, and ethnic composition; and international image, or how other nations conceive of that nation's identity. The former variable may be measured, in part, by survey data from public opinion studies within the respective nation[41]. The latter involves world opinion about the nation's identity, and is harder to measure. Such tools as media content analyses, and international surveys which study opinion on the subject within various nations, are useful in operationalizing this variable. Also, the degree of influence a nation has over the international media, as measured partly by the credibility and power of its own media outlets, is an important factor which must be considered in this negotiation.

Finally, the two brief case studies of negotiation between national consciousness and international image can serve as opposite extremes within which many nations' situations will fall. When one examines the case of the former Yugoslavian republic, for instance, its leaders and the Serbian forces seek to tread a fine line between unacceptable aggression and actions which prompt criticism, but not action, by other nations. Their attempts to assuage moral condemnations by reference to Muslim atrocities during the Second World War are a critical part of this negotiation. Indeed, all of the previously described elements of negotiation can be seen in this description of the conflict from a New York Times editorial of July 29, 1993:

> The international community appears content to wash its hands of Bosnia-Herzegovina. Yet... Bosnia-Herzegovina and the Balkan peninsula have not yet washed their hands of the international community...

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[41] Indeed, there is a tradition of this form of study regarding national character that goes back to the original study of the "civic culture." See Almond, Gabriel and Verba, Sidney. **The Civic Culture**. Boston: Little, Brown and Company, 1965.

> In the two year since the war began, the international community-- in particular the U.S., Germany, Britain, France, Russia, and Turkey-- has been unable to develop a policy of consensus to kill the beast...
>
> It must stifle the military zeal on all sides and then invent a political mechanism to deal with the two central causes of the tragedy: disputed borders and minorities[42].

The clear references to the interactions between this troubled area and the world community, and the call for "political mechanisms" to be established to curtail the effects of Serbian and Croat nationalism, underscore the role of world opinion in defining the legitimate borders and populations to be included within a nation's identity.

These issues, and the new role of political communication in the negotiation of identity, define the major structure of conflict in the post-Cold War era. Nations will struggle to establish their status in the new world order. Leaders will be driven to extreme or preventative actions by their citizens' psychological need for a sense of "dignity" to overcome new feelings of ressentiment generated by the collapse of one path to national pride. These questions of identity, and the negotiations which take place in the broadest of international forums, have their source in the psychic needs of individual citizens. The challenge in creating a new world order lies in reconciling these micro-level needs with the macro-level negotiations involved in satisfying them.

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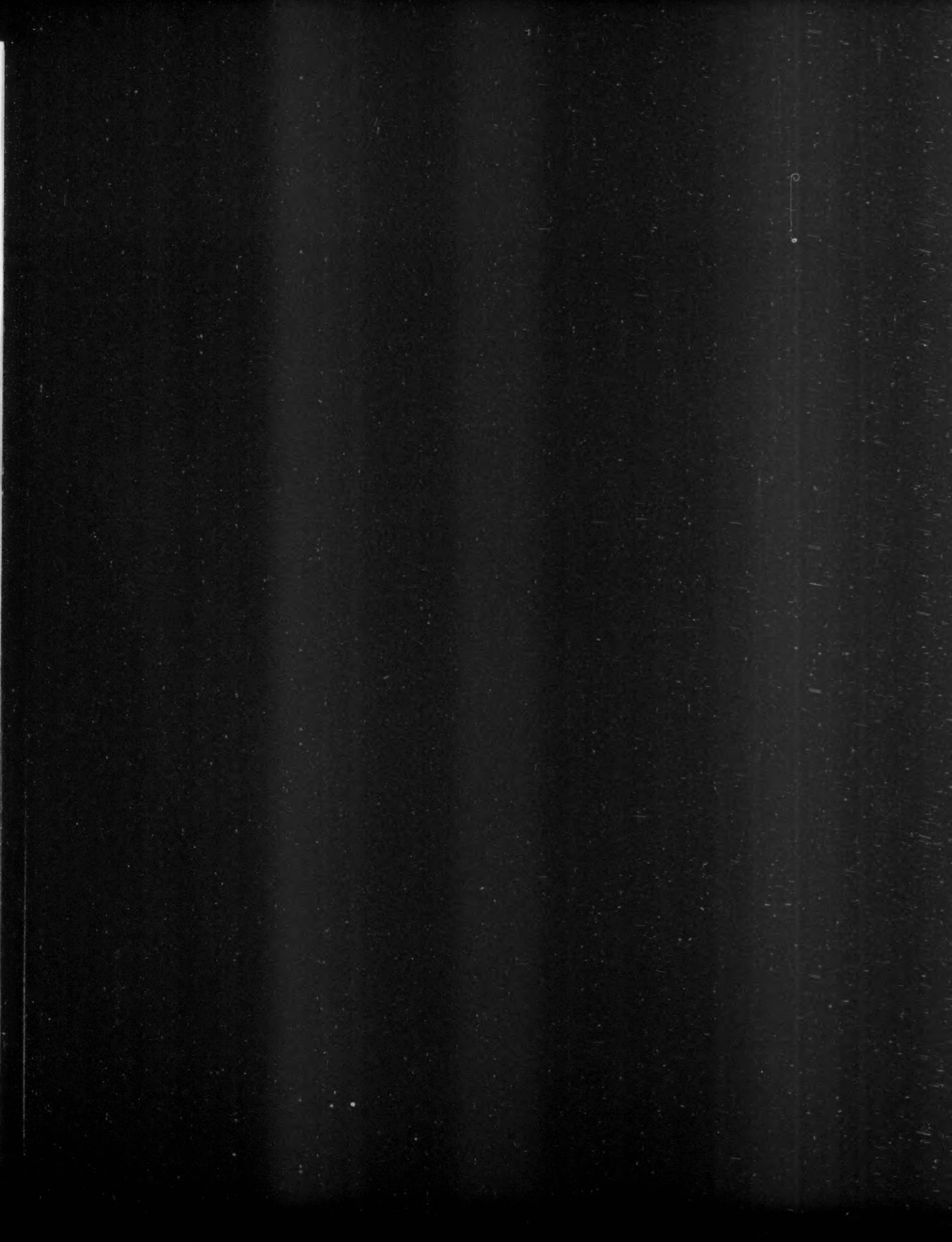
[42] "Carnage in Bosnia, for Starters." **New York Times**. July 29, 1993. A23.



JOHN QUINCY ADAMS AND CIVIL THEOLOGY: THE RELIGIOUS FOUNDATIONS OF AMERICAN LIBERTY

Greg Russell
University of Oklahoma

&

Nathalie Gagnere
University of Oklahoma

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JOHN QUINCY ADAMS AND CIVIL THEOLOGY: THE RELIGIOUS FOUNDATIONS OF AMERICAN LIBERTY

John Quincy Adams, like his father's generation before him, looked to America as the expression of certain objective truths to which both the cosmic order and human society were thought to owe their existence. That order was conceived in both religious and secular terms. The religious order ran the gamut from English High Church through puritanism to the Quakers, and the rational order was received through the teachings of the Romans, Locke, and the French Encyclopedists.[1] Certain transcendent purposes were deemed essential for the workings of democracy. The Founding Fathers were practical philosophers whose views on democratic government and foreign policy were based on a clear-cut conception of the nature of man, the state, and the world. Edward S. Corwin, one of America's leading constitutional theorists, argued that these early American leaders succeeded in formulating principles of transcendental justice into terms of personal and private rights. The principles of natural law, he wrote, "were made by no human hands; indeed, if they did not antedate deity itself, they still express its nature as to bind and control it." These laws are eternal and immutable. In relation to such principles, "human laws are, when entitled to obedience...merely a record or transcript, and their enactment an act not of will or power, but one of discovery and declaration."[2] Although there are different schools of natural law and natural rights, there are fundamental principles common to all of them: that, in Cicero's words, "law is the bond of civil society," and that all men, governors as well as governed, are always under, are never above, laws; that these laws can be refined through rational discussion; and that the highest laws are those upon which all rational men of good will, when fully informed, will tend to agree.[3]

This paper draws on the concept of civil theology to elucidate the commentary of John Quincy Adams on the religious and political foundations of American liberty. A first section examines the concept of civil theology and its meaning for constitutional democracy. A second section reviews Adams' reliance on natural law to fortify the rights enumerated in the Declaration of Independence and Constitution of the United States. A third section takes up Adams' critique of the Articles of Confederation in the context of competing interpretations of political sovereignty. The fourth and fifth sections treat the link between religious liberty and republican virtue that Adams discovered in the colonial life and politics of New England.

I.

From the beginning of a new republic, American political life has been pervaded by religious symbolism. Revolutionary Americans celebrated the nation's unique destiny by worshipping

their founding fathers and glorifying their nascent institutions. The Declaration of Independence and the Constitution became the holy scriptures of a New Promised Land, called America. Symbols, rituals, political discourses of the most various sorts contributed to that sacred monument that Robert Bellah has called civil religion.[4] Bellah's analysis points to the genuine public-political dimension of any paradigm of civil order: "What we have, then, from the earliest years of the republic is a collection of beliefs, symbols, and rituals with respect to sacred things, and institutionalized as a collectivity." Moreover, he explains that civil religion is neither synonymous with Christianity in its various denominations nor an ideological substitute for Christianity. His examination of presidential messages and documents embraces the decisive order of symbols: "The God of civil religion is not only rather 'unitarian,' he is also on the austere side, much more related to order, law, and right than to salvation and love." America's civil religion draws upon "biblical archtypes": "Exodus, Chosen People, Promised Land, New Jerusalem, Sacrificial Death and Rebirth." Yet it is also genuinely new, concerned with the disposition and character of citizens able to build a "society perfectly in accord with the will of God as men can make it, and a light to all nations."[5]

As Bellah points out, however, there never has been a final, or doctrinal, interpretation of civil theology. Neither Washington portrayed as a genuine messiah, nor the mystical Lincoln, could bring more than their own individuality to the concept.[6] The precise reference to a theologica civilis, which appears in St. Augstine's City of God, can be traced back to the time of Marcus Varro (116-27 B.C.). The term theology itself was used by Plato in The Republic. His quest aimed at apprehending the existence of a transcendent reality (theos) by means of reason (logos) in the reality of political life. Ellis Sandoz notes that

> Civil theology in its first formal appearance consists then of propositionally stated true scientific knowledge of the divine order. It is the theology discerned and validated through reason by the philosopher, on the one hand, and through common sense and the logique du coeur evoked in every man by the persuasive beauty of mythic narrative and imitative representations, on the other hand.[7]

At the very core of this interpretation lies the notion of order, which is deemed to be essential for political societies. Bellah himself raised the crucial point that the separation of church and state "has not denied the political realm a religious dimension." This religious dimension should not obscure the very important point that a society's self-interpretation owes its social functions and symbols to the underlying experiences: "civil religion at its best is a genuine apprehension of

universal and transcendent religious reality as seen in, or, one could almost say, as revealed through the experience of the American people."[8] The experiential foundation of the science of politics, and the very source of scientific objectivity, is man's pre-scientific participation in all of the realms of being from the somatic and sentient to the moral, aesthetic and mystical levels of existence. Participation (Plato's methexis, Aristotle's metalepsis) forms the human consciousness (psyche) itself, the essence of man's nature and humanity.[9]

Civil theology, according to P. Weber-Schäfer, represents "the stabilizing element through which the cultic and mental coherence of political society is assured."[10] It provides the means to grapple with the ultimate account of reality within the boundaries of a particular national society. The mystical or noetic theology of the philosopher gives way in society to principles deemed by ordinary men to be essential for internal cohesion and preservation of the general welfare. "For every society," as Eric Voegelin suggested, "the self-understanding of its order is constitutive; and, therefore, every known society brings for us symbols...through which it expresses its experience of order." Voegelin's point is an important one for analyzing the link between civil theology and the meaning attributed to public good or virtue; "every study of order must concentrate on the acts of self-understanding and, then, pursue from this center the ramifications into the order of the collective existence."[11] In World Technology and Human Destiny, Voegelin outlined the main features of the civil theology associated with constitutional democracy. In order to operate, this system "presupposes that the constitution itself is in a way an article of faith, that constitutional democracy is the predominant mass creed, the civil theology of the society."[12] If this minimum requirement is fulfilled, then "the society can be pluralistic to the extent that free rein is given the residues of intellectual and spiritual movements (churchs, sects, ideologies, and... philosophy), assuming that they will live side by side without subverting the constitutional structure."[13]

The formation of an American civil theology coincided early on with attempts to foster a sense of national purpose, often allied with loud appeals to republican virtue. While thinkers such as St. Augustine and Rousseau questioned the compatibility between republicanism and Christianity, the self-interpretation of Americans often looked to a fundamental congruence between republican virtue and religion. Because their republic was blended with liberalism, they understood the necessity of anchoring American society within a system of restraints to moderate execesses of self-interest. As Tocqueville noted, "while the law allows people to do everything, there are things which religion prevents them from imagining and forbids them to dare."[14] Religion may help to introduce this element of order to the broad contours of civil theology. "In order that society

should exist and, a fortiori, that a society should prosper," the French observer pointed out, "it is necessary that the minds of all the citizens should be rallied and held together by certain predominant ideas."[15] The political dimension of America's faith inheres in the enthusiastic worship by citizens upon the altar of natural rights. Indeed, religion invokes the authority of higher law and the necessity to consider moral values as safeguards of liberty within the polity. The civil theology that functioned for Americans as "a minimum dogma of creedal truths" looked in fact to religious diversity in order to sustain general and essential principles for the maintenance of public order. Thomas Reid, the founder of the Scottish common sense school of philosophy, elaborated on the religious and moral foundations of individual liberty.

> The arguments to prove that man is endowed with moral liberty...are three: Ist, Because he has a natural conviction or belief, that, in many cases, he acts freely; 2dly, Because he is accountable; and 3rdly, Because he is able to prosecute an end by long series of means adapted to it....We have, by our constitution, a natural conviction or belief that we act freely. A conviction...so universal, and so necessary in most of our rational operations, that it must be the result of our constitution, and the work of Him that made us.[16]

John Quincy Adams contributed to America's civil theology by recurring to the connection between higher law and the public duties of free citizens. Adams first entered the political arena in 1791 with the publication of his "Letters of Publicola," demolishing Thomas Paine's Rights of Man. These papers, which grew out of the controversy between Paine and Edmund Burke concerning the French Revolution, exemplify Adams' reliance on natural law to defend minority rights in republican government. Like the writings of his father, his seek to oppose the extreme views of Paine and of the French Revolution and yet to retain faith in the American theory of natural rights, including the "unalienable right of resistance to tyranny." It is not the basic premise of Paine's book to which he is opposed, but the conclusions which Paine infers from them. This "commentary upon the rights of man," Adams said, draws "questionable deductions from unquestionable principles." Paine, as the controversy develops, acknowledged "that which a whole nation chooses to do, it has a right to do." Adams countered that "it is of infinite consequence that the distinction between power and right should be fully acknowledged, and should be admitted as one of the fundamental principles of legislators." He continued:

> The principle, that a whole nation has a right to do whatever it pleases, cannot in any sense be admitted as true. The eternal and immutable laws of justice and of morality are paramount to human legislation. The

> violation of those laws is certainly within the power, but it is not among the rights of nations. The power of a nation is the collected power of all the individuals which compose it....If, therefore, a majority...are bound by no law human or divine, and have no other rule but their sovereign will and pleasure to direct them, what possible security can any citizen...have for the protection of unalienable rights? The principles of liberty must still be the sport of arbitrary power, and the hideous form of despotism must lay aside the diadem and the scepter, only to assume the party-colored garments of democracy.[17]

Adams found the world about him confined and controlled by a paramount law of nature, superior to the regulations of humans, a law which the logical mind could discern and apply to the political fortunes of nations. For example, he rejected the demand pressed on the Washington Administration that the United States support France against the combined powers of Europe in 1793. America was commanded by the "law of nature, which is paramount to all human legislation, or compact, to remain at peace, and to content ourselves with wishing that laureled victory may sit upon the sword of justice, and that smooth success may always be strewed before the feet of virtuous Freedom."[18] In his philosophical scheme, the United States occupied a unique position, for it was the first nation in history to announce foundation principles embedded in the law of nature. The Declaration of Independence announced "the <u>one</u> People, assuming their station among the Powers of the Earth, as a religious, civilized and Christian People--acknowledging themselves bound by the obligations, and claiming the rights to which they were entitled by the Laws of Nature and Nature's God." Moreover, the laws of nature applied to social intercourse between sovereign nations and found expression in the public law of Europe. These laws are "all derived from three sources:--the ...dictates of justice; usages, sanctioned by custom; and treaties, or national covenants." Adams acknowledged that "<u>Christian</u> nations, between themselves, admit, with various latitudes of interpretation, and little consistency of practice, the laws of humanity and mutual benevolence taught in the gospel of Christ."[19] Americans "laid the foundations of their government upon the eternal and unalterable principles of human rights." That government's essential purpose--the very reason for which it is instituted--is to secure the "natural rights of mankind" ensured that the structures of power would be "subordinate to the <u>moral</u> supremacy of the People."[20]

Like Benjamin Franklin, Adams acknowledged the "Necessity of a Publick Religion." He distanced himself, however, from the evangelical assumption that the American republic had to represent the ultimate embodiment of Christianity. Unlike the

early Puritans, and often at the expense of parental goodwill, the younger Adams did not adhere to the tenets of any one established church for the promotion of morality and civic virtue. The latter was seen as resulting from a collective responsibility of the political community for the promotion of public good. Part of that responsibility rested on estimates about Christian duties of fellowship and brotherhood, as well as on the potential of fallen man for social harmony and progress in an imperfect world. Adams' discourses on the New England Confederacy of 1643, and the natural law principles of the Massachusetts social compact, look to the organic basis of political association.[21] With reference to civil theology, he links the institutionalization of American liberty to the vivid participation of everyman in the full range of transcendent divine Being. It is worth remembering that the substance of man's participation is in the In-Between reality that is neither brute nor divine but properly human: that man is created a little lower than the angels and given dominion over the earth.[22] Adams' moral universe embraced the same human obligations Madison alluded to in the debate over the bill establishing religious freedom in Virginia.

> It is a duty of every man to render to the creator such homage...as he believes to be acceptable to him. This duty is precedent both in order of time and degree of obligation, to the claims of Civil Society. Before any man can be considered as a member of Civil Society, he must be considered as a subject of the Governor of the Universe: And if a member of Civil Society, who enters into any subordinate Association, must always do it with a reservation of his duty to the general authority, much more must every man who becomes a member of any particular Civil Society, do it was a saving allegiance to the Universal Sovereign.[23]

Adams, no less than Madison, turned to the superordinate sovereignty of God over the individual citizen, which precedes the sovereignty of political society over him.

Adams believed in the "genuine doctrines of Christianity in their application to the pursuit of happiness." In addition, he cited the "Socratic and Ciceronian moral philosophy as the most exalted system of human conduct ever presented to the world."[24] This synthesis of classical and Christian dimensions is broadly compatible with the moral-legal precepts shaping the Founders' faith in a constitution grounded in principles of higher law.

> Its tenets were beyond the ordinary level of human infirmity; and so are those of Christianity. It made the essence of virtue to consist in self-subjugation; and so does Christianity. It gave out a theory of perfection to the aim of man, and made the endeavor to

> attain it duty; so does Christianity. The perfect example...was not given, as by Christ; not even Socrates. Yet he, and Cicero...did attain an eminence of practical virtue.[25]

It was among the obligations of American statesmen, Adams believed, to "aim in so far as their abilities extend towards the moral purification of their country from besetting sins." This should be accomplished, in the first instance, "by setting the example of private morality"; and, second, "by promoting the cause in every way that they can lawfully act on others."[26] For Adams, natural religion was not the product of a spontaneous understanding in the heart, but was a learned body of principles in the keeping of society and brought to each generation by the forces of civic education.

In Adams' political theory, the Creator had made man a "social being," had blended his happiness with that of his fellow man, and government was a necessary instrumentality for the effectuation of this liaison. Yet he differed from the general spirit of his day, which was manifested in either a conservative desire for a government only strong enough to keep the enemies of social order in harness, or a more radical--and Jacksonian--opposition to strong government, except insofar as it must be used to keep the economic oligarchy from tyranny. Civil society merely reflected the prevailing concepts of character and virtue among its members. Government did represent "a restraint upon human action, and as such, a restraint upon Liberty." The constitutional framers were "aware that to induce the People to impose upon themselves such binding ligaments, motives were not less cogent than those from which the basis of human association were...necessary."[27] A theory of rights, therefore, is inconceivable without a corresponding conception of obligations. A passage from Adams' first State of the Union address is worth quoting at length.

> The great object of the institution of civil government is the improvement of the condition of those who are parties to the social compact, and no government...can accomplish the lawful ends of its institution but in proportion as it improves the condition of those over whom it is established....But moral, political, and intellectual improvement are duties assigned by the Author of Our Existence to social no less than individual man. For the fulfillment of these duties governments are invested with power, and for the attainment of the end...the exercise of delegated power is a duty as sacred...as the usurpation of powers not granted is criminal and odious.[28]

By no means, however, was Adams' tribute a ceremony of national self-congratulation. He believed that the doctrine of

internal improvement had more than an American application. He was, for example, filled with admiration for Peter the Great as the genius who had built St. Petersburg according to a magnificent plan. Peter applied his energies through government and the capital was suited to the leadership that was reorienting Russia in a new direction. As Secretary of State, Adams admonished the Columbians to think little of Columbia as a center of empire but to give due regard to the bounties of nature. "God to thee has done his part--do thine."[29] No negative suspicion of government limited his conception of what men could accomplish through its agency. He enjoined men of all lands to apply their skills through government to the task of internal improvement. He believed that the people would desire that which was good if they could see it; he believed that national resources should be used wisely, not for private speculation, but as the source from which the nation could promote its advancement in philosophy, literature, and the arts. Government should be held accountable to the people, but only to the best interests of that people, not to its commonplace or base desires.

Adams' inaugural in 1825 drew upon Christian symbols to illuminate the intersection between individual liberty and public order. He clearly put his office under the protection of "Heaven." A "religious obligation" informed his duty as head of the executive branch, while government "invariably and sacredly devoted" itself to upholding the constitution, "that revered instrument...founded upon the republican principle of equal rights." Yet Adams admitted that a republic, as a human construction, was not exempt from possible failures. "From evil--physical, moral, and political--it is not our claim to be exempt." Dissensions, which more than once threatened the dissolution of the Union, were rooted in "the theory of republican government; upon conflicting views of policy in our relations with foreign nations; upon jealousies of partial and sectional interests, aggravated by prejudices...which strangers to each other are ever apt to entertain." Against the collisions of faction and self-interest, Adams believed that the "harmony of...the whole Union is knit together by the sentiments of mutual respect, the habits of social intercourse, and the ties of personal friendship formed between the representatives of its several parts in the performance of their service at this metropolis." Adams concluded by reminding his fellow citizens

> that liberty is power; that the nation blessed with the largest portion of liberty must in proportion to its numbers be the most powerful nation upon earth, and that the tenure of power by man is, in the moral purposes of the Creator, upon condition that it shall be exercised to ends of beneficence, to improve the condition of himself and his fellow-men.[30]

America's national purpose was not "the glory of Roman ambition,

nor Tu regere Imperio populos--her momento to her sons." America's glory "is not dominion, but liberty. Her march is the march of the mind."[31]

II.

John Quincy Adams was the leading son of that generation of Americans whose sacrifice in defense of independence and liberty was immortalized as a celebration of self-evident truths about the unalienable rights of man's political existence. Adams, a youthful witness to the first patriots who fell at Bunker Hill, was inspired as much by the passions that accompany tragic loss as the exuberance that instills a righteous defense of noble causes. Intervening years of public service and notorious political battles did not lessen the vigor with which he urged his countrymen to renew their national purpose. Yet his experience and his education taught him that the politician is little more than an inglorious ideologue when the limits of all human attainment are not acknowledged. The powers of speech, "the special prerogative of man, as a member of the animal creation, are not unlimited"; indeed, the power of reason, "though looking before and after, is bounded in its vision by an horizon; and Eloquence herself best performs her appropriate office by silence upon exhausted topics."[32] Upon the bonds of national union, Adams seldom exhibited either reticence or quiescence in seizing a moral vantage point from which to measure his nation's glory.

Adams readily admitted that the American experiment in self-government is "susceptible of being considered under a great variety of points of view." While the contemplation of its causes "must...ever remain the same," the estimation "of its consequences varies from year to year." Addressing the citizens of Quincy in 1831, on the fiftieth anniversary of the Declaration of Independence, Adams reminded his audience that man is both a creature and creator of history. A speaker, on the first anniversary of the Declaration, "had a far different theme from him who now, after the lapse of nearly two generations...is called upon to review the progress of [its] principles...as their influence has expanded on the mind of civilized man." Adams believed that the test of all principle is time; "that which when first announced as truth, may be treated by the...unanimous voice of mankind as pernicious paradox or hateful heresy, [but] when scrutinized...and felt in practical results, may become an axiom of knowledge, or an article of uncontroverted faith." Adams cited the example of the astronomer,

> who in his nightly visitation of the heavens perceives a ray of light before unobserved, discovers no new phenomenon in nature. He is only the first to discern the beam which has glowed from the creation of the

> world. After-observations and the calculations of science will disclose whether it proceeded from a star fixed in the firmament from the birth of time, from a planet revolving around the central luminary of our system, or from a comet, "shaking from its horrid hair, pestilence and war.[33]

The Declaration of Independence, a "manifesto to the world," was the work of "delegates of thirteen distinct, but UNITED colonies of Great Britain, in the name and behalf of their people." It was a united declaration. Their union preceded their independence. The language of the document is: "We the Representatives of the United States of America, in General Congress assembled, do, in the name and authority of the good people of these Colonies, solemnly publish and declare that these United Colonies, are, and of right ought to be, free and independent States." This affirmation was the act of one people. The colonies are not named and their number is not designated. Moreover, no indication is provided as to "which of the colonies any one of the fifty-six delegates by whom it was signed had been deputed." The signers "announced their constituents to the world as one people, and unitedly declared the Colonies to which they...belonged, united, free and independent states." The Declaration was much more than a proclamation to the world that the colonies had ceased to be a colonial dependency of Britain; these united people, Adams said, "had bound themselves, before God, to a primitive social compact of union, freedom and independence."[34]

The motive for the Declaration was avowed to be "a decent respect for the opinions of mankind"; its purpose was to declare the causes which led the people of the English colonies to separate themselves from Britain. The causes of separation enumerated by the colonists were followed by "their assumption of the separate and equal station to which the laws of nature and of nature's God entitle them among the powers of the earth." Preliminary to indexing the "history of repeated injuries and usurpations" under George III, Jefferson paid tribute to the self-evident character of universal human rights. The first movement of the American Revolution began with an appeal to natural law "for their right to assume the attributes of sovereign power as an independent nation."[35]

> The causes of their necessary separation...alleged in the Declaration, are all founded on the same laws of nature and of nature's God--and hence as preliminary to the enumeration of the causes of separation, they set forth as self-evident truths, the rights of individual man...to life, to liberty, to the pursuit of happiness. That all men are created equal. That to secure the rights of life, liberty and the pursuits of happiness, governments are instituted among men, deriving their

just powers from the consent of the governed.[36]

Natural law "presupposes the existence of a God, the moral ruler of the universe, and a rule of right and wrong, of just and unjust binding upon man; preceding all institutions of human society and of government." Government, then, is instituted to secure these rights of nature and may be altered or abolished "whenever any form of government becomes destructive of these ends."[37]

The Declaration acknowledged that the United Colonies were free and independent states, "but not that any one of them was a free and independent state, separate from the rest." Adams defended the case for a federal union by citing the analogous language contained in the state constitution for the Commonwealth of Massachusetts. Here it is declared that the body politic is formed by a voluntary association of individuals; "that it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by...laws, for the common good." Likewise, the body politic of the United States was formed "by the voluntary association of the people of the United Colonies." The Declaration was a "social compact, by which the whole people covenanted with each citizen of the United Colonies, and [where] the United Colonies were, and of right ought to be, free and independent states." In such a compact, union was as vital as freedom or independence. From the moment of signing, no state could, without violation of that primitive contract, secede or separate from the rest. Each was pledged to all, and all were pledged to each "by a concert of souls, without limitation of time, in the presence of Almighty God, and proclaimed to all mankind." Adams pointed out that the colonies were not declared sovereign states; in fact, the term sovereign is not to be found in the Declaration. Far removed "was it from the contemplation of those who composed...it, to constitute either the aggregate community, or any one of its members, with... uncontrollable despotic power." Adams was reminded of the message from John Milton's Paradise Lost:

> That were to make
> Strange contradiction, which to God himself
> Impossible is held, as argument
> Of weakness, not of power.[38]

These were united, free, and independent states. All three properties were equally essential to their existence. Without union, "the covenant contains no pledge of freedom or independence; without freedom, none of independence or union; without independence, none of union or freedom."[39]

Adams had little patience for those who protested that the philosophy embodied in the Declaration "deals too much in

abstractions." Rather this was precisely "its characteristic excellence," for upon those universal norms resided the justice of the nation's cause. Without them, the American Revolution would have been but one more successful rebellion.

> The Divinity that stirs within the soul of man is abstraction. The Creator of the universe is a spirit, and all spiritual nature is abstraction. Happy would it be, could we answer with equal confidence another objection, not to the Declaration, but to the consistency of the people by whom it was proclaimed! Thrice happy, could the appeal to the Supreme Judge of the World for rectitude of intention...have been [if] accompanied with an appeal equally bold to our own social institutions to illustrate the self-evident truths which are declared.[40]

The Declaration, then, was not an announcement of liberty "newly acquired, nor was it a form of government." Colonial Americans were already free, and their forms of government were various. The people of the colonies, speaking through their representatives, "constituted themselves one moral person before the face of their fellow man."

> Frederick I, of Brandenburg, constituted himself King of Prussia by putting a crown upon his own head. Napoleon Bonaparte invested his brows with the iron crown of Lombardy, and declared himself King of Italy. The Declaration of Independence was the crown with which the people of United America, rising...as one man, encircled their brows, and there it remains.[41]

The Founders recognized the "laws of nations, as they were observed and practiced among Christian communities"; they considered the state of nature between nations as a state of peace; and, as a necessary consequence, that the new confederacy was at peace with all other nations, Great Britain excepted.[42]

Adams wrote on several occasions about the significance of America's revolutionary mission as it grew out of, and in some respects departed from, the heritage of civil and political liberties of the British nation. America's struggle was for "chartered rights--for English liberties--for the causes of Algernon Sidney and John Hampden--for trial by jury--the Habeas Corpus and Magna Charta."[43] The civil wars of Britain in the seventeenth century "had been the result of a long and sanguinary conflict between the primary principles of human authority and human freedom." During the Hundred Years' War (1337-1453) with France, England became "the theatre of desolating civil wars upon a question in the theory of government, as insignificant to the people of the realm, as if it had been upon the merits of the badges respectively assumed by the parties to the strife." The

question between the Houses of York and Lancaster--antagonists in the Wars of the Roses--was "whether upon the death of a King of England, childless, the right to the crown devolved upon the son of a brother, previously deceased, but who had been next to himself by birth, or to his surviving younger brother." In this crisis, the British people "had abstracted from the personal qualities of the pretenders to the crown, no more interest than in the dissensions in the kingdom of Lilliput on the question [of] whether an egg should be broken at the big or at the little end." Yet the subsequent revolutions by which the House of Hanover supplanted that of the Stuarts "were of a very different character."[44]

The English Civil War, culminating in the regicide of Charles I in 1649, was not about "who had the right to the throne, but what were the rights of the throne." The matter could not be resolved without a reckoning of "the lawful extent of power" in the crown; the extent of obligation "upon the people to yield obedience to him"; the extent to which the people's "right and duty to defend themselves" can be substantiated against royal encroachments; and the extent to which "just and lawful" remedies may be produced against abuses of royal authority. Adams believed that the issue of ultimate political authority in the British political system involved "the question between right and might, between liberty and power." Philosophers and moralists alike have identified few other issues for which "war becomes the most imperious of human obligations, and the field of battle the sublimest theatre of heroic martyrdom and patriotic achievement." With the abdication of James II to France in 1688, the British nation construed his flight as a voluntary abdication of power. This he had done "by breaking the original contract between king and the people." With the accession to the throne in 1689 of William III and Mary II, "it had been settled...that the supreme powers of government, under their political constitution, were possessed and exercised by virtue of an original contract with the people."[45]

The charters of the thirteen colonies were also original contracts between the king and the people to whom they had been granted. By both long usage and common consent, this right became an acknowledged attribute of colonizing power; and in Great Britain, this was "a royal prerogative in which the Parliament had no agency." Adams alluded to an English Chancellor of the Exchequer, Charles Townsend, who "undertook to perform by an act of Parliament, that which he did not dare to attempt by the mere authority of the king." Legal experts "ascertained, since the days of John Hampden and ship-money, that the royal authority, however competent to the grant of charters, did not extend to the arbitrary levy of money by taxation...." The privileges of British subjects extended to the principle that no portion of their property could be confiscated "but by an authority in which they were represented." This was also the

principle to which American colonists appealed in their resistance against the Stamp and Tea Acts of 1765 and 1773.[46] "It was not," Adams said, "the burden of the tax to which they objected"; rather, "it was to the inherent servitude of the principle." With the passage of time, the ministers of George III prevailed upon Parliament "to repeal the tax but, at the same time, to declare their right to make laws for the colonies in all cases whatsoever." The taxation dispute, and the naked issue of power that arose with the Coercive Acts of 1774, brought about a dramatic showdown. "The dye is now cast," wrote George III to Lord North. "The Colonies must either submit or triumph." Dr. Samuel Johnson, in a controversial essay on the split between Britain and her colonies, laid down the principles behind British rule:

> All government is essentially absolute. That in sovereignty there are no gradations. That there may be limited royalty; there may be limited consulship; but there can be no limited government. There must in every society be some power or other from which there is no appeal; which admits no restrictions; which pervades the whole mass of the community; regulates and adjusts all subordinations; enacts laws or repeals them; erects or annuls judicatures; extends or contracts privileges; exempts itself from questions or control; and bounded only by physical necessity.[47]

Adams saw in Parliament's declaration of right the semblance of a mere declaration of power. Parliament's claim was "founded upon an erroneous first principle of government," one that was still "very far from being eradicated even at this day, in our own...country." No better authority could be found to substantiate the power of Parliament than "the great commentator upon the laws of England." In the words of William Blackstone: "There is, and must be, in all forms of government, however they began, or by what right...they subsist, a supreme, irresistible, absolute...authority, in which the jura summi imperii or the rights of sovereignty, reside." In treating the power of Parliament, he adds: "This is the place where that absolute despotic power which must in all governments reside somewhere, is entrusted by the constitution of the British kingdoms."[48] Adams thought Blackstone guilty of identifying a "false definition of the term sovereignty; an erroneous estimate of the extent of sovereign power."

> It is not true that there must be in all governments an absolute, uncontrolled, irresistible, and despotic power: nor is such power in any manner essential to sovereignty. The direct converse of the proposition is true. Uncontrollable power exists in no government upon earth. The sternist despotisms, in every region and...age of the world, are and have been under

> perpetual control; compelled, as Burke expresses it, to truckle and huckster. Unlimited power belongs not to the nature of man; and rotten will be the foundation of every government leaning upon such a maxim for its support.[49]

In addition, Blackstone's contention was incompatible with "the first principle of natural right." Adams cited the analogous example of defending the right to life. The birth of an infant carries a right to the life which it has received from the Creator. He acknowledged that ethicists have sometimes denied that this right can be forfeited to human laws, even by the commission of a crime. "Without concurring in that sentiment," Adams affirmed that no combination of human beings "has the power...not the physical but the moral power, to take a life not so forfeited, unless in self-defence or by the laws of war." No power in government exists to take it without a cause; "none, surely none, in the British Parliament." It mattered little to the substance of the argument that governments have exercised and do exercise this power. The law of nature cited in the Declaration of Independence was a judgment upon the arbitrary and destructive will of men. American statesman held to the self-evident truth, that the right of life is the first of the unalienable rights of man, and "to secure, and not to destroy that [for] which, governments are instituted among men." The sovereignty which arrogates to itself unlimited power "must appeal for its sanction to those illustrious expounders of human rights, Pharaoh of Egypt, and Herod the Great of Judea."[50]

John Selden, during the Petition of Right debate in the House of Commons in 1628, elaborated the ancient maxim in a way the American founders would later approve when he asserted: "Salus populi suprema lex, et libertas popula summa salus populi," the welfare of the people is the supreme law, and the liberty of the people the greatest welfare of the people.[51] Statesmanship consisted in bringing man-made law into harmony with natural law. Reason must be left free to test the validity of all political policies, to set aside superstition, and to measure the artful contrivances of princes and courtiers. Only a political structure based on consent and agreement could leave reason free to correct the errors of the past and open the way for a bright new future.

Even after the promulgation of the Stamp Act, the independence of the colonies from Great Britain "was neither pretended nor contemplated by the great body of the people." In their emigration from Europe, the early American settlers reflected on the rights to which they would be entitled in the land of their new habituation, in addition to the obligations by which they would be bound to the land of their nativity.

The first of the reasons assigned by the parties to the

> New England Confederacy for their consociation, is...to advance the kingdom of...Christ and to enjoy the liberties of the Gospel in purity, with peace. This purpose was twofold and necessarily imported a system of national policy--the propagation of the Gospel bearing upon their relations with the natives of the country--and the enjoyment of their religious liberties, resulting from their domestic relations among themselves, and their dependent condition on their sovereign and their country beyond the seas.[52]

Even "David Hume, the Atheist Jacobite, at once their reviler and their eulogist, acknowledges [the Puritans] to have been the...exclusive founders of all the freedom of the British islands." The reciprocal influence of liberty and obligation did not contravene the relations "between a parent state and her colonies...founded upon the laws of nature and nations, modified by the civil institution of the colonizing state."

History teaches that the administration of human affairs often nurtures a "reluctance at recurring to the first principles of government." Practical men are "apt to entertain the opinion that they have little influence upon the conduct of nations, and theoretic men are often wild and fanciful in their application of [those principles]." Yet the passage of time made it unlikely "that the sentiment of local patriotism" among the original inhabitants would sustain a grateful "allegiance to a sovereign beyond the seas," changing in succession from a "Stuart to a Commonwealth, from a Commonwealth back to a Stuart, then to a William of Orange, to the wife of a Prince of Denmark, and finally to a family...of Germany." Adams cited the Scottish poet, Robert Burns, who in colloquy with himself exclaimed: "This is my own, my native land." But to what land would this exclamation have applied "upon the lips of Carver and Bradford, of Endicott and Winthrop?" America's colonial dependence, "suffered to enjoy the rights of Englishmen," was truncated when--in violation of those rights--Parliament "declared its own right to make laws for them in all cases...and undertook to give effect to this declaration by taxation." Americans were subjected to "a dependence [on] parchments and of proclamations, unsanctioned by the laws of nature [and] disavowed by the dictates of reason."[53]

III.

The Articles of Confederation was an abortive experiment created through the cooperation of Congress with the state legislatures, "without recurrence to the fountain of power, the people." This error "prostituted the faith and energy of the nation in peace" and became "a source of impotence in...the relations of the country with foreign powers." Unable to enact necessary taxes, generate revenue, or regulate commerce and

industry, this confederal system "disabled the nation from the performance of its engagements to others, and from the means of exacting the fulfillment of theirs in return." The Second Article provides: "Each state retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled." Adams saw in this provision a departure from both the language and guiding principles of the Declaration. Where, he asked, did each state get the sovereignty which it retains? The delegates at the Continental Congress in 1776 declared the "United Colonies" free and independent states. Not sovereign states--but the people alone--were the rightful source of all legitimate government. Certainly the people of each colony had not conferred sovereignty on each free and independent state, "nor could they...declare it, because each was already bound in union with all the rest; a union formed de facto, by the spontaneous revolutionary movement of the whole people, and organized by the meeting of the first Congress in 1774."[54] Adams likened the Articles--ratified on March 1, 1787--to "the statue of Pygmalion before its animation,--beautiful and lifeless."

> The articles of confederation, stamped with the features of contention; beginning with niggardly reservations of corporate rights, and in the grant of powers, seeming to have fallen into the frame of mind by the sentimental traveller, bargaining for a post chaise, and viewing his conventionist with an eye as if he was going with him to fight a duel![55]

The primary cause for these misfortunes, Adams suggested, lies in the same mistaken estimate of sovereignty which the British Parliament had made in undertaking to levy money upon the colonies by taxation. This "political sophism," finding an identity between sovereign and despotic power, had as "its offspring...the doctrine of nullification--i.e., the sovereign power of any one state of the confederacy to nullify any act of the whole twenty-four states [as of 1831], which the...state shall please to consider as unconstitutional." Adams later saw in nullification an effort to organize insurrection against the laws of the United States; "to interpose the arm of state sovereignty between rebellion and the halter; and to rescue the traitor from the gibbet." His break with the Federalist Party was facilitated by his belief that members of that party had laid plans for a rebellion by state authority against the government of the nation. Learning that William Plumer, Senator from New Hampshire, intended to write a history of the United States, he encouraged him to teach the doctrine of the indissolubility of the union. Although a state could not be punished for treason, "nullification cases herself in the complete steel of sovereign power."[56] Three decades prior to the Civil War, when "the paroxysm of this fever [had] hitherto proved not extensively

contagious," Adams recoiled in the warning of Francis Bacon, "not to measure the discontentments in the body politic by this"--

> ...whether they be just or unjust; nor yet by this, whether the griefs whereupon they rise, be great or small--neither to be secure, because they have been often or long, without ensuing peril. Not every fume or vapor turns indeed to a storm, but from vapors and exhortations imperceptibly gathered, the tempest of dissolution does come at last.[57]

Adams related a biblical parable to illumine the threat of disunion and war, a disturbing omen on the struggle between state sovereignty and national unity.

> The event of a conflict in arms, between the Union and one of its members...would be but an alternative of calamity to all. In the holy records of antiquity, we have two examples of a confederation ruptured by the severance of its members, one of which resulted, after three desperate battles, in the extermination of the seceding tribe. And the victorious people, instead of exulting in shouts of triumph, came to the house of God, and...lifted up their voices, and wept sore, and said, --Oh Lord God of Israel <u>why</u> is this come to pass in Israel, that there should be to-day one tribe lacking in Israel? The other was a successful example of resistance against tyrannical taxation, and severed forever the confederacy, the fragments forming separate kingdoms; and from that day their history presents an unbroken series of disastrous alliances, revolts, and rebellions, until both parts of the confederacy sunk into tributary servitude to the nations around them; till the countrymen of David and Solomon hung their harps upon the willows of Babylon, and were totally lost amidst the multitudes of Chaldean and Assyrian monarchies, 'the most despised portion of their slaves.'[58]

This alliance of states, from 1781 to 1787, was an attempt "to preserve their sovereignty entire; reluctant to confer power, because power might be abused; and also because they perceived that every grant of power to the confederate body could be made only by the relinquishment of their own." The Articles gave liberty to sectionalism. In fact, they symbolize Blackstone's fatal fallacy of unlimited sovereignty. These, Adams said, were errors not of intention, nor even of judgment, so much as of inexperience. The idea of recurring to the people of the union for a constitution "does not appear to have presented itself then to any mind." The result was humiliation and the appearance of great turmoil out of which finally came a "a national Constitution" made by the people "in their original

character,"[59] a Constitution to consummate the work begun by the Declaration.

The provisions of the Tenth Amendment to the Constitution testify to the supreme foundation of political authority, "anything in the constitution or laws of any State to the contrary notwithstanding." The Amendment declares that the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the States respectively, or to the people. There are powers of government, then, reserved to the people, and which never have been delegated either to the United States or to the separate states. Neither the United States nor the states themselves "possess any powers, not delegated to them by the people--by the people of the whole Union to the United States--by the people of each State to that State." Therefore, it followed that the people of each state were incompetent to delegate to the state, any power already delegated by the people of the whole union to the United States. "In vain would" Adams "search all the Constitutions past or present of the states, for a power to nullify any act of the United States in Congress assembled." The pretence to grant such a power, "under the cabalistic denomination of sovereignty, would have been null and void." Nullification had been the vital disease of confederacies from the day when Philip of Macedon obtained a seat among the Amphyctions of Greece.[60]

The Declaration of Independence and Constitution were "founded upon one and the same theory of government," a theory "expounded in the writings of Locke, but...never...adopted by a great nation in practice." And, language being imperfect, the "extent of powers conferred...must in a very great degree depend upon the construction which it [the Constitution] received." There was an authoritative constitutional law that antedated the Constitutional document, as, for example, the law upholding the right of petition, which the Constitution confirmed but did not create.[61] While the higher law theory underlying American government commanded bipartisan affirmation, the practitioners of that theory were far from united on how that law shaped the institutions and machinery of a federal system. Alexander Hamilton and Thomas Jefferson were the "leading champions of two widely different theories of government." Jefferson, drawn "to the search and contemplation of abstract rights," objected to the initial draft of the basic document "for its supposed tendency to monarchy, and for its omission of a Declaration of Rights." Hamilton, "prompted by a natural temper aspiring to military renown," believed a more energetic national government was necessary; his federalism was wed "to the doctrine of implied powers...and to a liberal construction of all grants of power in the Constitution."[62]

The fight for ratification posed difficult questions, "not only in politics but in morals, and questions not less

controvertible of constitutional power were...involved." The Constitution balanced, one against the other, the fundamental rights of man, the sovereignty of the people, the rule of right and wrong, and responsibility to the supreme ruler of the Universe for the rightful use of power. In suggesting that the Constitution provided a "national government complicated with a federation," Adams paid tribute to this father for helping to establish "the balance...as the great and fundamental principle of the American Constitution."[63] A "charter of limited powers," it set the government of the United States off from those other governments constitutionally enabled to act "gubernativamente." Moreover, on the basis of sound interpretations of Chief Justice John Marshall, the Constitution restrained "the corporate action of States claiming to be Sovereign and Independent."[64] Since the powers under the Constitution were derived from the people, with a Lockean emphasis Adams insisted that they could not be delegated by the government to the states. Thus there existed a great moral bond between the people and the moral entity, the nation, which they had created, a moral bond that could be maintained only by the "heart" and not by "constraint."[65]

Adams joined Jefferson in expressing regret that the Bill of Rights had not been written into the original Constitution; he also asserted that the defect had not been fully remedied by the first ten articles of amendment. Including a provision for personal liberties "would have marked in a more emphatic manner [than the Preamble's "We the people of the United States"] the return from the derivative sovereignty of the states, to the constituent sovereignty of the people for the basis of the federal Union." This remedy might have "prevented many delicate and dangerous questions of conflicting jurisdictions" between different levels of government; in addition, it would have supplied an "informing principle" of civil liberties. For example, Adams held that the repressive power of government should be applied only against "actual transgression," that the freedom of the individual or group not be curtailed until it threatens immediately the social order. In a letter to Hyde de Neuville in 1817, Adams wrote:

> From the nature of...the laws of this [United States] country you will be aware that the repressive powers of the government, in their application to the freedom of individuals, are limited to cases of actual transgression, and do not extend to projects which, however exceptionable in their character, have not matured at least into an attempt or a commencement of execution.[66]

Personal liberty was formed upon a right inhering in every individual as his own--Jus Suum, and not created by government.[67] The defense of such personal liberty--the personal liberty of sailors attacked by the "press gang"--was the

cause of the War of 1812. The "sparing delegation and cautious distribution of power" in the American system "and the securities and hedges with which personal civil, political and religious liberty [were] surrounded" served as nowhere else in the world, Adams thought, to protect the individual's possession of such liberty.[68]

Adams doubted "whether a single constitution has been formed in Europe or in South America, without some violence, some admixture of conflicting force in its confection." In ancient mythology, the god of boundaries was the only deity unable to be assuaged by the sacrifice of blood; he, too, was the only god who refused to yield his place, even to Jupiter (the supreme God of the ancient Romans). In analogous fashion, Adams conceived of America as the "land-mark, bloodless and immoveable...between freedom and force." The ordinary proclamation of righteous principles he knew to be an insufficient safeguard for the liberties enshrined in a republican polity. After all, "myriad constitutions...decorated by the ornamental rights of man...have passed into the memory of things beyond the flood; leaving the principles behind--blood-stained and defaced--monuments...of their own mutilation." The measure of America's success would be seen by the extent to which the traditions of civic virtue would enable public servants to abide by the norms of accountability and lawful rule that such principles presume. While "much good has already been affected by the solemn proclamation of our principles, much more [may come] by the illustration of our example."[69]

Adams turned his attention to the republican virtue of the statesman in order to substantiate an organic connection between human nature and the defense of constitutional rule. The ethical character of the statesman is defined by two qualities, "both developed in his intercourse with his fellow creatures and...belonging to the immortal part of his nature." These entail broadly the spirit of command and the spirit of meekness. Their ideal combination in perfection was exhibited in the mortal life of Christ; the supernatural character of his earthly example was "a model to teach mortal man...what sublime elevation his nature is capable of ascending." They had also been displayed by the preceding legislator of the children of Israel:

> That shepherd, who first taught the chosen seed
> In the beginning, how the heavens and earth
> Rose out of Chaos...[70]

These two realms of human action--the dialectic between nature and spirit, necessity and freedom--"belong rather to the moral than the intellectual nature of man." In order to save command and self- assertion from arrogance, and to save meekness and self-sacrifice from weakness, man must be regulated by "a profound sense of responsibility to a higher Power." This

responsibility imposed a duty on the republican statesman to save democratic freedom from mindless mass indulgence, to give expression to objective standards of political conduct that reconcile the will of the majority with the rights of the minority. In the words of one leading political philosopher:

> Liberalism holds certain truths to be self-evident which no majority has the right to abrogate and from which...the legitimacy of majority rule derives....It is on this absolute and transcendent foundation that the philosophy of genuine democracy rests, and it is within this immutable framework that the processes of genuine democracy take place. The pluralism of these processes is subordinated to, and oriented toward, those absolute truths.[71]

Adams pointed to important conceptual distinctions in calling for objective political standards to regulate the performance of "republican...and even democratic institutions." He meant "by democratic, a government the administration of which must always be rendered comfortable to that predominating public opinion." America's government was not based upon the virtues or power of any one man--or "upon that honour which Montesquieu lays down as the...principle of monarchy," or "upon that fear which he pronounces [as] the basis of despotism"--but rather "upon that virtue which he...proclaims as a fundamental principle of republican government." Although conceding that the Constitution "was republican and democratic," Adams learned from Thucydides and Aristotle that "democracy was the most unstable and short-lived" form of rule. If virtue--the virtue of the people--was the foundation for republican government, then "the stability and duration of the government must depend upon the stability and duration of the virtue by which it is sustained." Virtue did not consist of one single substantive ideal or doctrine; on the contrary, it rested upon self-evident truths, rational and moral, from which society derived whatever truth was to be found in its thought and action. The relativism of majority rule--denying the existence of absolute, transcendent truth independent of the majority will--tends toward the immanent absolutism of a tyrannical majority, while the pluralism of genuine democracy assumes as its corollary the existence of such truth limiting the will of the majority. What Adams characterized as the "moral platform" of the Constitution was nothing other than those virtues by which man relies upon objective standards of universal validity to protect individual freedom while upholding the general welfare. The administration of republican government "must...be always pliable to the fluctuating varieties of public opinion"; at the same time, however, the stability of constitutional rule depends upon the "duration in the hearts and minds of the people of that virtue, or in other words, of those principles proclaimed in the Declaration...and embodied in the Constitution of the United States."[72]

IV.

Among the most powerful sentiments operating "upon the human heart, and...honorable to the human character, are those of veneration for our forefathers, and of love for our posterity." John Quincy Adams described them as the connecting links between the selfish and social passions. The precepts of Christianity, for example, establish the happiness of the individual on the basis of "innumerable and imperceptible ties" that bind man's destiny with that of his contemporaries; "by the power of filial reverence and parental affection, individual existence is extended beyond the limits of individual life, and the happiness of every age is chained in mutual dependence upon that of every other." Respect for ancestors "excites in the breast of man, interest in their history, attachment to their characters, concern for their errors, involuntary pride in their virtues." Posterity stimulates man to virtue by imitation of their example, and "fills him with the tenderest solicitude for their welfare." Man, Adams thought, was not made for himself alone; he was also made for his country by the obligations of the social compact. Under the influence of these principles, "Existence sees him spurn her bounded reign." The voice of history redeems his physical nature from the subjection of time and place. No longer a "puny insect shivering at a breeze," the human soul

> is the glory of creation--form'd to occupy all time and all extent: bounded during his residence upon earth, only by the boundaries of the world, and destined to life and immortality in brighter regions, when the fabric of nature itself shall dissolve and perish.[73]

Tacitus, in Vita Agricolae, records the battle address of the barbarian chieftain who, driven to a remote part of Britain, defended his country against the Roman invasion. Galgacus concludes the exhortation to his followers by a solemn appeal to these irresistible feelings--Proinde ituri in aciem, et majores vestros et posteros cogitate ("Think of your forefathers and of your posterity"). Celebrations of posterity are a pledge of respect "we bear to the memory of our ancestors" and "are...testimonials of our gratitude, and schools of virtue to our children." Cultivation of these sentiments--the formation of moral character--in civic education is less "innocent pleasure" and more "incumbent duty."[74]

From the first discovery of the Western Hemisphere by Columbus, until the settlement of Virginia, most of the expeditions to the New World "were...instigated by personal interests--Avarice and ambition had turned their souls to that pitch of exaltation." Selfish passions were the parents of their heroism, "that ardor of enterprise and stubbornness of pursuit, which set all danger at defiance and chain the violence of nature at their feet." It remained for the first settlers of New

England "to trample down obstructions equally formidable...under the single inspiration of conscience." Alluding to the history of the Plymouth settlers, Adams explained the execution of "that instrument of Government by which they formed themselves into a body-politic." The process was the result of "circumstances and discussions" that transpired both before and after the first landing upon the American coast. The Plymouth Colony stood out as a rare instance in human history "of that positive, original social compact, which speculative philosophers have imagined as the only legitimate source of government." Here was an example of that unanimous and personal assent "by all the individuals of the community, to the association by which they became a nation." The compact was a convincing "demonstration that the nature of civil government, abstracted from the political institutions of their native country, had been an object of their serious meditation." After twelve years of exile from England, the followers of John Robinson and William Brewster were "led to reflect upon the relative rights and duties of allegiance and subjection."[75]

The odyssey of the English Pilgrims from 1608 until 1620, particularly the intellectual ferment to which they were exposed in relocating to Amsterdam and Leyden, testified to the pursuit of order and liberty in the political existence of a free people. During this period, and after their separation from the crown of Spain, the people of the United Province witnessed a deadly struggle between two parties. "The contest embraced within its compass not only theological doctrines, but political principles, and Maurice and Barnevelt were the temporal leaders of the same rival factions, of which Episcopius and Polyander, were the ecclesiastical champions." That fundamental principles were deeply embedded in these dissensions was "evident from the immortal work of Grotius, upon the rights of war and peace, which...originated from them." Not only was Grotius "a most distinguished actor and sufferer in those important scenes of internal convulsion," but his On the Law of War and Peace (1625) "was first published very shortly after the departure of our forefathers from Leyden." Adams also cited passages from William Bradford's Of Plymouth Plantation (e.g., his account of how "Mr. Robinson more than once appeared...as a public disputant against Episcopius") to illustrate that "the whole English church at Leyden took a zealous interest in the religious part of the controversy."[76]

Although the Puritans wisely avoided entanglement in the political contentions of the upheaval, "the theoretic principles...could not fail to arrest their attention, and must have assisted them to form accurate ideas concerning the origin and extent of authority among men, independent of positive institutions." For Adams, the importance of these circumstances had to be weighed in the context of the state of opinions then prevalent in Britain. The whole substance of human authority

"was centered in the simple doctrine of royal prerogative, the origin of which was always traced in theory to divine institution." Only twenty years later, and for a half century thereafter, "the subject...became one of the principle topics of controversy between the ablést and most enlightened men in the nation." The instrument of voluntary association "executed on board the Mayflower, testifies that the parties to it had anticipated the improvement of their nation." In this sense, the social compact was formed "by a foreseeing and directing mind." In his History of America, William Robertson, the Irish historian, traced this pervasive mindset back to the Puritan settlers of Plymouth and of Massachusetts Bay.

> From the first institution of the Company of Massachusetts Bay, its members seem to have been animated by a spirit of innovation in civil policy as well as in religion; and by the habit of rejecting established usages in the one, they were prepared for deviating from them in another. They...applied for a royal charter, in order to give effect to their...acts of a body politic; but the persons whom they sent out to America...considered themselves as individuals, united together by voluntary association, possessing the natural right of men who form a society to adopt what mode of government and to enact what laws they deemed most conducive to general felicity.[77]

The social compact draws attention to the revolutionary sphere of political action within which institutional safeguards protect and defend the character of public--as opposed to private--freedom.

Even at this point, the difference between the Europeans and the Americans, whose minds were still influenced by an almost identical tradition, is conspicuous and important. Americans believed that public freedom consisted in having a share of public business, and that the activities connected with this business by no means constituted a burden but gave those who discharged them in public a feeling of happiness they could acquire nowhere else. Citizens were brought together (in Michael Harrington's words) by "the world and the public interest of liberty," and what moved them was "the passion for distinction" which John Adams held to be "more essential and remarkable" than any other human faculty:

> Wherever men, women, or children, are to be found, whether they be old or young, rich or poor, high or low, wise or foolish, ignorant or learned, every individual is seen to be strongly actuated by a desire to be seen, heard, talked of, approved and respected by the people about him, and within his knowledge.[78]

The virtue of this passion Adams called "emulation," the desire to excel another, and its vice he called "ambition" because it "aims at power as a means of distinction." And, psychologically speaking, these are the chief virtues and vices of political man. For the thirst and will to power, regardless of any passion for distinction, though characteristic of the tyrannical man, is no longer a typically political vice; rather, it becomes that quality which destroys all political life, its vices no less than its virtues. Lacking all passion for distinction, the tyrant has no desire to excel and finds it congenial to rise above the company of all men; conversely, it is the very desire to excel which makes men love the world and enjoy the company of their peers, and drives them into public business.[79]

Another "occasion for important reflections" was the attempt by the original settlers to establish "that community of goods and of labor which fanciful politicians, from the days of Plato to...Rousseau, have recommended as the fundamental law of a perfect republic." Adams viewed this theory as the byproduct of reasoning most flattering to the human character.

> If industry, frugality, and disinterested integrity, were alike the virtues of all, there would apparently be more of a social spirit, in making all property a common stock, and giving to each individual a proportional title to the wealth of the whole. Such is the basis upon which Plato forbids in his republic the division of property. Such is the system upon which Rousseau pronounces the first man who enclosed a field with a fence and said this is mine, a traitor to the human species.[80]

Adams took exception with this austere idealism and emphasized that "a wiser and more useful philosophy" would treat man "according to the nature in which he was formed." Man's capacity for virtue and self-transcendence cannot be understood at all if a capacity for, and inclination toward, evil in man himself is not presupposed. We are, as Adams knew, in the presence of an anxious being "subject to infirmities, which no wisdom can remedy; to weaknesses which no institution can strengthen; to vices which no legislation can correct." A similar message can be found in Psalms 8:4, "When I consider thy heavens, the work of thy fingers, the moon and the stars, which thou hast ordained; What is man thou art mindful of him?" The vantage point from which man judges his insignificance is a rather significant vantage point. This fact, according to theologian Reinhold Niebuhr, has not been lost on modern thinkers whose modesty before the cosmic immensity was modified considerably by pride in their discovery of this immensity. It was a modern, the poet Swinburne, who sang triumphantly:

> The seal of his knowledge is sure, the truth and his

spirit are wed:...
Glory to Man in the highest! For man is the master of things,[81]

thereby proving that the advance of human knowledge about the world does not abate the pride of man. Adams recognized that the creative and destructive possibilities of human history are inextricably intermingled. The very power which organizes society and establishes justice, also generates injustice by its preponderance of power.

Adams' estimate of the human condition led him to conclude "that separate property is the natural and indisputable right of separate exertion--that community of goods without community of toil is oppressive and unjust." It counteracts the laws of nature, "which prescribe...that he only who sows the seed shall reap the harvest." Communalism, therefore, discourages all energy by destroying its rewards; it also "makes the most virtuous and active members of society the slaves and drudges of the worst." The philosophical error of this system was demonstrated by the experiment among our [puritan] forefathers." To base principles of government upon "too advantageous an estimate of the human character [was] an error of inexperience, the source of which is so amiable, that it is impossible to censure it with severity." While the early Pilgrims were able to relinquish a communal dream "upon discovering its irremediable inefficacy," the excesses of the French Revolution pointed to "the same mistake, committed in our own age, and upon a larger theatre." Napoleon was the product of a social catastrophe that upheaved the whole social fabric in disregard of moral law. Adams saw clearly that, without a moral restraint on the "portentous anarchy" of the French masses, the result of the Revolution would be a "military government, by turns anarchical and despotic," itself unconfined by moral restraint, even though clothed with "democratic forms." The first Americans "had no pride of vain philosophy to support, no perfidious rage of faction to glut, by persevering in their mistakes until they should be extinguished in torrents of blood."[82]

V.

John Quincy Adams began a biography of his father's life by documenting the historical and religious traditions which defined his own intellectual heritage, as much as the civic culture of the early New England settlers. There was nothing which so clearly characterized the "Puritan founders...as their institutions for the education of youth." It did not escape Adams' attention that many of the prodigious changes heralded by the Reformation began in the universities. " [John] Wickliffe, John Huss, Jerome of Prague, and Luther, all promulgated their doctrines first from the bosom of universities." Moreover, the

debate between the Protestant reformers and the Church of Rome "was essentially a question between liberty and power; between submission to the dictates of other men and the free exercise of individual faculties." Universities were centers of Christianity, "the original ideal of which may...have been adopted from the schools of the Grecian sophists and philosophers, but which were essential improvements upon them." Against the authority of Rome, "founded upon the abstract principle of power," the Reformation, "in all its modifications, was founded upon the principle of liberty." Even the Bishop of Rome, as the successor of Saint Peter, is "yet compelled to rest upon human reason for the foundation of faith itself." Similarly, the Protestant churches, while acknowledging the Scriptures alone as the rule of faith, "universally recur to human authority for prescribing bounds to that freedom."

> It was in universities only that this...question between liberty and power could be debated...in all its bearings upon human agency. It enters into the profoundest recesses of metaphysical science; it mingles itself with the most important principles of morals. Now the...metaphysics of the universities were formed from the school of Aristotle...[he being] perhaps...the acutest intellect that ever appeared in the form of man. In that school, it was not difficult to find a syllogism...to demolish all human authority usurping the power to prescribe articles of religious faith, but not to erect a substitute for human authority in the mind of every individual.[83]

The principal achievement of the Reformation, then, was to substitute one form of human authority for another. The followers of "Luther, of Calvin, of John Knox, and of [Thomas] Cranmer, while renouncing...the supremacy of the Romish Church and the Pope, terminated their labors in the establishment of other supremacies in its stead." The community of Puritans saw that, among all the Protestant reformers, the Church of England departed least from the principles, and retained most of the practices, of the Church of Rome. The King substituted for the Pope as head of the Church; the Parliament, in regulating the faith of the people, performed the office of the ecclesiastical councils. Adams cited numerous examples of how, in England, the progress of the Reformation was entangled with both state affairs and the personal caprices of the monarch. Henry VIII, while earning the pious gratitude of Pope Leo X (son of Lorenzo de Medici) for his censure of Luther, "quickly learned from his angelic doctor, Thomas Aquinas, that the infallibility of the Pope could not legitimate his marriage with his brother's widow." Mary, the daughter of Catherine of Arragon, "restored the papal authority in all its despotism; and Elizabeth, the daughter of Anne Boleyn, restored again the Protestant supremacy upon the ruin of the triple tiara." The principles of Elizabeth were "not

less arbitrary than those of her father." Her Stuart successors, James I and Charles I, continued to countenance the Reformation just so far as its progress "contributed to the...extension of their own temporal power, and to resist...every step...to restore to its pristine purity and simplicity the religion of the meek and lowly Jesus." But even this "half way reformation," connected with the government of the state and the passions of individuals, still leaned "for its support from human reason upon the learning and intellect of the schools."[84]

When Henry VIII had exhausted the resources of his temporal power to enlist the aid of the Pope in dissolving his marriage with Catherine, his last resort to authority was to the opinions of the universities. Although the academies of learning were sometimes "warped by temporal interests and sordid passions," their glory resided in "the studies to which they afford access." Men of learning found little solace "by the expulsion of Locke," or "by the application of the scourge to...Milton, yet there it was that Milton and Locke drew the nutriment which made them the pride and glory of their country." For Adams and his Puritan ancestors, the English universities were the "cradles of the New England colonies; and the Reformation was their nursing mother."

> ...[while] the successive kings and queens of England, with their sycophant Parliaments...could shape and mold the reformation of the law, according to the standard of their politics and...vices, they could not so control the march of the mind in the universities. From the moment when the spell of human authority was broken, the right of private judgment resumed its functions; and when the student had been told that the only standard of faith was in the Scriptures, to prescribe creeds upon him under pains and penalties, however reasonable it might appear in White Hall [or] in St. Stephen's Chapel...was but inconsistency...and tyranny at Cambridge and even at Oxford.[85]

The unavoidable consequence of exercising private judgment is the diversity of faith. Human nature was so constituted, "that in everything relating to religion, different minds reasoning upon the same facts come to different conclusions."[86]

The seminal principle of the New England colonies, therefore, was religious controversy. Adams thought it impossible to set aside all human authority in the formation of religious belief. Faith itself, as defined by St. Paul, is "the substance of things hoped for, the evidence of things not seen." Without an express revelation from Heaven, however, the formation of this hope--as well as the belief in the existence of this evidence--"come not from the internal operations of the mind, but by tradition from others, by the authority of instruction." To deny human authority in religious matters is tantamount to

asserting "an abstract principle to which human practice cannot conform." Equally impractical is the imposition of unrestricted control, either secular or spiritual, over the exercise of the faculties of the human mind. In this connection, the younger Adams' recalled his father's standing at Harvard in 1751, placing fourteenth out of a class of twenty-four. At the time, the arrangement of class members was based upon family rank; it was not until the graduating class of 1773 that an alphabetical order was introduced in assigning the names and places of the members of each class. Adams saluted the innovation as an important demonstration of the rising ascendancy of republican principles in the country.

Orders and degrees
Jar not with liberty, but well consist.[87]

These were the words of Milton, "who, in all his works, displays a profound and anxious sense of the importance of just subordination."

For John Quincy Adams, the glory of the American Founders was "the gentle temper of Christian kindness--the rigorous observance of reciprocal justice--the unconquerable soul of conscious integrity." Their accomplishment was not in the clarion of conquest, or "colossal statues upon pedestals of human bones, to provoke and insult the tardy hand of heavenly retribution." Worldly fame had "been parsimonious of her favors to the memory of those generous champions," who exhibited "the better fortitude of patience and heroic martyrdom." Such hubris was "that common crier, whose existence is only known by the assemblage of multitudes--

> That pander of wealth and greatness so eager to haunt the palaces of fortune, and so fastidious to the houseless dignity of virtue--that parasite of pride, ever scornful to meekness, and ever obsequious to insolent power--that heedless trumpeter, whose ears are deaf to modest merit, and whose eyes are blind to bloodless distant excellence.[88]

Two principal objectives may guide other generations of American statesmen: to "emulate those qualities of their minds which we...find deserving of our admiration"; and to "recognize with candor those features which forbid approbation or even require censure." Adams' realism underscored the importance of comprehending both "their frailties and their perfections to our own hearts either as warning or as example."[89]

Adams seldom wavered in his confidence that nature's God intended a progressive improvement in the condition of man. His faith did not permit him to believe that such a transcendent purpose would be disappointed, even if his confidence in God was not always matched by trust in his countrymen. He wished to

avoid any "delusion of national vanity" in holding to the presumption that "our own country and her people have been selected as instruments for preparing...much of the good yet in reserve for the welfare...of the human race." Adams' tribute to American exceptionalism was a descent into humility, a feeling "of profound gratitude to the God of our Fathers" rather than the complacent certification of national grandeur. He also believed that it was "in the order of the dispensations of Providence to adapt the characters of men to the times in which they live." A life of tranquil ease could hardly define the mission of a new nation, a workshop of liberty as Madison defined it, through which the great energies of mankind would be displayed. Of the responsibility of the public servant to posterity, Adams wrote:

> Toils and dangers are the trials of the soul. Doomed to the first by his sentence at the fall, man, by submission, converts them into pleasure....To see them in advance...to meet them with the composure of unyielding resistance, and to abide with firm resignation the final dispensation of Him who rules the ball,--these are the dictates of philosophy--these are the precepts of religion--these are the principles of...patriotism;--these remain when all is lost--and of these is composed the spirit of independence....[90]

He understood that the formulation of the national purpose was often the story of bad theology and absurd metaphysics, of phony theories and vulgar delusions of grandeur. To deny the reality of the national purpose, however, is another matter altogether; it is to fall into the error of logical positivism, which denies the validity of either philosophy or religion because such knowledge is uncertain and subject to abuse. He had little more than contempt for what he termed "political empirics."[91] Yet the heroic symbols and high ideals through which a nation finds meaning are not simply figments of the imagination or artifacts of deception. They express in rational or symbolic terms the reality of an inner experience, which is not less real for not being of the senses. No government, as Madison wrote in Federalist #62, "will long be respected without being truly respectable; nor be truly respectable without possessing a certain portion of order and stability."[92] Adams' attachment to American principles, and the moral cement of national union, was echoed by Tobias Smollett in his "Ode To Independence."

> Thy spirit, Independence, let me share,
> Lord of the lion heart, and eagle eye!
> Thy steps I follow, with my bosom bare,
> Nor heed the storm that howls along the sky.[93]

Adams used a literary example from Virgil's Aeneid to throw into broad relief the political and moral obligations of

Americans gathered to celebrate the Jubilee of the Constitution. When the Goddess mother of Æneas supplies the celestial armor with which he is to triumph over his enemy, and thereby lay the foundations for Imperial Rome, he is depicted as gazing with confused delight upon the crested helm that vomits golden fires--

> His hands the fatal sword and corslet hold,
> One keen with temper'd steel--one stiff with gold:
> He shakes the pointed spear, and longs to try
> The plated cuishes on his manly thigh;
> But most admires the shield's mysterious mould,
> And Roman triumphs rising on the gold--[94]

Adams saw America's dominion rooted in the power of moral restraint rather than in the energies of imperial conquest. The statesmanship of Washington, in contrast to the martial zeal of Æneas, drew strength from its own celestial armor--"a helmet, consisting of the principles of piety, of justice, [and] of honour." Justice encompasses "the whole duty of man in the social institutions of society toward his neighbour."[95] The failings of human nature required that Washington's "spear, studded with the self-evident truths of the Declaration of Independence," be the same "with which he...led the armies of his country...to the summit of the triumphal arch of independence." Adams hereby affirmed the admixture of persuasion and coercion indispensable for the preservation of individual liberty. His political thought made room for justice and cohesion, each the ultimate guarantor of the other. Only a stable social order could institutionalize justice; only a just social order could avoid disintegration. The statesman's task is not to eschew coercion, but to find the mode of coercion that is least destructive and most redemptive--i.e., most likely to preserve some sense of community within and between nations.

Adams' challenge to his countrymen was no different from the fundamental question posed by the authors of the Federalist Papers, "whether societies of men are really capable or not of establishing good government through reflection and choice."[96] Hannah Arendt, one of the few philosophers to give a theoretic interpretation of the problem of the founding of the American republic, noted that "beginning and principle, principium and principle, are not only related to each other but are coeval." Drawing on the language of antiquity at the threshold between myth and philosophy, Arendt noticed the philosophical duties of the founding statesman:

> The absolute from which the beginning is to derive its own validity and which must save it...from its inherent arbitrariness is the principle which, together with it, makes its appearance in the world. The way the beginner [statesman] starts whatever he intends to do lays down the law of action for those who have joined

> him in order to partake in the enterprise to bring about its accomplishment. As such, the principle inspires the deeds that are to follow and remains apparent as long as the action lasts.[97]

A similar inspiration prompted Adams to return to this theme sixty-two years after America's independence. Speaking before the citizens of Newburyport in 1837, he suggested that the duties of the future could not be contemplated apart from the beginning of American national history. He exhorted his listeners:

> to review the principles proclaimed by the founders of your empire; to examine what has been their operation upon your own destinies, and upon the history of mankind; to scrutinize...your condition at this day; to compare it with that of your fathers on the day which you propose to commemorate [the sixty first anniversary of the Declaration of Independence]; and to discern what portion of their principles has been retained inviolate,--what portion of them has been weakened...or abandoned; and what portion of them it is your first of duties to retain, to preserve,...to transmit to your offspring...and [to be] transmitted to <u>their</u> posterity of unnumbered ages to come.[98]

Adams' appeal to civic virtue, as Jürgen Gebhardt points out, is couched in the language of classical politics, of Machiavelli, and of Anglo-Saxon Whiggery. In the <u>Discourses</u>, Machiavelli argues that the survival of social order in a republic necessitates "<u>ritirarla spesso verso il su principio</u>"--"bring them back to their original principles." In Book III, Machiavelli writes: "It may be concluded...that there is nothing more necessary in a...republic than to restore to it the reputation that it had at its beginnings and to strive to see that there are either good laws or good men to produce this effect without...resort to external forces."[99] Beginning and principle, as Gebhardt explains, are identical in that at the moment of its founding every society contains a <u>bontà</u> "by means of which they obtain their first growth and reputation."[100] Return to the beginning, then, means regaining a primary <u>bontà</u>, the original content of order within the founding principles. Article 19 of the Massachusetts state constitution, for example, reads:

> A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives, and they

> have a right to require of their lawgivers and magistrates an exact and constant observation of them, in the formation of the laws necessary for the good administration of the commonwealth.[101]

These principles embrace the civic virtue underlying the formal rules and institutions of republic government.

Had Adams been permitted to select a name for the party of his political affiliation, it would have been that of Constitutionalist; "meaning thereby faithful adhesion to the two Constitutions, of the United States and of the Commonwealth." Both were the work of the people; one of the Union, the other of the State--"not of the whole people, by the phantom of universal suffrage, but of the whole people by that portion of them capable of contracting for the whole." This new experiment in republican government was not "the work...of eternal justice ruling through the people, but of man,--frail, fallen, imperfect man, following the dictates of his nature and [still] aspiring to perfection." America's constitutional heritage was not to be found in the politics of democracy, nor of monarchy or aristocracy, "but in a compound of them all, of which democracy is the vital air, too pure in itself for human respiration, but which, in...union with other elements equally destructive in themselves and less pure, forms the moral and political atmospheric...in which we...have our being." But above all else, and even in the heat of party collisions, Adams appealed to a cause embracing and transcending all others:

> ...like the all surrounding orb in the philosophical theory of the learned and ingenious [James] Bowdoin, President of the Convention which formed the Constitution of [the Massachusetts] Commonwealth, which he supposed necessary as a counterbalance to the principle of gravitation, to preserve the system of the material universe from ruin--that cause, before which all party spirit must hide...kindling every affection of the heart, and inspiring every faculty of the soul--the cause of <u>our Country</u>.[102]

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THE MAKING OF AMERICAN ANTIPOVERTY POLICY: WILLARD WIRTZ AND THE OTHER WAR ON POVERTY

Judith Russell
Barnard College

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In Spring 1993 Americans observed a new Democratic president falter and nearly lose an early critical battle on Capitol Hill because he could not change four votes in the Senate over his proposed economic stimulus program. The Clinton Administration had responded to unemployment by proposing some modest amount in its stimulus program for job training, but that was not its major tool because it was hoping that improvement in the general economy would be the principal factor in cutting down unemployment. The jobs component was in effect a buried antipoverty measure intended to bring some measure of relief to the unemployed in a jobless economic recovery, since a quarter of the money would have gone to unemployment insurance and another $1 billion was targetted for short-lived summer jobs. The problems were twofold. Clinton's package added $19.4 billion to the deficit Clinton was trying to cut and this weakened support for it even within his own party and, secondly, he did not have the political savvy to understand the first rule of domestic politics, persuasion. This was a far cry from January 8, 1964 when then newly inaugurated President Lyndon Johnson boldly announced to the nation that his administration would eliminate poverty across the land. We would be the first nation ever to attempt such a feat; there was no doubt that we would suceed. Johnson recognized that we had a national economy and mood that would permit such a large scale governmental effort fighting poverty and he knew he had the political capital and skills to lead the fight. What is interesting is that Johnson saw a public program benefitting the poor as increasing his political popularity while nearly thirty years later Clinton had to submerge relief in an economic program to promote the general economy.

Such radical renovations in our approach to antipoverty policy have been characteristic of the United States. We have never been clear on what our goals and methods are in antipoverty policy and our considerable experience with it has not produced consistent or coherent types of programs to eliminate poverty or to alleviate its consequences. We have never had anything like systematic overall planning to fight poverty and, most importantly, we have never had serious jobs programs on a national scale to address the chief cause of poverty which is unemployment. Why has our approach to poverty and its victims--most of whom are children today--been so half-hearted, so inconsistent, and so misguided?

One explanation is that the idea of poverty and the proper role of government in its resolution are unclear in the United States. Yet, such a compelling issue warrants greater clarity and closer scrutiny and that is my aim--to explore particular ideas and factors about poverty that have critically affected government antipoverty policymaking.[1] Specifically I examine ideas about jobs policies in the War on Poverty to understand why jobs programs did not become the centerpiece of the first large scale antipoverty initiative undertaken in the United States.

Prevailing attitudes in post World War II America viewed poverty and unemployment as anachronistic economic malfunctions that could be confronted through concerted national efforts. With the enactment of the Economic Opportunity Act of 1964 (EOA), the elimination of poverty became a first time national goal

anywhere in the world.[2] The War on Poverty of the 1960s was formulated in a policy atmosphere of extreme lability; the absence of any clear kind of consensus on what would be the "best" policy to eradicate poverty meant that it was a period of opportunity for ideas which might never have reached the policy agenda in more conventional times. The greatest failure of the War on Poverty, consequently, was in missing the mark on the most optimal solution to poverty at a singular time when, in fact, more conventional work-oriented solutions on a large scale might have had a remarkable impact on the poor. The War on Poverty could have been a massive program of government sponsored jobs and job training programs in conjunction with the private sector. This paper examines and explains why it was not. It emphasizes what I call a missed opportunity.[3] In spite of the extensive literature on the War on Poverty, one of the most interesting stories of that era remains untold. The War on Poverty could have taken a different route; we could have had a War on Poverty which dealt with poverty through large scale government directed programs aimed at unemployment, job training and provision, reskilling, reeducation--through any number and kind of programs that go into what could be called active labor market policies.[4] Had we concentrated significant governmental resources on job training when the then population of unskilled unemployed workers was much smaller and less intractable to having such job training succeed the dimensions of poverty we experience today might have been greatly attenuated.

The idea that unemployment, low levels of employment, and employment in low-paying, low-skilled "dead-end" sectors of the economy have hit African Americans disproportionately has been around a long time. In one way or another these work-oriented causes are seen as major contributors to wide scale poverty among black Americans, and are connected causally to the mushrooming of the so-called underclass in our cities. Today there is no lack of material to tell us how structural changes in the economy, how locational decisions of firms, how macro-economic factors, and how persistent (or evolving) discrimination have hit black Americans hard. William Julius Wilson has revalidated academic interest in poverty in the black community.[5] But although Wilson made it respectable to talk about the black poor again, he did not discover the problems of structural unemployment and its impact on black unemployment -- nor does he claim he did. Although we have an enormous underclass problem today, it was back in the early and mid sixties that the origins of this problem appeared and in fact dogged the planners of the War on Poverty. It was the anomoly of persistent poverty in a period of relative economic prosperity that in fact attracted economist Robert Lampman and Council of Economic Advisors Chairman Walter Heller in the first place. They saw a "disturbing paradox--poverty in the midst of plenty."[6] And they were instrumental in framing the issues that underlay the War on Poverty.

Although it was actually John Kennedy who--in a August 14, 1960 Hyde Park memorial speech--coined the phrase "war against poverty," Lyndon Johnson declared war on poverty in his January 8, 1964 State of the Union address.[7] He made it sound like a good business investment--"$1000 invested in salvaging an unemployable youth today can return $40,000 or more in his lifetime."[8] The War on

Poverty, of course, turned out to be a multifaceted program with a strong youth-oriented jobs component, and $800 million was appropriated for fiscal year 1965. Yet, with big exceptions like the Job Corps and Head Start, it was not such a good investment.

The first set of assumptions underlying the War on Poverty were that success in fighting poverty rested in the first place upon rapid and steady economic growth--macro economic assumptions. Increased economic growth would increase, so the argument went, employment opportunities and raise the demand for labor, pulling the poor into the economic mainstream. The 1964 Tax Cut--a fiscal stimulus measure--was explicitly viewed by antipoverty planners as a central part of the antipoverty strategy.[9]

The second set of assumptions, of course, were contained in the Economic Opportunity Act itself. Its six titles embodied numerous goals and were premised on the idea that poverty was a multidimentional phenomenon. While it did not use the language of "culture of poverty" it incorporated those assumptions, focusing on the world view and behavior of the poor.[10]

What is widely conceded about the War on Poverty was the absence of coordination and linkage among its programs. They were fragmented, poorly coordinated, and, of course, underfunded. More importantly, they failed to address in a comprehensive way the critical and demonstrated need for a large-scale employment effort among the poor, particularly the black poor who had been hit harder than any other group by structural changes in the American economy.

It was not that structural unemployment and its relationship to poverty was unknown in 1963. There was tremendous ability in the Kennedy and Johnson Administrations, and both presidents Kennedy and Johnson had access to, and called on, the best available talent in the nation to create and implement various kinds of public policy. David Halberstam wrote The Best and the Brightest showing how these presidents got the advice they needed on the Vietnam War, yet persisted in ignoring it.[11] And, although the Economic Opportunity Act, the omnibus legislation for the War on Poverty, had a considerable youth-oriented jobs component, it fell far short of the goals held by some of its key planners, in particular Secretary of Labor Willard Wirtz. In the end the problem was not that the idea of dealing with poverty through massive jobs programs was not proposed. It was, by Wirtz. But these ideas lost out in the policy-making struggles over the EOA due to the confluence of three decisive sets of factors: (1) the world of economic ideas and the hegemonic ones at that time; (2) the institutional capacities of government, in particular the situation of the Department of Labor; and (3) the nature of governmental commitment to full racial equality for the black community, what we could call governmental will. What sets this study apart from other studies of the Kennedy and Johnson administrations is that evidence concerning these ideas has been drawn primarily from oral history interviews, internal administration documents, and other materials from the John F. Kennedy and Lyndon B. Johnson Presidential archives.[12]

How the War on Poverty Was Planned

Planning for the War on Poverty began in the Kennedy Administration early in 1963 when a series of articles and books on poverty prompted the president's interest and he directed Walter Heller, Chairman of the Council of Economic Advisors, to undertake a study of potential antipoverty initiatives. The issue of poverty had been in the back of Kennedy's mind in an inchoate kind of way since campaigning in the West Virginia primary, and he was looking for domestic policy ideas on which to focus on for his second term.

In May 1963 Heller sought the assistance of income distribution expert Robert Lampman who produced guidelines that would be the factual basis for the potential poverty program. By the end of the summer Heller was directed by Kennedy's advisor Theodore Sorenson to pull together measures that might constitute an attack on poverty as part of Kennedy's 1964 legislative program. Heller did this by appointing his assistant William Capron to create an informal task force of officials. This group came up with a predictable list of about 150 poverty program proposals of obsolete programs and stale ideas from the past that pleased no one.[13] In the fall of 1963 Kermit Gordon and William Cannon of the Budget Bureau also became prominent in organizing the initiative.

At this juncture--seeking a more striking concept for the domestic poverty program and an organizing mechanism as well--Heller, Kermit Gordon, and William Capron seized on the idea of Community Action Programs (CAPS) which had been evolving at David Hackett's President's Committee on Juvenile Delinquency (PCJD). It was decided that CAPs, an unconventional strategy which emphasized organization and participation on the local level, was the new idea through which much of the potential poverty program would be coordinated.

Kennedy continued to be interested over the fall of 1963, but failed to give Heller an unequivocal commitment to the poverty program until November 19, three days before his death, when he gave it a guarded go ahead.[14] After Kennedy's death, Heller presented Johnson with the proposed policy agenda on poverty. Johnson took to it immediately and enthusiastically, declaring it "my kind of program;" he urged Heller to make it bigger and viewed it as the centerpiece of his domestic policy agenda. Johnson declared war on poverty in his State of the Union address on January 8, 1964, well before the clear outlines of the program had developed. On February 1 he appointed Peace Corps Director Sargent Shriver to head up the Task Force on Poverty which would formalize the ongoing work. Its work ended in the Economic Opportunity Act which became law on August 20, 1964.

The trajectory for the idea of a poverty program, then, was that it was initiated by Heller who began work with an informal antipoverty committee. He passed the baton to his assistant Capron and Budget Bureau actors Gordon and Cannon, but stayed closely involved. LBJ appointed Shriver who headed up the Task Force and brought in large numbers of other experts and interested parties, including Adam Yarmolinsky, who was his number two man. But, what happened to the idea of jobs policies?

Willard Wirtz had been urging a national program to eliminate poverty and

ignorance since he joined the Kennedy Administration as Assistant Secretary of Labor in 1961 under Arthur Goldberg. About a year later, in September 1962 he became Labor Secretary. Wirtz was at the center of Heller's informal explorations on the poverty program. He himself sat, or was represented by his staff, including Daniel Moynihan, on every composition and recomposition of the initial Heller committee. Wirtz was a central actor who believed that a massive government jobs program--he envisioned job training, public works, and possibly public employment--would be most effective in attacking employment related hard-core poverty. He believed the chief cause of poverty was unemployment and underemployment of male heads of households. His goal was a $5 billion dollar a year jobs program to be administered by the Labor Department.[15] Wirtz fought hard for this goal for this would have also given the Labor Department effective control of the War on Poverty. He thought he was going to win.[16] He might have won had the Council of Economic Advisors been chaired by an economist other than Walter Heller whose concept of Keynesianism owed less to macroeconomic ideas and more to government spending.

Economic ideas

Extraordinarily interesting work has been done in recent years on the development of theoretical and practical applications of economic philosophy and how the United States has been affected by the hegemony of particular configurations of economic ideas. Recently analysis by Margaret Weir has shown us how and why Keynesian economic ideas took on the anti planning cast they did in the US and the consequences of this.[17] There is no better illustration of the consequences American Keynesianism had on the policy environment than in the pattern of probabilities that confronted antipoverty policy in the the War on Poverty. Debates that began among economic experts in the earliest days of the Kennedy Administration over the causes and consequences of unemployment had repercussions well beyond macroeconomic management. They also shaped the strategies that would be chosen two years later on the Heller poverty committee that formulated the War on Poverty.

During the early 1960s, Heller and his CEA argued that the economy would respond to aggregate stimulation by returning to full employment and maintaining long term secular growth, thereby reducing poverty, the "rising tide will lift all boats" thesis. The poverty problem in Heller's mind in the first place was that due to economic slack, there had been a drastic slowdown in the rate at which the economy took people out of poverty.[18] A return to what the Council saw as "full employment" --4%-- would reverse that trend enabling the economy to pull people out of poverty at a rate similar to that of the immediate postwar years.

In contrast, Wirtz and other structuralists argued that the nation was experiencing structural problems in the labor market that fiscal measures alone would not solve; what were needed were interventionist jobs policies on a large scale. Joblessness, in this view, was structural and associated with technological, industrial, occupational, geographic, or demographic changes in the economy so that available

jobs did not match the available workforce in type, site, or number.[19] In the early 1960s, under Wirtz, the Department of Labor had begun to shift its focus from its previous work of generating statistics and handling labor disputes to the field of manpower to address these changes.

As early as 1961 this lack of consensus in economic thinking on the nature of unemployment found the CEA and Treasury Secretary Douglas Dillon on one side of the issue favoring aggregate stimulation through fiscal measures like the tax cut, and on the other side DOL officials, in particular Wirtz, labor specialists like Charles Killingsworth, and Federal Reserve Chairman William McChesney Martin favoring large scale jobs measures to addresss structural unemployment. Wirtz saw structural unemployment substantially from the vantage point of his job as Secretary of Labor. There was a strong strain of thinking of unemployment in technological terms in the DOL which, in view of the Labor Department's responsibilities, was understandable.[20] The fear was that technological characteristics of structural unemployment made it impossible ever to conquer the unemployment problem by expanded demand.[21] Wirtz did not believe that macroeconomic measures would ever achieve full employment without the addition of structural measures.[22] His job was to deal with the human consequences of economic thinking which led to concepts like full employment set at a 4 percent level of unemployment. Wirtz "regarded the 4 percent target as a kind of an affront to the labor movement, as unduly conservative, as in effect reflecting callousness toward unemployment."[23] He felt so strongly about the 4 percent goal that he successfully prevented Lyndon Johnson from ever mentioning a specific employment target," getting Johnson to stand behind the idea that as long as even one unemployed able bodied man was seeking work, unemployment was too great.[24] Wirtz also knew that Congress did not like the 4 percent unemployment figure any better than he did, and that they understood unemployment in the structural terms that affected their jobless constituents. Every time the unemployment figures came out, Wirtz had to testify before the Joint Economic Committee, and "there was a real consciousness in that Joint Economic Committee about the necessity of structural unemployment measures."[25]

Why was this lack of consensus so critical? Had there been clear consensus among experts over the nature of unemployment and how it was related to hard core joblessness--and in particular had the structuralist argument prevailed--the idea of jobs policies as the solution to poverty would have been considerably strengthened in subsequent struggles over the direction of the War on Poverty. Decisions made here, in other words, went on to limit the arena of appropriate choices later on.[26]

These differences were replayed in the spring and fall of 1963 as Heller and Wirtz repeatedly had sharp differences of opinion over the structural explanation, as they would later, over the role and scale of jobs programs in the poverty program. These head-on debates took place outside of Cabinet meetings, in committee and subcommittee meetings, in their respective offices, in Shriver's office--in meetings in the offices of presidential assistants Sorensen and Moyers. Wirtz was highly supportive of the tax program and spoke out regularly in its behalf. Yet, the facts of a "strong concentration of unemployment among the uneducated, the unskilled, and

the untrained" convinced him that considerable additional measures were needed to address structural unemployment.[27]

He pointed out that 34% of the unemployed were unskilled or semiskilled, two thirds of them had less than a high school education, and 23% of the unemployed were minorities.[28] At the same time long term (or hard core) unemployment had risen from 12 percent of total unemployment in 1952 to 18 percent in 1957 to 27 percent in 1963.[29] So, to Wirtz, although the tax cut was a critical first step, it alone would not eliminate poverty by bringing down the general rate of unemployment, not to 4% which was the Council's goal.

Wirtz pressed for job creation policies, training, and a public works strategy if needed. He wanted to make adult employment the central strategy of the War On Poverty. The CEA position made the tax cut the central unemployment strategy of the War on Poverty. A welter of additional social programs would address other specific needs of the poor, including job training for the young. And although Heller at times acknowledged the applicability of structuralist measures, he never espoused any real commitment to such an approach or supported them with any conviction.

To appreciate the significance of this dispute for antipoverty policy we have to look closely at two issues: first, what is the definition of full employment in the US and second, can it be achieved here chiefly through macroeconomic measures--as the CEA claimed in 1961--or are interventionist measures necessary--as Wirtz claimed--to provide jobs and job training for those unable to find jobs in the regular labor market? This is, of course, a complex issue, but the short answer is that in the absence of a governmental consensus on the priority of genuine full employment, a target set by the Council had to be consistent with the total economic goals of the Kennedy Administration--for Heller's Council it was 4%. But this target would not bring the poor into the economic mainstream, which still left large numbers of unemployed--and poor.[30] As for whether aggregate economic policies would ever create full employment, based on economic history the answer is no; the only time we ever had full full employment in the US was at the height of WWII, in 1944. The normal working of the US economy operates with high levels of involuntary unemployment.

Why did Heller refuse to fully accept the structural explanation? A number of explanations are possible.[31] It could have been due to the politics of gaining hegemony for Keynesian ideas in the Kennedy Administration and the Council's struggle to win acceptance of the tax cut. Perhaps it was a function of his and the Council's conviction that they had defeated the structural argument early on in the Kennedy Administration. Maybe it was due to a kind of arrogance on the part of theoretical economists to toward the propositions of "noneconomists." Or, as Wirtz suspected, perhaps they were dismissing the structural thesis in the Task Force period to further their own agenda, their wish for a showy innovative program in a campaign period.[32]

The Heller Council was wrong. Because of the weight of Heller and the CEA in influencing Kennedy to adopt Keynesian measures--the tax cut--and in deemphasizing the importance of structural unemployment and because of the central

role of Heller subsequently in orienting the initial policy planning stage of the War on Poverty, the War was premised on important misunderstandings of the causes of poverty. The War on Poverty was directed away from jobs because consensus was not formed among experts on the priority of unemployment as a cause of poverty. Why did the Heller Council win? The dominance of the CEA's aggregate demand perspective was largely due to their enhanced role and influence with President Kennedy. As Wirtz said, in "personal terms, professional terms, and governmental terms, Walter [Heller] and the Council exercised a huge influence on Kennedy."[33] Wirtz and his department did not have the same reputation for economic expertise, although they developed their "inhouse" research resources greatly over the decade.[34] Moreover, Wirtz's position was viewed as a territorial interest which, while true to some degree, in no way diminished the argument for jobs policies.

Two other factors compounded this lack of intellectual and technical consensus on causes, further weakening the case for jobs policies. One was the perceived incapacity of the Labor Department to administer the kind of large scale jobs program Wirtz was advocating, and the other was the failure of government policymakers to respond to the demonstrated call for jobs by the black community.

Incapacity in the Department of Labor

Increased attention has been given in recent years to explanations and arguments emphasizing the effects of institutional histories and administrative structures on the outcome of policies.[35] According to these analyses the histories and administrative arrangements of bureaucracies have shaped the way in which policy ideas have taken form. In 1960 the Department of Labor was at the edge of transition and illustrates in a compelling way how state capacities can influence the success or failure of policy ideas to take hold.

The 1960s was a critical period of transition and innovation for the Department of Labor in which the boundaries of government policy were transformed as the responsibilities and goals of the department came to include antipoverty policymaking. At the helm of the Labor Department was a dynamic administrator, William Willard Wirtz, who sought over the decade to "nationalize" a department handicapped by competition among its own nearly autonomous agencies. At the heart of the problem was the inertial drag of the United States Employment Service (USES) and questions of its willingness and ability to provide services to a new constituency, the poor. Recognition that the Employment Service was a hidebound agency in need of renovation was widespread among policymakers, in Congress, and among top echelon administrators in the Labor Department itself who sought to reorganize and redirect the agency to make it responsive to new jobs policy initiatives for the poor. The ambition of Secretary Wirtz in this period was to bring government manpower policies together under the control of a modernized Labor Department. Large scale jobs policies at the heart of the War on Poverty were part of this goal.

Concerns about the levels, patterns, and persistence of unemployment in the 1950s contributed to the recognition in the Labor Department of the need for

comprehensive manpower policy which began to be implemented in 1961.[36] Over the decade, three kinds of efforts for change were in process through legislation, through administrative reorganizations of the Department, and through changes in its operating methods. One of the early organizational changes highlighting the emphasis on manpower was the creation on April 20, 1961, of an Office of Manpower and Automation, one of the first acts of Wirtz's predecessor Secretary of Labor Arthur Goldberg.[37] Emanating from this office were concepts that served as the basis of new manpower legislation such as the popular Manpower Development and Training Act of 1962 (MDTA). Sparked by the concern for automation-related joblessness, the MDTA provided for occupational retraining for those unemployed who had an attachment to the workforce. As the second program of the New Frontier, and the first to survive the economic and political trials that confronted the Kennedy Administration, it was redirected toward unemployed youth and the disadvantaged after six months of looking for automation-related displacement had proved fruitless.[38] In this way it became the first of the manpower policies to serve as an antipoverty policy, and as such, it set the pattern for subsequent manpower and antipoverty programs.[39]

Responsibility for implementation and appropriations for the MDTA lay principally with the Labor Department.[40] From the outset, three operating agencies within the Labor Department vied for control of the new MDTA: the Office of Manpower, Automation, and Training (OMAT) which replaced the Office of Manpower and Automation with the passage of the MDTA; the Bureau of Apprenticeship and Training (BAT) which promoted and registered labor/management sponsored apprenticeships; and USES which, with the Unemployment Insurance Service, was a unit of the Bureau of Employment Security (BES).

The Office of Manpower, Automation, and Training had the advantage of having the Secretary's support and of having sole responsibility for administering the Manpower Demonstration and Training Act appropriation and it initially dominated departmental decisions for the program by assuming broad powers.[41] The Bureau of Apprenticeship and Training was given the responsibility for handling the on-the-job-training (OJT) component of MDTA and contracted this out directly to employers, although it did not have the extensive state or local arms that USES had to assist in carrying out its new responsibilities and was initially given no new staff capability.

The third competitor for the program, USES, was eager to have the main responsibility for administering the MDTA as it was originally conceived. USES was the agency through which the Labor Department had historically provided basic manpower services originally aimed at reducing unemployment through job matching. Entirely financed by the federal government, the system was locally oriented and administered at the state level and run by a 35,000 member state employment service bureaucracy. It was the oldest and largest employment service structure in the United States and the only nationwide one.[42] USES had the advantage of independent funding, drawing money from Title III of the Social Security Act which designated

part of the unemployment insurance payroll tax to go toward the maintenance of USES. It could also claim an independent source of power in the Interstate Conference of Employment Security Agencies (ICESA) which was linked to Congress's appropriations committees.[43] As the only nationwide manpower service system in the United States, it had the greatest potential capacity for administering national manpower policy in every state.

The major problem with USES was that it had never had a clear sense of organizational direction. Consequently, its goals and functions were in constant transformation. The service which was originally to have had been administered through a strong alliance between the federal and state government levels had become, except during the war years in which it was federalized, fifty autonomous agencies. Specifically there were two kinds of problems that affected the Employment Service. First, the Employment Service had traditionally linked employers and employees in the way of a labor exchange, thus providing a government-sponsored job matching service. During the 1930s and the post war period the labor exchange, as a result of recessions, was faced with low labor demand and a labor surplus. Consequently, the local staffs developed practices of "screening" the best applicants in order to induce employers to use the Service. This practice, known as "creaming," had persisted throughout the subsequent life of the Employment Service and was a considerable obstacle in the way of transforming USES to meet the new training and placement needs of the disadvantaged at the center of the War on Poverty. Second, the connection between Employment Service personnel and Unemployment Insurance personnel, as two units under BES sharing the same funding source in the Social Security employers' tax, worked to the disadvantage of the Service in the struggle over which unit should dominate the agency. The rerouting of the MDTA to deal with the hard core unemployed meant another shift in direction for USES in administering the act, and one which had little to do with either of its previous roles--labor exchange or administration of unemployment insurance. As the only competitor with a nationwide organizational capacity in place, it was the logical candidate for administering the program but its objectives were at variance with the shifting goals of the act.

In February 1963, five months after becoming Secretary, Wirtz set out to bring together training and employment functions in a new Manpower Administration in the Labor Department with Undersecretary John L. Henning serving as Manpower Administrator. The new Administration included BES, BAT, and OMAT. Yet, under the new Administration, each bureau continued to control its own budget and appropriations, staff, operations and organizational identity, and independent field structure. Nothing important had changed between the agencies, and Henning's role was reduced to that of an arbitrator. Soon, though, between these responsibilities and the new ones for the Employment Service created by the upsurge of employment related legislation in Congress, the need for a full time Manpower Administrator became apparent and John C. Donovan was appointed in April 1964.[44]

As manpower programs grew in size and multiplied, it was hoped by Wirtz and other key Labor Department officials that the Department would be assigned

responsibility for their administration, particularly the jobs programs associated with the Economic Opportunity Act. Wirtz himself was pushing for a $5 billion jobs program at the center of the evolving discussions of antipoverty policy.[45] Yet the newly created Office of Economic Opportunity became the administering agency for much of the new legislation, in particular ending up with the Job Corps on which Wirtz had set his sights. It was felt that the new agency "might not be bound by tradition and might be more creative in carrying out new functions."[46] When the Neighborhood Youth Corps (NYC) became a responsibility of the Labor Department under the EOA, it was not placed under the administration of the Employment Service; the decision of the Labor Department was to create its first new operating bureau since the Roosevelt Administration.[47] The Neighborhood Youth Corps became a separate agency and the fourth operating arm of the Labor Department along with BES, BAT,and OMAT.

Wirtz continued to try over the decade to draw training and work programs under the umbrella of the Manpower Administration and to create, in effect, new government capacities in the Labor Department. His efforts had measured success but the obstacles confronting him were enormous. Wirtz's success was minimal at centralizing manpower authority through legislation like the failed Manpower Services Act which was first introduced in Congress in 1966 and again in 1967 and which was defeated each time due to opposition from the ICESA. Wirtz's final attempt at centralizing control over the Employment Service began in 1967 when it was again decided to try to consolidate the divergent field organization and authorities of the Department. It would in the end bring Wirtz into a face to face confrontation with Lyndon Johnson. The reorganization would have combined the Employment Service and manpower training programs into one unit, placing the whole manpower network under one authority. Continuous discussion, extending into 1968, between top Labor Department officials and top presidential advisors Joe Califano and Jim Gaither, led to the announcement by Wirtz of the much needed reorganization on October 24, 1968, two weeks before the presidential election. It drew tremendous fire from the National Governor's Association, prompted by state Employment Service administrators.[48] President Johnson refused to support the reorganization, directing--after a heated showdown with Wirtz--the Secretary of Labor to rescind the announced reorganization. In an extraordinary moment of confrontation Wirtz refused to revoke his announced reorganization, and Johnson demanded his resignation.[49] An impasse developed between the two that was broken when Wirtz threatened to resign without rescinding the order, and when his assistants James Reynolds and Stanley Ruttenberg each agreed, if appointed Secretary to succeed Wirtz, to rescind the order, but they warned that they would resign simultaneously upon complying with the president. Wirtz remained committed to the reorganization even after the intervention of Secretary of Defense Clark Clifford and the Deputy Attorney General on behalf of the president.[50] The order remained unrescinded and unacted upon through the election and the outcome was left to the Nixon Administration.

In the spring of 1963 Willard Wirtz had promoted a poverty program with "an

immediate, priority emphasis on employment" at its center.[51] He sought a large-scale, integrated program of job training, public employment, and public works, believing that job training alone was insufficient to effectively address the extent of employment related poverty.[52] In the end jobs policies played an important role, but did not dominate the War on Poverty. Wirtz was massively handicapped in his quest by the state structures in place in the DOL, riding, in his struggles with Heller over jobs policies, a very bad horse. Labor was perceived as too set in its ways and administratively chaotic to take in the new ideas developing in the field of manpower and plagued by its inability to control the nearly automonous state agencies that had come to make up the United States Employment Service. The organizational problems of DOL officials and their inability to control key bureaus in the field were no secret in government. In spite of Wirtz's struggles over the decade to modernize the DOL--and he was partially successful--in 1963 its shortcomings were widely perceived and were presented as a factor mitigating against Wirtz's case. In the end, Wirtz and his idea of jobs programs for combatting poverty were left standing at the post largely because of the effects of three key factors. The first of these, described earlier, was the lack of consensus among experts as to the causes of unemployment and how it related to poverty. This factor was compounded by a second, the incapacity of the Labor Department to administer the kind of large scale jobs program it was advocating. Instead, the idea of Community Action was promoted by the Budget Bureau as a cheaper, more coherent program to serve as the centerpiece of the War on Poverty.[53]

Wirtz was well aware himself that the intractability of USES weighed against him. Indeed, controlling those state agencies was one of his earliest and most important goals. He was also convinced, though, that some degree of concern over Labor's administrative problems was feigned--a smokescreen--and was used by Heller and Shriver in promoting their own innovative ideas for the War on Poverty. In spite of his problems with the Employment Service, Wirtz still felt the best means of eliminating poverty were in the hands of the DOL and that it was better able to handle the operating responsibilities of administering jobs policies than a new set of agencies could. He thought that money spent in fighting poverty would do more good invested in jobs programs than in CAPS which, he believed, were the political outcome of bureaucratic politics in a campaign year. To Wirtz --Heller, Shriver, Adam Yarmolinsky and other advisors to Kennedy, and then Johnson, were so intent on finding something new--even if it was just new rhetoric--in a campaign year that "that goal became a larger consideration than the effective appraisal, any responsible appraisal, of the likely results of community action."[54] Today, of course, we know he may have been right.

Social Forces and Governmental Will

The third factor which weighed against large scale jobs policies in the formation of the War on Poverty is how the federal government regarded the political demands of the black community in this period. Beginning in the early 1960s important social forces outside of the Kennedy Administration's poverty

planning network intensified their call for jobs policies and their focus on black unemployment. Potentially setting the stage for a major jobs initiative, black elites in and outside of the civil rights coalition had been calling for jobs in the context of antidiscrimination and combatting poverty long before the national government began to mobilize for the War on Poverty.[55] Government's reaction to the long present call for jobs from the black community--a call that initially began early in the century--has been largely nonexistent historically, and where there has been a response it has been halting and partial. It was no different when antipoverty planning got underway in the Kennedy Administration. Such demands from blacks in the nation's cities were particularly concerted and direct in 1963, and were largely unheard.

The opportunity to tackle the problem of poverty with jobs programs had been present from the onset of the planning for the War on Poverty, as we have seen, and was missed for the reasons described above. The conventional wisdom of much of the literature on the origins of the War on Poverty is that the poor never asked for it; it was sprung from the policy deliberations of elites in the president's office in the Kennedy Administration. It is true that the instrumental policy decisions that led to the Economic Opportunity Act emerged from the executive office of the President: "There was no attempt to consult, there was no input of any kind that was directly targeted on the development of" the War on Poverty from the black civil rights leadership or community.[56] While it seems clear that no direct consultation took place with representatives of the black community, there is no clear consensus among the planning participants on the effect of the civil rights movement and the social unrest of the period on the formation of the War on Poverty. There is also no agreement on what the political role of the black community was in relation to the formation of antipoverty policy, whether antipoverty policy was a political necessity. But there had been a history of economic analysis by the black community which raised employment issues as being central to the well being of black Americans and the idea of government jobs programs and employment strategies as antipoverty measures had long been proposed by black leaders outside of government. There had also been, in 1963 a shift in the civil rights movement and the escalation of large scale social protest aimed at jobs and employment. But this analysis and its recommendations, and the economic focus of protest activity, were largely ignored by antipoverty planners. This paper argues that a central reason the call for jobs from the black community was ignored was <u>because</u> it came from the American black community, a community which at that particular point remained politically marginalized and was perceived as politically expendable.

<u>Black Unemployment and Poverty in the Sixties</u>

The 1964 Economic Report of the President, put together by Walter Heller and the Council of Economic Advisors, documented the magnitude of poverty in the nation as it was understood at that time. Over nine million families had money incomes below $3000 in 1962; 5.4 million families (seventeen million people) had incomes below $2000 in 1962; five million "unrelated individuals" had incomes below

$1500 and three million of these had incomes below $1000.[57] The profile of poverty among nonwhites revealed that while twenty-two percent of the poor were nonwhite, almost half of all nonwhites lived in poverty.[58] But the official picture failed to demonstrate the extent of the consequences of poverty and unemployment on the black poor.

Labor market expert Charles Killingworth's structural interpretation of black unemployment illustrated why black employment was affected so adversely and demonstrated the causes of black disadvantage in the labor market in the 1960s to be more complex than the usual explanations of racial discrimination and lack of education.[59] Killingsworth's analysis also strengthens the argument that a large scale jobs program to address unemployment was particularly warranted to address the special problems of joblessness in the black community.[60]

Unemployment was catastrophic in American urban ghettos in the sixties. Unemployment among young black males had begun to climb dangerously in the 1950s. By March 1964, when President Johnson proposed a nationwide War on Poverty to Congress, the official unemployment rate for black males was 9.3 percent, as against 4.7 percent for white males; the official black rate was nearly twice the rate for white males which was the usual ratio for this decade. But this official rate did not take into account the differential effects of labor force participation factors on black males, in particular the fact that when unemployment was high, as it was for black males, the scarcity of jobs discouraged many would-be workers from job seeking, thereby removing them from the statistics of those "actively seeking work," and consequently from official government employment statistics.[61] This hidden unemployment must be accounted for to obtain a realistic view of black unemployment. Taking it into account, the adjusted rate of black unemployment in March 1964 was 13.5 percent, as Killingsworth has shown; so that the true black rate of unemployment was nearly three times the white rate, rather than twice as it appeared to be in the official figures.[62] An official rate of unemployment for white workers of 4.7 percent was close to the Council of Economic Advisors' definition of full employment, which they set at 4 percent. But such a rate tolerated an official unemployment rate among all nonwhites of 8 percent and for black youth, an average rate of unemployment in the mid sixties of nearly 25 percent and 33 percent for young black males and females respectively. Arthur Ross has shown that in 1964 a total of 811,000 blacks were out of work, and that if their unemployment ratio had been 4 percent, the number would have been 332,000.[63] One in four black workers was unemployed at periods in the sixties; the same devastating rate that the nation experienced in the Depression. Moreover, the trend over the decade deteriorated for black youth. In June 1966, a record breaking month in which the American economy pushed out two million extra jobs, the unemployment rate among black eighteen and nineteen year olds rose to 32 percent, exceeding the previous June 1965 by 5 percentage points.[64] By the end of the decade, the unemployment rate for non-white youth was higher than it had been in 1964.[65]

Another characteristic of the employment picture faced by a large portion of the black community were the dead-end job opportunities that were available to the

poor. The ghetto labor market could look to low wage jobs that offered neither opportunities for advancement or security, where work conditions were demeaning and layoffs were customary, and where few skills and little education was required.

What did this mean for black workers?[66] Median income for black families in 1960 was $3,233 against $5,385 for white family income. Professional, managerial, and technical jobs were held by 23 percent of the white work force as against 6.7 percent of the black work force, most of whom were found in black schools, businesses, or construction. Eighty percent of black workers were in semiskilled, service, and unskilled jobs as against 40 percent of white workers. In white and light blue collar occupations (computer operators and secretaries for example) 13 percent of black workers were employed compared to 36 percent of white workers.

The black community was a limiting case of hard core unemployment; there was no group who experienced higher unemployment or experienced it more persistently. So remedies for structural unemployment were especially important to blacks. These employment issues were serious concerns of the black community and civil rights organizations. Early in the sixties the issues of jobs and employment gained momentum as concrete economic demands and goals were increasingly incorporated onto the agenda of the civil rights movement. In this period jobs and a more pronounced concern with economic equality became an important focus of black protest. The NAACP, the Urban League, and CORE and others were all addressing employment issues by this time. Over the decade they would bring pressure to bear on the Kennedy and Johnson Administrations to address the issue of black employment. Some important initiatives described below emerged in this period to reflect their judgment that jobs were central to full racial equality.

Among the more prominent initiatives was the 1963 March on Washington for Jobs and Freedom which was originally planned to emphasize the need for black employment. Over 200,000 mostly black marchers converged peacefully on the capital on August 28 in the largest protest of its kind that Washington had ever seen, demonstrating for quick and full action on civil rights and equal job opportunities.[67] Another initiative had taken place in June 1963 when Whitney Young and the Urban League issued a leading policy statement advocating a "Domestic Marshall Plan" which included "A conscious, planned effort [to] bring qualified Negroes into 'entrance jobs' in all types of employment, to upgrade them and aid them to qualify for advancement, and to place them in positions of responsibility, including the full range of management positions."[68]

The A. Phillip Randolph Institute issued a "Freedom Budget for All Americans" in 1966, seeking $185 billion in federal outlays between 1967 and 1975 and jobs projects and training to achieve full employment for the employable, a minimum wage of $2 an hour by 1968 or 1969, and a guaranteed income for the jobless, among other programs.[69]

Recognizing in 1966 that the civil rights coalition had run its course, Martin Luther King also began to change his emphasis, moving increasingly to class-based analyses of economic issues that confronted both blacks and poor whites. In this new territory, King and the SCLC faced a series of problems--poverty, joblessness, and

housing--that seemed to lie beyond the methods they had successfully promoted in the early days of the struggle in the South. King spoke of restructuring society, of rebuilding America's cities to benefit the poor, of nationalizing industries, and of a guaranteed annual wage.[70] In his work in Chicago, Cleveland, and Detroit, he made demands for jobs, open housing, citizen review of police and housing boards, economic boycotts of business.[71] The Poor People's Campaign was for King a step toward his plan for creating a new coalition to wage the struggle for economic rights.[72] Plans for the Poor People's March were completed by SCLC staff in mid February 1968. At the heart of the Campaign was the SCLC's proposal for a $12,000,000,000Economic Bill of Rights. Originally proposed by A. Phillip Randolph, the Bill guaranteed employment to all who could work, incomes to those who could not, a federal open housing act, and enforcement of integrated education. Toward his goal of building a broad coalition, King also turned to union organizing and strikes, taking the SCLC into campaigns that carried him to Atlanta; Memphis; Detroit; Birmingham; St. Petersburg, Florida; and to Charleston, Georgetown, and Florence, South Carolina.[73] He was assassinated in Memphis on April 4, 1968, and consequently never completed his plans to create an economic class coalition that cut across lines of race.

On March 1, 1968 the need for jobs in the black community was a leading finding in the report of the President's Commission on Civil Disorders, the Kerner Commission. The report called for public jobs to supplement new and existing jobs in the private sector, increased federal efforts for jobs and job training, and in education and housing, and recommended strong civil-rights enforcement.[74] Appointed by President Johnson in 1967 to study the conditions that led to the riots that destroyed large parts of the nation's ghettos in summer of that year, the Commission found that pervasive discrimination in employment and housing and in policy were the product of underlying white racism in American society.[75]

1963: A Year of Change

The year 1963 was in many respects as remarkable a year of change for America as was 1968. It was a year that marked the end of a certain kind of innocence for a generation of young black and white Americans who had grow up in the insular fifties and were just coming of age. In it the perception of the civil rights struggle deepened from the vision of a black problem into one of national crisis. The black struggle in the South begin to shift North, bringing with it new methods and startling intensity, and the issue of jobs and employment moved to the forefront of the civil rights agenda. During this year of change, a consistent theme that ran through 186 items in the New York Times' front pages, editorial pages, and "The News of the Week in Review" sections, was the need for employment in the black community.[76] This 1963 month by month coverage linked the issue of jobs and the black community, or concerned jobs-related issues of particular importance to the black unemployed, showing that black leaders, organizations, and masses were vigorously pressing for jobs.[77] Over the year the dominant domestic themes were clearly unemployment and civil rights, and, as my analysis has shown, civil rights was

also linked to employment for blacks regularly and frequently. The theme of joblessness for the nation as a whole, and for the hard core unemployed, was constantly emphasized on the front pages, and in the editorial sections of the Times, key sections. Although coverage began slowly in January, February, and March these stories were significant in that the need for employment and training was directly linked regularly to minorities and especially minority youth, and in their insistence that the president address the problems of unemployment of young people with more aggressive, forward-looking domestic policy. In April and May coverage doubled as black protest activity went up as did discussion of government related jobs measures. In June, July, and August coverage increased more than four fold. This bulge was caused by two factors. First, blacks were putting pressure on the federal government to get a strong civil rights measure passed, one which had a jobs related component and, second, blacks were putting pressure on cities and states to hire blacks--evidenced by the CORE and NAACP led demonstrations--and to address discrimination in hiring. After the August 28 March on Washington there was a fall off in coverage, although coverage was still substantial. Civil rights organizations were temporarily exhausted by the drains on their resources from mobilization for the March, and their attention was turned to the issue of integration in education, particularly to Alabama and the confrontation with Governor George Wallace there. Then, on November 16, 1963 a large front page headline announced "Kennedy Calls Jobs Vital, Outranking Civil Rights As The Most Pressing Need Facing The Nation."[78] This was a week before the president was killed, ten days after he had tentatively decided to push a poverty reduction program as part of his 1964 program, and three days before he gave Walter Heller the go ahead on the poverty program.[79] Furthermore, the initiation and exploration of a possible program on poverty had been going on at least since February or March of 1963.[80] In addition, the Times editorial writers had been hounding President Kennedy throughout the year of this analysis to do something significant about the jobs situation, and in fact had been pressing the issue during his entire administration. Jobs measures were also extremely popular in Congress as the votes for the MDTA, Public Works and Vocational Education showed. Finally, public attitudes were highly favorable toward the proposition that blacks should have equal opportunities for jobs, having grown steadily since World War II from 42 percent of the population in 1944 to 83 percent in 1963.[81]

What has been offered is evidence of the pressure for full employment, reduction of unemployment, job training, job provision, and ending discrimination in employment that came from the black community in the period leading up to planning for the War on Poverty and afterward. This pressure was particularly concerted and direct in 1963 when the planning got underway. It would have been an obvious, an indicated, and a natural linkage for antipoverty planners to connect the antipoverty agenda to the demonstrated need for jobs among the lowest paid and most unemployed group in the nation. Poverty was not an issue that received any appreciable public attention in the period and, over the year of the Times coverage, had been infrequently mentioned and generally only in relation to Appalachia. Yet

there was a pronounced emphasis on the need for employment in the nation generally and in the black community. While blacks did not ask for a War on Poverty, they were clearly asking for jobs and employment policy to aid the black community for whom unemployment was catastrophic in 1963. It is hard to understand why the jobs agenda and the antipoverty agenda would not be linked in the minds of policy planners, especially since the issue was linked for them by a forceful advocate in the Labor Department, Secretary Willard Wirtz. To better understand this failure it is necessary to consider the dilemma in terms of the government's will to respond to the black community which will be taken up next.

Governmental Response to the Black Community

President Kennedy's characteristic ambivalence and reluctance to commit his administration resolutely to the cause of civil rights was well known to the black leadership and well documented also by the New York Times in 1963. Although he asserted that the civil rights issue was of great moral concern to him, and would receive the full weight of his authority as president, in fact for most of his administration the civil rights movement received only late and limited attention, and then only when faced with the terrible violence in the South. While the Democratic Platform of 1960 had promised concrete civil rights legislation, in his first two years Kennedy had offered mainly verbal support for civil rights.

Leaders of the civil rights movement were highly critical of Kennedy and his commitment to the black community. Kennedy was lacking in moral passion, said King. In their retrospective assessments of the administrations of Presidents Kennedy and Johnson, key members of the civil rights leadership said that both Kennedy's personal commitment to the cause of civil rights and his ability to effect the course of the struggle were considerably weaker than Lyndon Johnson's.

Whitney Young felt that President Kennedy did not have the confidence in the mood of the country for the passage of civil rights legislation that President Johnson did, and that, as a Southerner, Johnson was better able to understand the American people, and blacks in particular. Johnson was more encouraging of the March on Washington in August 1963 than was Kennedy, who was greatly concerned that it would get out of control and jeopardize the chances of the Civil Rights Act.[82] Civil rights organizer and activist Bayard Rustin believed that Johnson's administration was more committed to the black struggle for civil rights than any previous or subsequent administration. Disparaging the Kennedy Administration as "horribly overrated because I don't know what John Kennedy did on domestic questions that is so great, that he achieved," Rustin said that "Johnson was the best we've ever had."[83] James Farmer, founder and national director of CORE, saw that Johnson had a "strong belief" in civil rights, that his commitment was deep and sincere--"almost passionate"--and that he was able to push the legislation through in a way that Kennedy could not.[84] He felt that Johnson's record on civil rights before Vietnam intervened, "was excellent--the best of any President so far. There's just no question about that at all," Farmer said, "he battled it through." Farmer had "grave questions that Kennedy could have gotten the civil rights act through intact. But Johnson did, and he fought to get

it through." Johnson freely used the power of the office to bring pressure to bear to get the legislation passed, a failure for which Kennedy had been routinely criticized. When Farmer would visit with Johnson "he was on the phone, on the bill, and was cracking the whip. He was cajoling, he was threatening, everything else--whatever tactic was required with that certain individual, he was using." Farmer felt that Johnson was "the first Southern President since...Andrew Johnson... who felt that he wanted to go down in history as a person who really accomplished something in civil rights for blacks. I felt that, and I also felt that he personally meant it...."

To former NAACP director Roy Wilkins, Johnson will go down in history "as the man who when he got in the most powerful spot in the Nation...committed the White House and the Administration to the involvement in getting rid of the inequalities between people solely on the basis of race. And he did this to a greater extent than any other President in our history. It will take many, many Presidents to match what Lyndon Johnson did."[85] Johnson did what Kennedy would not do. "When the chips were down he used the great powers of the presidency on the side of the people who were deprived." Wilkins saw Johnson as absolutely sincere on issues of race and opportunity, and felt that Johnson's background equipped him to understand poverty, to understand people, and to understand the limitations race placed upon minority people in America. The Kennedy Administration, Wilkins felt, did not move fast enough on civil rights legislation, in part because he believed Kennedy did not know how to manipulate the government, as Johnson did, to bring it about. What was needed to get civil rights through was "precisely the qualities that Lyndon Johnson later exhibited, and which only Lyndon Johnson could have, by reason of his experience and his study and use of the materials of government."[86]

The New York Times was also attuned to President Kennedy's lack of obvious commitment to the black community. In its editorial pages, the Times badgered the president throughout his administration to get behind civil rights and use the weight of his office to support the struggle.[87]

Upon Kennedy's assassination, President Johnson moved into office bringing a sense of governmental direction and commitment to the cause of civil rights the American people had never before experienced. Everything in Lyndon Johnson's background and personality had made the vice presidency a nearly unbearable limbo for the wily Southern politician. Taylor Branch has described Johnson as having been "lifted from the torpor of the vice presidency," by the racial crisis confronting the Kennedy Administration, being suddenly "in demand again as the Senate architect of the only two successful civil rights bills since Reconstruction.[88] Although he was a Southerner, Vice-President Johnson's direction of the President's Commission on Equal Employment Opportunities as Vice President had shown the civil rights leadership his deeply felt belief in the goals of the commission. Roy Wilkins observed that "Johnson began to emerge during the Kennedy Administration wholly unexpectedly and to the delight of the civil rights forces...; he took a very personal concern on the fair employment business. He used the inevitable telephone...and he called all manner of people--unions and employers all over the country on the matter of increasing their employment of Negroes...."[89] Bayard Rustin again said that

Johnson was "deeply concerned" in this work and that he had been "tremendously beneficial" to the cause of civil rights in those days.[90] Whitney Young was impressed with Johnson's role in heading up the commission, "with what he said and the kind of people he was getting around him and the determination that he exhibited to make this a much more effective commission and to really do something."[91]

Immediately after Kennedy's assassination Johnson demonstrated his commitment to civil rights and the Civil Rights Act in particular. He began calling key black leaders within hours of assuming the presidency, and met with the top civil rights leadership within days, meeting with Martin Luther King, Jr., Roy Wilkins, and Whitney Young, among others.[92] As president, he acted instantly to move civil rights to the forefront of his domestic agenda. He felt that congressional inactivity in 1963 "resulted from lack of firm, determined, unrelenting leadership," and he intended to provide it.[93] Appearing before a joint session of Congress five days after Kennedy's death, Johnson pledged the nation's commitment to the "earliest possible passage of a civil rights proposal that would remove "every possible trace of discrimination and oppression" in the nation.[94]

Throwing his full weight behind the civil rights bill, Johnson did what few presidents have done, or been able to do, directly challenging the House Rules Committee by openly backing a discharge petition to pry the bill from the committee's dead hand.[95] There could be "no more dramatic sign" of the president's "determination on this vital issue" than his willingness to confront the congressional establishment by "openly backing the circulation of a discharge petition," said the Times.[96] Knowing from his own three decades in the House and Senate how odious such pressure from the president was to congressional leaders, Johnson stepped in to fill the government leadership vacuum in civil rights. The sparseness of Congress's record on minority rights had been often attributed to the "fact that the weight of the White House has seldom been brought fully to bear in civil rights debates."[97] Johnson did precisely that in immediately filing the rarely used discharge petition to move the civil rights legislation before Christmas.

Johnson was a New Dealer whose formative experience was in his National Youth Administration experience in the Texas depression.[98] His background--he was Southern and poor--his temperament--he was compulsive, energetic, driving, and perceptive--and his experience--he was a political genius, an expert at congressional politics, and a consensus seeker--uniquely shaped him for the moment of the 1964 Civil Rights Act. He was credibly committed to the cause of civil rights, to eliminating racism from American life, and to the black community.

While the Kennedy Administration had been unforthcoming in civil rights until it was inescapable, and had missed the opportunity to address the pressure for jobs coming from the black community in planning for the War on Poverty, Johnson was committed to racial equality and had established good, in some cases warm, relations with the black leadership. Furthermore, there is little doubt that Johnson would have liked jobs measures as an antipoverty program had that been the strong consensus of the Task Force planning the War on Poverty. Prior to Johnson's first State of the Union address, there was "something of the zeal and rhetoric of the old

New Deal days coming back into the pre-budget debate."[99] James Reston said that the president's cabinet spoke more of jobs and education than it had in months, commending Secretary Wirtz for publicly expressing what President Johnson had been saying in private. Schools were not preparing people for the jobs that needed to be done; job needs had changed, Wirtz pointed out at the University of Michigan, there were "no longer enough unskilled jobs to take up the school's failures."[100] Reston noted the increasing talk in the administration about emergency measures to attack poverty, "having a special program of education and public works...."[101] This was not new, Reston pointed out, but such measures happen "to fit President Johnson's approach to most problems."[102]

However, there was not a firm consensus on jobs in the Task Force, because the die was cast early on in the Heller phase of planning for the War on Poverty. Had Walter Heller's 1963 poverty planning committee under Kennedy been able to consider the idea of large-scale jobs programs as the central antipoverty strategy, the idea could have come through the Shriver Task Force period to be presented to President Johnson with forceful consensual backing. Walter Heller, when interviewed by Nicholas Lemann, observed that in the planning phase of the War on Poverty President Johnson was under the impression that the attack on poverty was to be organized like the National Youth Administration (NYA).[103] Heller said that Johnson envisioned "visible accomplishments." "He had this sort of concrete idea. Bulldozers. Tractors. People operating heavy machinery."[104] Likewise, Bill Moyers has said that, even after the Economic Opportunity Act was passed, Johnson thought the program was organized like the NYA.[105] But Heller could not accept the structuralist thesis and thus could not see the inescapable need for such measures in eliminating poverty, although Wirtz continued to struggle for jobs measures in the Task Force.

This analysis of the interplay of social forces in this critical period has shown that what also contributed to the failure of the idea of jobs policies was the halting and partial nature of the government's commitment to the civil rights leadership and the black community's struggle for full economic participation in the society, an issue of governmental will. Antipoverty planners believed we had the abilities and resources to eliminate poverty in American life. So did Martin Luther King, Jr. As King said, we had the tools and techniques, did we have the will?

The interests, thinking, and position of black elites on employment reflected important social forces that were brought to bear on antipoverty policymaking in the Kennedy and Johnson Administrations. Yet, although demands for jobs emerged from elites and other advocates from the black community, they were relatively powerless to affect the antipoverty agenda. Relative powerlessness calls attention to the ambivalent and ambiguous commitment of the national government to the genuine interests of black Americans in this era. Because the struggle for voting rights and civil rights in Congress and in the executive branch have become important national folklore, too little attention has been paid to how limited and unforthcoming the national commitment in general was to racial equality. Stories of Kennedy federalizing the national guard in Mississippi and Alabama, or of heroic

figures from the Justice Department like John Doar backing up the Southern struggle for political and civil rights, obscure the halting national response to the expressed needs of the black community for the means to economic participation--jobs.

Antipoverty planners, fully aware of the political climate in which they worked in 1963, were not wholly committed to racial equality. It was the year of headline civil rights campaigns in Birmingham, the bombings in that city, the March on Washington and increasing insurgency focused on jobs and employment in the nation's Northern cities, all events which pushed home the need to deal directly with pressure from the black community. Antipoverty planners were also aware that the debilities that accompany poverty--unemployment, poor health, nutrition, housing, and education for example--were more pronounced among blacks even though they did not constitute a majority of the poor population.[106] Furthermore, oral history records also document policymakers' awareness of active pressure from the black community. Yet antipoverty planners were especially concerned with the acceptability of an antipoverty program and in a sense played politics by dancing between their concern with the need to aid blacks because of the increasing pressure coming from the black community, their need to maintain the black vote, and their apprehensions about the 1964 reelection campaign. They also thought "that it would be death to bill any kind of program as a help-the-blacks program."[107] Yet, between 1961 and 1963 civil rights and related issues affecting the black community received high support in the country.[108] It was national public opinion that helped to turn around the intransigence of Southerners to integration and voting.

It would appear that antipoverty planners could have produced a critical program for black Americans. They could have directed the War on Poverty to the catastrophic need for employment in the black community. The limits of the program they imagined spelled the failure of any hope for realizing economic equality for most black Americans. There was ample evidence in the period that genuine equality would have called for major initiatives for employment in the black community. There was significant confirmation that jobs were critical from within government in the advocacy of jobs programs by Willard Wirtz and the structuralists in the Labor Department. Confirmation on the need for jobs also came from outside of government from the black organizations and their leadership as well as from the larger black community. So long as black demands could be confined to the realms of legal and political rights the costs of political and social conflict could be borne by government.

Thus, what continues to stand out sharply is how limited and equivocal have been the commitments of our presidents to genuine racial equality, an issue of governmental will. Lyndon Johnson, ironically as a Southerner, remains an exception to this as one who was paternalistic, but credibly committed to racial equality. Had there been consensus on the technical causes of unemployment and how it related to poverty, and had the Labor Department been able to administer a large scale jobs program--crucial "ifs," to be sure, by 1964 Lyndon Johnson was in place as a president who could have seized on the idea of jobs.

A Missed Opportunity: 1963 A Period of Social Opportunity

The important conclusion is that if there had been technical consensus among experts on the causes of unemployment and how unemployment related to poverty, and if the administrative capacity of the Labor Department had been adequate, then the stage would have been set for government to provide the emphatic sponsorship and social agency required for linking jobs to the eradication of poverty. But this did not happen. The case for jobs programs in 1963 was compelling; they were the right antipoverty strategy at that moment when planning for Economic Opportunity Act was underway. There were vigorous forces behind this; the supporting logic for this solution to poverty was sound; and there was a clear argument for it given the structural understandings of poverty in the Kennedy Administration that centered around the DOL.

The fact that jobs programs were not the central strategy had important consequences for antipoverty policy. First, had it had a stronger jobs component the War on Poverty would have been more politically viable in the long term than it was with amorphous experimental programs like CAPS at the center. Jobs programs--like the popular Manpower Demonstration and Training Act--were unambiguously related to the central domestic issues of the day--unemployment and civil rights, and popular support of a government guarantee to work was high.[109] Second, jobs programs were what the poor wanted. A major jobs initiative would have, in particular, been more responsive to the "Negro Job Crisis" and was called for by the civil rights leadership and other spokespersons. Third, if large scale jobs programs had been the centerpiece of the War on Poverty, the second and third generation effects on the US economy today might have been greatly reduced. We have an enormous problem with urban "ghetto" poverty today. Some of the best academic minds are engaged in research related to this problem. We know more now than ever about how programs do and do not work and about which programs work. Yet, the problems of American urban poverty are on such a gigantic scale today that it is almost impossible to imagine how they can genuinely be solved now with the resources we have. There has been much more social deterioration in the ghettos since 1963 and the dimensions of inner city poverty have changed enormously, as have social attitudes toward the black poor. It will be far more difficult today to arrive at the social consensus necessary to produce programs specifically targeted at the black poor. Some analysts say it is impossible.

It was not always like this. The point of my story--its significance so to speak--is that politically, economically, and socially in 1963 when this planning began was a rare occasion.[110] The failure of jobs policies in the case of the War on Poverty is important because we missed a critical opportunity. The point of entry into antipoverty policy in the early sixties was an opportune time to bring about large scale social change. We had an economy that permitted it. We had a window of opportunity in terms of policy making. We had the "right" president in Johnson with the largest majorities in both houses in Congress since 1937. And we had the right national mood (liberal and optomistic). Periods like this are rare.

We missed the opportunity then.

It is unlikely that the opportunity is present again today since having a democratic president in office is only one, albeit an important, variable. Today the economic factors are not favorable, and although we do have a democratic president in the White House, Bill Clinton is, thus far, without Johnson's talent and taste for either counting the vote or hand to hand conflict on Capitol Hill. In Spring 1993 President Clinton let a "bush league" Republican filibuster shoot down his proposed economic stimulus package for want of four votes, a scenario Lyndon Johnson would have never allowed to play itself out.[111] President Clinton--as governor and as presidential candidate--received advice from both Robert Reich--his Secretary of Labor--and Ira Magaziner on upgrading worker skills and made it a central part of his agenda. Reich and Magaziner have been on this topic for a long time and have finally gotten a heaven-sent opportunity to put some of their ideas into practice. Today, of course, they connect the goals of upgrading worker skills to our international struggle for competiveness and productivity. While this is a smart strategy in today's political climate, who knows how this will assist today's urban poor.

We cannot know if Clinton will continue to listen to his Secretary of Labor. Perhaps if Heller had heeded Willard Wirtz and if Johnson had paid closer attention to Wirtz we would be better off today. The structuralists had a good argument. While certain kinds of unemployment were reduced through increased growth, hard core joblessness was not. Poverty, which as people like Wirtz and other structuralists maintained was principally caused by the absence of a decent, steady income, could not be reduced without additional measures to create jobs and train people who did not have the skills for available jobs. In a sense Wirtz and the structuralists in and around the Labor Department "discovered" structural unemployment and prescribed large scale jobs policies nearly three decades ago, but the money and political support are not available today as they were in 1963.*

* I owe thanks to Demetrios Caraley, Charles V. Hamilton, Robert Y. Shapiro and Robert D. Siegfried for critical comments on earlier versions of this paper.

ENDNOTES

1. Such an endeavor fits into the trend, exemplified by Margaret Weir and others, to reexamine established views of economic and social policies in the United States to uncover the linkages between ideas, politics, institutions and society in American political life. See Margaret Weir's Politics and Jobs: The Boundaries of Employment Policy in the United States (Princeton: Princeton University Press, 1992) and Theda Skocpol's Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States (Cambridge: Harvard University Press, 1992) for recent examples.

2. Administrative History of the Office of Economic Opportunity, Vol. 1, Part I, Chapter 1-2.

3.I am certainly not the first critic of the War on Poverty to lament its failure to be centered on an employment strategy. Daniel Patrick Moynihan was an early and keen judge who also noted the scarcity of social opportunity. See his Maximum Feasible Misunderstanding: Community Action in the War on Poverty (New York: The Free Press, 1970).

4. A broader approach to the US's failure to adopt more comprehensive labor market policies has been taken by both Margaret Weir and Gary Mucciaroni in their recent books detailing the fate of full employment policy in the United States. See Weir's Politics and Jobs and Mucciaroni's The Political Failure of Employment Policy, 1945-1982 (Pittsburgh: University of Pittsburgh Press, 1990).

5. William Julius Wilson, The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy (Chicago: University of Chicago Press, 1987) and The Declining Significance of Race: Blacks and Changing American Institutions (Chicago, University of Chicago Press, 1978).

6.Office of Economic Opportunity Administrative History, Vol 1.

7.OEO Administrative History, Vol 1, 21-22.

8.Interestingly his announcement of the program was accompanied by a half-billion dollar budget cut, leading NYTimes columnist James Reston to note the ambivalence and calling Johnson "Franklin Delano Hoover."

9. These assumptions are being repeated today at the heart of President Clinton's economic stimulus program.

10. Title I created the Job Corps and youth oriented job training programs (ages 16 to 21); Title II created CAPS; Title III authorized rural grants and assistance; Title IV provided incentive loans to individuals and businesses; Title V authorized job training for heads of households on public assistance; and Title VI created the Office of Economic Opportunity and its administration.

11.David Halberstam, The Best and the Brightest (New York: Random House, 1969).

12. I examined legislative histories for numerous antipoverty and unemployment related acts in congress and the subsequent extensions and amendments to these acts throughout the Johnson years. I also examined leading journals of opinion and publicly available records of the antipoverty agenda. Content analyses of the New York Times revealed what the dominant ideas on the agenda were and helped to establish the public debate. I also interviewed at length former Secretary of Labor W. Willard Wirtz in Washington D.C. in July 1991 and August 1993 to obtain more direct information than is publicly available on his critical role in promoting jobs policies in the War on Poverty. Most revealing and useful was a thorough examination of archival materials and oral histories from individuals who were

instrumental in the development of antipoverty policy, economic policy, and jobs policy in the Kennedy and Johnson Administrations in the John Fitzgerald Kennedy and Lyndon Baines Johnson Presidential Libraries.

13. Interview with William Capron, Brookings Institution, July 9, 1968, Lyndon B. Johnson Library, Austin.

14. We only have Heller's word on this; the commitment is recorded in one of Heller's memoranda.

15. This was Senator Gaylord Nelson's proposal.

16. Wirtz interview, July 21, 1990. See also William Cannon's oral history interview by Michael L. Gillette, 21 May, 1982, tape recording, Lyndon B. Johnson Libray, Austin, Texas.

17. Weir, Politics and Jobs. Leon Keyserling, former chairman of the CEA, was an early, persistent, and penetrating critic of the peculiarly "American" adaptation of Keynesian ideas that characterized the Heller Council. See his oral history interview by Stephen Godell, 9 January 1969, Lyndon B. Johnson Library, Austin, Texas.

18. The idea was that reducing economic slack would increase the rate at which the economy took people out of poverty, presumably, bringing this rate up to the levels of the immediate postwar years when, between 1947 and 1957, the percent of families with less than $3000 total money income declined 10 points, from 33% to 23%. Heller was distressed that the present rate, from the years 1956 to 1961, was only two percent, from 23% to 21%. Lampman maintained that with a successful tax cut, full employment, and faster growth, the rate from 1957 to 1967 would fall from 19% to 14%, a rate similar to that of 1947 to 1957. See Memorandum, Walter Heller to Lyndon B. Johnson, 1 May 1963, "Progress and Poverty," Legislative Background EOA 1964 WoP, CEA Draft History of WoP, Box 1, Lyndon B. Johnson Library, Austin; Memorandum, Robert Lampman to Walter Heller, 10 June 1963, "An Offensive Against Poverty," Ibid.

19. This definition is widely used by economists and is drawn from Philip Harvey's Securing the Right to Employment: Social Welfare Policy and the Unemployed in the United States (Princeton: Princeton University Press, 1989) 12.

20. Kermit Gordon cited in Walter Heller, Kermit Gordon, James Tobin, Gardner Ackley, and Paul Samuelson, interview by Joseph Pechman, tape recording, 1 August 1964, John F. Kennedy Library, Boston, 287. Citations to this oral history will henceforth be abbreviated as CEA OH.

21. Heller in CEA OH, 287.

22. Ibid. and Wirtz interview, 23 July 1991.

23. Heller in CEA OH, 288.

24. Ibid.

25. Wirtz interview, 23 July 1991.

26. For amplification of this point see J. Russell, The Making of American Antipoverty Policy: The Other War on Poverty, unpublished doctoral dissertation, Columbia University, 1992. Also see Weir's Politics and Jobs for a wider discussion of how particular patterns of decisionmaking went on to limit subsequent choices in this policy area.

27.Press conference of Willard Wirtz, October 10, 1963, President's Office Files (POF) Box 82, John F. Kennedy Library, Boston.

28.Ibid.

29. Ibid.

30.The economic logic of the CEA's target and its antistructural position has been played out in increasingly brutal terms as levels of unemployment up to today bear grim evidence James Tobin's early observation in 1964 that the economy had come to operate with increasingly higher levels of unemployment, "considerably higher than anything we had in the past, and it wasn't seen as abnormal or disburbing because of structural changes in the economy." CEA OH, 283.

31. See Chapter Four "Change and Incapacity in the Department of Labor" in J. Russell, The Making of American Antipoverty Policy for a fuller discussion of this point than that provided here.

32. Wirtz interview, 23 July 1991.

33. Wirtz interview, 23 July 1991. A fuller discussion of Heller's and the Council's relationship with Kennedy can be found in Chapter Three "Economic Ideas in the War on Poverty" of J. Russell, The Making of American Antipoverty Policy.

34.To strengthen its advocacy role for the unemployment policies it wanted, the department created a community of academic manpower experts. For the findings of the early stages of their research, see Knowledge and Policy in Manpower.

35. For some examples see the essays in Weir, Skocpol, and Orloff, eds., The Politics of Social Policy in the United States (Princeton: Princeton University Press,1988); See also Theda Skocpol and Kenneth Finegold, "Economic Intervention and the Early New Deal," in Political Science Quarterly Vol. 97 No. 2 (Summer 1982): 255-278; Stephen Skowronek, Building A New American State: The Expansion of National Administrative Capacities, 1877-1920(Cambridge: Cambridge University Press, 1982); Hugh Heclo, Modern Social Policies in Britain and Sweden (New Haven: Yale University Press, 1974); and Weir's Politics and Jobs.

36. Some of the following discussion draws from "The Administrative History of the Department of Labor during the Administration of President Lyndon B. Johnson", Volumes I and II (part 2), Lyndon B. Johnson Library. Henceforth this will be cited as "Labor Administrative History."

37. This office is referred to as the Office of Automation and Training in the Labor Administrative History.

38. By 1964 it was clear that automation and technology were not the real problems; the real problems were "the hard core, disadvantaged individuals, the individuals with low levels of education and training and individuals with less than eighth grade educations, individuals who were over forty-five years of age or minority individuals. Individuals who were on welfare or drawing unemployment compensation--these were the kind of people that it became evident that we had to shift to." Stanley Ruttenberg, interview by David G. McComb, 25 February 1969, tape recording, Lyndon B. Johnson Library, Austin.

39. Garth Mangum, MDTA: Foundation of Federal Manpower Policy (Baltimore: Johns Hopkins UP, 1968), 1. Mangum points out that the Act was highly popular in Congress, passing both houses with overwhelming bipartisan majorities, and it experienced an extraordinary absence of congressional

pressure for "results" allowing its administrators freedom to adapt the program to changing problems taught by experience. State and local governments, the public, and the academic community all evaluated the program positively.

40. HEW, which also had legal obligations mandated by the act, backed off because of lack of interest.

41. Labor Administrative History, 5.

42. The Service had 2200 local offices nationwide according to Stanley H. Ruttenberg and Jocelyn Gutchess, The Federal-State Employment Service: A Critique (Baltimore: Johns Hopkins Press, 1970), 1.

43. The Employment Service was close to the chairman of the House Subcommittee on Appropriations as was the Washington staff of BES. See Ruttenberg interview.

44. The Vocational Educational Act of 1963, the Youth Employment Act, administration of the MDTA and the developing antipoverty policy agenda in the White House and throughout the executive branch were measures that would involve USES. The passage of the Economic Opportunity Act of 1964 added the Neighborhood Youth Corps (NYC) to the Manpower Administration's inventory of jobs policies, but it was delegated to the Administration from OEO in the beginning.

45. See Cannon interview.

46. Labor Administrative History, 4.

47. Ibid.

48. Stanley Ruttenberg was convinced that Johnson himself arranged for the Governors' Conference to protest the reorganization. See Ruttenberg interview.

49. Apparently Wirtz's resignation, which had been submitted to Johnson as had the resignations of other Kennedy appointees when Johnson succeeded Kennedy, could not be found.

50. For extended discussion of this misunderstanding between Wirtz and President Johnson, see Ruttenberg interview; James Reynolds, interview by Joe B. Frantz, 1 February 1971, tape recording, Lyndon B. Johnson Library, Austin; Clifford Clark, interview by Joe B. Frantz, 16 June 1970, tape recording, Lyndon B. Johnson Library, Austin.

51. Memo, Wirtz to Sorensen, 23 January 1964, 1.

52. Wirtz interview, 23 July 1991.

53. See Cannon interview.

54. Wirtz interview, 23 July 1991.

55. Although the economic orientation of the civil rights movement has been too often overlooked. See the work of Charles V. Hamilton and Dona C. Hamilton who have demonstrated the "dual agenda" of civil rights organizations in "The Dual Agenda of African American Organizations since the New Deal"

in Political Science Quarterly Vol. 107 No. 3 Fall 1992, and elsewhere.

56. William Capron at the Conference on Poverty and Urban Policy, sponsored by Brandeis University and the John F. Kennedy Library, Conference Transcript of 1973 Group Discussion, p. 182. The oral history records from the Brandeis Conference suggest that there was little direct link between the civil rights leadership and the War on Poverty, which is an interesting fact in itself. Hereafter, reference to this conference will be made by the speaker's name and "Brandeis Conference".

57. Chapter Two of the President's Economic Report 1964. William Capron has said that the significance of this chapter was ignored by antipoverty planners in the period. See the transcript of the Brandeis Conference.

58. Chapter Two of the President's Economic Report, 1964.

59. Charles Killingsworth, "Negroes in a Changing Labor Market," in Arthur M. Ross and Herbert Hill, eds., Employment, Race, and Poverty (New York: Harcourt, Brace, and World, Inc., 1967) 49-75. The following two paragraphs draw on Killingsworth's analysis. More recent analyses of the dimensions of black unemployment have been done by William Julius Wilson, for example. See The Declining Significance of Race and The Truly Disadvantaged. Killingsworth's work on the labor market is used here because it was available in the period under study as was that of Arthur Ross and Herman P. Miller, an expert on income distribution. See Miller's Poverty: American Style (Belmont, CA.:Wadsworth Publishing Co., 1966) and Rich Man, Poor Man (New York: Thomas Y. Crowell Co., 1964).

60. Killingsworth, ibid. Killingsworth cites four factors that had serious consequences for black employment in the post war period. First, after the end of the Korean War, the drop in defense spending eliminated many of the less skilled jobs in manufacturing that blacks had held previously. Second, although defense and space raised government spending in the 1950s, the ensuing jobs were much different from the low skilled jobs in defense related industries during WWII, requiring special construction and engineering and scientific expertise. Third, in the non defense industries the job mix also changed with a downturn in the number of blue collar jobs, especially low skilled jobs, and a rise in white collar jobs. Fourth, plant decentralization meant that new plants were built away from the former centers of manufacturing in the north central and northeast markets and near the new markets in the south and the west. And while employment was rising in newly emerging service industries, they were growing less quickly in the older industrial centers of the country where black job seekers had relocated.

61. Killingsworth, 57.

62. Ibid. Adjusted white rates are not offered by Killingsworth although hidden unemployment would presumably increase among whites as well when white unemployment rates are up.

63. Arthur M. Ross, "The Negro in the American Economy," in Ross and Hill, 33.

64. John C. Donovan, The Politics of Poverty Third Edition (Washington, D.C. University of American Press, 1980) 102.

65. Nonwhite female unemployment ratios were close to those of nonwhite males when considered by age except those for teenagers, which were consistently and considerably higher for females. Although hidden unemployment among nonwhite females was difficult to measure, it was understood that there was considerable hidden unemployment among nonwhite female teenagers. While rates for white teenage females had risen in the sixties, those of nonwhite teenage females had fallen dangerously in the fifties and sixties, and their reported rate of unemployment was the highest of any group by age, sex,

or color. By the end of the sixties, it had reached 30 percent. This information is from Killingsworth, 27.

66. The information in this paragraph is from Whitney M. Young To Be Equal (New York: McGraw-Hill, 1964), 54-55.

67. At a 10 a.m. private meeting with Labor Secretary Willard Wirtz on the morning of the march, Martin Luther King pressed for jobs for black youth. In their discussion, King expressed no interest in discussing the upcoming civil rights bill and, in fact, deflected Wirtz's efforts to discuss the act to push for the summer jobs component of the Labor Department's two part program. Wirtz interview, 23 July 1991. The second part of the program was job training. King's interest may have been a function of his need to be of relevance to ghetto youth as he tried to bridge the gap between his centrist stance and the impatience of activists in the movement. This stance became especially pronounced after his humiliating failure to affect the power structure in Albany Georgia in 1962, a failure which was followed by increasingly harsh criticism of King.

68. Young, 29.

69. First proposed by Randolph during the White House Conference on Civil Rights, the budget was put together by Bayard Rustin overseeing the work of a mixed black and white group of economists and policy analysts which included John Kenneth Galbraith, Michael Harrington, Leon Keyserling, Vivian Henderson, and Tom Kahn. See Charles V. Hamilton and Dona C. Hamilton's "Social Policies, Civil Rights, and Poverty" in Shelton H. Danziger and Daniel H. Weinberg, eds., Fighting Poverty: What Works and What Doesn't (Cambridge: Harvard University Press, 1986) 298-300.

70. David Levering Lewis, "Martin Luther King, Jr. and the Promise of Nonviolent Populism" in John Hope Franklin and August Meier, eds., Black Leaders of the Twentieth Century (Urbana: University of Illinois Press, 1982).

71. Ibid., 293.

72. Ibid., 299.

73. Jack M. Bloom Class, Race, and the Civil Rights Movement (Bloomington: Indiana University Press, 1987) 212-213.

74. See Chapter Seventeen "Recommendations for National Action" and Chapter Seven "Unemployment, Family Structure, and Social Disorganization," in The Report of the National Advisory Commission on Civil Disorders, advance edition (New York: Bantam Books, 1968). See Fred R. Rogers and Roger W. Wilkins, eds., Quiet Riots: Race and Poverty in the United States (New York: Pantheon Books, 1988) for a retrospective assessment twenty years after the Kerner Commission report of conditions of race and poverty in the U.S.

75. Ibid. See Chapter Four "The Basic Causes."

76. Specific citations to these stories are to be found in an appendix to Chapter Five "Social Forces: Civil Rights and the Struggle for Jobs" in J. Russell, The Making of American Antipoverty Policy, ibid.

77. The research for this section included a page by page analysis of 365 days of New York Times coverage for the year 1963, examining the front pages, editorial pages and the "Week in Review" pages for evidence of the relationship between employment and the needs of the black community. Items fell into four categories: there were 53 items on poverty, 110 on employment, 214 on the economy, and 495

on civil rights.

78. "Priority for the Jobless," New York Times, 16 November 1963, 26(A).

79. Legislative Background of Economic Opportunity Act of 1964: War on Poverty, "History: Part of Social Problems Chapter," Lyndon B. Johnson Library, President's Papers 1963-69, Legislative Background EOA 1964 WoP, Box 1, Lyndon B. Johnson Library, Austin.

80. Ibid., 1.

81. Paul Burstein, Discrimination, Jobs, and Politics: The Struggle for Equal Employment Opportunity in the United States since the New Deal (Chicago: The University of Chicago Press, 1985) 46. It would reach 87 percent by 1966 and 95 percent by 1972. Burstein points out that Congress, being mindful of public attitudes toward employment for blacks, first passed Equal Employment Opportunity (EEO) legislation in 1964 when the proportion of the public in favor of it, and the intensity of their concern, had reached historic highs (see p. 67) Public opinion, according to Burstein's own work and other studies, seems to have been the primary reason Congress acted on EEO (see p. 70).

82. Whitney M. Young, Jr., interview by Thomas H. Baker, 18 June 1969, tape recording, Lyndon B. Johnson Library, Austin.

83. Bayard Rustin, interview by Thomas H. Baker, June 17, 1969, tape recording, Lyndon B. Johnson Library, Austin.

84. James Farmer interviews by Harri Baker, October 1969 and Paige Mulhollan, 20 July 1971. Tape recording, Lyndon B. Johnson Library, Austin.

85. Roy Wilkins, interview by Thomas H. Baker, 1 April 1969, tape recording, Lyndon B. Johnson Library, Austin.

86. Ibid.

87. The Times also regularly pressed Kennedy on the need for jobs and job training.

88. Taylor Branch, Parting the Waters: America in the King Years 1954-1964 (New York: Simon and Schuster, 1988) 863.

89. Wilkins interview.

90. Rustin interview.

91. Young interview.

92. Wilkins interview.

93. Tom Wicker, "Johnson Acts To Build A Broad Base of National Support, His Procedure: President Has Adopted the Program and Approach of His Predecessor," New York Times, 8 December 1963, 4(E).

94. Tom Wicker, "Johnson Bids Congress Enact Civil Rights Bill With Speed; Asks End Of Hate And Violence," New York Times, 28 November 1963, 1(A).

95. See "Quicker Pace On Rights," New York Times, 5 December 1963, 44(E); Anthony Lewis, "President Spurs Drive For House To Act On Rights," New York Times, 4 December 1963, 1(A); Anthony Lewis, "Civil Rights Issue: Administration Will Be Judged To A Large Degree By The Fate of This Bill," New York Times, 8 December 1963, 4(E).

96. New York Times, 5 December 1963, 44(E).

97. New York Times, 9 June 1963, 12(E).

98. See Chapter Five of Robert Dallek, Lone Star Rising: Lyndon Johnson and His Times 1908-1960 (New York: Oxford University Press, 1991) for a description of Johnson's experience with the NYA.

99. James Reston, "On Exploring the Moon and Attacking the Slums," New York Times, 20 December 1963, 28(A).

100. Wirtz quoted in ibid.

101. Ibid.

102. Ibid.

103. Heller quoted in Nicholas Lemann, The Promised Land (New York: Alfred A. Knopf, 1991), 143.

104. Ibid.

105. Adam Yarmolinsky, Brandeis Conference, 235.

106. Robert C. Smith and Richard Seltzer, Race, Class and Culture: A Study in Afro-American Mass Opinion (Albany, New York: State University of New York Press, 1992) 124.

107. William Capron at the Brandeis Conference, 168. Pages 158 to 168 deal with the role of social forces like the civil rights movement on the planning of the War on Poverty, but there is disagreement among Conference participants as to what that role was.

108. See Burstein, 61. Moreover, conservatives in Congress liked jobs measures and understood structural explanations of unemployment. Also, as Burstein indicates, as popular support for the proposition that blacks should have equal opportunities for jobs grew after 1941, so too did congressional sponsorship of Equal Employment Opportunity legislation. See Burstein, 46-51, and see J. Russell, The Making of American Antipoverty Policy, chs. 3,4, and 6.

109. See Robert Y. Shapiro, Kelly D. Patterson, Judith Russell, and John Young, "A Report: Employment and Social Welfare" in Public Opinion Quarterly Vol. 51 (Summer 1987) for evidence of strong support for a positive government role in providing productive work or training.

110. See Moynihan Maximum Feasible Misunderstanding, 193.

111. The term is Russell Baker's. See his Observer column, "Pork Out of Season," New York Times, 8 April 1993, 21(A).

INTERNATIONAL AID AND THE PRIVATE SECTOR IN THE CZECH AND SLOVAK FEDERAL REPUBLIC[1]

Peter Rutland

Government Department
Wesleyan University
Middletown CT 06459

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Introduction

International assistance for the transition economies is a topic of central importance, with billions of dollars of funds being allocated to the construction of market economies in the post-socialist zone. It is widely accepted among academics and politicians that such aid is a Good Thing. Even conservatives, reluctant to see government money being spent for any purpose, are torn by a desire to help ensure the transition to private enterprise in the post-socialist economies.

However, one can argue that while Western countries share a rhetorical commitment to privatization and democratization, in practice their policies do not amount to a coherent assistance program, and underlying disagreements in political philosophy and economic interest are disguised behind the veneer of ideological unity.

Initially, attention focussed on stabilization programs, in recognition of the vital role of a stable currency in the creation of a market economy. The record with stabilization has been mixed: success in some small to medium countries (Estonia, Czech Repulic, Kyrgystan, Hungary, Poland, and perhaps Latvia and Slovenia), but a failure in the large countries (Ukraine and Russia) and in some small countries (Bulgaria, Romania). The successes are not unadulterated triumphs: in most of them inflation is still running at 30-40% for 1993. Also, critics such as G. Kolodko make the argument that such price stabilization as has been achieved can be attributed primarily to the collapse in output.[2]

There was a clear pattern in the cases of successful stabilizations. A small team of technocrats, aided by the IMF, moved quickly to introduce a stabilization program while political forces were either in disarray or briefly united behind the need for radical economic change. If governments failed to move quickly, and allowed political coalitions to build up with a vested interest in continuing inflationary emissions, then stabilization became much more difficult.

Attention has now shifted from stabilization to privatization as the main focus of international assistance - partly, one suspects, because the struggle to stabilize the Russian economy has proved so intractable. Hence President Clinton's commitment in April 1993 to focus the bulk of Western aid on the emergent private sector in the former Soviet Union. However, privatization has proved even more difficult to introduce than stabilization in the post-socialist economies, since the political, economic and technical barriers seem more obdurate.

However, despite the best of intentions the global economic recession and budgetary problems in many Western countries mean that large scale transfers of resources to rebuild Eastern Europe are not going to occur. On paper, since the 1989 Paris summit no less than $23.4 billion has been verbally committed by more than 30 countries and international organizations, rising to $33.8 bn if one includes the IMF and World Bank. However, in 1990 (the last year for which aggregate estimates are available) only some 11-13% of this assistance was actually spent.[3] The disbursement rate varied from 27% in Poland, 16% in Hungary, and 4% in CSFR. UK aid disbursement was among the highest, at 60%, while that of the USA was among the lowest, at 6%. Actual spending on a per capita basis between 1989 and 1991 amounted to $795 in Hungary, $545 in Poland ($305 if one excludes debt relief), and $310 in Czechoslovakia. In 1992 loans from international institutions to Czechoslovakia totalled $897 mn: IMF $284 mn, World Bank $331mn, EC $232 mn, and G24 $50 mn.[4]. Direct foreign investment between 1990 and June 1993 amounted to $1,868 mn in the Czech Republic and $320 mn in Slovakia.

Opening the doors to greater trade flows has proved politically controversial. The small print in the associate member status negotiated with the EC by Poland, Hungary and Czechoslovakia in December 1991 envisioned the gradual elimination of tariffs and quotas over five years, but allowed for strict limits on steel, cement, textiles and food - precisely those commodities in which East Europe arguably has a comparative advantage. Such limits were

imposed on steel exports to the EC in November 1992.

Desite the relative modest amounts of cash made available, and despite the limited access to Western markets, the desire to help remains. Into the breach has stepped the concept of technical assistance.[5] The least the West can do, the argument goes, is to share its expertise on how to run a capitalist economy. Surely few could object on political or economic grounds to such programs, within either the donor or host countries? The impact of technical assistance programs is difficult to study and hard to measure, but it seemed interesting to explore the extent to which the rhetoric of international assistance measured up to the concrete needs of entrepreneurs in what is arguably the most successful of the economies in transition, the Czech and Slovak Republics.

THE TRANSITION TO CAPITALISM IN CZECHOSLOVAKIA

The former Czechoslovakia is a good case to study the feasibility of international assistance for private sector development. Alone among all the post-socialist economies, it has succeeded in implementing a program for the mass privatization of large state industry. It has the most comprehensive program of small privatization in the region (the auctioning of stores and workshops), and has also shown impressive growth in new private enteprise start-ups. And all this progress comes in a country which had the smallest private sector in East-Central Europe prior to 1989.

Yet an examination of the Czech and Slovak cases reveals that international assistance has been of limited importance in their economic transformation. IMF technical assistance and a $1,250 mn standby facility was helpful in effecting the January 1991 price liberalization and currency devaluation, which were the decisive steps of the post-communist federal government. Increasing direct foreign investment, export surpluses and bonds floated on international markets enabled the Czechoslovak government to decline later loan tranches in 1992.

The key variables in the Czech case were strong political leadership from Vaclav Klaus (Finance Minister and subsequently Prime Minister) and a robust social consensus behind market reform.[6] The importance attached to a stable currency, trade liberalization and privatization have deep roots in Czech culture and history. Among these roots, ironically, was the very strength and orthodoxy of the communist regime in Czechoslovakia since 1968. This had the effect of discrediting leftist policies and political movements, leaving the field clear for the center-right. The preservation of Stalinist central planning through the 1980s also meant that Czechoslovakia did not inherit the troubling legacies left by the abortive market reform efforts of Poland and Hungary - inflation, foreign debt, and mobilized labor unions.

Slovakia was pulled along by the federal government's reform program in 1991-92, but because of differences in industrial structure unemployment rose to 13.2% in Slovakia while remaining below 3% in the Czech Republic. The differential impact of the reforms exacerbated the Slovaks' desire for cultural and political parity with Prague, and led to fierce bargaining over budget subsidies. These processes came to a head in the June 1992 elections, which left Klaus's Civic Democratic Party victorious in the Czech Republic and Vladimir Meciar's Movement for a Democratic Slovakia in the eastern republic. The federation split on 31 December 1992, and since then the reform process has ground to a halt in Slovakia, where the deficit rose above 10% of GDP.

These developments have increased the prominence of outside agencies, and in 1993 the IMF emerged as a key player, pressing the Slovak government to stabilize the economy. The IMF approved a $90 mn Systemic Transformation Facility for Slovakia in June 1993 (after an abortive mission in February), but tied this to a fiscal deficit of no more than 5% of GDP and the devaluation of the Slovak crown. The crown was devalued by 10% - less than the IMF recommended - and an import surcharge of 20% was introduced. Prime Minister Meciar, formerly an opponent of international interference in Slovakia, now cites IMF support to justify his policies.

INTERNATIONAL ASSISTANCE PROGRAMS IN CZECHOSLOVAKIA

To what extent did international assistance reinforce and accelerate the domestically-generated reform movement in Czechoslovakia? In order to examine this question, the author conducted fieldwork in 1992 to study the impact of international aid on the development of the private sector. (The role of international advisors in the privatization of large industrial enterprises was excluded from the study.) Some two dozen interviews were conducted with key officials in the Czechoslovak ministries and foreign aid agencies, and 14 business advice centers were visited.

While most Western advisers are themselves positive and enthusiastic about their work in the post-socialist countries, East Europeans themselves have rather mixed reactions to the numerous assistance programs being mounted on their behalf. There are frequent complaints about the 'Marriott syndrome': international experts, public and private, who jet in for a few days at a time to offer their advice, with little awareness of local conditions. There is a widespread feeling that the lion's share of funds allocated for assistance programs disappears into operating expenses. Some international consultants charge $2,000 a day: the lowest fee reported was $400 a day.

Another complaint is that many international programs are slow to disburse funds. Many operate on a committed funds basis, without precise time limits, which means that once the money has been allocated there are few direct incentives to spend it quickly. A counter-example is provided by the UK Know How Fund, which operates with a strict annual budget. This means that money not spent in a given year cannot be rolled over, which provides an incentive to spend funds promptly.

Also, many international programs have been slow to get into operation, taking months or even years to recruit and install their management teams. The economic situation is changing so rapidly that it often happens that by the time the program begins the

problem originally targeted has been superseded by some other issue. Alternatively, by the time the program gets under way some other group may have stepped in to tackle the problem.

Another common problem was that most of the international organizations preferred to piggy-back on Czechoslovak government programs. This may make good sense, in that the government can in principle provide premises, personnel and legitimacy. Also, international aid cannot be sustained indefinitely, and is thus best seen as a pump-primer. One can expect that after two or three years the funding will be withdrawn, and after that the projects will either have to become self-financing (through user fees) or be paid for by central or local government.

However, this approach of channelling international aid through governmental ministries does have certain drawbacks. The Czechoslovak government budget was under pressure and there were few funds available to support new programs. Thus many of the international initiatives were held up due to lack of money (or commitment) from the Czech and Slovak side. Another drawback is that the international program may inadvertently sustain certain bureaucratic agencies which were otherwise out of a job after the collapse of central planning.

A further criticism of these programs is that they overlap and duplicate each other's work, with little attempt at coordination. This should not perhaps be judged too harshly. Competition between rival providers is to be preferred over some sort of effort to impose central coordination, with a governmental agency picking and choosing between alternative projects. (Although both the federal and republic economics ministries did actively seek to play a coordinating role - without much success.)

Differences in approach

One can distinguish clear differences in the modus operandi of the various international programs. The American presence is highly visible, and consists of a combination of well-funded US government sponsored programs on one side, and a host of small, aggressive private operations, often staffed by enthusiastic and idealistic volunteers, on the other. Both the US government and private initiatives tend to shy away from formal collaboration with Czechoslovak governmental bureaucracies.

The European approach is more low key, and almost entirely governmental in origin. There are also two faces to the European approach. On one side is the Phare program (Poland-Hungary Assistance for Reconstruction of the Economy), sponsored by the European Commission: large, well-funded, and attempting to build a national system in close cooperation with Czechoslovak ministries. At local level, however, one finds many bilateral initiatives from local authorities and Chambers of Commerce in Italy, Germany, Holland and Austria. The British pursue an intermediate approach. Their Know How Fund is government financed but entrepreneurial in style, awarding grants to a host of local initiatives through open competition.

Looking beyond the area of small business, the various international donors also differ in emphasis with regard to the themes of primary interest. The US has spent its money on sending merger and acquisition dealers to advise on large-scale privatization, while the British have sent some of their top people in combatting regional unemployment and training local authority managers. The EC in turn has shown particular interest in promoting high technology.

It is difficult to evaluate the impact of international assistance in Czechoslovakia. Many of the programs visited in 1992 had not yet started full operations, and those that had rarely provided detailed data on the number of clients reached, or evidence as to the impact of their programs.

The major assistance programs

The EC's Phare program was extended to Czechoslovakia in 1991. Phare spent ECU 34 mn in Czechoslovakia in 1991, of which 30 mn went on environmental projects and 4mn on education. In April 1992 Phare allocated ECU 99 mn to Czechoslovakia, to be distributed as follows: 20 mn for small and medium enterprises (SMEs), 15 mn for labor market policy, 5 mn for the environment, 5 mn for energy, 6 mn for telecommunications, 9 mn for the Tempus education program and 20 mn for general purposes. Of the 20 mn for SMEs, 7.5 mn will go into guarantee banks and 4.5 mn to the Federal Ministry of Labor for loans in high unemployment areas. By April 1993 Phare commitments had risen to $144 mn and disbursements to $33 mn.

The Phare small business program started in January 1991, and is run under contract by three Irish executives. It has two major components: consultancy and finance.

On the **consultancy** side, ECU 8 mn will be targeted on creating a network of business incubators (BICs), with a focus on high technology projects. connections to local technical universities. In addition there will be a network of regional advisory and information centers to aid starting entrepreneurs.
Phare will provide equipment and training, although the local council have to provide premises and cover running costs. Some centers are being sponsored by regional chambers of commerce from EC member states.

As for **financial assistance**, Phare has allocated ECU 10 mn to a small loans scheme, which will provide loans up to Kcs 300,000 ($10,000), with up to 90% guaranteed against default. Phare is putting a further ECU 2 mn into the Czech/Moravian and Slovak Guarantee Banks (which provide a 70% guarantee). As with the SME program, there is a heavy emphasis on training.

The main problem Phare has faced has been finding suitable Czechoslovak partners through which to run their programs. The team was initially placed in the Federal Ministry of Labor and Social Affairs, which was liquidated in September 1992. Similarly, their

banking program found it hard to find local partners. The largest Czechoslovak banks, such as the Czech Savings Bank, declined to take part, presumably because they wanted to concentrate on other activities which they judged would be more profitable than lending to SMEs (most notably, the lucrative voucher privatization of large-scale industry). In the end, Phare signed a cooperation contract with the small Bank of Bohemia, a private bank which has only 14 branches.

The UK Know How Fund has disbursed roughly $17 mn in Czechoslovakia since starting operations in early 1991. Their mode of operations is to solicit a broad range of proposals, with a preference for small-scale local initiatives: booklets on how to set up a business, a job creation project in the mining district of Ostrava. They have concentrated on employment initiatives and health and safety matters, and have spent $1.5 mn on management training.

The US Agency for International Development is the primary source of funding for the following programs (in addition to educational exchanges):

- the Czech and Slovak American Enterprise Fund;
- the International Executive Service Corps;
- the Financial Services Volunteer Corps, which is similar to the IESC, but places financial visitors, not manufacturing industry executives;
- the MBA Enterprise Corps; and
- Volunteers for Overseas Cooperative assistance, providing advice to farmers.

Small business promotion has not been a priority for AID. Most of the $55 mn it has spent in Czechoslovakia has gone on funding technical studies in the fields of energy, telecommunications, health care and environmental improvement. $10 mn has been spent on providing 20 advisers (mostly former Wall Street merchant bankers) for the Ministry of Privatization, analyzing proposals for the large industry privatization program.

Education has also been high on the AID agenda, although they have concentrated on advanced training rather than entrepreneurial advice. AID funds the CERGE MA and PhD programs at Charles University (run in conjunction with the University of Pittsburgh) at a cost of $900,000. $400,000 has been allocated to bank staff training, and $700,000 assistance to the Prague Economics University. AID has provided $1 mn to the Czechoslovak Management Center in Celakovice, mainly to cover short courses for executive retraining. The CMC also received a $400,000 grant from the Canadian Government for small business promotion, in the form of seminars for Czech entrepreneurs - in competition with the BICs being established through the Phare program.

The Czech and Slovak American Enterprise Fund was established as a private corporation in March 1991, under the US Support for East European Democracy Act of December 1990, which allocated $300 mn over three years to help the emerging democracies of East Europe. The fund has been allocated $65 mn over three years by AID, of which $20 mn has been disbursed, to about two dozen projects. Their first loan was made in October 1991: $64,000 to a bakery with 20 employees in a Prague suburb. The fund has also spent $5 mn on technical assistance programs, such as the MBA Corps and the Central European Institute. Its operating expenses were $543,500 in its first 7 months.

The IESC arranges short placements for experienced (mostly retired) US executives, and have arranged for 100 visits since opening in January 1992. Their operating costs, and the air tickets of volunteers, are paid for by AID. The local client must provide accommodation and living expenses, which can be a burden for smaller clients. The MBA Enterprise Corps has placed 40-50 young volunteers from US business schools.

Various other international organizations have become involved in the promotion of the private sector. The first on the scene, in January 1991 was the International Labor Organization which launched a 'Women in the labor market' program with $250,000 funding from the Dutch government.

Small business programs in the Czech Republic

The Czech Republic spent K2,105 mn to assist SMEs in 1991, mostly channelled through the republic Ministry of Economic Policy.[7] 23 business advisory centers are being set up under the auspices of the Phare program, and with the assistance of the Association of Research and Industrial Parks.

In April 1992 the Czech parliament passed an Act on State Support for Small and Medium-Sized Enterprises.[8] The new act confirmed the creation of the Czech-Moravian Guarantee and Development Bank, and allocated K1.9 bn base capital for 1992. The bank underwrites loans made by Czech banks to private entrepreneurs, up to a maximum of 70% of a given project. The Act also established four programs providing financial support (credit guarantees and interest subsidies) to SMEs, with a preference for projects located in high unemployment regions, or involving new technology.

Small business promotion in Czechoslovakia has been closely tied to the development of active labor market policies to deal with the looming threat of unemployment. In most OECD countries 40-65% of jobs are in firms with less than 50 employees, and two thirds of all jobs are in the service sector. In Czechoslovakia as of 1989, only 20% of the workforce were employed in services, and less than 5% were in firms with less than 100 employees. Clearly, Czechoslovakia faces a massive shedding of labor from large industrial plants - and where else can these jobless be soaked up if not in the small business sector?

In the space of three years Czechoslovakia has moved from an economic system with zero open unemployment to one with a jobless rate of 2.7% in the Czech Republic and 12% in Slovakia. Active labor market policies kept about 225,000 workers off the unemployment rolls in 1992, through training programs, subsidies for short time working, etc.[9] In 1992 K1,722 mn was spent on active labor measures, and K1,650 mn is planned for 1993 (compared to K1,423 mn and K3,850 mn on unemployment benefits). Much of the

Western assistance has emphasized the importance of retraining for the unemployed, although this may be more a reflection of the needs of mature Western labor markets than of Czechoslovak conditions.

Small business programs in the Slovak Republic

Economic developments in Slovakia are weighed down by three factors. First, the rapid industrial growth of the past 30 years created a host of new, single-industry towns which were heavily dependent on the Soviet market. Trade with the former USSR collapsed in 1990, and unemployment has reached 20% in many of these towns.

Second, the unbalanced structure of the Slovak economy combined with its relative geographic isolation from the core of Western Europe means that the bulk of incoming direct foreign investment went into projects in the Czech Republic.

Third, political uncertainty over the future of Slovakia in the wake of the June 1992 elections has stymied the actions of the Slovak government and has scared away many potential foreign investors.

Aware of the looming challenge of mass unemployment, in late 1991 the Slovak government decided to fund Entrepreneurship Consultancy Centers in each of Slovakia's 38 regions, to be administered by the regional council. The government would provide basic office equipment and funding for two staff for each center.

THE RE-EMERGENCE OF THE PRIVATE SECTOR IN CZECHOSLOVAKIA

Unlike Poland and Hungary, Czechoslovakia had a minuscule private sector prior to 1989 - equal to less than 1% of GNP. Since the revolution it has experienced explosive growth, rising to 5.1% of GNP in 1990, 8.3% in 1991 and 21.5% by the end of 1992.[10]

Restitution laws passed in October 1990 and February 1991 have

seen 50,000 property units returned to their former owners. Restitution is physical except in cases where the property had been rebuilt, in which case monetary compensation is paid. February 1948 was established as the cut-off date for restitution to avoid arguments over the legitimacy of the seizure of property belonging to the 2.5 million Sudeten Germans who were expelled from the country in 1945. Restitution only really affects housing and small businesses: by 1948 the non-communist Benes government had already nationalized 86% of industrial assets.

Separate laws were passed in 1991 covering the restitution of land. Transformation Councils have been set up in each state and collective farm to supervise the return of land to individuals (although less than 10% are likely to exercise this right) and the creation of smaller cooperative farms. The Councils can potentially play an important role in resolving social conflicts in the countryside in a non-judicial manner, and are an example of the decentralization inherent in much of the Czech approach to privatization.

A law on 'small privatization' was passed on 25 October 1990, introducing the idea of selling shops, cafes and workshops through public auction. The first auctions took place on 26 January 1991. First round auctions were limited to resident Czechoslovak citizens: foreigners could participate in second round auctions if no bidder reached the minimum price in the first round. Units were not sold outright, but were leased for three, and later five, years. By January 1993 in the Czech Republic 22,004 units had been sold of the 32,000 designated, raising K29 bn, and 9,676 in Slovakia, for K14.5 bn.[11]

Thus restitution and privatization auctions have allowed new private entrepreneurs to gain access to premises at low cost, and 45% of retailing is now in private hands.[12] Leasing carries certain disadvantages in comparison to outright sale:

- it preserves a role for state officials, monitoring the lease terms;
- it limits the scope for the emergence of a capital market;

- most leases lock the property into its current use; and
- it lowers the incentive to invest in capital improvements.

The advantage of leasing is that less capital is required to bid for a five-year income stream than for outright ownership of property. (Lack of start-up capital is indeed one reason why leasing of equipment has proved more common than franchising.) However, for the very same reason banks will be more reluctant to lend for a lease than for an outright purchase.

Restitution and privatization auctions have been important in allowing new private entrepreneurs to gain access to premises at low cost - although an extensive survey of new entrepreneurs conducted in 1992 showed only 13.2% had acquired their premises through these methods. Thus despite the poorly developed nature of the real estate market, there is little evidence that access to premises has been a serious hurdle for Czechoslovak entrepreneurs.

THE RATE OF EXPANSION OF THE PRIVATE SECTOR

According to a poll conducted by the Public Opinion Institute in early 1992, no less than 9% of the adult population in the Czech Republic and 4% in Slovakia were registered as private entrepreneurs.[13] The sheer number of private entrepreneurs speaks highly of the two nations' commitment to and belief in the viability of a market economy. However, the spawning of this host of micro-businesses has not yet had a decisive impact in arresting the downward slide of the Czech and Slovak economy - although it probably helps to explain why unemployment has not risen at a rate commensurate with the decline in output.

The number of registered private entrepreneurs rose dramatically from 24,000 in 1985 to 75,000 at end 1989, 294,000 at end 1990 and 1,241,000 at end 1991.[14] By January 1993 there were 1,201,800 in the Czech Republic and 301,000 in Slovakia.[15] 24% were in manufacturing; 21% in enterprise services and real estate; 19% in construction; and 17% in retailing and consumer services.[16]

In addition to registration as 'physical persons',

entrepreneurs could also register as legal persons ie. firms. There were 16,885 private firms in July 1992, up 4,736 since January. Of these, 4,198 were in Slovakia.[17] The 4,614 registered private firms in operation at the end of September 1991 employed 32,858 workers.[18]

To have 1.5 million registered entrepreneurs out of a total workforce of 7.2 million is a remarkable development. Less clear, however, is the extent to which these entrepreneurs are active and productive participants in Czechoslovakia's economic recovery. For the first time, in August 1992 systematic data about the level of activity of this army of entrepreneurs became available as a result of a survey by the Federal Statistical Office (see next section).

The rate of growth of private individual entrepreneurs eased after September 1992, when new rules were introduced requiring would-be entrepreneurs to demonstrate on average three years' practical experience in a profession before they can be registered to practice in that field.[19] Also, the new Accounting Act increased the registration fees, while tax regulations were tightened to limit the explosion of sub-contactors, particularly in construction. This was fueled by the fact that individual entrepreneurs were exempt from the 50% payroll tax. (Hiring of entrepreneurs as sub-contractors is now limited to a maximum of three months.)

Full-time employment in the private and cooperative sectors together rose from 1.3 mn in 1990 to 2 million in 1991, which amounts to 29% of the country's 7.2 million workforce. Of this, 16.4% were in the private sector and 12.0% in cooperatives.[20] It is hard to tell how many of these are new jobs, and how many have simply moved across from the state sector (not that the latter is necessarily less desirable than the former).[21]

According to official estimates the private sector in Czechoslovakia generated Kcs 79.3 bn or 8.1% of GDP in 1991, up from 4.1% in 1989 and 5.3% in 1990.[22] In other East European countries (such as Poland) reform advocates complain that official figures are failing to register the boom in private businesses. One

hears few such complaints in Czechoslovakia, and anecdotal evidence suggests that while unregistered activity is present to some extent in retailing, aggressive state officials keep under-reporting of manufacturing activity to a minimum.

In 1991 inndividual entrepreneurs accounted for 42% of private sector output (K33.7 bn), and private firms the remainder. In the Czech Republic by the end of 1991 the private sector accounted for 3% of industry, 6% of transport, 11.5% of agriculture, 14% of construction, and 24% of retail trade.[23] However, by May 1992 state enterprises still accounted for 90.8%, falling to 83% as of July 1993. In June 1992 the first wave of voucher privatization began for large state-owned enterprises, and about 25% of state firms have now been converted into joint stock companies, but in many of them the state still holds a controlling share.

In the first 5 months of 1992 the private share of retail sales rose to 44%.[24] Private companies also accounted for 52.1% of retail imports and 40.8% of consumer goods exports.[25] The boom in tourism (66 mn visitors in 1991) also fed the growth of private business: 80% of the country's 3,500 travel agencies are privately owned.

This progress for the private sector came against a general background of economic decline. GDP was K977 billion in 1991, down 15.9% over 1990 in real terms. The number of registered workers fell 15.4% in the first 5 months of 1992 compared to the same period in 1991. Even the number of workers in the private sector contracted by 3.8%.[26]

The situation in manufacturing industry continues to give cause for concern. In June 1992 there were 2,175 industrial firms in the Czech Republic with more than 25 employees, of which only 406 were private and 245 cooperatives. There were an estimated 240,000 with less than 25 employees.[27] As the tables in Appendix One show, output in private manufacturing firms actually <u>fell</u> between 1992 and 1991, albeit at a slower rate than in state-owned firms. Private sector output was down 13.4% in the first five months of 1992, while private manufacturing employment fell 6.6%.

(The figures show deceptively rapid growth in Slovakia, because this was growth from a very small base.)

Financial support for small businesses

There has been much debate in Czechoslovakia over the extent to which lack of capital has been a crucial factor in holding back the development of the private sector.

The commercial banking sector is developing quickly, but from a very low base. Bank branches have little autonomy, and typically cannot approve loans of K500,000 ($18,000) or more without clearance from head office. Banks are often accused of being very conservative in their lending policies, for example demanding collateral worth 150-200% of the value of the loan.

In response, officials of Komercni banka argue that they approve 30% of applications submitted to them, and that private sector loans have risen from 4 to 8% of their total lending. They argue that most private entrepreneurs simply do not present coherent and viable business plans, and the banks cannot lend money to individuals without collateral or a proven credit history (which few possess, given the nature of the pre-1989 economy). The major Czech and Slovak banks are currently being privatized and are radically overhauling their operations, while several dozen new private banks have been founded. But it will obviously be some time before the effect of these changes will be felt.

In response to these criticisms, the Slovak and Czech-Moravian Guarantee and Development Banks were founded in late 1991. These guarantee banks are modelled after similar institutions in France and Austria, and are quite different from the orthodox development banks to be found in the Third World which lend money directly to favored projects. The guarantee banks merely underwrite commercial bank loans to private entrepreneurs, to a maximum of 70%. The idea is that this encourages banks to take on more risky loans, although critics argue that a guarantee bank removes the incentive for banks to learn how to evaluate risk and how to turn commercial lending

into a profitable business.

Total credits for the private sector rose from K64 bn in 1991 to K126 bn in the first half of 1992.[28] This was still only 17% of total loans, however, meaning that state firms continued to receive the lion's share. While only K4.4 bn went to entrepreneurs in 1991, in 1992 K26 bn was lent to finance leases purchased under the small privatization program.

Ironically, the government's strenuous efforts to restrict the growth of the money supply and hold the government deficit down to 2% of GNP hurt the private sector just as much as state industry. The government relied on crude credit limits to control the money supply, and not the interest rate, because of the inadequately-developed money market. An IMF report criticized the over-conservative credit policy being pursued by the mostly inexperienced banks, arguing that 'While the tight stance of credit policy helped avoid the onset of an inflationary spiral it may have added initially to the weakness of demand and the contraction of output.'[29]

Private business is held back not only by the absence of available capital, but also by the lack of an existing local network of lawyers, accountants, etc. to offer advice and support. Access to information about banking facilities and government programs is still rather haphazard, with a heavy reliance on word of mouth. The banks themselves have little of no experience in dealing with small entrepreneur borrowers, nor do they seem to see such lending as an area in which it will be profitable to expand. However, the private sector itself is proving increasingly adept at meeting the needs of new entrepreneurs for information and advice. As of June 1992 there were 230 private consultancy firms, and a new commercial journal, 'Advice for Entrepreneurs'.[30]

Both the European Community and the US government put a lot of money and effort into trying to promote small loans programs for businesses. However, there is little proof that access to capital was really a crucial barrier to new entrepreneurs - while there is plenty of evidence that it was premature to expect the banking

system in these countries to be able to take on the new task of lending to small businesses.

Some of this banking assistance may actually have been counter-productive. The creation of a Guarantee Bank in the Czech Republic, for example, as promoted by the EC's Phare program, reduced the incentives for Czech banks to learn how to evaluate business plans (since it lowered the risks resulting from bad decisions). And to a degree the US Czech and Slovak Enterprise Funds may have served as unwelcome competitors to indigenous banks, 'cherry picking' the best projects and leaving local bankers with a less attractive loan portfolio.

EVALUATING THE PROSPECTS FOR THE PRIVATE SECTOR

In January-February 1992 the Public Opinion Institute, part of the Federal Statistical Institute, conducted a massive sample survey of registered private entrepreneurs. The names of 10,000 persons registered as private entrepreneurs were selected from the register, in all regions of the country, of which 5,726 were interviewed (25% in the Slovak Republic). The survey was limited to those registered as 'physical persons', and excluded private firms and private farmers.

75% of the respondents said they were active as entrepreneurs in 1991, while 31% had been active in 1990. Only 7% of the businesses had been registered prior to 1989. They were mostly one-family operations: excluding family members, only 10% had 2-3 employees, and 2% had more than 6. Another 14.5% employed additional workers on a contract basis. The entrepreneurs were drawn from a broad cross-section of society: 46% were skilled workers without secondary education; 34% secondary school graduates; and 14% university graduates. 32.1% reported having an entrepreneur in their family at some point in the past. 20% said that someone in their family had filed a restitution claim, but only 2.2% were using such restituted property in their business. Interestingly, 61% of the entrepreneurs were located in towns with

less than 20,000 inhabitants.

The good news was that most (70%) of the entrepreneurs were actually doing business. Of these, however, 71% were only doing it part-time, while continuing to hold a full-time job. 58% of those doing it full-time said this was a result of their being laid off from their state job. Of those who were not working as entrepreneurs at the time of the survey, 30% had started but then stopped, and 57% had yet to start. Overall, 68% considered their business satisfactory, 12% thought it successful and growing, and 20% thought it was failing. Only 10% said that, in general, conditions were good for business.

Of the 1,008 entrepreneurs who had not yet started, 23% said it was because they preferred to stay in their full-time job, while 13% complained of lack of financing and 11% lack of premises. Those who had started but then stopped attributed their decision to intense competition (23%), financial problems (13%), or because they had not yet lost their regular job (14%).

The average business income in 1991 was K426,000 ($15,300), with 7.1% reporting incomes over Kcs 1 mn. The average estimate of basic capital assets was K204,000, and stocks K246,000. Only 41% had these businesses had their own bank account, and a mere 15% hired a professional to file their tax returns.

Most entrepreneurs relied upon personal savings and loans from friends and relatives to start up their business. Only 15.2% obtained a loan from a bank - but there was little evidence of difficulties with access to bank credit, the problem which seems to have dominated much of the international aid efforts. The main obstacles the survey revealed were not so much difficulties in obtaining premises or capital, but more universal problems, such as the general lack of demand and the intensity of competition.

Respondents frequently complained about bureaucratic barriers, such as the registration and taxation requirements. In some towns tax officials on the lookout for unregistered imports would give a mere one hour's notice before arriving to check inventory. Entrepreneurs complain about the quality of tax officials, arguing

(as in many countries) that the best qualified personnel leave to become tax consultants. There is the additional problem of officials inherited from the old regime, who often are perceived as having an anti-business attitude.

The entrepreneurs showed little enthusiasm for political affairs. In reply to the question 'With which political party do you most sympathize?', among Czechs 40.1% replied 'none' and 12.8% 'don't know'. Among Slovaks, the figures were 30.0% and 7.6%. Among the Czechs, 20.4% of the entrepreneurs said they supported Vaclav Klaus' Civic Democratic Party, but none of the other parties attracted more than 4%. Among Slovaks, Vladimir Meciar's Movement for Democratic Slovakia attracted 27.2%, the Slovak National Party 9.5% and the Christian Democrats 7.1%. Overall, when asked to place themselves on the political spectrum, 12.3% said left, 51.2% center and 36.4% right. Only 9.9% said they belonged to an entrepreneurs' association. Thus there is little evidence from this survey that the 1.3 million businessmen will in any sense constitute a homogenous political bloc, or yet provide the center of political gravity which advocates of privatization see as a crucial building block of democratization.

These findings are confirmed by other survey data.[31] A World Bank team surveyed 121 Czech and Slovak private manufacturing firms in January 1992, and found that the entrepreneurs had been successful in finding a market niche, thanks largely to the expertise they had acquired in their previous careers in the state sector.[32] No less than 33% of their sales were exports, while for various reasons (including the under-valued crown) only 4% of the firms reported any serious import competition. Thanks to the small privatization and restitution programs, 50% of the firms owned their own equipment and property, compared to only 28% of firms in a comparable study in Hungary and 12% in Poland.

CONCLUSIONS

1) Private entrepreneurs have expanded rapidly in Czechoslovakia, in what was largely a spontaneous reaction to the opportunities provided by economic liberalization, and in part a reaction to the fear of redundancy. By mid 1992 there were some 300,000 full-time private entrepreneurs in Czechoslovakia, mostly engaged in single-family retailing and consumer service activities.

2) Although the upsurge of entrepreneurship is genuine, doubts can be raised as to whether the initial rate of growth will be sustained. Only a small proportion of the new entrepreneurs will grow into sizeable businesses. The small privatization and restitution programs have aided the emergence of small businesses, particularly in retailing, but further growth will require improved access to capital and managerial expertise.

3) There has been a considerable expansion of indigenous private sector consultancy and advisory services, and these seem to be reaching more entrepreneurs than the internationally sponsored programs.

4) The international community has generally been slow to respond to the needs of small business in Czechoslovakia. Three years after the revolution, most international assistance programs are still in the preparatory stages or are just beginning to come on stream. There is considerable duplication of effort by these programs, and in some cases outright competition for resources, personnel and governmental approval.

5) The influx of technical assistance demonstrated the West's political commitment to Eastern Europe - and provided some additional travel and earning opportunities for Western officials and consultants. But there is little evidence that it has played a decisive role in promoting private sector development in Czechoslovakia. The provision of services for which there is no need does not do much direct harm. But it does represent a waste of resources which could perhaps have been put to better use, and may have contributed to the regions' enduring political cynicism.

APPENDIX

Industrial performance by type of firm, Czech Republic

(Jan-June 1992 as percent of Jan-June 1991)

	total	private	cooperative	state
output	76.5	86.6	70.3	75.6
employee	85.0	93.4	75.3	84.8
wage index	121.6	117.3	116.2	121.9
output per worker	90.0	92.7	93.4	89.1
sales	77.4	86.4	72.1	77.2
exports	90.3	89.4	138.0	92.5
wage (Kcs)	4497	4143	3367	4556

Industrial performance by type of firm, Slovak Republic
(Jan-June 1992 as percent of Jan-June 1991)

	total	private	cooperative	state
output	76.9	220.1	71.8	75.8
employees	83.7	257.1	78.5	83.2
wage index	122.2	134.1	115.0	120.2
output per worker	91.9	85.6	91.5	91.1
sales	78.1	294.4	75.6	76.9
exports	120.7	814.2	121.8	118.9
wage (Kcs)	4257	4179	3412	4286

Source: Ecoservice, 17 and 19 August 1992.

General economic performance

(percent change on previous year)

	Slovakia		Czech Republic	
	1991	1992	1991	1992
GDP	-16.3	-6.0	-14.2	-7.1
industrial output	-26.8	-13.7	-22.3	-10.6
consumer prices	61.2	10.0	52.0	11.1
unemployment	11.8	10.4	2.8	3.1
trade balance*	-9.6	-2.1	24.8	-22.6

(* Kcs bn)

ENDNOTES

1. This paper is developed from a research report for the OECD, prepared jointly with Alexander Dobes from INSEAD.

2. G. Kolodko, Stabilization, Recession and Growth in Post-Socialist Economy, Warsaw, 1992.

3. These data are taken from Moving Beyond Assistance: the Final Report of the Institute for East West Studies Task Force on Western Assistance to Transition in the Czech and Slovak Federal Republic, Hungary and Poland (Boulder, Col.: Westview Press, 1992).

4. Monetary policy of the State Bank of Czechoslovakia, annual report 1992, reprinted in Ecoservice, 24-30 June 1993.

5. See for example the editorial by M. Weinstein 'Not a yawn: real help. Technical assistance can save democracies', New York Times 13 November 1991.

6. These arguments are explored at greater length in P. Rutland, 'Thatcherism: Czech-style: Transition to capitalism in the Czech Republic', Telos, no. 94, winter 1992-93, pp. 103-29.

7. For a review of these programs, see The present state of private entrepreneurship in the CSFR, Federal Ministry of Economy, June 1992.

8. Ecoservice, 27 April 1992 1991.

9. A. Cranston, A Study of Active Employment Policy in Czechoslovakia, January 1992. Report prepared with assistance from the EC Commission and the UK Know How Fund.

10. Hospodarske noviny, 15 March 1993, p. 1.

11. Ecoservice, 6 January 1993. Most of the money has gone into the Fund of National Property, where it is frozen for seven years and thus cannot be used to cover current budget deficits.

12. Ecoservice, 23 July 1992.

13. Ecoservice, 19 June 1992.

14. Ecoservice, 24 March 1992.

15. Lidove noviny, 10 August 1992; Ecoservice, 4 August 1992; 12 February 1993.

16. Selected Economic and Social Indicators of CSFR, Federal Statistical Office, no. 2, 1992.

17. Ecoservice, 4 and 19 August 1992.

18. Podniky a nezemedelska druzstva s malym poctem pracovniku, Federal Statistical Office, December 1991. This data only covers firms with less than 100 employees.

19. Telegraf, 24 July 1992. The new law (105/90) allows applicants to take tests to prove eligibility in the absence of experience, but no provision for such tests have yet been arranged.

20. Ecoservice, 10 June 1992.

21. Prime Minister V. Klaus claimed that the private sector created 250,000 new jobs in the Czech Republic and 40,000 in Slovakia. Ecoservice, 19 May 1992.

22. Ecoservice, 3 April 1992.

23. Hospodarske noviny, 16 June 1992. Private retail turnover rose from Kcs 6.2 billion in the first quarter of 1991 to Kcs 27 billion in the fourth quarter.

24. Ecoservice, 23 July 1992.

25. Ecoservice, 16 June 1992.

26. Ecoservice, 24 July 1992.

27. Ecoservice, 17 and 19 August 1992.

28. Interview with Jan Vit, deputy head of State Bank, Ekonom, 14 August 1992; Statisticke prehledy, no 3, 1992, p. 73.

29. 'Stabilization and structural reform in the CSFR: First Stage', published by IMF Survey 30 March 1992, reprinted in Ecoservice 16 April 1992.

30. Katalog poradenskych firem a jejich nabidky v CSFR, 1992.

31. For example, a survey of 500 small firms by B. Petrik, Vysledky empirickeho prieskumu tykajuceho za podmienok sukromneho podnikania a pristupu ludi k tomuto podnikaniu, Bratislava, June 1992.

32. D. Swanson and L. Webster, Private Sector Manufacturing in the Czech and Slovak Federal Republic, World Bank Industry and Energy Department Working Paper no. 68, May 1993.

A Transformational Native American Gift: Reconceptualizing the Idea of Politics for the 21st Century.

Stephen M. Sachs
IUPUI

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A Transformational Native American Gift:
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Stephen M. Sachs
IUPUI

PART I: NATIVE AMERICAN TRADITIONS AND THEIR RELEVANCE

In this period of both troubling and hopeful change and, all too often, violent conflict in the United States and throughout the world, there is a growing concern for rediscovering community on all levels that will renew harmony among human beings and between humanity and the Earth. The collapse of so called Communism[1] in Eastern Europe reminds us that extremely collectivist approaches to human affairs generally fail to achieve the harmony at which they aim because these unitary approaches deny the diversity of interests and outlooks upon which any true harmony must be based. At the same time the Current U. S. experience suggests that over-reliance upon individualism as the basis of social relations may create the very war of all against all within society that Hobbes and other prudential liberals sought to escape through the social contract.[2] Locke tells us that in forming a social contract people escape the scarcity of the state of nature in order to enter society which offers the opportunity for potentially unlimited abundance.[3] Yet as we, in the late twentieth century, approach the carrying capacity of the terrestrial environment, we find that our lust for unending economic development threatens our very existence; for the laws of the state of nature requiring that we consume no more than we need,[4] now apply within society.

In the midst of the contemporary crises it seems wise to reexamine our basic concepts of politics and public policy in hopes of avoiding the dangers while grasping the opportunities to move ahead in the best way possible. While the conceivable places to which we can look for assistance in this enterprise are virtually unlimited, it is important to note there is a great deal that can be learned from societies whose members lived quite successfully in considerable harmony with each other and with nature on this continent on which we now live.[5] Indeed, there is a long history in Western political thought of learning from Native American traditions, although those traditions were generally misunderstood by those who commented upon them.[6] It is clear from reading the *Second Treatise on Government* that Locke was influenced by reports of tribal life in North America.[7] There are several places in *The Social Contract* that indicate an impact of the Native American experience upon Rousseau.[8] Much of Marx's theory of social evolution has a basis in Morgan's studies of the life of the six nations we call the Iroquois.[9] Marx and Engels found the quality of life and the level of interpersonal relations of what appeared to be earlier forms of society so fine compared with those of his own time that he came to believe that those natural human relations could return in a new form once the problem of scarcity was solved by the development of capital to a sufficiently high level. While we need not repeat the analyses of prior social thinkers, their positive reaction to North American tribal societies is an indication that surveying their experience may be helpful in finding good ways to deal with our present difficulties.

When we examine traditional (before the impact of European contact[10]) politics among Native American tribes and bands we see that politics has a somewhat different character than has been accepted by the main stream of Western political theory beginning with Hobbes and, perhaps, Machievelli. Traditional Native American politics is primarily about finding consensus within a community.[11] The primary function of traditional Native American political leaders is to facilitate the building of consensus.[12] Power is an important resource for doing this, but power is not the central element for determining "the authoratative allocation of values"[13] (or for determining "who gets what, when, where, how")[14]. Moreover, power in Native American tribal and band societies is only partly a vehicle for control. It is also a source of empowerment. Tribal and band politics have very important cooperative elements along with competitive aspects. At the heart of this politics is a set of communal relationships based upon mutual respect emphasizing both the community and the individual, so that in a very important sense the whole is equal to the part.

The consensus building nature of traditional Native American politics can be seen consistently in surveying what is known about the pre-European contact life of tribes and bands in North America.[15] For example, among the Inuit, Unalit and other Artic bands that are commonly called Eskimos, there was no formal leadership or governmental

community. So long as he was considered a good leader (wise and beneficent) people would follow his advice in community affairs (such as when and where to move the encampment or when and how to undertake a hunt). But as soon as people were no longer satisfied with him, they would no longer follow his leadership. If some one in the community acted sufficiently outrageously to be considered a danger or serious problem to the group, the community needed to reach consensus before action could be taken against the alleged offender. Often the leader, or headman, of the community would initiate the discussion (in effect a trial), but nothing would be done unless and until general agreement had been reached as to the propriety of action.[16]

The Yakimas of the Columbia River Area of the Pacific North West also lived in small groups (50-1500 people, generally averaging 100-150).[17] Residents of each village regularly met together daily in a general council to discuss and decide important matters. Leadership was exercised by elders respected for their wisdom, outstanding individuals renowned for their virtue (particularly generosity, fairness and bravery) and those who were skilled in activities of importance to the community such as fishing and hunting. Leaders advised the group as a whole, and held considerable influence, but decisions were made by consensus. Villages generally were led by a headman and a small council. They held their positions only so long as they retained the ongoing support of the community. When support was withheld they ceased to be leaders and new leaders arose according to the needs of the village. Closely connected villages formed bands and in times of stress several bands or villages might temporarily come together, but no regular structures existed for formal collaboration.

The Dinee, generally know as the Navajo, were a society governed largely at the band level with some what more complexity in their social organization owing to their strong clan structure.[18] It appears that clans (extended family units) were important in public affairs because they were responsible for the behavior of their own members (eg, debts, torts and crimes), and since clans gave considerable emotional and economic support to their members, pressure from kinsmen, especially elders, was likely to have exerted a strong influence. In speaking of more contemporary local governance, Kluckhohn and Leighton describe what was likely true of the old band government and which was typical of traditional Native American government in general.[19]

> Head men have no powers of coercion, save possibly that some people fear them as potental witces, but they have responsibilities. They are often expected, for example, to look after the interests of the needy who are without close relatives or whose relatives neglect them [a rare occurrence in traditional times], but all they can do with the neglectful ones is talk to them. No program put forward by a headman is praticable unless it wins public endorsement or has the tacit backing of a high proportion of the influential men and women of the area.

The two authors go on to say that at meetings, "the Navaho pattern was for discussion to be continued until unanimity was reached, or at least until those in opposition felt it was useless or impolitic to express disagreement."[20] They point out, however, that while public meetings provided an occasion for free voicing of sentiments and thrashing out of disagreements, the most important part of traditional Dinee political decision making took place informally in negotiations among clan and other leaders representing their respective groups of people who regularly discussed community concerns face to face.

Insight into the nature of the power of leaders and the process of decision making that generally pervaded traditional North American indigenous societies is given by Trigger in describing traditional ways of the people called the Huron living around Lakes Huron and Erie.[21] The Huron were a confederation of several tribes, numbering 30,000-40,000 people in 1634. They lived partially amongst each other in settlements of up to 2,000 people consisting of a central town and surrounding villages. Their social organization included a clan structure. In each community each clan segment had two formal chiefs, *Yarihawa* (literally, "he is a great voice"), who were chosen from among the men of the clan lineage that held the right to serve in the office. Their primary functions were to announce decisions arrived at by a process of consensus formation that involved discussion by all the adult men and women of their group, and to facilitate the discussion process. Chiefs could advise and persuade but they could not decide. No action could be taken until it had been acceded to by every person who was affected by it. In practice that meant that decision making tended to be inclusive of the concerns of everyone involved. To reach consensus on a proposal, the group would continue to modify it to take into account each person's concerns until almost everyone supported the decision and the few who did not, having been heard and seeing nothing to gain by further discussion, accepted the view of the group.

The chief's first duty was to assist his own group to come to a consensus and then to represent his people in

negotiating with the chiefs of other groups. Trigger states,

> Huron Chiefs had no constitutional authority to coerce their followers or force their will on anyone Moreover, individual Huron were sensitive about their honor and intolerant of external constraints, and friends and relatives would rally to the support of someone who believed himself insulted by a chief. Overbearing behavior by a chief might, therefore, encourage a violent reaction and lead to conflicts within or between lineages. In the long run, chiefs who behaved arrogantly or foolishly tended to alienate support and would be deposed by their own lineages. The ideal Huron Chief was a wise and brave man who understood his followers and won their support by means of his generosity, persuasiveness, and balanced judgement.[22]

The two chiefs of each clan segment at the local level were the civil chiefs and the war chiefs. The civil or peace chiefs, who were primary, were concerned with matters of everyday life from settling disputes, and arranging feasts, dances and games to negotiating foreign treaties. The separation of peace and war chiefs, with the primacy of the civil chiefs, is typical of many tribes. Among the Cheyenne for example, a chief of one of the military societies upon becoming one of the 44 peace chiefs would have to resign his chieftainships of the military society.[23] This primacy of civilian over military leadership is similar to the emphasis in the U.S. Constitution of the President, a civilian, being Commander and Chief over the military. It may well be that the older tribal practice is the origin, or at least a contributing source, to the U. S. practice.

The national government of each Huron tribe consisted of a council made up of Chiefs of the Clan Segments in each community (with one exception, the Tahontaenrat who lived in a single settlement, so that their community and national governments were the same) while the Confederacy Council appears to have been composed of the civil chiefs of the various national councils. The national and confederacy councils had no power to compel the groups whom their members represented. Their function was to develop consensus through dialog and mutual exchange among all the parties involved in the matters they considered. In order for the agreements of these councils to be effective, their decisions had to be accepted by the constituents of the chiefs, which meant that national and confederacy affairs were discussed by citizens at the local level to a far greater extent than is true in modern federal republican governments with the result that chiefs were usually far more representative than elected representatives are today.

While each of the peoples of North America had its own distinct culture and ways of government, there was a general pattern of underlying principles. In some way or other, virtually every North American culture developed its own unique way of dynamically balancing a set of seemingly opposite values to produce a harmonious unity (*E pluribus Unum*?). Beginning in terms of what we have been discussing, the first pair of opposites consists of freedom and autonomy for the individual (person and group) harmonized with the primacy of the whole group (family, clan, working group or party, village, tribe, world, etc.: what ever level of wholeness was relevant in a particular context). This was illustrated by the broad range of societies briefly referred to above and can be seen in others representing additional geographic areas and ways of economic and social living.[24] The general principles applied even in the most diverse of cultures. For example the collection of cultures in the Southwest referred to as Pueblos were strongly formal in their governance (particularly in contrast to the informality of their Dinee neighbors).[25] Perhaps more than any other traditional North American societies, the Pueblos emphasized the spiritual nature of life to the point where spirituality was not just a part of life, but life itself. Life in the Pueblos was tightly integrated with an emphasis upon unity that was perhaps the strongest of any traditional North American societies. Yet the place of individuality (of person and group) remained. In the cycle of the year's highly organized rituals each individual had a distinct role.[26] At first glance, Pueblos appear to be governed by a theocracy. But the leading priests and the governor ("cacique," following the Spanish nomenclature) chosen by the council of priests, like chiefs elsewhere, could only advise but not command. The Cacique and his assistants oversaw executive process, and, like the European formal head of state (monarch or president), he announced decisions of the pueblo council. But in legislative and judicial matters, including oversight of execution, decision making was undertaken through consensus by the council[27] along the same general lines typical of Native American traditional government as indicated above.

Along with the bringing together of the principles of individuality and wholness in traditional North American society was a harmonizing of competitiveness (among individuals and groups) and cooperation. Among the plains tribes, such as the Lakota (Western Sioux), for example, there were numerous opportunities to compete for honor in undertaking socially desirable actions and exhibiting the four virtues: bravery, fortitude, generosity and wisdom.[28] This might take place in warfare where a man would be recognized for being among the first in a battle to touch an enemy or for leading a raid to steal horses from an enemy camp. When a young Lakota man went on his first buffalo hunt or undertook some honorable action his father would often have the camp crier go round the village

announcing that he was giving away a horse to a poor family in honor of his son's deed.[29] Giving to those less fortunate was honorable and gained the benefactor prestige. A woman would be honored for making beautiful articles of clothing and sharing them with others. Conversely, hoarding of goods for oneself was dishonorable, and indeed any unvirtuous act reduced the prestige of the doer.

By channeling competitiveness into promoting helpfulness, Native American societies tended to promote collaboration. The harmonizing of competitiveness with cooperation was accomplished more directly in other ways, however. One of the most important of these was through inclusiveness, by providing everyone with a role in community affairs, as exemplified by the consensus decision making processes discussed above. An essential element in the development and maintenance of cooperation was the acculturation to collaborative values, stressing the wellbeing of the whole (family, clan, tribe, world, etc.) before everything else[30] while providing continual opportunity to participate in supporting the whole through activities involving mutual support. The fact that the harmony of the individual with the whole was reenforced by a spirituality that pervaded all of life, consistent with the social values of each people, was also an important dimension of the development of individual and social integration. For instance, if you go to a Lakota Sun Dance and ask the Dancers why they endure four gruelling days dancing beneath the hot sun without food or drink, they will not tell you that it is to gain prestige or to receive personal spiritual power, though those things may come to them. The dancers will tell you that they give themselves away that "the people may live."[31]

A very important aspect of the principle of inclusiveness is mutual empowerment of the individual person and group and of the whole group and society. By giving each person and group continual opportunity to participate in their own unique way in decision making and in the work of providing for the welfare of the larger group and community, each person and social unit was provided the freedom, sense of purpose, and opportunity for self actualization and development necessary for their own realization in ways that directly provided for the needs of the community. As we are beginning to learn now in the workplace with the rise of employee involvement and team process, this method of harmonizing individual freedom with social purpose is exceedingly efficient, effective and productive[32]. The unity through diversity involved also provides for a high level of equality while allowing for differences in prestige. Where in hierarchical social systems differences of function tend to be marked by significant differences in status, participatory systems tend to minimize status differences. For example, in differing ways in each society, men and women in Native American cultures carried out different functions and had a greater say in different areas of social life. But this division of labor did not produce the difference in status and value that accompanied the dichotomy of social roles in Western society. Among the Haudenosaunee or Six Nations, widely known as the Iroquois, for example, only men served as chiefs (*sachems*) on the intertribal council, but women held considerable power. In certain clans, the women, speaking through the Clan Mother, nominated the chiefs and had the power to remove them for misconduct.[33]

At least in some cases, the strong emphasize upon the whole community developed in indigenous North American cultures to counter the dangers of unrestrained individuality in the person, family or other group. For the Cheyenne, for example, Hoebel reports that the centralization of political authority in the 44 tribal peace chiefs, the predominance of public over private law and the very strong prohibition against killing another Cheyenne all arose to counter the threat of internal disintegration.[34] For the Lakota, the Sacred Pipe, often referred to as the "Peace Pipe," is central to all religious rituals and was smoked to sanctify and affirm the reaching of agreements (or the willingness to come to agreement), including the settlement of disputes.[35] In at least some versions of the story of the White Buffalo Calf Woman's bringing of the Pipe to the people, her arrival came at a time of great trouble and disharmony which was healed by the coming of the Pipe.[36] The history is quite clear among the Six Nations or Haudenosaunee. Their current ways, including their confederation (the Great Peace), arose to overcome internal dissension.[37] It was a time of blood feud among clan units and fighting between tribes reminiscent in our own time of the civil war in Lebanon and gang wars in Los Angeles. Thanks to the vision and work of the Peacemaker (Deganawidah) assisted by Hayanwatah (or Hiawatha) the Great Peace was achieved and an extremely participatory government based upon principles of equality and justice was installed with responsibility that each decision and action by the people be beneficial in its results to the seventh generation yet to come. That government and numerous others across traditional North America were able to guide, in a most democratic manner, societies that were remarkably peaceful, prosperous and happy for virtually all of their citizens.

In looking at our own politics in the light of Native American experiences it is important to ask if we in the West have traditionally over emphasized power, particularly as control, competition and the state as the core of our politics? I believe the answer is that we have and that this has contributed to the growth of fragmentation and

alienation experienced by citizens in Western societies.[38] For instance, In looking at the operation of federalism in the United States it is now well recognized that while in legal theory it constitutes a system based upon separation of powers, in practice, federalism operates as a cooperative system (with competitive elements) with the federal government more often carrying out policy by empowering the states and localities through grants in aid, than by exercising control.[39] In carrying out regulation within its own sphere of powers, the federal government has always been aware that there are limits to the extent to which it can be successful in achieving desired policy results entirely through exercising control. Therefore, a certain amount of cooperation through attempting to gain voluntary compliance from those regulated is a quite traditional element in American regulatory activity. The problem is that we have not fully recognized the extent to which politics in principle involves the harmonization of cooperation and conflict, requiring empowerment in a process of consensus building which is central to the process of governance.

In the process of regulation, the case of protection of the environment offers a useful example. For many years, we have regulated both at the federal and state levels primarily through a command system requiring a large bureaucracy.[40] EPA in particular, but the state agencies as well, have been very slow to develop regulations, inefficient in gaining compliance and expensive to operate in large part because the command driven bureaucracy is far more inefficient than are cooperative mission driven systems.[41] Moreover, the command system of regulation fosters competitiveness encouraging a fragmentation of interests with a premium on the power of individual interests to influence the process. This is not to say that disproportionate power is not a problem in any political process or system, rather that strongly competitive systems emphasize power differences.

Recently, more collaborative and inclusive approaches have begun to be taken in the field of environmental policy. The EPA, for instance, has developed a process for developing regulation by bringing all the interested parties (primarily representatives of environmental groups, business and the agency) together to participate in consensus decision making. Any of the parties may withdraw from the process at any time. But if they accept the final agreement, they can not challenge it in court. The process of dialog takes time, but usually results in better decisions than competitive processes because the policies made attempt to accommodate all of the concerns and interests of those affected to create a viable policy as a whole. Decisions from competitive processes tend to be the results of the ability of the contenders to force the inclusion of as much of their position as possible in the final outcome, with compromises being determined more in terms of giving specific pieces of the policy to different parties than to achieving a well working policy as a whole. The setting of new standards for the contents of gasoline in 1991 used this new inclusive process.[42] Often when the process fails to produce a consensus it is still useful, because agreement is invariably reached on many of the issues, leaving only a narrow range of questions, which have already been well framed by the discussion of the concerned parties, for decision by the agency using the standard processes. Several states including Indiana, California and Florida have taken an inclusive approach to promoting energy conservation and pollution reduction in the generation of electric power.[43] In the past, there have been no incentives for power companies to operate efficiently or to encourage customers to conserve energy.[44] Using the inclusive process, power company, environmental group and consumer group representatives have sat down together along with state officials to develop regulation that will save consumers money and reduce energy use (thereby reducing pollution) through allowing power producers to benefit financially from encouraging consumers to be energy efficient.

For such inclusive processes to function properly there are a number of requirements. First, the process must be truly inclusive, including all the interested parties on an equal basis. If only one or a few of the interested parties are involved in the process it is only a vehicle of hierarchical, special interest driven, competitive government. Vice President Dan Quale's Competitivness Council,[45] involving only big business leaders and government personnel in blocking new federal regulation, and the older practice of having the Business Advisory Council, composed of the leadership of big business, meet regularly with the top officials in the Department of commerce and various cabinet members in exclusive sessions, paid for by the Department, at the Homestead in Hotsprings, VA and other expensive resorts,[46] are examples of exclusive rather than inclusive processes that are not legitimate Second, the power of the parties in the process needs to be reasonably equal to the extent of their interest in order that the outcome be equitable. Third, there need to be reasons, or incentives, for those interested to participate and the consciousness of the parties must be such that they are open to participating.

The need for inclusive approaches is not limited to environmental policy or to regulation in general. Currently, government in the United States and much of the world faces a series of related crises in internal operations and external relations. Some of these difficulties relate to the way in which we conceptualize and operate governmental processes. By failing to recognize the extent to which governance is in principle a collaborative and empowering enterprize we have greatly increased the costs of its operation, limited its effectiveness and distanced it from the

people.[47] The second level of the problem has to do with relations among people. A shrinking and rapidly changing world has increased the level of cross cultural interaction externally while magnifying the diversity of populations internally. Just as the Haudenosaunee and other Native American societies developed inclusive processes that achieved unity through honoring diversity in order to overcome the dangers of divisiveness, so we too need to develop inclusive relations that create community through empowering individuality in socially useful ways.

The principle of diversity, itself, tells us that we can not simply copy from others in order to develop a politics of harmony. Each people and generation is unique, and needs to develop creatively in its own terms. But if we are to achieve community we must remember that in our uniqueness we are not so much independent, as interdependent. While our age and situation are our own, they are sufficiently similar to others that there is much that we can learn from others who struggled with the same problems. Indeed, the very differences are virtues when we understand them, for they give us a useful perspective that we would otherwise be denied. Given our current condition, there is a great deal that we can learn by looking further into the depths of the traditions of some of those who have preceded us on this continent and are still very much with us.

PART II: LEARNING FROM NATIVE AMERICAN TRADITIONS

In order to attain productive and harmonious relations within and between communities it is essential that human interaction come to be based upon mutual respect[48] unless people deal with each other as equal partners in a mutual relationship, interaction is likely to lead to injustice and dangerous dominance. This in turn will most probably lead to an ongoing struggle marked by open and/or structural violence. To break out of the recurring cycles of repression and violence it is necessary that we build human relationships upon the principle of "unity in diversity," so that each of us respects the interests, views and ways of all individuals, groups and cultures. This is important not only to avoid doing harm to others, but because we each have something to learn from every person, group and culture. It is mutually advantageous for all of us to move from relations founded upon cultural hegemony to relations centered upon cultural sharing and exchange.

The principle that relationships need to be based upon mutual respect was central to traditional Native American cultures. Virtually all of the traditional peoples of North America see human beings as part of the natural harmony of the whole of nature. For example, in all important ceremonies the Lakota people respectfully acknowledge *mitakye oyas'in*[49] "all my relations." Thus they signify their respect for all they are integrally connected to, not only their immediate family, but all of the two leggeds, the four leggeds, the creepy crawlies, the bird nations, the grass nations, the rock nations, all that share in this world. There is respect for the environment; one never takes more than one needs. One is careful never to deplete the resources of any place, always leaving enough of a plant or animal to allow for natural renewal in the next cycle of seasons. And even then, one only picks a plant or kills an animal respectfully, after asking its permission and forgiveness.

The principle of harmony with nature and with other people was expressed by the Dine (Navajo) in their regular statement of parting, "May you walk in Beauty."[50] It is important to live in balance with all one's relations. Many of the tribal renewal rituals of plains and Rocky Mountain peoples emphasize maintaining and renewing harmony. The Sun Dance of the Southern Utes, for example, is undertaken to "court Grandmother Earth that She will be bountiful to us again next year," and to renew harmony in relations within the community and the world.[51] When one is out of harmony, action must be taken to restore appropriate balance and order. The Dine have many rituals for returning a suffering person to the path of beauty. If two Lakota boys are continually in conflict, the lesson of social harmony is often taught them by tying them together by their braids until they learn how to get along.

These traditional values of harmony with nature and among people have a special importance for us today in developing environmental consciousness and the positive cross-cultural and transnational relationships that the world needs for survival and a high quallty of life for all people. But the concern for maintaining and reestablishing harmony has additional contemporary value. For example, among the Cheyenne the principle of restoring harmony in relations makes rehabilitation important in instances of deviant behavior.[52]

Hoebel[53] describes a case in which two young men were caught hunting buffalo on their own. Solo hunting was prohibited because one or a few hunters might scare a herd away. To insure an adequate food supply buffalo hunting had to be undertaken by the whole tribe in a coordinated action. When members of the military society policing the hunt came upon the offenders, the military society members shot the horses of the illicit hunters and broke their weapons in the course of inflicting a beating *that the two men did not resist.* After the two miscreants had listened

silently to a reproach for their dangerous behavior, one of the chiefs of the military society called out, "Look how these two boys are here in our midst. Now they have no horses and no weapons. What do you men want to do about it?" One of the police patrol spoke up, "Well, I have some extra horses. I will give one of them to them." Another member of the military society did the same. Then a third member of the patrol declared, "We broke those guns they had. I have two guns. I will give them one." All the others responded, "Ipewa, Good." In this case the police enforced the law quickly and firmly. But once it was clear that the violators had learned their lesson they were reintegrated with the group through the generous acts of those who had inflicted the punishment.

The value of restoring harmony in terms of learning, exemplified by the Cheyenne case, has relevance to the contemporary world. This is the case not only in terms of correcting deviant behavior, but in keeping up with the rapidly changing world and in helping people to develop their positive potentials more fully in those areas of life that are relatively stable as well as in relation to changing circumstances. To the extent that each of us can see life, in the familly, the workplace, in society and in the world, as an ongoing learning experience we will be open to participating affirmatively in the changes that we need to make in adopting to new circumstances and in improving what we are doing in ongoing situations.[54] Evidence for this is provided by the success of many of the leading companies taking part in the current worldwide revolution in managenent and work relations.[55] Development by everyone in the workplace of the view that life is experimental, providing a continual set of opportunities for learning and improvement, has been a very important element in their success. These firms, along with numerous public sector and nonprofit organizations have been significantly improving productivity and the quality of working life through instituting participatory team process. On the most successful of these teams everyone is continually learning from everyone else and from the ongoing work experience. The result of this mutual empowerment is continual improvement of operations, relations and personal satisfaction in terms of virtually every standard that one might suggest.[56] But while the view of life as education is important in the success of these participatory working groups, it is but one of the essential elements in their culture. Perhaps even more important to the successful team is a balancing of the values of unity and diversity in ways that are quite anlagous to traditional North American ways of seeing.

In the native cultures we are considering, there is an emphasis upon the whole: the whole family, clan, tribe and the world. Being is understood as relational[57] so that one's meaning comes from participating in the whole at many levels. Most ceremonies are undertaken with all the participants sitting in a circle which represents wholeness. But within the bond of unity there is a respect for diversity based upon the uniqueness and individuality of each person, group and people. Together we form the medicine wheel,[58] the circle of life. Our purpose is in filling our place in the circle. but there is no circle without all of the individual places in it, each of which has a different quality as seen in each of the four directions. Each direction provides a different way of seeing the whole. Therefore, no decision can be made without consulting everyone to hear how the situation looks from their place in the circle.

In a council circle or Pipe ceremony of the plains tribes, a talking stick circulates so that each person in turn has the opportunity to speak, and to pray when the Pipe comes to them as it goes round. Whoever holds the talking stick or the Pipe is the center of the circle. Since everyone has their turn (with the talking stick and Pipe), each person has their opportunity to be heard and to be the focus of everyone's attention. Everyone is born into a given place in the circle. If one lives well they will explore the circle and come to know the other places.

The places in the circle are conceptualized in terms of the four cardinal directions: East, South, West and North (actually six including Sky above and Earth below, but we will only discuss the four here). Because different people experience each of the directions differently (in part because they see them from different places in the circle) it is impossible to define the qualities of each direction conclusively. What is said here about each of the directions is intended to give an introductory understanding which readers can use as a starting point if they wish to work further with the Medicine Wheel. One can work with the four directions both as a method for understanding differences among people and as a vehicle for one's own inner development, since each of us is endowed with qualities relating to each of the places in the circle. For example, a person concentrating upon the qualities of a particular direction may find it a helpful metaphor to sit in that place in the wheel during a gathering or by thmselves in contemplation.

The East is the place in which the sun rises. It's quality is illumination, the gaining of knowledge. For Lakota and Cheyenne people the eagle is often seen as being in the East. Flying higher than any other bird, the eagle brings the devine messages of Grandfather (ie. God) into the world. The East is also the place of the dawn, of birth and new beginnings: the opening place of new cycles of growth and learning.

The South is the place of childhood, its qualities are innocence and trust. Some see the jumping mouse as one of the

animals in the South. For some, the South is the direction of human relationship and of working in the world.

The West is where the sun goes down. It is the gateway to dreams, to looking inside onself for self-understanding. The bear is often identified with the west. For many the west is a powerful direction, the place of the thunder beings and the direction from which the weather, including thunder storms, comes. In many ceremonies the medicine man who is leading will sit in the West (though often not in Lakota Ceremonies where the leader faces West), but this is both because of that direction's qualities and because one sitting in the West of the circle faces East. The West is the place of adulthood or maturity.

The North is the place of Wisdom, of old age and learning from experience before returning East to begin a new cycle of growth and learning. For people's of the plains the Buffalo is often in the North, for the buffalo is so important to plains life that it represents the whole. (Many Northeast people place the turtle in the North, for North America is seen as Turtle Island; we live upon the back of the Turtle). From the North one has the distant perspective to understand the whole of life and of particular issues.

There are some interesting parallels between traditional views of the four directions and Carl Jung's quarternio of modes of perceiving and mental processing.[59] These are thought, feeling, intuition and sensation. According to Jung and Meyers-Briggs personality typing,[60] different people utilize these four functions to different degrees in their mental processing with one function tending to be dominant. Although there are differences in the two systems, working with both the Four Directions and Jung's quarternio (Meyers-Briggs) it is clear that different people perceive and process information differently, which we need to understand whether in educating, decision making, designing and assigning jobs, putting together working groups, or in relating to one another.

It is interesting to consider the correspondences between the Four Directions and Jung's quarternio. It needs to be noted, however, that different people see the interrelations differently so that if one wishes to work with the two systems one needs to become familiar enough with each of them to reach one's own informed conclusion. For example, some people see the East as the place of intuition, since it is the direction of illumination and the dawning of knowledge. To me, East is the "ah ha!" direction in terms of thinking, and intuition is in the North. For the eagle in the East is an active hunter, the inner-warrior, while the wisdom of the North is the cold, detached wisdom like that of the monk in the high Himalayas, who by sitting passively develops an opening for knowledge to enter through intuition. Similarly, some find intellect in the west, seeing analysis as the way of self-discovery. For me feeling is most connected with the west, for I survey my inner-self by awareness of how I feel about things.

There is perhaps more, though less than unanimous, agreement that sensing is connected with the South. These differences in perceiving each of the directions follow from the principle of the Four Directions themselves. How we see each direction depends upon from where we see it, and with which qualities we perceive it. The East looks different depending on whether one sees it from the North or from the West.

In the Native American ways of seeing, life is relational. Each individual, and each social group, has a responsibility to every other person and social entity, indeed to all beings, seen and unseen, since even the rocks are perceived as living and pervaded by spirit.[61] Each can be helpful to each if they will be friends. In this relational view, each has a responsibility to all, including oneself; but precisely because each individual is to be respected as an independent entity in an interdependent relationship, ultimate responsibility is to oneself and it is up to each one to make their own decisions based upon their own understanding. This is somewhat similar to the Quaker emphasis upon morality through personal conscience and inner strength. People are urged to have and act upon moral values, but the emphasis is upon each person developing their own answers from deep inner reflection. This leads to the development of strong character with tolerence based upon mutual respect. This kind of moral development produces individuated people who are strong and flexible partners in dialog as each comes from their own inner strength in giving support to others in a dialectic of mutual assistance.[62]

This is precisely the kind of dialectic of mutual respect that we need to develop in the world today if a culture of peace and positive human interaction is to arise. To be realized, mutual respect needs to be more than a good idea. Friendship, relational consciousness, begins in the heart rather than in the mind. How we feel toward one another is crucial. When we feel good about others we are generous with them. In traditional Native American cultures giving of oneself is highly valued, leading to an emphasis upon sharing as opposed to trading, which follows from a focus upon acquiring. At the end of major ceremonies there is usually a give away in which at least a centeral person in the event gives to all, though some times all give to each other. For example at the end of the annual Sun Dance, the Southern Utes place a blanket in the Sun Dance lodge upon which everyone in the community, and anyone else who wishes to do

so, is invited to place a gift for the give away. When the dancing concludes, the women coordinating the give away choose a gift from the blanket for each visitor present. Since the Southern Ute Sun Dance is one of a cycle of annual Ute and Sheshone Sun Dances there is receprocity as those who give away at their home dance receive when they travel to the other dances.[63] The give away is followed by a feast. Indeed, the feast, sharing at least water and food, is an integral part of virtually all Plains and Rocky Mountain ceremonies just as communion is a major part of a Catholic Mass (though there are important differences as well as similarities between sharing in the feast or give away and communion)[64]. The sharing from the heart in the feast and give away produces a reciprocity with a high degree of compassion in contrast to the reciprocity of the market based upon calculated fairness.

As recent trends in the world accentuate, markets and the market consciousness necessary to make them function effectively have an important practical value. But if markets are to attain their ends of enhancing the quality of human life as a whole, markets and market consciousness need to be balanced by concerns for harmony, including both ecological consciousness and compassion for all people and beings. John Locke in the Seventeenth Century wrote of society arising out of, and being separate from, the state of nature.[65] At the close of the twentieth century we are rediscovering that society exists within nature and that we must synthesize our understanding of the states of society and of nature. Synthesis is the problem of the day. We cannot survive and prosper unless there is a place in our circle for all. Every person, every culture, has a place. But how is that place to be defined? And how are institutions best structured and resources allocated? Each person has their own view which has some legitimate basis in reality. No one, alone, can produce viable solutions. The problem now is to develop processes for dialog based upon mutual respect. Traditional Native American societies can give us some examples of how this can be done as indicated above in discussing their use of consensus decission making. In addition some of the better, current workplace teams provide some hopeful models.[66]

To develop, and operate successfully, processes for human interaction require an appropriate culture. In learning to create and operate new forms of interrelating so that we can get to peace in ourselves, our families, our friendships, our workplaces, our communities and in the world, we do not need to reinvent the wheel. In evolving a harmonious culture we would do well to learn from and build upon the traditions of those who have preceded us in living as participants in the whole. I suggest here that there is a great deal that is helpful that we can learn from traditional Native American culture and which can be used in educating for better ways of living and relating. In proposing this I do not suggest that we try to become Native Americans. Our problem is to become ourselves more fully. But in doing this we can learn from each other.

We need to be careful not to romanticize Native American, or any other, cultures. None are perfect. Moreover, of that which is clearly positive in a culture, only a part is transferable or usefully suggestive to other settings. In the case of the traditional plains and south west Societies, for example, some aspects of their emphasis upon honor and shame are not appropriate for us now, at least not those of us in the West who are seeking better ways of relating. For while concern for honor and shame promoted the development of character and virtue that we very much need more of today, they also tended to lead to struggle for position and the appearence of virtue, rather than virtue itself. This tends to promote devisive competition and infighting that run counter to those values relating to harmony through unity in diversity that are most relevant now. It is precisely in relation to those values that we can take an important step toward enhancing the rise of a culture based upon mutual respect, by learning from those to whom the mainstream has given too little respect in the past. It is time for us to realize, that in the unity of our many faceted relationships, we are a circle of circles.

FOOTNOTES

1. Whether or not the "Communist" governments of East Europe were, in fact, communist or socialist in Marx's sense is a question that has been subject to considerable debate. It should be noted that in speaking of extremely collectivist governments I refer only to those that are colectivist at the expensive of individualism and do not include those, such as the Kibbutzim or the Paris Commune that mixed collectivism and individualism through participatory democracy (as did many traditional Native American Governments discussed below).

2. Benjamin Barber, *Strong Democracy: Participatory Politics for a New Age* (Berekeley, CA: University of California Press, 1984) Part I.

3. John Locke, *The Second Treatise on Civil Government*, (Buffalo, NY: Prometheus Books, 1986) Ch. V.

4. *Ibid.*

5. The generally high quality of life among traditional Native American peoples with virtually no poverty or crime, mechanisms to provide for those who were not well off, a great deal of emotional and physical support for people from extended family members, and a sufficient variety of choices of social roles so that almost everyone could find acceptance and develop self-esteem is attested to in numerous ethnographies and commentaries. E. Adamson Hoebel gives a good brief picture of many of the virtues (and problems) of Eskimo, Comanche, Kiowa and Cheyenne life in, *The Law of Primitive Man* (New York: Atheneum, 1976) Ch. 5 & 7. From the very first contact, Europeans were impressed with the character of Native American people and their ways of living. Sharon O'Brien, in *American Indian Tribal Government*, provides two notable quotations. First. O'Brien quotes observations from Christopher Columbus diary concerning the Native people he encountered, "They are loving people, without covetness....They love their neighbors as themselves, and their speech is the sweetest and gentlest in the world" (p. 37). Second, she quotes from Hector St. John Crevecoeur, *Letters of an American Farmer* (1782), "There must be in their [the Indians'] social bond something singularly captivating, and far superior to anything to be boasted among us; for thousands of Europeans are [have become] Indians, and we have no example of even one of those Aborigines having from choice become Europeans" (p.40).

6. John Mohawk, "Indians and Democracy: No One Ever Told Us," in Oren Lyons, John Mohawk, Vine Deloria, Jr., Laurence Hauptman, Howard Berman, Donald Grinde, Jr., Curtis Berkey and Robert Venables, *Exiled in the Land of the Free: Democracy, Indian Nations, and the U. S. Constitution* (Santa Fe, NM: Clear Light Publishers, 1992).

7. *The Second Treatise on Civil Government*, #108 (p. 61) & #184 (p. 102).

8. Jean Jacques Rousseau, *The Social Contract* (New York: E. P. Dutton and Co., Inc., 1950), Book III, Ch. V (p. 67), and indirectly on the subject of confederacy as a new subject in reference to the Six Nations or Iroquois league and other native American confederations including the Huron, Book III, Ch. XV (pp. 96-97 in the footnote). Rouseau also commented favorably on Native American live in, "A Discourse on the Origin of Inequality" published in the same volume.

9. T. B. Bottomore, *Karl Marx: Selected Writings in Sociology & Social Philosophy* (New York: McGraw-Hill Book Company, 1964) Introduction at p. 39. Marx and Engles had read L. H. Morgan, *Ancient Society*.

10. While it is impossible to have direct knowledge of Native American ways before contact with Europeans, a great deal of information is available about various North American societies at the time of contact and shortly enough thereafter so that their ways were not yet changed by the arrival of Europeans. Since the spread of Europeans in large numbers across the continent was not sufficient to disrupt the traditional ways of some tribes until well into the 19th century, there was a long period during which information on traditional ways was collected by Europeans and their descendents. In addition interviewing has been done of older people who themselves remembered traditional ways and much has been preserved in tribal and band oral history (or was preserved long enough to set down in writing) so that it is possible, in many cases, to distinguish traditional from later ways. There are, of course, many holes in contemporary knowledge of traditional ways, and many points about which there is uncertainty. In some cases, aspects of traditional ways relating to governance continue to this day as pointed out by O'Brien in *American Indian Tribal Governments,* p. 17 with reference to Ch. 1 and Part 3 of that work. In considering Native American Ways it is important to note the bredth of variety and the individuality of the many cultures. Some idea of this is given in Harold Driver, *Indians of North America* (Chicago: University of Chicago Press, 1969) and in Joseph Eppes Brown, *The Spiritual Legacy of the American Indian* (New York: The Crossroads Publishing Co., 1988).

11. O'Brien, *American Indian Tribal Governments*, Ch. 2.

12. *Ibid*, and also shown in Hoebel, *The Law of Primitive Man*, Ch. 5 & 7.

13. The concept of politics as the "authoratative allocation of values (when sanctions are available)" was introduced by David Easton, *The Political System* (New York: Alfred A. Knoph, 1953) pp. 131-132.

14. Harold Laswell, *Who Gets What, When Why, How* (New York: McGraw Hill, 1936).

15. Hoebel, *The Law of Primitive Man*, Ch 5, particularly pp. 81-83.

16. *Ibid*, pp. 88-89.

17. O'Brien, *American Indian Tribal Governments*, pp. 16-17, 29-33.

18. Clyde Kluckhohn and Dorethea Leighton, *The Navaho* (Cambridge, MA: Harvard University Press, 1974), pp. 111-123.

19. *Ibid*, p. 118.

20 *Ibid*, p. 120.

21 Bruce G. Trigger, *The Huron: Farmers of the North* (Fort Worth, TX: Holt, Rinehart and Winston, Inc., 1990), especially Ch. 6, "Government and Law".

22. Ibid, p. 84.

23. E. Adamson Hoebel, *The Cheyennes: Indians of the Great Plains* (New York: Holt Rinehart and Winston, 1960) p.37.

24. O'Brien, *American Indian Tribal Governments*, Ch. 2, "Traditional Governments" gives a brief overview of a geographically and in other ways diverse sample of traditional Native American Governments.

25. *Ibid*, pp. 27-29.

26. A feeling for the cycle of annual ceremonies in the life of Taos Pueblo is presented by Frank Waters in his novel, *The Man Who Killed the Deer: A novel of pueblo Indian Life* (Athens, OH: University of Ohio Press, 1970).

27. A feeling for the process of the Taos Pueblo Council is given in a description of a meeting in Waters, *Ibid,* pp. 12-25.

28. Royal B. Hassrick, *The Sioux* (Norman, OK: University of Oklahoma Press, 1964), Ch. 2 and 13.

29. Luther Standing Bear, My People the Sioux (Lincoln, NE: University of Nebraska Press, 1975) Ch. V.

30. There is some discussion of this in O'Brien, *American Indian Tribal Government,* Ch. 2.

31. Personal observation and discussion with Lakota Sun Dancers by the author.

32. John Simmons and William Mares, *Working Together* (New York: Albert Knopf, 1983), Stephen Sachs, "The Cutting Edge" and "Employee Participation: The Next Stage", *Workplaace Democracy* Vol. XII, No. 2, Fall 1985, and No. 61, Summer 1988. Stephen Sachs, "The Interest and Goal Structure of Self-Managed Organizations" (Paris: Second International Conference on Participation, Workers Control and Self Management, 1977) discusses the reasons for the advantages of collaborative over hierarchical organizations including the tendency of collaborative organizations to minimize status differences stemming from division of labor in comparison to hierarchical organizations. The paper is available from the author (POLS, Indiana University at Indianapolis, 425 University Blvd., Indianapolis, IN 46202.

33. O'Brien, *American Indian Tribal Government*, pp. 17-20.

34. *The Cheyenne*, Ch.4 and 5.

35. Hassrick, The *Sioux*, pp. 50-51, 66. William Stolzman, SJ, *The Pipe and Christ* (Chamberlain, SD: the Tipi Press, 1989), Ch. 12.

36. Hasserick, *The Sioux,* 253-264. This author has heard the story of the coming of the Pipe told with the indication that the White Buffalo Calf Woman brought the Pipe at a time of great difficulty and disharmony.

37. Oren Lyons, "The American Indian in the Past" and Donald A Grinde, Jr., "Iroquois Political Theory and the Roots of American Democracy," in Lyons et al, *Exiled in the Land of the Free.*

38. There is an excellent critique of traditional liberal theory along the lines suggested here in Benjamin Barber, *Strong Democracy: Participatory Politics for a New Age* (Berkeley, CA: University of California Press, 1984) particularly in Part I, but also to a lesser extent in Part II.

39. Daniel Elizar, *American Federalism* (New York: Thomas Crowell Co., 1973)

40 Zachary Smith, *The Environmental Paradox* (Englewood Cliffs, NJ: Prentice Hall, 1992) and Charles Davis, *The Politics of Hazardous Waste* (Englewood Cliffs, NJ: Prentice Hall, 1993).

41. David Osborne and Ted Gaebler, *Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector* (Reading, MA: Addison-Wesley Publishing Company, Inc., 1992), Introduction, "An American *Perestroika*," and Ch. 4, "Mission Driven Government: Transforming Rule-Driven Organizations."

42. Jeff Smith, "Traditional Foes Agree on Gasoline Formula," *Indianapolis Star*, Vol. 89, No. 73, 1991, pp. 1, 7.

43. *Citizens Power*, Vol. 18, No. 2, Fall 1992, published by Citizens Action Coalition, 3951 N. Meridian St., Suite 300 Indianapolis, IN 46208, contains several articles on this topic. *Reinventing Government*, pp. 299-395 touches on this issue in environmental regulation and discusses some other incentive based approaches to environmental regulation.

44. Wilson Clark, *Energy for Survival* (Garden City, NY: Anchor Books, 1975), Ch. 3.

45. "EPA, Quale Committee Head for Showdown," *The Indianapolis News*, November 21, 1991. pp. A1 & A4.

46. A. Lee Fritschler, *Smoking and Politics: Policy Making and the Federal Bureaucracy* (New York: Appleton Century Crofts, 1969), p. 46.

47. Osborne and Gaebler, *Reinventing Government.*

48. For a discussion of this necessity and of the process of building a culture of peace based upon mutual respect and unity in diversity see Stephen M. Sachs, "Building the World Team: Getting to Peace Through Developing a Collaborative Culture," *Organization Development Journal*, Vol. 8, No. 1, Spring 1990, and "Learning the Pedegogy of Peace: or Living the World Team into Existence," paper presented at the COPRED 16th annual Conference in Milwaukee, 1987 (available from the author).

49. Most of the points concerning spiritual aspects of Lakota, or Western Sioux, culture discussed in this paper are considered at greater length in Stolzman, *The Pipe and Christ*. Additional information on the Lakota can be found in John G. Neihardt, Black Elk Speaks (New York: Pocket Books, 1959), Joseph Epes Brown, *The Sacred Pipe: Black Elk's Account of the Seven Rites of the Oglala Sioux* (Norman: University of Oklahoma Press, 1953) , John (Fire) Lame Deer and Richard Erdoes, *Lame Deer: Seeker of Visions* (New york: Washington Square Press, 1972), Wallace Black Elk and William S. Lyon, *Black Elk: The Sacred ways of a Lakota* (New York: Harper and Row,1990, Charles A Eastman (Ohiyesa), *The Soul of the Indian: An Interpretation*, (Lincoln, NE: University of Nebraska Press, 1980 reprinting the 1911 edition), and Royal Hassrick, *The Sioux*. Much understanding of the traditional Lakota can also be gleaned from Mari Sandoz biographical novel, *Crazy Horse: The Strange Man of the Oglalas* (Lincoln, NE: University of Nebraska Press, 1942).

50. For more information on the Dine, or Navajo, see Kluckhohn and Leighton, *The Navaho*, James F. Downes, *The Navjo* (New York: Holt Reinhart and Winston, Inc., 1972) with chapters 2, 3 and 8 particularly relevant to this paper, and Alice Reichard, *Navaho Religion* (New York: Pantheon Books, Bollingen Series, 1950). A very enjoyable way to become familiar with Dine culture is through the mystery novels of Tony Hillerman including, *Listening woman, The Blessing Way, Skin Walkers, The Ghost Way The Dark winds, Dance Hall of the Dead, People of Darkness* and *A Thief of Time* many of which are Avon Books paper backs.

51. Discussion of the Southern Utes in this paper is based upon the Author's support from 1986-1992 of the annual Southern Ute Sun Dance held on the tribal Sun Dance Ground near Ignacio, Co. He participated in the drumming for the Sun Dance in 1989 through 1991. Some information on the Utes is available in Charles S. Marsh, *The Utes of Colorado: People of the Shining Mountains* (Boulder, CO: Pruett Publishing Co., 1982, Jan Pettit, *Utes: The Mountain*

People (Colorado Springs: Century One Press, 1982) and James Jefferson, Robert Delaney, Gregory Thompson and Floyd O'Neill, *The Southern Utes: A Tribal History* (Ignacio, CO: Southern Ute Tribe, 1972) which contains a useful bibliographical essay. An excellent study of the Ute and Shoshone cycle of Sun Dances in historical, social, economic and political perspective until 1969 is Joseph G. Jorgensen, *The Sun Dance Religion: Power to the Powerless* (Chicago: University of Chicago Press, 1972).

52. An excellent short ethnography of the Cheyennes with additional bibliography is E. Adamson Hoebel, *The Cheyenne: Indians of the Great Plains*. A longer ethnographic work focussing on traditional law, and hence saying much about governance and something of other aspects of Cheyenne life, is Karl Llewellyn and E. Adamson Hoebel, *The Cheyenne Way* (Norman: University of Oklahoma Press, 1941). A very fine picture of traditional plains culture in general, and Cheyenne ways in particular, is Heyemeyohsts Storm's novel, *Seven Arrows* (New cork: Ballantine Books, 1972). The work was written as a teaching and the first three chapters are explanation of core cultural principles.

53. Hoebel, *The Law of Primitive Man:*, Ch. 7, "Comanche, Kiowa and Cheyenne: Plains Indian Law in Development," pp. 150-153.

54. Sachs, "Building the World Team," pp. 20-21.

55. For discussion of the world wide revolution in management and work relations see Simmons and Mares, *Working Together* and Stephen Sachs, "The Cutting Edge" and "Employee Participation: The Next Stage."

56. Simmons and Mares, *Working together,* New York Stock Exchange, *People and Productivity* (Homework, NJ: Dowager Jones-Irving's, 1985).

57. Stolzman, SJ, *The pipe and Christ.*

58. Excellent discussions of the Medicine Wheel or the Four Directions are to be found in *Ib1d,* Ch. 14, Storm, *Seven Arrows* pp.3-27, and John Redtail Freesoul, *Breath of the Invisible: The Way of the Pipe* (Wheaton, Il: The Theosophical Publishing House, 1986), Ch. 7,8 and 9.

59. Carl Jung, *Psychological Types* (New York: Harcourt Brace, 1923).

60. Isabel; Meyers, *Gifts Differing* (Palo Alto, CA: Consulting Psychologists Press, 1980) and David Keirsey and Marilyn Bates, *Please Understand Me: Character and Temprement Types* (Delmar, CA: Permetheus Nemesis Book Co., 1984).

61. Stolzman, S J., *The Pipe and Christ,* p. 180.

62. On the importance of this kind of inner strength for participants in dialoguing processes see Sachs, "Learning the Pedagogy of Peace," p. 1.

63. Jorgensen, *The Sun Dance Religion,* Ch. 6.

64. For a discussion of the similarities and differences between communion in the Mass and the feast in Lakota ceremonies see Stolzman, SJ, *The Pipe and Christ,* Ch. 9, "Yuwipi and the Mass."

65 John Locke, Second Treatise on Government.

66. For a discussion of the implications of workplace democratization for developing a culture of peace see Stephen Sachs, "Global Focus: Beyond the Workplace," Workplace Democracy, No. 57, Summer, 1987.

POLITICAL SCIENCE PAPERS

Must All Politics be Local:
Spatial Attachments and the
Politics of Space

Robert H. Salisbury

Washington University

Department of
Political Science

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MUST ALL POLITICS BE LOCAL: SPATIAL ATTACHMENTS AND THE POLITICS OF PLACE

by
Robert H. Salisbury

When Tip O'Neill's father(O'Neill, 1987) instructed him in that basic truth that "All politics is local," he was referring to the fact that in the United States nearly all elections are won or lost entirely within the boundaries of particular local constituencies, and that by pleasing locally circumscribed interests politicians prosper. When Bill Clinton intoned, "I still believe in a place called Hope," he reminded us that we all come from somewhere and that many of us not only carry the imprint of our geographical origins but retain affective ties to them. And as military bases are closed and farm subsidies cut. we see once again how much public policy consists of components with differentiated impact on particular localities. In this sense too, much if not all of our politics is local.

Yet in one of the more sizable ironies of social science we have undertaken very little research into the ways Americans think about or identify with the places that so substantially define their lives. We know, of course, that many of us put a high value on our home town. Our breasts swell with patriotic pride when a native son is feted for some achievement or when the local team wins the championship. Well over a century after the end of the War Between the States we still, many of us, are emotionally attached to city, state or region. But while in general we know this to be true, we have no idea of the magnitude or specific content of these attachments to place, nor do we have more than a glimmering as to what difference, if any, such attachments and loyalties may make in our politically relevant attitudes and actions. For forty years we have studied identification with political parties with great care and imagination, but we have ignored almost totally identification with place. And this in a nation defined more than almost any other by its geographical configurations--its cities and states, its neighborhoods and districts.

Inasmuch as we have so little systematic data regarding the spatial dimension of American political identities, it is difficult to construct a sensible paper that builds directly on the topic. Instead, therefore,I propose to proceed along a more indirect path. First, I speculate as to why social scientists have so blithely skipped over geographically specific attachments in favor of other organizing concepts. Next, I undertake a shamelessly "Broad Brush" sketch of the American historical experience with am eye to identifying some of the reasons that led Americans to become and remain so insistently local in so many of their essential orientations. Third, I explore the more specifically political aspects of spatial identification, mindful of Tip O'Neill's aphorism but considering also the extent to which political localism itself has contributed, in turn, to the persistence of more general local attachments and self-definitions. I will contend that whatever affective mechanisms may be at work the structure of the American political system gives great weight to the concerns of differentiated local areas. Along the way I will try to connect the discussion of political localism to concepts of pluralism, both empirical and normative. My argument here is that a proper understanding of American pluralism must be firmly and explicitly situated in a recognition of the

localist structure of the political order in which one important factor is the power, past and present, of citizen attachments to particular places. and so we must begin to map the territory.

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Political science is not unique among scholarly disciplines in its scanting of space and place. At least since the nostalgia-laden regionalists of the 1930s, humanists and social scientists have generally given short shrift to geographical factors, regarding them as of declining force at most in shaping the major categories of American attitudes and behavior. Since World War II geography as a separate discipline has not enjoyed the prosperity of other academic fields. There are occasional flurries of interest, especially within the rather catch-all "field" of American studies (cf., eg, Franklin and Steiner, 1992; Schlereth, 1990; and especially, Tuan, 1977), and a somewhat larger volume of popular attention to cultural geography(Zelinsky, 1973, inter alia), but systematic scholarly investigation into the meaning and impact of place and space scarcely exists. Indeed, there is much less attention to the ways in which spatial configurations shape the American political world, where they matter profoundly(though see, Meinig, 1986), than in Great Britain where they matter much less but the discipline of political geography is very lively.Why the neglect? I offer six related but distinct pieces of an explanation.

Urbanization. For three centuries or more a powerful social dynamic in the Western world has been the growth of cities. Larger and larger conurbations have enveloped the land, and it has generally been supposed that the increase in scale was accompanied by a commensurate loss of intimate community, especially as various functional areas of life - residence, work, worship, recreation, etc.- came to be differentiated from one another, both socially - involving separate patterns of interaction with functionally specialized others - and spatially (Katznelson, 1981). This was in sharp contrast to the rural village, yeoman smallholding, or mercantile market center where life was more or less integrated, contained within a single set of boundaries;,i.e.,a place. Obviously, this differentiation was a prolonged process spread over many decades with important countertrends and surviving remnants, but the long run direction seemed clear enough to persuade scholars, following Tonnies, Weber, and other giants of the founding era of modern social science, to emphasize what Maurice Stein(1960) called the "Eclipse of Community."

Industrialization. Closely related to urbanization but distinct in both theory and description, the processes of industrialization were the foundations of such powerful theoretical growth as to leave little imaginative energy for such apparently frivolous pastimes as analyzing the impact of geography. Industrialization spawned Marxism and related perspectives which drew upon the inescapable observation of increasing economic inequality and the emergence of differentiated socio-economic classes to postulate class conflict as the essential dynamic of society. Classes were not much restricted to specific places, and the class struggle was expected to dominate prior attachments, whether to place, ethnic background, religious group, or any other.

Industrialization, or more properly the rise of industrial capitalism, also gave rise to other modes of economic analysis. In these theories too, however, the role of place was of minor significance. The factors of greatest importance -labor and capital - were more abstract and not closely tied, in principle at least, to any particular piece of geography. Land, of course, and many natural resources had fixed locations, but they took their economic meanings not from the social configuration of a place but from their productive interaction with more mobile factors of production. From the economist's point of view the fate of any given territory would always be problematic and subject to change according to the tides of impersonal market fortunes. Hence, there was little point in studying places as such except to see how the fixed resources of land and mineral wealth and locational advantages in transportation might lead to growth or provoke decay.

Modernity. The idea of modern is used in many different ways and modes of discourse. For present purposes I invoke it to refer to the shift away from other experiential, often localistic criteria of judgment and valuation that, broadly speaking, characterized romanticism in the arts (and, in a rather different but parallel way, pragmatism in the professions) toward the embrace of universal abstract principles accepted as valid across time and space and tolerating no "local" deviance or ad hoc adaptation to the peculiarities of terrain. Thus while Picasso displaces Corot, Eliot routs Whittier, and Stravinsky sends Dvorak packing, the Flexner Report forces medical doctors into the modern mold of germ theory medical practice and other professions likewise and quickly adopt abstract criteria of assessment that permit much stricter entrance examination and licensing in the name of quality control. Modernity in this sense is the enemy of local particularity(Parsons, 1952; Giddens,1991). Efficient Taylorism and the city manager drive out the "colorful" characters of work bench and ward headquarters. The "principles" of POSDCORB administration are taken to be equally valid in Syracuse, Santa Fe and Spokane. In the MODERN world there is little reason to dwell on the surviving differences among places except perhaps as exercises in antiquarian nostalgia or some other harmless romance.

Secularization. In the kitbag of scholars the factors discussed so far have been accompanied by a further extension of those ideas which I will label secularization(Cf.D.Martin, 1978). I must hasten to add that while I intend this concept to include its usual core meaning - the decline of religious commitment and the substitution of values and criteria of assessment drawn from non-religious sources - I wish also to include the rise of consumerism and expressive self-consciousness as explicit components of secularization in the United States.

At one level secularization may mean little more than the demythologizing of life, the stripping away of some of the ritual mystery that characterized so much of "pre-modern" society. At a more mundane level it may signify that people have stopped going to church or professing even nominal belief in the religious tenets previously dominant in the society. In the social sciences of the past century it was widely expected that the forces of modernization would undermine the authority of traditional religion and lead to an increasingly secular society(See Vidich and Lyman, 1985). Such a society would be shaped by the imperatives of class and the

principles of professional expertise and also by the demand for commodity satisfaction brought on by advertising and the consumer-driven economic growth machine. In the absence of reverence for religious authority there would be a lemming-like tendency to follow the fads of the day and to seek out modes of self-expression and identity creation by means of consumption. In the absence of norms from "above" individualism could go to whatever lengths imagination could conceive and credit cards finance. The process of secularization has the additional effect of removing from the central zone of life's activity the institutional agents of religious authority. Churches are situated in places, and if one no longer pays attention to them another anchor to a specific locality has been lost. Thus, insofar as secularization is a powerful social fact, there is less and less reason to study the attachments people have to the places they inhabit.

For more than a decade now, of course, we have recognized that the secularization hypothesis does not hold for the United States(Wald, 1991; Wuthnow, 1988, inter alia). However valid it may be for other parts of the world, its predictions have been confounded by the steady and high aggregate rate of religious belief and practice in this country. There is much flux at more detailed levels of analysis, but the overall pattern has been one of great vitality in religious commitment and substantial significance of that commitment for a variety of interesting beliefs and behaviors(Roof, 1979). After decades of neglect social scientists have redirected their energies to take a greater interest in religion in American politics, but, despite the parallels in intellectual position, that interest has not as yet spilled over to encourage analytic attention to places and spaces. Indeed, much of the recent attention to religion implies that because of the importance of televangelism and of such ubiquitous issues as abortion, geographical variance, even when it exists, must be of minor importance.

Migration. One reason for inattention to spatial attachments as a foundation of social identity is the recognition that Americans are and always have been a highly mobile people. Each year close to twenty percent change their place of residence, and something like that rate seems to have been in force for many decades(Greenwood, 1981; Caplow, 1991). In the mid-nineteenth century a given community was likely to experience a fifty percent turnover in ten years, and there is no reason to think that the pace of change has diminished since. Much population movement covers only short distances, of course, but annually some three percent - well over 7 million people per year in the 1990s! - move from one state to another.

Social scientists have devoted considerably more analytic effort to social mobility, which is supposed to be a hallmark of American culture, than to geographic migration which, the Turner Thesis notwithstanding, was presumed mostly to rearrange the map. Key(1949, 1956) and Elazar(1966, 1970), among political scientists, and Bailyn(1986) and Fischer(1989) among historians have emphasized the deep and lasting impact of initial settlement, arguing that the spatial distribution of modern behavior is profoundly affected by the value orientations of those who came first and,in a sense,planted their commitments in the soil of the locality. And yet, for such an explanation of present behavior to hold requires us to know far more than we do about the patterns of spatial movement across the generations. And, perhaps because we do not have a ready command of those

data, we have welcomed the assumption that geographical mobility will result in the progressive attenuation of place loyalty and its displacement by social class or other kinds of group attachment. Further, the increases over time in size and social complexity of the population may be expected to render any particular space more and more heterogeneous and therefore less likely to exert a common attraction upon those who happen, at any one time, to be located there.

Technology. As a sort of catchall category technology provides several elements of explanation for the disregard of place attachment. One is the advent of national, and now international, communication networks including news media, mass entertainment forms and marketing structures as well as the more intimate connections of telephone, E-mail, and jet travel. As we seem to encounter one another nearly everywhere on the planet with equal ease, the shopping malls and fast food outlets grow more and more alike throughout the country and the ten O'clock news looks and sounds the same no matter where you are.

Doubtless there are other reasons that could be adduced to account for the neglect of local attachments in the eternal quest for explanation of American political processes. There certainly seem to be more than enough already, however, to confirm the wisdom of giving such matters the back of our analytic hand. Yet I would argue that this massive array of arguments misses an essential point. Even though the cultural differences between or among geographically defined spaces may have eroded or even disappeared entirely, it does not mean that the political interests of those places have come to be the same. American workers in Seattle and Long Beach, or Fort Worth and St. Louis, may have a common social status, similar cultural orientations, and share an interest in defense production jobs, but their most insistent political concern is nevertheless an issue of conflict; it is which aerospace firm will get a given contract and thus which of them will have jobs. Even if the United States is culturally a part of the global village, our politics are still much shaped by local considerations. Let me turn then to consider some of the reasons that help explain the historical emergence and continuing persistence of political localism.

The Localist Core of the American Experience

We should begin this broad brush sweep with the prior recognition that the United States is and has always been characterized by great diversity in the spatial distribution of climate and of economically valuable resources. Far more than could ever be true of tiny England or Holland, natural resource-poor Spain or Italy, or even better-endowed but less various France and Germany, the U.S.has combined great size with natural wealth. Moreover, that wealth was, to a substantial extent, differentiated into separate and distinct geographical spaces. In modern times transportation technology and product substitutability have bridged some gaps and blurred some boundaries, but the historic differences between and among the political economies of New England, the Old South, the corn belt, the mining west, and so on continue to find significant cultural expression in our time. Only a few hardy citizens move to retirement centers in the Dakotas, recent immigrants from Asia rarely take up farming in Appalachia, and Erskine Caldwell's best efforts failed to produce much gold from the mines of Georgia. So we must start with the recognition of resource and

climate constraints that give part of the shape and substance to any particular chunk of the nation's real estate.

A Nation of Islands. America was not settled all at once. That may seem both obvious and trivial, but it leads to an important point. If we were to be legalistically inclined, we might examine colonial charters, treaties and other formal means of territorial expansion, and other such indicators of state formation. Such a focus yields a highly aggregated view, abstracted from the behavioral realities of community building and, because it implies that the relatively large legal entities were also the effective units of political and social life, it is seriously misleading. In particular, the governmental units we call states and their major subdivisions generally contained a considerable variety of people with somewhat diverse interests; in short, they were pluralistic in composition. But at the community level it is more appropriate to use Robert Wiebe's phrase(1975) and refer to "island communities." In every region of the country initial settlement tended to follow the same basic formula; groups of people from a particular area in Europe - East Anglia. the Scottish borderlands, Western Norway, County Cork, and so on - came to America and settled together, sometimes establishing a village or town, sometimes adding to a community founded by pioneering friends or relatives, sometimes taking up farms in an area inhabited by erstwhile neighbors, and sometimes taking their place in "friendly" urban ghettoes next door to fellow paisans.

Second and third stage migrations within the country were also characterized, to a substantial extent, by group movement. New Englanders moved to Ohio. for example, and reproduced not only their village greens but much of their social structure as well, and then they did it again in Oregon, Pasadena, and Claremont. On a smaller, more intimate scale the modern migrations of ethno-cultural groups within particular metropolitan areas has often been fashioned so as to preserve much of the "island-like" character of the old neighborhoods in newly built environments(Castells, 1981). Jews locate among other Jews, blacks among blacks, and Irish with Irish, not in quite the same density and not so often because of social necessity imposed from outside, but enough to retain the culturally distinctive character of local areas and to deny victory to the forces of pluralism.

An additional basis of homogeneity within American communities is to be found in the entrepreneurial circumstances of their founding. John Martin(1991) has documented the extensive degree to which throughout 17th century New England investors created towns and brought settlers to them in the expectation of profit. These communities did not have the same degree of religious unity that the Puritan towns enjoyed, but there was little social diversity nevertheless, and for many decades after their creation few conflicts arose within them. Partisanship and other forms of social discord were far more often expressed in the struggles between and among communities and pluralist diversity was largely an aggregate of all the localities taken together.

The Emergence of Local Elites. Much of the social science literature dealing with elites focuses on those who head and/or can draw upon the resources of large organizations, both public and private. For more than a

century now, such a focus has led to an emphasis on those who operate on a national or international scale, commanding resources - mainly capital - that are mobile across political boundaries and exploiting opportunities or confronting challenges anywhere in the world. Both private corporations and nation states have grown to such vast proportions that mere local notables may seem no longer worth bothering with, even analytically. Be that as it may, however, it was not always so. Local elites certainly have had political importance in the past and it may repay us to inquire into the processes by which these elites first emerged. In so doing, I wish to suggest that the circumstances and foundations of elite emergence and status help us explain the historic strength and continued importance of localism in America.

The evidence on recent migration suggests pretty clearly that movement on a significant scale - eg, from one state to another - is characteristic of the upwardly mobile (T.Brown,1988). In what we might call the "Dick Whittington syndrome" the ambitious young leave home to make their fortunes and, as a corollary, those at the top, at least of the corporate ladder and some others as well, will long since have severed meaningful connection with the places of their origin. They have become cosmopolitans if they were not already born into a cosmopolitan milieu of wealth and position. But it was not always so. Before there were great corporate structures to nurture cosmopolitan sophistication there were local elites who attained their status in very different ways.

One path to elite status was the exact opposite of the Whittington strategy. Every American community was created from scratch. It was founded, quite literally, and "Founding Fathers" laid it out, named it, and promoted its early development, whether as entrepreneurs, religious enthusiasts, or land-hungry adventurers(John Martin, 1991). But the turnover was great. What studies we have suggest that in a given decade half the population moved on(Curti, 1959;Thernstrom,1964), but it was those who stayed in those early years who came soon to occupy elite positions(Faragher,1986). They, a few of them, established a store, opened a bank, started a newspaper, and bought up property. It often took only a few years after the initial founding for a quite clearly differentiated elite to emerge, not always much wealthier in cash income than their neighbors, but acknowledged as the "rightful" leaders of the town (Dahl,1961). Others moved on to try homesteading again, to follow the market for labor, or perhaps simply to "light out for the territory," while meanwhile locals had come to dominate the hierarchies taking shape in the communities of the nation.

A second path of local elite emergence involved the shifting character and function of the learned professions. Specifically, the period between the Founding and the Civil War saw the emergence of lawyers, displacing the clergy as community leaders and serving both as advocates of local interests in larger arenas and as connectors tying one community to another through their participation in the formal structures of courts and politics and the informal networks of communication and opportunity that were associated with those institutions. As Richard Brown(1989) has shown, it was the lawyers who were strategically placed to learn what was happening in the larger world and to articulate it as public orators for the edification of others. By the Jacksonian era lawyers themselves were more

and more "democratically" produced, without the trappings of foreign education or other stratifying mechanisms to separate them from the local community, and the explosive growth of local newspapers in this same period further enlarged the cognitive stock of the citizenry, undermining the informational advantages previously monopolized by a more hierarchical order dominated by clergy and gentry.

This critical, if transitional, role of lawyers in the emergent elite structure(Ayers,1992) was important in part because although they were functionally distinct from their neighbors most lawyers were, and until quite recently remained, distinctly local in the scope of their principal concerns. Real estate, liability, and all the other issues of property rights were almost entirely local concerns regardless of the forum in which they might ultimately be resolved, and these were the matters on which most lawyers spent their time. Insofar as lawyers became embroiled in politics it was very often as a logical extension of the task of representing the interests of local clients.

A third source of local elites consisted of business firms that grew to significant size and economic power but remained located in, and in some measure dependent upon the prosperity of, a particular community. Obvious examples from more or less modern times are banks, utilities, and department stores. Their trade and profit were directly tied to the economic health of the area in which they operated, and until recently when many have been absorbed into translocal conglomerates they lacked the mobility of more abstract forms of capital. Since they could not readily move, the leaders of these economic institutions, often the founding families, were necessarily committed to boosting the locality's growth. Even today there are enterprises with such large sunk costs in physical plant or locality-based images associated with their product as to make it an expensive proposition to shut down and move to an area of lower taxes or cheaper labor. Such firms are likely to be local activists. It is clear that mobility is more easily contemplated today than a generation or two ago, and to that extent the underpinnings of local elite structures are weakened. My concern here, however, is to emphasize the historic experience which, in communities across the land, generated influential local elites that were largely autonomous with concerns that for many decades dominated much of the substance of political advocacy and governmental action - and kept it largely local.

<u>The Centrality of Real Estate</u>. There are many candidates for the honor of being designated, "That Which Made This Country What It Is Today," but my favorite is real estate speculation. It is hardly possible to overstate the importance of the decisions to invest in and efforts to promote the value of real property in giving specific shape to patterns of land use and thus to the social configuration of every particular geographic space (Boorstin,1965,1973; Marc Weiss,1987). Natural resource potential sets some of the parameters of development, to be sure, but resource constraints have so often been disregarded or overcome that in most instances we cannot take them to be decisive. And while there are many sources of wealth and achievement besides real estate, the hope that a plot of land and its improvements will, with some promotional effort, increase in value enough to make one's fortune has been a driving motive for many millions of

Americans from George Washington and Daniel Webster to the less honorable scamps of our time (Bailyn, 1986; Limerick,1987)

The proportion of the nation's wealth represented by real property values is enormous. The number of people directly involved in the development, management, and sale of property is vast. Yet despite the publicity attendant upon the recent savings and loan scandals we lack even rudimentary descriptive maps of the extent and character of the real estate "industry" comparable to the numerous studies of the oil business or automobile manufacturing. There is a ready explanation for this gap. Real estate is localized. It is strictly bounded in space and has escaped much of the process of translocal aggregation, enough to keep it a highly decentralized structure, an extremely complex web of connections among investors, developers. brokers. creditors, lawyers, and many others.

Real estate interests are not only located in specific places, of course; they are fixed. They cannot be picked up and moved. To convert them into more mobile forms of capital requires that they be sold. This, in turn, requires a market of at least one potential buyer, and if the sale is to be profitable, it requires that market prices be on the rise. This, in turn, necessitates that demand for the particular property in question be on the upswing, and this, in its turn, entails growth-encouraging promotional efforts by the owners. All this is elementary economics, of course, but historically it has been an absolutely vital part of American political and social life as well as a foundation of economic development.

Not every American property owner bought land primarily as a profit-seeking investment, of course. There have always been many who intended to stay where they were, enjoying whatever productive possibilities their estate might afford but paying little attention to whether land values were rising or falling. The Jeffersonian vision for America was pretty clearly one in which stability and yeomanly virtue were the hallmarks rather than economic appreciation. For Washington, Webster, and ultimately both the Jacksonians and Henry Clay's Whigs, however, the nation's growth meant not just territorial expansion but increase in the value of the territory. Expanded credit through state banks - a Jacksonian policy - and governmentally sponsored internal improvements - Clay's American Program - were aimed in the same direction; more profitable use of the land, economic growth, and community expansion.

I want to stress not just the degree to which economic development in the first century of the American Republic centered on the appreciation of real property values but also the fact that these values were local and that the efforts to inflate them, though sometimes bundled together into a national policy package, as they were by Clay, were primarily local in both political impulse and form of enactment. Dewitt Clinton was not interested in canal-based development in general, only in New York. The railroad land grants were disaggregated to specific roads in specific localities. Campaigns to found a college or build a state prison were explicitly linked to one town rather than another. The "county seat wars" of the Midwest(Schellenberg,1987) pitted one community against another in a struggle to be designated the seat of local government with its expected accompaniment of business growth generated by the presence of courts and lawyers.

We have already referred to the emergence of local elites in the nascent communities of nineteenth century America. Almost always these elites had particularly large stakes in the real estate of their communities and hence in its appreciation through growth. As we noted earlier, the notables arrived early and stayed, gathering property and creating enterprises to serve what they hoped would become a thriving place. They might donate some of their land to build a college or a courthouse or to entice a railroad to make a bend and come through town. In our time this process of locally sponsored courtship of growth-enhancing investment from outside has generally been socialized and undertaken largely by government, but both the motive involved - enhanced property values - and the chief beneficiaries - local elites - are essentially the same. And even when the form of the policy objectives is trans-local -e.g., a state program of highway construction, or a national policy of home mortgage insurance - the impact is felt at the level of individual places, and it is largely from coalitions of local contractors, home builders, mortgage lenders, and the like that the requisite political stimulus for national action is derived.

Local Institutions: Sunk Costs and Rich Opportunities. Localism is closely tied to mobility - inversely. Localist perspectives are associated with those who, for whatever reasons, cannot or will not move. An important form of such stickiness involves the sunk costs of capital investment in physical facilities. In a general sense prudent profit-making enterprises can depreciate their physical plant over a reasonable time period and thereby retain a degree of flexibility in the spatial allocation of their capital. Nonprofit institutions are far more constrained, however, and in some rough proportion to the scale of their spatially fixed investment are forced to behave as locals, defending their borders against hostile incursions and hoping that growth will increase their resource base, flow of clients, or whatever they depend on to function. Universities, hospitals, cultural institutions, some churches, and all local governments face these necessities. In their classic period, ca. 1870-1930, local governments enjoyed wondrous opportunities to build administrative offices, courthouses, jails, and assorted other appurtenances(Monkkennen,1988). In much of the country, however, and with some stunning exceptions, this physical infrastructure has long since been in place and today presents a two-ply strand that ties local officials to their specific space. Not only can they seldom afford to build anew their capital plant, but by definition they are restricted in the territorial scope of their authority. Governments cannot pick up their jurisdiction and move to more promising venues. They are stuck where they are, and they must act to make the best of their location(Castells,1983; Logan and Molotch,1987).

Local governments may be seen from another angle, however; not just as an immobile investment that cannot be written off or abandoned but as a set of opportunities. Throughout the history of the United States every community founding carried with it the creation of offices, of positions that had to be filled by residents of the community(Elkins and McKittrick,1953). Some of these were paid, some carried a measure of power, some were largely honorific; many were vehicles of recognition and/or advancement of local elites. Long before there was much interest in pursuing congressional seats, for example, state and local offices were

hotly contested, and the redoubtable Plunkitt(Riordan,1948) was hardly alone in "seeing opportunities" in local politics and taking them. It would surely be an exaggeration to claim that the half-million or so local elective offices of the present day all constitute opportunities for advancement or that the remnants of patronage that remain are likely to lead very many people on to fortune. But it is also surely true that in the American past local positions have often been significant building blocks of personal and group upward mobility, and to some extent they still are. And, in the context of this paper, the appeal of such local opportunities has certainly helped keep our politics local.

A Localist Labor Movement. An important consequence of the late nineteenth century emergence of large cities in America and of their attendant "opportunities" was the parallel growth of a labor movement that was also highly decentralized. With few exceptions the industries in which unions were able to organize successfully were local. They had success in the building trades, printing, street railways, brewing, and local haulage but not generally where, as in steel, large national firms had come into existence. Railroads are a special case, and so to a degree is mining. Nevertheless, whereas the collapse of the Knights of Labor illustrated the extreme difficulty of organizing a truly national labor movement, the AFL was able to cobble together a viable confederation of autonomous unions composed mainly of largely autonomous locals operating in particular communities. Moreover, in many of those communities, including Chicago, St.Louis, San Francisco, and others, local unions were able to arrive ar a satisfactory modus vivendi with local political leaders so as to secure a reasonable degree of neutrality from the courts and the police, some degree of influence over appointments, and sympathetic treatment in fashioning local government regulations.

At the national level such political impact was generally beyond the reach of labor, so it made sense for the AFL to pursue its general strategy of opposing governmental intervention, even on welfare issues. The unions lacked leverage in national politics, but in any case the arenas that mattered most to the AFL constituents of those days were local. Not until the formation of the CIO in the mid-1930s did nationally-oriented unions come into lasting existence bringing with them an enthusiasm for political mobilization that would bear upon national politics and national policy questions. And when that happened the tension between the localist branch of the labor movement and the nationally oriented activists was brought into sharp relief from which it has not, even today, entirely escaped.

The Recurrent Flight From Diversity. We have stressed the importance in shaping the American sense of place of "island communities," culturally homogeneous settlements that were the prevailing pattern during so much of the three centuries of the nation's development. Indeed, as new suburban enclaves, erstwhile urban railroad yards, and assorted Sun Cities and Leisure Worlds come into existence where nobody lived before, the process continues today. Each of these projects tends to be inhabited by people who at the very least are much alike in terms of social class, and other dimensions of social identity including race and ethno-cultural background are also more often the bases of unity than of diversity.

Throughout our historical experience Americans have displayed a powerful tendency to reproduce communities with a high degree of cultural homogeneity. Not only did we tend to settle in islands(or ghettoes) initially, we recreated them if and when we moved. Newly built neighborhoods in our cities attracted residents of similar class and ethnic background, often former neighbors from older parts of the city indeed. Sometimes restrictive covenants helped out, to be sure, but in any case selectivity was aided by price level, propinquity, and prior acquaintance. Suburbanization was and is an elaboration of this process, sorting out urban residents - and it is incidental, in a sense, whether the area in question is inside or outside the formal boundaries of the core city - not so much on the basis of their preferences regarding collective goods, as Charles Tiebout(1956) contended, as according to who they were, socially and culturally. Italians went one direction, Irish another, Jews a third, and so on, as WASPS had done before them(See Weiher, 1992; Castells,1983). Suburbs differed from ghettoes, of course, because their boundaries and social composition were self-imposed, not forced upon the residents by others. Suburbs differ from homogeneous neighborhoods also by virtue of their authority to implement some of their shared values as governmental jurisdictions, though insofar as neighborhoods are effectively organized politically and, for example, bargain as wards a la Chicago, that distinction may only be one of degree.

The historic stress on creating and reproducing residential communities characterized by essential value consensus generated by commonalities of ethno-cultural identity and social class position is responsible for some highly significant features of American life. Since communities tended to be homogeneous while many of the larger spatial aggregates - states, regions, and the nation as a whole - were quite diverse, a major dimension of political conflict has been between and among communities rather than within them. Truly local(though not big-city) politics in the United States has tended to be consensual and administrative, often dominated by local elites to be sure and unmindful of such fragments of diversity as might live at the edge of town, but rarely productive of group-based animosities and even less often the locus of partisan struggles(Wood, 1959).

Where there is local homogeneity there can be no meaningful pluralism, of course. Political scientists seem to have assumed that because there was social diversity in the national aggregate there would be also in its component parts. In most of the historic past that was simply not so. Moreover, many of the institutional arenas where key social processes occurred - religious worship, for instance, or elementary education - were locally controlled. When the communities were not pluralistic in their composition, disputes among contending groups regarding what was constitutionally permissible practice simply could not arise. No one challenged the consensus. Hence, no cases went to court and no First Amendment jurisprudence developed until quite recently. There has been a veritable explosion of rights litigation in recent decades, of course, and the social process that has been its underpinning is the pluralization within local governmental jurisdictions.

The historic American "flight from pluralism," the recurrent effort to create communities that were socially homogeneous and consensual, has been

falling farther and farther short of its goal. Part of this results from the continuing expansion of population and the consequent increase in numbers and types of people resident within jurisdictions. Congressional districts, for example, are nearly twice the size they were just before World War II, and many places that until quite recently seemed to be genuine communities have become complex SMSAs. Larger numbers almost inevitably mean more variety. Especially will this be true when the laws forbid most forms of discrimination in residential choice apart from price.

The emergence of local pluralism has also been aided by the difficulties many local jurisdictions have had in securing the resources necessary to pay for the collective goods their residents demand. As education, medical care, physical infrastructure, and assorted other amenities grow more expensive and the mobility of capital threatens the viability of every area's real property tax base, neighborhoods look to the city, cities look to the state, and states look to the nation for help. Every shift in level entails a further pluralization of the politics and the possibility that in the ensuing conflict any particular group may lose. And so, despite the resource problem, there is a reluctance to let issues escape to larger jurisdictions. Both the NIMBY phenomenon and the resistance to tax increases at state and national levels reflect this tension between such local homogeneity as survives and the greater diversity of larger political arenas. Mr. Madison might very well have a sense of deja vu all over again.

The Differential Impact of Public Policy. It may seem a bit paradoxical but the growth of national governmental programs has strengthened the centrifugal power of localism. The reason for this ironic effect is that most public policies affect specific geographical areas differently(Bickers and Stein, 1991). Given that the localities are not alike in their resources or their socio-economic and cultural configurations, it is inescapable that whatever government undertakes and however uniform the terms of its writ, the benefits and costs will fall unevenly across space. This is obvious enough when the policy involves a naval base, commodity price supports, or a housing project. Something that is built(or closed) in one place cannot be somewhere else. Subsidies that go to farmers in one part of the country or price controls on natural gas producers in another section have obvious local impact. But even policies that apply broadly to all similarly situated interests - federal gasoline taxes, for example, or college student loans - fall differentially upon different parts of the country(as well as among different income groups, of course), as is made evident by the congressional voting patterns on these issues.

Geographic spaces are not the only units that public policy affects differentially. Institutions such as corporations, universities, and local governments often react in quite singular fashion to the potential incentives and burdens of policy initiatives, depending on their circumstances, and although they try to construct coalitions that can aggregate their political strength and improve their chances of favorable treatment, the centrifugal pressures resulting from their particularities tend to be very powerful. And most of these institutions have quite specific and highly delimited spatial locations. Racial and ethnic minorities are also distributed very unevenly across the map, and this

further strengthens the disaggregative tendencies of policy. Social class, on the other hand, is such a broad and loose construct that is difficult to locate spatially. Apart from some of the wealthy suburbs, at one end of the spectrum, and the industrial slums at the other end, few political units are so clearly rich or poor as to enable an unambiguously class-based response to appear in their politics. Indeed, the power of localism - spatially differentiated political action and reaction - helps undermine the effectiveness of class as a foundation of political consciousness and mobilization in the United States.

The persistent power of localism helps explain why so much of U.S. public policy is cast in broadly distributive form, dividing the benefits among a wide array of recipients and also spreading the costs as widely as possible, even into the far distant future(Lowi, 1964; Schattschneider, 1935; Salisbury, 1968). Some largesse goes directly to individuals, of course, but much is allocated to cities, counties, congressional districts, and states so that officials from those areas can claim credit for the good fortune. It is less common for costs to be allocated with similar exactitude, as credit for paying the policy bills is not eagerly sought after.

So It All Comes Back to Politics

It would not matter very much if localities differed from one another in their social composition unless those differences could be expressed with meaningful force in the arenas where authoritative allocations of values are determined; i.e., in politics. This is not quite as obvious as it sounds. Simply because there is diversity of interests among local areas there may not be corresponding political articulation in terms of those interests or areas. No such correspondence is expected in authoritarian regimes, for instance, and even in democratic systems strong national political parties can build broad coalitions that transcend and may give short shrift to local concerns. Alternatively,in a system with powerful interest groups the interests associated with specific areas may lose out to those of broader scope. Skocpol(1992) argues, for example, that nationally coordinated campaigns of the GAR and later by the Anti-Saloon League, the WCTU, and the General Federation of Womens Clubs overcame localistic parties to enact a variety of "welfare" policies during the late 19th and early 20th centuries.

Localism gets its most powerful expression through structures of governmental authority in which local units are substantially autonomous, undominated by more inclusive or encompassing authorities, and are able either to function effectively on their own or to keep a priority position in a structure of representation. I will not speculate as to whether institutional localism is the inevitable result of a decentralized social structure, though it would surely have led to unbearable tensions had the Founding Fathers tried to create a fully centralized polity. I do wish to argue, however, that the American institutional design has reinforced and strengthened the tendencies toward spatial differentiation of interests.

The importance of locally circumscribed institutions in shaping political outcomes throughout the nation rests upon several pillars of support. One that we have already discussed is the fact that each local

community is served by officials and other elites whose prospects for success are closely bound up in the progress of that place which they seek to advance at every opportunity, political or otherwise. A second is more attitudinal. It is the ancient American belief that local institutions come closer to the ideal of self-government and are more trustworthy than other layers because they are "closer," more approachable, more controllable(See Berry, et al, forthcoming). It is often argued that consolidation or even abandonment of local units would be more efficient or lead to a broader perspective in coping with the interdependent problems of the polity, but the ideology of localism contends that local autonomy is necessary to the liberty of the citizenry and of superior value to mere efficiency. Closely related is the factor we noted near the beginning of this paper; to wit, the affective attachment to or identification with "home places." It is ironic that in the development of American legal doctrine the authority of local government has come to be placed under rather severe constraints, far more limited even for "home rule" communities than state or national authorities must suffer. But despite the excesses of diverse local officials that provided much of the political context for Judge Dillon's Rule and its narrow view of what localities could do, the sanctity of local autonomy remains largely intact as a popular concept.

However well-regarded local government may be in the United States, localism would not have such impressive political impact were it not for "O'Neill Factor," the fact that nearly every elected public official in the country is chosen by and owes office exclusively to a local constituency. No party or regime can put someone in office for more than a few months without the approval of the local district or state voters. No surplus votes can be carried over from one area to help a needy candidate somewhere else. Ambitious candidates and strategic parties cannot shop around. They must stand where they live. And each person elected must reckon with his or her perpetual dependence on the approbation of one and only one specific, geographically defined, aggregation of voters. Every representative must therefore satisfy the desires of a large group of voters in the locality, and it is thus fundamental in this kind of electoral system that spatial configurations of interests rather than those based on function,ideology, or social structure will be the foundation of representation.

This means, in turn, that representatives will behave in ways that connect their official modes of behavior, such as framing policy initiatives, advocating one course of action against another, and ultimately taking authoritative decision, to what they perceive to be the desires and needs of constituents, their geographically-bounded bases of support. Some of these connections may be made in largely symbolic terms; speeches of congratulation to local high school heroes, nostalgic homage to area antiquities, hand-shaking at traditional picnics and barbeques, and so on. At another level, touching base with local elites of various kinds can be seen as signalling one's commitment to the "home place." Whatever its motivation, however, cultivating the constituency is a fundamental of American politics and integral to our localistic form of democratic practice.

Representatives who depend for reelection on local voter approval will find it appealing to claim credit for policies and programs that are thought to generate positive flows of benefits to, or retard negative

effects upon, the constituency. Credit may be claimed and blame avoided at many levels of generality, of course. Some beneficiaries are specific individuals or institutions for which policy has been tailored or bureaucratic obstacle surmounted. Sometimes, it is broader groupings for whom jobs are retained by virtue of a contract renewal, say, or which benefit disproportionately from a legislative enactment such as common situs picketing. Generalized public opinion on issues such as fiscal policy or election finance reform can be appealed to at the level of one's constituency too, but it is more difficult fully to differentiate that kind of appeal. Consequently, such issues tend to evoke partisan voting patterns in the legislature. Inasmuch as incumbents were ipso facto successful in their partisan election campaigns, it is quite sensible for them to vote with their party when no clear differentiated constituency benefit position is available.

The need for differentiated credit claiming leads to the framing of policies in forms that maximize the chances to meet the need. Appropriation of money is always popular because it provides a nicely fungible basis for district-specific satisfaction. Bricks and mortar programs may be even better because they can produce tangible and lasting monuments to the particular officials whose valiant efforts secured them.

Nevertheless, as officials do not spend all of their time on constituency satisfaction (Fenno. 1973; Mayer, 1991;Cox and McCubbins, 1993), and not all American public policy is cast in such terms. Some entitlement programs, for instance, like old age assistance or medicaid are not readily translated into district specific terms, nor is something like interest on the debt. Moreover, legislative party leaders and executive branch officials bring their own pressures to bear which, coming from outside the specific confines of member constituencies, push toward more broadly based coalitions based on factors other than simple log rolls. Nonetheless, the long term growth of government in magnitude and cost has been accompanied and, arguably, driven by the desire of representatives to serve their constituencies, and as Hansen(1991) has shown, the weakening of political parties as mechanisms of electoral success has increased the need to turn toward district-specific policies. In some policy areas, to be sure, cost and complexity have overwhelmed the capacity of elected representatives to manage them. Military pensions for Civil War veterans are a good historical example (Ainsworth, 1993; Skocpol,1992)), The volume of those requests grew so large and lobbyists so skilled at brokering them that Congress finally was induced to pass legislation turning the whole matter over to impersonal formulas and abstract principles administered by faceless bureaucrats.

Not all officials are constrained by spatially circumscribed constituencies. The leading figures in the executive branch are not, at least not as sharply as legislators, and they may therefore frame both their rhetoric and their policy proposals in less geographically differentiated terms. Presidents, governors, and mayors speak more often of macro-social problems and macro-economic effects in counterpoint to legislative emphases on the conditions in particular districts and the needs of specific constituent groups. In addition, however, there is great variation among constituents in the extent to which they are bound to a particular locality. Business corporations and trade associations are

typically located in several subdivisions of our political geography, and insofar as their capital resources are mobile they can and do retain much flexibility regarding the locational effects of public policy. Labor unions are considerably less mobile, on the other hand, and, as we noted earlier, they tend to function as locals politically as well as organizationally and to work most closely with legislators.

At one time the difference in orientation between locals and cosmopolitans was the focus of considerable research(Hacker, 1961; Huntington, 1973), and generally the distinction seemed to cut rather clearly between legislative and executive branches and to differentiate between political careerists and elites in business and other forms of private pursuit. That research thrust seems to have been largely abandoned, perhaps on the assumption that one of its strongest social foundations, growing up in rural or small town circumstances versus a metropolitan background, had largely disappeared in the wake of the comprehensive urbanization of the 20th century. The argument advanced here, however, rests the local-cosmopolitan tension more on structural grounds rather than personal variables. It is the source of political support that counts. but its effects are very like those that once were grounded in the socialization experiences of officials. In any event, the research question might be reopened with profit.

I would not want to be understood as suggesting that legislators seek nothing but pork for their constituents while broad-visioned executives articulate the true public interest. That way of putting things may capture the case rhetorically for those whose interests are currently served better by the executive, and, of course, partisan considerations regularly intrude as well to color or mask the geographical effects of policy decisions. Further, it is clear that fiscal factors operate in compelling fashion to constrain both localist forces and "others." (I hesitate simply to adopt the term "cosmopolitan" to label the "others." The word implies more ton and sophistication than sometimes is warranted, but I have not as yet come up with anything better suited to my purpose.) Budget deficits, tax burdens, and the competing demands from worthy programs all limit what can be done to satisfy any constituency interest however it may be structured spatially.

A good many programs are framed, in effect, at two levels simultaneously. At one level they are cast in terms of macro-social needs and concerns, while at the same time their particulars contain district-specific substance. Defense policy provides an excellent example of a program that operates on both levels at once in motivation and impact. The "strong" defense efforts of the Reagan years and the cuts in spending more recently can be understood in terms of broad foreign policy objectives and the realities of international realpolitik and, as well, by reference to ideological orientations toward the "Evil Empire." But the effects of both spending and cutting on local areas around the country are profound. Base closings and procurement contract decisions are inextricably tied in with the macro issues of how to position the United States to cope with the post-Cold War world and, at the same time, deal with the deficit. Similarly, farm policy has always involved specific commodity support programs with broader objectives of strengthening the economy and preserving some of the virtue-inducing social foundation of rural America.

Tax issues combine macro questions of fairness among broad income classes and overall revenue generation with issues of differential group effects and the plight of very specific industries and even individual firms. Localism does not always dominate the formulation of these policies, of course, but it is invariably present in the process, especially in that portion that takes place in the legislature's halls.

Structure Is Not Enough: The Attitudinal Component

A rational utilization of election-induced political opportunity to advance the interests of groups and elites thereof within local communities may account for much of the observable patterning of American policy formation. It would be surprising, however, if citizen sentiments of loyalty and affective attachment were not also present to reinforce and help legitimate such rational practice, economists' theories notwithstanding. In this concluding section I want to suggest that somewhere in the penumbra of our political affections are attachments that bind real people to particular places, ties of devotion that motivate citizens to frame their sense of their own best interests in terms that are expressed or articulated in the language of place. Inasmuch as we lack much social scientific understanding of these matters, I shall try here only to sketch a framework of research that I hope may eventually improve our grasp of the attitudinal foundations of political localism.

Essentially, attachments to place may be instrumental, affective, or some combination of the two. Insofar as they are instrumental, some kind of self-interest may lie behind the place loyalty. That is, people may be psychologically tied to a location because their economic or social values are thereby enhanced. As individuals they are advantaged by the prospering of the area. If it grows in population or income they will be better off, and so place attachment for them is not really different in kind from other forms of self-interest. Certain kinds of economic and social values are pretty clearly tied differentially to geographically bounded spaces and place loyalty can be an efficient and politically palatable shorthand device for expressing such values. Real estate interests are the obvious example, and it is surely no accident that civic boosterism in all its forms is so often associated with real estate investment. Federal Treasury notes, by contrast, or a TIAA-CREF pension fund has no areal referrent, and if one's money is invested that way one can be quite indifferent to the selective fortunes of various parts of the country.

Much place loyalty undoubtedly has at least part of its roots in economic self-interest. The underlying logic of pork barrel politics is based largely on self-interest assumptions. Congress members bring projects to their districts to enhance the locality's economic well-being, hoping that voters will conclude that they are better off because of the federal bounty and vote for the incumbent's reelection. Part of place attachment may be more expressive, however, and at least to some degree detached from tangible advantage. As with party identification, religious affiliation, and other forms of affective relationships, loyalty to place may not only be emotional and deeply felt in its form but significantly grounded in non-economic values. We know too little to venture very far down this road, but it does not stretch credulity too far to suggest that "caring" about one's "home town" rests more upon a positive assessment of one's family and

formative background than with one's present occupation or social location. For example, and recurring to our earlier reference to the local v.cosmopolitan contrast, it may be that those who grew up in small towns retain certain value orientations quite different from big city products regardless of where they live now. It is apparent, at the very least, that in this age of ubiquitous spectatorism the crowds of loyalists that back home town and home state athletic teams attest to the power of localism as an expressive feature of American life.

But the question remains; do place attachments have an independent impact on politically relevant attitudes and behaviors, an impact that cannot be reduced to economic self-interest without severe distortion? Do people vote differently as a function of their loyalty to their home town? Are certain values or preferences derived from the context in which they grew up or live now? Do they participate more actively if they are long-term residents, or accept civic responsibilities more willingly if they grew up in small towns? There may be diverse and complex answers to these questions and others we might propound, but in order to make progress we must also face another troublesome issue; namely, what do we mean by place.

There is a story that is told about several different baseball umpires of the old school who, when challenged by a rookie on a ball-and-strike call, replied,"Son, until I call 'em, they ain't nothin'." George R. Stewart (1958) has reminded us that in America's beginnings there were no names for any place, natural or manmade. The Indians didn't use names as Europeans did. Every place had to be given a label in order for it to have a distinct identity, and so literally millions of namings have been required in this "New Land." Indeed, from 1890 until 1947 there was a federal Board of Geographic Names to supervise the naming process. Wallace Stegner(1993) adds that in addition to a name, "No place is a place until things that have happened in it are remembered...." Stegner was of the opinion that the "process of cumulative association" had given most of the nation reasonably stable identities by now except in the West where transiency and continuous social and economic change had stunted the growth of collective memory. The questions are empirical, of course, but I believe they are both interesting and important and we could surely get more exact answers.

An American voter, looking around a polling place on election day, will have no difficulty identifying several different "places" of which that particular location is a part. Municipality, county, state, and nation are the most obvious. Congressional district, assembly district, judicial district, and a variety of other special purpose districts also call for voter attention. Then there are the somewhat less formal but often compelling micro-locations of neighborhood, street, and block, and that historically evocative macro-place, region. If voters were asked about place attachments -e.g.,"Where are you from?" - which of these many options would they select. If, as seems likely, they identified with several combinations of space simultaneously, in what sort of hierarchy of importance would these be organized? Would place attachments be more compelling regarding taxes or other domestic issues than on foreign policy? Would local ties weigh more heavily on issues of school spending than on health costs?

To some of these questions we may have some reasonably firm expectations, but for the most part we must admit that at present we simply do not know. We do not know how extensive or how deep the attachment to place may be among Americans (or anyone else, for that matter). We know little about how place attachment is distributed around the country, and we can only guess at how far the symbolic expressions of place loyalty are masks to hide more tangible self-interests.

We do know that place is and has always been an important part of the rhetoric of our politics. The many forms of expression employed to capture the meanings we give to the geographical slices of our lives are among the most powerful metaphors of our political vocabulary and have been throughout our history. Colony, state, nation; city, county, town, district; neighborhood, ward, block; states rights, creative federalism, home rule, the union forever! I, for one, would like to know more about what meanings these load-bearing terms have for Americans who use them every day and give every indication that they matter.

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THE AMERICAN POLITICIAN ON FILM:

FROM MR. SMITH TO BOB ROBERTS

J.M. Sanchez
Associate Professor
Department of Political Science
Adelphi University
Garden City, N.Y.

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I. INTRODUCTION

Years ago, a movie studio mogul is said to have rejected a script on a social problem with the dictum: "If you want to send a message, call Western Union."[1] Such an attitude has been typical of the industry's general approach to films with political themes. More specifically, motion pictures dealing with the American political system are truly rare.

The very assumption underlying Hollywood's reluctance to embrace political vehicles makes film a valuable source of study for political scientists. Since audiences tend to see movies as sources of entertainment and not for their educational content, they are not likely to flock to theaters featuring films with political themes, especially if the ideas discussed on the screen run contrary to their own values and attitudes. Given their considerable cost, movies must cater to the largest common denominators if they are to be profitable. In their intermittent ventures into political waters, filmmakers would be expected to project messages which are inherently congruent with the views of the majority of the public. It is therefore instructive to analyze the content of political films in search of common themes.

Since all films contain political ideas, a comprehensive review of politics in the cinema would be an unmanageable research enterprise for a single investigator. Conversely, if social scientists handpick only those movies which interest them, their conclusions would be limited to what may be partial snapshots of the studios' outputs. To avoid both problems, I have limited my inquiry to fictional films which specifically purport to represent major actors within the American political system.[2]

In the past sixty years, American studios have issued fewer than 20 films which deal with the American political system.[3] Of these I have evaluated 16 and listed them, together with summaries of their plots, in the Appendix; readers unfamiliar with the movies may wish to peruse through the Appendix before examining my findings. The paper begins with a review of the predominant principles that I identified in the films and concludes with a brief analysis of the significance of these motion pictures as agents of political socialization.[4]

II. GOOD SYSTEM, BAD PEOPLE

The dramatic structure of a work of fiction generally consists of a conflict between the forces of goodness and virtue (usually the heroes) and those miscreants who act with evil intent (the villains). In a political setting, these crises are usually the byproducts of actions by individuals and never associated with structural defects in the system. Problems are

often solved by merely extricating the wrongdoers from their positions of power. Invariably, the movies pay lip service to the marvels of the American political system and then go on to blame any failings on the inadequate performance of politicians. Since all 16 films spotlight political malfeasance, their directors and writers must have concluded that audiences would have no trouble believing that politicians are capable of some rather abhorrent acts.

A. The Politician as Felon

In eight movies, political leaders are guilty of major crimes. Their offenses include extortion ("Advise and Consent," "All the King's Men," "The Great McGinty" and "The Last Hurrah"); perjury and subornation ("Advise and Consent" and "Mr. Smith Goes to Washington"); obstruction of justice ("All the King's Men" and "Dave"); bribery ("The Distinguished Gentleman" and "The Great McGinty"); and murder ("All the King's Men" and "Twilight's Last Gleaming").

The perjury in "Advise and Consent" occurs when Robert Leffingwell lies under oath at his confirmation hearings. Charged with having attended meetings of the Communist Party as a young man, Leffingwell denies having done so. Immediately after committing perjury, Leffingwell visits the White House, confesses and expects the President to withdraw his name from further consideration. Instead, the President becomes an accomplice to the crime by insisting that the nomination go forth. It is the chief executive's stubborn refusal to pull back the nomination that ultimately leads to the suicide of Senator Brig Anderson, a man with more acute ethical sensibilities than the President's.[5]

"Dave", the most recent addition to the field of political movies, conjures constitutional crimes of unprecedented proportions. The Oval Office is the site of criminal activities extending from some unspecified illegalities about the savings-and-loans scandal to the monumental charade of concealing President Bill Mitchell's massive stroke and supplanting him with an imposter. The hero, Dave Kovic, is Mitchell's replacement; captivated by the thrill of playing at being President, Kovic does not grasp the chicanery behind the whole enterprise. When he finally realizes what has been happening, he fires the orchestrator of the conspiracy (chief of staff Bob Alexander) and arranges for the Vice-President (untainted by any wrongdoing) to become President. The film's happy ending omits any reference to the ruse perpetrated on the American people or Dave's role in it.

Criminal conduct is at its most shocking in the preposterous "Twilight's Last Gleaming", where President Daniel Stevens is assassinated through the collusion of other members of the executive branch. Evidently displeased because Stevens is planning to reveal the real reason for American involvement in the Vietnam War, military leaders and some Cabinet officers order

sharpshooters to kill the President. The movie ends with the implication that, as in "Dave," the American people will never learn the truth.[6]

B. The Politician as Philanderer

Political movies often dovetail the political corruption of an initially righteous individual with his[7] illicit sexual conduct. This is the case with Willie Stark (who has at least two adulterous affairs in "All the King's Men"), Bill McKay (who sleeps with a campaign worker in "The Candidate"), Joe Tynan (who has sex with a lobbyist); and Grant Matthews (who is openly cheating on his wife even before "State of the Union" begins). Even that paragon of movie probity, Jefferson Smith, is temporarily distracted from his senatorial duties by the flirtatious entreaties of Susan Paine, Senator Paine's daughter.

Some of these femmes fatales may represent more than mere sexual allurement. They are also tools for forcing the hero to abandon his principles and accede to political corruption. Thus, Kay Thorndyke in "State of the Union" cleverly molds her erstwhile lover Grant Matthews into the kind of politician that suits her newspaper's purposes. Thorndyke wants to create enough confusion among the Republican front runners for the 1948 nomination so that Matthews, the candidate her newspaper will promote, emerges victorious (thereby fulfilling a prediction uttered by Thorndyke's dying father in the opening scene: "Kay, you'll make it to the White House, one way or the other").[8] But the grand plan is quickly jeopardized when Matthews, in his very first campaign speech, makes a stirring appeal to labor union representatives, pleading with them to abandon short-term concerns for the sake of the national interest. Such unorthodox perorations arouse concerns among Matthews' political advisors, especially since their candidate is planning another controversial address for his next appearance. Scheduled to meet with business leaders in Detroit, he warns:

> I yelled my head off about labor and its responsibilities. Well, I'm going to lay it right on the line for industry, too. They are going to hear that capitalism itself is being challenged and if it doesn't survive, it's because men like themselves haven't had the guts and the imagination to make it survive.

But after an off-screen tete-a-tete with Thorndyke (who has rushed to Detroit to re-establish control), Matthews comes back ready to accept the speech which seasoned political strategist Jim Conover has prepared. Instead of challenging his audience, Matthews ends up with a traditional pitch: "The palsied hand of bureaucratic control must be removed from the throttle of industry. ... Industry is not a felon, it can no longer be treated as

one by the binding shackles of government." It will remain for Mary Matthews to recognize this shift ["Up until last night, you had something to say. You had courage. ... The people were for you. But not anymore. You've changed and they'll know it"] and ultimately rescue her husband from "a gang of corrupt politicians."

C. The Politician Redeemed

Mary Matthews is only one of several women who rehabilitates the leading character in a political movie. In "Mr.Smith Goes to Washington," Jefferson Smith is rescued by Senate staffer Clarissa Saunders on two separate occasions. Angry that the naive Smith has been taken in by the glamour of Washington life, Saunders first tells him that his appointment to the Senate was nothing more than a maneuver to slip through a dam project which would enrich boss Jim Taylor. "That's why they sent you in here in the first place, because you don't know a dam from a bathtub." Days later, when a beaten and dejected Smith is headed home, Saunders finds him weeping at the Lincoln Memorial. Suitcase in hand, the disillusioned Boy Ranger wants to "get away from the whole rotten show," until Saunders patiently urges him to stay and fight, setting the stage for the movie's climactic filibuster.

Similarly, in "All the King's Men" Willie Stark only realizes that he is being used by the party bosses when Sadie Burke explains it to him and thereby transforms the dull and inhibited reciter of "facts and figures" into a dynamic orator who practically intimidates his audience into paying attention.[9] When "Dave" seems beaten by the machinations of the evil White House chief of staff, it is the wife of the comatose President who persuades him to continue the hoax in order to implement his legislative agenda. Thomas Jefferson Johnson, a previously sleazy con artist in "The Distinguished Gentleman," emerges as a sensitive reformer through his contact with Celia Kirby, a young public interest lobbyist. Despite the large amounts of illegal funds he is receiving from political action committees, Johnson lets Kirby know that he is developing a conscience: "After I met you, the better I do, the worse I feel." Dan McGinty, an ambitious petty criminal, also undergoes a corrective metamorphosis after marrying his secretary in "The Great McGinty." And in "The Farmer's Daughter," maid Katrin Holstrom uses her encyclopedic knowledge of local politics to raise the consciousness of Congressman Glenn Morley who, before her arrival, was an obedient party member, blissfully oblivious to the organization's corruption.[10]

D. Politicians in Groups

Political parties have fared as badly in the hands of

Hollywood as have individual politicians. In the four films in which a party figures prominently, it is usually seen as a powerful machine functioning for its own benefit. In two instances, the party seems little more than an extension of a particular candidate or leader. Jim Taylor, the boss in "Mr. Smith Goes to Washington," has command over the party in Smith's home state. By censoring news reports coming out of Washington and manufacturing disparaging telegrams and telephone messages, Taylor and his cronies thwart Smith's herculean filibuster. Likewise, the party in "All the King's Men" exists merely to carry out Willie Stark's directives. Once Stark becomes governor, he seems to turn state employees into his own private minions.

In two other movies, the machine is less powerful, but just as anti-democratic. The Republican party in "State of the Union," is reduced to a coterie of interest group representatives who concoct secret covenants in appropriately smoke-filled room. Neither party in "The Farmer's Daughter" comes off favorably. One of them accepts Katrin Holstrom as its candidate purely on the basis of her vote-gathering potential. This is how the state party leader sums up her candidacy:

> She's wholesome looking for the women; a servant girl for the labor vote; corn-bred for the farmers; Swedish for the foreign-born; and for my money, she's got something for the men. We've got nothing to lose.

In other words, a party will select candidates exclusively according to their ability to galvanize the public. Not once does anyone raise Holstrom's lack of political experience or suggest inquiring about her legislative or representative skills. Holstrom's adversaries (which include the man she is destined to marry, Congressman Glenn Morley) fare even worse. Their party nominates Anders Finley, an alderman with such a shoddy record that Holstrom humiliates him at his very first campaign appearance by simply quoting newspaper reports. Despite Finley's questionable past, the party bosses stick with him and later, they even stoop to publicizing a false rumor about Holstrom's sexual practices. Only after Finley has been unmasked as a member of a bigoted Klan-like organization does the party belatedly disown him and endorse Holstrom.

In keeping with their decline in real life, the national parties have disappeared from political movies in the last four decades. Last year, two movies ("Bob Roberts" and "The Distinguished Gentleman") accurately portrayed political campaigns as created, supervised and executed by the individual candidate's own organization, with no references to a party.[11]

III. YOU DON'T NEED A SCORECARD

The individuals and issues in political films are packaged in such a way that the least discerning viewers will be able to identify which characters are worthy of their sympathy as well as their scorn. Through casting assignments[12] and the over simplification of issues, the villains in these movies might as well have donned the dark attire that was a fashion requisite for wicked gunslingers in old Westerns.

A. Simple people

As befits fictional stage or film properties, practically all of the scripts feature clashes between obviously sympathetic individuals and equally conspicuous foes. A review of the central adversaries in each movie demonstrates this striking imbalance. "Advise and Consent" offers the dignified and honorable demeanor of Vice President Harley Hudson and Senator Brig Anderson in juxtaposition to the underhanded methods of Senator Fred Van Ackerman. The genial Everyman of "Dave" has to rid the executive branch of an irascible and crooked chief of staff. Mayor Frank Skeffington, Governor Dan McGinty and Congressman Thomas Johnson do not bring unblemished records to "The Last Hurrah," "The Great McGinty," and "The Distinguished Gentleman," but they are waging battle against the likes of a cold-hearted banker, a crooked political boss, and a treacherous grafter, respectively. War hero and self-made millionaire Grant Matthews in "State of the Union" has to wage battle against the implacable efforts of his former mistress, publisher Kay Thorndyke (a woman who prides herself in "never getting sentimental," ridicules "the little chains of middle class morality," and summarily dismisses her entire editorial board when it presumes to question her judgment). The idealistic and gullible Jeff Smith is nearly destroyed by the seemingly omnipotent forces of greedy tycoon Jim Taylor in "Mr. Smith Goes to Washington." Not quite as fortunate as Smith is Daniel Stevens, the most unpretentious and self-effacing President since Calvin Coolidge, who is murdered by a cabal of cowardly officials bent on perpetuating a governmental cover-up in "Twilight's Last Gleaming."

The only persons courageous enough to stand up against megalomaniacal Governor Willie Stark in "All the King's Men" are an ethical judge and a dedicated physician. In "Seven Days in May," an overworked President must outmaneuver a maverick Air Force general who is about to subvert the constitution. The thoughtful and urbane Bill Russell is matched against a single-minded and obdurate senator in "The Best Man." Incumbent Senator Brickley Paise, a model of reasonableness and refinement, is challenged by "Bob Roberts," whose plastic smile and homespun ditties aside, is a crude and opportunistic fraud. A youthful and compassionate Bill McKay runs against Crocker Jarmon, a slick purveyor of political cliches, in "The Candidate." The All-

American wholesomeness of "The Farmer's Daughter" is matched against a racist bigot who resorts to slander in a futile effort to defeat her. In "Power," a spirited college professor nearly pulls off an upset in a three-way senatorial race in which the stalking horse of a powerful Arab cartel finishes last. Finally, Joe Tynan's nominal rival in "The Seduction of Joe Tynan" is Senator Birney, a man too stubborn to admit that his age and his mental stability should preclude any thoughts of reelection.

B. Simple issues

Should any moviegoers retain doubts as to which characters deserve their sympathies, the array of issues that separates the heroes from the villains will terminate their uncertainty. Half of the movies invoke themes likely to generate sympathetic responses from most Americans. Children's rights figure prominently in six of the movies: "Dave" wants to continue federal funding of a shelter for homeless kids. "The Distinguished Gentleman" is turned into a reformer because the progeny of his constituents are contracting cancer at an alarming rate. Similarly, it is the plight of children living in tenements that persuades "The Great McGinty" to advocate legislative programs designed to help the poor. A low-income housing project is Frank Skeffington's top priority in "The Last Hurrah" and he promotes it by noting the need for children to grow up in a safer environment. Finally, "Mr. Smith" wants to build a federal camp for boys.[13] In all these cases, the heroes' opponents are left with the unenviable task of supporting policy alternatives which would shelve or ignore the well-being of innocent young Americans. As "Dave" puts it when he argues for the funding of shelters and against the Secretary of Commerce's advertising campaign to promote American automobiles: "I don't want to tell some eight-year old kid he's got to sleep in the street so somebody can feel better about their car. Do you want to tell them that?"

In two other movies, racial integration is a major theme. Senator Joe Cantwell, the villain of "The Best Man," grovels for Southern votes under the guise of states' rights. Using the coded language of the period, Cantwell proclaims: "I may not like what they do in Mississippi, but I will fight for their right to run their state the way they want to." By contrast, the Senator's rival William Russell unconditionally supports federally-supervised integration. In "The Seduction of Joe Tynan," Senator Tynan initially promises Senator Birney that he will not lead the fight against Supreme Court nominee Edward Anderson. But when Tynan gains access to a film that shows Anderson making inflammatory racial remarks, he goes back on his word and springs the film on Anderson during the confirmation hearings; the startled nominee never recovers his composure. In what the media proclaim as a political triumph for Tynan, the President withdraws the nomination. By again loading the ideological deck in favor of the hero, the script makes it easier for the audience to

accept Tynan's betrayal of a friend.

On a broader scale, six other films address issues of national and international significance. In "Power," a plan to study and develop solar energy alternatives is at the heart of the Senate campaign in Ohio. The good guys want it and the bad guys (funded by Arab oil money) oppose it. In "Advise and Consent" the salient question is: Should a person who lies under oath be confirmed as Secretary of State? It takes more than two hours, but the movie eventually answers the question in the only acceptable way possible.

The public's right to be told the truth by political leaders is covered in four movies: "Bob Roberts" (there are many unanswered questions about the clandestine activities of Roberts' backer Lukas Hart); "All the King's Men" (where Willie Starks' censorship of the radio and the press has the people at his mercy); "Twilight's Last Gleaming" (where only the soon-to-be martyred President wants the people to finally be told the reasons for U.S. participation in the Vietnam war); and "State of the Union" (where Grant Matthews stops feeding the American people the double talk devised by the political experts).

In "The Candidate," Bill McKay does not follow Matthews' example and ends up saying very little about the issues. At the outset of the campaign, McKay had answered questions unflinchingly: yes, he supported abortion, busing and stricter environmental protection; no, he didn't know enough about property taxes to have an opinion. But the end of the film, McKay is spouting off cliches that are no more substantive than his opponent's rhetorical flourishes; that reduces the voters', and the audience's, choice to one of appearances, personality and charisma. Since matinee idol Robert Redford is McKay and obscure character actor Don Porter plays his antagonist, the outcome of an election based on personal traits is never in doubt.

One film depicts a frontal assault on the Constitution by asking the audience to consider the possibility of a military takeover of the United States government. The coup leader, General Scott, raises serious questions about the President's leadership, the Senate ratification of a controversial disarmament treaty with the Soviet Union and the obligations of military officers faced with a commander-in-chief whose actions may imperil the nation. In order for viewers to be supportive of Scott's insurrection, the script should have provided detailed descriptions of the grave dangers inherent in the status quo. Instead, the movie simplifies the issues in a way that makes the general's concern akin to the ruminations of a beaten political opponent. The President's challenge to Scott ("If you are so unhappy, run for office!") makes eminent sense in the incomplete context provided by the movie. For example, the Senate has heard (and rejected) the gloomy predictions of Scott and his comrades. The drama of "Seven Days in May" flows from the last-ditch efforts of the President to stop the coup without damaging the morale of the military; there is no comparable apprehension about the future of the country if the treaty remains in effect.

C. Simple duties

Perhaps as a logical extension of the notion that public servants seldom act in the best interest of the people who elected them, political movies unanimously blazon the belief that being a member of the government at any level does not require experience. In Hollywood's view of American politics, outsiders with no exposure of any kind to the political process seem preeminently suitable both as candidates and as elected officials. Thirteen of the movies include references to experience as a potential asset for political office and all conclude by praising the inherent qualities of outsiders.

Five men who aspire to the White House do so with undistinguished resumes. Two of them (John Merwin in "The Best Man" and Harley Hudson in "Advise and Consent") were obscure governors of small states; a third is a celebrated industrialist who is openly contemptuous of politics (Grant Matthews in "State of the Union"); the fourth was the reluctant selection of a deadlocked convention (Daniel Stevens in "Twilight's Last Gleaming") and the most recent specimen ("Dave") was in charge of a temporary employment agency before he is hired to masquerade as the President. Since no one in the media, the public, or the executive branch realizes that he is an imposter, "Dave" clearly suggests that by resembling and acting as a president should, anyone can be in charge of the executive branch.

Four men covet seats in the U.S. Senate although they have no political qualifications for the position. In descending order of relevant experience they are: a poverty lawyer who has never bothered to register as a voter (Bill McKay in "The Candidate"); a professor of History--not Political Science!-- (Phil Aarons in "Power"); the leader of a boys' organization (Boy Ranger Jeff Smith in "Mr. Smith Goes to Washington"); and a folk singer ("Bob Roberts"). There are even less qualified contenders for the U.S. House of Representatives and governorships: a maid (Kate Holstrom in "The Farmer's Daughter"); a con artist (Thomas Johnson in "The Distinguished Gentleman"); a small town lawyer (Willie Stark in "All the King's Men") and a hobo ("The Great McGinty").

The amateurs who reach political office in these movies then proceed to perform with remarkable effectiveness. Jeff Smith exposes and presumably destroys the Taylor machine in "Mr. Smith Goes to Washington" and Thomas Johnson uncovers a corrupt politician in "The Distinguished Gentleman." But both Smith and Johnson are outperformed by the spectacular deeds of Dave Kovic in "Dave". By applying a smidgen of common sense and disregarding the restraints which may have impaired a more experienced executive, Kovic keeps a homeless shelter from closing, cuts bureaucratic waste[14] and rids government of a malevolent chief of staff.

IV COMPROMISING PRINCIPLES IS UNACCEPTABLE

With such starkly drawn choices on issues, compromise between competing political camps is not a viable option in most of the films. Those which do refer to negotiated solutions are quick to dismiss them as unacceptable ethical breaches and to brand consensus-seekers as unprincipled weaklings or traitors to their causes.

The central characters in both "State of the Union" and "The Candidate" begin as true defenders of the public interest and then alter their campaigns in order to be successful. Free-thinking industrialist Grant Matthews, is told to tone down his populist rhetoric in order to appeal to the party professionals. (One of them reminds him: "You're not nominated by the people, you're nominated by the politicians," a statement true enough at a time when presidential primaries had yet to emerge to the forefront of the nominating process). Mary Matthews speaks for the makers of the movie when she bristles at that suggestion: "Let him alone ... If you get him to compromise, you'll destroy him; compromise will eat into him like a worm. He won't be Grant Matthews anymore." Matthews dismisses his wife's reservations and seems on the verge of winning the nomination when he reverts to his original independent self just before the end of the movie. He withdraws from the 1948 race, but also warns the political establishment: "I'm not getting out of politics. I'm going to the Republican convention and I'm going to the Democratic convention. ... I'm going after every candidate who compromises and I'm going after every lazy voter who doesn't vote."

In "The Candidate," Bill McKay is not afforded a similar last-minute rehabilitation. Like Matthews, he is initially told that his campaign speeches can be as candid and provocative as he wants to make them. McKay's moment of truth arrives when the polls show him gaining on the incumbent. Should he broaden his appeal in order to win or remain ideologically consistent and probably lose? McKay, without the equivalent of a Mary Matthews by his side, does what he has to do to win and the film ends in a much more ambiguous note than the cheerful "State of the Union."

William Russell is also aware that he should change tactics if he is to win the presidential nomination in "The Best Man." Without hesitation, he rejects the possibility: "All this business of gossip instead of issues, personalities instead of policies. ... If I start to fight like Cantwell, I lose all meaning. One by one, these compromises, these small corruptions destroy character. Once this sort of thing starts, there's no end to it." Russell's sentiments resemble those expressed by Mary Matthews: "A little compromise? That's like saying 'a little garlic.' There's no such thing. The real wealth of the world is in principles, integrity and honesty. ... The world today needs honest men more than it needs presidents."

Yet in reality, the art of amalgamating differing viewpoints into a coherent acceptable policy is crucial to the smooth

functioning of a pluralist democracy. After all, the American constitution was forged out of compromise and the system it created practically compels competing interests to bargain and adjust to opposing viewpoints. Such decision-making is conspicuously absent from the silver screen. Only two of the films even approach a possible defense for this hallowed practice. At one point in "The Last Hurrah," Mayor Frank Skeffington refers to his philosophy of governing: "The trick is to know what the people want and then what you can settle for. You can always promise the first, but really only have to deliver on the second." He is then asked how he accommodates citisens with entirely divergent demands of the system. Skeffington sagely adds: "Then you depend upon man's greatest friend, the compromise." He illustrates his point with an anecdote about the conflicting recommendations he received regarding which personage the city would honor with a statue and how he managed to arrive at a compromise. Such a decision, however, is relatively trivial. On the one issue truly significant to his administration, Skeffington eschews compromise in favor of straightforward bullying. The mayor roars into the staid Plymouth Club and assails the city's bankers for refusing to underwrite a low-income housing plan he favors. His diatribe against the financiers bears no resemblance to the cautious negotiating that precedes the brokered agreements of pluralism.

> It all boils down to the fact that the city is no longer yours, it's ours. You have this musty shrine to your blue-nosed ancestors [the Plymouth Club], but my people have the city hall. And that's what sticks in your craw. You can't swallow it and you can't forget it. Well, I'm going to make you eat it. That housing project is going up as planned!

In "Mr. Smith Goes to Washington," Senator Joseph Paine tries to indoctrinate young Jeff Smith into Washington mores by justifying his involvement with the Taylor machine. In a patronizing lecture, he tells his inexperienced colleague: "Thirty years ago I had your ideals, Jeff. ... But I compromised so that all those years I could sit in the Senate and serve the people in a thousand different ways." Here, at least, there is a realistic illustration of the kind of alternatives that confront a well-meaning legislator. Is the compromise a valuable tool for political leaders or a shameless betrayal of their principles? "Mr. Smith" and all the other films select the second alternative. By associating the compromise with the selfish criminality of a Jim Taylor, a Willie Stark or The Boss, the political movies' heroes are immune to its irrevocable contamination. As Jeff Smith later says: "There's no compromising the truth. There's no place out there for graft or greed or lies or compromises with human liberty." And if there are situations where politicians can reach morally acceptable compromises, they are

not to be found in movie theaters.

IV ENDS AND MEANS

As a corollary to the sanctity of principles, some of the movies go on to disclaim the utilization of extreme tactics even in pursuit of the loftiest goals. Willie Stark's facile explanation in "All the King's Men" ("I'll make a deal with the devil if it helps me carry out my program") is rejected by the unmistakable evil associated with his acts once he is in power. Whatever benefits the people of his state derive from Governor Stark's massive public works programs are overwhelmed in comparison with the graft, corruption and power-grabbing that accompanied them. To Stark, such squeamish objections are hypocritical ("You want to pick up all the marbles, but you don't want to get dirty") because they can always prevent meaningful change. A similar sentiment is articulated by Senator Joe Cantwell when he is questioned by former President Art Hockstader on his qualifications to be "The Best Man."

> Cantwell: You have to fight fire with fire, Mr. President.
> Hockstader: And the ends justify the means?
> Cantwelll: Yes, I believe that.
> Hockstader: Well, son, I got news for you about both politics and life. ... There are no ends, Joe, only means. All that matters in our profession is how you do things, how you treat people and what you really feel about them and not some ideal goal for society.

In the end, when William Russell refuses to sink to Cantwell's level of mud-slinging, the defeated senator replies: "If you don't understand me, you don't understand politics and you don't understand this country. The way it is and the way we are. You are a fool." The outcome of the nomination fight makes clear that Cantwell and his ilk have no place in American politics. "I can't let you be president," avows Russell. "You're worse than a liar. You have no sense of right or wrong, only of what will work."

In "Advise and Consent," Senator Fred Van Ackerman is the quintessential political extremist. Like Stark and Cantwell, he has a gigantic blind spot for the moral price paid in the quest to attain a desirable goal. The petulant Van Ackerman is so convinced that the President's appointment of Robert Leffingwell is vital to the nation's security that he willingly blackmails a Senate colleague and indirectly causes his death.[15] By the end of the film, his party and his fellow senators reject him with such finality that his career as an effective legislator seems to be at an end.

V. CONCLUSIONS

The most striking discovery in evaluating the political content of movies made over a 60-year period is the consistency of their themes. Fashions, language and cinematic techniques have changed through the decades, but the central ideas described above have remained constant: the system is good, compromising politicians are bad, and problems are solved as soon as the right people are in charge.

These values are consistent with the initial hypothesis that major motion pictures with political subjects must reinforce basic ideological tenets. None is more prominent in these films than the superiority of the American constitutional system. The dramatic construction of most political films requires some sort of problem, crisis or conflict which the leading characters (who often find time to fall in love along the way) set out to resolve. These predicaments are attributable to those instances in which evil or incompetent individuals threaten to undermine the American political system. Eventually, the power-hungry anti-democrats are overcome by the actions of honorable people, thereby demonstrating that the system will indeed work if it is in the hands of stalwart citizens.

Inasmuch as movie audiences may represent a cross-section of the American public, they would be in full accord with such a characterization of politics. Practically all U.S. inhabitants (99 per cent) are either "very proud" (89 per cent) or "quite proud" (10 per cent) of being Americans; at the same time, 80 per cent trust the federal government to do what is right only "sometimes or never."[16] Students of political socialization have traced the roots of this "I love my political system, but I hate my politicians" paradox to the intrinsic dissonance between the established myths and traditions through which the society instills patriotism and the political information which individuals encounter as they mature. Just as "Mr. Smith" was disabused of his unquestioning faith by the corruption he found in Washington, so do many Americans become disillusioned with politicians who do not seem to perform according to expectations. Part of the political maturation process seems to consist of a gradual revision or even rejection of the grandiose accounts that American children encounter when they first learn about politics. This shift culminates in the alienation or apathy which prevails among many adults.[17] To the extent that they promulgate the qualities of the system while consistently attacking most of those who hold office, the political movies evaluated in this paper bolster a cynical view of American politics.

The frustration of many voters has been exacerbated by recent political history. For a dozen years, the Reagan and Bush administrations openly repudiated government as a potential source of assistance or of problem-solving. All three presidential candidates in 1992 decried the gridlock which supposedly prevented the federal government from addressing pressing national needs. One of these candidates, H. Ross Perot, endeared himself to television audiences by breaking down issues as

intricate and confusing as the federal budget deficit into a collection of sound bites and flip charts which the average American could readily understand. Such distorted streamlining then forced Perot's two opponents to escalate their own promises and commitments.[18] The concomitant backtracking of President Clinton on some of his campaigns pledges and the subsequent media furor over it illustrate the damage which politicians can sustain in an incremental process which shows no signs of slackening.[19]

The mass media, whether television, radio, newspapers or the movies, miss few opportunities to be critical of politicians. At the same time they seldom educate the public with regard to the operation of the federal government.[20] Political news on television resembles the structure of the films discussed in this paper: "Dramatization, personification and simplification tend to inflate the political expectations of the electorate."[21] When problems go unresolved, undesirable practices are allowed to continue, or campaign promises are broken, the knee-jerk reaction is to blame the politicos. One need not be an apologist for professional politicians to point out that when the system fails to legislate, it is often precisely because it is functioning as it was designed to do. If there are multiple competing interests, no sense of a crisis, a dearth of executive leadership and an uninterested public, the result will be a continuation of the status quo and predictable cries of despair from members of the media who created the expectations in the first place.[22] Seldom do Americans hear or read that the political system, particularly Congress, is most responsive to those who express the greatest interest on an issue--not a bad definition of how democratic systems should function. It should come as no surprise that a large heterogeneous society which prides itself in allowing all citizens and groups an opportunity to engage in political participation may often find itself in gridlock. But by watching any of these political films, the public can come away with the impression that the system's failings are invariably traced to the low caliber of its politicians. The cynicism which is thus reinforced discourages the citizenry from being informed about their government and therefore increases the influence of those who pursue private agendas. Then when those special interests prevail in the public policy arena, skeptical citizens will be further inclined to remain apathetic or alienated. Going to see a political movie will not make them feel any better.

APPENDIX

ADVISE AND CONSENT

YEAR OF RELEASE 1962
DIRECTOR Otto Preminger
SETTING Washington, D.C.
PLOT

The President's nomination of Robert Leffingwell for Secretary of State runs into difficulties in the Senate. Not only is the moderate Leffingwell viewed as an appeaser by conservative senators, but he's actually charged with having once belonged to the Communist Party. Under oath, Leffingwell falsely denies the accusation. Senator Brig Anderson, chairman of the Senate subcommittee reviewing the nomination, learns of Leffingwell's perjury and privately asks the President to come up with another candidate. The President, whose health is precarious, insists that he needs Leffingwell's leadership in foreign policy and, to Anderson's consternation, refuses to withdraw the nomination. Anderson is prepared to unmask Leffingwell as a liar, but he is threatened by anonymous phone calls that allude to a homosexual episode in his background. Fearful of the personal repercussions of such a revelation and yet unable to compromise his principles by voting for Leffingwell, Anderson commits suicide. His unexplained death[23] raises enough questions among wavering senators to produce a tie vote in the Senate. As Vice-President Harley Hudson prepares to break the tie, he is notified that the President has died. Preferring to name his own Secretary of State, Hudson declines to vote and Leffingwell is defeated.

ALL THE KING'S MEN

YEAR OF RELEASE 1949
DIRECTOR Robert Rossen
SETTING Unnamed Southern state
PLOT

Local political reformer Willie Stark is selected by the state party machine to run for governor. The party bosses are only taking advantage of Stark's appeal to farmers to split the rural vote and allow their true candidate to prevail. Stark finds out about the scheme and begins to campaign against the same men who had recruited him. Although he is defeated, Stark uses the experience and four years of organizing at the grassroots level to win the next gubernatorial election. Power corrupts the new governor and he is soon more interested in expanding his personal empire than in benefitting his constituents. Even public work projects become monuments to Stark's largess rather than substantive improvements for the people. Ruthlessly crushing all opposition, Stark breaks the law if necessary. His excesses finally lead to impeachment, but the governor manages to escape conviction. As he celebrates his victory over the state legislature, Stark is shot and killed by a former supporter.

THE BEST MAN

YEAR OF RELEASE 1964
DIRECTOR Franklin Schaffner
SETTING Los Angeles
PLOT

Senator Joe Cantwell (in the Richard Nixon mold) and former secretary of State William Russell (an Adlai Stevenson clone) arrive at the national convention as their party's leading contenders for the presidential nomination. They both hope to secure victory by obtaining the support of former President Art Hockstader. Initially inclined to back Cantwell, Hockstader ends up making no official endorsement and privately working for Russell's nomination. Cantwell has come up with a medical report in which Russell's psychiatrist describes his patient's "breakdown" a few years earlier. Russell's campaign manager has found someone who alleges that Cantwell was a known homosexual during the time he served in the U.S. Army. Cantwell forcefully denies the allegation, but both he and Russell know that even an uncorroborated rumor of that type will destroy Cantwell's candidacy.[24] Russell is torn between resorting to personal innuendo or losing the nomination. He opts for the latter, instructing his delegates to change their vote thus guaranteeing that a little-know dark horse will emerge as "the best man."

BOB ROBERTS

YEAR OF RELEASE 1992
DIRECTOR Tim Robbins
SETTING Pennsylvania
PLOT

Popular folk singer Bob Roberts is challenging incumbent Brickley Paise for his U.S. Senate seat from Pennsylvania. Combining his concert appearances with right wing appeals to the voters and unlimited funding by wealthy industrialist Lukas Hart, Roberts manages to draw even with Paise in the polls. A week before the election, Roberts is supposedly shot by radical journalist Bugs Raplin. He survives the attack, but is expected to be paralyzed for several years. After Roberts wins the election, Raplin is cleared of all charges and there are doubts as to whether Roberts was even shot (he is not paralyzed after all). One of Roberts' extremist supporters murders Raplin.

THE CANDIDATE

YEAR OF RELEASE 1972
DIRECTOR Michael Ritchie
SETTING California
PLOT

Marvin Lucas, a professional campaign strategist approaches Bill McKay, the son of a former California governor, with the idea of running for the U.S. Senate as a Democrat. McKay, who operates a legal aid clinic, is leery of traditional politics, but he is persuaded to run for two reasons: the Republican incumbent, Crocker Jarmon, has effectively blocked most of the

public policy initiatives which McKay advocates and since he is certain to lose, McKay will be free to speak his mind on any issue. McKay wins the nomination against lackluster opposition, but Jarmon is heavily favored to win reelection. As he begins to climb in the public opinion polls, McKay's initially bold and uncompromising statements turn into typically ambiguous messages. His television commercials stress imagery over substance and the less specific his statements are, the closer he comes to Jarmon in the polls. At the end of the film, after McKay has defeated Crocker, he turns to his campaign manager and asks in total befuddlement: "Now, what do we do?"

DAVE

YEAR OF RELEASE	1993
DIRECTOR	Ivan Reitman
SETTING	Washington D.C.

PLOT

When President Bob Mitchell suffers a massive stroke, White House Chief of Staff Bob Alexander and Communications Director Alan Reed decide to conceal the extent of Mitchell's disability. They secrete Mitchell and a medical team to the White House basement and ask Dave Kovic (a look-alike for Mitchell) to impersonate the President for a few days. Alexander and Reed hope to force Vice-President Nance to resign after smearing him with trumped-up criminal charges and to have Kovic appoint Alexander as new Vice-President. Then when Mitchell's irreversible condition is made public, Alexander will become president. However, Kovic becomes interested in policy-making and decides to fire Alexander instead. In response, the ex-chief of staff outlines for the media a long list of criminal acts carried out by Mitchell (and now attributed to Kovic). Facing impeachment, Kovic invents a plan of his own: he appears before a joint session of Congress, confesses to all of Mitchell's crimes, clears Vice-President Nance of any involvement and conveniently "collapses" with what everyone assumes to be another stroke. When Kovic is rushed to the hospital, it is Mitchell's comatose body which emerges from the ambulance. Nance assumes control under the 25th Amendment and Kovic returns to private life. His brush with politics leads Kovic to run for city councilman.

THE DISTINGUISHED GENTLEMAN

YEAR OF RELEASE	1992
DIRECTOR	Jonathan Lynn
SETTING	Washington D.C.

PLOT

When Florida Congressman Jefferson ("Jeff") Davis Johnson dies of a heart attack, Thomas Jefferson Johnson runs for his seat as "Jeff" Johnson. The new candidate is a petty criminal who, together with a group of associates, makes a living through confidence scams. Despite his failure to make a single public appearance, Johnson is elected on name recognition alone. He sees membership in the House of Representatives as a golden

opportunity to reap personal gains through political action committees and wealthy contributors. Once in Washington, Johnson comes under the tutelage of Dick Dodge, another Florida Congressman. The chairman of a powerful House committee, Dodge introduces Johnson to a world of high living and an endless stream of illegal funds. Johnson and his cohorts are delighted with their good fortune, but things change when a constituent brings her cancer-stricken daughter to their office. The woman claims that electric power lines have been built in close proximity to a children's playground with a resulting higher incidence of cancer in the neighborhood. Realizing that Dodge and his business supporters will oppose any efforts to relocate the power lines, Johnson decides to expose his mentor. Through the kind of elaborate con game in which he excels, Johnson traps Dodge into admitting his corrupt activities on videotape. Dodge goes to prison and Johnson, his own criminal past revealed, leaves Congress.

THE FARMER'S DAUGHTER

YEAR OF RELEASE 1947
DIRECTOR H.C. Potter
SETTING Unnamed Midwestern state
PLOT

Kate Holstrom, a Swedish-American young woman, is hired as a maid by the mother of U.S. Representative Glenn Morley. When a Congressman from the same area dies unexpectedly, Morley's party designates Anders Finley to run in the special election called by the governor. Holstrom, who has already impressed her employers with her political awareness, attends Finley's first rally and asks such pointed questions that the opposition party drafts her as its candidate. Mrs. Morley, a powerful political force in her own right, still supports Finley while her son privately assists Holstrom. When the party decides to publicize false sexual allegations about Holstrom, Congressman Morley and Holstrom's three brothers track down Finley and his henchmen (it turns out that they are part of a neo-fascist organization) and force a retraction of the phony charges. On Election Day, both parties endorse Holstrom and she is elected to Congress.

THE GREAT MC GINTY

YEAR OF RELEASE 1940
DIRECTOR Preston Sturges
SETTING Unnamed Midwestern city
PLOT

An American bartender (Dan McGinty) in a Central American country tells his customers how he was once governor of a state. Through flashbacks, McGinty is seen as part of a soup line during the Depression. He is hired to cast multiple ballots on Election Day and his ambition and energy (he votes 37 times), brings him to the attention of someone known as The Boss, a political kingmaker. The Boss hires McGinty as a collector for his sundry extortion arrangements and again the new man excels. The Boss

has him elected alderman and then mayor. McGinty's meteoric rise is primarily based on his willingness to stand up to The Boss, apparently the only individual brave and reckless enough to do so. Along the way, The Boss suggests that his charge's political career requires him to present a more conventional and stable lifestyle and McGinty marries his secretary. Now governor of the state, McGinty seems prepared to institute some real reforms, mostly at the behest of his wife, when a scandal from his days as mayor lands him in jail. McGinty manages to escape, leaves a substantial amount of money in his wife's hands and flees to Central America where the movie ends.

THE LAST HURRAH

YEAR OF RELEASE 1958
DIRECTOR John Ford
SETTING Unnamed New England city
PLOT

Mayor Frank Skeffington incurs the wrath of the local elite when he announces his intentions to seek a fifth term in office. The Yankee establishment, bitterly resentful of the political emergence of the Irish-American bloc as symbolized by Skeffington, endorses his opponent, Kevin McCluskey. Earnest and hopelessly incompetent, McCluskey represents the new age of politics: he limits personal appearances and flesh-pressing for the sake of television commercials. Skeffington, who designates the campaign as his last hurrah, loses the election in a stunning upset, the reasons for which are never explained. On Election Day, the veteran politician suffers a major heart attack and dies shortly thereafter.

MR. SMITH GOES TO WASHINGTON

YEAR OF RELEASE 1939
DIRECTOR Frank Capra
SETTING Washington D.C.
PLOT

The sudden death of a U.S. Senator from an unnamed Western state leads the governor to appoint Jeff Smith, head of the state's Boy Rangers. The state's senior senator in Washington is Joseph Paine, backed by the machine of political boss Jim Taylor. Smith is expected to be little more than an honorary appointee, particularly since Paine has introduced a bill for construction of a federal dam in their state; the project figures to produce large profits for Taylor and his partners. The naive Smith, is to be assisted and watched by Clarissa Saunders, one of Paine's staffers who will work as Smith's secretary. Everything goes smoothly until Smith decides to introduce a bill of his own; coincidentally, it calls for the establishment of a boys' camp on the very site where Paine's dam is located. Saunders, gradually taken by the new senator's sincerity and good will, finally tells him about the dam. When Smith threatens to expose the shady transaction, Paine beats him to the punch by charging that the boys' camp idea was a hoax designed to enrich Smith. The pros-

pects of being expelled from the Senate on trumped up charges dishearten Smith to the point where he prepares to leave Washington. Saunders persuades him to stay by suggesting that a filibuster may allow Smith to mobilize public opinion against Taylor. Smith does get control of the Senate floor and holds it waiting for his constituents to express their support. Instead, because of a news blackout imposed by Taylor's powerful organization, the only messages that reach the Senate are against Smith. When all seems lost, Paine attempts to kill himself, fails and rushes into the Senate chamber confessing that Smith has been right all along.

POWER

YEAR OF RELEASE 1986
DIRECTOR Sidney Lumet
SETTING New York City and Washington D.C.
PLOT

Peter St. John is the head of a highly sophisticated New York firm which specializes in preparing the media component of political campaigns. Sam Hastings, a U.S. Senator from Ohio and close friend of St. John's, makes the surprising announcement that he will not seek reelection because of health problems. St. John is then hired by Jerome Cade, a wealthy businessman who wants to succeed Hastings. An independent candidate, college professor Phil Aarons, enters the Ohio race stressing environmental issues as his primary concern. St. John gradually realizes that foreign oil interests are behind Hastings' decision to retire. The Senator, who had been actively promoting a solar energy program, was forced to withdraw when he learned that his wife owed a large amount of money to an individual associated with Cade. Distressed at the connection and the tactics employed by Cade, St. John leaves the campaign, becoming an unofficial advisor to Aarons. Neither Cade nor Aarons wins the Ohio election (though the professor finishes a strong second); St. John's two other candidates (an incumbent governor in Washington and a Senatorial challenger in New Mexico) win and lose, respectively.

THE SEDUCTION OF JOE TYNAN

YEAR OF RELEASE 1979
DIRECTOR Jerry Schatzberg
SETTING Washington D.C.
PLOT

New York Senator Joe Tynan is approached by opponents of Supreme Court nominee Edward Anderson. Claiming that Anderson is a racist, civil rights groups urge Tynan to lead the fight in the Senate against Anderson. Members of Tynan's staff also see the confirmation of Anderson as a convenient opportunity for Tynan to gain national prominence, bolstering a future run for the White House. At the same time, Louisiana Senator Birney, a good friend of Tynan's, pleads with him not to get involved in the Anderson question. (Birney wants Anderson on the Supreme Court to avoid facing him in the state senatorial primary). Tynan's decision to

openly oppose the nomination is in part based on his sexual infatuation with one of the anti-Anderson attorneys. When Ellie Tynan discovers that her husband has been unfaithful, she is prepared to leave him. The Senator, who has succeeded in derailing the Anderson nomination, ends his extramarital affair and asks Ellie to stay with him. At the end of the film, just as Tynan is to address the Democratic national convention, his wife accepts a reconciliation.

SEVEN DAYS IN MAY

YEAR OF RELEASE 1964
DIRECTOR John Frankenheimer
SETTING Washington D.C.
PLOT

The Senate has ratified a controversial disarmament treaty with the Soviet Union. President Jordan Lyman is firmly behind the pact, but both the public and the military have serious misgivings about the Kremlin's good faith. In fact, the Chairman of the Joint Chiefs of Staff, General James Scott, is so fearful of the treaty's ramifications that he is planning to force the President out of office. General Scott's top aide accidentally learns of the coup and alerts the President. Lyman has no material evidence to prove that there is a conspiracy afoot so he has a cadre of a few trusted advisors investigate the situation. Finally, Lyman faces Scott in a one-on-one showdown in the Oval Office and tries to dissuade the general from following through on his design. Scott refuses and the President nearly confronts him with some incriminating love letters that the general has written to his mistress, but Lyman is too scrupulous to use them. Fortunately for the President, his press secretary (killed in a plane crash) had obtained a full confession from one of Scott's co-conspirators. At a climactic press conference, Lyman, alluding only to the lingering doubts about the treaty, asks for the resignations of the Joint Chiefs of Staff and they all comply.

STATE OF THE UNION

YEAR OF RELEASE 1948
DIRECTOR Frank Capra
SETTING New York State and Washington D.C.
PLOT

Newspaper publisher Kay Thorndyke convinces political handler Jim Conover to supervise the campaign of industrialist Grant Matthews for the 1948 Republican nomination. Matthews, a self-made millionaire with an instinctual dislike for traditional politics, is told that he must appear with his wife Mary in order to convey the desirable image of a family man. Mrs. Matthews knows that her husband has been having an affair with Thorndyke, but she agrees to help him in the campaign. Encouraged by Mary's reformist tendencies, Matthews' speeches are full of radical ideas with a populist twinge and they are well received by the public. Party leaders, however, stay away from Matthews until, as the result of appeals by Thorndyke and Conover, the candidate

tones down his rhetoric and appeals to key interest groups. Mary is dismayed by her husband's metamorphosis into an orthodox politician, but she again consents to play the supportive wife. When Matthews finally realizes that he has sold out his principles, he announces on a national television and radio broadcast that he will not be a candidate for the Republican nomination. Instead, he plans to appear at both conventions to ensure that no candidate compromises the interests of the American people for the sake of the party's narrow concerns.

TWILIGHT'S LAST GLEAMING

YEAR OF RELEASE	1977
DIRECTOR	Robert Aldrich
SETTING	Washington D.C. and Montana

PLOT

Air Force General Lawrence Dell, convicted of manslaughter after a bar fight, escapes from prison and, together with three other inmates, seizes control of a silo at a Montana missile base. Dell threatens to launch nine Titan missiles (pre-targeted to strike at the Soviet Union) unless President Daniel Stevens comes to Montana as a hostage. Dell also demands $10 million in cash, safe passage to another country and release of a secret document related to the Vietnam War. The President has never heard of such a document, but all his close advisors recommend against making it public. They fear that its contents (showing that the only reason for U.S. involvement in Vietnam was to impress upon the Soviet Union American determination to "inflict and suffer punishment") would be damaging to national security. President Stevens agrees to fly to Montana, but he also wants to release the document. When General Dell, another convict, and the President leave the missile base and walk toward Air Force One, snipers open fire and kill all three men. The Secretary of Defense, who had earlier promised Stevens that the documents would be released if anything happened to the President, now tells the dying chief executive that he will not keep his word.

ENDNOTES

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1. The remark is attributed to Sam Briskin, "a hard-nosed studio executive." David Manning and Richard Averson, The Celluloid Weapon: Social Comment in the American Film (Beacon Press, 1972), p. x.

2. An example of the definitional problem can be found in Edward S. Greenberg and Benjamin I. Page, The Struggle for Democracy (HarperCollins, 1993). This introductory text deserves recognition for its unique attempt to discuss films as aids to the study of American politics. However, Greenberg and Page list any movie "which imparts important insights about the texture of our political, social and economic life" (p. A1) and end up with an imposing total of 110 entries, including such disparate films as "The Big Chill," "The Bonfire of the Vanities," "Boyz N the Hood," "Death of a Salesman," and "It Came From Outer Space." By way of contrast, another introductory text does not even consider films as part of the media ("Media here refers to the print and electronic means of disseminating information. These include television, radio, newspapers, magazines and books."). Robert S. Ross, American National Government: Institutions, Policy and Participation, 3rd ed. (Dushkin, 1993), p. 370.

I have excluded non-fiction films in order to focus on the political values of the production. A filmmaker shooting a non-fiction movie is restricted to the characterizations of real events. While directors' choices of subject matter [e.g., "Abe Lincoln in Illinois" (1940); "Wilson" (1944); "The Magnificent Yankee" (1950); "All the President's Men" (1976) or "JFK" (1991)] may betray their ideological tilt, the opportunities to interject value preferences will be more limited than in a work of fiction. In addition, audiences are more likely to bring with them preconceived notions about historical figures and incidents, further limiting the creative parameters of directors and writers.

3. The only significant production which I have omitted from this paper is Stanley Kubrick's "Dr. Strangelove: Or How I Learned to Stop Worrying and Love the Bomb." Its bizarre plot turns the movie into a farce rather than a satire. While satirical treatments are fertile ground for political analysis (four of the films I discuss are comedies), farces are designed to distort reality through hyperbole rather than to replicate it in a humorous fashion.

4. Space limitations preclude discussion of such central topics as the type of political decision-making which is featured in these movies; their treatment of women and minorities; the accuracy with which they describe the political process; and their treatment of such institutions as interest groups, the courts and the bureaucracy.

5. The 1991 confirmation of Judge Clarence Thomas had some of the same elements as Leffingwell's case. Perhaps Thomas, like Leffingwell, visited the White House after Professor Anita Hill had leveled her charges and was advised to return to the Senate hearing and deny everything.

6. In five other movies, office holders commit no criminal transgression, but they engage in activities inimical to the public interest. Thus, entrenched incumbents are not responsive to their constituents' needs in "The Candidate," (a U.S. Senator), "The Farmer's Daughter," (a U.S. Representative); "The Seduction of Joe Tynan" (another Senator) and "Power" (a third Senator).

Political leaders who are depicted favorably are usually treated as exceptional. In "Power," media expert Pete St. John admiringly tells Capitol Hill veteran Sam Hastings: "You're one of

the three or four guys who makes a difference up there [in the Senate]." A few days later, St. John discovers that Hastings has been deceiving him and hears the senator deny everything. "He was lying to me," St. John says. "For a politician, you'd think he would have been better." At first blush, "The Last Hurrah" may be mistaken as a paean to the career of Mayor Frank Skeffington, but the movie also shows him to lie repeatedly, to browbeat and blackmail his rivals and to take advantage of his office at every opportunity. Only the President in "Seven Days in May," a man struggling to uphold the constitution, and the Senator being opposed by the title character in "Bob Roberts," come across as mostly positive figures.

7. With the exception of Katrin Holstrom in "The Farmer's Daughter," all of the primary political figures in these films are males. Holstrom can hardly be hailed as a feminist role model. When one man (Congressman Glenn Morley) offers to marry her, she is eagerly agrees to abandon her incipient political career until another man (her father) tells her she should not. At film's end, she is being literally carried into the U.S. Capitol by her husband. There are major female protagonists in "First Monday in October" (1981) and "Kisses for My President" (1964), but neither film is suitable for this paper. "First Monday in October" focuses on the first woman nominated to the Supreme Court and offers very little political commentary. "Kisses For My President," a production of the Walt Disney Studios, begins with the election of the first woman to the White House and then uses that opportunity to spin off a long string of sexist jokes. The movie ends when the President becomes pregnant and, in a telling example of traditional gender distinction, resigns from office.

8. Refreshingly, "State of the Union" uses the names of real presidential contenders (incumbent Harry Truman, Thomas Dewey, Harold Stassen, Robert Taft) and "The Candidate" inserts footage of an actual Democratic Party gathering (featuring the likes of Hubert Humphrey, George McGovern, John Tunney, Jesse Unruh and Sam Yorty) "attended" by the fictitious Bill McKay. Apparently fearful of offending any segment of the audience, studios traditionally went to great lengths to avoid specific references to real parties or to states. The worst example of that practice is in "The Farmer's Daughter" with each party continually referring to the other only as the "opposition."

In a concession to realism, more films made in the last 30 years have dropped the aversion to geographical identification. Thus, real states were cited in "Advise and Consent" (1962); Senators represented actual states in "The Candidate" (1972), "The Seduction of Joe Tynan" (1979) and "Bob Roberts" (1992); and "The Distinguished Gentleman" (1992) hailed from Florida. Earlier movies forced viewers to guess where events were taking place: Given its similarities to Huey Long's career, "All the King's Men" (1949) seems to be set in Louisiana, but nobody says so (and no Southern accents are heard); "The Farmer's Daughter" (1947) could be in the Midwest given the abundance of snow and the presence of a sizable Swedish-American community; "Mr. Smith" (1939) represents an unnamed Western state; "The Last Hurrah" (1958) features the mayor of "a New England city" (with a few subtle references to what cognoscenti will spot as Boston); and "The Great McGinty" (1940) operates in a large urban center and a state with no name.

9. Stark would never have become a politician in the first place without the selfless support of wife Lucy who helped him finish his high school education and then worked with him to complete law school in the evenings.

10. Although he is not a politician, Peter St. John, the otherwise extraordinarily perceptive campaign expert of "Power," is also blinded to irregular behavior in the part of people he trusts. As discussed in note 6 supra, St. John has been a close friend of Senator Sam Hastings and is distraught when Hastings announces his withdrawal from politics due to ill health. Investigative reporter Ellen Freeman, formerly married to St. John, does not believe the story and St. John accuses her of being cynically suspicious. Eventually, the evidence shows that Hastings fabricated the story about the illness and that Freeman's efforts have helped St. John to follow the correct course of action.

11. Actually, the candidate in "The Distinguished Gentleman" does have to appeal to a third party. Rather than collecting the thousands of signatures needed to have his name placed on the ballot at the last minute, Thomas Johnson approaches the Silver Fox party, composed mostly of elderly citizens. Johnson charms his way onto the ballot, takes advantage of volunteers provided by the Silver Foxes to win the election and promptly forgets all about the party once he is in Washington.

12. The leading heroes in political films include such familiar faces as Henry Fonda, James Stewart, Spencer Tracy, Robert Redford, Alan Alda and Eddie Murphy. By contrasting that pantheon of celebrities with their respective adversaries (Cliff Robertson, Edward Arnold, Basil Rathbone, Don Porter, Melvyn Douglas and Lane Smith), it is clear that audiences would not require much time to determine where their allegiances should be placed.

13. Such gender discrimination went unnoticed in 1939. Current films are more politically correct: the child who manages to re-awaken some moral sensibilities in "The Distinguished Gentleman" is a girl and in his visit to the homeless shelter, President "Dave" reaches out to an African American boy.

14. The slashing of hundred of millions of dollars from the budget is accomplished through the suggestions of Kovic's friend Murray Blum. An accountant with a modest practice, Blum looks at the federal budget and promptly targets programs worth terminating. He also demystifies the complex budgetary process when he peruses a computer printout and exclaims: "Dave, I've been over this stuff a bunch of times and it just doesn't add up. Who does these books? If I ran my business this way, I'd be out of business!"

15. Van Ackerman's rationalization is echoed by General Scott when he tries to justify the unconstitutional removal of the President in "Seven Days in May." In both cases, the patriotic rhetoric employed is disturbingly similar to public statements made by and on behalf of Oliver North during the Iran-contra scandal. Bob Roberts' principal advisor also makes a comparable pitch when he testifies before Congress: "These hearings are another example of the depths to which the United States Congress is prepared to sink. This is a travesty! These allegations are erroneous at best. How

much more of this fiction does my family have to endure?" Since "Bob Roberts" was filmed years after North had testified, it can hardly be credited with the same prescience as the other two movies.

16. The first finding is from Michael Corbett, American Public Opinion (Longman, 1991), pp. 101-02 and the second from a Washington Post-ABC News Survey reported in "I'm OK; My Government's Not," The Washington Post National Weekly, July 26-August 1, 1993; p. 37.

17. In Why Americans Hate Politics, E.J. Dionne Jr. attributes the voters' despondency to the failure of liberal and conservative politicians to generate new ideas. Given the notoriously low levels of political awareness in this country, Dionne's argument seems to impute too much knowledge to the populace.

18. If Perot with his flip charts can show everyone how simple it would be to balance the budget, it should not be surprising that audiences howl in delight when they see a movie ("Dave") in which a complete novice can move into the Oval Office and get things done with amazing alacrity.

19. With his attacks on Washington insiders, Perot further reinforces the suggestion that the failures of the American political system are the result of incompetent public officials. See Michael Lewis' review of Perot's Not For Sale At Any Price, (Hyperon, 1993) in The New York Times Book Review, August 1, 1993, pp. 13-14.

20. Michael Parenti argues that movies and television, in manufacturing propaganda for the status quo, "... have propagated images and ideologies that are supportive of imperialism, phobic anticommunism, capitalism, racism, sexism, militarism, authoritarian violence, vigilantism, and anti-working class attitudes." Michael Parenti, Make-Believe Media: The Politics of Entertainment (St. Martin's, 1992), p. 2. Except for a one-paragraph summary of "Mr. Smith Goes to Washington", Parenti's book does not refer to any of the films discussed in this paper.

21. Mary E. Stuckey, The President as Interpreter-In-Chief (Chatham House, 1991), pp. 138-39.

22. The classical example of this pattern is gun control legislation. Polls consistently show a large majority of Americans in favor of the federal regulation of firearms, but when such proposals reach Congress, the strongest expressions of opinion come from the minority which opposes the bils. Then the absence of gun control legislation is presented to the public as an illustration of the insidious influence of special interest groups.

23. As has happened in the real case of White House official Vincent Foster Jr., the lack of a suicide note shrouds Anderson's death in mystery. Both Foster and Anderson showed signs of stress and frustration in the last days of their lives, but apparently did not share their suicidal intentions with anyone.

24. The harmful consequences of these kinds of disclosures still seem relevant to candidates' political fortunes. The Russell story anticipates by eight years the fate of Senator Thomas Eagleton who was dropped as the Democratic Vice-Presidential nominee in 1972 after he acknowledged having undergone psychiatry care. Although there are no known instances of gossip about the sexual orientation of a national candidate, it is doubtful that the electorate is prepared to accept a gay or lesbian nominee.

THE ECONOMIC THEORY OF ALLIANCES: A SURVEY

by

Todd Sandler
Department of Economics
Iowa State University
Ames, Iowa 50011-1070
U.S.A.

W-515-294-5783
Fax-515-294-0221

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THE ECONOMIC THEORY OF ALLIANCES: A SURVEY

This paper surveys the development of the economic theory of alliances over the last quarter of a century since the seminal paper by Olson and Zeckhauser (1966). The pure public good model and the joint product model are presented and then brought up to date. Alternative demand functions for military expenditures are indicated. Issues that concern alliance size, burden sharing, and suboptimality are addressed for the alternative paradigms. Theoretical extensions are reviewed and have involved the technology of public supply, the security function, alternative cost structures, group allocation processes, and institutional arrangements. Finally, theoretical developments are briefly related to the large empirical literature.

THE ECONOMIC THEORY OF ALLIANCES: A SURVEY

In a seminal article, Olson and Zeckhauser (1966) developed an economic theory of alliances by characterizing deterrence as a pure public good. To qualify as a pure public good, deterrence must satisfy two requirements: benefits must be nonexcludable and nonrival among allies. If defense is purely public among allies, then a number of hypotheses can be derived. First, defense burdens are expected to be shared unevenly among allies: large, wealthy allies will shoulder the defense burdens for smaller, poorer allies. Second, defense expenditures are predicted to be at inefficient or suboptimal levels in relation to a Pareto-optimal standard. Third, there is no need to restrict alliance size, since the addition of an ally implies positive net marginal benefits as costs are shared among a larger number of allies, but benefits are not diminished for existing allies. Fourth, an ally's demand for defense depends on relative prices, the ally's income, the level of its allies' defense expenditures, and the perceived threat.

Olson and Zeckhauser examined the first hypothesis for the North Atlantic Treaty Organization (NATO) in 1964 and found a significant positive correlation between an ally's gross national product (GNP) and its ratio of military expenditures (ME) to GNP. Thus, the wealthier allies assumed a greater defense burden, as measured by ME/GNP, than poorer allies. Free riding accusations were leveled at these poorer allies. The Olson and Zeckhauser paper is important not only for its insights on military alliances, but also for its methodology that can be applied to the study of any supranational structure that shares public goods.

During the late 1960s and 1970s, the burden sharing hypothesis of Olson and Zeckhauser no longer seemed to apply to NATO. This was first identified by Russett (1970) and later analyzed by Beer (1972), Sandler and Cauley

(1975), Sandler and Forbes (1980), Sandler (1988), Oneal (1990b), and Palmer (1990b). Something had changed in the motivation of the allies to assume defense burdens. Smaller allies were assuming a greater portion of the defense burdens. To find an answer to this change, researchers generalized the pure public good model so that military expenditures can provide multiple benefits--deterrence, damage-limiting protection in wartime, and the pursuit of nation-specific interests--that vary in their degree of publicness among allies. Joint products are present. The resulting joint product model implies profoundly different hypotheses when private and/or impure public benefits accompanied the output of deterrence. First, burdens of defense are predicted to be shared more in accordance with the benefits received. The presence of ally-specific private benefits and alliancewide excludable benefits motivates allies to share defense burdens based on considerations that do not solely depend on economic size. Small allies that receive substantial excludable benefits may assume a large burden despite their wealth position (see, e.g., Oneal 1990a, 1990b; Oneal and Elrod 1989). Second, defense levels may be nearer to Pareto-optimal ideals when joint products are present. Third, alliance membership restrictions, based on rivalry of benefits received, become relevant. Fourth, an ally's demand for defense may depend on factors not germane to the pure public good paradigm.

The purpose of this paper is to survey the development of the economic theory of alliances over the last quarter of a century. Although the focus here is on theoretical studies, some empirical applications are reviewed. The economic theory of alliances is important for a number of reasons. First, the theory has policy implications for burden sharing and alliance composition. Second, the theory has been used to derive systems of demand equations that can be used for empirical tests (McGuire and Groth 1985;

McGuire 1990; Murdoch and Sandler 1984; Murdoch, Sandler, and Hansen 1991; Sandler and Murdoch 1990; Okamura 1991). Third, these demand equation systems can be used for forecasting purposes. Fourth, the methods used in the economic theory of alliances can be fruitfully applied to the study of other supranational structures, such as environmental pacts, the United Nations, the World Health Organization, and common markets.

Despite the end to the Cold War, the study of alliances is still of current interest. The Gulf War in 1991 demonstrates that allied efforts may be needed to protect strategic resource interests and to stem aggression. Events in the former Yugoslavian republics also might require allied efforts to curb the spread of the conflict. As nations downsize their military forces, alliances afford countries the opportunity to pool forces to meet contingencies.

PURE PUBLIC GOOD MODEL

If defense is a pure public good for the allies, then defense benefits must be nonrival and nonexcludable among allies. The benefits of defense are nonrival or indivisible among allies when a unit of defense can be consumed by one ally without detracting, in the slightest, from the consumption opportunities still available to other allies from that same unit. Deterrence, as provided by a nuclear triad, is nonrival among allies because, once the triad is deployed, its ability to deter enemy aggression is independent of the number of allies, provided that the retaliatory response is automatic. The strategic capabilities and credibility of the response determine its ability to deter aggression. If, however, the credibility of a retaliatory pledge depends on the number of allies on whose behalf that it is made, then nonrivalry may occur as group size expands.

Goods whose benefits can be withheld costlessly by the provider are excludable. Benefits that are available to all once the good is provided are nonexcludable. For the nuclear triad, its benefits are nonexcludable if the defense provider cannot withhold the promised retaliatory response against an invader of another ally. If an enemy invasion causes collateral damage to the provider of the deterrent weapons, then the retaliatory response is likely to be executed. In the case of Canada, a nuclear attack would cause widespread damage and death from fallout in the United States; hence, a U.S. retaliation is anticipated. Canada cannot be excluded from the nuclear deterrence of the United States. The stationing of troops of one ally on other allies' soil ensures collateral damages from an attack and increases the likelihood of alliancewide retaliation against an invasion anywhere within the alliance. The flow of capital and business people among allies collectivizes the security of the allies, thereby increasing nonexcludability of defense benefits.

PURE PUBLIC GOOD MODEL OF ALLIANCES: MATHEMATICAL REPRESENTATION

In the simplest representation, each of n allies is assumed to allocate national income, I, between a nondefense, private numéraire good, y, and a pure public defense good, q. The decision maker is assumed to be some unspecified agent i whose utility,

$$U^i = U^i(y^i, Q, T), \qquad [1]$$

is representative of the nation's population. In equation 1, Q is the sum of all allies' defense allocations,

$$Q = \sum_{i=1}^{n} q^i \qquad [2]$$

in which superscripts denote the ally. Moreover, T is some threat measure and may be represented by enemy collective or aggregate military expenditures.

The use of an unspecified single agent's utility function to represent the tastes for an entire nation is an abstraction that is employed in many studies of international relations. This abstraction can be relaxed to include other decision makers such as the median voter (Dudley and Montmarquette 1981; Murdoch, Sandler, and Hansen 1991). If the decision maker's identity is altered, then the resource constraint must change accordingly. If, for example, the central government is the decision maker, then government revenues, not national income, would be the relevant income variable in the resource constraint. As a consequence, the demand for defense is apt to include different exogenous variables depending on who is the decision maker. The pure public good model presented here is most in keeping with the standard treatment in the literature (see, e.g., Olson and Zeckhauser 1966; Smith 1980; van Ypersele de Strihou 1967).

The notion of pure publicness is embodied in equation 2, in which alliancewide defense is the simple sum of the allies' defense activities. This technology of public supply aggregation implies perfect substitutability of defense among allies, because a unit more (less) of defense in any of the allies equally enhances (detracts from) alliancewide defense. Perfect substitutability is, in large part, behind the free-rider problem, whereby an ally relies on the defense provision of others to underwrite its own security.

The resource constraint of an ally is

$$I^i = y^i + pq^i, \qquad [3]$$

in which the per-unit price of y is set equal to 1 and the per-unit price of q^i is p. For each ally, a Nash equilibrium allocation is found by maximizing utility in equation 1 subject to equation 3 and to the best-response level for defense in the other allies. The aggregate defense level in allies other than the ith ally, $\tilde{Q}^i$, equals

$$\tilde{Q}^i = \sum_{j \neq i} q^j, \qquad [4]$$

and is called a spillin to ally i. A best-response level of spillins, $\tilde{Q}^{i*}$, is attained when each ally optimizes with respect to its choices for defense, given the choices of the other allies; thus, no ally would want to adjust its allocative choices for y^i and q^i at a best-response level.

The Nash problem for ally i is to solve the following problem:[1]

$$\max_{y^i, q^i} \{U^i(y^i, q^i + \tilde{Q}^{i*}, T) \mid I^i = y^i + pq^i\}. \qquad [5]$$

A Nash equilibrium consists of allocations (y^i, q^i) for each ally in which equation 5 is satisfied. This requires y^is and q^is that satisfy the budget constraint and the following first-order conditions (FOCs),

$$MRS^i_{Qy} = p, \qquad [6]$$

for every ally i. In equation 6, MRS^i_{Qy} denotes the ith ally's marginal rate of substitution (MRS) between defense and the private good. As such, it depicts the ratio of the marginal utilities of good Q to that of good y and, hence, indicates the ally's per-unit marginal valuation of defense in terms of the numéraire.

Suboptimality for the pure public good paradigm is established by contrasting the Nash equilibrium level of defense, Q^N, which represents the noncooperative solution, to the Pareto-optimal cooperative solution, Q^P. For the former equilibrium, the ally's decision maker is only concerned with the social welfare of his/her citizens, so that benefits conferred on others, who are within the alliance but outside of the decision maker's borders, are ignored. The Pareto optimum would occur if the allies vested a central supranational authority with the power to choose a level of alliancewide defense that maximizes social welfare for the entire alliance. The Pareto-optimal alliancewide defense level is derived by maximizing the ith ally's

utility subject to the constancy of the other allies' utility level and to the alliancewide resource constraint. The resulting FOCs can be expressed as

$$\sum_{i=1}^{n} MRS^{i}_{Qy} = p, \qquad [7]$$

or the sum of MRSs equals the per-unit price of defense.

Since the sharing of purely public defense among allies is representative of a collective action problem, other allocative concerns can be raised by appealing to the literature on collective action (Olson 1965; Russett and Sullivan 1971; Sandler 1992). As the number of allies increases, the extent of suboptimality is expected to worsen. Thus, small alliances (e.g., the Triple Entente prior to World War I) are apt, _ceteris paribus_, to have fewer suboptimality problems with respect to defense levels as compared with large alliances (e.g., a sixteen-nation alliance such as NATO).

A second collective action problem is the so-called _exploitation hypothesis_, whereby the large, wealthy allies shoulder the defense burdens of the smaller allies (Olson and Zeckhauser 1966). With the pure public good model, defense provision of a large, wealthy ally is a perfect substitute for the smaller allies' defense. When an ally's demand for defense is positively related to national income so that defense is a normal good, wealthier allies can be expected to contribute more defense than less wealthy allies, provided that tastes do not differ significantly among allies. The positive relationship between income and defense arises, in part, because wealth may bring forth a greater threat of invasion while providing the nation the means to protect itself.[2] Almost all studies of defense demand found defense to be a normal good (Murdoch and Sandler 1984). Free or easy riding is often related to the income elasticity of defense, because a positive income elasticity of defense demand is associated with a negatively sloped reaction path, where an ally decreases its defense as spillins from allies increase.

In some cases, free riding may result if there is little need for poorer allies to provide military expenditures in excess of spillins. Consequently, unequal burden sharing, based on national income levels is expected. Olson and Zeckhauser (1966) hypothesized a positive relationship between GNP and defense burdens as measured by ME/GNP. Their hypothesis was borne out for NATO during 1964. Subsequent studies found a positive, but declining, relationship for NATO (Russett 1970; Pryor 1968; Sandler and Forbes 1980; Oneal 1990b). Comparable analyses have been done for the Warsaw Pact (Russett 1970; Starr 1974; Reisinger, 1983).

A third collective action prediction concerns the impact of endowment asymmetry among potential members on the likelihood of group formation. Unequal endowments are conducive to formation, because it is then more likely that at least one potential participant (ally) will get sufficient net benefits from providing the public good even if the agent must bear the entire cost (Sandler 1992).

At this juncture, the simplifying assumptions that underlie the standard pure public good model are highlighted. Relaxation of these assumptions are behind the extensions of the theory presented in the fourth section. First, the resource constraint assumes constant marginal cost of defense provision both within and among allies, because p is a constant. This marginal cost is also identical among allies so that no ally has a comparative advantage in producing defense. Second, the threat variable is introduced as an exogenous variable. The interaction between adversaries, as in an arms race, is not considered explicitly as part of the model. Third, the analysis is a static equilibrium formulation. Fourth, Nash behavior is assumed so that strategic interactions that allow one ally to anticipate the reactions of the other allies are not permitted. Fifth, allied defense levels are aggregated with

the use of an unweighted summation technology in equation 2.

DEMAND AND REACTION FUNCTIONS

We now return to the basic maximization problem of equation 5. This maximization problem yields three first-order conditions (FOCs) that, in principle, can be used to solve for the demands for the private good and the defense good in terms of the exogenous variables:[3]

$$y^i = y^i(I^i, p, \tilde{Q}, T), \qquad [8]$$

$$q^i = q^i(I^i, p, \tilde{Q}, T). \qquad [9]$$

In equation 9, the demand for defense expenditures in ally i depends on its national income (e.g., gross domestic product), the relative price of defense goods, the level of spillins, and the threat level. Most pure public good studies of allied defense demands[4] are based on equations of this form.

When defense is expressed as a function of spillins and other exogenous variables, the associated demand equation is also called a reaction function. If all prices are normalized to 1 and if, furthermore, threat is left out, then the resulting reaction function could have the linearized form:

$$q^i = K - \gamma^i \tilde{Q}, \qquad i = 1,\ldots,n, \qquad [10]$$

in which K is the isolated purchases of the defense good (if spillins are zero) and $(1 - \gamma^i)$ is the ally's marginal propensity to spend income on defense (McGuire 1974). Since γ^i is positive, the reaction function is negatively sloped. Another way of characterizing a Nash equilibrium is to define it as the mutual satisfaction of the allies' reaction functions.

Linear reaction functions can be generated by assuming a Stone-Geary utility function,

$$U^i = (Q - \beta T)^{\alpha}(y^i - \theta^i)^{1-\alpha} \qquad [11]$$

for each ally, in which βT is the minimal or subsistence public good level of defense (based upon threat), θ^i is the subsistence requirement for private good consumption, and α is a positive exponent whose value is less than 1. The parameters β and α could be individualized by introducing an i index. By finding the FOCs associated with optimizing equation 11, constrained by resources, we can derive the following reaction or expenditure function:

$$pq^i = \alpha(I^i - \theta^i) - (1 - \alpha)p\tilde{Q}^i + (1 - \alpha)\beta pT. \qquad [12]$$

Because $\alpha < 1$, the reaction function is negatively sloped in terms of spillins, $\tilde{Q}$. The linear expenditure system analysis of alliance demand has been developed in a series of important articles by Dudley and Montmarquette (1981), McGuire (1982, 1990), McGuire and Groth (1985), Hilton and Vu (1991), and Okamura (1991).

A final implication of pure publicness concerns the neutrality theorem, which indicates that the Nash equilibrium provision level for any pure public good is invariant to income redistribution among an unchanged set of contributors (Warr 1983; Sandler 1992, ch. 3; Sandler and Murdoch 1990; Bruce 1990). This theorem only holds for interior solutions in which all allies provide some defense both before and after the income redistribution, which may come about because of taxes. This surprising result hinges on the assumptions highlighted at the end of the last section. If, for example, Nash behavior is absent, or if marginal cost differs by allies, neutrality is no longer assured.

GRAPHIC REPRESENTATION: TWO-ALLY CASE

We utilize a graphical procedure developed by Cornes and Sandler (1984, 1986) to illustrate the two-ally allocation problem. With some further assumptions, the procedure can be extended to examine an n-nation alliance.

Only two allies are studied, in which each ally faces the following problem,

$$\max_{y^i, q^i} \{U^i(y^i, q^i + q^j, T) \mid I^i = y^i + pq^i\}, \qquad [13]$$

where q^j is the level of spillins for ally i. Henceforth, ally i is ally 1, and ally j is ally 2. By substituting the budget constraint for y^1, ally 1's constrained utility is

$$U^1 = U^1(I^1 - pq^1, q^1 + q^2, T)$$

$$= U^1(q^1, q^2; I^1, p, T). \qquad [14]$$

According to equation 14, budget-contrained utility can be displayed in (q^1, q^2) space for given income, threat, and public good price.

In Figure 1, three budget-constrained iso-utility curves are displayed. Higher values of spillins clearly imply, ceteris paribus, more preferred allocations so that v^2v^2 is a higher level of utility than curve v^1v^1. The weakly preferred sets are indicated in the figure by the cross-hatched areas on and above the iso-utility curves. The vertical line I^1/p indicates the set of allocations that would exhaust ally 1's income.

The slope of the iso-utility curves is

$$\left.\frac{dq^2}{dq^1}\right|_{U^1=\bar{U}^1} = -\frac{\partial U^1/\partial q^1}{\partial U^1/\partial q^2} = -1 + \frac{p}{MRS^1_{Qy}}. \qquad [15]$$

When this slope is zero, the FOC for a Nash equilibrium, as in equation 6, is satisfied. In Figure 1, at any level of spillins, say $\bar{q}^2$, the Nash condition is satisfied where the horizontal line $\bar{q}^2\bar{q}^2$ is tangent to the iso-utility curve at point e. This point of tangency represents the ally's optimal choice for defense, given the prevailing level of spillins.[5] By varying the levels of spillins and locating the locus of tangencies, we generate the Nash reaction path, NN, for ally 1.

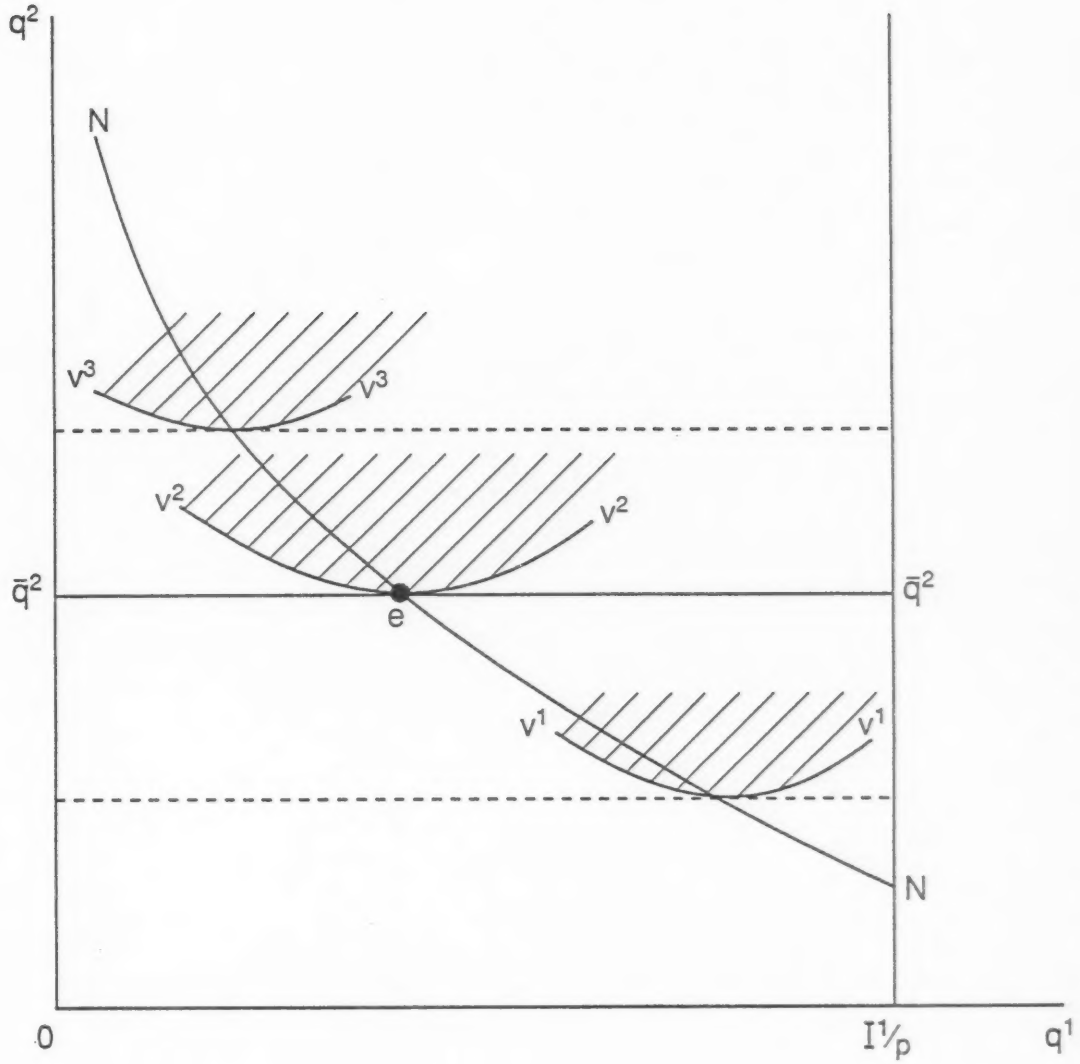

Figure 1: Iso-Utility Curves

The two-ally Nash equilibrium is depicted in Figure 2, where two of ally 2's iso-utility curves ii and i^1i^1 are displayed along with two of ally 1's iso-utility curves II and I^1I^1. The analysis of ally 2 is analogous to that of ally 1, except that q^1 now denotes spillins and q^2 depicts the ally's defense contribution. In consequence, ally 2's iso-utility curves are translated through 90° so that its iso-utility curves are oriented with respect to the q^2 axis and has a slope equal to the reciprocal of $(-1 + p/MRS^2_{Qy})$. Tangencies between the iso-utility curves and a vertical line, corresponding to a fixed level of q^1, define points on the Nash reaction path, N^2N^2, for ally 2. At the intersection of the two reaction paths, point N, both allies' Nash conditions are mutually satisfied; neither ally would want to alter unilaterally its allocative decision.

It can be shown that if all goods are normal with positive income elasticities, then the slope of ally 1's reaction path is negative with a value less than −1 (Cornes and Sandler 1986, 75). Similarly, the slope of the reaction path for ally 2 is greater than −1 in value owing to the 90° translation. Under these circumstances not only is the Nash equilibrium at N stable, but it is also unique. To show the total amount of the public good associated with the Nash equilibrium, we draw line AA with a slope of −1 through point N so that this line makes a 45° angle with the two axes at their intercept. Distance OA along either axis then measures the total contribution to alliancewide defense.

The suboptimality of the Nash equilibrium is easily shown in Figure 2. Points in the cross-hatched region bounded by the allies' iso-utility curves II and ii are Pareto superior to N since the utility levels of both allies are greater--i.e., the iso-utility curves through a point, such as Q, are higher for both allies. The Pareto path corresponds to the dotted curve where the

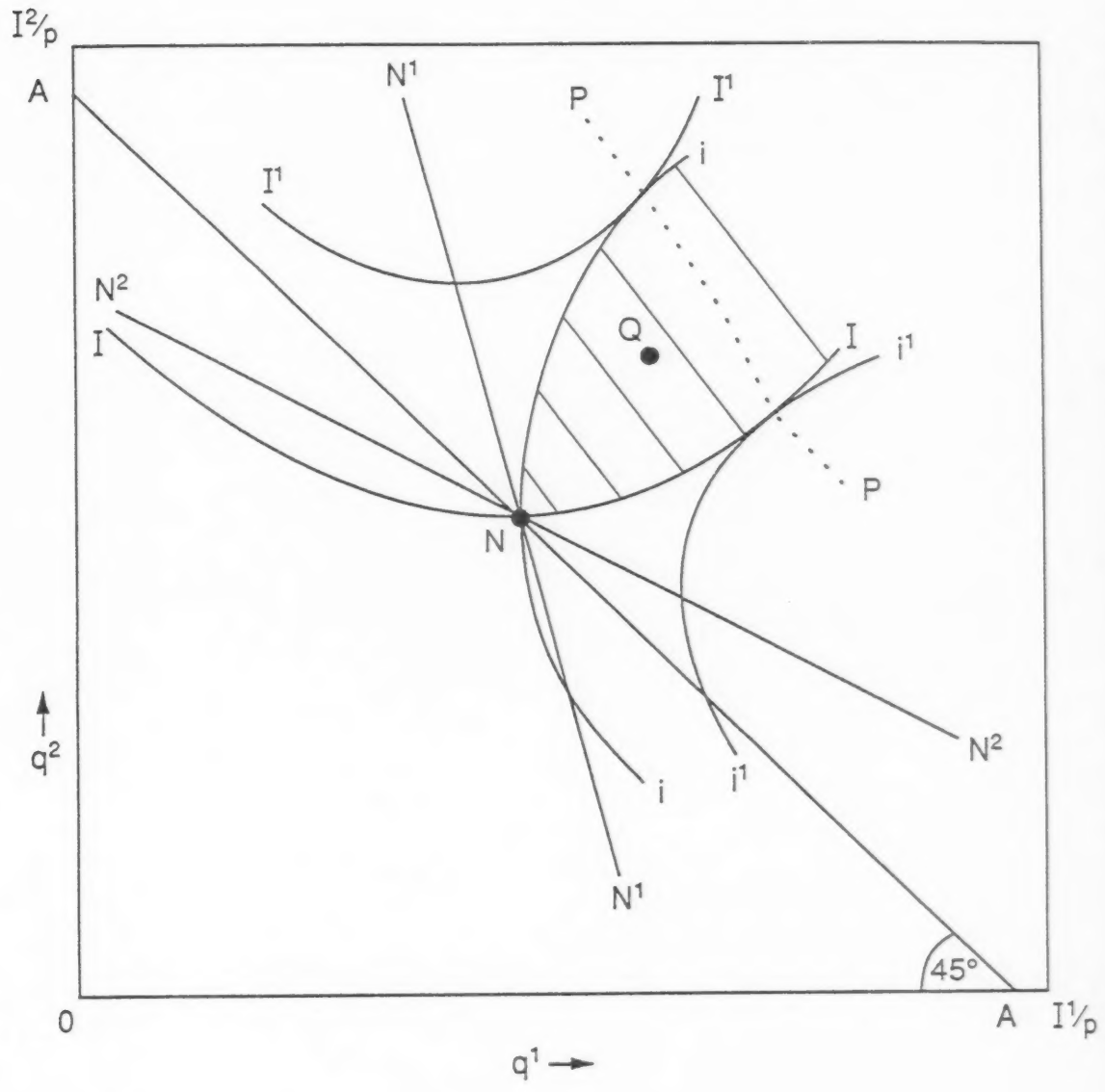

Figure 2: Two-Ally Nash Equilibrium

allies' iso-utility curves are tangent. Along this path, the Pareto-optimality condition $\Sigma MRS^{i}_{Qy} = p$ is satisfied.

The diagram is capable of extension in a number of directions. For example, a nonlinear resource constraint can be used, provided that the constraint defines a convex feasible region. The slope of the resource-constrained iso-utility curve would be of the same form as equation 15, except for the replacement of p by the ratio of marginal costs. For identical allies, the diagram can be extended to N allies.

In Figure 3, we represent the so-called exploitation hypothesis where ally 1 (the well-endowed nation) provides most of alliancewide defense as compared with the efforts of ally 2 (the less well-endowed ally). The income endowment of the ally determines the relative positions of the Nash reaction paths; ceteris paribus, smaller income levels mean that the ally will provide a smaller level of q in response to each level of spillins if defense is a normal good. The small endowment of ally 2 implies a small feasible level of q^2 as indicated by line I^2/p. The Nash equilibrium at N has ally 1 providing q^{1*} and ally 2 providing q^{2*}. If the income of ally 1 were to increase, the Nash path N^1N^1 would shift out and a corner solution with ally 2 providing no defense is a distinct possibility. This demonstration depends on the absence of ally-specific defense benefits.

Note further that a drop in the defense price faced by either ally would increase that ally's feasible set and shift out the Nash reaction path much the same as an income increase. Feasible sets can differ due to comparative advantage if one ally is a cheaper producer of the defense good (Boyer 1989, 1990; Wong 1991). If relative cost advantages were independent of the sizes of the allies, then the exploitation hypothesis need not hold.

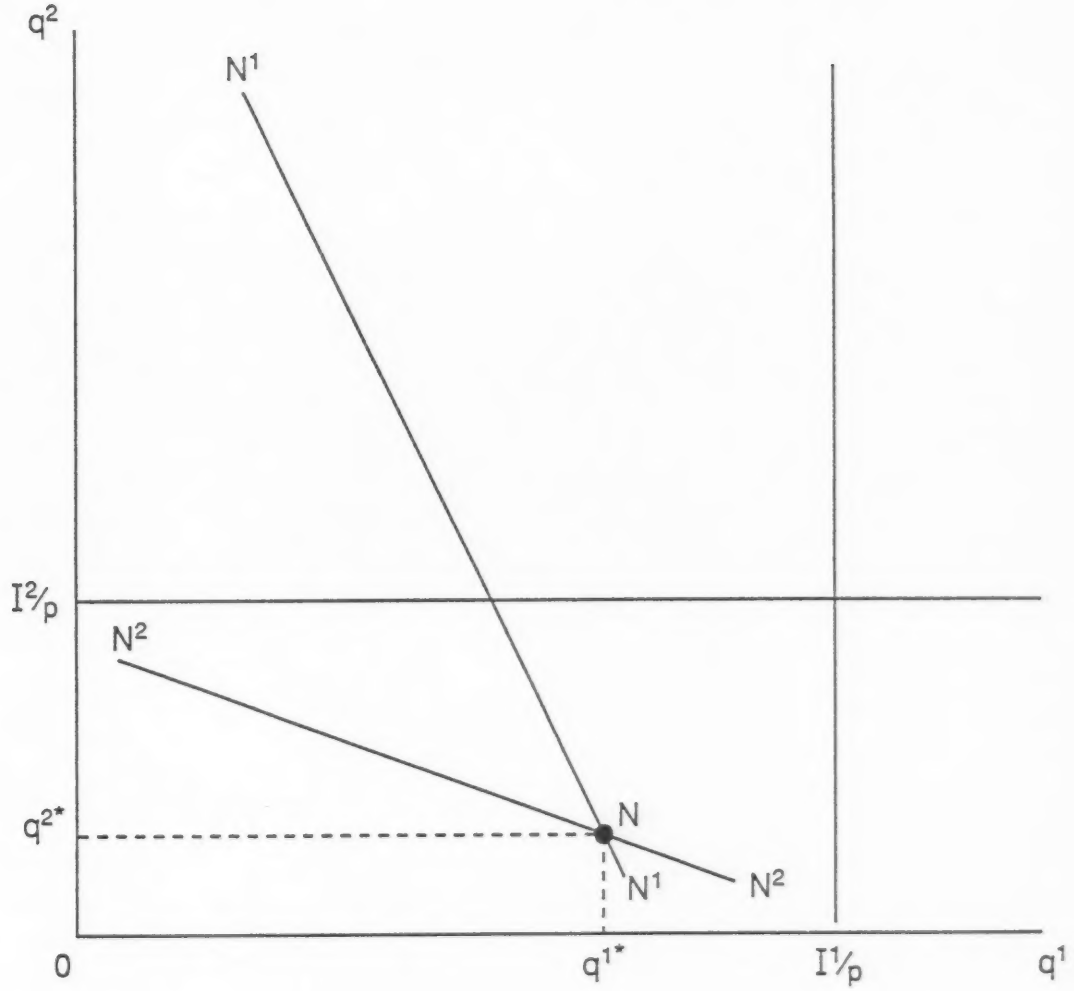

Figure 3: Exploitation Hypothesis

THE JOINT PRODUCT MODEL

Jacques van Ypersele de Strihou (1967) pointed to defense benefits that are private among allies. For instance, an ally might build up its arsenal to maintain control over colonies. This control provides purely public benefits to the nation's population, but does not spill over to the nation's ally. Even if two allies have colonial interests, the stationing of troops in the colony of one ally does not afford protection to the colonial interests of another. Benefits derived from colonial protection are excludable and rival among allies and, hence, are private between two allies. Other examples of inter-alliance private benefits include disaster relief, drug interdiction, protection of coastal resources, maintenance of domestic order, and crisis management during terrorist incidents. Van Ypersele de Strihou (1967) indicated that defense burden sharing in an alliance is more apt to be associated with benefits received when private benefits are a significant proportion of defense benefits received by allies.

The joint product model goes a step further than van Ypersele de Strihou's extension by allowing the defense activity to produce a variety of outputs that may be purely public, purely private, or impurely public among allies.[6] In particular, an alliance arsenal fulfills at least three general functions: (1) deterrence, (2) damage limitation or protection, and (3) private or national-specific goals (Knorr 1985; Russett 1970). Defense outputs are impurely public among allies when defense benefits are either partially rival among allies or else partially excludable by the providing nation. Partial rivalry occurs when the benefits available to other users of a good decline as the number of users or the extent of utilization increases. Conventional forces and arsenals yield both deterrence and damage-limiting protection, needed when deterrence fails and conflict begins. Although the

deterrence benefits may be purely public, damage-limiting protection is subject to consumption rivalry in the form of force thinning as a given amount of conventional weapons is spread to defend a longer perimeter or a greater surface area. In other words, the deployment of conventional forces to limit damage does not afford equal protection to all allies. Moreover, increasing the concentration of troops along one ally's borders may increase the vulnerability of another ally's borders owing to rivalry. Since deployment decisions can exclude one or more allies, conventional armaments possess partially excludable benefits.

In general, defense activities may give forth a vector of outputs to the allies. Conventional armaments yield country-specific private benefits and impurely public damage limitation. Since the strength of the arsenal may deter aggression, some purely public benefits are also present. However, the relative share of private and impurely public benefits are expected to be greater with conventional armaments than with strategic nuclear weapons. The latter are not subject to thinning or spatial rivalry, provided that allies confront a common enemy.

Many factors can contribute to the mix of public and private outputs derived from military activities. First, the strategic doctrine can help determine this mix. A doctrine of flexible response, as adopted by NATO in the late 1960s, permits NATO to respond in different ways to a Warsaw Pact challenge; conventional forces or strategic forces may be used and, in the latter case, a missile exchange may be limited or complete. By allowing for a measured response in relationship to the perceived threat, this doctrine increased the importance of conventional forces as compared with the earlier doctrine of Mutual Assured Destruction (MAD) deterrence, which relied on strategic nuclear weapons.[7] As conventional forces increase in importance, so

do excludable benefits. Second, changes in military technology can alter the mix of private and public benefits. For example, the development of precision-guided munitions (smart bombs) allow some weapons, such as cruise missiles, to be used in conventional and strategic roles. Third, diplomacy can also alter the mix of benefits and costs derived from defense activities.

MATHEMATICAL REPRESENTATION

We now consider a representative ally that allocates its scarce resources between a military activity, q, and a private (nondefense) consumption activity, y. A unit of the private nondefense activity is identical by assumption to a unit of the private good; however, a unit of the military activity is assumed to yield both a private and a public defense output. The model can be easily extended to allow for private, impure public, and pure public benefits. Let x stand for the private defense output and z for the pure public defense output. The joint product relationships are[8]

$$x^i = f(q^i), \qquad [16]$$

$$z^i = g(q^i), \qquad [17]$$

where both $f(q^i)$ and $g(q^i)$ are increasing, strictly concave, and twice-continuously differentiable functions. For equations 16-17, the derivatives (f' and g') measure the respective marginal productivities of the military activity in providing defense outputs. The amount of alliancewide public benefit spillins, $\tilde{Z}$, provided by the other allies is a function of the aggregate military activity, $\tilde{Q}$, in the allies so that

$$\tilde{Z}^i = h(\tilde{Q}^i), \qquad [18]$$

where $h' > 0$ and $h'' < 0$. The total level of pure public defense benefits is

$$Z = z^i + \tilde{Z}^i. \qquad [19]$$

To simplify the analysis, we allow for fixed proportions so that

$$x^i = \sigma q^i, \qquad [16a]$$

$$z^i = \delta q^i, \qquad [17a]$$

$$\bar{Z}^i = \delta \bar{Q}^i, \qquad [18a]$$

in equations 16, 17 and 18, respectively. The representative ally's utility function is

$$U^i = U^i(y^i, x^i, Z, T), \qquad [20]$$

which by equations 16a-18a and 19 is

$$U^i = U^i(y^i, \sigma q^i, \delta(q^i + \bar{Q}^i), T) \qquad [21]$$

in activity space. A Nash equilibrium corresponds to maximizing utility in equation 21 subject to the resource constraint,

$$I^i = y^i + pq^i, \qquad [22]$$

and to $\bar{Q}$ being set at the best-response level for the other allies.

A Nash equilibrium is consequently attained when the following FOCs are simultaneously satisfied:

$$\sigma MRS^i_{xy} + \delta MRS^i_{Zy} = p, \qquad i = 1,\ldots,n, \qquad [23]$$

where MRS_{xy} is the marginal rate of substitution of private defense output x for good y. A similar interpretation holds for MRS_{Zy}. The left-hand side of equation 23 is the marginal benefit derived by an ally from a unit of the general defense activity. Since each unit of q yields varying amounts of the private and public defense output, the marginal value of each must be accounted for and weighted by the respective marginal productivities, i.e., σ and δ. The right-hand side of equation 23 is the marginal cost of q.

The Nash equilibrium is still suboptimal, because the alliancewide marginal benefits that an ally's defense conveys to other allies; that is, $\sum_{j \neq i} \delta MRS^j_{Zy}$ is unaccounted. Surprisingly, the same graphic device as displayed

in Figures 1-2 can be used, with some reinterpretation to illustrate the Nash equilibrium for two allies in the presence of joint products. The slope of the iso-utility curve is now

$$\left.\frac{dq^2}{dq^1}\right|_{\bar{U}^1} = \frac{p - MRS^1_{qy}}{\delta MRS^1_{Zy}} \qquad [24]$$

in which MRS^1_{qy} is the weighted sum on the left-hand side of equation 23. Insofar as the simultaneous satisfaction of the budget constraint, the joint product relations, and the set of allocations weakly preferred to any reference allocation consists of the intersection of convex sets, the iso-utility curves are still shaped like those in Figure 1.

The primary difference in the graph concerns the shape of the Nash reaction path, which can have a positive slope when the joint products are complementary in the Hicksian sense (i.e., $\partial MRS_{xy}/\partial Z > 0$). This inequality means that the marginal valuation or marginal benefit of good x is larger when there is more of good Z available so that the jointly produced outputs are best consumed together. As benefits derived from good Z spill in from the defense activity of its allies, a nation will want to consume more of the complement, good x, and this is only possible if the nation increases its own defense activity level. Hence, an increase in spillins no longer necessarily implies that an ally will decrease its own defense activities, provided that complementarity of joint products are sufficiently strong.[9] If a military doctrine can create a complementarity between the excludable and nonexcludable joint outputs derived from military activities, then allies may increase their own efforts in relation to those of another ally.

The joint product model has a number of implications that may differ from those of a pure public good model.[10] If impure public defense outputs

are present so that force thinning occurs, then alliance membership size restrictions must be based on these thinning considerations. Private and pure public defense outputs are not germane to the size issue. This follows because private benefits are not shared, while pure public benefits do not diminish with increases in alliance size. In terms of thinning,[11] additional allies should be admitted until the marginal benefits from reduced cost, as more allies share provision expense, match the marginal thinning costs imposed on the alliance. The latter stems from a given size arsenal and military manpower being made to protect a longer perimeter as a new ally joins. Another implication concerns the extent of suboptimality. As private and impure public benefits increase as a proportion of the jointly produced defense outputs, allies will increasingly reveal their true willingness to pay either through markets or clublike arrangements. Clubs could charge members for deployments of weapons and troops, not unlike what happened during the Gulf War of 1991. Moreover, the existence of private nation-specific joint products provides an incentive for nations to contribute even though they are relatively small. Defense burdens may be shared in terms of the distribution of ally-specific gains rather than in terms of size. A small ally, faced with domestic unrest and country-specific threats (e.g., Israel), may carry a large burden in terms of the percentage of GDP devoted to defense even in an alliance with a much larger ally (e.g., the U.S.). Another implication concerns non-neutrality when income is redistributed among a set of allies. Thus, burden sharing and the distribution of welfare among allies can be influenced by taxing or other income policy.[12]

FULL INCOME AND DEMAND FUNCTIONS

To devise a procedure for distinguishing between the demand function for

the pure public good model and the joint product model, we introduce the notion of full income, F, which includes the sum of income and the value of spillins (Bergstrom, Blume, and Varian 1986). With the standard pure public good model, real income enters the model in the same manner as spillins, $\tilde{Q}^i$, since both cause a parallel outward shift of the budget constraint when graphed in (y, Q) space.

In the case of joint products, the resource constraint becomes

$$F^i \equiv I^i + p\tilde{Q}^i = y^i + pQ^i \qquad [25]$$

when the value of spillins, $p\tilde{Q}^i$, are added to both sides of equation 22. The utility function of ally i in equation 21 can be rewritten as

$$U^i = U^i(y^i, Q^i, \tilde{Q}^i, T) \qquad [26]$$

by noting that $q^i = Q^i - \tilde{Q}^i$. Maximizing utility subject to equation 25 yields FOCs that can be expressed as ally i's demand for defense:

$$Q^i = Q^i(F^i, \tilde{Q}^i, p, T), \qquad [27]$$

where Q^i is the alliancewide defense activity level.

<u>At a Nash equilibrium</u>, demand level for Q by all of the allies must satisfy equation 27, and, moreover, Q^i must equal Q for all i. With joint products, an ally's demand for the defense activity is influenced in two ways by an increase in the other allies' spending on defense: indirectly through full income (because spillins are part of full income), and directly through spillins. Hence, a change in spillins affects the mix between private and pure public outputs. This follows because no ally-specific benefits are gained from $\tilde{Q}^i$.

DISTINGUISHING BETWEEN PURE PUBLIC AND JOINT PRODUCT MODELS

Unless a full income approach is employed, the reduced-form equations

for defense demand will not be distinguishable between the two models when general utility functions are used and there is no means for observing the δ and σ productivity parameters. These models can be easily distinguished with the use of a nested test procedure, provided that the respective defense demand equation systems are expressed in terms of full income (Sandler and Murdoch 1990). The defense demand equations for the pure public good model derives from

$$\max_{y^i,Q^i} (U^i(y^i, Q^i, T) \mid y^i + pQ^i = I^i + p\tilde{Q}^i), \qquad [28]$$

and equals

$$Q^i = Q^i(F^i, p, T), \qquad i = 1,\ldots,n. \qquad [29]$$

A comparison of equations 29 and 27 indicates that the latter is nested in the former, since only the $\tilde{Q}^i$ term is missing from equation 29. The equation system in equation 27 can be estimated using two-stage least squares (2SLS). An F-test can then be used to determine the significance of the coefficient on the $\tilde{Q}^i$ variable. If this coefficient is not significantly different from zero, then the pure public good model is more appropriate. In a test of a sample of ten NATO allies using data from 1956-1987, Sandler and Murdoch (1990) found the coefficient on spillins to be significantly different than zero for all sample allies, thereby supporting the joint product specification.

THEORETICAL EXTENSIONS

Theoretical extensions to the economic theory of military alliances has primarily involved either an augmentation to the pure public good model or the joint product model.[13] Insofar as extensions to the pure public good model can be easily applied to the joint product model, the presentation is focused

on the pure public good model. Extensions involve the basic structure of the latter model and, as such, concern the manner for aggregating defense contributions (i.e., the technology of public supply aggregation), the allowance of cost differences among allies, and the means for treating threat. Other extensions involve the allocation process, the trading issue, and the institutional structure. Each of these are considered below.

AGGREGATING DEFENSE CONTRIBUTIONS AMONG ALLIES

The technology of public supply or the social composition function refers to the method used to aggregate the defense contributions among the allies. Thus far, a summation technology has been used. Imperfect substitutability is allowed by the following technology,

$$Q^i = \sum_{i=1}^{n} w^i q^i, \qquad i = 1,\ldots,n, \qquad [30]$$

where $0 \leq w^i \leq 1$ for all i. The w^is act as weights. Adjustment of these weights can allow for a wide range of models including the case where defense is private among allies and the case where defense is perfectly substitutable among allies so that the weights are 1. Once unequal weights are added, the defense activity is impurely public among allies.

McGuire (1990) introduced an important generalization of this weighting scheme by defining the technology as

$$Q^i = q^i + \sum_{j \neq i} w_i^j q^j, \qquad i = 1,\ldots,n, \qquad [31]$$

where $w_i^j \geq 0$. On the weights, the superscript identifies the producer, while the subscript identifies the consumer. McGuire allowed for the case where w_i^j exceeds 1, so that some members have "strategic or symbolic dominance" (1990, 19). With the technology in equation 31, the FOCs for Pareto optimality are as follows:

$$MRS_{Qy}^i + \sum_{j \neq i} w_j^i MRS_{Qy}^j = p, \qquad i = 1,\ldots,n. \qquad [32]$$

In equation 32, the indexes on w still relate superscripts to producers and subscripts to consumers, but the roles of the i and j dummies have been switched. McGuire (1990, 21-24) defined three important simplifications for spillins: (1) consumer specific spillins with $w_j^1 = w_j^2 = \ldots = w_j^n = w_j$ for $j \neq i$ and $w_j^i = 1$, (2) producer specific spillins with $w_1^i = w_2^i = \ldots = w_n^i = w^i$ for $j \neq i$ and $w_i^i = 1$, and (3) uniform spilins with $w_j^i = w$ for all $j \neq i$. For consumer specific spillins, the efficiency condition in equation 32 becomes

$$MRS_{Qy}^i + \sum_{j \neq i} w_j MRS_{Qy}^j = p, \qquad i = 1,\ldots,n, \qquad [32a]$$

while for producer specific spillins, equation 32 becomes

$$MRS_{Qy}^i + \sum_{j \neq i} w^i MRS_{Qy}^j = p, \qquad i = 1,\ldots,n. \qquad [32b]$$

Finally, we get

$$MRS_{Qy}^i + \sum_{j \neq i} w MRS_{Qy}^j = p, \qquad i = 1,\ldots,n, \qquad [32c]$$

for uniform spillins.

The implications of these specific structures are drawn out in McGuire (1990, 23-24) and involve the determination of individual marginal prices among allies and, in consequence, the optimal assignment of burdens under ideal circumstances. McGuire also showed the influence that these spillin relationships would have on Nash equilibrium.

Based on the work of Hirshleifer (1983), an important technology for aggregating public supply is that of weakest link in which

$$Q = \min\{q^1,\ldots,q^n\}, \qquad [33]$$

so that the smallest provision level of the alliance determines the security or defense level for the entire alliance. Weakest link may apply to the scenario where a military alliance fortifies a perimeter against a common threat. If alliancewide security depends on keeping the enemy from breaking through, as was true in World War I and II for conventional warfare, then the

least-fortified front can be used to measure collective security. With weakest link, participants tend to match the defense contributions or efforts of the smallest contributor. Suboptimality is less of a concern, especially when allies' tastes and endowments are similar. Moreover, income redistributions among allies can be used to increase alliancewide defense levels.

A contrasting technology is best shot where

$$Q = \max\{q^1,\ldots,q^n\}, \qquad [34]$$

so that alliancewide security solely depends on the largest individualized defense effort. An alliance that relies on the nuclear deterrence of a single ally, such as NATO in the 1950s, is expected to abide by the best shot technology. Suboptimality is a more significant problem with best shot than with summation, since most smaller allies will attempt to free ride with best shot. There is little reason for small allies to fortify when their security only depends on the single largest effort within the alliance. Equalizing income among allies will reduce defense efforts as the largest ally loses endowments. Alternative technologies can combine aspects of best shot and weakest link. In a recent article, Conybeare, Murdoch, and Sandler (1992) attempt to determine the underlying technology of four alliances: Triple Entente, Triple Alliance, NATO, and the Warsaw Pact. The former two alliances were instituted prior to World War I. These authors found the Triple Entente (the aggressor) to abide by best shot and the Triple Alliance (the defender) to abide by weakest link. The latter two alliances appeared to correspond to a summation technology.

COST DIFFERENCES AMONG ALLIES

In Olson and Zeckhauser (1966), all allies were assumed to face the same

relative price for the defense activity in terms of the numéraire. Many subsequent studies assumed no price differences among allies. When cost differences are introduced, burden sharing patterns may not adhere to the exploitation hypothesis, especially if the low-cost producers are some of the smaller allies. Olson and Zeckhauser (1967) were the first to allow for differences in the marginal cost for defense among allies. With cost differences, the low-cost producer should, ceteris paribus, provide more of the defense output. If the marginal costs of defense are constant but differ between allies,[14] then Pareto-optimal conditions like equation 32 would require the prices to be indexed by the country providing defense. Similarly, prices would have to be indexed in the Nash conditions to allow for price differences among allies. The comparative advantage theme has been developed in a series of articles that include Boyer (1989, 1990), Jack (1991), Jones (1988), and Sandler and Cauley (1975). The Boyer (1989) article is noteworthy, since it permits allies to specialize in different public goods, including defense and foreign aid, that are then traded among allies. If the traded public goods possess significant nonexcludable benefits, then difficulties in the analysis can arise. Oneal (1990a, 439-40) correctly noted that the inclusion of foreign aid is unlikely to alter conclusions regarding exploitation, because defense expenditures are so much larger than foreign aid.

In a recent article, Wong (1991) applied modern trade theory to examine burden sharing behavior between two allies that trade private goods, while facing a common enemy. Defense production can now have two influences: a terms of trade effect and an externality or spillin effect. An increase in the defense production of one ally affects the allocation of inputs between tradable private goods and a defense good. When defense production increases,

the demands for factors are affected and this can, in turn, raise input prices. The relative prices of tradable goods or the terms of trade can then be altered. Scenarios can arise in which an ally's production of defense adversely changes the terms of trade faced by its allied trading partner; hence, spillins may come at a costs as terms of trade deteriorate. In such cases, there is less opportunity to free ride and defense burden sharing may be affected. The interested reader should consult Wong (1991) for a fuller discussion of myriad cases in a framework that extends the geometry displayed in Figures 1-3.

ANALYZING THREAT

Thus far, threat has been treated as an exogenous factor. An increase in threat is expected to shift each ally's reaction path in Figure 2 to the right, thereby increasing the alliancewide defense levels in the new equilibrium. A distinction is, however, needed between the role of threat in the alliance model from that in arms race models. The alliance model is a static (equilibrium) analysis, whereas the arms race model is a dynamic analysis. Given its static nature, the alliance model is not particularly well-suited to showing the <u>interactions</u> between allies and adversaries. Reactions to threat are, therefore, rather artificial in the economic theory of alliances. To circumvent this difficulty, the model needs to be extended to a repeated game framework involving two or more periods.

There are a number of ways of introducing threat in the standard model, while maintaining threat's exogenous status. A security function, S, can be defined so that

$$S = S(Q, T), \qquad [35]$$

with $\partial S/\partial Q > 0$ and $\partial S/\partial T < 0$. An increase in the ally's own defenses or those

of its allies augments security, whereas an increase in the opposing alliance's arsenal reduces security (Smith 1980, 1989). A particularly simple form for equation 35 is the linear form,

$$S = q + \bar{Q} - T, \qquad [36]$$

used by Bruce (1990, p. 81). Other forms include the constant elasticity of substitution (CES) form and the Cobb-Douglas form.

If the interactions of the adversaries are taken into account, then the level of threat becomes endogenous, insofar as a Nash equilibrium can be defined in terms of the best responses of the opposing nations. Following Bruce (1990), we intend to tailor the graphic technique to present the case of two adversaries, which are denoted by superscript h for home and e for enemy. In the absence of allies, the home country faces the following problem:

$$\max_{y^h, q^h} \{U^h(y^h, q^h - q^e) \mid y^h + pq^h = I^h\}, \qquad [37]$$

where q^e is threat or T and a linear security function is assumed. By interchanging the h and e superscripts, we have the problem for the enemy country. The demand for security, S^i, is

$$q^i = S^i(I^i - pq^j, p) + q^j, \qquad i,j = h,e, \quad i \neq j, \qquad [38]$$

in the opposing nations, where $I^i - pq^j$ is now full income. These equations are derived from the FOCs associated with equation 37.

The budget-constrained utility function can be displayed in (q^h, q^e) space, as in Figure 4. Since q^e decreases the utility of the home country, the iso-utility curves for nation h have the opposite convexity to those of Figure 1; the convex set of weakly preferred allocations are on or below the iso-utility curve. Curve I^1I^1, which is closer to the q^h horizontal axis, represents a higher level of utility than that of curve II. The Nash reaction path connects the points of zero slope and is expected to be positively

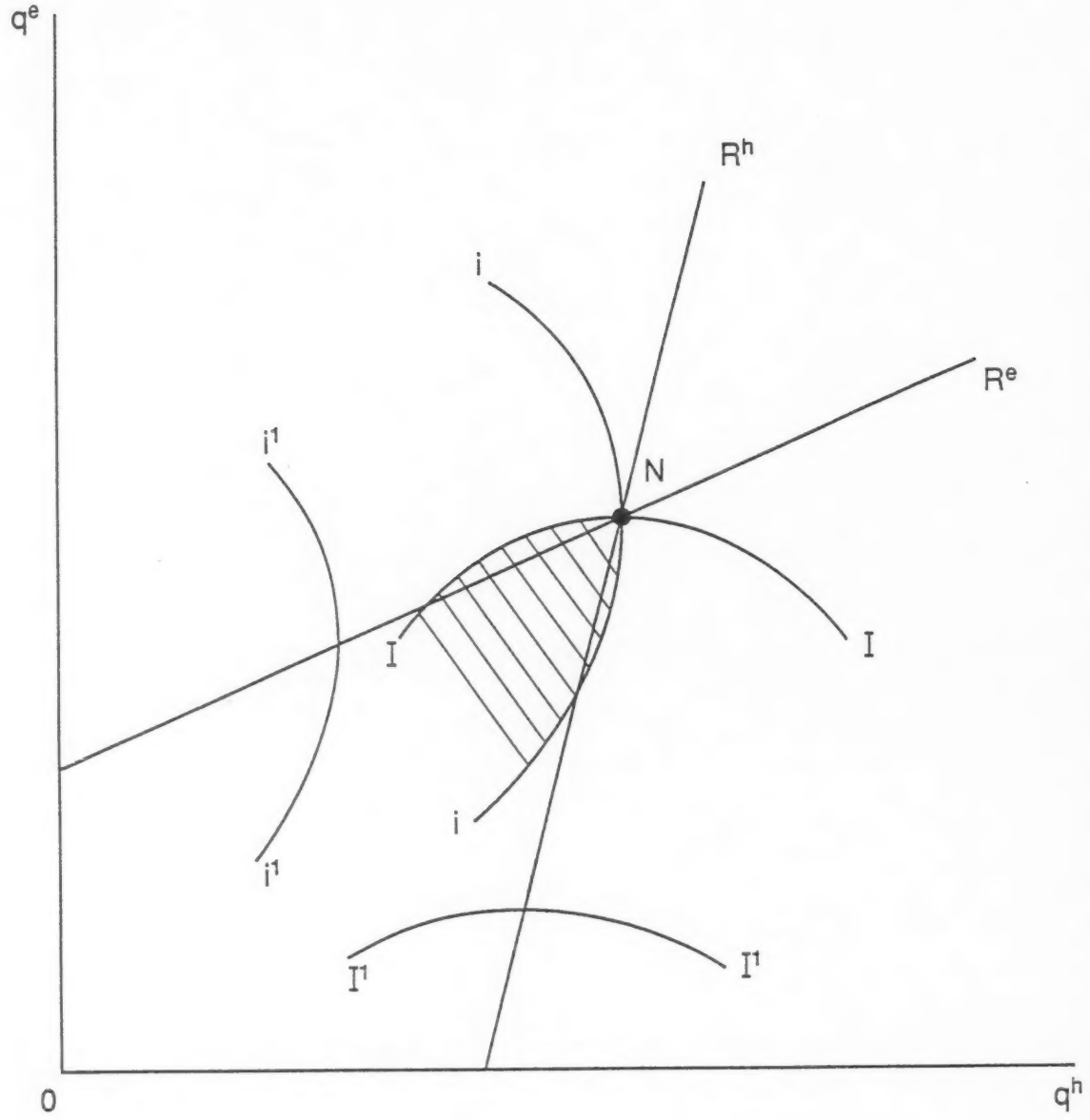

Figure 4: Adversarial Iso-Utility Curves

sloped, since

$$\partial q^h/\partial q^e = 1 - \partial S^h/\partial F^h > 0, \qquad [39]$$

for normal goods where $F^h = I^h - pq^e$. A similar analysis holds for the iso-utility curves of the enemy, also shown in Figure 4 The Nash equilibrium is at point N where the two reaction paths intersect. Both nations can be made better off if they were to agree to reduce defense expenditures. An increase in the defense levels of an adversary is apt to lead to the other country increasing its own defense level.

The analysis can be extended to include adversarial alliances that contain multiple allies. For this more general case, security in the home alliance becomes

$$S = q^i + \sum_{j \neq i} q^j - \sum_{k=1}^{m} q^{ek}, \qquad [40]$$

where q^{ek} is the defense level in the kth ally of the m-member enemy alliance. Weights could be applied to the defense efforts to distinguish between alliances or among allies. The mathematical analysis is easily extended when allies and adversaries are present. With more than three nations, symmetry assumptions must be introduced to extend the graphic analysis (see Bruce 1990, 189-93). An interesting result is the case in which a cooperative agreement among the allies to supply more defense leads to a perverse outcome that worsens the well-being of the allies and the adversary (Bruce 1990, 190-93). This follows because the increased spending of the allies over the Nash noncooperative level induces the adversary to spend more on defense, thereby leading to a scenario where more is allocated to defense all around but security stays the same. The whole notion of suboptimality of defense provision must be reconsidered when adversaries' reactions are included. Increased military expenditures, whether through greater cooperation among the

allies or unilateral actions on behalf of an ally, do not necessarily boost security when enemy defense expenditures respond positively to these increased allied expenditures.

Thus far, adversary expenditures have been introduced in a very simplistic fashion as a linear offset to the ally's own defense efforts. More complicated and realistic mappings for including enemy defense efforts exist. For instance, the incremental effect of an enemy's defense effort on ally's security may diminish as the enemy's arsenal is expanded. If enemy and allied defense efforts are made interactive in the theoretical model, then the empirical model must include enemy and allied demand equations in an interactive simultaneous-equation system that recognizes that the error terms are not independent between equations. To date, most empirical studies have treated enemy defense expenditures exogenously.[15]

THE ALLOCATION PROCESS

The standard allocative process that underlies the economic theory of alliances is Nash, so that a noncooperative, zero-conjectural equilibrium is assumed. By zero conjectures, we mean that each ally assumes that the other allies will not react to its defense decision. This is a consistent expectations equilibrium whenever each ally assumes that its counterparts use a best-response defense level and all choices are simultaneous.

McGuire and Groth (1985) have extended alliance theory to include other kinds of allocative processes. In particular, they considered a Lindahl process in which allies are assumed to meet and exchange information concerning the level of defense, whose costs are met by individualized cost shares. That is, the ith ally pays t^i of the total cost, pQ, of defense. Moreover the shares must sum to one so that full costs are covered. For the

pure public good model, the ith ally's problem is

$$\max_{y^i, Q^i} (U^i(y^i, Q^i, T) \mid I^i = y^i + t^i p Q^i). \qquad [41]$$

A Lindahl equilibrium is obtained when there exists a set of cost shares such that the associated FOCs are simultaneously satisfied for all allies at an identical level of alliancewide defense; hence, $Q^i = Q$ for all i. The FOCs can be used to derive a system of defense demand equations that can be tested against the Nash-based system (Sandler and Murdoch 1990). Alternatively, Oneal (1990b) developed an empirical test for Lindahl versus Nash behavior based on a graph from McGuire and Groth (1985, 921) that relates defense expenditures to wealth. For unit prices, Nash behavior implies a linear expenditure function with a negative y-intercept; Lindahl behavior implies an expenditure function out of the origin with a smaller slope.[16] Thus, Oneal (1990b) regressed ME shares on GDP shares for NATO and examined whether the slope and intercept declined with time to test for increased cooperation. Other tests for cooperative behavior were given in Oneal (1990b) and Palmer (1990a, 1990b, 1991).

McGuire and Groth (1985) also examined hybrid cases in which Nash and Lindahl behavior are combined so that one set of allies abides by Nash and another set by Lindahl. Bruce (1990) investigated leader-follower behavior, in which the leader (presumably the larger ally) moves first and the follower moves second. Leader-follower behavior may well apply to an asymetric alliance with a large dominant ally--e.g., the U.S. in NATO or the former Soviet Union in the former Warsaw Pact. The follower is assumed to take the leader's defense level as given, so that the follower behaves as in a Nash model. In contrast, the leader takes the follower's reaction path as given and optimizes utility subject to its own budget constraint and to the

follower's reaction path. In a figure like Figure 2, an equilibrium occurs when the leader's iso-utility curve is tangent to the follower's reaction path. The slope of the follower's reaction path constitutes the leader's conjectural response for the follower and is nonzero. Since this conjecture is negative, the leader's defense level and alliancewide defense are expected to fall relative to the Nash equilibrium.

INSTITUTIONAL ARRANGEMENTS

A Nash framework ignores the institutional issue by making alliance behavior noncooperative. Allies pool their arsenals, while making allocative decisions independently. In the standard theoretical model each ally is represented by some unspecified decision maker (see, e.g., Oppenheimer 1979). Institutional structures can be investigated in at least two ways: (1) specification of a cooperative structure among allies, and (2) specification of a different set of decision makers within the ally. The first can be handled by designing a supranational structure that can tax its allies or enforce decisions on its members. In a recent article, Weber and Wiesmeth (1991, 191-96) considered a quasi-equalitarian equilibrium, whereby tax shares are assigned by the alliance based on individual benefits received by the allies. Sandler and Forbes (1980) and Cauley, Sandler, and Cornes (1986) indicated that the analysis of institutional structures for alliances must include transaction costs and transaction benefits associated with alternative structures. The structure with the greatest net transactional benefits is the best. Analyses such as Weber and Wiesmeth (1991) do not incorporate the transaction costs component and, hence, remain partial in nature.

The second means for accounting for institutional considerations is to focus on the decision maker within the alliance. For example, a public choice

approach might permit defense spending levels to be determined by a referendum. If this is the case, then a median voter model may apply, so that the median voter's demand for defense determines allocations. Another possibility is a bureaucratic model in which a defense bureau decides defense levels.[17] Each alternative institutional arrangement has its own equilibrium outcome. Transaction cost considerations also concern group or alliance formation. Large fixed transaction costs inhibit formation and may depend on group size. Furthermore, transaction cost involves the determination of optimal alliance size. More work in this area is needed.

TESTS OF THE THEORY

Since 1966, a great deal of attention has been paid to testing the economic theory of alliances. A number of issues are relevant. First, the form of the variables is important. In some studies (e.g., Murdoch and Sandler 1984), real military expenditures (ME) is the dependent variable and GDP and spillins are the independent variables. In other studies (e.g., Russett 1970), defense burdens (measured by defense expenditures as a proportion of GNP) and GNP are the variables. The form of the variable depends on what is being investigated and the antecedent theory. When the demand for defense or reaction function is being estimated, then ME, GDP, and spillins are usually among the relevant variables. If, however, Olson's exploitation hypothesis is examined, then a measure of defense burdens, such as ME/GNP, and a size variable (GNP) are appropriate variables. When free riding is studied using the demand for defense function, a negative and significant coefficient on the spillin variable reflects free riding. If, instead, free riding is associated with the exploitation hypothesis, then a positive and significant correlation or relationship between ME/GNP and GNP is

indicative of free riding. The two tests usually, but not always, give similar conclusions. A second issue concerns the pooling of data across allies when testing relationships. In the case of demand estimates, time-series data should be used to estimate each ally's demand equation separately or within a demand system. Tests can then be performed to determine whether some or all of the equations are sufficiently similar to justify pooling. When testing for overall alliance behavior (e.g., cooperative versus noncooperative), the researcher often pools over the alliance or some cohort, such as the small allies. A third issue involves the antecedent model. For demand studies, the antecedent model is utility maximization that may include a general or specific utility function. In studies concerning exploitation, the antecedent model is Olson's collective action formulation.

Much important work has been done on the exploitation hypothesis. Olson and Zeckhauser (1966) presented a distribution-free or nonparametric correlation test to demonstrate that defense burdens were positively correlated to the NATO allies' GNP in the mid-1960s. Russett (1970) used nonparametric statistics to test the exploitation hypothesis for a number of alliances and found a significant positive correlation for the Warsaw Pact, CENTO, SEATO, and NATO. Starr (1974) also uncovered a significant positive correlation between defense burdens and GNP for the Warsaw Pact for 1967-1971. Other studies of the exploitation hypothesis included Oneal (1990a, 1990b, 1992), Pryor (1968), van Ypersele de Strihou (1967), Sandler and Forbes (1980), and Murdoch and Sandler (1982).

Most empirical studies of alliances have used parametric test statistics based on either single-equation or simultaneous-equation regression estimation. Although the bulk of the studies focused on burden sharing in the NATO alliance, some have examined other alliances such as the U.S.-Israeli

Table 1. Review of Selected Tests of the Economic T

AUTHOR(S)	ALLIANCE(S) STUDIED	THEORETICAL MODEL
Conybeare and Sandler (1990)	Triple Alliance, Triple Entente	joint products
Gonzalez and Mehay (1990)	Developed Nations and Undeveloped Nations	security function and effects of scale
Gonzalez and Mehay (1991)	NATO	joint products, pure public
Hansen, Murdoch, and Sandler (1990)	NATO	joint products. Distinguishes between strategic and conventional weapons.
Hilton and Vu (1991)	NATO	pure public
McGuire (1982)	U.S.-Israeli	pure public, impure public
Murdoch and Sandler (1984)	NATO	joint products

ic Theory of Alliances

	EMPIRICAL MODEL	CONCLUSION(S)	TIME PERIOD
	Generalized Least Squares	Little evidence of free riding.	1880-1914
	Ordinary Least Squares	Economies of size to defense for developed countries. Some free riding on informal allies.	1982
,	Pooled time-series, cross-section	Found more support for joint product model.	1974-1984
.	Generalized Least Squares	More free riding on nuclear strategic forces than on conventional forces.	1972-1985
	Simultaneous equations. Stone-Geary utility functions and Linear Expenditure System.	Many allies respond positively to spillins and negatively to threat.	1960-1985
	Simultaneous equations. Stone-Geary utility functions and Linear Expenditure System.	U.S. increases aid to Israel as Arabs spend more. Israel responds positively to threat.	1960-1979
	Seemingly unrelated regressions. Lagged spillins. Dummy shift variable for change in doctrine.	Flexible response lessening U.S. burdens. Complementarity caused coefficients on spillins to be positive.	1961-1979

Table 1. Review of Selected Tests of the Economic Theor

AUTHOR(S)	ALLIANCE(S) STUDIED	THEORETICAL MODEL	EMPI
Murdoch and Sandler (1985)	ANZUS	joint products	Gene Squa spil for
Murdoch and Sandler (1986)	NATO and Neutral Countries	joint products	Seem regi spil
Murdoch, Hansen, and Sandler (1991)	NATO	joint products, median voter and oligarchy choice	Two- Squa
Okamura (1991)	U.S.-Japanese	pure public	Gene tra fun Sim equ
Olson and Zeckhauser (1966)	NATO	pure public	Non sta cor
Oneal (1990a)	NATO	Olson's (1965) collective action	Gen Squ tim sec

EMPIRICAL MODEL	CONCLUSION(S)	TIME PERIOD
Generalized Least Squares. Lagged spillins and dummy for Vietnam War.	U.S. and U.K. spillins matter. Dummy & Income significant.	1961-1979
Seemingly unrelated regressions. Lagged spillins.	Sweden free rode on NATO after 1974.	1957-1982
Two-Stage Least Squares.	Belgium, U.K. & the Netherlands fit median voter. France, W. Germany, U.S. & Italy fit oligarchy model.	1965-1988
Generalized indirect translog utility function. Simultaneous equations.	Threat changes have a significant positive effect. Elasticities presented.	1972-1985
Nonparametric statistics. Rank correlation test.	Defense burdens positively correlated with size.	1964
Generalized Least Squares. Pooled time-series, cross-section.	NATO provides relatively pure public outputs. Relative economic size and state of East-West tension important.	1950-1984

Table 1. Review of Selected Tests of the Economic

AUTHOR(S)	ALLIANCE(S) STUDIED	THEORETICAL MODEL
Oneal (1990b)	NATO	McGuire-Groth (1985) graphical device
Oneal (1992)	NATO	Olson's collective action
Oneal and Elrod (1989)	NATO	Olson's collective action
Palmer (1990a) (1990b)	European NATO allies and neutrals	Nash Model and Lindahl (bargaining)
Pryor (1968)	NATO, Warsaw Pact	Olson's Exploitation Hypothesis

	EMPIRICAL MODEL	CONCLUSION(S)	TIME PERIOD
	Ordinary Least Squares. Pooled cross-section.	Pursuit of private benefits. Increased cooperation by allies noted.	1950-1984
	Ordinary Least Squares. Pooled time-series, cross-section.	Correcting for conscription does not have much effect on exploitation hypothesis.	1974, 1981, 1987
	Ordinary Least Squares. Pooled time-series, cross-section.	NATO is a uniquely privileged group. Private benefits present. Objects to military doctrine having an effect on exploitation.	1950-1984
d	Ordinary Least Squares. Pooled time-series, cross-section.	Positive relationship between U.S. defense burden and those of allied states. Claims support for bargaining.	1950-1984
	Ordinary Least Squares. Pooled cross-section.	Exploitation hypothesis supported for NATO, but not for Warsaw Pact.	1956-1962

Table 1. Review of Selected Tests of the Economic Theor

AUTHOR(S)	ALLIANCE(S) STUDIED	THEORETICAL MODEL	EMPI
Russett (1970)	NATO, Warsaw Pact, SEATO, CENTO, Rio Pact, Arab League	Olson's Exploitation Hypothesis	Nonp stat corr
Sandler and Murdoch (1990)	NATO	joint products. full income approach. Lindahl and Nash models.	Two- Squa dist Nash mode to c proc publ
Smith (1989)	NATO (U.K. and France)	no antecedent model presented	Gene Squa vari vari on s
Starr (1974)	Warsaw Pact	Olson's Exploitation Hypothesis	Nonp stat corr
van Ypersele de Strihou (1967)	NATO	joint products	No pres

EMPIRICAL MODEL	CONCLUSION(S)	TIME PERIOD
Nonparametric statistics. Rank correlation test.	Exploitation confirmed for SEATO, CENTO, Warsaw Pact (1965, 1967) and NATO up to 1966.	1950-1967 for NATO; 1965, 1967 for Warsaw Pact, 1965 for others
Two-Stage Least Squares. J tests to distinguish between Nash and Lindahl models. Nested test to distinguish joint products and pure public.	Ten sample allies abide by joint products. Nine out of ten abide by Nash. None abide by Lindahl.	1956-1987
Generalized Least Squares. Mix variables from various models based on statistical fit.	Both U.K. and France respond positively to Spillins.	1951-1987
Nonparametric statistics. Rank correlation test.	Exploitation confirmed.	1967-71.
No true test presented.	Positive relationship between defense burdens and GNP does not always hold.	1949-1964

alliance, the Triple Alliance,[18] the Triple Entente, the Australian-New Zealand-U.S. alliance (ANZUS), and the U.S.-Japanese alliance. In Table 1, some representative empirical studies are listed along with the alliances that they studied. As indicated, the underlying theoretical models for these studies were either a variant of the pure public good model or the joint product model.

Many parametric tests attempted to estimate an ally's demand for defense or its military expenditures equation. Most estimates can be encompassed by the following general function,

$$ME = f(INCOME, PRICE, SPILLIN, THREAT) \qquad [42]$$

in which ME is military expenditures of the nation, INCOME is some GDP measure, PRICE is the relative price of defense (if available), SPILLIN is the aggregate military expenditures of the other allies, and THREAT is the military expenditures of the enemy. Insofar as the allies' demands may be influenced by similar factors, the error terms are often not expected to be independent. To account for this influence, investigators have either allowed for contemporaneous correlation between equations, or else a simultaneous-equation system. In the former case, seemingly unrelated regressions are used to derive estimates; in the later case, two-stage least squares is employed.

Table 1 indicates the estimation procedure under the heading "empirical model." Important conclusions or results for each of the investigations are also listed, as is the time period of estimation. A number of features are worth highlighting. First, when tested against one another, the joint product model outperformed the pure public good model (Sandler and Forbes 1980; Sandler and Murdoch 1990). Second, studies increasingly used simultaneous-equation estimations in recent years to account for the underlying interactions between the allies. Many of the earlier single-equation

estimates used lagged spillins. Third, only a few exercises built a simultaneous-equations model in which enemy demand is one of the equations (e.g., McGuire 1982). Fourth, many studies found allies to respond positively to spillins, thus supporting the notion of complementarity between defense joint products. Fifth, threat did not always perform as hypothesized, since in a number of studies defense demands did not respond positively to threat. Sixth, some studies found that military doctrine affected the demand for defense (Murdoch and Sandler 1984, 1986; Sandler and Murdoch 1986), but other studies presented opposite findings (Oneal and Elrod 1989; Oneal and Diehl 1992). Methods differed significantly between these researchers and may be responsible for the alternative outcomes. Seventh, free riding was not as prevalent as presupposed in the demand studies of alliances (e.g., Conybeare and Sandler 1990). Free riding was more frequently identified in the studies based upon the exploitation hypothesis. Eighth, the demand-based study that estimated separate equations for the allies supported Nash behavior over Lindahl (Sandler and Murdoch 1990), while studies that used pooled data supported the Lindahl or bargaining model (Palmer 1990a, 1990b, 1991; Oneal 1990b).

CONCLUDING REMARKS

Based on the theory of public goods, the economic study of alliances has a long tradition. As modelling advances have occurred in public good analyses, these have been subsequently incorporated in the study of alliances. Theoretical extensions have included the introduction of joint products, the endogeneity of threat, the variation of the underlying game structure, the utilization of different technologies of public supply, and the allowance of cost differences among allies. Future extensions should build more complex

interactions between opposing alliances, while accounting for intra-alliance interactions. Moreover, allocative processes other than Nash, Lindahl, and leader-follower need to be examined. A repeated game structure should also be given to the alliance model so that a sequence of actions between opposing alliances and among allies is allowed. In addition, informational asymmetries within and between alliances need to be incorporated into the analysis. Alliance configurations should be studied for partitioning a set of nations. This extension involves finding the core in which no alternative grouping of allies can do better. Finally, work is needed to sort out empirical findings that appear contradictory.

FOOTNOTES

1. The utility function is assumed to increase in y^i and Q, and to decrease in T. Moreover, the utility function is assumed to be strictly quasiconcave in y^i and Q.

2. A nation may choose to self protect against invasion. That is, the nation raises its defense expenditures to increase its probability of survival.

3. If the associated 3 by 3 Hessian determinant of second-order partials of the Lagrangean function is strictly positive, then the three-equation FOCs can be solved for y^i and q^i in terms of the exogenous variables.

4. Examples include Conybeare and Sandler (1990), Dudley and Montmarquette (1981), Gonzales and Mehay (1990), Hansen, Murdoch, and Sandler (1990), McGuire (1982, 1990), McGuire and Groth (1985), Murdoch and Sandler (1984, 1985, 1986, 1991), Sandler and Murdoch (1986, 1990), and Smith (1989).

5. See Sandler (1992, ch. 2) and Cornes and Sandler (1986, ch. 5) for a fuller discussion of these iso-utility curves.

6. On joint product models see Conybeare and Sandler (1990), Cornes and Sandler (1984, 1986), Hansen, Murdoch, and Sandler (1990), McGuire (1990), Murdoch and Sandler (1982, 1984, 1985, 1986, 1990), Murdoch, Sandler, and Hansen (1991), Oneal and Elrod (1989), Sandler (1977, 1988), Sandler and Cauley (1975), Sandler and Forbes (1980), Sandler and Murdoch (1986, 1990), and Thies (1987). On private benefits, also see Knorr (1985), Oneal (1990a, 1990b), Russett (1970), and Oneal and Diehl (1992).

7. For a further discussion and additional examples, see Murdoch and Sandler (1984) and Sandler (1977, 1988). For a dissenting view, see Oneal (1991) and Oneal and Diehl (1992).

8. The $f(\cdot)$, $g(\cdot)$, and $h(\cdot)$ functions can be allowed to differ among

allies to increase the generality of the model.

9. For a proof, see Cornes and Sandler (1986, 118-21). This positive slope to the Nash reaction path is especially noteworthy regarding Palmer (1990a, 1990b), who tested for cooperative behavior based on there being a positive relationship between U.S. defense burdens and those of the allied states. For complementary joint products, a positive relationship may be consistent with Nash noncooperative behavior.

10. These implications are developed in Sandler (1977), Murdoch and Sandler (1982), Sandler and Forbes (1980), and Sandler and Posnett (1991).

11. The thinning relationship depends on a host of factors including geographical consideration, topographical factors, and technological factors.

12. See Andreoni (1989, 1990), Cornes and Sandler (1984), and Sandler and Posnett (1991).

13. See Conybeare (1992) for a new approach in which alliances are characterized as diversifying risk. Also see Jack's (1991) dissertation.

14. In fact, marginal cost is decreasing over some range of output. If marginal cost decreased without end, then a single ally should supply the defense needs of the other allies through market transactions.

15. Exceptions are McGuire (1982) and Hilton and Vu (1991).

16. The Lindahl result depends on the utility function being Cobb-Douglas. This and other assumptions limit the generality of the test.

17. See Dudley and Montmarquette (1981) and Murdoch, Sandler, and Hansen on median voter models, and Gonzales and Mehay (1990) and Jones (1992) on bureaucratic models.

18. On historical alliances, see Thies (1987), Conybeare and Sandler (1990), and Conybeare, Murdoch, and Sandler (1992).

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GENDER IN THE 1992 ELECTORATE

Virginia Sapiro
University of Wisconsin - Madison

Pamela Johnston Conover
University of North Carolina, Chapel Hill

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GENDER IN THE 1992 ELECTORATE

One of the perennial questions in the study of gender politics is whether there are gender differences in mass level political thinking or action during elections. For a long time both conventional wisdom and some research claimed there were many important differences. Certainly men were more active in campaigns and more likely to vote than women from the time women gained the right to vote until recently. Men used to claim more interest in elections. American women leaned more toward the Republican party than men during the 1950s, but this pattern reversed since the 1960s. Gender differences were especially stark during the 1980s elections, giving rise to widespread discussions of the "gender gap."

The scholarly literature has often discussed other possible gender differences in electoral politics. Conventional wisdom has long claimed that regardless of the existence of "bottom line" gender differences in voting during any given election, women and men engage in different kinds of thinking and decision-making to cast their votes, perhaps using different criteria. Women were said to be more candidate-oriented than men and, in particular, to pay attention to looks and personality. Scholarly evidence for this claim, however, has not been uncovered (Shabad and Andersen 1979).

Continuing interest in gender differences in public opinion and, specifically, a "woman's point of view" (Sapiro 1983) has led many observers to posit the existence of gender differences in issue attitudes that, in turn, lead to different political judgments or behavior during elections. The interdisciplinary influence of Carol Gilligan's (1982) developmental theory of gender difference and, more generally, the renewed interest in gender difference in feminist studies since the 1980s has led to widespread speculation about men's and women's thinking is structured by different value orientations. In the ubiquitous search for gender differences in public opinion empirical results reveal relatively few consistent differences over time other than in attitudes toward war and violence (Shapiro and Mahajan 1986; Conover and Sapiro 1993).

Research on gender differences, especially in political thinking and behavior, often pass silently over the fact that an important underlying question is not just whether women and men differ in their opinions, attitudes, values, or behavior, but whether their thinking and behavior is structured differently. The implication of some of the claims of difference, especially that sparked by literature on cognitive and moral development, is that while men and women might vote differently because their votes are driven by different elements of political evaluation (e.g. candidates versus issues or justice versus care), we could witness men and women voting similarly but for different reasons. The pursuit of similarity or difference in attitudes or votes does not tell us all we need to know.

Nor can we leap to the conclusion that gender differences in electoral responses stemmed from any simple gender-based pull of "women's issues," conventionally understood; the gender gap has been most convincingly attributed to different responses to economic and defense issues (Frankovic 1982; Mueller 1988). Nevertheless empirical

research does suggest that these differences may emerge most specifically between men and feminist women, or that gender or feminist consciousness may be the medium through which gendered points of view are created (Conover 1988, Tolleson Rinehart 1992). In other words, the gender gap may emerge from the interaction of feminist and other attitudes. In order to pursue this possibility further it is necessary to explore the structure of political thinking and not just attitude differences.

Just as many leaders in the gender politics field were arguing there was too much emphasis on electoral research, curiosity about gender differences in electoral behavior was piqued by the varying appearance of the "gender gap" since 1980. This variability points to another probable element of electoral gender difference that requires research: The gender gap is due not to "constant" gender differences in attitudes or attitude structures, but rather is driven at least in part by context. Gender gaps may appear and disappear, rise and wane because some aspect of the electoral context must trigger or cue gender as politically or symbolically important in a given election. The cuing might occur because of the confluence of issues or personalities in an election or because of historical events or circumstances surrounding the electoral period.

Context may cue gender relevance in an election in a very direct manner. This is what would happen when gender is regarded as "an issue" in a campaign. But there may also "spillover" effects that occur when gender is cued. Theoretical work on symbolic politics suggests that given the multiple possible meanings of any given event or problem, their specific political meanings are at least partly socially constructed and will differ in the eyes of observers placed at different vantage points (Edelman 1964, 1977). Issues may take on gendered meanings or not depending on context and perspective. The mere presence of gendered pronouns in a sentence changes the way it is interpreted, (cite); the mere presence of women or "women's issues" in an electoral campaign may change its meaning as well.

The dynamics of gender politics became especially interesting during the 1992 presidential election. Anticipation grew during the course of that year as press hyped the "Year of the Woman." Instantly developed conventional opinion within the press, supported by claims on the part of many interest group leaders and some candidates painted the election as one in which gender would play a key role: Women were energized by the Thomas/Hill hearings, and perhaps further bolstered by two major rape trials. The two major party candidates offered apparently clear choices on "women's issues," conventionally understood (abortion, women's rights, parental leave) and on other sometime gender-divided questions such as defense, health care, and other social policies. The culture wars skirmish at the Republican convention and the continuing symbolic importance of Hillary Clinton during the campaign seemed to lend an emotional element to the gender component of the election. Finally, the extraordinary number of women candidates at all levels was expected to affect the electorate's thinking and behavior on the basis of gender. Thus many observers expected that (1) women would be especially mobilized (2) there would be a gender gap in presidential vote; (3) there would be a gender difference in what interested and motivated the electorate during the electoral campaign.

After the dust settled, what happened? There was certainly an increase in the number of women in office, but most analysis shows this is more the effect of higher rates of female candidacy in open seats higher election rates among women candidates. The gender gap was not as impressive as expected; indeed on national level there was not much of a gender difference in the vote. Clinton attracted a slightly higher proportion of women's votes and Perot garnered more of men's. This gender difference was especially pronounced among the youngest and oldest voters, the most and least educated. It appeared at least as much among African-American as white voters ("Portrait of the Electorate," 1992). But it emerged more in certain states (such as California and Illinois, where there were important races with women candidates), localities, and races. Reports also indicated gender differences emerged in voting where there were referenda relating explicitly to gender issues, such as those on gay rights.

Although demographic portraits of the electorate are useful, more detailed survey analysis is necessary to understand the role of gender in structuring electoral thinking and behavior. The remainder of this paper further explores the mass-level gender politics during the 1992 presidential election using data from the 1992 American National Election Study (ANES), partly to understand the dynamics of that particular election better, and partly to add to and expand on earlier case studies of gender politics in the mass electorate.[1]

METHODS

Our analysis encompasses three general aspects of the election. We focus first on citizen involvement in the election to see the degree to which gender shapes the amount of people's interest in and attention to the campaign, and their final choice to go to the polls. Second, we ask whether gender shapes the ways that people perceive and react to the two major party candidates. What emotional reactions do they provoke? How do citizens interpret their traits and character? Finally we investigate the effect of gender on support for the three alternative candidates in the home stretch. Who voted for them and how enthusiastically?

In each case we employ basic multiple regression models first, to look at the direct impact of gender on electoral responses and second, to investigate the degree to which men's and women's responses are differently structured. The independent variables are selected for any or all of three reasons. First, we include predictors known through prior research to help explain electoral behavior such as race (in this case, whether respondents are African-American or not), age, family income, and education; assessments of federal policies have made the state of the national economy and the state of respondent's family economy better or worse; internal and external political efficacy; core values such as egalitarianism, symbolic patriotism, traditional moralism, and liberalism/conservatism; and, of course, partisanship and retrospective assessments of the incumbent candidate.

Second, we included variables that tapped into the specific circumstances of the 1992 election including relative assessment of Clarence Thomas and Anita Hill; the core

value of traditional moralism; and key issues such as health care, defense, and abortion. Finally, we included variables tapping characteristics and attitudes presumed either theoretically or conventionally to involve gender and gender politics including assessments of Thomas and Hill, feminist consciousness, abortion attitudes, and attitudes on child welfare policy including day care and parental leave. The feminist consciousness variable incorporates not just attitudes toward gender equality, but the degree to which respondents identify emotionally with women.[2] Clearly, many of these variables were justified in more than one of these ways.

Throughout the analysis we begin with analysis incorporating sex as a predictor variable to see its impact while taking account of others reasonably hypothesized to shape electoral behavior. We then divide the sample by sex and run the same analysis to see whether, regardless of direct effects of gender, the same predictors structure electoral thinking and behavior for women and men.

Finally, in some stages of the analysis we take account of a remarkable aspect of the 1992 electoral season: the large number of women running for high office. We coded respondents according to whether they lived in districts in which (1) no women were running for House or Senate seats or for governor or (2) at least one woman was running for one of these offices. We hypothesize that whether the campaigns for the highest offices provides a "stag" environment or not should make a difference for relevance of gender more generally. There are two reasons for hypothesizing that gender context matters. First, in accordance with theories of symbolic politics, because politics is still regarded as a primarily male activity, if even one high-level campaign involves a woman, gender becomes more salient in that political context more generally (Sapiro 1993). But second, and more practically, women's campaigns may have emphasized some issues more than men's did. For one example, women may have calculated that keeping memories of the Thomas/Hill hearings would underscore the need for electing women, especially in a year in which being a "newcomer" was seen as a plus.[3]

POLITICAL INVOLVEMENT

To what degree did gender shape citizen involvement in the 1992 presidential election? We consider three indicators: self-reported interest in the campaign, how often respondents followed news about the campaign, and whether they voted. At the bivariate level men were more interested in the campaign than women (r=.06**) and followed news more (r=.10**), but voted at about the same levels.

The story looks different when also take account of other predictors of political involvement **(Table 1)**. Gender shows no significant direct effects on interest or news attention, but women were more diligent than men in voting when we take account of these other associated variables.

To delve further, let us consider whether different things seem to push women's and

men's involvement as was so often hypothesized in commentary on that election. Were women especially motivated into involvement by reactions to the senatorial treatment of Anita Hill? No; indeed the only significant relationship shows men who felt more warmly toward Hill than Thomas followed the news more than other men. Otherwise, relative feelings for Hill and Thomas bore no relationship to political involvement. Did feminist women become especially involved in the election? To the contrary, if anything those with feminist consciousness -- especially men -- showed signs of distance from the race. Certainly feminist men were less likely to vote than other men. The more strongly people felt about abortion policy (regardless which side they were on) the more interested they were in the campaign and the more likely they were to vote, but strength of feeling about abortion does not play a different role in shaping women's and men's interest. Other results displayed in Table 1 suggests that women's campaign interest was more motivated by the condition of their pocketbooks than was true of men and that this also gave them a bigger push toward the voting booth. Age also played a greater role in women's than men's campaign interest and attention; the older they were, the more involved they were.

It has often been claimed that women were energized into campaign involvement by the presence of so many female candidates; our context variable allows at least a partial test of whether this is true. As **Table 2** shows, the presence of women running in high-level races makes no significant difference for how gender is related to electoral involvement. Although the gender difference in turnout is statistically significant only where women were running, the coefficients are too similar to distinguish.

Although the gender context of the election does not affect gender differences in involvement per se, it does seem to affect the relevance of the Thomas/Hill hearings to the election. Leaning toward Anita Hill was significantly associated with greater campaign interest and following the news more where women were running for office while this was not true in "stag" contexts. Indeed, for all three variables the signs are reversed between all-male and mixed contexts so that support for Hill is associated with involvement in mixed contexts, while support for Thomas is associated with involvement in all-male contexts. Context does not seem to make a difference in how much either feminist consciousness or strength of feelings about abortion moves involvement. The education gap in voting is bigger in all-male contexts than in those where women ran for high office; in contrast the importance of feeling a pinched pocketbook was more important for turnout in mixed contexts. A strong sense of internal political efficacy boosts citizens' likelihood of going to the polls in mixed contexts; it makes less difference in all-male environments.

A closer look at the effect of context shows some different effects on men and women. In all-male contexts family income makes a difference for women but not for men in whether they are interested, follow the news, or vote. In mixed contexts high income does not appear necessary to move women into electoral involvement. Perhaps the presence of female candidates compensates women for lack of the resources usually required to get them involved.

In summary, then, our main findings are that this election continued the recent pattern of women showing at least as much psychological involvement in the election as men, all things considered, but an unusual edge for women in voting turnout. The electoral context played an important role in shaping political involvement, but indirectly, through heightening the relevance of the Senate harassment hearings the year before.

EMOTIONAL REACTIONS TO THE CANDIDATES

The 1992 was in many ways a candidate-centered election. There was an unprogrammatic, unideological incumbent who tried to focus attention on the personal character failings of his main opponent, while a third candidate rested his claim in large part on his own character -- his ability and willingness to "get under the hood" -- and his personal relationship to "the people." The 1992 ANES included four questions asking respondents what emotional reactions the two major party candidates evoked in them. We combined them into two additive indices tapping positive (hopeful, proud) and negative (angry, afraid) reactions. At bivariate level, women had more negative reactions to Bush (r=.07**), less positive reactions to Bush (r=-.08**), and more positive reactions to Clinton (r=.06**) than men, but there were no gender differences in negative reactions to Clinton (r=-.02).

Our multivariate analysis includes the standard demographic variables (sex, age, race, education, and family income), perceptions about the impact of policy on the state of their pocketbooks and the national economy; core values including egalitarianism, liberalism-conservatism, moralism, and symbolic patriotism; feminist consciousness; attitudes toward abortion policy, and partisanship. At multivariate level the direct effects of gender wash out except we still see women reacting more negatively to George Bush **(Table 3)**.

Considering the other bases of emotional reactions, partisanship plays an unsurprisingly large role, although it is especially important in supporting positive emotional reactions to Clinton generally (as though it was relatively difficult to have positive reactions toward him unless one was a partisan) and more important in supporting positive emotional reactions to Bush among women than men (ditto?). Feminist consciousness gave Clinton a more consistent boost among women than among men; indeed men displaying feminist consciousness had more negative reactions to Clinton than men without. Feminist consciousness bore no relationship to positive reactions toward Bush, but did seem to stimulate negative reactions among women and men.

One of the more emotional aspects of the campaign was the "culture wars" struggles revolving largely around a mélange of issues such as feminism, gay rights and other sexual and family matters. Important aspects of the personal campaign against Clinton, including attacks on his wife, were intended to raise fears over character and fears about the moral impact of the electoral outcome. Although certainly involving ideological questions, the "culture wars" theme was expressed largely through rhetorical and emotional appeals rather than through coherent and programmatic policy proposals. Is this aspect of the campaign

reflected in the emotional responses of the electorate as reported in this survey? Certainly traditional moralism moderately depressed positive reactions to Clinton and stimulated negative reactions to him and positive ones to Bush. But our analysis shows no differential effects for men and women. Nor do economic concerns play different roles for men and women in structuring their emotional reactions.

CANDIDATE TRAITS

There is considerable evidence showing that gender can structure person perception which, in turn, suggests that gender can shape perceptions of candidate traits (Hyde 1991, Lips 1993). In other words, we should ask not just whether candidate perceptions play different roles in women's and men's voting decisions, but also whether women's and men's perception of any given candidate's traits and character is necessarily the same in the first place.

The ANES included a series of questions asking respondents how well certain terms described the two major party candidates. We combined one set into a composite trait, LEAD, (intelligent, inspiring, provides strong leadership, knowledgeable, gets things done), another into a composite trait, CARE (compassionate, really cares about people like you), and a third into a composite trait, MORAL (moral, honest). These traits correspond well to those often at issue during the course of the election campaign.

Although for the most part gender had no direct effect on candidate traits perceptions, all things considered women were more convinced of George Bush's moral character than men **(Table 4)**. In light of this it is especially interesting that traditional moralism played a greater role in men's than women's assessment of Bush's moral character. Negative assessments of the economic impact of government policy dragged men's but not women's judgments of Bush's morality down. In contrast, conservatism and family income were positively related to judgments of Bush's morality among women than men. (Indeed, although the coefficients do not reach acceptable levels of statistical significance, the signs show the reverse for men.)

Although gender had no direct impact on judgments of Clinton's morality (and traditional moralism played the same role for men and women), gender shaped these views to some degree. Once again, family income shaped women's views, with wealthier women seeing Clinton as less moral than did less wealthy women. Men's but not women's perceptions of Clinton's morality were shaped by liberal-conservative ideology. Women's view of Clinton's morality, in contrast, was shaped by the core value of egalitarianism; the more egalitarian they were, the more they judged Clinton as moral.

Turning back to the range of traits, feminist consciousness had little or no impact on trait assessment, and did not distinguish women and men. Relative warmth toward Anita Hill suppressed men's and women's perceptions of Bush's leadership, caring, and morality equally but had no impact on assessments of Clinton's character. This result supports the claim that trait assessments are not just extensions of partisan support or even more global

candidate support but are rather made specifically about each candidate. Nevertheless, partisanship shapes women's and men's assessment of candidate traits markedly.

There is some evidence of gender difference in the sources of trait assessment other than morality. Traditional moralism shaped men's views of Bush's leadership and caring moral than it shaped women's. Economics affected men's views of Bush's leadership more than it affected women's. Economic factors played very little role in assessment of Clinton's traits, although the more economically hurt women felt by government policy, the more they thought of Clinton as caring. Men's reaction, if anything, was the opposite. Men's judgements of Clinton's character was also more shaped by their degree of conservatism while women's judgements of Bush's character were shaped by their degree of conservatism.

CANDIDATE SUPPORT

Finally, we turn to overall support for the three presidential candidates. To analyze the role of gender in candidate support we used a dependent variable for each candidate reflecting whether the respondent voted for him and if so, how enthusiastically. For this analysis we employed the same demographic, economic, and other variables as before, but also added questions tapping other key issues in the campaign (child welfare, defense, and health care policy), as well as candidate-centered variables including retrospective assessment of President Bush's performance, positive and negative emotional reactions to the candidate in question (as measured earlier in this paper) and a composite trait assessment obtained by summing the individual traits and ranged from negative to positive.

Our results are surprising at first blush **(Table 5)**. Taking account of the other variables we would expect to play a role, women remain less supportive of Perot than men, as poll results generally show, but more supportive of Bush. Considering the remainder of this analysis as well as that of other analysts of the 1992 election, this result must be explained in terms of the three-way race and especially, the Perot candidacy. Simple demographic analysis shows that Perot drew his support disproportionately from young, white men. Table 5 shows that his support was also disproportionately wealthy among men and generally, was found among those leaning Republican rather than Democratic. The effect of gender on Bush support revealed in Table 5, then, does not suggest that there was an absolute "gender gap," conventionally understood, within Bush voting, but that there was a gendered effect in the trade-off between Bush and Perot voting. Within the camp composed of potential Bush or Perot supporters, there were strong gender effects that kept women in the Bush camp and sent men to Perot.

Turning first to feminism and gender issues, feminist consciousness had no effect on Bush or Clinton support, but it did inhibit support for Ross Perot, especially among women. Warmth for Anita Hill was unrelated to Bush support although it was positively related to Clinton support. More interesting is the connection between Thomas-Hill attitudes and Perot support: male supporters of Perot seemed to lean more toward Clarence Thomas than Anita Hill, although the difference is not statistically significant. Of the three candidates, then,

Perot seems to have drawn the most consistent direct gender basis for support: male, nonfeminist, and (among his male supporters) more sympathetic to Clarence Thomas. Attitudes toward the defense budget and retrospective judgments about the state of the economy played a larger role in determining men's support of Perot, while partisanship distinguished women's support more.

Other interesting gender differences in candidate support emerged as well. Retrospective assessments of Bush's performance as president were not as strongly related to women's support for him as they were to men's support. Nor was women's degree of support for him based as much on their own attitudes toward defense and health policy.

The bases of men's and women's support for Bill Clinton were also somewhat different. Egalitarianism underpinned men's but not women's level of support for Clinton, while women's attitudes seemed shaped more by the specific issues connected with family policy. Also, while income was positively related to Clinton support among women, there was no connection among men. Considering Perot's base of support, race and income had more effect on men in their judgments of Perot than on women.

Overall, then, very similar elements went into men's and women's judgments of the candidates. Partisanship and retrospective assessment of the incumbent played a role for all three. The Republican emphasis on traditional morals made a difference for his support, if not as much for the others'. Whether or not voters had a positive emotional response to Clinton made a difference for him. Overall the range of issues so often discussed in the campaign seemed to make less clear difference for candidate support than might have been expected at the time. But as we have seen, gender did play an important role as well, especially in the politics of Perotism.

As we pointed out earlier, poll results indicate that the size of the gender gap in presidential voting varied from place to place and seemed to be especially pronounced either where there were notable races with female candidates or where referenda seemed to call attention to gender issues. We therefore considered the effect of context on the gender basis of presidential voting, again using the context variable measuring whether the respondent was exposed to any race in which a woman was running for high political office. **Table 6** shows the results.

Gender differences in candidate support are statistically significant for all three candidates only in mixed contexts. In fact, in examining the unstandardized forms the difference between the stag and mixed coefficients statistically significant only in the case of Perot voting. Nevertheless, we are impressed by the consistent results.

Context also made a difference for the relevance of the Thomas-Hill hearings to candidate support. As we hypothesized, warmth toward Anita Hill helped Clinton in mixed contexts more than in all-male contexts. This is largely because of the large impact of context on women. Where women were running for high office, women voters made a

connection between warmth for Anita Hill and support of the Democratic candidate.

A less expected finding was that context also determined the relevance of the Thomas-Hill hearings on Perot support, but in the opposite direction. That is, in mixed contexts warmth for Hill or Thomas had no overall bearing on Perot support, but in all-male contexts warmth for Clarence Thomas was associated with Perot support. Inspection of gender differences within context discloses the dynamics. The association of Thomas with Perot support in all-male contexts can be attributed more to men than to women. For men this association almost disappears in mixed contexts. Among women there is a small but not statistically significant tendency for Thomas and Perot support to coincide in stag settings, while in mixed settings there is a small but not statistically significant tendency for Hill and Perot support to coincide.

Another contextual difference in Perot support fills out the picture some more. While abortion attitudes have little or no bearing on Perot support in stag all-male contexts, in mixed contexts Perot support is drawn disproportionately from the pro-choice camp. This is true of women and men alike. In contrast, in all-male contexts support for larger defense budgets appears disproportionately among male Perot supporters, whereas defense attitudes bear no relationship to Perot support among men or women in mixed contexts. In mixed contexts women who believe their families' pocketbooks have suffered due to government policy are especially drawn to Perot; in all-male contexts this is not the case. In summary, while Perot support was especially white, male, and -- among men -- wealthy and young, the gender context of the election helped to create different bases of support, both among men and women. In stag contexts Perot found favor among men who preferred Thomas to Hill and who resist cutting the defense budget. In mixed contexts although the simple gender difference is reduced, this more conventionally masculine set of attitudes fades as a base of support and instead find some female support (presumably from a potential Bush constituency) encouraged among pro-choice, economically hurt women.

Turning to Clinton support, we note that both retrospective assessment of Bush's performance and evaluation of Clinton's personal traits played less role in determining support for him in mixed contexts than in all-male contexts. This is true of both women and men. For men, by and large, the set of predictors outlined here simply explains less variance in mixed contexts. For women we see some factors come into play in mixed contexts that did not appear in all-male contexts, notably egalitarianism and support for Anita Hill. In all-male electoral contexts higher family income made women more supportive of both Clinton and Bush, whereas wealth made no difference in mixed contexts. In all-male contexts male support of George Bush hinged partly on their liberal-conservative ideology; this was not true in mixed contexts.

To summarize, gender played important direct and indirect roles in sorting out support among the three major presidential candidates. The gender-based electoral context appears to have helped to structure candidate support and its basis.

LOVED HIM, LOVED HER: WHAT DIFFERENCE HILLARY DIDN'T MAKE

Women who are prominent in public life -- especially in politics -- often become endowed with symbolic meanings that reflect not just attitudes toward women in politics, but anxieties about gender and sexuality (Sapiro 1993). Hillary Clinton seemed to serve as a lightening rod for the "culture wars" taking place during the electoral campaign and, indeed, for the early months of the Clinton administration. Hillary Rodham Clinton's name and hairstyle were headline news, and in some quarters she became synonymous for radical feminism or at least some interpretations of it.

With the existence of parallel feeling thermometers we can find out whether there were different bases of evaluation of the candidate and his wife. As **Table 7** shows, the most important predictors of evaluation of these two figures are evaluations of each other, and partisanship. Men seemed to base some of their judgment of Hillary (but not Bill) on their basic political ideology and on their degree of symbolic patriotism (remarkably the "patriots" were positive), and they based some of their judgment of Bill (but not Hillary) on egalitarianism, feminist consciousness, and low traditional moralism. Women's support for Hillary (but not Bill) seemed partly based in their reactions to the Thomas-Hill hearings, and their support for Bill (but not Hillary) was partly based on symbolic patriotism and feminist consciousness. There were no race differences in feelings about Hillary Clinton, but African-American women were disproportionately favorable toward Bill. Hillary Clinton may have taken on rhetorical and symbolic importance for those who were opposed to the Democratic candidate or his party in any case, but the explanation of general mass attitudes toward her is very much bound up with people's orientations toward her party and its candidate for the presidency.[4]

CONCLUSION

As many scholars have been arguing, the simple direct effects of gender pale in comparison to other, mostly more traditional and well-known explanations of electoral behavior. The hype about the year of the women momentarily led some pundits -- generally those not familiar with gender research -- to expect dramatic gender differences overall. This did not happen. Likewise, the growing scholarly view in some quarters that women and men have consistently and substantially different bases and structures of thinking about their social world misses the mark.

This said, our analysis adds to the argument that there are interesting, although often subtle gender differences that, given the right context and circumstance, can make important differences in mass public choice. Certainly gender had interesting and important significance roles during the 1992 elections. But the significance might be missed if we attend only to the simple broad-sweep stories.

People meant different things -- and often vague and ill-defined things -- by the "Year of the Woman." In the first instance this term applied to the unusually large number of women running for public office, especially at the state and federal levels. There were

many reasons for this influx, including especially the simple fact that over the years there had been a build-up of women in the "recruitment pool" of political activists. Two conditions made the structure of opportunities favorable for politically active women contemplating public office. First, there was unusual number of open seats, providing a good setting for newcomers. And second, there was generally a view that the electorate wanted "outsiders," and women remain outsiders to politics symbolically, even though most of the "outsider" women who ran for high office were anything but political neophytes.

In the second instance the "Year of the Woman" referred to the possibility that more women than ever would not just run for high office, but would win. This indeed occurred. But did women win more seats because they ran for more seats or did they win more because they had a higher success rate? At least at the congressional level, the answer seemed to be that their successes could be predicted by traditional models: Women succeeded in winning new seats where they were not challenging incumbents and where their party could normally expect to have a good chance of winning.

The "Year of the Woman" also referred to characteristics of the mass electorate, especially the view that women generally would become especially involved in the election because of a series of events in the run up to the election. Our analysis lends some support to this idea. Although, all things considered, gender played no direct role in interest or following the news, gender did affect electoral turnout, with women more active than men, especially in areas in which women were running for office. The Thomas-Hill hearings boosted political involvement, but only in contexts in which women were running for political office.

Finally, the "Year of the Woman" also referred broadly to the view that gender and gender issues <u>were</u> at issue in the election and campaign. The gender of candidates was news, as was their stand on a number of issues conventionally designated "women's issues." Both major parties, in their own ways, placed the quality of women's and men's lives <u>as</u> women and men on their agendas, at least as talking points. The culture war battles of 1992 were unmistakably about gender and sexuality.

These arguments and campaigns did not create fault lines in public response that ran cleanly between the sexes or even between those with and without feminist consciousness. There was no reason that should have done so. By and large the things that shaped reaction to the candidates -- at least the two major party candidates -- affected men and women in roughly similar ways. Partisanship, despite its long-touted weakening, is a powerful shaper of electoral responses. The Republican emphasis on traditional moralism did help sort out opinion on Clinton and Bush. But we also found that the mix of elements that created male and female responses to the three candidates -- especially Ross Perot -- differed in some respects.

Perhaps the most intriguing aspect of the gender basis of this particular election story is that the key gender-based conflict was not as much between George Bush and Bill

Clinton as it was between Ross Perot and his opponents, and especially George Bush. Here is where we find the cleanest evidence suggesting that gender did indeed make a difference, both directly and indirectly.

Returning from this election to the continuing scholarly issues in gender politics, we emphasize two aspects of this analysis that offer prospects for further research. First, it is important to consider both the direct impact of gender on political orientations and behavior and to continue pursuing the possibility that, at least under certain circumstances, the modes and bases of thinking may reveal gender differences.

Second, and both least explored up to now and most important, we must identify more clearly the circumstances under which gender does come into play in political thinking and action. In our case we have taken one very crude measure of political context -- whether our respondents lived in a district in which a woman was running for governor, the House, or the Senate -- and found that it did make a difference. This can happen, we hypothesize, for two reasons. One is that the presence of a woman made it more likely that certain issues would be raised or strategies used. Many female candidates trying to wrest office from men found it expedient to remind their constituents, and especially the women among them, of the picture of cameras glaring on a woman trying to explain the experience of sexual harassment to an all-male senatorial committee. Another avenue through which context makes a difference is through the symbolic transformation of the setting because of the presence of a woman. It is important to note that the dependent variables we explored concerned the all-male presidential contest, not these races in which women were running. We thus regard these "spillover" effects as worth further exploration.

Reading context into our attempt to understand the role of gender in this particular election has much wider implications. It reflects a growing concern to integrate theories drawn from political psychology with those of institutional politics, getting beyond the purely psychological in attitudinal research (Franklin 199 ; Searing 1991). But just as we have raised questions about the effects of the electoral context on the significance of gender, gender issues, and feminist consciousness on an election, so aspects of the electoral context should affect the role of other groups and issues on elections. Although one might argue that it is considerably easier to study electoral institutions and contexts in multiple simultaneous elections such as House or Senate races (Franklin 1991), it is also true that the contexts of voters in a presidential election in different districts are indeed exposed in many ways to a different electoral context. One only need remember that although in many presidential election years congressional candidates scurry to appear with the person at the "top of the ticket," this is not always the case. Sometimes, as with Republicans in 1992 and Democrats in 1988, the simultaneous races create a very different electoral condition for the presidential candidates. Electoral context should matter.

In an era in which many public commentators and scholars have so over-drawn gender difference it might be tempting to interpret our results to say that gender difference is merely chimerical. This, too, would be a mistake. Much of the exaggeration of gender

difference, we believe, is caused by the fact that our day-to-day sources of information about how the public thinks is drawn from evidence derived from political and cultural elites, including interest group activists and journalists. These people followed hours of Senate hearings and knew, at least vaguely, what the Children's Defense Fund is, and were likely to weave together a conscious interpretation of the election in its relationship to gender and gender issues. But as we know from long years of public opinion research this is not true of the mass public. Add to this the fact that, in reality, gender and sexuality create complicated and even anxiety-producing public issues, and we should be impressed that gender effects emerge as clearly as they do here.

ENDNOTES

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1. In all 2,255 were interviewed in both the pre- and post-election waves of the study. Complete study design information is available in Miller, Kinder, Rosenstone and the NES 1993.

2. We discuss this variable further in Conover and Sapiro 1993.

3. Question wording and coding for all variables appears in the Appendix.

4. We also ran the candidate support equations with the Hillary Clinton feeling thermometer. Not surprisingly, warmth toward Hillary makes a moderate but significant positive contribution to explaining support for Bill except among men in all-male contexts. Nevertheless we do not find that contribution of HRC to BC differs significantly between women and men within context, or between contexts among men or women.

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TABLE 1: ELECTORAL

	CAMPAIGN INTEREST			FOLLOW NE	
	ALL	MEN	WOMEN	ALL	MEN
BACKGROUND					
Sex	.02			-.03	
Age	.14**	.08**	.19**	.22**	.16*
Black	-.01	.01	-.02	.02	.03
Education	.12**	.15**	.09**	.17**	.18*
ECONOMIC					
Fam. Income	.06**	-.01	.13**	.03	.02
Personal Impact	.06**	.02	.09**	-.02	-.06*
National Impact	.13**	.11**	.13**	.28**	.30*
PSYCHOLOGICAL					
Int. Efficacy	.30**	.31**	.27**	.25**	.29*
Ext. Efficacy	.11**	.09**	.13**	.04*	.03
Lib-Con	-.04	-.03	-.03	-.04*	-.04
Party	.03	.02	.04	.05*	.02
FemConsc.	-.05*	-.04	-.03	-.01	-.01
ThomasHill	.02	.05	-.01	.03	.06*
AbortSt	.08**	.06*	.10**	.01	.03
R^2	.23	.20	.25	.28	.30

SOURCE: 1992 ANES NOTES: *p≤.05 **p<.01 Variables

ORAL INVOLVEMENT

W NEWS		TURNOUT		
MEN	WOMEN	ALL	MEN	WOMEN
		.07**		
.16**	.27**	.16**	.15**	.18**
.03	.00	-.01	-.01	-.01
.18**	.14**	.16**	.17**	.16**
.02	.05	.13**	.10**	.15**
.06*	.03	.05**	.02	.09**
.30**	.27**	.00	.02	-.02
.29**	.21**	.16**	.14**	.16**
.03	.05*	.09**	.12**	.07**
.04	-.03	-.04	-.05	-.03
.02	.08**	-.03	-.02	-.01
.01	.01	-.08**	-.11**	-.05
.06*	.01	.00	.01	-.01
.03	.00	.06**	.05	.06*
.30	.26	.14	.14	.15

les explained in Appendix.

TABLE 2: ELECTORAL INVOLVEM

	CAMPAIGN INTEREST					
	ALL MALE			MIXED		
	ALL	MEN	WOMEN	ALL	MEN	WOME
BACKGROUND						
Sex	.01			.03		
Age	.13**	.07	.20**	.14**	.10*	.17
Black	-.01	-.01	.01	-.01	.02	-.04
Education	.12**	.16**	.08	.12**	.13**	.11
ECONOMIC						
Fam. Income	.08**	-.02	.17**	.03	.00	.06
Personal Impact	.05	.00	.09*	.06*	.05	.09
National Impact	.13**	.13**	.12**	.12**	.10*	.13
PSYCHOLOGICAL						
Int. Efficacy	.29**	.29**	.27**	.32**	.34**	.28
Ext. Efficacy	.12**	.11**	.12**	.11**	.06	.16
Lib-Con	-.04	-.02	-.06	-.02	-.05	.01
Party	.03	.01	.06	.03	.05	.01
FemConsc.	-.03	.00	-.05	-.06*	-.09*	-.03
ThomasHill	-.02	.03	-.06	.08*	.08	.06
AbortSt	.09**	.07*	.12**	.07**	.04	.09
R^2	.22	.20	.24	.23	.19	.25

LVEMENT, BY CONTEXT AND SEX

	FOLLOW NEWS					
	ALL MALE			MIXED		
WOMEN	ALL	MEN	WOMEN	ALL	MEN	WOMEN
	-.03			-.03		
.17**	.25**	.18**	.32**	.19**	.15**	.23**
-.04	.00	.00	.00	.03	.06	.01
.11**	.17**	.16**	.15**	.16**	.21**	.12**
.06	.04	.01	.10**	.01	.03	.00
.09*	.00	-.10**	.10**	-.03	-.01	-.03
.13**	.27**	.31**	.22**	.30**	.28**	.31**
.28**	.26**	.31**	.21**	.24**	.27**	.22**
.16**	.03	.03	.01	.05*	.01	.08*
.01	-.04	-.03	-.06	-.04	-.08	-.01
.01	.03	.01	.05	.08**	.05	.11**
-.03	.00	.00	.02	-.01	-.03	.01
.06	-.02	.07	-.07	.08**	.05	.10*
.09*	.02	.06	.02	-.01	.01	-.02
.25	.28	.32	.25	.28	.28	.27

(TABLE

	TURNOUT			
	ALL	MALE MEN	WOMEN	ALL
BACKGROUND				
Sex	.05			.09**
Age	.18**	.17*	.21**	.14**
Black	-.01	-.01	.00	-.02
Education	.24**	.27**	.20**	.09**
ECONOMIC				
Fam. Income	.13**	.04	.21**	.11**
Personal Impact	.02	-.02	.06	.08**
National Impact	.04	.06	.02	-.04
PSYCHOLOGICAL				
Int. Efficacy	.09**	.08*	.09*	.24**
Ext. Efficacy	.11**	.13**	.08*	.08**
Lib-Con	-.02	-.01	-.03	-.06
Party	-.01	-.02	.01	-.03
FemConsc.	-.06*	-.09*	-.02	-.11**
ThomasHill	-.04	-.02	-.05	.05
AbortSt	.06*	.09*	.05	.06*
R^2	.16	.16	.17	.14

SOURCE: 1992 ANES NOTES: *p≤.05 **p<.01 Varia

ABLE 2 CONT.)

	MIXED	
LL	MEN	WOMEN
**		
**	.14**	.14**
	-.02	-.03
**	.07	.11*
**	.16**	.07
**	.06	.12**
	-.02	-.08
**	.20**	.26**
**	.10*	.06
	-.10*	-.02
	.00	-.04
**	-.14**	-.08*
	.05	.04
*	.01	.10*
	.12	.14

ariables explained in Appendix.

TABLE 3: EMOTIONAL REAC

	CLINTON POSITIVE			CLINTON NEGATI		
	ALL	MEN	WOMEN	ALL	MEN	WO
BACKGROUND						
Sex	.01			.02		
Age	.01	-.01	.03	-.08**	-.05	-.1
Black	.04*	.05	.03	-.04*	-.07*	-.0
Education	.02	.02	.01	.16**	.13**	.1
ECONOMIC						
Fam Income	-.01	-.01	-.01	.01	-.03	.0
Pers. Impact	.06**	.05	.08**	-.04	-.04	-.0
Nat. Impact	.05**	.05	.05*	.01	-.02	.0
PSYCHOLOGICAL						
Equality	.09**	.07*	.10**	-.02	.00	-.0
Lib-Con	-.04*	-.08**	-.02	.04*	.05	.0
Moralism	-.05*	-.06*	-.05	.13**	.14**	.1
Patriotism	.08**	.02	.12**	.05*	.02	.0
Feminist Consc.	.07**	.05	.09**	-.01	.03	-.0
Abortion	.03	.01	.05	-.03	-.02	-.0
Party	-.40**	-.39**	-.40**	.26**	.27**	.2
R^2	.29	.28	.30	.19	.18	.2

SOURCE: 1992 ANES NOTES: *p≤.05 **p<.01 Variables

REACTIONS TO CANDIDATES

GATIVE	BUSH POSITIVE			BUSH NEGATIVE		
WOMEN	ALL	MEN	WOMEN	ALL	MEN	WOMEN
	-.03			.04*		
-.10**	-.10**	-.10**	-.10**	-.10**	-.13**	-.07**
-.01	-.06**	-.05	-.06*	.00	-.01	-.00
.19**	.09**	.08**	.10**	.08**	.05	.11**
.04	.05*	.06*	.04	.01	.05	-.03
-.04	-.04*	-.06*	-.02	.10**	.12**	.08**
.04	-.04*	-.05	-.03	.18**	.17**	.18**
-.05	-.03	-.03	-.03	.07**	.07*	.06*
.05	.01	.01	.02	-.08**	-.10**	-.06*
.11**	.09**	.11**	.07**	-.02	-.04	.00
.07**	.19**	.19**	.20**	-.03	-.04	-.02
-.06*	.00	.01	-.00	.08**	.08**	.08**
-.03	-.04	-.04	-.04	.03	-.03	.08**
.26**	.29**	.23**	.33**	-.21**	-.19**	-.22**
.21	.25	.23	.27	.22	.20	.23

bles explained in Appendix.

TABLE 4A: TRAIT ASSE

	BUSH LEAD			BUSH CARE		
	ALL	MEN	WOMEN	ALL	MEN	WO
BACKGROUND						
Sex	-.01			.03		
Age	-.03	-.02	-.03	.03	.07*	
Black	-.03	-.01	-.05	-.09**	-.09**	-
Education	.02	-.01	.05	.03	.04	
ECONOMIC						
Fam Income	-.04	-.07*	-.01	.00	-.01	
Pers. Impact	-.06**	-.09**	-.04	-.12**	-.13**	-
Nat. Impact	-.08**	-.12**	-.05*	-.10**	-.14**	-
PSYCHOLOGICAL						
Equality	-.01	.01	-.03	.01	.02	-
Lib-Con	.05**	.01	.10**	.07**	.05	
Moralism	.09**	.13**	.05*	.09**	.14**	
Patriotism	.11**	.12**	.10**	.14**	.13**	
Feminist Consc.	.00	.00	.01	-.02	-.04	-
ThomasHill	-.13**	-.14**	-.13**	-.12**	-.14**	-
Abortion	.00	.03	-.04	-.03	-.01	-
Party	.29**	.29**	.29**	.30**	.25**	
R^2	.24	.25	.24	.35	.35	

ASSESSMENTS

ARE		BUSH MORAL		
	WOMEN	ALL	MEN	WOMEN
		.05**		
	.00	.09**	.11**	.08**
*	-.09**	-.12**	-.12**	-.11**
	.02	.09**	.12**	.06*
	.02	.01	-.04	.06*
*	-.10**	-.06**	-.10**	-.02
*	-.07**	-.06**	-.08**	-.04
	-.01	.02	.00	.03
	.10**	.03	-.01	.07**
*	.05	.13**	.19**	.07*
*	.14**	.12**	.11**	.14**
	-.01	-.01	-.03	.00
*	-.11**	-.14**	-.12**	-.15**
	-.05	.04	.05*	.02
*	.35**	.24**	.21**	.27**
	.36	.25	.27	.25

TABLE 4B: TRAIT AS

	CLINTON LEAD			CLINTON CARE		
	ALL	MEN	WOMEN	ALL	MEN	WOM
BACKGROUND						
Sex	-.01			.02		
Age	.02	.05	.01	-.02	-.01	-.0
Black	.05*	.06*	.04	.07**	.05	.0
Education	.00	.00	.00	-.02	-.03	-.0
ECONOMIC						
Fam Income	-.03	-.03	-.03	.00	.00	.0
Pers. Impact	.02	.00	.04	.01	-.04	.0
Nat. Impact	.02	.03	.02	.02	.04	.0
PSYCHOLOGICAL						
Equality	.10**	.06	.13**	.09**	.09**	.1
Lib-Con	-.05*	-.06*	-.03	-.04	-.09**	.0
Moralism	-.06**	-.03	-.07*	-.08**	-.05	-.1
Patriotism	.11**	.09**	.13**	.09**	.09**	.1
Feminist Consc.	-.01	-.04	.00	.05*	.04	.0
ThomasHill	.02	.04	.01	.01	-.01	.0
Abortion	.00	.04	-.04	.03	.06*	.0
Party	-.31**	-.32**	-.30**	-.30**	-.30**	-.2
R^2	.16	.17	.16	.19	.19	.1

SOURCE: 1992 ANES NOTES: *p≤.05 **p<.01 Variables ex

' ASSESSMENTS

RE	CLINTON MORAL		
WOMEN	ALL	MEN	WOMEN
	-.02		
-.03	.00	.03	-.03
.09**	.06**	.08**	.04
-.02	-.11**	-.14**	-.08**
.01	-.04*	.02	-.09**
.07**	.03	.05	.02
.00	.01	.01	.01
.10**	.07**	.03	.10**
.00	-.06**	-.14**	.00
-.11**	-.13**	-.12**	-.13**
.10**	.05**	.04	.07*
.06*	.05*	.05	.05
.03	-.02	-.02	-.02
.01	-.01	.01	-.03
-.29**	-.27**	-.25**	-.29**
.19	.20	.22	.19

s explained in Appendix.

TABLE 5: CANDIDATE SU

	CLINTON VOTE			BUSH VOTE	
	ALL	MEN	WOMEN	ALL	MEN
BACKGROUND					
Sex	.03			.05**	
Age	.12**	.13**	.13**	.05**	.07**
Black	.07**	.06*	.07**	.02	.06*
Education	.12**	.13**	.12**	.11**	.14**
ECONOMIC					
Fam Income	.03	.00	.07*	.01	-.03
Fed Econ	.01	.01	.00	-.04*	-.04
Pers Econ	.01	-.02	.03	.00	.01
VALUES					
Equality	.07**	.12**	.03	-.09**	-.09**
Lib-Con	-.06**	-.07**	-.05*	.03	.03
Moralism	-.05**	-.04	-.06*	.15**	.13**
Patriotism	.00	.02	-.01	.02	.02
Feminist Consc.	.00	-.03	.02	-.02	-.04
ISSUES					
Abortion	.01	.02	.01	-.03	-.03
Thomas-Hill	.06**	.04	.06**	.00	.04
Child	.04*	.00	.07**	.01	-.01
Defense	-.04*	-.04	-.04	.04*	.06**
Health	-.01	.00	-.02	-.05**	-.07**
CANDIDATES AND PARTY					
Bush: Perf	-.08**	-.09*	-.09**	.21**	.29**
Cand's Pos.	.21**	.20**	.22**	.03	.04
Cand's Neg.	-.03	-.04	-.03	.02	.04
Cand's Traits	.08**	.05	.10**	.11**	.09**
Party	-.22**	-.24**	-.20**	.21**	.21**
R^2	.38	.37	.39	.39	.43

SOURCE: 1992 ANES NOTES: *p≤.05 **p<.01 Variables

E SUPPORT, BY SEX

VOTE		PEROT VOTE		
	WOMEN	ALL	MEN	WOMEN
		-.07**		
7**	.03	-.06**	-.09**	-.03
5*	.00	-.10**	-.13**	-.08**
**	.08**	-.03	-.04	-.01
	.05	.07**	.11**	.04
	-.05*	.05*	.07*	.02
	.01	.05*	.04	.06*
9**	-.10**	.00	.00	-.01
	.03	-.01	-.01	-.02
3**	.15**	-.03	.00	-.06
	.03	.01	.02	.01
	.00	-.06*	-.04	-.07*
	-.04	.06**	.06	.07*
	-.02	-.03	-.06	.00
	.02	-.04	-.04	-.03
5**	.02	.05*	.07*	.02
7**	-.02	.01	.04	-.03
9**	.14**	-.11**	-.10**	-.11**
	.02	NA	NA	NA
	.01	NA	NA	NA
9**	.13**	NA	NA	NA
1**	.23**	.12**	.08*	.16**
	.36	.06	.06	.04

les explained in Appendix.

TABLE 6: CANDIDATE SUPPORT
CLINTON VOTE

		STAG			MIXED	
	ALL	MEN	WOMEN	ALL	MEN	WOM
BACKGROUND						
Sex	.01			.05*		
Age		.14**	.11**		.10*	.1
Black	.07**	.05	.06	.07**	.07	.0
Education	.13**	.16**	.12**	.10**	.09*	.1
ECONOMIC						
Fam Income	.04	-.04	.12**	.01	.04	.0
Fed Econ	.04	.05	.00	.00	-.03	.0
Pers Econ	-.03	-.08*	.01	.05*	.04	.0
VALUES						
Equality	.06*	.14**	.00	.06*	.08	.0
Lib-Con	-.05	-.09**	-.02	-.06*	-.07	-.0
Moralism	-.03	-.06	-.05	-.02	.00	-.0
Patriotism	.03	.03	.01	.00	.00	-.0
Feminist Consc.	.01	-.03	.02	.01	-.01	.0
ISSUES						
Abortion	.01	.00	.01	.01	.03	.0
Thomas-Hill	.04	.05	.02	.10*	.05	.1
Child	.03	.04	.07*	-.03	-.06	.0
Defense	-.01	-.02	-.02	-.06*	-.06	-.0
Health	-.03	-.05	-.03	.02	.05	-.0
CANDIDATES AND PARTY						
Bush: Perf	-.11**	-.11*	-.13**	-.03	-.09	-.0
Cand's Pos.	.19**	.18**	.19**	.24**	.22**	.2
Cand's Neg.	-.01	-.03	.02	-.08**	-.05	-.0
Cand's Traits	.13**	.10**	.16**	.03	.00	.0
Party	-.23**	-.22**	-.22**	-.23**	-.26**	-.1
R^2	.37	.41	.35	.39	.33	.44

PORT, BY SEX AND CONTEXT

	BUSH VOTE					
		STAG			MIXED	
WOMEN	ALL	MEN	WOMEN	ALL	MEN	WOMEN
	.03			.07**		
.14**		.05	.07*		.10*	-.01
.07	.04	.07*	.02	.00	.05	-.03
.12**	.10**	.15**	.06	.11**	.14**	.09*
.01	.03	-.04	.10**	-.01	-.02	.01
.01	-.04	-.05	-.06	-.03	.00	-.05
.05	.02	.01	.06	-.01	.02	-.04
.07*	-.11**	-.09*	-.12**	-.08**	-.07	-.08*
-.08*	.05*	.08*	.02	.01	-.04	.03
-.05	.15**	.12**	.15**	.17**	.17**	.16**
-.02	.03	.01	.04	.02	.03	.01
.02	-.01	-.05	.02	-.02	-.04	-.03
.01	-.02	-.01	-.02	-.05*	-.06	-.04
.10**	-.01	.03	-.04	.02	.04	.00
.07	-.02	-.02	.00	.01	.00	.04
-.05	.04	.07*	.00	.05	.06	.03
-.01	-.07**	-.09**	-.03	-.01	-.03	.00
-.03	.18**	.28**	.09	.25**	.30**	.18**
.25**	.04	.05	.02	.02	.02	.03
-.09*	.00	.04	-.02	.04	.04	.04
.05	.13**	.12**	.15**	.08*	.04	.11*
-.18**	.19**	.17**	.24**	.23**	.28**	.21**
.44	.39	.44	.36	.39	.43	.35

(TABLE 6 C

		STAG		PEROT	MIXED
	ALL	MEN	WOMEN	ALL	M
Sex	-.03			-.12**	
Age		-.08	-.01		-
Black	-.14**	-.14**	-.14**	-.07*	-
Education	.02	.00	.03	-.06	-
ECONOMIC					
Fam Income	.08*	.12**	.03	.08*	
Fed Econ	.08*	.11*	.06	.00	
Pers Econ	.04	.08	.02	.05	
VALUES					
Equality	.02	-.02	.06	-.01	
Lib-Con	-.01	-.01	-.03	-.01	
Moralism	-.04	.00	-.07	-.04	-
Patriotism	.00	.04	-.02	.01	
Feminist Consc.	-.05	-.03	-.08	-.06*	-
ISSUES					
Abortion	.03	.02	.04	.10**	
Thomas-Hill	-.08*	-.11*	-.05	.00	-
Child	-.03	-.06	-.01	-.02	-
Defense	.07*	.11**	.03	.01	
Health	.02	.06	-.01	-.02	
CANDIDATES AND PARTY					
Bush: Perf	-.13**	-.12*	-.12*	-.10*	-
Cand's Pos.	NA	NA	NA	NA	
Cand's Neg.	NA	NA	NA	NA	
Cand's Traits	NA	NA	NA	NA	
Party	.14**	.09	.17**	.11*	
R^2	.06	.08	.04	.05	

SOURCE: 1992 ANES NOTES: *p≤.05 **p<.01 Variables

6 CONT.)

XED	
MEN	WOMEN
-.11*	-.05
-.13**	-.02
-.09	-.04
.10*	.05
.01	-.02
.01	.12*
.02	-.09
.00	.00
-.01	-.05
.01	.03
-.04	-.06
.11*	.10*
-.02	.05
-.01	-.05
.02	.01
.02	-.08
-.09	-.09
NA	NA
NA	NA
NA	NA
.08	.13*
.03	.03

les explained in Appendix.

TABLE 7: FEELING THERMOMETERS: CLINTONS

	HILLARY			BILL		
	ALL	MEN	WOMEN	ALL	MEN	WOMEN
BACKGROUND						
Sex	-.01			.00		
Black	-.01	.03	-.04	.06**	.05*	.06**
Education	.00	-.01	.00	.00	-.04	.02
ECONOMIC						
Income	.00	.01	-.01	-.02	.00	-.03
Pers. Impact	.02	.00	.04	.02	-.03	.06*
Fed. Impact	-.01	-.02	.00	.00	.01	-.02
VALUES						
Equality	.02	-.02	.05	.07**	.10**	.04
Lib-Con	-.03	-.07**	.01	-.01	-.01	.00
Moralism	-.04*	-.03	-.05*	-.11**	-.11**	-.11**
Patriotism	.03	.09**	-.01	.07**	.04	.10**
Feminist Consc.	.04*	.04	.04	.11**	.09**	.13**
ISSUES						
Abortion	.04*	.04	.03	-.01	-.02	-.01
Thomas-Hill	.06**	.05*	.06*	-.02	-.04	-.01
Child	.02	.02	.03	.04*	.05*	.04
Defense	.02	.04	.01	.00	.01	-.01
Health	.01	.01	.00	.02	.04	.00
PARTY AND CANDIDATE						
Bush: Perf				-.11**	-.13**	-.10**
Party	-.22**	-.24**	-.20**	-.22**	-.20**	-.23**
Spouse	.33**	.33**	.33**	.28**	.28**	.28**
R^2	.31	.33	.30	.40	.42	.39

SOURCE: 1992 ANES NOTES: *p≤.05 **p<.01 Variables explained in Appendix.

"Democracy's Identity in America's Liberal Tradition: Philosophical Views of Ordinary Politicians, 1820-1850"*

Laura J. Scalia
Department of Political Science
UNIVERSITY OF HOUSTON

Abstract

Scholars of our political tradition describe post-constitutional America as essentially liberal. They describe her leaders as committed to the protection of certain private inalienable rights and willing to embrace self government *conditionally*, i.e., provided it protected the fundamental rights of man. In this paper, the author argues that this account of democracy's identity in the liberal tradition only partially reflects the early marriage of inalienable rights and popular sovereignty. She does so by examining the political positions of early nineteenth-century state representatives as they debated the role of popular input in the good society. As is documented herein, these representatives may have agreed private rights deserved great consideration and respect. However, at least for some, the rationale for the inalienability of private concerns also mandated the inalienability of self government. Numerous advocates of democracy revised the state of nature theory and reinterpreted America's original compact so that popular political power derived its value from the same sources as those *private* rights and freedoms good governors were bound to protect. It derived legitimacy from both a Lockean-like theory and earlier American political practices.

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"Democracy's Identity in America's Liberal Tradition:
Philosophical Views of Ordinary Politicians, 1820-1850"

Laura J. Scalia
University of Houston

In the past and occasionally today, Americans hail two competing sovereigns: the people and inalienable rights. For the most part scholars of our political tradition agree that the latter ultimately assumed supremacy, both in rhetoric and practice, for by the early 1800s political speeches and laws relegated popular sovereignty to a secondary status, subservient to rights. The people reigned because of and to the extent that they protected rights and freedoms; written laws and carefully crafted institutional checks limited and directed their authority accordingly. As I argue in this paper, this account of democracy's identity in the liberal tradition, embraced by theorists and historians, only partially reflects the early marriage of inalienable rights and popular sovereignty. Yes state builders debating the role of popular input in decision making emphasized the priority of natural rights and limited government. However, as liberal ideology evolved during the first half of the nineteenth century in the United States, numerous advocates of democracy integrated self government directly into their abstract theory of rights. They revised the state of nature theory and reinterpreted America's original compact so that self government derived its identity and value from the same sources as those inalienable rights and freedoms good governors were already bound to protect. It derived legitimacy from both a Lookean-like theory and earlier American political practices. The views of these earlier politicians tell us something about our own misunderstandings regarding liberalism and the American political tradition.

America's Early Views on Good Government: Private and Public Liberty, Liberal and Republican Foundations

Various scholars of our political tradition research and debate the origin and nature of America's commitment to popular rule and private rights. Although some stick to the original Hartz thesis that Americans looked to Locke, unconditionally embracing *private* inalienable rights *only* and denying any inherent merit to active political participation (e.g., Diggins, 1984; Greenstone, 1986; Hofstadter, 1948; Huntington, 1981), a

growing number of scholars admit that, at least for a time, Americans openly praised both public and private liberty, that they relied on other great theorists besides Locke, including thinkers from fourteenth-century Italy and ancient Greece, to form their opinions about ideal government. Some historians compare the political positions of early American state builders to pre-enlightenment republican theorists (e.g., Pocock, 1975: chapter 15). Political pamphlets and letters illustrate revolutionary concern with independence and the avoidance of political enslavement (Bailyn, 1969: chapter 3 and 272-301; Pole, 1969: 531-532). Original state constitutions, which contained powerful popular legislatures, demonstrate political commitment to public liberty and exercised popular virtue (Lutz, 1980:38-48; Nevins, 1969: chapter 4; Main 1973: chapter 5). Rhetoric of Anti-federalists show opposition to the national constitution came not just because it lacked a bill of rights but because it greatly reduced local popular control (Lutz, 1980: chapter 8; Wood, 1969:513-516). Studies from the left and right, of discussion and laws prior to the national constitution, chronicle earlier rhetorical support for *both* private and public liberty.[1] Of course, most of the scholars mentioned above would readily admit that America's infatuation with virtue, independence and activity never perfectly replicated earlier republican theory or practice.[2] Yet many would admit her embrace of popular sovereignty had its origin in traditions distinct from or tangential to liberalism.

For some whether and how much republican ideals influenced early Americans soon became beside the point for by 1787 American leaders spoke less about public freedom from political enslavement and more about private freedom to pursue actions free from arbitrary or excessive government. Liberal ideology soon came to dominate America's intellectual landscape![3]

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[1] Beside those mentioned above, others who make this case include Appleby (1984: chapter one), Hanson (1985: chapters 1-3), Ketcham (1984: chapters 2-4), and Peters (1978: chapters 1-2)

[2] On this specific issue, see Banning (1986: 3-19) or Rahe (1993: 543-572).

[3] There is some debate concerning when liberal ideology dominated earlier republican ideals. The advocates for the continued importance of republicanism throughout the early nineteenth-century include: Banning, McCoy and Pocock. Those who see its death by the time of the constitution include: Appleby, Pangle and Wood.

What did that mean for the role democracy would play in America's understanding of the good state? According to studies of the time, leaders increasingly discussed the innate tensions between simultaneously embracing private freedoms and popular rule and usually agreed to reduce popular input accordingly (Appleby, 1984; Hofstadter, 1966: 26-30; Pangle, 1988: 117-119; Wood, 1969: 475-499). Certainly changes in fundamental legal documents illustrate an increased skepticism. State constitutions designed in the 1780s contained new complicated checks and balances, aimed at diminishing the direct popular power present in original revolutionary constitutions (Main, 1973: 212-221; Nevins, 1996: chapter 5; Wood, 1969: chapters 10-11). The national constitution contained only one popular branch--the House of Representatives. The Federalist papers contained many "excuses" for limiting popular input and local controls (Beard, 1913: 324-325; Miller, 1988: 100-110; Smith, 1966: 5-9). Even the rhetoric supporting popular input changed. "[T]he American Framers tend[ed] to honor political participation...less as an end and considerably more as a means to the protection of...personal rights" (Pangle, 1988: 53). Seemingly state and national constitution builders rarely spoke about the independent value of popular participation and worried more about the preservation of rights.[4] Whether this shift was a clever avoidance of a delicate political issue (Pangle, 1988: chapter eleven) or a calculated "transform[ation of] the Americans' understanding of politics" (Wood, 1969: 525), this new rhetoric (as described) entailed the theoretical sacrifice of popular sovereignty in the name of rights protection.

Studies of the nineteenth century rhetoric and law support the growing strength of liberal commitments to rights and freedoms. Some scholars note that republican concerns and language still appear on the scene but alongside it exists unabashed commitments to rights and bourgeois individualism (e.g., Banning, 1986; Ketcham, 1984: chapter 5), alongside Whig desire for patriotism and government moral direction lies Democrat emphasis on self interest and private rights (Ashworth, 1983: chapters 1-2; Howe, 1979:18-21, 32-35, 204-205). Government aims became increasing liberal-looking. Jacksonian and Whig economic policies strove to give

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[4] Also see Diggins (1984: 133-135), Reimer (1967) and Wood (1969: 523-524).

citizens autonomy to pursue their economic fortunes (Hurst, 1956: chapter 1; Meyers, 1957: chapter one, especially 28-30; Wilson, 1987: chapter one, especially 6-11). Constitutions increasingly contained separate declarations of rights (Poore, 1898). And Americans debated popular sovereignty in terms of its ability to protect rights and freedoms, with Jackson and his followers embracing democracy as the best means to prevent corruption and protect liberties and Whigs questioning this connection, believing the art of government required a virtue and patriotism not widespread among the populace (Ashworth, 1983: 10-12, 56-57; Howe, 1980: 81-86, 236; Remini, 1981: chapter two; Welter, 1975: chapter 7). As portrayed here, nineteenth-century rhetoric and law tells the story of a slow but sure emergence of private rights and freedoms as the *raison d'etre* for the American nation and her states. Yes the people ought to rule but mainly to protect America's personal freedoms.[5]

Theorists and historians continue to *suppose* that because Americans talked about self government as the protector of rights, they wholly rejected any independent value for sovereignty and believed only private, individualistic rights formed the theoretical basis of the good state. These assumptions, however, ignore the whole body of historical scholarship that chronicled the influence of republican ideals regarding public liberty on the minds and souls of early American statesmen. They pigeon-hole rhetoric into a particular paradigm, mostly resembling the Locke Machpherson (1962) described. But are these assumptions accurate? Was the language of rights strictly private? Should we not expect America's liberal paradigm to differ from the one created by theorists lacking any prior ideological commitment to the sanctity of popular rule? Is it not more realistic to assume the rise of liberalism included the messy job of finding a prominent place for republican (and for that matter other) ideological components once important to Americans?

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[5] In addition to the historians listed throughout this section, one can find the same historical account among democratic theorists, most especially those critical of what they describe as the liberal, anti-participatory, democratic tradition (Barber, 1984; Levine, 1981: chapter 1; Macpherson, 1972: chapter 1, especially 5-11; Pateman, 1970: chapter 1, especially 14; Walzer, 1984: 305).

In partial attempt to address these larger questions, I ask a more narrow one: What place did public liberty acquire as liberal ideals conquered American thought? In this paper I argue that early nineteenth-century American statesmen did not wholly ignore earlier independent reverence for popular sovereignty. Although not all politicians struggling to find balance between the sovereignty of the people and their rights would acknowledge them equal partners in the good state, some politicians defied the instrumental passive role most liberal theorists devise for popular rule. Yes nineteenth-century Americans worried first and mainly about the inalienable rights of man. However, for a number of political spokesmen self government was among those important concerns, deriving its merit from the very same origin as other agreed-upon inalienable rights. In this sense American political thought did not follow the simple Lockean path Hartz and company laid out for it. Nor did republican values just disappear. Rather liberal rhetoric subsumed certain aspects of republicanism. In the sections that follow, I present some of this modified view and discuss what it tells us about the liberal tradition in America then and now.

The Data

The first half of the nineteenth century was a time of reform, when state governments became not only more liberal-minded but also more democratic. Prior to 1800 all but a couple of states had taxation or property qualifications for suffrage. Less than half the states directly elected governors or state senators. Nearly all had ad hoc representational schemes more reflective of geographical land masses than population. By 1850 states had lifted all pecuniary qualifications for suffrage. All governors and state senators were popularly elected as were many county judges and sheriffs. A few states now based representation explicitly on the voting population only (Porter, 1918; Williamson, 1960). How could it be that at the very moment politicians supposedly emasculated popular sovereignty of its independent value and made it conditional on its protective abilities, politicians also increased its practical force? To unpack this apparent contradiction I examine political debates surrounding democratic change.

During the first half of the century, Americans repeatedly convened to revise laws and procedures outlined in their state constitutions. As

democratic reform--no ordinary legislative matter--was then high on the agenda, constitutional delegates found themselves repeatedly discussing related issues, including (1) how far to extend the suffrage, (2) how to apportion representatives--e.g., how much power to give to property holders or tax payers and (3) whether to popularly elect presently appointed officials, including governors, judges and sheriffs. In this paper I examine ten conventions, each of which contains debates on at least one of these issues: four from the South (Louisiana 1845, North Carolina 1837, Virginia 1829-30 and 1850), three from the North (Massachusetts 1820, New York 1820-21 and 1846(, and three from the West (Iowa 1844 and 1846 and Ohio 1850-51).[6]

State politicians seemingly used these constitutional conventions to debate the ideological foundations of the ideal society, to discuss and reformulate the connections between these abstract ideals and legal practice. There appears to be amazing consistency across conventions regarding what matters in questions of electoral reform. The speeches quoted throughout this paper come from debates over the issues listed above, not from debates over how to revise state rights declarations or limit specific government branches. It is no clever manipulation on my part that I offer so many quotes revering fundamental law, natural rights and liberty. At each convention, delegates discuss democratic reform in terms of the same general issues: (1) the importance of rights and their protection, (2) the character of liberty and (3) the proper limits of good government. They offer numerous unsolicited comments regarding the importance of maintaining a limited government, one that protects inalienable rights, maintains free decision making. Thus these debates offer good data for understanding how early nineteenth-century American statesmen envisioned the relationship among rights, popular rule and the good state.

In this paper I mostly focus on the views of those favoring reform. These delegates (whom I often call "democrats" or "expansionists") argued

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[6] Even though close to sixty conventions were actually held during the first half of the century, there exist only twenty records of debates, all from 1820 to 1850. For a list of all documentary material relating to state constitutional conventions between 1776 and 1912, see Shearer (1915).

for extending the franchise, reducing the qualifications for elected officers, making representation based on population only, and increasing the number of state officers popularly elected. Often these speakers were members of the Democratic (and earlier Republican) party, but sometimes Whigs (and earlier Federalists) voted with them for reform.[7] Whenever I quote from one of these delegates I follow the quotation with the state and year of the convention, the speaker's name, and (when unclear from context) the issue he is discussing. On occasion, for contrast purposes, I offer the opinions of their opponents who argued to restrict popular sovereignty by maintaining property and taxation requirements for voting and running for office, by minimizing the number of state officers popularly elected, and by weighing property holdings into representation so as to give extra political power to large landlords and/or slave owners. Whenever I quote from one of these delegates I follow the quotation with the state and year of the convention, the speaker's name, and the word "anti" to signify he was among those who desired to restrict popular control. I concentrate on the views of expansionists mostly because they offered views of the good state different from those outlined in present depictions of nineteenth-century American liberalism. Those against reform claimed a subservient role for self government much like the one described in the previous section. Concentrating on their views might illustrate just how destructive it was to relegate popular rule to secondary status (for they *opposed* expanding democracy), but it would primarily reinforce the partial understanding already well documented in historical and theoretical studies of democracy's instrumental identity in the good state. By highlighting the views of their adversaries--the democrats--I can paint America's currently obscure, yet essentially liberal depiction of popular sovereignty's inherent value.

Characterizing America's Liberalism

i. General Agreements on the Rights of Man

A quick glance at the record from any state constitutional convention readily demonstrates the nature of the commitment representatives had to

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[7] For example, in New York and Ohio, Federalists voted for the enfranchisement of Blacks. For the behavior of New York Federalists, see Fox (1919). On the political positions of liberal Whigs regarding suffrage reform, see Ashworth (1983: 147-170).

liberal-like goals. They did not worry about moral relativism or free sexual expression. These are twentieth-century liberal concerns! Most commonly, delegates worried about preserving, enhancing and protecting certain inalienable rights which constitutional and natural law dictated to be the ends of good government.[8] In some form or another, whether in support of or against the reform issue at hand, over half--close to two-thirds--of the speakers, specifically mention life, liberty, property or security as inalienable rights and/or among the essential aims of good government. In certain states, e.g., Virginia and New York, nearly every speaker designated these aims as important and worthy of serious independent consideration. The whole point of the convention was to create a constitution that "secure[d] the rights of all classes of people" (Massachusetts, 1820; Ward, anti: 254). Delegates gathered "to lay the foundation of a constitution,....to organiz[e departments] ...which control the lives, liberty and property of the people" (P.P Barbour, anti; Virginia 1829-30: 90-91). America's commitment to the inalienable rights of man served as proof of her righteousness. A government limited to these ends was not arbitrary but limited by fundamental written laws as well as the rational laws of nature.

In somewhat under a half the recorded speeches delegates refer to nature, fundamental constitutional law or compact to explain the immutability of rights and liberty. Mostly they reference to all three. In Virginia, Iowa, Massachusetts and Ohio, where constitutions contained declarations referring to the inalienability of life, liberty and property, delegates often reminded each other that fundamental law demanded rights support. Delegates there and in other states also noted the national constitution decreed the unconditional protection of rights.[9] When arguing to maintain a religious

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[8] A few isolated speakers, always arguing against reform, adamantly proclaim all rights derive legitimacy from convention and nothing more (e.g., Upshur of Virginia). However these same speakers are usually among the most vocal in favor of the intrinsic importance of property and economic freedom. For different interpretations of American's use of nature versus historical precedent in describing the foundations of the good state, see Diggins (1984: 61) and Pocock (1975: 545).

[9] Delegates sometimes debate how to apply article iv, section 2 of the constitution which says "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States." This debate, widespread in New York, is mostly over the specific right of suffrage. See below.

oath for elected officials, Webster reminds his fellow delegates that "there are certain rights...which the whole people--or the government...--owe to each individual....These rights are stated with sufficient accuracy in the tenth article of the Bill of Rights in this constitution. Each individual in society has a right to be protected by it, in the enjoyment of his life, liberty and property" (Massachusetts, 1820: 161). When Woodbury of Ohio, in an argument to enfranchise blacks, says that "all men are by nature free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property and seeking and obtaining happiness and safety" (553), he specifically notes he is reciting from his state's constitution. Nicholas, who advocated maintaining a property qualification for voters, reminded his fellow delegates that Virginia's Bill of Rights "speaks of inherent rights of which men, when they enter into society, 'cannot by any compact deprive or divest their posterity.'" The explicit rights therein declared are "the enjoyment of life, liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety" (Virginia 1829-30: 364).[10] References to the constitutional sanctity of rights reminded fellow delegates of the goals they explicitly shared: to construct a new constitution that preserved America's fundamental principles. Because well established, long standing documents supported certain rights so must delegates as they gathered to reform government procedures.

Most commonly, delegates explained the great priority of rights by establishing their connection to nature.[11] "All men must have same natural rights. For the protection of these rights governments are instituted among men" (Ohio, 1850-51; Townshend, pro black and women suffrage: 550). Man "has natural rights: life, liberty, the pursuit of happiness and the means of acquiring and enjoying property" (Virginia, 1829-30; Thompson,

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[10] Virginia's constitution has much the same declaration as the Ohio constitution which from which Woodbury quotes above.

[11] By some historical accounts of American political thought of the early nineteenth century, referring to nature was the main means for exonerating rights. See Rodgers (1987: chapter three) for a discussion of just how frequently and how prevalent this philosophical conception was during the early nineteenth century.

enfranchise all taxpayers: 412). Saying rights were natural established them as inalienable since legitimate government aimed precisely to perfect nature's inconveniences, i.e., to make rights secure. How often and with how much detail speakers proclaimed rights as natural varies from state to state. Delegates from states in the North and West tend less often to declare openly rights as natural. They usually show their concern with rights indirectly by speaking about the importance of their unqualified protection. They may occasionally use the adjective natural but they rarely explain in detail what that adjective means. Southerners more likely give long speeches about the rights of man, and it is here one finds numerous and detailed references to nature. This is especially the case in Virginia--both at 1829-30 and 1850 convention--where *every* delegate mentioned the inalienable rights of man and nearly all referred to them as rights of nature.

Although this claim of rights as "natural" often stands alone, without explanation, most delegates likely understood the philosophical context of this claim, i.e., that natural rights belonged to man *prior* to the institution of government. Throughout the late eighteenth century, politicians read and quoted from Locke, who offered an extensive state of nature theory (Lutz, 1984; Kramnick, 1990: chapter 6). At the conventions themselves a number of speakers reached back to Locke's hypothetical state of nature to explain the origin of government and why or which rights have (or do not have) inalienable status. Looking specifically at Virginia's 1830 debates over the basis of representation serves as an instructive case. Close to half the delegates there specifically talked about a state of nature, sometimes referring to Locke, often times explicitly describing that hypothetical world prior to the formation of government. Delegates reminded each other that the state's "declaration speaks explicitly of *a priori rights,* which are supposed to exist in a state of nature and are retained by men in society so as to be social rights secured by the social compact" (Virginia, 1829-30; Doddridge, number basis: 83). Man has "certain inherent rights, of which when they enter into a state of society, they cannot by any compact deprive or divest their posterity, namely the enjoyment of life and liberty, with the means of acquiring and *possessing property* and pursuing and obtaining happiness and safety" (Virginia 1829-30; Campbell, number

basis: 119).[12] Delegates occasionally referred to Locke himself as the man who described this world and whose theories American government had put into practice. For example, when speaking against a mixed representation basis, one delegate tells his comrades that the rights enumerated in the Bill of Rights are the "great and sacred truths...of Locke, of Sydney and Milton" (Virginia, 1829-30; Cooke, number basis: 54). Another delegate, who actually did not believe the state of nature in truth ever *really* existed, recalled that the first article of the Bill of Rights, which refers to man's natural freedom and independence, comes from Locke who spoke of "rights in a condition of man which is supposed to have preceded society," a condition "termed the state of nature" (Virginia 1829-30; Johnson, number basis: 261-262). Yet another noted: it is "the insecurity and inconveniences" of the state of nature that "render[s] it of transient duration." This "is a condition in which not Locke only, but all moral and nearly all political writers have supposed men to exist, for the sake of establishing, by the light of reason, his moral as well as his political rights and obligations" (Virginia 1829-30; Mercer, number basis: 193).[13] Certainly in Virginia, delegates were well versed in the state of nature theory.

Although elaborate speeches about the state of nature were less prevalent outside the South, delegates from all states note that people form government to protect rights--natural or otherwise. In addition to those who speak about the state of nature, many discuss state constitutions as social compacts, their own jobs as similar to the very first state builders in nature, after independence and in the "Wild West." In theory men agreed to a social compact when they left nature and joined government. They contracted to protect those inherent rights left insecure in nature as well as to define the boundaries of legitimate government. At every convention, at least a couple of speakers discuss the social compact and the theoretical importance of its content. Sometimes they seemingly mean that first agreement to leave nature.

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[12] Twelve Virginia delegates referred to a state of nature either by name or by description as in the quotes above.

[13] At this convention, Locke is specifically mentioned in eleven speeches, two of which reject his theories as metaphysical and useless in practical government.

> The great object of civil society is the protection of life, liberty and property of the members and 'to furnish them with the means of enjoying in tranquility their natural rights and the blessings of life,' and those entering into it have a right to agree upon such a system as in their opinion will best promote these great objects....The people of this Commonwealth are a voluntary association. (Massachusetts, 1820; Saltonstall, for maintaining oaths declaring belief in God: 205)

"The very nature of the social compact that all who enter into it surrender a portion of their natural rights, in exchange for...other rights derived from the compact" (Virginia, 1829-30; P.P.Barbour, mixed basis: 91). Other times delegates appear to mean their state's original or present constitution. In theory the compact always has the same aim--to protect rights and define the boundaries of government. Since existing and proposed state constitutions have the same protective and definitional roles, they too are social compacts too. Here as in the past delegates gathered at the convention precisely because the people voted to dissolve existing government and form a new one. Such gatherings were to result in a new agreements, ones that still protected rights and offered boundaries to government power, ones which the people themselves would then accept or reject mainly on that basis. The people called forth delegates to form a "compact of government for the protection of their lives, their liberty and for the security of their property" (Virginia 1829-30; Powell, number basis: 104). "All the rights of Government are founded in the consent of men and that consent is ascertained through the social compact, or in other words, the written constitution" (Virginia, 1829-30; Giles, mixed basis: 237). "We have a government founded on social compact" (New York, 1821; Williams, suffrage extension: 248). In each of these cases, the constitution represents a voluntary union, an agreement to maintain and protect certain inherent rights, which was first formed after independence and continues to serve as the definitional basis of government. Just as originally the people formed the social compact, now the people revise that contract via representatives at conventions and then directly by their vote. All the same, revisions must stay true to the intent of the original compact and secure what rightfully belongs to all. In this sense, delegates had a responsibility to ensure the rights of man remained secure under each and every new constitutional provision they constructed.

These snippets exemplify a repeated theme articulated at state conventions. Constitutional delegates must heed the inalienable rights nature and fundamental law dictate. Because originally men agreed to form government precisely to protect these rights, good legal provisions (like American state constitutions) must be constructed with this in mind. Such arguments surrounding the origin and nature of good government are quite familiar: they resemble arguments from early liberal philosophers, most especially Locke. Nineteenth-century politicians may have no longer read him and other liberal theorists with meticulous care, but delegates at these conventions could and often did borrow from the language of these theorists to establish and legitimate what constituted the fundamental aspects of good government.

Neither side of the reform debate appears to take the inalienable rights of man lightly. These were the foundational aspects of good government, the kinds of things good statesmen always took into account when redesigning governments. However, just what rights were representatives obliged to consider carefully? Delegates on both sides of the debate agreed that the good state enhanced and protected certain inalienable rights, rights which included important *private* concerns such as economic liberty and private property. But was that all? As I discuss in the next section, counter assumption, Americans did not simply parrot Locke and their British ancestors, designing a state mostly equipped to enhance prosperity and economic freedom. Some politicians altered the views of early liberal theorists in important ways.

ii. Disagreements Regarding the Essential Rights of Man

Much of the debate surrounding questions of democratic reform centered on the issue of enhancing and protecting rights. Around three-quarters of the speakers focused on perfecting protection, thus emphasizing the instrumental relationship between private rights and popular rule. Questions addressed included: Were the people good protectorates? If so, which people? How much direct participation was sufficient? Was there such a thing as too much popular input? Over half the speakers also debated the narrow premise underlying the instrumental argument. Here discussion included specifying the fundamental rights and liberties. Questions in this regard included:

Was America's commitment to popular rule of the same importance as her commitment to say property rights? Did founding documents mandate equal political power? Was self government among the inherent rights of nature? The prevalence of these two general issues demonstrates that Americans did in fact struggle to find a place for popular rule within liberal rhetoric. Delegates recognized that laws regulating self government influenced rights and freedoms. The question was how. For some popular rule had only an instrumental role to play, for others the merit and purpose of popular input was far more basic and fundamental. The latter view represents America's unique addition to liberal theory.

Much of what delegates say against reform (whether it be to keep various judiciary and executive officers appointive, to maintain restrictions on who votes and runs for office, to make districts formerly represent property) their positions strongly resemble the skeptical kind our historians and theorists often attribute to the Founders and Whig constitutionalists (see above). For quite a number of those against reform, good government mainly aimed to enhance and protect property; the rights of man do not include political power. Although there exist variations from state to state and among delegates themselves, speakers against reforms mostly discussed economic and property rights, their innate importance or the need for their special security.[14] Property represented permanent interest in the state. People left the state of nature solely and strictly to protect property, thus making it the *main* concern of the original compact and the *priority* of all resulting legitimate governments. The process of acquiring property built good character and virtue. Property holders brought the greatest prosperity to the state. Property holders were the chosen people of God. Restrictions avoided transgressions on this revered right. The masses could not be trusted to sacrifice their personal desires and protect the property of others. Their political activities would conflict with that most basic private right.

Not only do these advocates of restraint recognize tensions between public and private rights, not only do they argue to restrict popular input

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[14] In Massachusetts, New York, Virginia and Louisiana this is particularly the case.

accordingly, they also legitimize the tradeoff by purporting self government has value only for its protective capacities. In over two-thirds of the speeches *against* greater popular empowerment, delegates referred to the instrumental merit of popular sovereignty. "The right to vote is aventitious. It is resorted to only as a means of securing our natural rights" (New York, 1820-21; Young, anti: 189). Thus insecure circumstances perfectly legitimated restrictions. If expanding popular rule diminished the effectiveness of popular rule, it could not occur. Although "the majority had the right to govern" *in theory,* in order to protect rights, delegates must decide "how they ought to govern, whether any and what limitations ought to be imposed upon their power" (Virginia, 1850; Scott, anti: 350). Rights protection justified provisions, including popular restrictions.

In addition, these delegates denied self government had equal value to inalienable rights of man. In speeches against reform delegates almost never use the word right to describe political power and often deny it has any origin except in government creation. These delegates mostly describe the vote as a *privilege,* as something granted by *convention,* as wholly separate from the main values of the state, values such as those rights and freedoms granted by God, nature, and/or original compact. Again and again speeches against reform most explicitly explain that "the elective privilege was neither a right nor a franchise" (New York, 1821; Judge Platt, anti: 278). Thus, ongoing tensions between the public and private were not intellectual dilemmas. Only rights of the latter kind constituted the basic elements of the good state. Popular political power was the mere instrument of that aim.

In response to the skepticism of their adversaries, expansionists often countered by assuring that expanded popular power was in fact the *best* means to secure the private rights and liberties of the people. Yes when tensions arose, rights violations could occur. However, these violations would be infrequent for the people had sufficient virtue and good will to preserve and protect rights, freedoms and economic liberty. Mostly restrictions had no practical purpose, for the people were not the callous, rights-ignorant tyrants certain statesmen had supposed. If anything restrictions caused

practical harm, for the politically silent had no protection. An individual's voice secured his rights, not his neighbor's, so for expansionists those presently restricted from a voice in government precariously held their rights and freedoms.[15]

Because close to half the speeches in favor of reform aim to quell their adversaries' fears, assuring them the people would serve as good protectorates, one can safely assume expansionists agreed that self government had important instrumental value (at least for those who had the opportunity to exercise it). At the same time this does not say they saw the instrumental value as the main issue at stake. Nor does it verify they agreed with their adversaries that the only rights to be protected were personal rights, most especially property rights. In fact, not a single speaker in favor of increasing popular control called property the most important right or economic freedom the pillar and foundation of the American regime. Yet in every state I examined, a great number of these speakers extolled the independent importance of popular rule.[16] Expanding popular rule would enhance--not a merely protect--fundamental rights. This meant even in the face of possible tension between public sovereignty and particular private rights, the former could not be sacrificed on behalf of the latter.

The scope and extent of such claims vary somewhat from state to state, with articulated positions in the North and West being far more brief and atheoretical than those in the South.[17] Although the approach, forcefulness

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[15] For a more detailed and extended explanation of the views summarized here see Scalia, 1991: chapters three and four.

[16] Practically every speech in favor of reform contained some inherent independent principled reason to embrace popular sovereignty. I concentrate on only those relating to its connection to inalienable rights and fundamental liberties in order to show the extent to which delegates gave popular rule liberal value as well as to contrast their views with the straightforward liberal arguments of their contemporary adversaries and our modern scholars.

[17] This is due partly to the variation in state rules regarding how long speeches may last (e.g., in Massachusetts delegates could only speak for two minutes at a time) and partly to how recorders chronicled debate discussions. For Iowa, only fragments of the debates remain. In Ohio, New York and Massachusetts, although transcribed speeches exist for each day, sometimes the recorder only briefly summarized the arguments; sometimes he omitted entire speeches since occasionally one speaker refers to another speech not in

and philosophical rigor with which delegates make their case varies from delegate to delegate and from state to state, one always sees a marked difference between the claims of democrats and those against reform. Around two-thirds of the recorded speeches in favor of reform contained at least a couple of sentences describing political power as an essential right. At *each* state convention expansionists made this rights equation to justify suffrage extension, popularly-based representation, direct election of governors, sheriffs and judges. Reforms would expand rights; without reform rights remained constrained. Any proposal excluding certain citizens from running for office was "a restriction on the rights of the people" (Louisiana, 1845; Marigny: 259). In New York nearly every delegate calls suffrage "an inalienable right" (New York, 1821; Clark: 187), "among...the common rights of man (New York, 1846; Bruce: 785). Every delegate speaking in favor of reform at Virginia's 1829-30 convention and three-quarters at her 1850 convention defined questions of suffrage and representation in terms of "the sovereign rights of the people" (Virginia, 1830; Morgan, extension of suffrage: 377). "[Man] has, in my judgment, certain inherent and inalienable rights....Amongst those is the right of a voice in government, to which he is to submit" (Virginia, 1830; Campbell: 388). Two-thirds of Massachusetts delegates speaking in favor of reform saw it as a direct question of rights. Representation by property left certain citizens "deprived of the rights of freemen," for equal representation was one of "the rights of citizens" (Massachusetts, 1820; Austin: 252). "The right of voting was a grand and essential privilege of freemen" (Massachusetts, 1820; Richardson: 253). Unlike those against reform who almost never use the word right to describe political power and almost always deny it has any origin except in government creation, for most expansionists the equation is second nature.[18] Those who deny the inherent nature of popular sovereignty gravely misunderstand America's ideological

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the journal. In all four states, delegates discussed each issue for five to ten days, with five to twenty delegates speaking each day. In Virginia and Louisiana, the recorder seemingly kept much more careful accounts of daily speeches. For some issues (e.g., whether judges should be popularly elected) delegates discussed issues much as they did in the North and West: for a few days, with a number of speakers daily. For other issues (e.g., the basis of representation), debates continued for months, with some individuals speaking for a two to three days at a time.

[18] Only one or two speeches across conventions could be construed as inconsistent with this equation between political power and other inherent birthrights.

commitments. The inalienable rights do not include *merely* the private rights articulated by their adversaries; they include the essentially human act of political decision making.

In about a third of the speeches favoring reform delegates vividly portray the public nature of the state's inalienable concerns by connecting political power to liberty and its absence to a lowly unhuman existence. "The power to remove, or abolish any governor....is the root and source of all liberty" (Iowa, 1844; Wilson: 308-309). "The question before this convention [the basis of representation] is whether the people of Virginia shall be free. I am told they are free. Social freedom they have....But are they politically free?...No!" (Virginia, 1850; Stanard: 6, end section). The ability to make decisions both in and out of government made individuals essentially human. The power to influence government distinguished American citizens from slaves, animals and machines. The following characterization of why someone cannot give up his right to re-elect governors exemplifies the personal and essential nature of the liberty democrats describe as being denied without reform:

> Can he surrender the right of liberty? If he does, he ceases to be a man--he becomes a mere automaton--not a freeman...but a mere machine turned at the will of he who works the machinery by which he is governed. (Virginia, 1850-51; Hoge, number basis: 171)

Alternatively, take the following excerpts from a speech in favor of extending the franchise:

> [W]hat is this right? It is that of thinking, willing and expressing his will...God has given to man the power of thinking, willing and speaking his will....the exercise of which every man has by nature as good a reason as another. (Virginia, 1829-30; Campbell: 122)

Without the liberty to govern himself, a man lost his status as a free thinker and a free moral agent. He lost his ability to express his will and therefore resembled something less than human.

At least two to three speeches at each convention express the essential human aspect of participating in political decisions by comparing those without power to slaves of the South, individuals who had no private liberty. "Men who have no property [the presently disenfranchised] are put in the situation of slaves in Virginia" (Massachusetts, 1820; Foster, extend

suffrage: 246). "[Nonvoters] are degraded to the condition of slaves, without the right of exercising an opinion of their own" (New York, 1821; Ross, extend suffrage: 246). Denying the vote to the poor is like "placing them on an equality with slaves...denying them the most important privilege of freemen" (Louisiana, 1845; Downs, extend suffrage: 116). Expansionists took a similar position in favor of equal representation. The people losing under the weighted system in Virginia, the Westerners, "are reduced to the miserable and dependent condition of serfs--serfs to the east" (Virginia 1850-51; Smith, population basis: 289). "This thing, property, while possessed, makes you a Sovereign, and the loss of it a slave" (Virginia, 1829-30; Doddridge, white basis: 88). By equating the political condition of the disenfranchised with that of chattel slavery, expansionists vividly captured just how degrading and subhuman restrictions really were.[19] Those without full and equal political voice were no different than those who could not make any private decisions on their own, no better off than those whose economic livelihood depended on the whim of a master. If economic freedom so concerned their adversaries, so should political participation in government, for life without either was slavery plain and simple.

In some sense these arguments greatly resemble the eighteenth-century message of politicians who parroted their republican forefathers and explained that the absence of participation constituted enslavement. However, the views of these nineteenth-century delegates put forward here differ from their eighteenth-century predecessors in two essential ways. First, they talk mostly about individual--not corporate--enslavement. The whole state does not lose independence at the political silence of the poor; only the poor are degraded and enslaved. Earlier more corporate republican rhetoric allowed and encouraged restrictions among who voted. Individuals less capable could and should be sacrificed in the name of the greater whole. Corporate republicanism did not have space for the language of equal participation (Smith, 1985; Shklar, 1991).[20] A second difference between the

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[19] Shklar (1991: 39-52) discusses the rhetorical power of this frequently used nineteenth-century argument favoring democratic reform.

[20] On the corporate nature of eighteenth century views regarding political slavery see Appleby (1976: 24-26) or Wettergreen (198x).

views of nineteenth-century delegates and their predecessors arises from a study of the context of their speeches.[21] In at least half the speeches describing the disenfranchised as less than human--i.e., enslaved and/or reduced to an automaton--expansionists explicitly explain the origin of that freeman's right. Invariably it had the same origin they and their adversaries agreed legitimated the other essential, inalienable rights of man.

Scattered through the debates, in some states more often than others, democrats explained what made political power an inalienable right of intrinsic merit, beyond government manipulation. For example, at a few conventions expansionists discussed the connection between popular rule and the state of nature. In that pre-governmental state, inhabitants had the power of deciding whether to join together at all. They initially selected the form of regime as well as those who would rule them. Legitimate governments, based on the initial compact, must continually respect the right of sovereignty found in nature. This kind of argument is especially prevalent in Virginia, where at both conventions over a quarter of the speakers favoring reform explained, in detail, the natural origin of political power. To deny people the right to re-elect their governor is "depriving the people of that power that *naturally* belongs to them" (Virginia, 1850; Carlile: 119, emphasis added). "*Qualified voters are the sovereign people and have the right to rule*....From whence is this right of the people derived? It is derived from the law of nature" (Virginia, 1850; Stanard: 7, end section). "Man has an original, inherent Right of Suffrage....He did not derive it from the social compact, for it existed previous to the existence of the compact" (Virginia, 1830; Naylor: 130). These speakers often accompanied such statements with stories about how government originally formed or how it might form today on a desert island or in the wild west. In each case, when left in "nature" to organize a system of rule, not only did all the people initially participate in the decision, they selected a democratic set of procedures which included equal representation and universal male suffrage. In other words, individuals in

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[21] With a different goal in mind, Ashworth (1983: 30-31) makes a similar case regarding Jacksonian rhetoric.

nature did not give up their directive powers upon entering society. Now since individuals enjoyed the right of self government in nature, originally chose to preserve it in government, and never chose to alter since then, they deserve to have it now. That present government reflected unsanctioned inequities (e.g., giving power only to the propertied) was an unfortunate mutation. Delegates ought now return the constitution to its original compact form.

In the remaining states, one finds a few scattered allusions to the natural origin of popular power. "[T]his right of the people [to popularly elect judges] is...descending to us as one of our sacred birth rights" (Iowa, 1844; Wilson: 301). Nowhere is the argument as prevalent as among Virginians. However, recorder notes from some state journals imply this argument may have been made more frequently than appears in the written record. For example there are no recorded speeches at New York's 1846 convention claiming the vote a right of nature. Yet, a number of those at the convention speaking against reform designed their speeches around refuting what they referred to as the all-too-common claim that the vote was a natural right.[22]

The vast majority of delegates favoring reform grounded the inalienability of equal and meaningful participation in its sanction in fundamental laws (in the bill of rights or constitution of their particular state, in the national constitution and/or in the original Declaration of Independence).[23] In each state, democratic delegates claimed that America's founding documents--both at the state and national level--included everyone's *right* to participate equally in government, and therefore, in reverent recognition of the authority of these documents, they must respect that right as well. In states like New York and Louisiana, state constitutions did not include a specific declaration of the inalienable rights of man. Delegates there and elsewhere referred to the Declaration of Independence and its declarations regarding the equality of rights.

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[22] For an example of this, see the speeches of Kennedy and Stew against Negro suffrage, which took place at the New York convention, on October 1, 1846.

[23] Only in Massachusetts did less than half the delegates (i.e., one fourth) tie the right to vote with established doctrines in one or more of these fundamental documents.

Exclusions denied the fundamental truth of "that sacred document" the Declaration of Independence, which clearly states *"that all men are created equal" "and that they are endowed by their creator with certain unalienable rights,"* rights which include the vote (New York, 1821; Clark: 186). Delegates from New York also liked referring article iv, section 2, of the national constitution which mandated each state recognize the rights granted citizens by other states. In Iowa, Massachusetts, North Carolina, Ohio and Virginia, debaters mostly relied on the authority of state documents to make their point. "It is asserted in the bill of rights all men are born free and equal... [therefore] a right of voting...belongs to all persons" (Massachusetts, 1820; Baldwin: 255). The Declaration proclaims "that all men are by nature equally free" thus "[t]he Declaration of Rights means numbers only;" it *mandates* representation by population (Virginia, 1830; Doddridge: 88, 89). Unqualified embrace of popular sovereignty was also found in national and state documents. "To deny the right of the people [to elect their judges] is to deny at once, that truth asserted in the Declaration of Independence...asserted in the Bill of Rights that 'all power is inherent in the people'" (Louisiana, 1845; Read: 745). "The whole Bill of Rights [is] a sacred instrument, ...the foundation upon which the whole superstructure of Government should rest." This document sanctions the right of a majority of the population to rule (Virginia, 1830; Moore: 225). In over half of the speeches arguing to expand the *right* of political power, delegates rely on founding documents for underlying supporting principles. These documents do not explicitly say all shall vote, with equal power in representation, for all officials of any consequence. However they do say all deserve equal rights and power lies with the people, which translates into the doctrine that fundamental law protected self government as an intrinsic good and inalienable right.

Arguments in favor of democratic expansion mostly built upon America's rights tradition. Nature and fundamental law gave life, liberty, property, happiness and security revered status. According to expansionists, having a say in political decision making had the same status, not just because without that power one resembled a machine or chattel slave. Like other rights men held the right to self government in nature, and various founding documents noted its inalienability. By virtue of one's commitment to the

rights and freedoms of nature and fundamental law, delegates needed to ensure states protected and enhanced the people's political influence. "Government is, or ought to be instituted, not for the restraint of rights, but for their security and enlargement" and popular rule was one of those rights (Virginia, 1830; Morgan: 377). Sovereignty was an "inalienable right...of which no government can deprive him" (Virginia, 1850; McComas: 197). Man "has...certain inherent and inalienable rights of which he cannot be divested with impunity. Amongst those is the right of a voice in the government" (Virginia, 1830; Campbell: 388). "The right of voting...is a sovereign right, and one of first importance in free Governments" (Virginia, 1830; Morgan: 377). As one of man's fundamental inalienable rights, equal and meaningful political participation could not be rightfully denied any citizen. Yes over the prior fifty years or so individual states had avoided giving self government the same immutable status as other revered rights and freedoms. However, that unfortunate reality did not belittle the fundamental status of popular input. It only showed that work remained to make actual America mirror ideal America.

If one were to read the entire speech of any partial selection offered here, one would find that calls for equality between the right of self government and the other fundamental rights were built into a Lockean-like argument. Democratic delegates sought to specify rights in order to avoid arbitrary government. They used reasoned arguments to discover what constituted the basis of human freedom and then aimed to make sure government enhanced and protected it. Just as Locke and his followers had used the hypothetical state of nature to explain the basis of just government, so did those for and against reform. They too believed the fundamental laws arising from the compact determined the boundaries of legitimate government. The difference between expansionists on the one hand and Locke, his followers and anti-reformers on the other was the former's "special" reading of what nature mandated and the original compact codified. Expansionists described active popular consent not just as a means to avoid injustices but also as an end in itself, one of those rights that the inconveniences of nature threatened, one of those rights that men compacted to keep after the formation of the state, one of those rights just constitutions included as inalienable. Although most interpreters of the

Second Treatise deny any direct democratic aspect therein and would therefore find such early nineteenth-century American interpretations "unLockean," Ashencraft (1977, 1980) would argue that this democratic reading is precisely what Locke intended all along, that other less participatory understandings have been mistaken. Whatever the case, nineteenth-century expansionists used the liberal language and rhetoric of their ancestors to explain why self government was an essential right of man, something just, non-arbitrary government sought to enhance, not restrain. In this sense, public liberty, an innate value of republicanism, became incorporated into liberalism; not as an expendable instrument of the liberal state, but as one of its inalienable rights.

Public Versus Private Liberty:
America's Priorities Then and Now

As noted in the first section of this paper, scholars generally agree that liberalism, complete with its embrace of the inalienable importance of private rights and freedoms, took hold in America just prior to the nineteenth century. They associate this triumph with the demise of classical republicanism, including any independent value for popular sovereignty. The triumph of liberalism meant the people retained their power on condition, depending on whether they could protect the inalienable rights of man. As the previous sections demonstrate, the views of early nineteenth-century American politicians only partially vindicate this interpretation of democracy's identity within the liberal state. Yes by the early 1800s Americans cared greatly about the enhancement and protection of rights, but that did not mean the private triumphed over public. At least for some Americans a commitment to rights meant a commitment to popular sovereignty, for self government was an inalienable right, held in nature and currently sanctioned by fundamental law. Numerous politicians used liberal language to explain the continued importance of earlier republican ideals. This constitutes the main finding of this paper, i.e., that at least one strand of American liberalism included an inherent place for democracy.

What does this finding tell us about American liberalism? Can a philosophy committed to the enhancement and protection of private rights

also incorporate an independent value for public liberty? Are claims to shared commitment pure fiction? For many a skeptical reader today, the rhetorical stance taken by expansionists does not further our understanding of the development of liberalism, not even its particular American incarnation. The views presented in this paper are the scattered observations of state representatives, not careful thinkers who struggled to create a coherent notion of the good state. Liberalism constitutes the embrace of private rights no matter what petty politicians purport.[24] The fact that claiming equal origin and value for both popular sovereignty and private rights did not erase inherent tensions between public and private liberty, between majority rule and private rights, verifies the lack of rigorous thinking behind such orations. One will always have to choose between them! For other skeptics actions not political posturing constitutes true American ideology, and America's actions did not mirror her words.[25] State constitutions included checks and balances that restricted popular power. The existence of such legal restraints seemingly verify America's long term preference for private rights and economic freedom. To agree with with either type of skeptic is to say the above-described positions of nineteenth-century democrats were nothing more than useless rhetoric. I would like to briefly address the assumptions behind these skeptical readings of what constituted nineteenth-century American liberalism.

The liberal tradition has always encompassed ideals which threaten one another. The intrinsic value of any particular right does not arise from its internal consistency with other inalienable concerns. Value emerges from reasoned accounts of what freedoms differentiate humans from lesser species (Peters, 1978: chapter 3). In practice liberal states have valued somewhat conflicting goals, but aim to retain all as equal partners. For example, no one doubts the free market occasionally infringes upon the sacredness of life, as it does in dangerous yet essential industries. We permit workers in coal mines to confront life threatening conditions, long-term respiratory illness, etc., in great part because we deem coal

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[24] For a telling example of the consequences of this position see Levine (1981: 125-126).

[25] See for example the debate between say Diggins (1984: chapter 1) and Wood (1966).

excavation necessary for America's industrial survival. The need for coal takes precedence over the life expectancy of individual miners. Here market mechanisms prevail and workers receive high compensation for their risks. Other times however the sanctity of life triumphs as it does in each decision to reduce pollution or avoid some environmental destruction despite the burden restriction places on jobs and market competition. Perhaps the most contentious struggle today centers around the tradeoff between the liberty of a pregnant woman and the life of her fetus. Theorists and politicians may find such tensions disturbing and troublesome but in recognition of shared commitments, they continue to balance them and seek case by case practical resolutions.[26] Conflicts do not lead "good" liberals to automatically give one right, say life, consistent secondary status among the rest. Each concern is deemed fundamental to the good state, part of a whole package--the liberal value system of inalienable rights passed down through America's intellectual forefathers and her political practices. (We no longer speak of the state of nature!) Theorists and politicians thus resolve conflicts by balancing, not by relegating some rights to permanent secondary status. The tradition of liberalism has always been a tradition of diverse ideals. Why should the addition of self government as another sometimes conflicting addition be a special case?

Expansionists asked this precise question of their adversaries. How could rights-minded Americans ever think of deserting the priority of self government? Although not discussed in great detail above, democratic delegates recognized popular rule might infringe upon private rights.[27] However they refused to bargain away the independent, inherent value of the right of self government. Those who would give political participation in government secondary status among a list of concerns (whose legitimacy originated from the same place) blatantly misunderstood the American tradition. There existed certain inalienable rights which defined one's

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[26] Sometimes tensions are even inherent in a particular right. The state secures freedom to practice the religion of one's choice. Yet one cannot freely practice one's religion in public schools or their recreation centers precisely because of the separation of church and state the original freedom implies.

[27] On their explicit views regarding the tensions between majorities and minorities, see Scalia (1993).

humanity. Reason, history and fundamental law--not expected internal consistency--determined that list. As self government was on "the list," expansionists could not prioritize and reject it at the first sign of tension. This may seem like a simple semantic ploy, but how is their position any different from why liberals today embrace life, liberty and property despite inherent tensions among them? How is balancing self government as an equal partner with these other rights any different from the way politicians currently resolve conflicts among *private* rights and freedoms?

Some might say the difference lies in Americans political responses, i.e., in her actions toward perceived tensions. Since 1787 politicians have fought for and maintained categoric restrictions on popular political rule. Certainly nineteenth-century practice still retained many restraints on popular power. At each constitutional convention discussed above, reforms flourished *alongside* continued restraints. Qualified black suffrage accompanied white universal suffrage. Sheriffs became popularly elected while most judges remained appointive. Some states created legislative districts according to the voting population; many explicitly made property the basis of representation. The people ruled more freely in some areas, less in others. Perhaps that means the majority of convention delegates did not buy the logic behind the arguments described in the previous section. However that does not mean those who equated political participation with the inalienable rights of man did so just for rhetorical effect. Nor does it imply each and every restriction on popular power represents yet another explicit denial of its inherent worth. Restraints may simply represent *practical* considerations, attempts to balance the delicate relationship between liberty and license, something liberal theorists and politicians have long tried to do with each private right as well.

The history of liberalism has always included the expansion of rights alongside appropriate restrictions. John Milton wanted freedom of the press but he expected morality and religion to set explicit boundaries.[28] Even John Stuart Mill, the great spokesman for much permissiveness, set limits to private liberty. He spoke of a harm principle which allowed free enjoyment

[28] See his argument in *Areopagitica*.

of individual rights only to the extent actors never harmed the rights and freedoms of others. Milton, Mill and most every pre-twentieth century writer on behalf of rights expansion recognized the difference between liberty and licence and admitted that restraints--albeit ones minimizing resultant rights violations--must limit behavior to avoid potential harms. American law and practice reflect this understanding and include explicit restraints on private rights precisely in order to protect them. For example, during at least the first century of independence, freedom of conscience mostly meant freedom to chose which religion to practice, not freedom to be an atheist. Americans then considered atheists unable to follow laws and likely to harm neighbors. As Locke had advised, they restricted free conscience to protect public order.[29] The same caveat still restrains freedom of speech. Speech that may physically harm another does not enjoy constitutional sanction. Whether inherent in the theory of why we left nature or documented in our written laws or part of our general tradition, all private rights have limits. Qualified rights are not thereby secondary to some grand state plan which gives other rights theoretical supremacy. Restrictions simply acknowledge the fine line between license and liberty, between my rights and my responsibility toward others' rights. Any privilege granted to a person by virtue of his humanity belongs to all, but by virtue of its shared status, explicit rules must accompany its use. Thus the question arises whether restrictions on political power should be categorized any differently from legal restraints on other rights? Early nineteenth-century politicians in favor of reform thought not. By restraining self government you restrained liberty. To call it otherwise obscured the gravity of such actions.

Put together, the above suggests that nineteenth-century calls to incorporate self government among the inalienable rights offered no special tensions or inconsistences. Liberalism has always been a package of values at odds with one another. Does that mean there exists the potential to revive this forgotten view and recreate an independent liberal value for self government? Let me close by saying the kind of world view which could have maintained self government as a right continues to fade from our

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[29] See his *Letter Concerning Toleration.*

liberal identity. Amid our current rhetoric regarding individual rights, we speak more of entitlements and less of responsibilities. Clearly, *unrestrained* self government can never be practically implemented given America's commitment to other rights and freedoms, for popular rule forever requires some sacrifice and restraint in its exercise. *The right of self government is a great responsibility.* To the extent we no longer applaud rights which entail such restraint, self government can never sit comfortably within today's liberal rights entitlement rhetoric. This means the nineteenth-century view outlined in this paper will likely remain just that: a nineteenth-century view!

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Scapegoats or Sacred Cows?
Anti-Party Critiques in Germany

Susan E. Scarrow

University of Houston/
Center for European Studies, Harvard University

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Susan E. Scarrow

The question about the fate of democracy in Germany is therefore implicitly and above all a question of the relationship of the German people to their parties. The discontent with politics and democracy which is so widespread in Germany, and about which people recurrently complain, is first and foremost discontent with the political parties.

-- Karl Friedrich Kindler, 1958

Thirty-five years after it was written, Kindler's diagnosis about German discontent with political parties still sounds fresh, even if this discontent no longer seems to pose an immediate threat to German democracy. Anti-party arguments have played a recurrent role in German political life ever since the mid-nineteenth century, when political parties began to organize in legislatures throughout Germany. Despite the success of the parliamentary democracy that emerged after 1945 in the western part of Germany, even this so-called "party state" [Parteienstaat] has been haunted by ambivalence towards the very parties which are granted special status in the country's Basic Law. This ambivalence has again come to the fore in (re)united Germany, as the country once again faces serious questions about the effectiveness and desirability of particular democratic institutions. In the 1990s, opinion polls and electoral behavior seemingly revealed growing alienation of Germans from their party system and from their party state. As a result, German political analysts have been heatedly debating the causes of the growth of popular Parteienverdrossenheit (vexation with parties). But while Germany in the past 120 years provides rich opportunities for observing the interplay between attitudes towards political parties and attempts to stabilize (or destabilize) the political system, neither in the 1990s nor in the past have Germans been alone in their disenchantment with political parties.

Italy's recent popular revolt against established parties reached a new high in the spring of 1993, when 90% of voters (69% of the electorate) voted to abolish state subsidies for political parties, and when the new "movements" (self-proclaimed anti-parties) registered strong support in local government elections (Graham). In the same season, French voters showed their lack of enthusiasm for traditional party alternatives by casting 2.1 million spoiled ballots in the March 1992 parliamentary elections (three to seven times as many as in recent elections) (Davidson). Meanwhile, the surprising story of the US presidential race in 1992 was the mobilizational ability of the non-party candidate, Ross Perot.

This list, not meant to be exhaustive, suggests that the contemporary success of anti-

party appeals is not confined to a single country--something that should come as no surprise in an era where other political ideas (Eurocommunism, Ecology parties) have routinely transcended national borders. Nor is there anything new about anti-party appeals outside of Germany. Anti-party populism has a long pedigree in the United States: since the foundation of the first American republic, US politicians and scholars have tended "to deal uneasily with the necessities of partisan political organization because of their widespread belief that political parties are, at best, unavoidable evils whose propensities for divisiveness, oligarchy, and corruption must be closely watched and sternly controlled" (Ranney, 22; Skrownek). And American unease with partisan political organization was itself inherited from British political experiences (Hofstadter).

Yet despite the recurrence and reach of anti-party appeals, few scholars have attempted to provide either cross-national or cross-temporal perspectives on the nature and consequences of charges levelled at political parties. Perhaps because most European and American political scientists in the past half century have themselves been firmly committed to "multi-party democracy", there have been relatively few attempts to dissect either the sources, or the implications, of dissatisfaction with existing multiparty systems. Yet both types of analysis are necessary if we are to gain a better understanding of anti-party phenomena.

Anti-party sentiment can fruitfully be studied at both the mass and the elite level. On the one hand, anti-party sentiment can be viewed as an aspect of mass public opinion. Studies that start from this perspective describe the dimensions and possible causes of popular anti-party attitudes in one or more countries (for instance, Abromeit; Berger; Lawson and Merkl). On the other hand, anti-party sentiment can be studied as an aspect of elite debates about the desirable shape of the political system. Within this second context, anti-party sentiment can be viewed as a mobilizational appeal, as a weapon used by those endorsing political change. Studies that start from the second perspective, like the one presented here, examine the link between elite debates and system changes--changes that may occur whether or not studies of the first sort actually uncover evidence of widespread popular discontent with existing parties or party-based institutions.

The question explored in this paper is, "what kind of system change(s) does anti-party sentiment promote?". This paper argues that part of the answer to this question lies in the ways in which opinion-forming elites frame debates about the "problem(s) of parties". Political elites channel, amplify and even increase discontent with political parties by bringing specific charges against parties and their roles in the political system. The ways in which

anti-party arguments are framed provide clues about the type of changes which may result from particular waves of anti-party populism.

The Problem(s) With Parties: Diagnoses and Cures

There have been only a handful of systematic considerations of the nature and probable consequences of specific varieties of anti-party criticisms. In his study of two centuries of efforts to reform American political parties, Austin Ranney divided party critics into two categories: Abolitionists, who wanted to rid the Republic of the divisive influence of political parties; and Reformers, who wanted actual parties to more closely approximate various ideals of parties as they should be.[1] These labels point to important strands of party criticism, but Ranney did not attempt to precisely define these categories, nor did he aspire to provide a framework for the comparative study of party criticism.[2] In a 1970s discussion of British politics, the comparativist Jean Blondel listed three primary charges against Western European political parties: that they have oligarchical organization, that their leaders squabble among themselves, and that they cannot act decisively when in government (Blondel, 7). While this list is less comprehensive than Ranney's, it does usefully specify types of anti-party criticism in a way that points to proposed solutions attached to these charges.

The best guidance in the search for a vocabulary for analyzing elite anti-party arguments comes from a recent article by Hans Daalder. In his examination of scholarly attitudes towards political parties, Daalder suggests four broad categories of party criticism: "the denial of party" (all parties are a danger to society); "the selective rejection of party" (some parties are good, others are bad); "the selective rejection of party systems" (some party systems are bad); and "the redundancy of parties" (parties are being supplanted by other institutions and actors). Daalder's intent in detailing these different "bodies of thought" is to demand a recognition of the normative assumptions that often underlie

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[1] His third category is Defenders, who responded to such attacks by emphasizing parties' virtuous functions.

[2] Ranney implied that cross-national studies are unlikely to shed much light on the subject of American party reform, asserting that, "[f]rom our national beginnings, America's political and intellectual leaders have had a good deal more to say than their counterparts in other lands about the proper role and organization of parties," and "[t]he extensive changes made in the historic course of American party reform add up to a volume of reform far greater than in any other Western nation" (Ranney, 30, 20).

political science discussions of the "role of party in European systems". However, the perspectives described by Daalder have played a more general role in academic and popular debates about party roles inside and outside Europe. Daalder's perspectives can be more parsimoniously condensed into three varieties of anti-party arguments. Each of these arguments carries with it distinct implications about the best remedies for the perceived problems of party democracy. These criticisms, and their implied solutions, can be briefly summarized as follows:

1) **Functional Critiques** Parties or party systems exhibiting certain (ideologically neutral) characteristics endanger the proper operation of political institutions. Those making functionalist (system effectiveness) arguments, like Ranney's Reformers, accept that parties play a vital role in the polity, but want to tinker with the rules affecting the operation of all parties within the political system. Such arguments may lead, for example, to proposals to change parties' internal constitutions, or to proposals to modify election rules.

2) **Programmatic Critiques** National welfare can only be guaranteed by offering voters the proper spectrum of party alternatives: parties advocating (or failing to advocate) certain goals or methods endanger the polity. Those making arguments of this type focus on the danger posed by the presence or absence of <u>particular</u> parties (existing or imaginable). They may propose such protective measures as the prohibition of specific parties, or they may advocate the introduction of new parties to better represent the interests of society.

3) **Systemic Critiques** Most or all parties, by their very nature, endanger a political system's legitimacy and/or its healthy operation: multiple parties are a disease which threaten the body politic, and they need to be isolated or even eliminated. Those making arguments of this type seek fundamental changes in the links between the governed and the governors. They want to reduce the decision-making power of political parties, whether by outlawing all parties (or all except a single party), by introducing non-partisan elections (for instance, at the local government level), by using more direct democracy techniques (such as initiatives and referenda), or by expanding non-partisan representation.

This paper posits that each of the three types of anti-party critique is closely identified with a specific genre of remedy, as Figure 1 suggests. If each political system can be thought of as a type of game, possessing an identifiable set of players and rules, then these three varieties of proposed remedies for party problems can be classified according to the way they would affect the political game: by modifying the rules affecting all players; by changing the cast of players; or by fundamentally altering the game itself.

FIGURE 1
ANTI-PARTY DIAGNOSES AND ASSOCIATED CURES

Diagnosis of Problem(s)	Nature of Proposed Cure
I. FUNCTIONAL	**CHANGING THE RULES:** -changes affect all parties -emphasis on rule neutrality Examples: reform electoral system & party finance laws.
II. PROGRAMMATIC	**CHANGING THE PLAYERS:** -change specific parties Examples: ban anti-system parties; found new parties.
III. SYSTEMIC	**CHANGING THE GAME:** -change the arena in which all parties operate Examples: expand direct democracy; increase non-party representation.

Figure I suggests that "cures" endorsed by the systemic critiques are likely to be the most wide-ranging, fundamentally affecting the roles of all parties in the political system. It also implies that those seeking to overturn democratic institutions are most likely to attack multi-party systems with Type III arguments. But what Figure 1 does <u>not</u> imply is that all systemic arguments inevitably lead to the endorsement of anti-democratic remedies. There are great variations in the scope of party roles in specific multi-party democracies. Type III arguments may lead to calls for the introduction of one-party dictatorship, but they may also be invoked in favor of changes which would retain a democratic framework while reducing the scope of the party state (for instance, by expanding direct democracy). It is worth underlining this point at the outset, because inside Germany and elsewhere, many modern critics have invoked systemic arguments with the proclaimed aim of reducing the mediating influence of political parties (whether by establishing direct primaries for candidate selection, by increasing the use of referenda, or by "town-hall" democracy). Arguments can and will

be made against such anti-party proposals: they favor those with wealthy supporters, they over-simplify complex policy issues, they incapacitate the ability of elected officials to govern, etc. These are reasonable grounds on which to argue about such proposals. However, it is wise to reject the polemically powerful, but logically fallacious, "sacred cow" approach which presumes that all who now make systemic anti-party appeals should be automatically equated with their undeniably anti-democratic counterparts from the 1920s.

Furthermore, Type III arguments are not the only kind that can be used to endorse arguably undemocratic "cures" (such as outlawing parties which call for deep changes in the social or political order). Indeed, the range of solutions endorsed by each type of argument may vary widely from clearly democratic to unquestionably anti-democratic. And, of course, to say that a solution is democratic is not to say that it is politically neutral: most proposed reforms would unequally affect the existing party alternatives.

Although this framework may not help us sort out the democratic "sheep" from the anti-democratic "goats", its categories do make it easier to assess both the continuity, and the probable consequences, of anti-party attacks. The following sections of this paper show two ways in which such a framework could be used. In the first section, a discussion of recurrent anti-party arguments in Germany is intended to clarify the categories proposed above, as well as to provide an historical context for the contemporary German debate about the "problems with parties". This contemporary debate will be considered in the second section, which will use the proposed categories to assess the likely outcome of today's wave of anti-party sentiment.

Varieties of Anti-Party Criticism in Germany

Functional Critiques

Functional arguments charge that parties with certain characteristics are likely to endanger the stability, effectiveness, or legitimacy of the political system. Two specific types of functional anti-party criticisms have surfaced repeatedly in German political debates: one type has focussed on the size of parties' parliamentary delegations, while the other type has focussed on parties' internal organization.

Though small parties were a feature of the imperial German parliament, functionalist attacks on small political parties only became common in Germany after proportional representation was introduced in 1918. However, since the 1920s criticism of small parties has been a recurrent theme, one that has been closely linked with electoral system debates.

Functionalist critics charge that small parliamentary parties endanger the efficient functioning of the polity because they foster unstable coalitions. Furthermore, such critics claim that small parties endanger the legitimacy of the entire parliamentary system because small coalition partners are disproportionately powerful.

The introduction of proportional representation in 1918 Germany was a change which was widely supported by German politicians and political observers (Schanbacher, 47 ff). In the 1919 National Assembly deliberations on a new German constitution, the overriding virtues of proportionality were almost taken for granted.[3] The Liberal delegate Friedrich Naumann raised a lone voice in committee debates when he invoked the specter of small parties crippling the future parliamentary system. Naumann, who with hindsight looks remarkably like a German Cassandra, opposed enshrining proportional representation in the new constitution because he expected that such a system would produce parliaments without stable governing majorities (Schanbacher, 76).

Although Naumann himself died shortly after this debate, other voices soon adopted his argument that small parties threatened the democratic system. Like Naumann, these critics viewed the electoral system as the prime weapon for combatting the proliferation of small parliamentary parties. While the Weimar constitution stipulated that all German elections must use proportional representation, those making functionalist anti-party arguments hoped that they could legally modify existing proportional representation electoral systems to eliminate the smallest of political parties. In several state parliaments functionalist critics won support for electoral law modifications which were supposed to increase government effectiveness by hindering the parliamentary participation of very small parties. Influenced by such arguments, the state parliaments of Mecklenburg, Hamburg, Hessen, Baden, and Saxony introduced relatively large, forfeitable, deposits for all parties appearing on the ballot[4], and the legislatures in Prussia, Bavaria, and Württemberg modified the rules by which seats were allocated--to the detriment of small, geographically dispersed, parties.[5]

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[3] Delegates to this Assembly were elected by proportional representation.

[4] The deposit was to be forfeited by parties which did not succeed in winning at least one mandate.

[5] 11 attempts at state-level modification of the PR system were overturned as unconstitutional between 1927 and 1930 by the Staatsgerichtshof (Apelt, 182). For a detailed account of Land and Reichstag debates about electoral reform, see Schanbacher.

After 1945, German politicians and scholars almost unanimously agreed that the proliferation of small parties in the Weimar parliaments had contributed to the demise of the first German republic. The emigre scholar F.A. Hermens was already campaigning in the 1930s for recognition of the ill-effects of pure proportional representation. In an impassioned text that was widely cited in postwar Germany, Hermens argued that "P.R. facilitates--and thereby creates--a multiplication of parties," (Hermens, 16) and he lauded "[t]he Majority system [i.e., single member district system] as the protection of democracy and national unity".[6]

Arguments about the destabilizing effects of small parties helped ensure that most of the new Land constitutions opted for state electoral systems designed to exclude very small parties. While delegates to the Parliamentary Council in 1948/49disagreed about the format of the desired federal electoral system, they all agreed that any system should deliberately exclude very tiny parties from the new parliament.[7] The electoral system debate in the Parliamentary Council ended inconclusively: instead of anchoring the choice of electoral system in the provisional constitution, the framers of the Basic Law left this decision to future legislatures. As a result, debates about electoral system reform continued through the 1950s and 1960s. Proponents of the adoption of a more British-style electoral system repeatedly returned to functionalist attacks on small parties, arguing that so-called majority systems would protect the country from the dangers of party system fragmentation. Thus, for example, in the 1960s an electoral law commission appointed by the pro-reform CDU interior minister criticized PR voting because, "Proportional representation facilitates the division of parties. It eases the creation and growth of radical parties" (Lücke, 94). Furthermore, the commission wrote, the existence of small parties undermines democratic legitimacy because where there are small parties, there are usually coalition governments--and with coalition governments "there is no unmediated influence of voters on the formation of the government" and "the contrast between government and opposition is not clearly defined" (Lücke, 94). In the same years both CDU/CSUand SPD commissions used similar arguments to endorse the abandonment or radical modification of Germany's proportional representation electoral system (Lücke, 164-170).

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[6] A section title from his book, Democracy or Anarchy?.

[7] The SPD, FDP, and KPD endorsed a proportional representation system with a "hurdle" to automatically exclude small parties, while CDU/CSUdelegates favored the single-member district plurality system.

Thus, one common type of functional attack--on size characteristics of parliamentary parties--has repeatedly led to calls to change electoral system rules. The second common type of functional anti-party argument focusses on the characteristics of parties' extra-parliamentary organizations. Such critiques describe ways that "bad" internal organization can impair parties' ability to act decisively and/or democratically. The solutions suggested by these arguments have aimed to change the rules which directly affect all party organizations. Such arguments have been particularly strong in the Bonn Republic.

Since the mid-1950s Germans have held ongoing debates about whether the sources of party funds can impair the ability of parties to fairly represent their electorates. On the one hand, each time parliaments have changed the size or format of state subsidies to political parties, critics have railed against the politically-insulated, "self-service" party machines. On the other hand, each time political funding scandals have been uncovered, critics have lamented the unequal access of rich donors to party representation. In both cases, functionalist arguments about impaired party democracy have supported calls for changes in the rules on how all parties are financed, and in the extent to which all must reveal their funding sources.

Another common sort of functionalist criticism in the Bonn Republic has focussed on parties' internal rules. Such arguments accept the premise that parties without formally democratic constitutions cannot be trusted to support a democratic political order. As a result of such arguments, Article 21 of the 1949 Basic Law, which gave West German political parties constitutional status, also stipulated that parties must have democratic internal organization. Although the exact meaning of this was supposed to be spelled out in legislation, a full decade passed before a government made the first (unsuccessful) attempt to pass a Parties Law clarifying the definition and duties of political parties. In parliamentary discussions of the 1959 draft legislation on parties, the interior minister Gerhard Schröder made clear that the law's stipulations about internal party organization were a response to functionalist anti-party critiques:

> The provisions about internal party organization have two aims. The first has to do with protecting against the re-awakening of totalitarian parties. The second has to do with insuring indubitably democratic parties against the erosion of broad-based decision making caused by the construction of overpowerful party oligarchies (Deutscher Bundestag, 5631).[8]

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[8] A similar version of this law finally passed the parliament in 1967. This law, still in effect, specifies that a political party is only legally recognized as such if it selects party

The examples in this section have illustrated how functional anti-party arguments in Germany have been linked to calls for rule modification. Though some of the proposed changes have obviously been designed to eliminate specific small parties, they have been presented under the guise of neutrality towards all parties: they are concerned with organizational forms, not with political content. Those making functional criticisms have argued for incremental modifications to the political system, not for replacement or radical redesign.

Programmatic Critiques

The second type of anti-party critique distinguishes between desirable parties and those which endanger national welfare. Among those arguing that it is necessary to change the roster of party players in order to improve the political game, some may want to eliminate certain players, while others may want to expand the list of players. In particular, some may want to exclude from play "anti-system" parties, parties which can be identified by the ideologies they promote and/or by the methods they endorse. (Arguments of this type may be used to defend the existing political order, democratic or otherwise.) Alternately, others may argue that it is necessary to expand or modify existing political alternatives in order to guarantee national welfare. This second type of argument can be invoked to promote radical programmatic reform of existing parties, or to endorse the establishment of new parties with non-traditional goals and/or methods.

Programmatic anti-party attacks have a long German pedigree. Within the first decade of German unity, and only two decades after the appearance of extra-parliamentary parties in the German states, Bismarck invoked the preservation of national welfare to justify his attacks on two ideologically dissimilar parties, the Catholic Center Party (Zentrum) and the German Social Democratic Party (SPD). For instance, in Bismarck's successful call for anti-socialist laws in 1878 he described the SPD and its supporters as a danger to the state "because of their political and economic goals and because of their 'general attitude of scorn towards every law and custom'" (quoted in Pack, 84). Bismarck's Sozialistengesetz--like his Kulturkampf measures--aimed to strangle all interelection social and political activity which might serve to promote the electoral success of either the SPD or Center Party. The solutions adopted in the 1870s and 1880s were directed at extra-parliamentary activity: both

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leaders and candidates for public office using democratic (either direct or representative) procedures.

SPD and Center Party candidates continued to participate in elections even when all other party organizational activity was banned.

Weimar politicians feared a repetition of Bismarck's Sozialistengesetz. Thus, many were reluctant to adopt the argument that the state had a right to take special measures to protect itself from parties whose proclaimed aims endangered the political order. However, as public order was increasingly threatened by opponents of the new regime, the national government and some state governments used the provisions of the 1922 Law for the Protection of the Reich (originally directed against non-party clubs and associations) to ban the activities of those parties declared to be enemies of the regime (Jasper, 142). Even in this context of persistent attacks on the democratic system, both government ministers and the Weimar high court agreed that there were constitutional limits on how far the state could go to protect itself from unfriendly parties: thus, parties whose intra-election activies were banned in the 1920s were not prevented from competing normally in elections (for instance, Reichskanzler Marr, Deutscher Reichstag 1924).

Programmatic anti-party arguments became much more palatable to German politicians after the Second World War. For politicians in occupied Germany the turmoil and ultimate collapse of the Weimar system were fresh memories, while the Sozialistengesetz was something from history books. Because of the experiences of Weimar, the framers of the Grundgesetz empowered the new constitutional court to ban parties which, "according to their aims or according to the behavior of their members, seek to impair or to abolish the liberal democratic fundamental order, or which seek to endanger the existence of the Federal Republic of Germany" (Basic Law, Article 21). The solution chosen by the framers of the Basic Law was more direct than Bismarck's solution: the Grundgesetz provides for completely outlawing parties, and for excluding banned parties from electoral competition. This was an uncontroversial measure which prompted little debate in the Parliamentary Council Support for such a measure is indicative of the still widely accepted idea of the Federal Republic as a democracy which can actively defend itself from hostile forces--even from enemies who use party organization as a Trojan Horse strategy for attacking the polity (as a streitbare Demokratie) (Backes and Jesse).

In several periods in the Federal Republic programmatic anti-party arguments have been directed against specific parties. Thus, in the early 1950s, Konrad Adenauer's government successfully appealed to the Constitutional Court to ban the Communist Party (KPD) on the grounds that this party sought to overthrow the West German parliamentary system. While the KPD was the only party to be banned in the Federal Republic between

1956 and 1992, programmatic anti-party arguments against other parties were not absent in this period. Indeed, such arguments have re-emerged in the Federal Republic of Germany whenever parties of the far right have demonstrated significant local or state-wide electoral support.

In the mid-1960s, when the German Nationalist Party (NPD) racked up a string of victories in state elections, some demanded that the political system should protect itself by banning this party. Similar calls were made in the mid-1980s and early 1990s, when electoral support for right-wing Republicans and German People's Party (DVP) was on the rise. Finally, in 1992 and 1993 the Office for Protection of the Constitution successfully applied to the constitutional court to ban several very tiny parties of the extreme right. Because the ideas associated with these tiny parties are widely condemned as unacceptable by Germany's political class, few Germans have challenged the solution that follows from the programmatic anti-party argument: that some parties' ideas are so harmful that it is best for the political system to remove them from competition.[9]

The other side of the programmatic argument is the claim that national welfare suffers because of the absence of certain programmatic alternatives. Those making this type of argument advocate the expansion of the political spectrum, whether through the radical modification of existing parties' programmes, or through the creation of new parties. Party reformers and party rebels are among those most likely to criticize the existing electoral alternatives, whether on the left, the right, or in the middle. In endorsing calls for programmatic or procedural changes, they make claims about what the voters want to be offered. Such arguments can be made in support of supposedly radical programmatic changes (such as the SPD's Godesberg Programme in 1959) or to support sudden leadership changes. In the late 1970s and early 1980s, arguments about the need for new political alternatives were made in support of the emergent Greens party.

As the examples in this section have shown, programmatic critiques eschew any pretence at neutrality. They are made by avowed partisans who invoke basic ideals as guides for the entire political system, and who advocate alterations in the list of party alternatives in order to ensure that these ideals triumph. Germans who have used such arguments have usually been defenders of multi-party politics; they have insisted, however, that multi-party politics can only be successful if voters are offered appropriate choices.

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[9] However, Germans have been much more reluctant to use such measures against the politically distasteful, but electorally successful, Republicans (Financial Times, 2).

Systemic Critiques

The third type of anti-party argument more universally indicts political parties and the political systems in which they operate. According to such arguments, multiparty systems can endanger public welfare by undermining support for the polity, and/or by incapacitating the system. Ever since the emergence of organized parties in German legislatures, several varieties of systemic anti-party arguments have regularly resurfaced in this country. Solutions linked to this type of argument vary greatly in degrees of extremity, but they all start from the premise that there is a need to fundamentally overhaul the political system.

One variety of systemic anti-party argument claims that a system's political legitimacy is threatened because its parties do not represent (and may not even know) the will of the people. According to such charges, partisan office holders are more concerned about pleasing party bosses than about representing voters; as a result, bonds between citizens and their government are eroded. The fear that party politicians hurt the political system was widespread even before the original German unification. Many 19th century Germans who feared political parties argued that the proper roles of legislators was to put the good of the nation above the good of particular geographic or partisan segments. To ensure that legislators would not be unwillingly bound by special interest, German constitutions from the North German confederation onward explicitly freed legislators from parliamentary party discipline (Fraktionszwang) (Milatz, 11). Bismarck and other non-socialists used similar arguments to oppose the introduction of salaries for Reichstag deputies, claiming that only a non-paid parliament would attract selfless and idealistic legislators (Hamerow, 295; Pflanze, 161; Sagarra, 145).[10]

In the early 20th century, political analysts continued to worry about relations between party organizations and elected party representatives. Like his colleague Robert Michels, Max Weber held that organizational imperatives inevitably isolated political party leaders from the broad mass of their supporters. Both men argued that the damage caused by party oligarchy could be limited by institutional changes in the links between governors and the governed. For Michels, this meant an increase in direct democracy. For Weber, this meant fostering political leaders who could be independent of both party bureaucracies

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[10] Salaries for Reichstag members were not introduced until 1906.

and of parliamentary parties (Mommsen 1974, 186; Dronberger; Mommsen 1989, 87-108).[11]

Though both Weber and Michels saw irremedial problems with political parties in democracies, neither believed that modern mass democracy could function without multiple parties. In contrast, many regime critics in the Weimar period revived nineteenth century German arguments that competing parties are undesirable because they inevitably fragment national unity. Such critics held a 19th century view of the state as the organic embodiment of national will, while they viewed parties as being (by definition) advocates of ideas that could benefit only a part of the nation. The following quote from a 1920 article is typical of Weimar systemic criticism in the way it connects the shortcomings of parties with the shortcomings of the entire political system:

> In our time of greatest need we lack leaders. We have no policies because we have no government. The men sitting in the top positions were called to their offices not by their talent but by their membership in particular parties. They do not govern. . . . We do not believe in parliamentarism nor in democracy--these are yesterday's catch words. German democracy is the opposite of true freedom, because it fills the leading positions according to beliefs [e.g, through party appointments], not according to competence (Pechel, 457-459).

Those who held similar views usually made extreme suggestions for altering political institutions in order to protect the nation from the parties. Thus, for instance, in the early part of the decade, some nostalgic critics endorsed occupation-based representation systems. Systemic anti-party arguments of this type also supported calls for "supra party" rule by presidential decree in the last years of the Weimar Republic--exactly the type of strong leadership advocated by Weber. Systemic diagnoses were often followed by calls to save the state by "overcoming" party competition: national welfare could only be assured through suspending, if not actually abolishing, multiparty government. Not surprisingly, National Socialists used systemic arguments about the evils of multi-party divisiveness to defend the introduction of the one party state, as is illustrated in Hermann Göring's remarks to the

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[11] For instance, Weber asserted in 1919 that, "in its present form, proportional representation is a typical phenomenon of leaderless democracy. This is the case not only because it facilitates the horse-trading of the notables for placement on the ticket, but also because in the future it will give organized interest groups the possibility of compelling parties to include their officials in the list of candidates, thus creating an unpolitical Parliament in which genuine leadership finds no place. Only the President of the Reich could become a safety-valve of the demand for leadership if he were elected in a plebiscitarian way and not by Parliament" (Weber, 114).

National Socialist Reichstag in 1934, less than a year after the abolition and dissolution of rival parties:

> We see now, how it has been possible in one year of indescribable effort and work to once again bring together a unified Reich. . . . Out of a plethora of parties, out of the disgusting strife of parliamentary groups, out of the nervous gossip of parliamentarians, the unity of the people has finally re-emerged (Deutscher Reichstag).

Extreme systemic anti-party arguments were discredited by what followed the collapse of the Weimar Republic: many Bonn Republic politicians and political analysts saw the crucial lesson of the Weimar period as the realization that good government above the parties was an impossibility. As a result, there was little dissent, sixteen years after the end of Weimar democracy, when the Federal German Republic became an official "party state". Indeed, in this era when political parties were elevated to constitutional status, parties were more likely to be assigned to the rhetorical status of sacred cow than to be castigated as unmitigated evils. Yet, even in the Bonn Republic moderate systemic arguments have been levelled against political parties. Participants in these debates have proposed a variety of solutions which, if adopted, would profoundly transform the political system.

The role of functionalist arguments in post-1945 electoral system debates has been discussed in an earlier section. These debates were also fuelled by systemic arguments about the divisive nature of party democracy. In particular, many post-war observers argued that proportional representation systems needlessly widen the gap between members of parliament and those who elect them, and that they weaken individual politicians by strengthening party bureaucracy. Because of such arguments, most postwar German electoral systems (both state and Federal) fused single member districts to proportional representation systems. These hybrid systems were intended to both increase the regime's perceived legitimacy (because each voter would be able to identify a single person who represented his/her interest), and to increase the incentives for individual members of parliament to pay attention to the wishes of a particular, geographically defined, segment of the electorate.

Adoption of these new systems did not end charges that the German political system created an unnecessary and dangerous distance between citizens and representatives. Thus, in the 1960s discussions about electoral system reform, advocates of single member districts argued that such a change would result in increased contacts between parliamentarians and voters. They also argued that individually-elected Bundestag members would be in a better position to heed the voices of their constituents: under a single member district system, it

was claimed, individual members of parliament would be more independent from the directions of party leaders.

In the 1970s and 1980s, German proponents of participatory democracy used systemic arguments to support the introduction of new forms of political organization. According to these critics, political parties in (West) Germany collude to exclude important popular demands. Only the expansion of direct democracy could save Germany from the rule of parties. Such criticism initially fuelled support for the citizens' initiatives in the 1970s. By the early 1980s, however, these arguments were invoked on behalf of the Greens--a movement recognized by German law as a party, but one which proclaimed itself to be an alternative to traditional political party organization. Greens supporters argued that this new anti-party party would change the whole nature of German politics by introducing a completely new policy agenda, backed by completely new ways of doing politics (Huber).

As this section has shown, extreme systemic arguments have been employed by some of Germany's fiercest critics of competitive politics. But even some who have viewed the political realm as the legitimate arena of competing interests have shared the opinion that existing party arrangements are unhealthy: it is not just German anti-democrats who have called for fundamental changes in the ways in which parties mediate between citizens and the state.

Contemporary Anti-Party Critiques in Germany

The preceding discussion has sketched out the ways in which various types of anti-party arguments have been recurring and integral elements in struggles to modify, preserve, or overthrow the German political system. It has not only shown the ways in which certain types of arguments have been "recycled"; it has also shown the link between specific types of criticisms and arguments for distinct types of changes. Precisely because a variety of anti-party arguments have been at the center of so many debates about German political reform, it is misleading to try to interpret contemporary debates as merely the result of "post-modern" social changes. Instead, these debates should be viewed as the latest wave in a recurring cycle. From this perspective, one relevant question is, "where do today's debates fit into the repeating pattern of such debates in Germany?". Another question is, "to what extent do the categories proposed at the beginning of this paper provide a basis for making predictions about the consequences of today's debates?". To anwer these questions, it is necessary to briefly examine the content and circumstances of contemporary debates.

In the 1970s, symptoms of popular disaffection with established political parties

prompted German academics to begin the search for causes, and possible cures, of a newly diagnosed social disease: Parteienverdrossenheit. Though the consequences, and even the existence, of Parteienverdrossenheit were intermittently debated in academic journals and books in the 1970s and 1980s, this debate blossomed in newspapers and more popular periodicals in the 1990s, once the initial euphoria (or shock) of German unification faded. The current resurgence of anti-party critiques has been fueled by two types of events: by declining turnout and increasing "protest party" voting in state and local government elections since 1990, and by President von Weizsäcker's attacks on the party state, published in early summer 1992. The ensuing spate of editorials, articles, and books about "the" problem(s) with parties and the party state prompted the Society for the German Language to vote Politikverdrossenheit (vexation with politics) "word of the year" in 1992 (Dietze, 4).

In von Weizsäcker's widely publicized interview with editors of Die Zeit magazine, the President levelled three over-arching charges against political parties and party politicians, all of which supported the President's view that Germany suffers from an overdeveloped party state. First, he argued that partisan competitors are so obsessed with winning elections that they fail to make good public policy decisions. Second, he charged that public policy also suffers because party procedures tend to promote the wrong type of politician--favoring those who have made long careers in politics to the exclusion of those who have experience outside of politics. And finally, von Weizsäcker charged that German society suffers because parties have pushed themselves into social arenas in which partisan politics should not play a role--for instance, party sympathies are taken into consideration in university appointments, in the running of non-political social clubs, in school board decisions. In short, in von Weizsäcker's much-cited summary, the German party state suffers from having parties which are "power-crazed for electoral victory and powerless (irresponsible) when it comes to understanding the content and ideas required of political leadership" (machtversessen and machtvergessen)(von Weizsäcker, 164).

The President proposed several cures, all of which would represent a retreat for the parties: the "supra-party" character of the Federal Presidency should be strengthened; at the local level, all Germans should directly elect their mayors and should be allowed to participate in referenda; all party members should be able to directly participate in the selection of candidates for public and party office; and parties should stop trying to exercise their influence in realms like churches, the media, and education.

The President's well-publicized remarks generated a flurry of sharply divided articles and editorials. Many party critics incorporated the President's remarks as preludes to their

own complaints about current political arrangements. Others, particularly party politicians, criticized the President for making populist attacks on institutions and individuals who were trying their best to serve the nation in a particularly difficult period (for instance, the SPD Minister-President of North-Rhine Westphalia, Johannes Rau) (Der Spiegel (a)). Some even accused von Weizsäcker of ill-advisedly serving the interest of right-wing extremist politicians (for instance, the Federal Labor Minster) (Blum, 20).

Though von Weizsäcker's comments gathered more attention than most contributions to the recent German debates about "the problem(s) with parties," his diagnoses and proposed cures were similar to those being urged by many other contemporary party critics. While such critics have used a variety of evidence to buttress their arguments, most have concluded that the parties' problem or problems are an integral part of the whole party-government system. Such analysts describe their subject in appropriately dramatic terms: "the crisis of the parties" (Rüttgers), a "crisis of the party system" (Kauder) "a crisis of party democracy" (Apel) a "crisis of the party state" (Glotz; Haungs), or even "a crisis of politics" (Kleinert).

Once again, Germans making systemic attacks on political parties have risked confronting the "sacred cow" mentality--the charge that any change to the parameters of the current party state would be a retreat from democracy. To combat this, most systemic critics have openly (and more or less convincingly) proclaimed their support for democratic systems. Even a book with the provocative title "To hell with the politicians" dutifully includes a chapter titled "Politicians--a necessary evil" (Gloede).

Given their view that the whole system is diseased, it is not surprising that such critics usually advocate Type III "cures" for the problems of the polity. For critics who argue that the basic problems with the contemporary German party state are weakened ties between citizens and political parties, and between citizens and the state, the favored prescription is the creation or expansion of channels for citizen participation, and a corollary reduction of the influence of existing parties and/or party elites. Specific "cures" frequently endorsed by today's systemic critics include: decreasing the power of party leaders by increasing internal party democracy; changing state and/or federal constitutions to permit the use of referenda and initiatives; and selecting a non-party Federal President (for instance, Apel; Haungs; Kauder; Richter; Rüttgers; Scheuch & Scheuch). Others, including von Weizsäcker and Jens Reich (who is often mentioned as the President's possible successor), have gone even further and demanded constitutional changes to limit the power of political parties (Reich; von Arnim; von Weizsäcker).

While such systemic diagnoses and proposed cures have dominated the contemporary debates, other types of diagnoses have not been altogether absent. Thus, a few have argued that what is needed is programmatic change: that the traditionally large "catch-all" parties need to sharpen their programmatic claims and to emphasize their differences in order to recapture voters who are looking for leadership and ideas (Kleinert; Schultze; Wiesendahl). Others have suggested that electoral change (to a British style system) could strengthen links between voters and governments (Betz; Jäger). But these voices have been in a minority, and these suggestions have not gained much publicity in the popular media. Furthermore, even some who endorse functionalist changes, such as electoral or party finance reform, refuse to describe these as comprehensive cures for what ails the body politic.

This mild German support for Type I and Type II solutions suggests that we should not expect a rash of programmatic or functional changes in response to the current debate about parties. In this sense, contemporary debates in Germany differ from those in Italy in 1992 and early 1993, where diffuse popular discontent with politics as usual was translated into an elite & popular consensus on the curative powers of changing electoral and political finance laws. On the other hand, while contemporary German observers seem to share a widespread agreement about the need for Type III "cures" for existing political problems, it is still not clear whether such an agreement will translate into political change. Systemic changes to diminish the influence of all political parties are difficult to enact, particularly in a system where the parties themselves are the sole gatekeepers for change.

However, the possibility of lasting systemic change seemed to increase in the late spring of 1993 in the wake of the SPD's use of a membership canvass to select its new party chair.[12] Though the party's unprecedented use of such a "primary" was initially viewed as a desperate response to a series of self-inflicted injuries, the effort proved surprisingly successful. Over 55% of members cast preference votes on the single election day, and the election produced a clear winner in a three way race. Political party leaders and the German media were tremendously impressed by the participation rate, and by the ballot's clear verdict. As a result, SPD leaders promised to expand the use of party primaries and party referenda to decide policy directions. At the same time, some CDU members starting calling for similar opportunities. Within weeks of the SPD election, the CDU state party organization in North-Rhine-Westphalia changed its rules to introduce party-internal

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[12] This was a non-binding vote to advise the party conference, which formally elects the party chair.

primaries and programmatic "referenda". Other state parties may follow suit (Frankfurter Allgemeine Zeitung a, b, c; Frankfurter Rundschau; Der Spiegel (b)). This switch towards candidate selection through member-primaries is precisely one of the systemic reforms that party critics have been urging as a way to reduce the power of party elites.

Despite the current popularity of expanded direct democracy within the parties, it is too early to say whether other types of extra-party direct democracy will be adopted. Above all, there still seems to be little likelihood that the SPD will get its wish of introducing referenda and initiatives into the package of federal constitutional changes now being debated, despite the support of President von Weiszäcker (Das Parlament). However, it is possible that expansion of direct democracy will be picked up as a theme in the wave of state or federal elections in 1994. A further possible change that might result from current anti-party debates could be the unprecedented selection of a non party-member as the next Federal President, a move that would strengthen the "supra-party" character of this office (Die Zeit). In short, because this wave of anti-party criticism is predominantly phrased in terms of systemic attacks, the most likely changes to result from current debates are (probably small) steps away from the party state.

Concluding Thoughts

This paper has argued that there is a logical link between types of party criticisms and types of proposed remedies. It has used examples from nineteenth and twentieth century Germany to clarify the proposed typology, and to demonstrate the plausibility of the argument. The typology presented in Figure 1 could also be phrased as a set of formal hypotheses: if party critiques are framed in terms of x, then y sorts of changes will be endorsed. (Or, obversely, those who want y sorts of changes will criticize parties in terms of x.) Of course, there are two crucial questions that remain to be answered about these (as for any) hypotheses: 1) Does the addition of evidence make them seem more or less plausible--what happens when more cases are examined? 2) Do they increase our understanding of the political world?

In trying to answer the second question, I have attempted to demonstrate in discussions of historical and contemporary German debates that this classification of anti-party attacks can help us understand the probable consequences of such agitation. To answer the first question, we need both cross-temporal and particularly cross-national studies of anti-party sentiment, particularly studies that put current discussions into historical context. The point of such studies should not be to provide fuel to attack today's anti-party

critics, for instance by showing that they utilize arguments once wielded by those who favored totalitarian systems. To selectively invoke history in this way would be to make the absurd suggestion that parties truly ought to be regarded as sacred cows, off limits for contemporary criticism. On the other hand, comparative studies will likely serve as a reminder that political parties have often been regarded--equally absurdly--as a different sort of animal: not as sacred cows, but rather, as scapegoats. What is needed instead are studies which view elite anti-party attitudes as a legacy of Western political thought, and which view anti-party populism as a mobilizational appeal that has been tested many times in a variety of political systems. Such studies, especially if aided by an accepted vocabularly to facilitate cross-national comparisons, could push us far towards understanding the causes, and consequences, of anti-party sentiment.

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Style vs. Substance

in the

Rhetoric of the Great Communicators

Todd M. Schaefer and Ronald Kim
Department of Political Science
Northwestern University

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ABSTRACT

This study explores the nature, role and functions of presidential rhetoric in the modern era through an examination of selected State of the Union Messages of the three "great communicators" of the White House in the last Century: Franklin D. Roosevelt, John F. Kennedy, and Ronald Reagan. It asks the questions are these presidents' (generally seen as more effective at public speaking than others) stylistically similar? Does the medium of communication affect presidential speaking style and substantive content? Do these messages serve as a means for concrete issue discussions, or are they "merely rhetoric"? And finally, is there a connection between a speech's content and its rhetorical complexity (i.e., a relationship between style and substance)?

We attempt to answer these questions through an examination of these presidents' speech complexity and degree of susbstantive, as opposed to symboilc, content. We expected Roosevelt to be more verbally complex and substantive because of his primary use of radio and the political environment of his times, while Kennedy and Reagan, as televised "Going Public" presidents would be less so.

We found Roosevelt to be the most stylistically complex and verbally pedantic of these presidential public relations "experts." FDR was also the most substantive, in terms of tying his rhetoric regarding issues concerns into policy proposals presented in front of Congress (and the American people) during the addresses themselves. Reagan was the most simplistic, and similarly, the most vague about specific policy proposals, perhaps in part accounting for his greater skill in public politicking and greater mastery of the television medium. Kennedy, falling between the other two historically and rhetorically, appears to represent a transition between eras of presidential public leadership styles.

While the study does not conclusively prove the effects of medium on message, nevertheless it appears that much of the original hypothesized pattern holds true: a strong substantive content requires greater complexity to convey, which (ironically) results in a weaker ability to convey that message. This finding in turn has implications for presidential public leadership in the television age, for it suggests presidents may be more effective in presenting their positions and solutions for the nation's problems if they do so in more vague and symbolic ways.

INTRODUCTION

Until recently, there was a dearth of literature on presidential speech. But with the contributions of writers such as Hart, Tulis, Graber, Stuckey, and others, research into the presidency and its use of political language has expanded in many directions. Some have emphasized the semantics found within the language the president uses to communicate with the public. The specific content of speeches is the unit of analysis and these authors view it as fundamentally important for several reasons. First, a president's words can shape ideas and stimulate political activity. Second, they can justify decisions and provide rationales for action. They can also serve to inspire, comfort, and motivate a nation.[1]

Other writers have underlined and elaborated on other aspects of presidential rhetoric. In The Presidential Character, Barber identifies communication as a major influence on presidential performance.[2] Roderick Hart examines the institutional features and effects of verbal style as well as compared presidential styles to that of other leaders in some of his work.[3] In a later work he discusses not so much what the presidents said as why they said what they said when and where they said it. [4]

For all these authors communication, at least implicitly, represents a means for the president to acquire and maintain power through persuasion. As Doris Graber suggests, "Politics is largely a word game. Politicians rise to power because they can talk persuasively to voters and political elites."[5] The words of a president establish the public record of the administration and often reflect the goals and values of the public. Some have even suggested rhetoric is so crucial to the presidency, presidential leadership is based on words, not power.[6] Other scholars have examined presidential rhetoric in relation to modes of communication and the historical context of the times.[7]

The question of whether presidential speeches have changed in recent years inevitably raises the issue of television and its influence on those speeches themselves. There is an increasing abundance of literature indicating that television has directly affected the verbal content and delivery of rhetorical performances.[8] Hart's findings suggest presenting a vigorous message in the simplest manner is perfectly suited for the medium of television. In short, television has served to decrease the sophistication of presidential speeches.[9] Because of the nature and pervasiveness of this mass communication medium, more attention than ever surrounds a president's appearance and "image".[10] The ability to communicate effectively is seen as even more important in an age when presidents can address the public directly through the mass media.[11]

While previous work examines and points to the importance of semantics

and delivery in getting across the presidential message, and the degree to which presidents now concern themselves with speaking, little has been done to link verbal style with substantive content.

In the following pages we hope to address both the content and style of presidents Franklin D. Roosevelt, John F. Kennedy, and Ronald W. Reagan, as examined through their State of the Union Messages. We chose these three for comparison because of their similarity in a number of areas, but primarily because each of these presidents was seen by contemporaries and by history as "Great Communicators". Each left an indelible mark on the Presidency, both in general and the area of presidential public relations. In this examination, we hope to explore a number of questions. Are these presidents (generally seen as more effective at public speaking than others) stylistically similar? Has presidential speech changed over time, especially with the development of modern mass communication? Do these messages serve as measures of policy concerns and action, or are they "merely rhetoric"? And, more ambitiously, is there a connection between a speech's rhetorical devices and substantive content? In other words, is there a relationship, as some observers claim, between style and substance?

In order to answer these questions, we will examine these presidents' speeches in terms of presentation "style" and content "substance". We then attempt to examine possible relationships between these two areas. As all of these presidents were "Great Communicators" of their day, we might expect to see patterns of simliarity between them, regardless of their historical era and mode of communication. On the other hand, if television has altered the landscape of political rhetoric, we might discern differences between "radio" president Roosevelt and the "television" presidents Kennedy and Reagan.

DATA AND METHODOLOGY

The data used in this study consists of three State of the Union addresses of each of Presidents Roosevelt, Kennedy and Reagan. Many scholars have emphasized the significance of State of the Union messages. They point out their unique features: they take place at regular intervals, as mandated by the Constitution; they enjoy a huge viewership; they are carefully and thouroughly planned in advance; and they generally reflect the president's concerns and national priorities for the coming year. Because of their intimate link to what the chief executive has on his mind and his need to present it in a dynamic manner to appeal to a wide audience, these messages offer important insights into individual presidents. As mentioned earlier, these three presidents were selected for their apparent particular aptitude as effective public communicators. Therefore, these

presidents should provide a benchmark for assessments about presidential rhetoric as a whole.

Following Neustadt's argument that in the search for patterns in the presidency, the crucial years of a president's tenure are the third, the fifth, and the sixth, we chose the years 1935, 1937, and 1938 for Franklin Roosevelt and 1983, 1986 and 1987 for Reagan. This guideline also conveniently enabled us to examine the same number of addresses for each of the presidents, as Kennedy's aborted tenure allowed him the opportunity to deliver a total of three messages (1961, 1962, and 1963), forcing us to use all of them. Nevertheless, we think this group of speeches gives us a good sample of presidential verbal work.

The speeches varied in length from a low of 2713 words to a high of 7030. Roosevelt averaged 3926 words per speech; Kennedy, 6062; and Reagan, 4551.

In terms of method, different approaches were used in measuring and analyzing our presidential samples in terms of style and substance.

To gauge a president's speaking style, we chose to focus on verbal complexity, the idea being that simpler delivery results in greater effectiveness. To measure complexity, we analyzed the speeches with Rightwriter, a computer software program which ordinarily helps in the writing of strong and clear documents. Applying rules that deal with syntax, or structure, of writing, it searches for various types of errors that obstruct a "lean and powerful" style,[12] including extraneous and overly-complicated words and phrases, the passive voice, and long sentences.

How can a writing tool indicate the simplicity or complexity of presidential rhetoric? In the case of Rightwriter, there are a number of valuable measures encompassed in its program, including:

1) Readability Index: This index tells the user the level of education required to understand the document. It is composed of the Flesch-Kincaid formula used by the U.S. government as a guideline for the production of manuals by defense contractors.

2) Jargon Index: It measures the use of vocabulary known only by people in a specific profession or business. In a Rightwriter analysis, jargon is considered an impediment to effective communication. It ranges from 0 to 1.

3) Strength Index: It measures the strength of delivery of the document's message. It puts a premium on common words, necessary qualifiers, and simple sentence structure. It also ranges from 0 to 1: a value of 1.0 indicates a very strong and

effective style according to this criterion while a value of 0.0 indicates a weak, wordy, style.

4) Average Number of Syllables per Word: The more syllables/word, the greater the probability of long and complex words.

5) Average Number of Words per Sentence: The longer the sentences, the more complex and wordy the style.

6) Percentage of Unique Words Within the Document: The larger the percentage of unique words, the greater the likelihood of a larger vocabulary and greater complexity.

Rightwriter analyzes documents by applying strict statistical rules that address the structure of writing but does not identify every stylistic weakness. However, for the purpose of demonstrating the difference in complexity of presidential addresses, the above measures are still very useful.

To gauge presidential substance, we analyzed the content of their addresses in two ways. First, we examined the degree to which these presidents discussed political issues in their speeches as opposed to vague appeals to patriotism, homage to national icons, personal experiences, platitudes to Congress, or fables, anectdotes and stories. We divided sections of the speeches into these two categories. A "symbolic talk" variable was created as the percentage of speech (in lines/column inches) largely devoted to symbolic messages and an "issue talk" variable which was the amount devoted to discussion of concrete, identifiable issues.[13]

But how exactly did these presidents deal with those subjects they chose to speak about? Do their discussions relate to concrete action on these issues, or are they merely talking a lot about them, while in fact doing little?

To answer this question requires a comparison of the issue categories within a presidency in order to determine this measure of substance. Here we analyzed text from the issue categories with an eye toward distinguishing "rhetoric" from "action". While it is true speaking about an issue is itself an important political act, here we try to to what extent these presidents speak about taking action on these issues, as opposed to discussing them more generally and taking "symbolic" rather than concrete, stands.[14]

We created specific issue categories within each of the three policy areas seen as making up the modern presidency (Economic Affairs, Domestic (Social) Policy, Foreign Policy)[15] through the use of keyword dictionaries (see appendix). In addition, these policy areas have been found to account for a large amount of

content of State of the Union messages.[16] The categories were Spending, Taxes, Budget, Employment, Government Involvement, Inflation, and State of the Economy within Economic Policy; Civil Rights, Education, Welfare, Poverty, Crime, Health and Morals/Ethics within Domestic Policy; and Security, Defense, Western Hemisphere, Third World, Cooperation, Conflict, International Economics within Foreign Policy, respectively. Numerous keywords were selected within each, but only those which occurred at least once in any Presidential message were included in the final form.

The primary method employed for this part was computerized qualitative content analysis. More precisely, this part of the study uses tabulated frequency occurances of particular chosen keywords in context (KWICs). This method enables the researcher to "decontextualize" words with multiple meanings so that only ones which are used in the desired fashion are counted. For example, if a president who used "defense" in the context of "every American deserves a right to own assault weapons for personal home defense", the word would not be counted in the same category as one who said "America must continue to have a strong national defense." In this case, keywords were selected as superior to the space-content measures used previously because words are more flexible units of analysis (to help alleviate coding problems when, for example, the president briefly mentions the economy in the midst of a discussion on foreign policy).

We measured "action" as opposed to "rhetoric" in the following fashion. For each keyword within the subject categories, we looked for a reference to a particular proposal, bill, law, piece of legislation, executive action, treaty or formal agreement within twenty-five words on either side. Though this standard may be arbitrary, we feel it gives each president ample room for discussion of these issues concretely, and at any rate is the same for all of them.

HYPOTHESES

Ideally, if there is some magic formula for communicative greatness, all of these presidents should be similar in terms of verbal complexity and substantive content. Similarly, if there is a relationship between style and substance, we should see it mirrored in the speeches of these presidents. However, if as some have suggested the criteria for "great communication" has been altered by the nature of the medium, we would expect differences between Roosevelt, a "radio" president, and the "TV" presidents Kennedy and Reagan. Namely, Roosevelt should show a higher level of verbal complexity, because of radio's mainly audio component. Likewise, if the visual, "cool" nature of television truly makes it the "boob tube" we should find Roosevelt with a greater attention to issues over symbols, and in terms of issues he should also be more likely to address them in a

more concrete fashion (a higher degree of "action" than "rhetoric") than the suave television presidents.

RESULTS

According to our hypothesis regarding style, Roosevelt's speeches would be characterized by greater sophistication than those of Kennedy and Reagan. If this hypothesis is true, then the utilized measures of Rightwriter would indicate their more complicated, and hence presumably weaker style. Was this the case? Were Roosevelt's addresses characterized by higher readability and jargon indexes; lower strength index; a higher average number of syllables per word and words per sentence; and a greater percentage of unique words?

For the most part, the results indicate this expectation to be true (See Table 1). The readability index rankings in descending order were Roosevelt, Kennedy and Reagan, with mean scores of 13.9, 10.3 and 8.7, respectively (See Fig. 1). FDR's speeches on average required the highest level of education to understand (fourteenth grade, or post-high school), while Kennedy's (tenth grade and Reagan's (ninth grade) were lower. Use of a paired t-test shows that these results are statistically signifcantly unlikely to be due to chance. The level was lower for Kennedy and substantially lower for Reagan's speeches, for whom a ninth-grade education would suffice. Reagan's low score perhaps reflects the effect of television in decreasing complexity, and Kennedy's somewhat higher score strengthens this conclusion, given both are lower than Roosevelt's.

The strength indexes reveal a similar pattern. FDR had the lowest score at 0.00, and Reagan the highest at 0.49. Kennedy was in-between, but again was closer to Reagan than Roosevelt with 0.40.

The jargon index was the same for all the addresses -- 0.00. It appears none of the presidents relied heavily on specialized vocabulary that would obstruct clear and concise communication.

The results of analyzing the average number of syllables per word and words per sentence (both within and across addresses) correspond closely to the readability indexes. Roosevelt had 1.62 syllables per word, Kennedy had 1.58 and Reagan, 1.54. Roosevelt's 22.32 words per sentence was greater than Kennedy's 18.78 and Reagan's 15.58 (see Fig. 2).

The only measure that failed to reveal Roosevelt's greater complexity of style was unique words as a percentage of the the total number of words delivered in the addresses. If this measure indeed indicates the vocabulary used, it implies Reagan used just as extensive a vocabulary as Roosevelt (31%), followed closely by Kennedy (29%). The closeness of all the presidents on this dimension seems to

Table 1: Style Results

	FDR	JFK	RWR	T's FDR-JFK	FDR-RWR	JFK-RWR
Readability	13.86	10.39	8.70	5.1*	5.2*	4.3*
Strength	0.00	0.40	0.49	-2.8	-4.7*	-1.7
Jargon	0.00	0.00	0.00	n/a	n/a	n/a
Avg Syllables/Word	1.62	1.58	1.54	0.4	-0.8	0.5
Avg Words/Sentence	22.32	18.78	15.58	3.5	6.6*	3.8
% Unique Words	31.00	29.00	31.00	1.6	1.3	1.6

*$p < 0.5$

Fig. 1: VERBAL COMPLEXITY

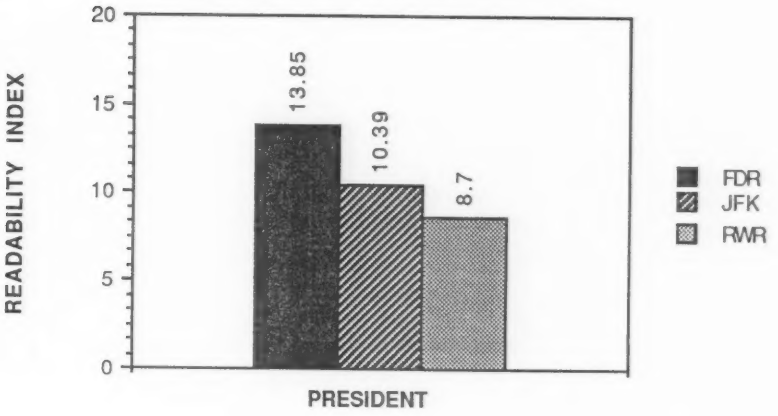
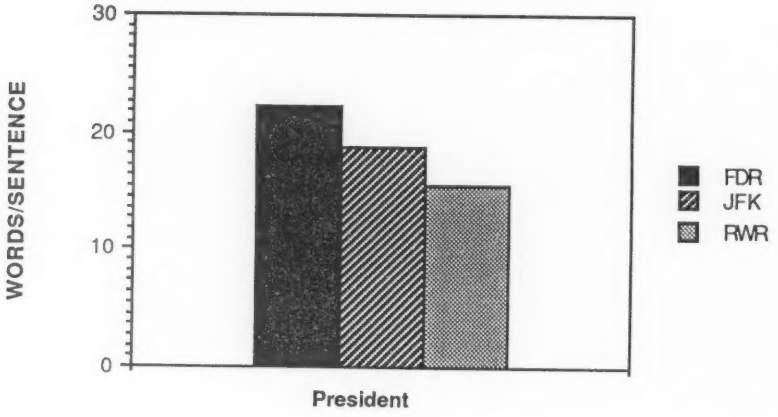


Fig. 2: Number of Words/Sentence



refute our assumption about television simplifying word variety.(see Fig. 3)

Finally, an extensive visual analysis of errors Rightwriter flagged reinforces most of these findings. Rightwriter criticized FDR and JFK's addresses for the use of passive voice and long sentences, much more frequently than Reagan.

Turning to the substantive dimension, here too we find evidence of variation between these political speakers. On our first measure of substance, the degree of issue versus symbolic verbiage, we again see Roosevelt at the highest level, followed by Reagan and Kennedy. Again, however, all of them are different, and significantly so, though the TV-era presidents are closer on this measure (see Table 2, and Fig. 4).

Looking at this measure in a more qualitative light reinforces the impressions from the numerical data counts. The bulk of "symbolic" passages in the texts of these speeches tends to come from the introductory and concluding sections, and are illustrative of the ways these presidents used symbolic speech. Interestingly, these sections seem to be growing longer over time - with Roosevelt's brief salutory introductions and pointed conclusions giving way to Reagan's opening quips and sentimental endings. A brief example of each president's own words gives a better feel for this finding, though these samples are offered merely as illustrations for the reader and are not meant to be comprehensive analyses.

Roosevelt used his introductory and concluding remarks to link his substantive message and programme to the larger socio-political context. For example, in the introduction of his message in 1935, he states

> Throughout the world change is the order of the day. In every nation economic problems, long in the making, have brought crises of many kinds for which the masters of old practice and theory were unprepared. In most nations social justice, no longer a distant ideal, has become a definite goal, and ancient governments are beginning to heed the call.

Likewise, closing his 1938 address, he said:

> Not because of the pledges of party programs alone, not because of the clear policies of the past 6 years, but chiefly because of the need of national unity in ending mistakes of the past and meeting the necessities of today, we must carry on.
> I do not propose to let the people down.
> I am sure the Congress of the United States will not let the people down.

Fig. 3: Percentage of Unique Words

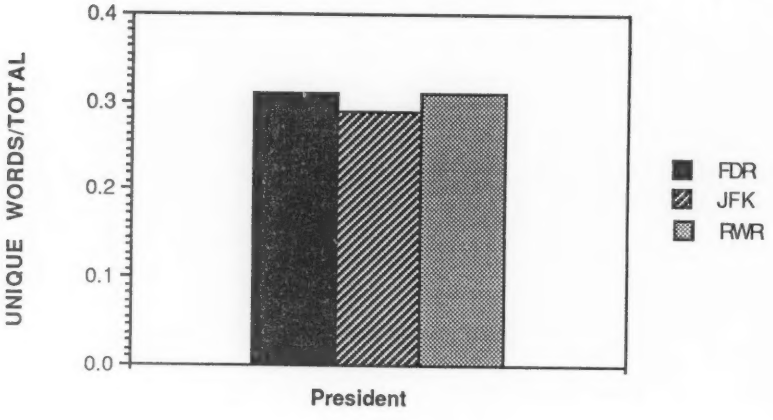
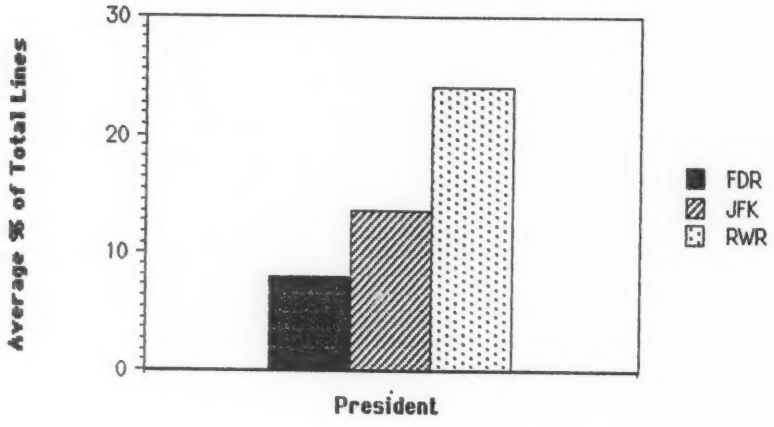


Table 2: Symbolic Talk vs. Issue Talk

				T's		
	FDR	JFK	RWR	FDR-JFK	FDR-RWR	JFK-RWR
% Symbolic Talk	8.0	13.6	24.0	8.8*	-8.4*	-5.4*
% Issue Talk	92.0	86.4	76.0			

*p<0.5

Fig. 4: Symbolic Talk



Kennedy also used these parts to relate to his program, but in more coherent, rhetorically packaged way. Perhaps without the benefit of a national disaster like FDR had, Kennedy painted his era as a time of danger requiring the kind of leadership he could, and would, provide. In the beginning of his 1961 message, soon after assuming office, he emplored:

> I speak today in an hour of national peril and national opportunity. Before my term has ended, we shall have to test anew whether a nation organized and governed such as ours can endure. The outcome is by no means certain. The answers are by no means clear. All of us together--this Administration, this Congress, this nation--must forge those answers.

A year later, he saw progress in meeting these challenges, but (perhaps foreshadowing the various foreign crises that would envelop the rest of his presidency) argued the fight must go on, almost revelling in the hazardous uncertainties of the future:

> A year ago, in assuming the tasks of the Presidency, I said that few generations, in all history, had been granted the role of being the great defender of freedom in its hour of maximum danger. This is our good fortune; and I welcome it now as I did a year ago. For it is the fate of this generation--of you in the Congress and of me as President--to live with a struggle we did not start, in a world we did not make. But the pressures of life are not always distributed by choice. And while no nation has ever faced such a challenge, no nation has ever been so ready to seize the burden and the glory of freedom.

Reagan, for his part, used the beginnings and endings of his addresses to set the mood and tone of the speech as well as providing metaphorical examples of his view of the world.[17] He used these parts of his messages to show Americans just what kind of nation they lived in. In calling on Congress to think of posterity and the commonweal of the noble American masses, Reagan counseled

> if we care what our children and our children's children will say of us, if we want them one day to be thankful for what we did here in these temples of freedom, we will work together to make America better for our having been here-- not just in this year or this decade but in the next century and beyond.

He likewise demonstrated the glory of the United States and its inhabitants time and again in other messages. In 1986, after introducing the Congress and the American people to four of his "real American heroes" (a Reagan trademark used several times in his State of the Union speeches) he concluded by summarizing the meaning of these examples:

> You are heroes of our hearts. We look at you and know it's true -- in this land of dreams fulfilled, where greater dreams may be imagined, nothing is impossible, no victory is beyond our reach, no glory will every be too great.
>
> So now, it's up to us, all of us, to prepare America for that day when our work will pale before the greatness of America's champions in the 21st century. The world's hopes rest with America's future; America's hopes rest with us. So let us go forward to create our world of tomorrow in faith, in unity, and in love.

The results of the analysis on the *way* they dealt with issues reveals a good deal about the nature of these speeches. Overall, these presidents spend the vast majority of their time speaking about these issues in the abstract, rather than concrete realm of policy action. On average, they linked these issue keywords to presidential action only 17% of the time. In addition, all three varied in their degrees of policy substance according to this measure. Roosevelt did so on average 20%, Kennedy 17%, and Reagan, 14% (see Table 3 and Fig. 5). Again, though these differences are not significant, it appears there is a trend toward decreasing policy action versus general or symbolic issue discussions. Still, this finding shows on average these presidents devote about 85% of their words discussing these policies in the abstract, and less time actually proposing policies to deal with them. Thus, these addresses reflect Neustadt's observation of presidential power as chiefly the power to persuade.

DISCUSSION

The style results support our general hypothesis. We expected to find Roosevelt more verbally complex, and he was. However, we see that on some dimensions Kennedy, a "T.V. politician", is more complex and similar in style to Roosevelt than Reagan, the consummate television president. Does this finding reflect the influence of television, or could other things be at work?

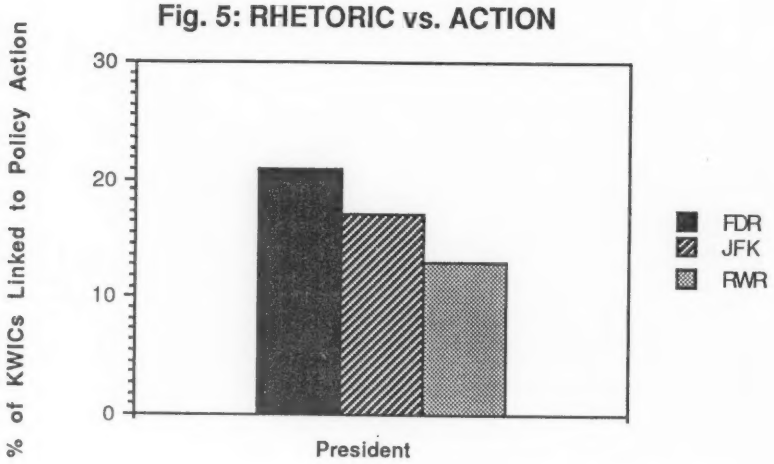
Though it is important to consider many factors, one possible explanation is the personality and background of each president. FDR and JFK were extremely well-educated individuals from wealthy, cosmopolitan families (though Roosevelt

Table 3: Rhetoric vs. Action

	FDR	JFK	RWR	T's FDR-JFK	FDR-RWR	JFK-RWR
%Issues w/Action	20	17	14	0.66	1.3	1.9

*p<0.5

Fig. 5: RHETORIC vs. ACTION



was patrician "old money" and Kennedy, "noveau riche"). Their rhetorical style might thus reflect the complexity of their views and sophistication in their backgrounds. In contrast, Reagan was of working-class background, not as "worldly" or educated. He in fact had a reputation for his relatively unsophisticated views and simple yet effective communication style. Further examinations of other presidents, such as Truman and Eisenhower, with backgrounds more simliar to Reagan's, might be of value.

Reagan also had two advantages over Kennedy in his quest for simplicity. First, due to his acting experience, he understood better than any other president the dynamic elements involved in communicating on television. Secondly, he had the historical advantage of serving at a later date which gave him and his advisors greater awareness, hindsight, and ability in constructing effective messages. Since Kennedy served when television was still in its infancy, he perhaps did not adopt the same approach perfected twenty years later by Reagan.

In the realm of substance it also appears that the medium, and not mere individual presidential preference, may be an influence on the presidential message. There appears to be a downward trend toward substantive issue discussions in these messages even as the ability of presidents to reach more of the public with their words has increased. It is entirely possible, of course, that their own political and other circumstances may account for variations in these areas. For example, Roosevelt, with a crisis atmosphere, landslide victories and wide majorities of his own party in Congress might have been more free to propose ready answers to the nation's problems while the young, inexperienced, and narrowly victorious Kennedy and the anti-government outsider Reagan had less reason to do so.

CONCLUSION

In this work we set out to discover whether there were patterns in the styles and substantive content of speeches made by the three most acclaimed presidential speakers of the modern era as a guide to the criteria of presidential rhetorical leadership. More broadly, we also wanted to find out if there is a relationship between style and substance, and whether the dominant medium of communications available might be an influence on these elements of speech.

To analyze style, we examined the levels of complexity of presidential rheotric of our three subjects, attempting to answer questions about the relationship of verbal style to communications media (namely, TV versus radio), and the personal background and speaking styles of these leaders on their public appearances. We found that all three Presidents did differ in the degrees of

complexity of their addresses. It also appears that the presidency has indeed been changed dramatically be television, as far as public speaking is concerned. However, the personal characteristics, talents and history of presidents may offer alternative explanations for these differences.

Next, we examined these presidents' addresses in terms of the substantive content of their messages. The goals here were to compare speeches in order to determine the degree to which they are used for symbolic, as opposed to issue, appeals, and lastly, whether they represent a means for conveying substantive policies or are instead a forum for silver-tongued rhetoric devoid of real content. We concluded these messages do reveal differences between the presidents in the amount of substantive issue discussions, and found that presidents spend the most time speaking generally about issues rather than creating specific measures to deal with them.

But is there a connection between these two elements? We believe there indeed exists a relationship between style and substance, and see evidence of it in the findings from the two areas of our study. Strong substantive content requires a greater complexity to convey, which results in a weaker ability to convey that message. A strong style results in simplistic delivery, but is achieved largely at the expense of content.

Franklin D. Roosevelt was the most complex of the three in his verbal style, requiring a higher level of understanding to interpret his message. Likewise, to a greater degree than the other two presidents, he spoke about issues over symbols and concerned his addresses with specific policy proposals to deal with those issues he chose to discuss. It appears he not only reassured the nation during tough times but also offered seriously-thought out solutions to the problems the country faced.

Perhaps the use of radio and print as the primary means of getting his messages across to the public was better suited to the kind of public address he utilized. These findings may also reflect the nature of the audience he was addressing (probably more Congress than the public, as was the custom then, before television) and the political environment he worked under, one of elite bargaining. As Kernell has noted, under the era of "institutionalized pluralism", support from elites in Washington was of equal, or even more, importance than the public.[18]

Kennedy, the first full-fledged television president, was less complex in his style than FDR and slightly more than Reagan. He was also less likely to fill his messages with issue as opposed to symbolic language, though more so than Reagan. He also was second in terms of linking his verbal efforts to action. His efforts to be an activist president in the mold of FDR apparently are reflective in his addresses.

Nevertheless, the relative lack of attention to issues in his speeches during the turbulent 1960s and his reluctance to deal with volatile issues such as Civil Rights and Vietnam perhaps reflects an unwillingness to accept the political risks needed to resolve the problems of his day.[19]

Reagan represents the other end of the scale: the strength and effectiveness of his simplistic messages, so appropriate for TV, at the same time forced him to do so at the expense of discussing policy issues during his tenure. His skill as "The Great Communicator" of television may have been due to his ability to capitalize on the emotional qualities of this medium, by using stories of America's past and future greatness, examples of individual heroism, and borrowing stirring lines from other famous Americans. He also talked the least about specific policy proposals, choosing instead to discuss issues more generally. His emphasis on more symbolic issues (like balanced budget amendments, prayer in school, crime, drugs, and morality) show his propensity to deal with politics in a more rhetorical manner. Perhaps his success was due in part to the fact he emphasized different kinds of issues, like religion.[20]

It seems presidents, in their quest for simplicity, and to attract public attention, have increasingly turned more to verbal gimmicks than action. The findings here also fit well with Kernell's models of presidential political environments. The "institutionalized pluralism" of FDR's day apparently allowed for more sophisticated rhetorical appeals based on frank policy discussion. With the coming of "individualized pluralism" of the Reagan years, where "Going Public" is a fundamental presidential strategy, messages need to be shaped for consumption by the general public, not just elites, and so simplicity and saavy are the order of the day. Kennedy, falling between these two presidents both historically and rhetorically, perhaps can be seen as a transition between these two eras.

Areas for future research include increasing the sample of presidents to better see if historical and personality factors are at work here. More speeches could be added to give a more accurate depiction of presidential speaking. In addition, public opinion polls about these issues, and the presidents themselves, might be correlated with the nature of the rhetoric, both complexity and substance.

Also, while we cannot demonstrate conclusively the effect of television and the changing American political culture on the "style vs. substance" question of the presidency without more complete examination, some points seem worth mentioning. Changes in communications technology may not be a causal factor in determining speaking style and substance, but rather they may be causal in a different sense: those who are "good on TV", for example, may "naturally" be adept

in the ways of speaking most suitable to that medium, and this helps politically (perhaps giving them a "reputation", more media exposure, and means to build support and deflect opposition). McLuhan's notion of the differences between "cool" TV and "hot" radio may be overly simplistic and even inaccurate, but clearly it is likely the nature of a communications medium is better suited to different types of speaking, and different types of politicians, than others. George Bush's disjointed speech or Jesse Jackson's ability to rap in catchy sound bites may seem like trivial eccentricities but actually may accentuate their formal political skills. The highly visual aspect of television also adds the element of making the physical setting of a speech act more important than ever before (hence the growing concern over staging, crowd size, camera angles, etc. by the president's advisors). The emphasis on getting "good pictures" may mean that what, and how, words come out of presidents' mouths are less important than how they look while they're doing it.[21]

Finally, some implications of this study. In the fifty years between the presidencies of Franklin Roosevelt and Ronald Reagan, effective presidential communication appears to have become more simplistic and less substantive. Others have noted the changes the mass media spotlight has wrought on political discourse in the United States, and the resulting dire consequences for the American polity. We concur. If Americans are to realistically understand and appreciate the real problems the nation faces, presidents, and those who watch them, must insure issues are discussed frankly and openly, as well as eloquently. As political scientist Thomas E. Cronin wrote:

> The deceit lies in the subordination of policy substance to presidential style. ...A democratic society can be achieved only if Presidents and the public alike are prepared to speak directly and candidly to each other and are equally prepared to criticize and correct the errors made against each other. Basic to these aims in contemporary America is a Presidency that listens and speaks - and can be listened and spoken to - as something substantially more than a cosmetic-laden, public relations agency.[22]

Scholars of presidential rhetoric have warned us of the danger that symbols and slogans may replace intelligent policy discussions. Ultimately, it is the responsibility of the American people, as the spectators of presidential drama, to hold their Chief Executive verbally, as well as politically, accountable.

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9.Roderick Hart, Verbal Style, p. 56.

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11. Jeffery Tulis, The Rhetorical Presidency (Princeton: Princeton U. Press, 1987); Samuel Kernell, Going Public (Washington: CQ Press, 1986), et.al..

12.See Rightwriter Manual, p. 1-3.

13. Classification of "symbolic" and "issue" passages were conducted by mutual independent coding by the authors. A passage was coded as "symbolic" if its primary subject and function was a general discussion of American symbols and values; a personal anectdote or story; a greeting to Congress or the audience; and had no identifiable issue content (like agriculture, economics, welfare, foreign relations, etc.). Obviously, "issues" themselves are in many ways symbolic; the ways in which leaders and other elites construct issues and problems is a very important part of politics, not just political communication (see for example, Murray Edelman, Constructing the Political Spectacle (Chicago: U. Chicago Press, 1988)). Here, however, we are mainly interested in the degree to which these presidents discuss the "hard stuff" of issues as opposed to the "fluff" of political symbols. We attempt to address the question of how presidents deal with these issues below.

14.For further discussion, see Murray Edelman, The Symbolic Uses of Politics (Urbana: U. Illinois Press, 1964); Barbara Hinckley The Symbolic Presidency ; Tulis, op.cit.; et.al.

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17. For additional and more concrete analyses of Reagan's public view of American society and politics, see Paul Erickson, Reagan Speaks (New York: NYU Press, 1985).

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How Adequate are Institutional Definitions of Democracy? Some Reflections Based on the Study of *Demokaraasi* in Senegal.

Fred Schaffer
Department of Political Science
University of California at Berkeley

Prepared for delivery at the 1993 Annual Meeting of the American Political Science Association, The Washington Hilton, September 2-5, 1993. Copyright by the American Political Science Association.

About two years ago I saw a cartoon in the New York Times. It pictured Fidel Castro reading a paper with the bold-print headline "RISING TIDE OF DEMOCRACY." Around his head swam a fish. You see, Castro had been washed under a sea of democracy.

If this image of democratization as a wave were confined to the idiosyncratic imagination of one cartoonist it would not be worth mentioning. But the fact is, this image is a pervasive, albeit unexamined, metaphor used by political scientists to describe many political transformations the world has seen in the past few years. Philippe Schmitter and Terry Karl, for instance, argued recently that:

> The wave of transitions away from autocratic rule that began with Portugal's 'Revolution of the Carnations' in 1974 and seems to have crested with collapse of communist regimes across Eastern Europe in 1989 has produced a welcome convergence towards a common definition of democracy. Everywhere there has been a silent abandonment of dubious adjectives like 'popular,' 'guided,' 'bourgeois,' and 'formal' to modify 'democracy.' At the same time, a remarkable consensus has emerged concerning the minimal conditions that polities must meet in order to merit the prestigious appellation of 'democratic.'[1]

Implied in the wave metaphor, as this quote suggests, is the idea that we are witnessing a homogenization of political values, practices, and institutions as countries of the world come to embrace liberal-democracy. It is this idea I challenge. Specifically, I question the claim that the adoption of institutions normally associated with liberal democracy - multiparty competition, regular free elections, and a constitution that guarantees civil liberties - means that a political system has indeed become democratic. It is imaginable that a country may come to embrace these central institutions of liberal-democracy without the concomitant transformation of political values and practices that would be necessary to give citizens a real say in how public affairs are managed.[2]

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[1] Philippe C. Schmitter and Terry Lynn Karl, "What Democracy Is... and Is Not" Journal of Democracy 2,3 (Summer 1991) p. 75. For other views see also Samuel P. Huntington, "Democracy's Third Wave" Journal of Democracy 2,2 (Spring 1991) pp. 12-34; Danwark A. Rustow, "Transition to Democracy: A Global Revolution?" Foreign Affairs 69,4 (Fall 1990) pp. 75-91.

[2] By "institution" I mean an established law, custom, or organization that patterns behavior. "Practice" is how individuals actually behave within these institutions. "Values" are judgements about the desirability of a state of affairs - in this case about the desirability of the institution of democracy and the practices

Senegal was one of the first countries in Africa to "ride the crest of the democratic wave." At independence Senegal, like most African countries, inherited liberal-democratic institutions from its former colonial masters. Within a relatively short period, however, most countries in Africa, Senegal included, moved away from pluralism towards the concentration of power in the hands of a single party, as jittery leaders attempted to shore up their uncertain power.

In the restoration of multi-party rule, Senegal was an early leader. President Léopold Senghor initiated a process of controlled liberalization in 1974 that culminated eight years later with the legal recognition of all political parties. By many accounts Senegal in 1993 has matured into a full-fledged liberal democracy with its open multiparty political system, regular free elections, and independent press. Richard Sklar calls Senegal "a full fledged liberal democracy" while Robert H. Jackson and Carl G. Rosberg maintain that Senegal is "perhaps the most authentic plural democracy in Africa." Similarly, Robert Fatton Jr. argues that "in five years under the leadership of Presidents Senghor and Diouf, Senegal transformed its authoritarian one-party state into a full-fledged bourgeois liberal democracy."[3]

To determine the extent to which political values and practices in Senegal have indeed come to converge with our own I will explore how the Senegalese have come to understand the concept of *demokaraasi* as it has been integrated into Wolof, the most widely spoken language in the country. A few words need to be said about this approach to studying politics.

Within the discipline of political science, questions about political values and practices have been addressed most commonly through a study of "political culture." The study of political culture, however, has been fraught with methodological difficulties stemming, in large part, from problems of operationalization: all too often political culture has been reduced to an aggregate of

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of those participating in it.

[3] Richard Sklar, "Democracy in Africa" African Studies Review 26,3-4 (Sept-Dec. 1983) p. 19. Robert H. Jackson and Carl G. Rosberg, "Democracy in Tropical Africa: Democracy Versus Autocracy in African Politics" Journal of International Affairs 38,2 (Winter 1985) p. 302. Robert Fatton Jr., The Making of a Liberal Democracy: Senegal's Passive Revolution 1975-1985 (Boulder: Lynne Reinner, 1987) p. 1.

individual psychologies.[4] I have attempted to avoid this pitfall by focusing on objective, shared aspects of political culture, most notably language; for language provides, as Charles Taylor stated, "the intersubjective meanings which are the background to social action... a certain set of common terms of reference."[5]

To put it another way, political practice and language are tightly connected; politics is a human activity that is conducted through language. The practice of democracy is expressed in the language in which it is carried out. Voting, electoral campaigns, competition among political parties could not take place without an appropriate vocabulary. If political practice and language are closely connected, however, there is little reason to assume, a priori, that non-anglophones (such as Wolof speakers in Senegal) should engage in political behaviors whose meaning is provided by the English word "democracy."[6]

Our concept "democracy," then, may not always be translated without modification into other languages. Returning to the case

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[4] This problem can be seen most notably in Gabriel A. Almond and Sidney Verba, The Civic Culture: Political Attitudes and Democracy in Five Nations (Princeton: Princeton University Press, 1963) p. 13. See also Lucien Pye, "Introduction," p. 7; and Sidney Verba, "Conclusion: Comparative Political Culture," pp. 513, 516; in Political Culture and Political Development, edited by Lucien W. Pye and Sydney Verba (Princeton: Princeton University Press, 1965). For a critique of the psychological reductionism contained in these studies see Lowell Dittmer, "Comparative Communist Political Culture" Studies in Comparative Communism 26, 1&2 (Spring-Summer 1983) pp. 9-10; and Lowell Dittmer, "Political Culture and Political Symbolism: Toward a Theoretical Synthesis" World Politics 29,4 (July 1977) pp. 553-557.

[5] Charles Taylor, "Interpretation and the Sciences of Man" Review of Metaphysics 25 (1971) pp. 119-20. See also R. Wuthnow, Bergesen, and Kurzweil, Cultural Analysis: The Work of Peter L. Berger, Mary Douglas, Michel Foucault and Jürgen Habermas (Boston: Routledge & Kegan Paul, 1984) p. 19.

[6] This point is made more generally by Rodney Needham, Belief, Language, and Experience (Oxford: Basil Blackwell, 1972). David D. Laitin, Politics, Language, and Thought: The Somali Experience (Chicago: University of Chicago Press, 1977). Benjamin Lee Whorf, "Language, Mind and Reality" in Language Thought and Reality, edited by John B. Carroll (Cambridge: M.I.T. Press, 1956). Willard V. Quine, "Meaning and Translation" in On Translation, edited by Reuben Brower (Cambridge: Harvard University Press, 1959). Peter Winch, "Understanding a Primitive Society" American Philosophical Quarterly 1 (1964). Hanna Pitkin, Wittgenstein and Justice (Berkeley: University of California Press, 1972) pp. 241-264.

of Senegal, concepts such as "democracy" or "*démocratie*" that developed on European soil have no direct equivalents in Wolof. Post-colonial forms of governance, however, have required of non French-speaking Senegalese a new political vocabulary, created by either projecting traditional Wolof words into the new political context or by borrowing vocabulary from French and Arabic. These projections and loans, however, carry with them meanings embedded in local history and culture (or in the case of French and Arabic loan words, meanings derived from the population's experience of these cultures) and shape local understandings of their own political practices, ideals, and institutions. In this paper I explore how these connections shape the conceptualization of *demokaarasi* in Senegal.

Such a language-based approach is, however, complicated by the tiered linguistic landscape of Senegal. French is the language of officialdom and the acculturated elite. Wolof is the native tongue of almost half of Senegal's population, and the country's lingua franca. To complicate matters more, language choice for the country's bi- and multi-lingual population varies with social and linguistic context.

For these reasons it necessary to isolate and explore political discourse in well-defined settings. Elsewhere I have examined how the Senegalese political elite makes use of the terms *démocratie* and *demokaraasi* in the public discussions and debates that take place in newspapers, conferences, party organs, radio broadcasts, and political meetings.[7] In this paper I propose looking at how another segment of Senegalese society - the non-French speaking majority of the population - makes use of *demokaraasi* in their everyday lives. I will thus present evidence from interviews I conducted with about 200 non-French speaking Wolofones to argue that there is an identifiable "folk" Wolof concept *demokaraasi* that departs in significant ways from our own understanding of democracy.

* * *

It was a hot, dusty September afternoon that I interviewed Modou Ndiaye under the welcome shade of an acacia tree planted near the edge of Thiourour, a village located about 200 kilometers northeast of Dakar, in the northern end of the wide zone known as the peanut basin. It is in this basin, about the size of West Virginia, that the majority of Senegal's rural population lives,

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[7] Fred Schaffer, "Political Discourse in Senegal: From *Démocratie* to *Demokaraasi*." Paper prepared for delivery at the 1993 Annual Meeting of the American Political Science Association, The Washington Hilton, September 2-5, 1993.

cultivating peanuts for sale in the world market, and growing millet and beans for its own consumption.

This northern portion of the peanut basin lies within the Sahel, a transitional band of savanna and sparse woodlands that bridges the Sahara desert to the north, and the more verdant tropical regions to the south. Rainfall in this zone varies greatly from year to year, and Modou remembers vividly the devastating drought that lasted from 1968 to 1974.

Thiourour is a slightly larger-than-average sized Wolof village of about 380 inhabitants. Like most villages of its size, it has no electricity or running water. It consists of 35 compounds built around a central square. Each compound typically contains both cement-brick houses and grass huts, and is separated from other compounds by a millet-stalk fence.

Modou, the eldest son of his now deceased father, is the head of his compound. At 52 years of age, he has already surpassed the average life expectancy for Senegalese men by about six years. He has two wives and ten children. In his compound also live an unmarried younger brother and the wife and children of another brother, Souleymane, who has gone to Dakar to work as a journeyman mason. The family's cash income comes mainly from Souleymane's earnings of about 75,000 cfa per year ($270), and an average of about 85,000 cfa ($310) the family receives each year for its peanut crop.

Modou has no schooling, and speaks only Wolof. He, like almost all the inhabitants of Thiourour, is a member of the Mouride brotherhood, one of Senegal's three major Sufi sects.[8] Modou does not belong to any political party. Nonetheless, like most of the other adults of Thiourour, he voted for the incumbent President Abdou Diouf in the elections of 1988, and has attended a few meetings of the President's party - the *Parti Socialiste* (PS) - in the regional capital of Louga.

I was introduced to Modou by a common acquaintance in the weekly market of a nearby village. I explained to Modou that I was researching politics in Senegal and asked if he would mind meeting with me for a few hours the following day. When I arrived, he was lying on a straw mat in the courtyard of his compound, reciting verses of the Koran he had learned as a child.

We talked about his family history and his village and Modou shared his views of President Diouf and other political leaders. At one point I asked him if he thought there was *demokaraasi* in Senegal, he responded:

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[8] The other main Islamic brotherhoods are the Tidianes and the Quadirs.

> Yes. You cast your ballot for the party you choose. Abdou Diouf said "Here's the Mosque, whoever wants can call people to prayer." That is our *demokaraasi*. That is what brought 17 parties to Senegal.

He then went on to give an example:

> Here, if there are 100 people, 90 of them will share the same opinions. Before long, those who disagree end up joining the majority too. A while ago there were two politicians who were candidates for office. When they came to this village, we got together and asked each other "which candidate do you prefer?" Some chose the first candidate, others the second. When we saw the first candidate had more support, those who had initially chosen the second candidate immediately joined the majority to make things run better. That is our *demokaraasi* here in this village. *Demokaraasi* is important because 'what one person can do, two can do better.' 20 people can do more than 5. That's how it is here in Thiourour. We have several associations. In each one the money is managed by all the members together. We deliberate and make common decisions. *Demokaraasi* means that the group is united in wanting good and refusing bad.

What is puzzling about these statements is how Modou's village example seems to contradict his initial assertion. How could *demokaraasi* mean voting for whom one pleases, yet also require people to change their votes in the interest of group solidarity? Modou presents two ideals we normally juxtapose - individual electoral choice and group conformity - as if one flowed naturally from the other.

Of course it could be that Modou is simply giving voice to tensions already present in the Wolof discourse of the political elite. As I have discussed elsewhere, mosque and muezzin are important images deployed by leaders of the ruling party for educating the unschooled population about *demokaraasi*.[9] This religious metaphor contains explicit ideas of individual choice layered over implicit notions of communality. But the communality embedded in these metaphor is couched in images of common worship. It is a spiritual communality based on the adoration of a single God. What Modou has to say, in contrast, seems flatly secular and utilitarian. Group conformity is important because it "makes things run better." This functionality does not seem to be a mere playing out of religious themes.

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[9] Schaffer, "Political Discourse in Senegal," pp. 30-38.

Indeed it appears that part of the contradiction stems from the fact that Modou is drawing on ideas that do not emanate directly from the Wolof language discourse of the political elite at all. That is, he is regrounding ideas presented in the discourse of the elite in his own experience of village social interaction. Talk of Abdou Diouf and national political parties gives way to discussions of community associations and local electoral politics.

Yet how Modou describes *demokaraasi* in his village and how journalists and political scientists usually characterize local-level electoral politics in Senegal are strikingly dissimilar. Where Modou stresses community-wide solidarity and reconciliation, outside observers highlight the bitterness of struggles waged between competing political factions.

These factions, called *clans* or *tendances*[10] in local parlance, are diffuse groups of people aligned behind a leading notable or family which offers cash or favors in exchange for electoral support. Most *tendances* exist within the ruling party since opposition parties are generally too weak and resource-poor to develop far-reaching patron-client networks. (The only exception is the *Parti Démocratique Sénégalais* (PDS), which appears to be developing factional rivalries, especially in Dakar and a few other urban centers where its support is strong).[11]

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[10] The vocabulary of factional competition has been undergoing a slow evolution in Senegal. Through the 1960s factions were, in French, called *clans*. In the 1970s PS leaders began making modest efforts (that continue to this day) to depersonalize factional competition within the party. Part of this strategy entailed the introduction of new terminology and new distinctions. In PS documents, *clan* has come to refer to a faction organized around personal allegiances while *tendance* describes the ideal intraparty organization, one that coheres around shared ideas and ideology. This distinction has, however, become blurred in everyday talk. It is today common for both Francophones (and some non-French speakers) to refer to personalized factions interchangeably as *clans* or *tendances*. For an example of PS literature see Moustapha Ka, "*Parti Socialiste: la logique des tendances*" and Babacar W. Diom, "*Tendances et clans: politiser et dépersonnaliser*" in *Perspectives Socialistes* 1 (2nd quarter 1986) pp. 10-16.

[11] On factionalism in Senegal see William J. Foltz, "Social Structure and Political Behavior of the Senegalese Elites." In Friends, Followers, and Factions: A Reader in Political Clientelism edited by Steffan W. Schmidt, Laura Guasti, Carl H. Landé, and James C. Scott (Berkeley: University of California Press, 1977) pp. 242-250. Jonathan S. Barker, "Political Factionalism in Senegal" Canadian Journal of African Studies 7,2 (1973) pp. 287-303. Clement Cottingham, "Political Consolidation and Centre-Local Relations in Senegal" Canadian Journal of African Studies 4,1 (Winter 1970) pp.

In Thiourour, partisans of the opposition are few, and villagers are aligned with one of two different *tendances* that operate within the ruling *Parti Socialiste*. The larger of the two supports the chief of the largest village in the local-level administrative zone (called *communauté rurale*) in which Thiourour is located. The other is organized around the chief of another village in the same *communauté rurale*.

People adhere to *tendances* less as a result of ideological or policy commitments than out of a desire to share in the spoils of patronage. Loyalty to traditional family, community, or religious leaders who exercise local political leadership is rewarded with extra income, government employment, privileged treatment by the civil services, and protection against legal sanctions.[12] Local and regional leaders, in turn, compete for party posts, sparking bitter intraparty clan conflicts. The political survival of national leaders depend upon their ability to create a personal power base among these rival clan leaders.[13]

In Thiourour, the fiercest factional competition is for the presidency of the *communauté rurale*. This is an elected position, chosen by the voting-age population of fifty-two villages that make up this administrative zone. Because no opposition candidates have ever run for the this post (most recently the opposition boycotted the 1990 municipal elections), the real competition takes place before election day, during the intraparty process of selecting PS candidates. At times this pre-electoral selection process, and the bitter factional competition to which it gives rise, can turn violent. In 1992 factional conflict within the PS left four dead in the town of Vélingara, and several wounded in the cities of Mbour and Fatick.[14]

101-120. Donal B. Cruise O'Brien, "Clan, Community, Nation: Dimensions of Political Loyalty in Senegal." In The Search for National Integration in Africa edited by David R. Smock and Kwamena Bentsi-Enchill (New York: Free Press, 1976) pp. 255-269.

[12] Edward J. Schumacher, Politics, Bureaucracy and Rural Development in Senegal, (Berkeley and Los Angeles: University of California Press, 1975) p. 28.

[13] Some national leaders have been able to nurture considerable power bases more or less independent of sustained support from the center. As Schumacher noted, "There are cases where over the years certain deputies, often with the aid of powerful marabouts and community influentials, have managed to build virtual political fiefs..." Ibid., p. 41.

[14] *Sud Hebdo*, 21 May 1992 pp. 1 & 3; 18 June 1992 pp. 1 & 3. *Wal Fadjri* 3 July 1992 p. 8.

None of these elements of factionalism, though, entered prominently into Modou's description of *demokaraasi*. He speaks only of village-wide unity and solidarity. It could be that Modou is telling us about the ideal world of *demokaraasi* where there is no rivalry, divisiveness, or competition. Or, it could be that clan rivalry and divisiveness do not figure into *demokaraasi*, or stand outside its conceptual boundaries.

There is some evidence to support this latter position, for in the minds of many uneducated Wolofones, the term *demokaraasi* has come to mean, at times, simply consensus or the achievement of agreement. Consider these statements:

> There is *demokaraasi* in our village because each time we disagree, we straighten things out (*juboo*), we mend things.
>
> - Mouride blacksmith in town of Coki, male, 38 yrs old.

> *Demokaraasi* means ironing out disagreements (*juboo*) between you and those in your community.
>
> -Street vendor in Dakar, Tidiane, Female, 43 yrs old.

> *Demokaraasi* is to agree (*déggoo*), to form 'one.' Even if you are many, to be able to form a bloc and work together. To form one is to support one another, to discuss amongst yourselves. Even if concertation is difficult, you need to do all you can to reach a consensus.
>
> - Catholic unemployed teenager from Dakar, male.

> *Demokaraasi* means agreeing (*déggoo*).
>
> - Unemployed Mouride in town of Touba, male, 23.

> *Demokaraasi* is nothing other than mutual understanding. I argue with him, before leaving this place a third person will reconcile us (*jubalé*). And when we leave, the dispute is finished (*ñuy àndd*).
>
> - Mouride farmer from Mbacké, male, 43 years old.

> There is *demokaraasi* in Senegal because everybody is in agreement (*àndd*), people are content, everybody is talking about unity (*àndd*).
>
> - Chief of village, department of Coki; peanut farmer. Male, 65 years old.

These statements - from a diverse group of informants - share the sense that *demokaraasi* involves agreement. Yet in these statements, and in the Wolof language more generally, speakers distinguish different types of consensus. The following terms in particular are linked tightly to *demokaraasi*:

Déggoo: Formed from the root *dégg* (to understand) plus the suffix *oo* which denotes reciprocity and simultaneity, *déggoo* means "to agree, to reach an understanding." It connotes mutual understanding and absence of antagonism; a natural agreement flowing from intimate understanding of one another.

Juboo: Composed of the root *jub* (to be straight) and the suffix *oo*, *juboo* means "to reconciliate, to agree, to reach an agreement." Unlike the agreement achieved in *déggoo*, the understanding reached in *juboo* presupposes prior disagreement. What is important is the literal "straightening out" of differences.

Maslaa: From the Arabic term *maslahat* ("advantageous affair"), *maslaa* marks the establishment or maintenance of an outward appearance of consensus and civility despite the persistence of real disagreement below.[15] This term signifies a moral stance highly regarded within Wolof culture, where discretion (*sutura*) and honor (*ngor*) coexist as penultimate values.

And: This term means literally "to be or go together" and by extension it also means "to agree." The agreement connoted by *and* is reached in the spirit of solidarity; it entails going along with the majority for the sake of conforming. This type of agreement undergirds the following two Wolof proverbs cited by a peanut farmer to illustrate his understanding of *demokaraasi*:

> The Hyena says: "what everyone says - that is the truth." (*Bukki né ne "lu ñëpp wax mooy dëgg"*).

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[15] On the Arabic origins of *maslaa* see Jacques Mouradian, "*Notes sur quelques emprunts de la langue wolof à l'Arabe*." In *Wolof et Sérère: Etude de phonétique et de grammaire descriptive* edited by Gabriel Manessy and Serge Sauvageot (Dakar: *Université de Dakar, Faculté des Lettres et Sciences Humaines, Publications de la section de langues et littératures*, 1963) p. 86. The creation of a public consensus that hides backstage controversy is also an important feature of political life among the Mende of Sierra Leone. See William P. Murray, "Creating the Appearance of Consensus in Mende Political Discourse." American Anthropologist 92,1 (March 1990) pp. 24-41.

> He who is in conflict with everyone else is the one who is wrong. (*Ku dëngo ak ñëpp ya dënga*).

The kind of agreement associated with *demokaraasi*, then, can take several forms. It may reflect deep mutual understanding; it may be the product of compromise ironed out between hostile camps; it may be a surface veneer that masks hidden discord; or it may arise from a desire to conform to social norms. The quality of the agreement matters less than the fact itself of having achieved some kind of consensus - a consensus that has come to be synonymous with *demokaraasi*.[16]

These connotations of consensus pull the concept *demokaraasi* from its moorings in Western political tradition. It is not that democracy cannot involve deliberation or have a consensual quality. Some critics of contemporary American democracy are attracted precisely to these ideas of consultation, deliberation, and consensus-building, and often incorporate them into models of "participatory," "direct," or "deliberative" democracy.[17] While consensus can be a part of the democratic process, however, few Americans would argue that democracy is, *tout court*, the achievement of agreement, which is exactly at times what the Wolof term *demokaraasi* has come to mean. In other words, shorn from *demokaraasi* are notions of governance that provide the context for

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[16] Understanding that *demokaraasi* may mean agreement, whatever its form, sheds light on otherwise puzzling statements. A Dakar carpenter, for example, explained that:

> There used to be *demokaraasi* here in the days of colonial rule. The *Korité* prayer, for example, only took place once. When someone announced the time of prayer, everyone agreed. If everyone looks for the moon and sees it at the same time, that is *demokaraasi*.

Korité, it should be noted, is the Muslim holy day that marks the end of the fasting period called *Ramadan*. *Ramadan* lasts about one month, covering an entire lunar cycle. Korité begins at the first sight of the new moon. Several times, most notably in 1983 and 1991, leaders of the Mouride and Tidiane brotherhoods have disagreed as to whether the moon had indeed been spotted at the end of *Ramadan*, leading to the celebration of *Korité* on two successive days. One by the Mourides, the other by the Tidianes. For this carpenter, then, agreement among religious leaders typifies *demokaraasi*.

[17] See for example, Jane J. Mansbridge, Beyond Adversary Democracy. (New York: Basic, 1980). Carole Pateman, Participation and Democratic Theory. (Cambridge: Cambridge University Press, 1970). Hanna Pitkin and Sara Shumer, "On Participation." democracy 2,4 (Fall 1982) pp. 43-54.

deliberation and consensus-building in American theories of participatory democracy. Two friends who fight and then reconcile have achieved *demokaraasi*, but not democracy.

Viewed in this light, it appears that electoral competition may simply afford an opportunity for village solidarity to be reaffirmed. Indeed from Modou's perspective, *demokaraasi* was achieved in Thiourour the moment everyone ended up agreeing on a candidate. The act of choosing - for us the key element of democracy in his statement - seems less important. The essence of *demokaraasi* appears to lie in the final consensus achieved, and the social peace it ensured. Through the act of voting the villagers reinforced their ties of solidarity.

It is this community solidarity, and the mutuality and reciprocity that it entails - that seems to lie at the heart of many uneducated Wolofones understanding of *demokaraasi*. Consider the following statement of an elderly farmer from Ngabu, a Wolof village located about one hundred kilometers south of Thiourour:

> When there is work to do we come together to do it. When someone falls ill, we come together to cultivate his field. If something happens to one of us, everybody helps him out financially. When someone is sick, the women go to the well to fetch him water. That is our *demokaraasi* here in Ngabu.

A comment made by a Tidiane farmer from the Saloum region (the southernmost region of Senegal inhabited by the Wolof, some four hundred kilometers south-east of Thiourour) was strikingly similar:

> Our *demokaraasi* is everyone being unified. We do our work together. When it rains we do the same work. If someone is sick and can't cultivate his fields, we all meet to help him. To pay our taxes we all get together to give our money.

Another farmer from Ngabu explained what he thought the term *demokaraasi* meant:

> You are weaving a thatched roof for your hut. Here you can do it all out in the field. You place the frame on the ground, you put it together, you plait the straw. You do everything. But you can't lift it yourself. It is too heavy to pick up. You have to call someone to help you. You call one person, you call another. Together you all lift it up. That is our *demokaraasi*.

City-dwellers express comparable views. A Catholic woman explained to me why she thought *demokaraasi* no longer existed in her Dakar neighborhood:

> In the past everyone was united. It is not like that anymore. In the past, the city was not large; everyone knew each other. After Mass we visited each other, spoke with each other... People used to help each other.

For these people, the ideal of *demokaraasi* seems to involve the recognition of mutual dependence and the consequent importance of sharing responsibility for one another's well-being. What is interesting is how these people, like Modou, have moved outside the realm of electoral politics; all identify *demokaraasi* with a comprehensive form of community solidarity.

Often this solidarity is expressed in the idiom of the family. Many Wolofones say that *demokaraasi* means that everyone "shares the same mother and father" (in Wolof: "*bokk ndey bokk baay*"). The solidarity reflected by this phrase is grounded in the metaphor of the nation as family. This familial solidarity is meant to include all the people of Senegal who are commonly called *doomi reew mi* - literally "the children of the country" - a term which can also mean roughly "patriot" or "citizen." When political speechmakers address a crowd, they often begin by calling the assembled "*mbokk yi*" - literally - the relatives.

This cultural tendency of infusing political authority with parental images is echoed in the Wolof vocabulary of governance. One word for governing is "*boot*," the primary meaning of which is "to carry a child on a mother's back." The term may also mean "to cuddle or comfort," and carries strong connotations of nurturance. Extended to fathers, the term means "to support a family." In the political realm, *boot* means loosely "to govern" and carries the same connotation of parental or familial responsibility. The *njiit* assumes responsibility for the well-being of the *doomi reew mi* in the same way a mother does her child, or a father his family.[18]

Bokk ndey bokk baay, we might say, is roughly equivalent to our idea of "fraternity." Both encompass a range of connotations: tolerance, sharing the same values and goals, bonds of affection, and mutual obligation are among the most significant. What emerges from both metaphors is a picture of the nation as a community of siblings held together by ties of affection, responsibility, and commonly held ideals and purposes. Yet neither expression should be confused with any simple notion of equality, since both refer to feelings that arise out of a common <u>subordination</u> to parents.

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[18] Similarly, the terms *yor* (to carry) and *uuf* (to hold in one's lap) may also mean roughly "to govern," and carry comparable connotations.

The interjection of the kinship metaphor also introduces hierarchy and authority.[19]

Beneath these similarities shared by "fraternity" and *bokk ndey bokk baay*, however, lie important differences. In Senegal almost half of all married Wolof men have more than one wife.[20] Many siblings share the same father, but not the same mother. *Bokk ndey bokk baay* refers to the especially strong ties that the children of the same father and the same mother feel. On this topic it is worth recalling that the meaning of most Wolof terms relating to siblings can be stretched wide. *Mag*, for instance, may refer not only to an older sibling, but also to an older cousin, or any elder whom one wants to address with respect.

The same is true of the indigenized French spoken in Senegal and the rest of Francophone Africa. In these countries *frère* is often a vague term which may, depending on the context, mean either 1) a male sibling who shares the same mother and father, 2) a male sibling who shares either the same mother or father, 3) any male member of the extended family, 4) any male member of the extended family in the same age group, or 5) any male with whom one feels ties of loyalty.[21] The point is that in this jumbled world of sibling terminology, the phrase *bokk ndey bokk baay* is unusually precise and emotionally potent.

The American concept of fraternity, in contrast, invokes a diffuse kind of affection more akin to the Franco-African concept *frère*. Like *frère*, our terms "brother" can be used to address not only male siblings, but friends and sometimes strangers as well, as in the Depression era song: Hey brother, can you spare a dime?

It is also important to note that the Wolof phrase is gender neutral; it does not harbor the masculine or uniquely brotherly overtones of fraternity. Indeed the Wolof language contains no words to translate exactly the concept of fraternity. Nor is there a term that refers to brothers in general. Siblings are classified first by age. One may have an older sibling (*mag*) or younger sibling (*rakk*). The older sibling may be male (*mag bu goor*) or female (*mag bu jigeen*) as can be the younger sibling (*rakk bu goor/rakk bu jigeen*). One word that is sometimes translated to mean

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[19] On American notions of fraternity see Wilson Cary McWilliams, The Idea of Fraternity in America (Berkeley: University of California Press, 1973).

[20] Abdoulaye-Bara Diop, *La famille wolof: tradition et changement* (Paris: Karthala, 1985) p. 185.

[21] *Équipe IFA. Inventaire des particularités lexicales du français en afrique noire* (Paris: *EDICEF*, 1983) pp. 156-7.

"brother" is *càmmiñ*, but the use of this term is restricted to women.[22]

One consequence of this difference is that *bokk ndey bokk baay* is more inclusive than fraternity insofar as it includes siblings of both genders. The Wolof expression, however, reinforces images of inequality in a way that fraternity does not. In Wolof all siblings are classified immediately and automatically as older or younger. Not only is there subordination to parents, but a hierarchy among siblings reigns as well. The solidarity of *demokaraasi*, in short, is one graded by hierarchy.

The relationship of *demokaraasi* to hierarchy is complicated further by the fact that many Wolofones identify *demokaraasi* as containing something roughly equivalent to our notion of equality. People often allude to the type of equality associated with *demokaraasi* by calling up the Wolof term "*yemalé*" - a word that refers to an equality grounded in action; an equality that rests specifically on <u>treating</u> others equally.[23] One community leader in the city of Touba, for example, explained that:

> *Demokaraasi* is this: you put yourself at the same level (*yemalé*) as your peers. You wish for yourself what you wish for others. You wish for others what you wish for yourself.

When comparing *yemalé* with our English concept "equality," we find that equality in a social sense usually refers to a universal, equal status mandated by some abstract principle. Such principles may prescribe a level distribution of wealth (material equality), the uniform application of legal norms (equality before the law), the guarantee of an initial condition of sameness (equal opportunity), or the universal right to elect and be elected to

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[22] The absence of a general term for brotherliness, incidentally, posed problems for Nineteenth century Catholic missionaries trying to generate a suitable Wolof vocabulary for Bible translation. At times it led them to coin less than elegant equivalents like *cofeel ga doomi ndey soppanté* (love that a mother's children feel for each other), *cofeel gu takku* (loyal love), or *déggoo bu mat* (complete understanding). See Le R.P V.-J. Guy-Grand. <u>*Dictionnaire Français-Volof. Précédé d'un Abrégé de la Grammaire Volofe*</u>. *Nouvelle Edition revue par le R.P.O. Abiven* (Dakar: *Mission Catholique*, 1923) p. 267.

[23] We can contrast "*yemalé*" with two other words - "*nawlé*" and "*moroom*" - that also denote equality, but which are not consistently used when talking about *demokaraasi*. *Nawlé* refers to people who share the same caste, and are thus equal in caste-status; while *moroom* refers to someone who is an equal in physical attribute or character.

office (political equality). The Wolof concept, in contrast, denotes an ethic of treating people as equals.

The key word here is "treating." *Yemalé* - and thus also *demokaraasi* - does not mandate that all are equal; hierarchies in age, gender, caste, and religious authority are respected. But it does require that a man treat his wives equally, that an Islamic marabout treat his *taalibés* (religious followers) equally, and that a mother treats her children equally. Consider, for example, this statement made by a religious teacher in the town of Coki:

> There is *demokaraasi* in the household because the father of the family treats everyone equally to maintain peace. If you are polygamous, you have to treat your wives equally in terms of food and clothes. That is what God ordered.

A farmer in Keur Moussa expressed a strikingly similar idea:

> *Demokaraasi* means that when you have two wives you have to do everything possible to avoid arguments in the household. If you have something, you need to distribute it equally.

Or take this assertion made by a farmer from the village of Darou Lo:

> The marabouts here in Senegal makes us live according to Islam, and Islam is *demokaraasi*. That is to say, our marabout Sëriñ Seex Lo gave birth to *demokaraasi* here in Darou Lo. Any villager is as much a child of Sëriñ Seex Lo's as the marabout's natural child. Today we sit on the same bed, we eat the same food, Sëriñ Seex Lo teaches us the same things, we have the same desires; the same things are prohibited to us both. Here, whatever we do, we do it together. Whatever is forbidden, we all forgo it together.

The son of a marabout explained *demokaraasi* in similar terms:

> *Demokaraasi* means *yemalé*. If you have two bowls for two people, if you intend to put food in one, you need to divide it up equally. One should not get more than the other. That shows that *demokaraasi* prevails, because you treated the two people equally. In Wolof we say that "The mother of twins lies on her back."[24] To permit each infant to suckle a breast as it likes, when it likes -that is *demokaraasi*.

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[24] In Wolof: *Ndey ju seex, jaaxaanaay lay tëddee.*

These examples make clear that neither *yemalé* or *demokaraasi* require that an abstract, equal status reigns universally. What these concepts do require is that a caretaker or guardian treat those under his or her care or authority even-handedly, without partiality or favoritism - in spite of hierarchies of age that might exist between wives or siblings.[25]

To uneducated Wolofones, then, *demokaraasi* has come to mean in different contexts agreement, solidarity, reciprocity, mutuality and an ethic of evenhandedness. These meanings, it should be noted, do not emanate wholly from messages disseminated by the political elite. While notions of solidarity are contained in the image of *demokaraasi* as mosque projected by members of the ruling party,[26] unschooled Wolof speakers appear to reroot their understandings of *demokaraasi* in the moral ground of local community life - be it urban neighborhood or rural village. The result is what we might call a "folk" concept of *demokaraasi* that appears to differ in important ways not only from views of *démocratie* or *demokaraasi* generated by the French speaking elite, but also from our own American concept of democracy.

To argue that *demokaraasi* has been shaped in important ways by the material organization of Senegalese local communities is not, however, to endorse a view of crude economic determinism. Ideas are surely not a simple, mechanical expression of economic interests, as Weber would be quick to remind us. Nonetheless, notions of *demokaraasi* held by unschooled Wolofones do appear to be anchored in local social and economic conditions. To better grasp the meaning of *demokaraasi*, then, it may be helpful to examine in more detail the complicated relationship between economic structures and the formation of political ideas.

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[25] It is worthwhile to note that *yemalé* also means to stop at a certain point as in the phrase "We'll stop the discussion at this point" (*Fii lënuy yemalé sunu waxtaan*). The term used in this way applies to the setting of not only temporal, but spatial and moral limits as well. The point is that *yemalé*, in all its uses, carries the connotation of placing constraints that should not be lifted or defining boundaries that should not be trespassed. These boundaries or constraints are at times self-imposed. *Yemalé* can refer to regulating what one says or acting with tact and discretion; thus a Wolofone might say a respectable man should *yemalé* (measure) his words (*Muskàllaf dafa war yemalé i waxam*). At the same time, some constraints are clearly imposed by a higher moral authority, be it husband, father, or marabout - in short by a *kilifa*.

[26] See Schaffer, "Political Discourse in Senegal."

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In exploring the connections between material conditions and political concepts, it may help to step away from Senegal for a moment to examine a case which is closer to home - the complex relationship in the United States of market economy and liberal democracy. While I can here provide only a brief discussion of this subject, it will nevertheless provide a useful benchmark for comparing the Senegalese case.

It is telling that everyday talk of democracy in the United States is peppered with images derived from the marketplace. Students of American politics and citizens alike have come to regard politicians as commodities that are "packaged" and "sold."[27] Pundits and campaign planners speak of "wholesale" and "retail" politics.[28] Pushing this metaphor to its logical conclusion, some see citizens as political consumers, parties as brand-names, and democracy as a national bazaar.

The populism of Ross Perot evinces a slightly different mapping derived not from the market, but from the joint-stock company. "The United States is the largest and most complex business enterprise in the history of mankind...," he writes. "You and I are the shareholders of this country. We own it."[29] By this logic political officials are executive officers hired by citizen-owners, and democracy is a huge shareholder meeting in which the owners assert their control over management. Perot is not unique in this way of thinking. Faculty members at the University of Iowa established a political stock market (sanctioned by the Commodity

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[27] Joe McGinniss, The Selling of the President, 1968 (NY: Trident Press, 1969). Kathleen Hall Jamieson, Packaging the Presidency: A History of Presidential Campaign Advertising (NY: Oxford University Press, 1984). Robert Westbrook, "Politics as Consumption: Managing the Modern American Election." In The Culture of Consumption: Critical Essays in American History, 1880-1980, edited by Richard Wightman Fox and T.J. Jackson Lears (New York: Pantheon) pp. 143-174.

[28] According to one journalist, wholesale politics involves "big-scale, highly structured events scripted to be fitted neatly into a thematic scheme geared toward the national television audience," while in retail politics "the candidate foes out in a less-controlled appearance to meet the public in closer circumstances and by more random chance." Michael Kelly, "Democrat's Road Tour: Selling the Ticket Retail," New York Times, national edition, 7 August 1992, p. A14.

[29] Ross Perot. United We Stand: How We Can Take Back Our Country (New York: Hyperion, 1992) pp. 11, 17.

Futures Trading Commission) which, by August 1992, had attracted 550 investors who paid out $34,000 for Bush, Clinton, and Perot securities.[30]

Of course we use non-economic metaphors too. We sometimes speak of democracy as a dating ritual in which politician-suitors "court" and "woo" potential voters, and, if elected, usually get a "honeymoon period."[31] There is also a great tendency for Americans to speak of politics in terms of sports. Borrowing the language of horse-racing we speak of electoral "races," "running" for office, "running-mates," "front-runners," "shoo-ins" and "dark horse" candidates. Political analysts of the 1988 electoral campaign drew on images from boxing when they referred to each of the debates between vice-presidential candidates Bentson and Quayle as "rounds." They discussed who "won" or "lost" each debate and noted that Bentson delivered a "knockout punch" with his "you're no John Kennedy" quip. We also speak of political "lightweights" and "heavyweights." All this of course, takes place in the political "arena."[32] Democracy in America, it would appear from this set of metaphors, is a spectator sport. Prominent political actors compete as the rest of us watch.

Metaphors grounded in various aspects of our cultural experience, then, pervade our political language and thought. Market and investment metaphors are evidently not unique. Nor does everyone embrace these capitalist analogies unequivocally as positive models for democracy. To speak of political candidates as "products" that are packaged and sold evokes feelings of dissatisfaction and even disgust. The public's reaction to Ross Perot's candidacy is revealing on this count. Our fascination-revulsion with Perot may have something to do with the attractiveness of the stockholder metaphor and the unease its entailments impose. We are lured by the idea of a decisive, energetic CEO-President who can streamline the business of government, yet nagged by the awareness that actions fitting in a business environment may be inappropriate to democratic politics. At least one editorialist had something like this in mind when he wrote:

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[30] New York Times national edition, 19 August 1992, p. A11.

[31] See for example, Safire, New Language of Politics, pp. 280-1. Stephan Labaton, "Bush Courts Small Businesses by Offering Loans." New York Times, national edition, 5 September 1992, p. 7. See also cartoons in San Francisco Chronicle, 22 July 1992, p. A14; San Francisco Sunday Examiner and Chronicle, 25 October 1992, "This World" section.

[32] On sports metaphors in American political language see William Safire, The New Language of Politics: A Dictionary of Catchwords, Slogans & Political Usage (New York: Collier, 1972).

> Perot intuitively grasps an essential part of what the presidency is about. He talks of action, of a desire to get things done, of executive energy.... [However], a political leader in a liberal democracy does not merely act; he must converse. He is not engaged in execution of a project, but in a dialogue with a plurality of interests, voices, and impulses.[33]

Still, these market metaphors hold a strong attraction for some social scientists. Perhaps the earliest was Joseph Schumpeter, who, in his 1942 classic Capitalism, Socialism, and Democracy, conceived of democracy primarily as a market mechanism for the delivery of political goods. By this view, voters are consumers who "spend" their ballots on political entrepreneurs who themselves compete with one another for the largest share of the political market.[34] Social scientists inspired by rational choice theories have since elaborated and adjusted this market model, conceiving of the voter sometimes as consumer, sometimes as investor.[35]

The assumptions that undergird our everyday market understandings of democracy are fleshed out and made explicit in these rational-choice inspired models of democracy. Integral to these models are postulates about human nature derived from the macroeconomic study of market behavior. One fundamental assumption is that the appropriate unit of analysis is the behavior of individuals - what Karl Popper called "methodological individualism."[36] Another fundamental assumption is that these

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[33] The New Republic, 15 June 1992, p. 7. Emphasis in original.

[34] Joseph A. Schumpeter, Capitalism, Socialism, and Democracy 5th ed., (London: George Allen & Unwin, 1976) pp. 269-283.

[35] Among the more important works see Anthony Downs, An Economic Theory of Democracy (New York: Harper, 1957). James M. Buchanan and Gordon Tullock, The Calculus of Consent (Ann Arbor: University of Michigan Press, 1962). William H. Riker and Peter C. Ordeshook, "A Theory of Calculus Voting." American Political Science Review 62 (1968) pp. 25-43. A. Breton, The Economic Theory of Representative Government (Chicago: Aldine-Atherton, 1974). Samuel Popkin, John W. Gorman, Charles Phillips, and Jeffrey A. Smith, "What Have You Done for Me Lately? Toward an Investment Theory of Voting." American Political Science Review 70,3 (September 1976) pp. 779-805. Morris P. Fiorina, "The Voting Decision: Instrumental and Expressive Aspects." Journal of Politics 38 (1976) pp. 390-415.

[36] Popper states that the aim of a social theory based on the postulate of methodological individualism is "to construct and to analyze our sociological models carefully in descriptive or

individuals act in rational ways to maximize their self-interest. In the words of Anthony Downs, an early innovator in the field:

> We assume that every individual, though rational, is also selfish... Throughout our model, we assume that every agent acts in accordance with this view of human nature. Thus whenever we speak of rational behavior, we always mean rational behavior directed primarily towards selfish ends.[37]

To make his point, Downs reproduces approvingly the following statement of John C. Calhoun:

> That constitution of our nature which makes us feel more intensely what affects us directly than what affects us indirectly through others, necessarily leads to conflict between individuals. Each, in consequence, has a greater regard for his own safety or happiness, than for the safety or happiness of others: and, where these come in opposition, is ready to sacrifice the interests of others to his own.[38]

It would appear from these statements that by self-interest Downs means to point to selfishness and egoism.[39] Central to rational-

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nominalist terms, that is to say, in terms of individuals, or their attitudes, expectations, relations, etc...." Karl R. Popper, The Poverty of Historicism (New York: Harper and Row, 1957) p. 157. See also Mark P. Petracca, "The Rational Choice Approach to Politics: A Challenge to Democratic Theory." Review of Politics 53,2 (Spring 1991) pp. 293-4. For a typical affirmation of the principles of methodological individualism in rational choice theories of democracy see Buchanan and Tullock, Calculus of Consent, p. 1. Karl Polanyi (not a rational choice theorist) traces this individualism directly to the historical rise of wage labor: "To separate labor from other activities of life and to subject it to the laws of the market was to annihilate all organic forms of existence and to replace them by a different type of organization, an atomistic and individualistic one." Karl Polanyi, The Great Transformation (Boston, Beacon Press, 1957) p. 163.

[37] Downs, An Economic Theory of Democracy, p. 27.

[38] John C. Calhoun, "Disquisition on Government." In Public Opinion and Propaganda edited by Katz, Cartwright, Eldersveld, and Lee (New York: Dryden) p. 15. Quoted in Downs, An Economic Theory of Democracy, p. 27.

[39] More recent defenders of the rational-choice perspective, prompted by accusations of reductionism, have wished to disavow the equation of rational with egoistic motivations. As one advocate put

choice theories of democracy and the market metaphors upon which they are based, then, are individuals who maximize their self-interest, narrowly construed.

Critics of rational-choice models of democracy often argue that such assumptions ignore an entire range of non-selfish actions such as altruism, benevolence, and public service.[40] Even so, some critics acknowledge that the rational-choice model does accurately describe important features of how our democracy functions. For these critics the problem lies not in the model's lack of descriptive accuracy, but in the subtle transformation from "is" into "ought." Our present democracy may today be grounded in the behavior of self-maximizing individuals, they concede, but it should, and could, be otherwise. C.B. Macpherson, for instance, calls us to a form of participatory democracy, while acknowledging that:

> The substantial accuracy of [the model of democracy based on an entrepreneurial market analogy] as description may be attributed to the substantial accuracy of its

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it: "'Rational' neither implies nor is implied by 'selfish.' Most of the attacks on the rational-choice method seem to me, therefore, to be entirely beside the point." Yet such disclaimers risk making the claim to rationality tautological. The problem is that rational choice theories are plagued by balloon-like notions of rationality and self-interest that are silently inflated (to include concern for the public good, benevolence and altruism) and deflated (to include only selfishness) without the theorist noticing. We might trace the origins of this problem to the "slipperiness" of the utilitarian foundations upon which rational choice theory is built. See Hanna Pitkin, "Slippery Bentham: Some Neglected Cracks in the Foundation of Utilitarianism." Political Theory 18,1 (February 1990) pp. 104-131. The above quote is from Iain McLean, "Rational Choice and Politics." Political Studies 39,3 (September 1991) p. 512. Similar statements can be found in Robert W. Jackman, "Rationality and Political Participation." American Journal of Political Science 37,1 (February 1993) pp. 280-1.

[40] To cite a few: Jane J. Mansbridge, ed. Beyond Self-Interest (Chicago: University of Chicago Press, 1990). Kristen Renwick Monroe, ed. The Economic Approach to Politics: A Reexamination of the Theory of Rational Action (New York: Harper and Row Collins, 1991). Terence Ball, "The Economic Reconstruction of Democratic Discourse." In Transforming Political Discourse: Political Theory and Critical Conceptual History (Oxford: Basil Blackwell, 1988), pp. 122-142. Amartya Sen, "Rational Fools: A Critique of the Behavioral Foundation of Economic Theory." Philosophy and Public Affairs 6 (1977). Karen Schweers Cook and Margaret Levi, eds., The Limits of Rationality (Chicago: University of Chicago Press, 1990). Petracca, "The Rational Choice Approach to Politics."

> assumptions about current Western man and society: as long as we have market man and market society, they can be expected to operate as described in [this model].[41]

Mark Petracca echoes these sentiments by pleading for a "transformation" of *homo economicus* into engaged citizen.

> What stands in the way of this possibility is the liberal individualism of contemporary political theory and practice, exemplified by the theories of rational choice. The assumptions of rational choice theory make it exceedingly difficult to develop a citizenry which thinks as a "we" when the entire project of social science inquiry is predicated on the politics of "I."[42]

Even these critics find something profoundly accurate about the description of democracy in market terms, and the view of citizens as rational calculators of self-interest.

In sum, the ways in which we think about democracy are bound by time and culture, and reflect important aspects of the economic system in which we today participate. The market analogy, and market-derived assumptions upon which it rests, have become central reference points in the debate about the current state of our democracy. Notions of the self-interested individual, democracy as market mechanism, and voter as consumer seem natural and obvious to some, or perverse and mistaken to others, precisely because our society is permeated so thoroughly by the market.

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Let us now return to the African continent. In much of Africa - more to the point in Senegal - a majority of the population relates to the market differently. As a result of this divergence, notions of democracy that seem obvious to us make little sense to many unschooled Senegalese, who, as we have seen, have transformed Western political ideas to fit their own life-experiences.

The spread of market relations - so important in our own understanding of democracy - is noticeably restricted in much of Africa, including Senegal, where full participation in the market economy - with its fluctuating prices, high input costs, uncertain returns, and predatory state interventions - represents heavy risk

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[41] C.B. Macpherson, The Life and Times of Liberal Democracy (New York: Oxford University Press, 1977) p. 83.

[42] Petracca, "The Rational Choice Approach to Politics," pp. 308-311. My emphasis.

to rural cultivators and even to the urban poor.[43] This is not to say that these populations are self-sufficient; participation in the monetary economy provides essential resources to buy rice, tea, sugar, clothing, and household utensils, to pay taxes and school fees, and, for urban dwellers, to meet the costs of rent.[44] What it does mean is that rural and urban dwellers seek ways to cushion themselves from the vagaries of the market. Farmers and traders evade burdensome government controls by participating in informal markets beyond state reach. Farming households diversify their income by sending members of the household (like Souleymane, the younger brother of Modou) to work as wage laborers in the city.[45]

In addition to these market strategies, farmers also balance their crop mix by engaging part-time in safer activities such as subsistence agriculture. When the market for their produce is particularly depressed they may reduce commercial production sharply. One student of Senegalese agriculture describes how rural cultivators reacted to a difficult period of drought made more onerous by increased state demands for rural revenues:

> The peasants responded... by withdrawing from rural development services, intensifying non-compliance with administrative regulations and laws, and shifting peanut cultivation to subsistence farming. Beginning with the severe drought of 1968, government officials reported sharp increases in the production of millet for local consumption in acreage previously devoted to peanuts.[46]

Vulnerable populations also turn to a number of social strategies to assure a measure of economic security not provided by the market. Both rural and urban dwellers try to oblige themselves to a patron in the system of clientelism that permeates

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[43] On state intervention in agricultural markets see Robert H. Bates, Markets and States in Tropical Africa (Berkeley: University of California Press, 1981). Michael F. Lofchie, "Africa's Agrarian Malaise." In African Independence: The First Twenty-Five Years edited by Gwendolen M. Carter and Patrick O'Meara (Bloomington: Indiana University Press) pp. 176-185. It should be noted that where profit incentives are strong, risks few, and government actions negligible or benign, urban and rural capitalism has in Africa expanded. The growth of cocoa farming in Ghana and southern Nigeria in the 19th century is a case in point.

[44] On this point see Nelson Kasfir, "Are African Peasants Self-Sufficient?" Development and Change 17,2 (April 1986) pp. 344-7.

[45] Bates, Markets and States in Tropical Africa, pp. 82-87.

[46] Schumacher, Politics, Bureaucracy, and Rural Development in Senegal, p. 184.

the country's political, economic, and religious institutions. They also turn to networks of kin, friends, and neighbors.

In rural areas this may mean participating in cooperative work-groups (*xamba* or *kompin* in Wolof) that work the fields of local notables in exchange for money or goods - resources that are used to ease the burden of costly ceremonies such as weddings and baptisms. These cooperative groups will also work a member's field if he or she falls ill, or help in arduous tasks such as house-building. As one anthropologist noted, the function of these groups is to "provide mutual aid in labor and economic 'insurance' for their members."[47]

Urbanites have their own cooperative groups. Muslims belong to urban religious associations known as *dahira* which, beyond their narrow religious aims, also collect fees from members which are put aside for the purpose of mutual assistance.[48] Women often belong to neighborhood mutual-aid groups called *mbootaay* which collect contributions from their members to be used on an at-need basis in times of emergency or to organize familial ceremonies.[49] Another type of association known as *mbaxal* collects money from members to finance regular get-togethers.[50] City dwellers also take part in rotating credit associations known as *tontines* which provide each member in turn a sum of money that would ordinarily be beyond his

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[47] David W. Ames, "Wolof Co-operative Work Groups." In Continuity and Change in African Cultures edited by William Bascom and Melville J. Herskovitz (Chicago: University of Chicago Press) pp. 224-237. Quote from page 224. See also L.B. Venema, The Wolof of Saloum: Social Structure and Rural Development in Senegal (Wageningen, The Netherlands: Centre for Agricultural Publishing and Documentation, 1978).

[48] Donal B. Cruise O'Brien, "Charisma Comes to Town: Mouride Urbanization 1946-1986." In Charisma and Brotherhood in African Islam edited by Donal B. Cruise O'Brien and Christian Coulon (Oxford: Clarendon Press, 1988) p. 139. See also Momar Coumba Diop, "*Le phénomène associatif Mouride en ville: expression du dynamisme confrérique.*" *Psychopathologie Africaine* 18,3 (1982) pp. 293-318. Babacar Samb, "*Le role des Associations islamiques dans la regulation politique et sociale en milieu urbain au Sénégal*" *Annales de la faculté des lettres et sciences humaines* 19 (1989) pp. 95-105.

[49] Emmanuel S. Ndione, *Le don et le recours: ressorts de l'économie urbaine* (Dakar: Enda-Editions, 1992) pp. 22 & 30.

[50] Marie-Hélène Sylla, *"L'argent et l'intérêt: tontines et autres pratiques féminines de mobilisation de moyens à Dakar.* Enda-Graf-Argent 11 (August 1987) p. 8.

or her possibilities.[51] *Tontines*, *mbootaay*, *mbaxal*, *dahira* and similar associations do not, however, merely satisfy short-term financial needs.[52] They serve to solidify a wide web of social bonds that may be counted upon in future times of trouble. One researcher with long-experience studying women's associations in Dakar observed:

> What counts is the circulation of money through neighborhoods or social networks under various pretexts: familial ceremonies, gifts, loans, economic activity. This fluidity of money permits the formation of alliances, to multiply one's partners and to diversify sources of income.[53]

Thus even in urban areas, market activity is not the sole means of survival. Indeed unique reliance on individual economic activity may threaten one's welfare:

> ...counting exclusively on individual economic activity leads to a rupture with one's solidarity network, to isolation, to inertia and impasse. In contrast, to multiply one's contacts, by enlarging the social networks in place through continued investment in relationships, constitutes a more sure guarantee of survival in the peri-urban environment.[54]

Putting all one's resources in market activity is risk-laden, it appears, not simply because of fluctuating prices and state interference. Many Senegalese must balance any potential gains from the monetary economy with the risk of loosening or severing the social bonds which form their safety net. That is, it may be hazardous to act in one's narrow self-interest if it means neglecting social obligations to kin, neighbor, and patron.[55]

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[51] Ibid., pp. 1-7.

[52] On other types of women's credit associations see Mottin-Sylla, "*L'argent et l'intérêt.*"

[53] Ndione, *Le don et le recours*, p. 17.

[54] Ndione, *Le don et le recours*, p. 63.

[55] In surveying a wider literature on Africa Lemarchand makes a similar point. See René Lemarchand, "African Peasantries, Reciprocity and the Market." *Cahiers d'Études Africaines* 29,3 (1989) p. 58. My reading of James C. Scott, The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia (New Haven: Yale University Press, 1976) and Goran Hyden, Beyond Ujamaa in Tanzania: Underdevelopment and an Uncaptured Peasantry (Berkeley: University of California Press, 1980) have also

We can begin to see how different these strategies are from the behavior of the self-interested individual so central to our own notions of democracy. In Senegal, individual behavior is embedded deeply within a wider web of social relations. Opportunities and risks associated with actions - economic or otherwise - are seen through the cultural lense of one's relations to kin, friend, neighbor, and patron.

Recall, for a moment, the description that Calhoun offered of the market-defined, self-interested individual:

> "Each... has a greater regard for his own safety or happiness, than for the safety or happiness of others: and, where these come in opposition, is ready to sacrifice the interests of others to his own."

Now contrast the reasons an elderly farmer offered for voting for Abdou Diouf in the 1993 presidential elections even though he was a strong supporter of Diouf's main opponent, Abdoulaye Wade of the PDS:

> I voted for Diouf because of my relatives and the people with whom I live in this village. Before the elections, everyone got together and decided to vote for Diouf. I voted for him out of respect for that decision.

When his interest in seeing Abdoulaye Wade elected and the interest of the community clashed, his own gave way. Motivated by deference to his family and neighbors, he implicitly acknowledges the powerful moral obligations imposed on him by the network of reciprocal social relations to which he belongs.

Another farmer acknowledged these social bonds when discussing the merits of private voting booths:

> Voting in front of people is not good for everyone. When I go to the polling station both my child and my nephew are there. One is member of the PS and the other a member of the PDS. I greet each one, and they each pay their respects to me. I can't then jump up, take my ballot, and support my nephew only to abandon my child. Nor can I get up and support my child only to abandon my nephew. So I go behind the curtain, take my ballot, put it in an envelope, place it in the ballot box, and go on my way; nobody knows for whom I voted. The fact is that family ties are so important to us Wolof that we wouldn't dare offend any of our kin; their anger would wound us.

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influenced this discussion.

He preferred to use voting booths because the discretion they offer minimizes potential conflict and maintains kinship harmony. His familial ties provide the prism through which he comprehends his ballot-casting.

It should, perhaps, be stated explicitly that these webs of reciprocal social relations are incorporated within a broader pattern of moral obligation. These bonds are of course functional insofar as they are essential strands in the community safety net, but they are also objects of respect and consideration. The upkeep of these bonds is a matter of loyalty (*kollëré*), honor (*ngor*) and dignity (*fulla*).[56] These bonds are, in short, embedded in what we might call a "communitarian ethic."

The point of all this is the following: the folk concept of *demokaraasi* by all appearances has been absorbed into this communitarian ethic. That is, understanding *demokaraasi* as reciprocity, concerted action, solidarity, and impartiality seem to emanate from this culture-bound set of norms and values.

As a result, many Senegalese citizens have come to see participation in the electoral process as a form of morally sanctioned social exchange that serves to assure a minimum level of well-being. Sometimes the benefit is immediate and tangible, as when political patrons offer money or food in exchange for votes. Consider how an elderly woman living in the poor Medina neighborhood of Dakar responded when I asked her whether there was *demokaraasi* in Senegal:

> Yes, there is *demokaraasi* here. The Socialist Party chose a local elder to be the delegate for this neighborhood. Everything that he gets from the party, be it rice or sugar, he shares with us. Whenever I have a family occasion he gives me money.

The essence of *demokaraasi* for this woman seems to lie not in choosing her representative to the government - but in the benefits this delegate brings home.

To some, this kind of clientelist transaction may call up images of the machine politics that dominated the cities of post Civil War America, or the clientelism that today defines the electoral systems of Italy, Mexico, and any number of other Asian,

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[56] Boubakar Ly, *L'Honneur et les valeurs morales dans les societés oulouf et toucouleur du Sénégal*. (*Thèse du doctorat du troisième cycle*, University of Paris, 1967) pp. 285-326. Sylla, *Philoaophie morale des Wolof*, pp. 170-182.

African and Latin American countries.[57] In a recent, widely reported case, candidates in Thailand's September 1992 general elections openly bought up votes from rural Thais for 50 baht, or about two dollars, apiece.[58]

But this Senegalese woman's statement is striking because it suggests that vote-buying in Senegal is not seen as an aberration, corruption, or perversion of *demokaraasi*. Whether or not similar beliefs are held in other Third World countries, such is not a common view in the United States. Politicians in the US engage in machine politics for sure, but scarcely anyone would argue that this is the essence or ideal of democracy; it represents, rather, the baser side of our political life - indeed we call it political "corruption," a departure from what is pure and right. For many Senegalese who think like the old woman from Medina, in contrast, the exchange of food for vote between political patron and client is the ideal, the paragon of *demokaraasi*.

If the benefits accrued from participation in the electoral system are sometimes immediate and tangible, at other times they are more diffuse, serving instead to reinforce the bonds of solidarity necessary for collective long-term security. Consider again what Modou had to say:

> A while ago there were two politicians who were candidates for office. When they came to this village, we got together and asked each other "which candidate do you prefer?" Some chose the first candidate, others the second. When we saw the first candidate had more support, those who had initially chosen the second candidate immediately joined the majority to make things run better. That is our *demokaraasi* here in this village.

The essence of *demokaraasi* for Modou appears to lie in the final unanimity achieved, and the social harmony it ensured. Through the act of voting the villagers reinforced their ties of solidarity, and strengthened their safety-net.

At the same time elections endanger *demokaraasi* and the communitarian ethic of which it is part by threatening to splinter community solidarity with the factiousness and divisiveness of clan rivalries. For this reason, some Senegalese prefer not to participate in elections at all. As one farmer explained:

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[57] See for instance, Harold F. Gosnell, Machine Politics: Chicago Model, 2nd edition (Chicago: University of Chicago Press, 1968). Schmidt et al., Friends, Followers, and Factions.

[58] New York Times, September 13, 1992, p. 7.

> I didn't vote for anyone in these past elections because I am a *njiit* in this village. I only watch and observe because I don't want to alienate anyone. Elections cause relations between people to deteriorate. I remain neutral. Everyone likes me and everyone respects me. When I tell people to do something they do it. So I don't side with any political party. I don't want to in conflict with anyone, be it the elders or the young people. Everyone trusts me. The women's association always asks my advice. The youth association too - whenever they have to send a representative somewhere, they delegate that responsibility to me. In our village you can't separate voting from other aspects of life. When there is a baptism you see everyone. If there is any kind of village event everyone participates.

Discord, jealousy, and distrust are all found within urban and rural communities. They can be intense, and as we mentioned earlier, even deadly. Elections, viewed from this perspective, provide the occasion for *demokaraasi* to be either strengthened or subverted by furnishing both an opportunity for solidarity to be reaffirmed and presenting a risk that it will be shattered.

If *demokaraasi* sometimes entails voting and involvement in the electoral process, the idea that individuals have a say in the way that public affairs are governed is often absent. Indeed, *demokaraasi* does not require voting or involvement in the electoral process at all. Any type of aid or solidarity that ensures economic security counts as *demokaraasi*. One farmer explained how bureaucrats employed by parastatal agricultural agencies were at one time the main vehicles of *demokaraasi*:

> Long ago we had *demokaraasi* here in Senegal, and it was useful. We were poor; government agents helped us when the rains were bad. When the seeds were distributed, they gave them to us on credit, to be paid back after the harvest. This form of aid was our *demokaraasi*. But that no longer exists now. They use us then throw us aside in the same way an insect gnaws at a peanut. Us farmers, we want *demokaraasi* because if we can work together, everyone will be happy. If we pull together our desires and thoughts God will help us. You need to come together, be like a bundle of sticks tied together; like this nobody can do anything to you.

And as we saw earlier, any type of village reciprocity - helping the sick or hoisting a roof - also implies the existence of *demokaraasi*. Voting is only one strategy among others for its realization.

Because economic welfare and *demokaraasi* are so closely linked, it may not be coincidental that images of sharing or

portioning food have become important metaphors for *demokaraasi* - be it the mother of twins who lies on her back to allow each infant to suckle, or the host who apportions food equally between two bowls. One Bayfall *taalibé*[59] had these connections in mind when he explained:

> You, me, getting along with one another is all that we want. The person who doesn't want that isn't worthy of being called human. There is no one in Senegal like that. Take you - you're white, we're muslims, but we accept you as one of us. If you had come during lunchtime, we would have eaten together. Yes, we would have shared our bedrooms with you. We wouldn't have given it a second thought. You see, this eating together, this sharing is typically Senegalese. If you arrive somewhere you say "peace unto you," the host replies "come eat." This has always existed here. And it is this that has created *demokaraasi*. Yes, take the beggar - he goes around with his bowl asking for food. Any house he goes to they give him rice. That is pure *demokaraasi*.

Pure *demokaraasi* means giving on demand to someone who has nothing to offer back. It is a willingness to share, even if one gets nothing in return. It is not by chance that the *taalibé* used the idiom of food to convey this idea; for people living precariously close to hunger, sustenance is the bottom line. Food is an important metaphor for *demokaraasi* because an important purpose of *demokaraasi* is to assure material security through mutual community assistance.

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Demokaraasi, it should be noted, has an opposite. Mutual trust betrayed, reciprocal obligations ignored, social bonds abused and *demokaraasi* thwarted are, in Wolof, called *politig*, a term that derives from the French noun "*politique*." How this came to be requires a brief explanation.

Like the French word *politique* the Wolof term can mean many things, depending on the context. Several of its meanings resemble

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[59] The Bayfalls are a sect of the Mouride brotherhood that believe that work in the service of a marabout may substitute for prayer. A *taalibé* is a follower of an Islamic marabout. In this case, the bayfall *taalibé* lives with and works the fields of his marabout.

closely those of its French progenitor.[60] *Politig* for instance, often refers in a general way to the activities of governments, political parties and leaders in much the same way that the French word does. Additionally *politig*, like the French *politique*, can also mean policy. We can, for example, translate both "*la politique agricole*" and "*politigu mbëy*" as "agricultural policy."

Yet Wolof speakers, even those who speak no French, draw a sharp distinction between French and Wolof meanings of *politig*. A farmer living in a village without a single French-speaking resident explained that:

> In French, *politig* means that those in power do all that they can to create good, to bring together intelligent people to lead the country. But in Wolof *politig* is a foul word. We think immediately of deception. If you say something that seems false, we say that you are trying "to *politig* us." *Politig* is to lie, to trick.

A non-Francophone farmer from a different village expressed similar ideas:

> *Politig*, in French, means to build the country. *Politig* in Wolof is different. I go to a tailor. Instead of sewing my shirt with tight, solid stitches, he does shoddy, careless, *politig* work; work that should have been done well, but is done poorly, intentionally so.

Where Wolofones attribute to the "French meaning" of *politig* a range of positive connotations, the "Wolof meaning" is strongly pejorative, denoting a variety of dishonest or deceitful behaviors.

Many Senegalese associate this Wolof meaning of *politig* with the self-serving lies politicians have the habit of telling in search of votes and support. A tailor offered the following allegory about politicians:

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[60] The French term "*politique*," can be used in a variety of contexts. It can be used as a feminine noun "*la politique*" as well as a masculine noun "*le politique*." In its feminine form, we can distinguish at least two different usages. It can be used to mean "line of conduct" or "policy" as in the phrases "*la politique coloniale*" (colonial policy) or "*la politique de gauche*" (left wing policies). In other contexts it carries the connotation of involvement in public life as a career or activist. Thus we might translate the French "*faire de la politique*" to mean "to be a political activist" or "to be in politics (as a career)." We can also identify two different usages of the masculine form of the term - "*le politique*." It can refer to a person involved in "*la politique*" as a career (a politician). It can also mean "politics, the political side of things."

> I will explain to you what *politig* is: when their car breaks down they call you, ask you to push it, and promise you a ride in return. When it starts, they wave goodbye and drive away. You are left standing in the road.

The reference is to how politicians make false pledges when asking for votes, with no intention of giving anything in return to their electors. They manipulate voters' expectation of reciprocity and solidarity for their own egoistic advantage. Central to *politig* is this underhanded exploitation.

Members of the Senegalese political elite are well aware of these pejorative meanings of *politig*. Several intellectual and politicians I interviewed thought its origins dated to the late 1940s or the early 1950s, when the French colonial administration extended suffrage to all adult Senegalese. It was a time when politicians began campaigning for the first time in rural areas, and made wild promises to peasants unlearned in the workings of the new electoral system. Evidence shows that *politig* was indeed used in its pejorative sense at that time. In a 1950 party journal one political commentator discussed the unique meaning of *politig*, or as he spelled it, *poleutique*:

> In Wolof, the word "*politique*" does not have an equivalent. The corresponding word is "*poleutique*," a term which does not find its origins in any African dialect, and is in fact derived from the French word. This word "*poleutique*" has, and can only have, a pejorative meaning. It signifies wiliness and insincerity; a game dominated by guile, a game in which the most cunning dupes the most foolish; a game one needs to know how to escape. The Wolof has a good laugh when one tries to make him understand that *politique* is a social service destined to guarantee the primacy of the general interest, to ameliorate the material conditions of the masses, to transform the face of the country. He has only seen men that today find black what yesterday they presented as white; men who, if the occasion arose, would tell you without batting an eyelid that nobody is infallible, and continue, in spite of this, to fatten himself on the stupidity of his neighbor. All this, in time, had conferred great credibility on the bamboozlers and professional hoodwinkers who know how to bellow in front of crowds and shed tears out of pure "*poleutique*."[61]

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[61] Amadou Abdoulaye, "*Politique ou poleutique*." Condition Humaine, 28 March 1950, p. 1.

Yet references to a particularly Wolof understanding of *politig* date back much farther. In 1914 a Mulatto merchant named Louis Pellegrin, a candidate in the legislative elections of that year, wrote:

> In 1896 I returned to the colony I had left when I was four years old..... I noticed at once that our old colony was still in its childhood and that the *politique* that was applied to it seemed to be purely administrative. To give you an idea of the impression held by the native-born of the old *politique*, consult with me the Wolof language. The word "*politique*," taken from French means in Wolof: circumlocution, lies, falsehoods."[62]

At this time electoral competition was restricted to Europeans, Mulattos, and a limited number of African living in the four communes (the cities of Dakar, Gorée, St. Louis and Rufisque). In 1914 a total of 4,863 people voted, and only a fraction of them were Africans. The process of electing leaders, then, engaged only a tiny number of urban Africans. The vast majority of urban and rural Senegalese - that is to say the mass of Wolof speakers - were excluded. Thus the *politig* known to most Wolof speakers at this time was likely to be closer to what we would call "policy" than to "electoral politics." It appears to have been the policies of colonial administrators, rather than the practices of indigenous political candidates and elected officials, that were pocked with lies, deceit, and circumlocution.[63]

Wherever its origins lie, what is interesting about this Wolof word *politig* is how it has been extended today to a wide range of

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[62] *Profession de foi de M. Louis Pellegrin, commerçant* à *Louga*. 26 April 1914 Legislative elections. *Archives Natonales du Sénégal*. 20G-21.

[63] Pellegrin seems to confirm the preponderance of policy in the turn-of-the-century colony when he writes that the *politique* that had been applied was "purely administrative." Yet Pellegrin's assessment may have been self-serving. As a candidate for elected office, it was, if nothing else, expedient for him to reproach appointed colonial administrators. Certainly there was plenty of deception in the turn-of-the-century Senegalese electoral competition. The 1908 legislative elections, for example, were annulled, in part, because one of the French candidates made the fraudulent promise to his African electorate that he would rescind all house taxes when elected mayor; something only the governor had the authority to do. See G. Wesley Johnson, Jr., The Emergence of Black Politics in Senegal: The Struggle for Power in the Four Communes, 1900-1920 (Stanford: Stanford University Press, 1971) pp. 117 & 121. François Zuccarelli, *La vie politique sénégalaise (1789-1940)* (Paris: CHEAM, 1987).

contexts. Indeed Wolofones use *politig* pejoratively in situations that we would not consider to be political at all. As we saw above, a tailor can do "*politig* work." Or consider an artisan who tries to pass off as gold a ring made of brass. In Wolof the ring would be called a "*politig* ring." In this context *politig* means fake or phoney. A Dakar jeweller explained:

> The way I see it, *politig* means hidden lies. If I take a ring, and I want to use it to *politig* you, I will tell you that the ring is gold while it is really brass. That ring, you can sell it for 5000 cfa, even though it sells for only 10 cfa in the market. In our eyes that is *politig*.

The use of *politig* here places the emphasis on the injurious intentions of the seller who has broken the bonds of trust with his client. "To *politig*" is to abuse the confidence someone has placed in you. It refers to any act the purpose of which is duplicity and betrayal.[64]

All this suggests that how Wolofones distinguish what "is *politig*" from what is "not *politig*" looks very different from how we distinguish what counts as politics from what does not. The boundaries that divide "the political" from "the nonpolitical" for us anglophones cannot be transposed easily onto the Wolof conceptual map.

Part of the difficulty lies in the fact that our notion of the political is closely connected to the public/private distinction so important to liberalism, a set of beliefs that arose in the 17th and 18th centuries as a growing, economically autonomous bourgeoisie demanded political rights from the crown to protect its newly accumulated property and the free market relations by which its new wealth was acquired.[65] The challenge of liberalism was to justify the carving out a space protected against the intrusion of the state. As the doctrine took form, the distinction between public and private became central. At the heart of this distinction is the idea that the individual has natural rights (such as a natural right to property) which exist independently of government, and which ought to be protected against government. Liberal

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[64] Contrary to popular opinion in Senegal, the Wolof term *politig* is not unique in meaning any kind of exploitative lie or trick. In the africanized French of Zaire and Camaroun "*la politique*" can also refer to any kind of lie or deception. In Rwanda "*les politiques*" has come to mean gossip or false rumors. See *Équipe IFA, Inventaire des particularités lexicales du français en afrique noire*, p. 299.

[65] Barrington Moore, Jr., Social Origins of Dictatorship and Democracy (Boston: Beacon, 1966) pp. 413-432.

political thinkers thus conceived of two realms - the private realm of individual freedom secured by each individual's natural rights; and the sphere of public action in which individuals interact (consent, vote, make social contracts) with other individuals as political equals. In this set of distinctions, both democracy and politics belong to the public realm.[66]

Concern about drawing a sharp public/private distinction is less accentuated in Senegal, where the impulse to acquire wealth privately and individually is balanced, as we have seen, by a need to develop and sustain a wide network of kin and friends. Webs of interdependence blur the boundaries surrounding private and public. More salient is the distinction between actions that undermine solidarity (and by extension collective security) versus those that promote it. *Politig* belongs to the former category, and *demokaraasi* the latter. A farmer summed up the situation well:

> For us Wolof, *politig* is a vile word because it means to fool, to exploit, to betray. But *demokaraasi* is a good thing. It strengthens the country. It is something that can lift a person up, support him. If we are together today and you do not treat me with fairness (*yemalé*), in the future if you call me I will refuse to come to your aid. If I hoard my peanuts and you hoard your peanuts, and you try to steal from me and I try to steal from you, we will end up with nothing, or worse. If we put our peanuts together we will have a great pile, enough for all. That is the difference between *demokaraasi* and *politig*.

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[66] It should be noted that liberalism has been criticized for linking the political so tightly with the public. Those concerned with gender equality, for instance, point out that what goes on in the private, personal realm is also political. To these critics, what is essential is not the division between the (public) state and the (private) economy, but between that which is hidden and domestic and that which is public and political. They argue that liberalism hides the fact that the two spheres are intimately connected. Liberal principles cannot simply be extended to women, these critics maintain, because their full and equal membership is impossible without changes in the domestic sphere. They thus argue that the patriarchal basis of liberalism must be addressed in its own right. See Carole Pateman, "Feminist Critiques of the Public/Private Dichotomy." In Feminism and Equality edited by Anne Phillips (Oxford: Basil Blackwell, 1987) pp. 103-26. See also Anne Phillips, Engendering Democracy (University Park, PA: Pennsylvania State University Press, 1991) pp. 92-119.

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The realization that *demokaraasi* (and *politig*) mean something quite distinct from their English-language rough equivalents suggests an interesting dilemma for those of us interested in the serious comparative study of democracy. The dilemma is similar to that confronted by the careful translator. Take, for example, difficulties inherent in translating our concept "argument." Argument, in the English language, is constructed metaphorically as a kind of battle. As two linguists wrote in a recent book:

> It is important to note that we don't just talk about arguments in terms of war. We can actually win or lose arguments. We see the person we are arguing with as an opponent. We attack his positions and we defend our own. We gain and lose ground. We plan and use strategies. If we find a position indefensible, we can abandon it and take a new line of attack.[67]

Now these linguists invite us to:

> Try to imagine a culture where arguments are not viewed in terms of war, where no one wins or loses, where there is no sense of attacking and defending, gaining or losing ground. Imagine a culture where an argument is viewed as a dance, the participants are seen as performers, and the goal is to perform in a balanced and aesthetically pleasing way. In such a culture, people would view arguments differently, experience them differently, carry them out differently, and talk about them differently. But *we* would probably not view them as arguing at all: they would simply be doing something different. It would seem strange even to call what they are doing 'arguing.'[68]

It would indeed seem strange to call what these hypothetical people are doing "arguing." And I am suggesting that it would seem strange to call the practice that most Senegalese are engaging in "democracy." The crux of the matter is this: the adoption of institutions we normally associate with democracy - legislatures, a plurality of political parties, free elections and the like - does not mean that people understand or make use of these institutions in ways that we would consider democratic. Many Senegalese are engaged in a different game, with rules of their own making.

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[67] George Lakoff and Mark Johnson, Metaphors We Live By (Chicago: University of Chicago Press, 1990) p. 4.

[68] Ibid., pp. 4-5.

The concept *demokaraasi* may involve the casting of ballots; in that way it bears a close resemblance to our concept of democracy. But *demokaraasi* also consists of several loosely connected ideals that pull this concept away from its American cousin. Notions of reciprocity, consensus, solidarity, and an ethic of treating people evenhandedly make *demokaraasi* a concept that stands first and foremost for economic security and social harmony. Its opposites are disruption, discord, exploitation, egotism, and greed - in short, *politig*. Democracy, in contrast, embodies above all else notions of self-rule, of people ruling themselves or at a minimum having a real say in how they are ruled; its opposites are authoritarianism and oppression. If democracy sometimes requires public demonstration to ensure that "the people's voice to be heard," those who hold *demokaraasi* as an ideal abhor fractious protest. If democracy requires an open and non-corrupt political system in which political goods are distributed under some system of impartiality, *demokaraasi* means providing goods to clients and supporters. If democracy implies that citizens make up their own minds on public issues, *demokaraasi* requires following the lead of higher moral authorities. If democracy is about governance and public life, *demokaraasi* is about collective survival and the material well-being of the community.

These differences point to important implications for how we understand what we call "political behavior" in Senegal. Practices that may seem to us undemocratic (e.g. buying votes) or simply not relevant to democracy (giving alms to a beggar or hoisting a roof) are constitutive of *demokaraasi*.

If we take these insights seriously then we cannot assume that a tide of "democracy" has washed over the globe, as many scholars seem to believe. Strictly speaking, no Wolofones discuss the merits of their "democracy;" there are no popular cries for "democracy" in China; and no intellectuals in the Czech Republic calling for a quickened pace of "democratic" change. Wolofone citizens of Senegal participate in *demokaraasi*, Chinese students demonstrated for *minzhu*, and Vaclav Havel is attempting to institute *lidovlada*. Accordingly, the image of democracy as a levelling wave would best be left to the cartoonist.

Liberal notions of democracy, then, may not always be easily transplanted. Local communities assimilate Western ideals selectively and transform them to fit their own life-conditions. Equating *minzhu*, *lidovlada*, or *demokaraasi* with democracy is problematic because the cultural premises that infuse our own practices and institutions may not be universal. We thus need to make explicit the presuppositions of our own behavior as well as those of the Chinese, Czechs, and Senegalese.

Political Discourse in Senegal: From *Démocratie* to *Demokaraasi*

Fred Schaffer
Department of Political Science
University of California at Berkeley

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This paper examines how Western political ideals have been integrated into the political culture of Senegal, a country which boasts one of Africa's oldest multiparty political systems. It focuses specifically on problems that arise when political leaders attempt to translate French ideas into Wolof, the dominant indigenous language of the country. French concepts such as *démocratie* or *politique* that developed on European soil have no direct equivalents in Wolof. Yet post-colonial forms of governance have required political leaders to develop a new political vocabulary, created by either projecting traditional Wolof words into the new political context, or by borrowing vocabulary from French and Arabic. These projections and loans, however, carry with them meanings embedded in local history and culture - meanings that shape the population's understanding of its own political practices, ideals, and institutions.[1] This paper explores how these hidden connections have distorted the intended messages of political leaders, and have had the unintended consequence of creating a Wolof hybrid concept - *demokaraasi*.

The linguistic landscape of Senegal, like that of many post-colonial countries, is tiered. French is the language of officialdom and the acculturated elite. Wolof is the native tongue of almost half of Senegal's population, and the country's lingua franca. And still another five major languages are spoken. This multiplicity of languages complicates an analysis of political concepts in Senegal. Different language groups have different political vocabularies. Political ideas garnered through the medium of French may thus differ in important ways from those uncovered in Wolof, Serer, Diola, or Pulaar.

To complicate matters more, language choice for the country's bi- and multi-lingual population varies with social and linguistic context. Take the case of one typical Serer family living in Dakar. Linguists found that while the parents speak Serer to one another and to their pre-school aged children, the father addresses the older children in French. Amongst themselves, the children use

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[1] Examples of this phenomenon in other African languages are found in Pierre Alexandre "Some Linguistic Problems of Nation Building in Negro Africa" in Language Problems of Developing Nations edited by J. Fishman, C. Ferguson, and J. Das Gupta (New York: John Wiley, 1968). Henry L. Bretton, "Political Science, Language, and Politics" in Language and Politics (The Hague: Mouton, 1976) William M. O'Barr & Jean F. O'Barr. Wilfred H. Whiteley, "Political Concepts and Connotations: Observations on the Use of some Political Terms in Swahili" in African Affairs 1 edited by Kenneth Kirkwood (Carbondale, Ill.: Southern Illinois Press, 1961).

Wolof.[2] Other researchers have noted that school children speak French in the classroom, but Wolof in the school yard.[3] Legislators who speak French on the floor of the National Assembly or in meetings with fellow deputies may well switch to Wolof when conversing with their peers in less formal settings or when addressing their constituents. Doctors working with bilingual psychiatric patients at Dakar's Fann Hospital observed that language use varied with emotional state. A patient, for instance, who normally spoke Wolof with his family switched to French following each psychotic break.[4] Language choice, in short, varies with the formality of the social setting, relations of power, and even state-of-mind.

A study of Wolof political concepts thus faces numerous difficulties, not the least of which is the fact that a large number of Wolof political terms are of French origin. Unfortunately, we don't know the particular conditions under which many of these terms entered the Wolof language. Wolof is primarily a spoken language, and apart from a few dozen lexicons and dictionaries written by explorers, traders, Catholic missionaries, and colonial administrators in the 18th, 19th and early 20th centuries, there is scant written record of how the language adapted to the arrival of the French.

One of the few attempts to study these early written sources was carried out by Pierre Dumont, who analyzed the French loan words contained in a 1902 Wolof-French dictionary. He identified 142 loan words, many of which belonged to specialized domains like seafaring or Christianity. None, however, related to politics.[5]

Yet by the early twentieth century, a number of Africans had become participants in French-style politics. As part of a broader policy of assimilation, the French had extended citizenship rights to a substantial number of Africans living in the coastal towns. By the early 1900s these new voters were sufficiently numerous that politicians courted their votes aggressively.

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[2] Christine de Heredia-Deprez. "*Des enfants et des langues dans les villes.*" Réalités africaines et langues Française 21 (June 1987) pp. 41-59.

[3] Martine Dreyfus. "*Enfants et pluralinguisme.*" Réalités africaines et langues Française 21 (June 1987) pp. 23-40.

[4] M. Dorès and M. Mbodj. "*Bilinguisme et Psychopathologie.*" Psychopathologie Africaine 8,3 (1972) pp. 425-441.

[5] Pierre Dumont, Les Emprunts du Wolof au Français (Dakar: *Centre de Linguistique Appliquée*, 1973) pp. 87-94.

One advantage enjoyed by African candidates over their French competitors was that they could address African audiences in Wolof. During the 1914 elections many rallies for the African candidate Blaise Diagne were held at least partially in Wolof. Diagne himself spoke both Wolof and French while his lieutenant Galandou Diouf pleased the crowd with his eloquent Wolof oratory.[6] Yet Diouf's Wolof was not pure. An observer at one rally in April 1914, for example, noted that a number of French words peppered his speeches, among them: *vote*, *droits*, *liberté*, *commandant*, and *commis*.[7] Whether Diouf's non-French speaking audiences understood these terms is uncertain. We do know, however, that at least one French word was well-integrated into Wolof at this time - *politique*. Indeed Wolof speakers identified an understanding of *politig* that was uniquely Wolof: it meant simply to lie or deceive. As one Wolof-speaking candidate in the 1914 elections wrote at the time, "the word '*politique*' taken from French means in Wolof: circumlocution, lies, falsehoods."[8] I could, however, find no conclusive proof that the term *démocratie* had entered Wolof discourse by the early twentieth century even if the French word *démocratie* was used widely in debates on colonial policy at this time.

The French origins of the Wolof term *demokaraasi* - whatever the historical details - presents a set of puzzling questions: Where, exactly, should we draw the borders between the "Wolof" concept of *demokaraasi* and the "French" concept of *démocratie*? Is it enough to say that the word, uttered in a Wolof sentence, is *demokaraasi* while spoken in a French sentence is *démocratie*? Does meaning change when the word is transferred from French to Wolof?

The notion that there is a uniquely Wolof concept of *demokaraasi* would today be questioned by many Senegalese intellectuals. In conversation, several academicians expressed to me their open skepticism that the uneducated majority of Senegalese had any coherent understanding of the concept at all. This concern is hardly frivolous, given the high rates of illiteracy and almost total absence of broad-based civic education. Indeed while most Wolof speakers I interviewed - even those in the remotest villages - were at least vaguely familiar with the term *demokaraasi*, I did encounter individuals who did not have a clear notion as to what the word might actually mean. One old woman, for instance, told me with some exasperation: *demokaraasi*... I don't know what it is exactly, it's just some word I hear a lot on the radio." Other intellectuals doubted whether there was anything unique in how the

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[6] *L'AOF*, 21 March 1914, p. 1; 9 May 1914, p. 1.

[7] *L'AOF*, 21 April 1914, p. 3.

[8] *Profession de foi de M. Louis Pellegrin, commerçant à Louga.* 26 April 1914 Legislative elections. *Archives Natonales du Sénégal.* 20G-21.

Wolof understand *demokaraasi* - even taking issue with calling this a Wolof term at all. For them, there is no Wolof concept *demokaraasi*, only the French term *démocratie* spoken with a Wolof accent. That is, the words differ in pronunciation, not meaning.

The cumulative weight of these considerations - the existence of different language groups, variance of language use by context, and fuzzy boundaries between French and Wolof - make it necessary to isolate and explore political discourse in well-defined settings. In this paper I propose looking at how one segment of Senegalese society - the political elite - makes use of the terms *démocratie* and *demokaraasi* in the public discussions and debates that take place in newspapers, conferences, party organs, radio broadcasts, and political meetings.

Because the term "political elite" is used widely yet inconsistently in social science literature, a few words of explanation are in order to clarify what it will mean in this study. By political elite, I mean those people who either exercise important governmental functions: top civil servants, government ministers, members of the national assembly; or who contribute actively to national political debate and policy formation: journalists, high-level educators, and leaders of opposition parties, civic associations, and labor unions.[9]

This paper will explore how the members of the French-speaking political elite in Senegal speak of *démocratie*, what channels they use to disseminate their views to the wider population, and how the meanings of this concept shift when political leaders are compelled to develop a new vocabulary and set of metaphors to convey messages to the non-francophone population. The aim is to see how and where French discourse on *démocratie* shades into Wolof discourse on *demokaraasi*.

1. *Démocratie*: French language debates

The return to multiparty politics in Senegal after 1974 ushered in a new era of political debate. Previously illegal and semi-clandestine political groups engaged in open political activity. They challenged the political status quo and sought to alter the very rules of political competition, which they perceived

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[9] For a more detailed sociological description of Senegal's political elite see Gilles Blanchet, *Elites et Changements en Afrique et au Sénégal* (Paris: Orstom, 1983). I exclude from my definition of political elite the leaders of the Senegal's Muslim brotherhoods who, although they exert strong pressures on government officials and party leaders, rarely engage openly in public political debates beyond making vague calls for national unity and peace. For a different view see Christian Coulon, "Political Elites in Senegal." Mawazo 2,3 (June 1970) pp. 9-22.

to be skewed in favor of the ruling party. These challenges persist to this day, and the rules of the new political game have not yet been fixed. The constitution has been revised seven times since 1974, and the electoral code more than fifteen, most recently in 1992. For this reason, the various factions of Senegal's political elite today see the country's *démocratie* as open-ended and still emerging.

Some members of the political elite conceive of this emergence in biological or developmental terms. A recurrent theme in speeches of President Abdou Diouf over the years, for instance, is how Senegalese *démocratie* is either youthfully adolescent or maturely adult, depending on his political needs of the moment. Thus when Diouf assumed power in 1981, and lifted restrictions placed by the former President Léopold Senghor on the number of parties that could legally be created, he declared that "having achieved the age of adulthood, with the 21st anniversary of our independence, our democratic system has to refine, reform, and improve itself."[10] Yet when Diouf wished, four years later, to justify the slowness of democratic reform, he portrayed Senegalese *démocratie* - and African *démocratie* in general - as having reached only the youthful age of adolescence, and therefore bearing the limitations and promises of its age. In his own words:

> African *démocratie* is a young *démocratie*. It thus has the weaknesses of its youth. But it also has energy, enthusiasm, faith, without which nothing durable or grand could be built.[11]

While opposition leaders do not usually speak in these biological terms, certain parties have, nonetheless implicitly adopted this metaphor. The *Convention des Démocrates et Patriotes* (CDP), for instance, adopted the Wolof name "*Garab gi*" or "medicine." This party, created by the historian Iba Der Thiam in June 1992, proposed to cure Senegalese *démocratie* of its ills. *Démocratie*, in this metaphoric scheme, is a natural body that not only ages and matures, but also succumbs to sickness or recovers good health.

Other Senegalese intellectuals see *démocratie* in engineering terms, as something to be erected or constructed. Ousmane Tanor Dieng, the President's *Directeur de Cabinet*, wrote an article in homage to the "architects of our *démocratie*" who laid "the cornerstones of the democratic model that we want to build and to

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[10] Abdou Diouf, Message to the Nation, April 3, 1981. Reprinted in *Abdou Diouf, allocations et discours* edited by Jacques Mariel Nzouankeu (Dakar: *Revue des Institutions Politiques et Administratives du Sénégal*, nd) pp. 82-86.

[11] Quoted in *Le Soleil*, 2 July 1985, p. 3.

perpetuate."[12] Some independent observers believe the opposition - in particular the strong *Parti Démocratique Sénégalais* (PDS) - wants simply to tear down the *démocratie* built by the ruling *Parti Socialiste*. Members of the PDS, in contrast, see their role in a more positive light:

> The kind of *démocratie* that we have and want to build has never, anywhere in the world, issued from an "experiment" conducted by one man for the benefit of the people. Everywhere it has been a laborious undertaking - constraining, often bitter and sad - but always exalting the different components of an active nation.... But this *démocratie* will work because it rests on solid institutions....[13]

Certain opposition figures place less stress on the construction of a new edifice than on maintaining the one already built. Madior Diouf, the Secretary-General of the *Rassemblement National Démocratique* (RND) campaigned in 1993 as the presidential candidate who would clean up the sullied building of *démocratie*, a promise that did not go unnoticed by cartoonists who unfailingly portrayed him with broom in hand during the campaign period.

Engineering and maintenance metaphors of *démocratie* are in tension with those that depict an aging natural body. Envisioning the political actor as architect, engineer, or custodian implies that political society is created and sustained by human artifice, while the image of an aging organic body underscores the naturalness of the *Senegalese* political community. Furthermore, if images of architect or engineer imply that Senegalese *démocratie* needs to be redrawn or rebuilt, images of biological development or building maintenance underscore the need to ensure continuity. Thus images of biology, engineering, and housekeeping contain tensions - tensions inherent in politics and attempts to change the political world: political society is natural and artificial; it is subject to continuity and change. Yet despite these tensions, these metaphors share the sense that Senegalese *démocratie* is unfolding, in progress, in the process of becoming. The debate is over the future, about how to move Senegalese *démocratie* forward on its developmental path, how to cure its ills, how to strengthen and build on its foundations, how to clean up the refuse that sullies it.

In more concrete terms, debates about Senegalese *démocratie* stem from disagreements over whether political competition has been fair, and whether elections have been transparent. Virtually every

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[12] Ousmane Tanor Dieng, "Volonté démocratique." *L'Unité pour le socialisme*, August 1991, p. 3.

[13] *Sopi*, April 5 1991, p. 5.

election since the return to multiparty rule in 1974 has taken place amidst opposition accusations of fraud and unfairness. Nonetheless, the opposition appears committed to what we might call the democratic game. Indeed the recent defeat of ruling parties in other African countries has provided strong proof to the Senegalese opposition that a more robust multiparty *démocratie* is possible in Senegal, but that it requires a legal framework that can guarantee fair competition.

Because the very rules of the political game are in contention, debates about Senegalese *démocratie* have been heated. Leaders of each party have their own ideas about the steps needed to secure it foundations, restore it to health, or scrub it clean. The specifics of the debate have, nonetheless, shifted with time. From 1974 - the year that President Senghor initiated the return to multiparty politics - to his resignation in 1981, debate over Senegalese *démocratie* centered around Senghor's controlled liberalization of the political system. At the heart of this scheme was a revised constitution that provided for three political parties representing three constitutionally defined ideological positions. The governing *Union Progressiste Sénégalais* (UPS) - the forerunner of the *Parti Socialiste* - specified itself as "socialist and democratic" leaving a position open to its right for a "liberal and democratic" party and one to its left for a "Marxist-Leninist or Communist" party. In 1978 a constitutional amendment created a "conservative" slot, bringing the total of recognized parties in this system of limited multi-party rule to four. These openings were filled by well established Senegalese politicians heading parties that were already (somewhat clandestinely) organized.

During this period, the debate about *démocratie* was dominated by opposition figures who headed parties denied legal recognition by the new constitution. They argued that restricting electoral competition to parties that reflect only a narrow range of political opinions - defined by the President no less - placed artificial and arbitrary limits on Senegalese *démocratie*. Babacar Niang, at the time a leader of the RND, called the new constitution "quasi-monarchical"[14] while Mamadou Dia, a former President imprisoned by Senghor in 1962 and future founder of the *Mouvement Démocratique Populaire* (MDP), wrote that:

> The constitutional reforms of 1976-1979 pretend to open an era of *démocratie*: in reality they have the effect of confining and walling in *démocratie*.... The law on the ideological traditions and the organization of parties has instituted a limited pluralism (3 then 4 parties) permitting the government to choose <u>its opposition</u>, to remove from public life those associations that are most

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[14] Babacar Niang, "*Quelle démocratie pour le Sénégal?*" <u>Taxaw</u> (April 1977) p. 9.

> representative of public opinion. It arbitrarily freezes in place the political structures of Senegalese society without prior public consultation.[15]

The unrecognized political organizations thus saw the reforms as despotic measures manufactured to divide the opposition, marginalize the most significant forces for political change, and arrest the development of *démocratie*.

President Senghor defended himself vigorously against these accusations. To him, there was no contradiction between selective legalization and *démocratie*. Indeed some restrictions on political activity was essential to assure the balanced growth of *démocratie*.[16] As one of his defenders explained a few years after the President left office:

> The very principle of limiting the number of political parties is compatible with the exigencies of *démocratie*, because the proliferation of parties could, under certain circumstances, engender anarchy and lead to dictatorship. Furthermore, limited multipartyism constituted at the time an undeniable progress of *démocratie* in an Africa that seemed devoted to single party regimes. It had, in addition, the advantages of forcing the political class to propose clear programs, and of blocking the formation of parties based on narrow group interests or parties that pursued only narrow electoralist ends. Furthermore, once one accepts the principle of limited multipartyism, the Senegalese technique of limitation based on ideological traditions presents itself as the least unjust solution, and the one which is most likely to guarantee true political pluralism.[17]

Unlimited pluralism, then, risked chaos. The steady progress of *démocratie* required the channeling and restriction of political activity.

The PDS, seeking to preserve its privileged position as the leading legalized opposition party, approved of the limitations placed by Senghor on the number of officially recognized political parties. As an editorialist for the PDS journal Le Démocrate wrote:

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[15] Mamadou Dia, "*L'État et la démocratie*." Andë Sopi (September 1979) p. 8. Emphasis in original.

[16] Léopold Sédar Senghor, *Léopold Sédar Senghor: La Poésie de l'Action. Conversations avec Mohamed Aziza* (Paris: Stock, 1980) p. 226.

[17] Jacques Mariel Nzouankeu, *Les partis politiques sénégalais* (Dakar: *Éditions Clairafrique*, 1984) p. 33.

> It is entirely normal that political life be regulated because, as we have always maintained, multipartyism should not be a savage pluralism where each citizen hears the voices like Joan of Arc or de Gaulle, and creates his own party. Even in competitive sports, not everyone who wishes to be a participant can become one, otherwise this would result in anarchy and there would be no game. That is to say that certain restrictions are desirable, even if we can argue about the acceptable number of political parties.[18]

While the PDS supported limited pluralism, it disputed the highhanded manner in which Senghor designated the parties to be legalized. The PDS believed that such a decision should be made not by the whim of the President, but by public referendum.[19]

The debate of the late 1970s, then, was dominated by the question of whether the exclusion of various political organizations from electoral competition expanded *démocratie* by staving off dictatorship and forcing the legalized political parties to represent a wider general interest, or constricted *démocratie* by arbitrarily denying recognition of parties that represented views of large segments of society. In 1981 the terms of the debate shifted dramatically. Senghor resigned, passing the presidency to his groomed successor, Abdou Diouf. Diouf, upon assuming office, opened up political competition by amending the constitution to provide for the legal recognition of all political groups regardless of ideology. By January 1982 Senegal counted 14 opposition parties. Elections were held in 1983; Diouf and his party won overwhelmingly, albeit under charges of fraud and irregularity by opposition leaders.

After the 1983 elections, any doubts that the PDS was the dominant opposition party were put to rest. The PDS presidential candidate Abdoulaye Wade received eight times the vote of the other three opposition candidates combined. It was clear that the PDS was singular in its organizational vigor and ability to present a real challenge to the ruling party. Because of this strength the PDS played a leading role in defining the debate on the future of Senegalese *démocratie* through the 1980s. It disputed the legality

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[18] "*Réglementation politique et identification des courants de pensée.*" Le Démocrate, April 1976. Quoted in Christine Desouches, Le Parti Démocratique Sénégalais (Paris: Berger-Levrault, 1983) p. 63. Translation appears in Robert Fatton Jr., The Making of Liberal Democacy in Senegal: Senegal's Passive Revolution, 1975-1985 (Boulder: Lynne Riernner) p. 9.

[19] Desouches, p. 63; Fatton, p. 9.

of an arguably biased and flawed electoral system persuasively, and requested reforms that appeared on the whole quite reasonable.

Among the more important reforms sought by the PDS were a series of measures intended to make electoral fraud more difficult: an independent electoral commission to take the place of the Ministry of the Interior in handling the administration of elections; publication of returns for each polling station (rather than for the whole department) to make verification of the results possible; the right of parties to name representatives to each polling station; and a requirement that all electors show identification before being allowed to vote. In addition, the PDS pushed to extend voting rights to citizens between the ages of 18 and 21, and to those living abroad. The PDS believed it had strong support among both groups, and that these citizens had been excluded to guarantee the electoral advantage of the ruling party. Another reform called for by the PDS was equal access to the state media. In the 1983 elections, PS legislative candidates received as much air-time as all the opposition candidates combined. The PDS has also pressed for the right to form coalitions between parties that wish to present a common list of candidates. Laws prohibiting such coalitions, it argued, prevented the opposition from presented a serious, unified challenge on election day. The PDS also called for a return to secret voting. After 1976 the use of private voting booths became optional, allowing the PS to apply coercive pressure on voters.[20]

By presenting a seemingly fair and reasonable reform project, the PDS compelled the leaders of the PS to articulate a defense of the electoral system put in place by Senghor and Diouf. This defense addressed the PDS' claims point by point. PS leaders argued, for instance, that the prohibition of coalitions served to prevent any "instability" and "insecurity" that might result from a shaky governing coalition. As for the optional use of voting booths - this practice ensured each voter's liberty of free expression and, moreover, conformed to traditional practices of public voting. They also contended that requiring voters to produce identification would lower voter turn out and waste time at the polling stations. To the ruling party, in short, the electoral code was eminently fair and democratic.[21]

The dispute between the PS and opposition reached a climax in 1988. In presidential elections held in February, Abdou Diouf was declared a winner, despite widespread allegations of fraud and

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[20] *Parti Démocratique Sénégalais,* Propositions pour un code électoral démocratique (Dakar: March 31, 1986).

[21] *Parti Socialiste du Sénégal. École du Parti,* Le Code électoral sénégalais: une oeuvre pour la démocratie (Dakar: December 1987).

irregularity. Opposition parties banded together to contest the results and urban rioting broke out. The government responded by jailing several opposition leaders and declaring a state of emergency that lasted for months.

These events forced the President to reappraise the electoral code. He eventually concluded that future social peace hinged upon consensually achieved reform. Thus in 1991 he announced the creation of a commission to draft a new code. The commission, composed of representatives of each party and a magistrate, negotiated and approved a new code within a year. This code integrated many of the reforms put forward by the PDS and other opposition parties, including restoration of the obligatory use of voting booths, required presentation of voter identification, lowering the voting age to eighteen, and legalization of party coalitions. Most importantly, the new code gave each political party the right to supervise, monitor, and participate at various stages of the electoral process.[22]

The February 21, 1993 presidential election was the first to take place after the promulgation of the new code. Almost 1.5 million voters went to the polls to choose among eight presidential candidates. The leading contenders were the incumbent Abdou Diouf, and Abdoulaye Wade, Diouf's longtime adversary. With the exception of a few violent incidents in the Casamance, election day was calm. Announcement of the results, however, was delayed due to sharp disagreements which developed among members of the National Tabulation Commission (NTC) - a body composed of representatives of each candidate and a magistrate from the Court of Appeals. Representatives of opposition party candidates called for the annulment of results issuing from several of Senegal's thirty-one departments,[23] alleging fraudulent use of special voting "ordinances" by PS supporters. After two weeks of deadlock, the NTC passed its responsibilities on to the Constitutional Council, the final arbiter of electoral disputes. On March 13th, the Council declared Abdou Diouf the winner with 58 percent of the vote; Abdoulaye Wade came in second with 32 percent. Many supporters of Wade and other opposition candidates - concentrated in Senegal's largest urban areas of Dakar and Pikine - contested the validity of these figures, and acted out their frustration in the days that

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[22] *Loi n° 92-16 du 7 février portant code électoral (partie législative)* and *Décret n° 92-267 du 15 février 1992 (partie réglementaire)*.

[23] Senegal is divided administratively into ten regions. Each region is composed of three departments. Thus there are thirty departments in Senegal. For the purposes of these elections, the Commune of St. Louis was separated from the department of Dagana and designated as a "fictive department," bringing the total number of departments to thirty-one.

followed with acts of violent protest and vandalism. To the dismay of Abdou Diouf, the new code failed to restore the confidence of many disaffected urban dwellers in the integrity of the electoral process.

Another major initiative undertaken by Abdou Diouf in response to the crisis of 1988 was the inclusion of two opposition parties - the PDS and the *Parti de l'Indépendence du Travail* (PIT) - in a government coalition. During its short life span (May 1991 to October 1992) participating parties lauded this coalition as a breakthrough for Senegalese *démocratie*.

Among excluded opposition parties and independent-minded intellectuals, however, this development caused apprehension. They feared that it threatened to diminish the role of the electorate in public life by transforming elections into simple gauges of party strength to be used by leaders in backroom negotiations over power and privilege.

Through the 1980s and into the early 1990s, then, the major debates concerning *démocratie* centered on the scale of electoral fraud, reform of electoral rules, and the impact of governance by coalition. To the opposition the overarching issue has been the unfairness of an electoral system created and operated by the ruling party. To them, the only real proof of electoral fairness would be the removal of the ruling party through the ballot box. The definitive prerequisite of movement towards true *démocratie* would thus be party turnover, or as it has come to be called in Senegal "*alternance*." In speaking about the "defects of Senegalese *démocratie*," Abdoulaye Bathily, the Secretary-General of the *Ligue Démocratique-Mouvement pour le Parti du Travail* (LD/MPT) said recently that:

> The institutions, as they are now, exclude all possibility of political *alternance*. The same party is in power since independence. As long as we don't have free and transparent elections... Senegalese *démocratie* will remain an illusion.[24]

One leader of the PDS put it more succinctly: "Without democratic *alternance* there is no *démocratie*."[25] *Démocratie*, for the opposition, requires not only free elections, but ultimately *alternance*.

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[24] Interview with Abdoulaye Bathily by François Kpatindé. Jeune Afrique, 30 July - 5 August 1992, p. 23.

[25] Fara Ndiaye, radio and television broadcast, 1983 electoral campaign. February 1983.

It follows that members of the opposition and other critics of the government view Senegal as a *démocratie* laggard that was surpassed in 1991 by such African countries as Cape Verde, Benin, and Zambia; each of which saw electoral victories by the opposition. The experience of these countries is, as one journalist put it, "the most explosive proof that *alternance* is not a utopian dream in Africa."[26] If *alternance* is the measure of *démocratie*, then Senegal is clearly not a front-runner. As one Senegalese commentator remarked, "African countries until now reputed to be backward are providing superb lessons, threatening to relegate Senegal to the last rank of idlers."[27] To certain critics, Senegal not only lags behind its African neighbors, but has regressed vis à vis its own past democratic achievements. Abdoulaye Wade, for instance, wrote in 1986 that:

> Contrary to other African countries, Senegal has practiced multiparty rule and liberty of press for over a century and a half.... that is why the present situation, for the Senegalese people, constitutes a movement backwards in relation to its own democratic traditions.[28]

Whether the reference point is its own historical performance or the accomplishments of other African countries, to would-be reformers, Senegalese *démocratie* is in a dark state of stagnation or regression.

The ruling party, not surprisingly, sees the situation in rosier hues. To it, Senegalese *démocratie* is a path-breaking achievement which might serve as a model to be emulated by other African countries. One PS journalist, for instance, wrote that the introduction of multiparty rule in 1974 "is today an uncircumventable historical reference point on the continental atlas."[29] Other PS leaders have called Senegalese *démocratie* a

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[26] Sada Traoré, "*Le Cap-Vert fait le leçon à Sunugal.*" Le Cafard Libéré, 16 January 1991, p. 3.

[27] Abdou Sow, "*Aveu.*" Wal Fadjri, 29 March 1991, p. 3. See also Le Témoin, 14 May 1991, p. 1; Sopi, 29 March 1991, p. 6.

[28] *Parti Démocratique Sénégalais,* Sénégal: La Fraude électorale insitutionalisée (Dakar: March 31 1986). See also Abdoulaye Wade, "*Quel Avenir pour le Sénégal? La réponse du PDS.*" Discours D'Ouverture, Convention Nationale, Dakar 15-17 January, 1987, p. 14.

[29] Dilé Guèye, "*Démocratie: Baromètre en hausse.*" L'Unité pour le socialisme, March 1991, p. 5.

"beacon" and a "unique experiment"[30] that has permitted the country "to have played, from the point of view of *démocratie*, a pioneering role."[31] One PS cadre went so far as to write that Senegal today serves as the shining example of *démocratie*, "a role formerly filled by Athens and Greece where *démocratie* was born."[32]

To make such claims, of course, leaders of the PS have had to delimit carefully what they mean by *démocratie*. One thing it seems not to entail is routine *alternance*. Or, in the opaque wording of one PS leader: "*alternance* must not come to signify automaticity."[33] Yet in a country that has never seen party turnover, the distinction between periodic *alternance* and the principle of *alternance* is deprived of practical significance. By attacking automaticity, the PS is maligning *alternance* as a mechanism of democratic governance. The idea of *démocratie* propagated by PS intellectuals has thus come to represent a form of truncated multipartyism in which party leaders are allowed to trumpet their programs and agendas, but not displace the ruling party. This understanding is not, it should be noted, static. PS leaders have deftly adjusted it to meet changing needs. During the duration of the PS-PDS-PIT union these same leaders argued that there are means other than *alternance* to provide political parties access to political power - namely by integrating them into a government coalition. It was above all else for this achievement that they felt justified in calling Senegalese *démocratie* an exemplary, albeit unfinished model.

All this should make clearer how current debates about the meaning of *démocratie* are grounded in political struggles between a hegemonic single party seeking to legitimize its long-standing rule and an opposition striving to discredit it. It should also elucidate how different factions of the political elite can agree that Senegalese *démocratie* is "under construction," so to speak, yet disagree so sharply about how to proceed: while opposition leaders see the pressing necessity of fairer electoral competition and *alternance* as means to renovate a shaky edifice, PS officials have proposed governance by coalition as one way to build on the already solid foundations of *démocratie*.

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[30] Aminata Maiga Ka, "*Pays-Phare*." Ndab Li, April 1991, p. 1.

[31] Mame Ongué Ndiaye, "*Etre Logiques*." L'Unité pour le socialisme, March 1991, p. 5.

[32] Al Hassane Touré, "*L'Elargissment de la majorité presidentielle: l'exemplarité d'un choix*." L'Unité pour le socialisme, April 1991, p. 2.

[33] Statement made by Famara Ibrihima Sagna. Quoted in Le Démocrate, July 1985, p. 3.

2. Channels of Dissemination

Debates over *alternance*, multipartyism, and governance by coalition are shaped primarily by party leaders, government officials, and influential intellectuals who are for the most part university educated. The factions of the Senegalese elite have much at stake in how the broader population comes to understand *démocratie*. It would be hard for the incumbent party to justify its continued rule should the electorate come to embrace *alternance* as a central component of *démocratie*. On the other hand, opposition parties have a compelling interest in broadening the people's understanding of *démocratie* beyond notions of truncated multipartyism. For this reason, political parties expend great amounts of energy disseminating their particular views of *démocratie*. To gauge how effective these efforts are, it is important to examine how exactly ideas of *démocratie* get disseminated to the wider population. What are the channels of diffusion? Who do they reach? In this section we will examine four important channels: the education system, the print and electronic media, and political rallies.

A. <u>The Education System</u>

The formal public education system provides the state with an important potential medium for familiarizing future voters with political ideas and concepts such as *démocratie*. It also affords the ruling party an opportunity to propagate ideas of *démocratie* advantageous to its interests.

Political education in the Senegalese school system takes place principally in civic education classes. The law mandates that primary schools offer civics classes to children roughly aged nine to eleven.[34] At this level, students get exposed to concepts such as "nation" and "state," and learn basic information about the constitution, different branches of government, and international organizations such as the United Nations and the Red Cross.[35]

Children who advance to secondary school receive instruction that is both broader and more detailed. This instruction takes place during the first "cycle" of secondary school, designed for adolescents usually aged between thirteen and sixteen. This first cycle is divided into four levels - the sixth, fifth, fourth, and third, for students aged thirteen, fourteen, fifteen, and sixteen respectively.

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[34] Children spend two years at each of the *Cour Elementaire* (CE) and *Cour Moyen* (CM) levels. Most students in the CE level are nine to ten years of age; most students in the CM level eleven to twelve.

[35] *Décret n° 79-1165 du 20 décembre 1979 portant organisation de l'Enseignement élémentaire.*

At these levels, teachers generally use civics textbooks prepared by the Ministry of Education. The topic of *démocratie* is treated only in the fourth level textbook, which contrasts democratic regimes with monocratic ones, and explains in some detail the operation of Senegal's electoral system as of 1980, the date the book was published.[36] Since the electoral code and constitution have been modified several times since then, the discussion of the Senegalese political system is in many respects outdated. Schoolteachers sometimes improvise and supplement this book with their own knowledge and materials. The quality and content of instruction is thus uneven.

How many children are exposed to civics education, whatever its content? Although primary school education is compulsory, most children do not attend classes. Less than half of all 7 year-olds have enrolled annually in educational institutions in recent years.[37] The children that do enroll come overwhelmingly from urban areas. In 1988 over 90 percent of 7 to 12 year-old urbanites attended school, against only 34 percent from rural areas, where the majority of the country's population lives.[38]

Enrollment rates in secondary schools drop steeply. Only 30 percent of 13 year-olds are enrolled in any given year; for 15 year-olds it is a mere 2 percent.[39] These depressed rates explain the overall low number of Senegalese who have a post-primary school education - less than 500,000 in 1988, more than half of whom live in the region of Dakar, and 85 percent of whom live in urban areas.[40] As a percentage of the total adult population, my best estimate is that only about 9 percent of the country's 2.8 million

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[36] Iba Der Thiam, Eliane Pflieger, and Ibou Faye, *L'Education civique. Classe de 4e* (Dakar: *Les Nouvelles Éditions Africaines*, 1980).

[37] UNESCO. Section of Statistics on Education. Division of Statistics. Sixth Conference of Ministers of Education and Those Responsible for Economic Planning in African Member States held at Dakar, 9-11 July 1991. Development of Education in Africa: A Statistical Review (Paris: 1991) p. 23. Statistics are for 1980, 1985, and 1987.

[38] *Tableau de bord*, p. 3.

[39] UNESCO, Development of Education in Africa, p. 23.

[40] *Republiqe du Sénégal. Ministère de L'Economie et des Finances. Direction de la Statistique. Bureau Informatique. Recensement general de la population et de l'habitat, mai-juin 1988: Resultats definitifs*. Dakar: 1990. Table 4.04.

population aged twenty or older has above a primary school education.[41]

These figures suggest that those citizens who received an education about *démocratie* in secondary school civics classes are few and concentrated in Dakar and a few other urban centers. Civics education, then, is not only of varying quality and content, but also available to only a few Senegalese.

B. The Print Media

The vying factions of the political elite have at their disposal today other channels to disseminate their particular views of *démocratie*. The French-language print media affords one of them. The *Parti Socialiste* publishes an array of monthly, bimonthly and quarterly organs and journals in which articles on *démocratie* appear regularly.[42] Also included in this list must be the state-owned daily newspaper *Le Soleil* which, while not legally under the control of the PS, nonetheless provides an important platform for the views of the ruling party. Opposition parties put out their own party organs, with varying degrees of regularity.[43] Discussions of *démocratie* also appear frequently in privately-owned newspapers without formal ties to any political party.[44]

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[41] According to the 1988 census, the total number of people with post primary education in 1988 was 427,145. According to the Ministry of the Education there were 161,713 secondary school students in 1988, who were presumably counted in the 427,145 figure. That leaves roughly 265,000 voting age adults who have a secondary education. *Recensement general*, tables 3.01, 4.04. *Tableau de bord*, pp. 3 & 5.

[42] These publications include the central organ of the PS, *L'Unité pour le socialisme*; the central organ of the enterprise committees of the PS, *Combat pour le socialisme*; the journal of the movement of socialist women, *Ndab li*; the journal of the Study and Research Group of the PS, *Perspectives Socialistes*, and a new publication entitled *Le Débat*.

[43] Published weekly is the organ of the *Parti Démocratique Sénégalais*, *Sopi*. Appearing on newsstands less frequently are the organs of the *Ligue Démocratique-Mouvment pour le Parti du Travail* (*Fagaru* and *Jallarbi*), *Parti de L'Indépendance et du Travail* (*Daan Doole*), *Rassemblement National Démocratique* (*Taxaw*), *Parti pour la Libération du Peuple* (*Reew mi*), and *Mouvement pour le Socialisme et L'Unité* (*Yaakaar*) to name a few.

[44] The most established of these papers are the dailies *Wal Fadjri* and *Sud au Quotidian*, and the weekly *Le Témoin*. Two satirical newspapers in the tradition of France's *Le Canard Enchainé* also appear weekly: *Le Politician* and *Le Cafard Libéré*.

As this brief survey suggests, different factions of the Senegalese political elite churn out a plethora of journals, papers, and organs. The impact is, nevertheless, constrained by a weak distribution system. The *Agence de Distribution de Presse* (ADP) -a subsidiary of the French group *Nouvelles messageries de la presse parisienne* - maintains a virtual monopoly over the distribution of most national and international publications.[45] ADP does not, however, distribute papers widely outside of Dakar and its satellite city Pikine. Beyond these areas, distribution follows the major roads and does not reach far beyond thirty of the country's largest towns and major coastal tourist centers. Even the largest urban areas possess only a fraction of the number of distribution points found in greater Dakar. Dakar and Pikine together count over one hundred distribution points while the next largest city in Senegal, Thiès, has only three.

As a result, the majority of papers are sold in the Dakar region. *Le Soleil*, for example, sells only 25 percent of its papers outside the capital city despite the fact that more than 80 percent of the country's population lives outside the capital and its satellite cities. The percentage for independent newspapers and party organs is even smaller.[46]

One reason for the restricted distribution of print media is weak demand: the number of people living outside the Dakar region possessing the French-language skills necessary to read the papers is low.[47] It makes little economic sense for the ADP to maintain a

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[45] Bara Diouf, "*Le Soleil et son destin?*" *Mondes et cultures* 47,3/4 (1987) p. 529. Monique Pagès, "*L'Explosion de la presse en Afrique francophone au sud du Sahara.*" *Afrique Contemporaine* 159 (1991) p. 79.

[46] This information was provided by the Sales Manager of ADP in March 1993. The situation in 1993 has not evolved much from that reported by a researcher in 1981. See Dominique Gontier, "*La presse écrite de Langue Française et la Francophonie au Sénégal.*" Part 1. *Réalités africaines & Langue Française* 14 (April 1981) pp. 61-73. Dominique Gontier, "*La presse écrite de Langue Française et la Francophonie au Sénégal.*" Part 2. *Réalités africaines & Langue Française* 16 (January 1983) pp. 25-48. It should also be noted that several independent papers, frustrated by what they perceive to be an unduly high commission rate charged by *ADP* (36 percent of selling price), have on several occasions tried to establish alternative distribution networks. A lack of adequate funding, however, dashed these attempts. Babacar Touré. "Senegal: The Price of a Free Press." The UNESCO Courier (September 1990) pp. 24-26.

[47] According to the most recent census data, only 26 percent of the country's population aged six years or older are literate in French. This figure hides the fact that the highest rates of

far-reaching national distribution network to cover the almost 200,000 square kilometers of the country when the majority of people capable of reading a French language paper are concentrated in an area of 550 square kilometers.

Even in this small area the distribution of papers is lopsided. Kiosks and hawkers are concentrated in the downtown administrative and commercial center of Dakar and in middle- and upper-class residential neighborhoods a few kilometers up the peninsula. Areas with high concentrations of less affluent consumers (such as Pikine, Thiaroye, Guédiawaye, Grand Dakar, or Medina) have only a fraction of the number of distribution points.[48]

The sale of newspapers is concentrated in areas where bureaucrats, businessmen, and managers work and live. It is this segment of the population that possesses not only the linguistic skills needed to read the papers, but also the money to buy them. Indeed demand is quite price-sensitive in Senegal: when the selling price of the daily *Le Soleil* increased a few years ago from 100 to 150 CFA (from about 33 cents to 55 cents), circulation dropped by about 30 percent. Cost as well as literacy limits demand.

The dual constraints of cost and literacy are reflected in the low circulation of virtually every periodical. The paper with the largest circulation is *Le Soleil*. It has a circulation that has hovered in recent years between 25,000 and 40,000 - this in a country of more than seven million people. *Sud Hebdo* is typical of the more established independent newspapers. It has an average press run of 10,000, and usually sells a little more than 80 percent of the total copies printed. The various party organs have press runs that range from 3,000 to 8,000 copies. Even allowing for

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literacy are found among the youngest age groups. Of voting age adults - the likely readership of these papers - only 19 percent are literate. These francophones are concentrated in the largest urban areas. 53 percent of all adult francophones live in the Region of Dakar that includes the cities of Dakar, Pikine, and Rufisque. Literacy rates for the population (aged six years and older) living outside the seven major urban areas of the country (the Departments of Dakar, Pikine, Rufisque, Kaolack, Dagana, Thiès, and Ziguinchor) run at only 14 percent; literacy among adults runs even lower. *Recensement general*,tables 1.03, 4.06, 4.07.

[48] Based on data provided by ADP Sales Manager in March 1993. See also Gontier, "La presse écrite..." Part 1, pp. 65-70.

the fact that one paper may be passed around and read by several individuals, circulation still remains quite restricted.[49]

While the problem of cost cannot be eliminated easily, political parties, government agencies, and independent publishers have made sporadic attempts to overcome the barriers posed by high rates of French-language illiteracy by publishing journals, pamphlets, and newspapers in Wolof, a language understood by an estimated 80 to 90 percent of the population.

The majority of these publications are written in Wolof transcribed with the Roman alphabet. Among the earliest of the publications was the 1970s publication *Kaddu*, a monthly journal of politics, culture, and history published by the film-maker Ousmane Sembène and the linguist Pathé Diagne. Other Wolof periodicals include *Xamlé*, a journal put out by the State Secretariat for Human Promotion in the early 1980s, and *Sofaa* a bilingual Wolof-Pulaar newspaper that the Association of Senegalese Researchers began publishing in 1988. Additionally, several French-language party-organs have, over the years, carried occasional articles in Wolof.[50]

Other publications have been directed more specifically towards civic education. The government rural development agency *Société de Développement et de Vulgarisation Agricole*, with financial support from the American Government, distributed in 1991 two informational booklets. One explained various national laws and codes, the other outlined the constitution, organization of the government, and electoral system.[51] The Senegalese government also financed the publication of two instructional pamphlets in Wolof and other national languages designed to instruct citizens on how to vote under the provisions of the new 1992 electoral code.[52]

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[49] Touré, "Senegal: The Price of a Free Press," pp 24-35. Gontier, "La Presse écrite..." Part I; pp. 43-44. Martin Ochs. The African Press (Cairo: The American University of Cairo Press, 1986) pp. 87-88. Eric Makédonsky, *Le Sénégal La Sénégambie*. Volume II (Paris: L'Harmattan, 1987) p. 201. Diouf, "*Le Soleil*," p. 528.

[50] See for example, the song in *Momsarev: Organe hebdomadaire de la section sénégalaise du PAI* 18 (1959-60?) p. 6. See also Momëdu Mëdun Joob, "*Mbirum ligeey ci reew mi*." *L'Unité Africaine* 58 (January 26, 1979) p. 8. During the period of 1978-79 many Wolof poems also appeared in this paper.

[51] SODEVA-CETAD, *Sàrtu réewum Senegaal* (Dakar: 1991). SODEVA-CETAD, *Nu xam sunuy sañ-sañ ak sunuy wareef ci sunu gox*. (Dakar: 1991).

[52] *Groupe Sudcommunication, Ni nuy wote si atum 1993: Tegtal yi neel woteekat bi* (Dakar: January 1993). *SAFEFOD, Yonnu tànn wi ci gàttal* (Dakar: 1992).

Yet only an infinitesimal percentage of the population possesses the literacy skills necessary to read these Wolof-language publications. Of the 3.8 million people who are unschooled in French, a paltry 10,300 can read and write any of the six national languages.[53] The literacy rate in Wolof is lower still.

If a knowledge of the French alphabet is rare among non-French speakers, such is not the case with the Arabic alphabet. Since it is common practice for Muslim parents to send their children to Koranic schools (*daara* in Wolof) for religious instruction, many children learn to read and write Arabic characters, and some even learn the Arabic language itself.[54] About a quarter million people who are unschooled in French are today literate in Arabic.[55] The number of people who are able to read Arabic characters is probably much higher.

Two political parties have attempted to capitalize on the relatively high number of people who can read the Arab alphabet by publishing whole or parts of their party organs in *Wolofal* - Wolof written with Arabic characters. This practice originated in the late-nineteenth century when disciples of Amadou Bamba - the founder of the Mouride brotherhood - began writing Wolof poetry using Arabic characters, a tradition that continues to this day.[56] The first party to publish in *Wolofal* was the RND which, under the leadership of the late Cheikh Anta Diop, pushed to make the use of national languages in public life and education a political issue. Several *Wolofal* articles appeared during the late 1970s in the RND party organ *Siggi* (later renamed *Taxaw*). A few years later the PDS prepared to publish a *Wolofal* edition of its party organ which it planned to call *Demokarat*. The new paper, however, never progressed beyond galley proofs. Abdoulaye Wade has since charged that the government interceded with the printers to block the production of

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[53] *Recensement general*, table 4.06.

[54] Donal Cruise O'Brien. The Mourides of Senegal (Oxford: Clarendon Press, 1971) pp. 163-6.

[55] *Recensement general*, table 4.06.

[56] Amar Samb, "*L'Influence de l'Islam sur la littérature wolof*." *Bulletin d'IFAN*, serie b. 30,2(?) (1968) pp. 628-641. Pathé Diagne, "*Chronique Linguistique*." *Présence Africaine* 61 (1967) pp. 149-154. Cheikh Anta Diop. *Nations nègres et culture* (Paris: Présence Africaine, 1979) pp. 539-542.

the paper.[57] Be that as it may, the fact remains that political publication in *Wolofal* has been sparse and intermittent.

To sum up, the print media generally reaches only those who are literate in French, who have the money to buy the relatively expensive publications, and who live or work close to where the journals are sold. Those who the lack money or literacy skills, or who live far from distribution centers are shut out. Furthermore, attempts to reach a wider audience through publication in Wolof and Wolofal have been largely unsuccessful. Such publications appear at best infrequently and reach only a small fraction of the uneducated population.

C. The Airwaves

Radio and television have the potential to reach a far wider audience than the print media: The 1988 census-takers found that one of every ten Senegalese households owns a television; and seven of every ten a radio.[58] Furthermore, people seem to attend to these media regularly. In Dakar, the only area in Senegal where audience surveys have been conducted, researchers found that over half the population listened to the radio every day. The figures for television were somewhat lower; with only about 40 percent of the Dakar population watching television daily.[59] The number of television-watchers, though, appears to be growing: A 1992 survey found that only 6.7 percent of the 1000 Dakarois surveyed watched no television at all.[60] Outside Dakar people attend to radio in greater proportions than television. While some resourceful residents of Senegal's many non-electrified villages hook up televisions to car batteries, cheap radios are nonetheless far more ubiquitous in the countryside.

The state-run agency *L'Office de Radiodiffusion et Télévision du Sénégal* (ORTS) maintained until 1991 a near monopoly over domestic AM and FM airwaves. ORTS operates several regional radio stations and two channels at the national level: the

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[57] Manfred Prinz, ed., *Visages publics du Sénégal: 10 personnalités politiques parlent avec F. Ndiaye, M. Prinz, A. Tine* (Paris: Harmattan, 1990) p. 32.

[58] *Recensement general*, table 7.06. This census data finds corroboration in a 1990 study conducted by UNICEF which found that 95 percent of Senegalese households have access to a radio. *Sud Hebdo*, 19 September 1991, p. 7.

[59] These surveys are reported in A.-J. Tudesq, *La Radio en Afrique noire* (Paris: Pedone, 1983) pp. 218-19, 228.

[60] The survey was conducted by the consulting firm BVA Afrique for RTS. The results were reported in *Sud Hebdo*, 24 September 1992, p. 6.

"international" channel which broadcasts exclusively in French, and the "national" channel which broadcasts in local Senegalese languages. The majority of the national channel broadcasts are in Wolof, a conscious choice on the part of ORTS.[61] As the Director of Radio-Sénégal in the mid 1970s explained:

> The only way of building national integration was to concentrate on the Wolof language. While paying lip-service to the diversity of local languages, this single local vehicular language responds to the needs of the people, and therefore it is the role of radio to play its part in supporting it.[62]

ORTS also operated a single, and until recently, unique television channel. Its programming is mostly in French with some Wolof and other national language shows.[63]

Several international radio networks such as Voice of America, *Radio France Internationale*, Radio Syd, and *Africa N°1* transmit to Senegal on shortwave frequencies. Nonetheless, the Senegalese listen in far larger numbers to the ORTS operated AM and FM stations. A 1990 survey of Dakar and Pikine listeners found that 85 percent of those surveyed listened the evening before to ORTS programming, while only a combined 15 percent listened to any of the international shortwave broadcasts.[64]

One reason for the popularity of the domestic stations is that AM/FM radios are cheaper and thus more common than shortwave radios. Another factor is language. Almost half the population of

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[61] A study conducted in 1979 found that on the national channel 65% of the broadcasts were in Wolof and 30% in Pulaar. Soninké, Diola, and Mandingue together accounted for only 5% of air time. See Jérôme Carlos, "*La Radio et la Télévision en faveur de la participation à la vie culturelle: le cas de Sénégal*" in *La Fonction culturelle de l'information en Afrique* edited by *Institut Culturel Africain*. (Dakar, Abidjan, Lomé: *Nouvelles Éditions Africaines*, 1985) p. 166.

[62] Quoted in Rita Cruise O'Brien, "Broadcast Professionalism in Senegal" in Mass Communication, Culture and Society in West Africa edited by Frank Okwu Ugboajah. (Oxford: Zell, 1985) p. 188.

[63] Souleymane Faye, "*Les langues au Sénégal*." *Réalités Africaines et Langue Française* 21 (June 1987) p. 10.

[64] SECODIP survey July 1987/February 1990.

Dakar and Pikine does not understand French.[65] These people may well be attracted to the broadcasts of the ORTS national channel that they can understand. In this regard it is telling that the 1990 survey found that of the 85 percent of the people surveyed in Dakar and Pikine (where concentrations of francophones are high) who listened to ORTS broadcasts, 60 percent tuned into the national channel, while only 40 percent listened to the French-language international channel.[66]

Another important reason for the popularity of the ORTS stations is that shortwave networks broadcast to many African countries simultaneously. Although they carry news reports on Senegal and interviews with national political leaders, the time allotted to Senegalese topics is nonetheless limited. The main carriers of national public debate are the ORTS operated stations, which intend their programming almost exclusively for the domestic audience.

The state-run media have not, however, treated political parties evenhandedly. The ruling *Parti Socialiste* has historically enjoyed a privileged position. Political commentators sympathetic to the government provide insight into and interpret international and domestic political developments. Journalists report on the many international or national conferences on *démocratie* sponsored by the government, international organizers, or local non-governmental organizations, often restricting coverage to a few brief, laudatory remarks made by participants about the Senegalese experience. Each year the television and radio stations both broadcast a half dozen presidential speeches on the occasion of state and religious holidays. Traditional historians and praise-singers, called in French *griots*, put together weekly radio segments in which political endorsements of the PS slip discreetly into the recounting of the exploits of historical heroes.[67] Music variety shows include in their programs songs with political content, usually flattering to the PS and the President. In the months preceding the 1993 elections, for instance, several new

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[65] According to the 1988 census, 47% of population (aged 6 years or more) of the departments of Dakar and Pikine cannot read or write French. The percentage of people that cannot understand spoken French is probably somewhat lower. See Recensement general, table 4.07.

[66] SECODIP survey July 1987/February 1990.

[67] The most famous of these radio griots is El Hadj Mansour Mbaye, a close confidant of Abdou Diouf who campaigned hard for the President in his 1988 bid for re-election. Although he kept a lower-profile in the 1993 electoral campaign, urban youth frustrated by the victory of Abdou Diouf set his house on fire after the announcement of the election results.

songs praising Abdou Diouf hit the charts: "*Cohabitation*" by Ouza, "*Le N° 10*" by Thione Seck, and two songs entitled "*Démocratie*," one by Khar Mbaye Madiaga, the other by Kiné Lam.

For opposition parties, access to the state media is greatest during the official two or three week period of the electoral campaign that precedes presidential and legislative elections, as mandated by the electoral code. Yet even during this period, access has not always been equal. While the authors of the electoral code allocated equal airtime to presidential candidates, legislative candidates of the ruling party received as much airtime as all the opposition party candidates combined.

The airtime allocated to opposition parties, however limited, has been essential to parties otherwise locked out of the state media. The few weeks of nightly broadcasts that precede every election have provided the best way for small, organizationally weak parties to reach a wide audience.

In 1991 the government instituted a series of reforms aimed at liberalizing the state media, reforms which were themselves part of the ruling party's larger goal of deepening its legitimacy in the wake of its bitterly contested victory in 1988.

First, the President created in May 1991 the *Haut Conseil de la Radio et Télévision* (HCRT), a commission empowered to watch over the electronic state media to safeguard impartiality and pluralism in news reporting, and to ensure equal access of political parties to radio and television.[68] The HCRT has, however, been able to carry out its mandate in only a fragmented, tentative manner. The law governing the HCRT gives the commission little authority to enforce its own decrees and advisos. Furthermore, the government has shown that it will not tolerate criticism by the HCRT that it deems too harsh; in December 1992 it removed two outspoken members after the commission censured the state media for news coverage biased in favor of the PS.[69]

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[68] More specifically, the HCRT is charged to oversee new laws requiring radio and television to provide balanced reporting of parliamentary debates, broadcast official party communiques and party propaganda, cover public party meetings, provide equal time for each presidential and legislative candidate during the electoral campaign, and invite all political parties to participate in broadcasted debates or round table discussions. *Loi N° 92-57 du 3 septembre 1992 relative au pluralisme à la Radio-Télévision.* Chapters 2 through 4. *Loi N° 92-16 du 7 février portant Code Electoral (partie Législative)* articles LO 96 and 100-102.

[69] Sud Hebdo, 23 December 1992, p. 2. Wal Fadjri, 30 December 1992, p. 4.

The government also transformed the legal status of ORTS, the state-owned radio and television station. Partially to meet the privatization requirements of structural adjustment, and partially as a result of the President's desire to liberalize the state media, the National Assembly in December 1991 voted into law a bill proposed to transform ORTS from a stated-owned public enterprise into a financially autonomous "national company."[70] The newly named *Radio-diffusion Télévision Sénégalaise* (RTS) has, nevertheless, remained politically obligated to the state and the ruling party, since the President retains an important voice in naming senior staff, and the new company has not yet freed itself of all government subsidies.[71]

In addition, the government exposed the newly reorganized RTS to competition. Since the end of 1991, two non-governmental FM broadcasters and two television companies have begun operation.[72]

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[70] *Le Soleil*, December 17, 1991, pp. 1 & 4.

[71] Consider for example the backstage role of the President and his lieutenants in the replacement of Tidiane Daly Ndiaye by Guila Thiam as Directeur-General of RTS and the consequent restructuring of this national company. See *Wal Fadjri*, 31 January to 6 February 1992, p. 8; and *Le Témoin*, 14 July 1992, p. 4. As for the financial autonomy of RTS, the 1991 law does not make explicit the independent sources of funding for RTS, an omission attributable to sharp disagreement in the government about where such monies should come from. The National Assembly rejected a proposed surcharge on electricity consumption. The final decision was left to Presidential decree. Many observers think a fuel consumption tax to be the most likely future source of income. In any case, RTS will still receive some remuneration directly from the state. See *Sud Hebdo* 19 December 1991, p. 3.

[72] The first non-governmental FM radio broadcaster to enter the scene was *Radio-France internationale* (RFI), a state-financed French public corporation that had long broadcast to Senegal on shortwave frequencies. In September 1991 it began leasing radio time from RTS. Another competitor entered the scene in January 1992 when *Africa N° 1*, a privately-owned Gabonese network, also leased time from RTS. In addition, *Sudcomm*, a Senegalese independent company that publishes *Sud Hebdo* and *Sud au Quoditien*, has filed an application to begin broadcasting. As for television, in December 1991 the French concern *Canal Plus* began service in Senegal, broadcasting French-language entertainment programming direct from Europe. In May 1992, TV5 - a multilateral francophone television network - began experimental broadcasts, with a view towards wider broadcasting sometime in 1993. On RFI see *Le Monde*, 18 July 1991, p. 19. *Sud Hebdo*, 19 September 1991, p. 7. On *Africa N°1* see *Wal Fadjri*, 10 January 1992, p. 7. On the plans of *Sudcomm* see *Sud Hebdo*, 30 April 1992, p. 10. *Sud Hebdo*, 22 December 1992, p. 7. On *Canal Plus* see *Le Témoin*, 24 December 1991, p. 10. On TV5

These new radio and television competitors have targeted the Dakar metropolitan area. It is here that the most affluent, most francophone segment of society lives and works.[73] To non-francophones and those living outside Dakar, the Wolof-language radio broadcasts of the RTS National Channel remain the main source of information.

The combined effect of the three governmental actions - creating the HCRT, transforming the legal status of ORTS, and exposing the state electronic media to competition - has thus been limited. The source and content of political information accessible to the non-Francophone majority remains restricted to the Wolof and other national language programming of the PS dominated National Channel and RTS television. Furthermore, political parties remain shut out of the state media, with the notable exception of airtime received during the duration of official electoral campaign periods.

D. Political rallies and party congresses

Politicians campaign aggressively several weeks preceding presidential, legislative and municipal elections. Campaigning is often done at political rallies - formal public meetings that mix drumming, dancing, praise-singing, and speech making.[74] The speeches are given by candidates, leaders of various party committees, religious dignitaries, and local elected officials. Aware that they are addressing an audience composed of both educated French speakers and non-Francophone Wolof speakers, most orators alternately speak French, Wolof, and a mixture of French and Wolof known as "Dakar Wolof."[75]

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see *Sud Hebdo*, 27 May 1992, p. 4. *Wal Fadjri*, 29 May 1992, p. 8.

[73] RFI, for instance, in researching the Senegalese market conducted a market survey for the Dakar-Pikine area only; its FM broadcasts do not reach far beyond this zone.

[74] For a more detailed anthropological study of Senegalese political meetings see Deborah Heath, "Spatial Politics and Verbal Performance in Urban Senegal." Ethnology 29,3 (July 1990) pp. 209-223. See also Judith T. Irvine, "Formality and Informality in Communicative Events." American Anthropologist 81,4 (December 1979) pp. 773-790.

[75] For a description of Dakar Wolof see Leigh Swigart, "Practice and Perception - A Look at Code Switching and Mixing in Dakar." *Réalités Africaines et Langue Française* 23 (December 1989 - January 1990) pp. 25-39; and Leigh Swigart, "Women and Language Choice in Dakar: A Case of Unconscious Innovation." Women and Language 15,1 (Spring 1992) pp. 11-20.

These rallies take place in towns and cities that serve as regional centers, and attract anywhere from a few hundred to a few hundred thousand people. The PS, with its stronger party organization and more ample funding, is able to bus supporters from neighboring towns and cities to its meetings and provide incentives (cloth, hats, tee-shirts, sunglasses) to ensure a large turnout. These tactics became an issue during the 1993 presidential campaign. Abdoulaye Wade, the main opponent of the PS candidate Abdou Diouf, pointed out often that he found his crowds "on the spot" whereas Diouf had to bus them in or bribe them. While Wade did indeed attract large crowds of local residents, those who attended his rallies tended to be young adults and adolescents, many of whom were not old enough to vote.

Although representative statistics are unavailable, many voting age town dwellers I interviewed had attended at least a few political rallies, usually of their preferred party, but occasionally of other parties as well. Villagers tend to attend less frequently, but many men do travel to larger towns to attend rallies. To reach a wider audience, political parties often record their rallies, and disseminate cassette copies to party activists and supporters. Some parties even bring duplicating machines to rallies to speed up the distribution. In addition, cassettes of large, important meetings are occasionally sold in the large urban markets.

Political parties also hold regional and national party congresses that reach into local political organizations, and are attended by party notables, cadres, and activists. Most parties conduct these meetings in French, although some parties, such as the *Parti pour la Libération du Peuple* (PLP) - which advocates the use of Wolof as the language of public discourse - conduct many congresses in this native language.

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I have tried to show in this survey of communication channels that the population of Senegal is bifurcated in terms of access to the messages disseminated by the political elite. The Francophone, mostly urban minority has access to rich and varied sources of information on politics and *démocratie*. For those Senegalese who do not understand French, the passage of information follows considerably narrower channels.

Does this bifurcation affect how different segments of the population understand *démocratie* and *demokaraasi*? To get a sense for how members of the Francophone bi- and multilingual fraction of the population use and understand these terms I interviewed about twenty Senegalese who had attained at least a secondary school education. The interviews were open-ended, and conducted in both Wolof and French.

Several people spoke of these terms as the freedom to form political associations and express opinions and grievances - views that echoed arguments advanced by the governing party. A 37 year-old woman who owned and operated a pre-school in Dakar, and had never voted or belonged to a political party, remarked in French that she believed there was *démocratie* in Senegal because "Abdou Diouf has allowed many political parties to be formed - there are now seventeen." She later added in Wolof that to her, *demokaraasi* meant "to be free to say whatever you want, according to your conviction." An unemployed 30 year-old, who professed attachment to the PLP but had never voted, stated in Wolof that "*demokaraasi* is liberty of expression, to say your opinion without denigrating others." A 51 year-old library archivist employed by the PS explained in French that "*démocratie* means letting people express themselves in speech and in writing; letting them say what they want and what is bothering them." Other people spoke of *démocratie* and *demokaraasi* in terms that paralleled the views of the opposition, emphasizing the centrality of *alternance*. Typical was the statement of a 65 year-old retired industrial worker who has supported the PDS for over ten years. He explained in French that:

> *Démocratie* is coming slowly, but it has not yet totally arrived. It doesn't yet work as it should because those who rule today haven't allowed other parties to take their place. If they did, then there would be *démocratie*.

It thus appears that members of this educated segment of the population use both the French and Wolof terms in roughly similar ways. Furthermore, it seems that their views of *démocratie* and *demokaraasi* tend to reflect loosely the ideas and positions generated by the different factions of the political elite that are reported in the French-language media. Newspapers, electronic broadcasts, and conferences appear to influence people's understanding of these concepts broadly, even if these media don't determine rigidly how people use them.

The majority of Senegalese are, however, cut off from the views of *démocratie* presented in the French language. Their understanding of this concept is conditioned by the Wolof-language speeches given at meetings and rallies, heard on cassettes, or broadcast on radio and television. What picture of *demokaraasi* do political leaders paint in these Wolof speeches, and how does it differ from views presented in French?

3. From *démocratie* to *demokaraasi*

The messages that get disseminated most widely and most frequently are the ones propagated by leaders of the PS, who enjoy easy and wide access to the broadcast media. We will examine these messages first.

A. Muezzin and Imam in PS explanations of *demokaraasi*.

In Wolof broadcasts, representatives of the PS usually associate *demokaraasi* with the liberty of political parties to organize freely and to express their grievances openly. As one PS candidate for the National Assembly phrased it during a Wolof speech broadcast on radio and television during the 1988 electoral campaign:

> There is *demokaraasi* here thanks to Abdou Diouf; he is the one who brought us 17 political parties. Thanks to Abdou Diouf *demokaraasi* has flourished to the point that everyone can do what they want or say what they want without fear.[76]

Daouda Sow (member of the PS Bureau Politique in 1988 and Deputy in the National Assembly) made a similar point during a rally also broadcast across the country, and excoriated opposition leaders for failing to understand what *demokaraasi* is all about:

> There are those who say that there is no *demokaraasi* in Senegal. But if there wasn't, we wouldn't have 17 political parties. You know, as Abdou Diouf said, "the mosque is there; whoever chooses to do so may call his faithful to pray." Today there may be many calls, but only one is compelling. If they tell us that *demokaraasi* doesn't exist, I think it's because they don't know what *demokaraasi* is. If there wasn't *demokaraasi* Abdou Diouf wouldn't have agreed to compete against three or four other candidates. I believe that even by European standards, there could not be more *demokaraasi* than we have now. Thus, whoever says that there is no *demokaraasi* in Senegal is just speaking blather. You know there is *demokaraasi* here.[77]

The reference to Diouf's statement is worth examining, for the connection made between *demokaraasi* and mosque is not only evocative, but also a theme to which the President, his lieutenants, and regional PS leaders returned repeatedly during both the 1988 and 1993 electoral campaigns. One local candidate from the city of Kaolack, for instance, told a crowd:

> Abdou Diouf is the one who opened up the mosque. Now, whoever wants to give the call to prayer can do so.

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[76] Abdoulaye Niane, television and radio broadcast, 1988 legislative elections campaign, 25 February 1988.

[77] Daouda Sow, radio and television broadcast, 1988 legislative elections, 9 February 1988.

> Diouf's the one who gave us *demokaraasi*. Now, take a good look and choose the person who pleases you.[78]

The mosque, according to this metaphor, is the locus of electoral competition. Political leaders are muezzins; their programs are calls to prayer; and voters are the faithful. The competition between muezzins is *demokaraasi*.

The function of the muezzin in Islam is to announce the hour of the five daily prayers, and to call the congregation to the special Friday afternoon prayer. In Senegalese Islam, a muezzin need have no special qualifications beyond his ability to learn the calls, and there are no standard procedures for choosing or appointing him. Rarely is there open competition for the position of muezzin; whoever wishes to call, may do so, as long as he has adequately learned the calls. Any given mosque may have several muezzins who rotate their responsibilities. As it happens, the muezzin often belongs to the mildly disdained caste of praise singers known in Wolof as *géwél*. In the organization of the mosque and religious brotherhood, the muezzin does not enjoy a particularly weighty moral authority. In the mosque it is the imam who leads the prayer, and outside the mosque spiritual leadership is provided by the leaders of Senegal's religious brotherhoods.

Why did Diouf choose this metaphor for explaining *demokaraasi* to the country's Wolof speakers? One reason is that it uses an image rooted in Senegalese culture to render this term meaningful - what linguists call "cross-domain mapping."[79] The religious is mapped onto the political. The metaphor provides a link between a newly rearranged political realm with another realm that has maintained its coherence. By saying that *demokaraasi* is analogous to what goes on in a mosque, Diouf is attempting to ground this Western-import in meanings generated out of everyday life. The metaphor thus inaugurates a fresh way of looking at politics by inviting people to reflect on the familiar.

On another level, Diouf is engaging in the battle to define the concept in a way beneficial to his party by conveying the idea that *demokaraasi* involves the freedom to express oneself and to organize political parties. The muezzin stands atop the minaret to summons the faithful to prayer in the same way that the political leader beckons to potential voters. Both call out their message and wait for those who believe to appear. The equation is simple and powerful.

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[78] Quoted in Heath, "Spatial Politics," p. 217.

[79] George Lakoff, "The Contemporary Theory of Metaphor." In Metaphor and Thought, 2nd edition, edited by Andrew Ortony (Cambridge: Cambridge University Press, forthcoming).

The image of mosque also grounds *demokaraasi* in the legitimacy of Islam. By appropriating the language of Islam, it wraps the profane realm of politics in the sacred mantle of religion. That political leaders seek to borrow religious symbols to bolster their own claim to legitimacy is hardly new in Senegal. For centuries Wolof kings presented themselves as sacred beings. It should be added, however, that political and religious symbols of authority are rarely isolatable in Senegal since the two have mutually influenced one another. The ways that devout religious disciples today show obedience to religious authority - by kneeling, showering themselves with dust, and remaining stooped over in submission - are borrowed from the manner in which subjects showed deference to Wolof kings in years gone by.[80] Religious leaders also borrowed from French colonial rulers, patterning their own title *Khalifa-Général* after the title of the French *Gouverneur-Général*.[81] The appropriation of the image of mosque might best be seen, then, as a novel attempt to tap old sources of legitimacy.

The mosque metaphor is all the more attractive to Diouf because it pushes the issue of *alternance* to the background. Absent from this metaphor is any reference to the power or authority at play. The job of muezzin is simply to call. It is the imam who leads the prayer, and it is the leaders of the islamic brotherhoods who are the true moral leaders of the religious community. By equating political leaders with muezzins, Diouf (and here Sow) sidesteps the fact that presidential candidates do not merely woo supporters, but aspire to rule the country. The metaphor of the muezzin thus cleverly hides the issue of governance. The mosque has many muezzin. The powerful call of one does not preclude the others from calling. *Demokaraasi*, according to this metaphor, is limited to attracting supporters. The metaphor breaks down when one tries to imagine one of the muezzin as a president who not only calls, but governs.

The issue of *alternance* thus gets obscured by the mosque metaphor. If a mosque can have several muezzins at a time, why can't Senegalese *demokaraasi* accommodate several presidents at a time? Why must voters choose only one? Why can't three or four presidents govern at the same time? The logic may seem stretched to the American mind, but it is not an altogether inconceivable extension of the mosque metaphor. One Senegalese cartoonist, known as an acute social observer, poked fun at people who subscribe to

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[80] O'Brien, Mourides of Senegal, pp. 15, 17, 105, 136.

[81] O'Brien notes that: "The Khalifa Général is the successor Amadou Bamba, and his Franco-Arabic title...is the assertion of his claim to dominate the other (lineage) khalifas as the Governor-General of French West Africa overshadowed the territorial governors in the colonial administrative structure...." Mourides of Senegal, p. 122.

this logic in two successive cartoons that appeared in the satirical newspaper *Le Cafard Libéré* during the 1988 electoral campaign. The cartoon strip follows the travails of a character named Goorgoorlu - Try-to-do-well - a usually unemployed Dakarois who flounders comically and tragically in his day-to-day efforts to provide for his wife and children. After watching the four presidential candidates make their campaign promises on television his friend Tapha asks him if he knows who is going to vote for. Goorgoorlu declares:

> Of course! For Savané who promises me work, Mbaye Niang for education in national languages for my children, for Diouf who guarantees me *demokaraasi*, and Ablaye who promises me rice and fish every day. I'm no longer undecided. I'll vote for all four.[82]

When Tapha tries to explain that he can't vote for all four, Goorgoorlu rebuts with both defiance and earnestness: "Why not? We have a *demokaraasi*, no?"[83] The mosque metaphor, then, by sidestepping the issue of *alternance* may be giving rise to understandings of *demokaraasi* not altogether intended by its propagators.

Perhaps cognizant of these difficulties, Diouf rearranged the metaphor when he returned to it in the 1993 electoral campaign. The new formulation moves the issue of leadership squarely to the center. He explained in Wolof:

> I want the country to have *demokaraasi*.... Here is the mosque; whoever wishes, may call people to prayer. But if there are many muezzins, there can be only one imam.[84]

In this revised version, the muezzins are presidential candidates, and the President is the imam, the member of the religious community who leads the prayer. Both imam and President are classified by Wolof speakers as belonging to a category of leaders known as "*njiit*." A brief examination of this category will illuminate the nuances conveyed to Wolof speakers by equating president and imam.

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[82] Goorgoorlu is calling the candidates by their familiar names. "Savané" is Landing Savané, Secretary-General of *And-Jef/Mouvement révolutionnaire pour la démocratie nouvelle*. "Mbaye Niang" is Babacar Niang, Secretary-General of the *Parti pour la libération du peuple*. "Diouf" is President Abdou Diouf. "Ablaye" is Abdoulaye Wade of the PDS.

[83] *Le Cafard Libéré*, 13 and 20 February 1988.

[84] Abdou Diouf, radio and television broadcast, 1993 presidential electoral campaign, 6 February, 1993.

The term "*njiit*," shares with the verbs "*jiité*" (to lead or govern) "*jiital*" (to put ahead, to chose a leader) and "*jiitu*" (to go in front) the sense of physically "being in front" or "leading." The prototypical example of *njiit* is the imam who stands in front of those assembled at a mosque to lead them in prayer. The Arabic term "*imam*," not coincidentally, derives from a root which means "in front of."[85] A *njiit* is someone whose duty it is to lead or to guide. Additionally, a *njiit* should be someone who is put in front by the community. *Njiit* refers to a leader who is chosen by those he leads, and claims a moral right to lead because he has been chosen by them. Thus the president - who is chosen by the electorate - is also a *njiit*.

Njiit can be counterposed to another class of leaders known as *kilifa*. "*Kilifa*" derives from the arabic word "*Khalipha*." Coming from a root that signified "to come after" or "instead of," the Arabic term dates to at least the sixth century AD. At that time it combined ideas of succeeding or replacing, and meant something like "deputy" or "viceroy" in pre-Islamic Arabia. Upon the death of Mohammad in 632 AD the prophet's companion Abu Bakr assumed leadership of the community. He became known as *khalifat rasul Allah* (the deputy of the prophet of God) thus beginning a long tradition of bestowing the title *Khalifa* on the leader of the Muslim community, and establishing the institution of the Caliphate. With the decline of the Caliphate in the thirteenth century, various Muslim princes appropriated the title for themselves; and the term came to mean little more than a Muslim king or sovereign.[86]

By this time, Islamic beliefs and practices had begun spreading south of the Sahara desert, carried by Berber merchants plying trans-Saharan trade routes.[87] Islam had already reached the Wolof by the mid-fifteenth century, when the Venetian navigator Alvise de Ca da Mosto, sailing under the Portuguese flag, reported that Wolof kings, and to a lesser extent the common people,

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[85] See Bernard Lewis. The Political Language of Islam (Chicago: Chicago University Press, 1988) pp. 31-32.

[86] D.S. Margoliouth. "The Sense of the Title *Khalifah*." In T.W. Arnold and Reynold A. Nicholson, eds., A Volume of Oriental Studies Presented to Edward G. Browne (Cambridge: Cambridge University Press, 1922) pp. 322-328. D Sourdel, A.K.S. Lambton, F. de Jong, and P.M. Holt. "*Khalifa*." In The Encyclopaedia of Islam, New Edition (Leiden: E.J. Brill, 1978) pp. 937-953. Lewis, Political Language of Islam, pp. 43-50.

[87] J. Spencer Trimingham. A History of Islam in West Africa. (Oxford: Oxford University Press, 1962) pp. 20-33; 40-47.

professed attachment to the faith.[88] Despite the long presence of Islam among the Wolof, the term *kilifa* did not appear in any written description of the Wolof language until the early nineteenth century - although it may well have entered the language long before that date.[89]

In Wolof usage, the word "*kilifa*" has come to refer to any hereditary or customary leader who holds his position by dint of ascriptive criteria. Typical examples of *kilifa* are the leaders of the charismatic Islamic brotherhoods (*kilifia diiné yi*); these leaders are direct descendants of the brotherhood founders or their most loyal followers. By extension Wolofones also use *kilifa* as an honorific term for older men, heads of households, husbands, and fathers. A *kilifa* is a male leader who has moral authority by dint of age, heredity, custom, and gender; whereas *njiit* refers to any leader who is chosen or placed in front. Thus *njiitu diiné* refers to those lower-level religious leaders, (such as the imam) who are usually chosen by the community; whereas *kilifa diiné* refers to the highest order of religious leaders who descend from the brotherhood founders. For the Wolof there is no question that *kilifa* enjoy a higher moral authority. As one proverb puts it: running up front does not measure up to being a *kilifa*.[90] Because *kilifa* enjoy a more weighty moral authority, they are able to command (*yilif*) whereas *njiit* can only guide (*jiité*).

In this context, it is worth noting two derivatives of kilifa: *muskallàf mi* refers to serious, responsible person, and *kàllafé*

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[88] Ca da Mosto wrote that "the faith of these first Blacks [i.e. the Wolof of Cayor] is Muhammadanism: they are not, however, as are the white Moors, very resolute in this faith, especially the common people." Ca da Mosto, Alvise, The Voyages of Ca da Mosto translated and edited by G.R. Crone. (London: Hakluyt Society, 1937) p. 31.

[89] The term had already penetrated the Niger river basin by the mid-thirteenth century. According to the medieval arab historian Ibn Khaldun, Soundiata - the founder of the Mali empire - named his fourth son "Khalifa." Khalifa himself ruled the empire from 1274-5, at which time the Wolof states were tributaries of the Mandika - dominated empire. Trimingham, Islam in West Africa, pp. 235-6.

[90] In Wolof: *Daw jiitu du maté kilifa*. Jean Dard, *Grammaire Wolofe, ou méthode pour étudier la langue des noirs qui habitent les royaumes de Bourba-Yolof, de Walo, de Damel, de Bour-Sine, de Saloume, de Baole, en Sénégambie; suivie d'un appendice où sont établies les particularités les plus éssentielles des principales langues de l'Afrique septentrionale* (Paris: *Imprimerie Royale*, 1826) p. 136. See also Mgr. A. Kobès, *Grammaire de la langue Volofe* (St. Joseph de Ngazobil: Imprimerie de la mission, 1869) p. 276.

means to give the impression of being such a person. Linguists included in a recent Wolof-French dictionary the following phrase to illustrate the meaning of *kàllafé*, an example that highlights the heavier moral weight associated with *kilifa* and its derivatives: "*Seen njiit li kàllafewul dara*" which means "your *njiit* is not at all *kàllafé*" or, in other words, "your guide does not seem at all responsible."[91] It would not, in contrast, make sense to say "your *kilifa* is not at all *kàllafé*." A *kilifa* is, by dint of his ascriptive position, considered a serious personage; a *njiit* must prove it by his actions.

This discussion of *kilifa* and *njiit* is meant to shed light on the implications of Diouf equating president with imam. By making this connection, Diouf is reinforcing the idea that both are *njiit*, a category that is situated between muezzin and *kilifa*. Unlike the muezzin, the *njiit* assumes important leadership responsibilities in the community. Most anyone can become a muezzin; one must meet higher standards to become an imam. While there may be many muezzin for a mosque there is only one imam. By drawing a parallel between iman and president, President Diouf is attempting to put himself in a class above the other presidential candidates qua muezzins. Unlike a *kilifa*, the *njiit* is chosen by the community on the basis of his actions and character. The president qua *njiit* is placed in front of the nation by the electorate, and does not enjoy the automatic allegiance, respect, and affection of the *kilifa*. The introduction of imam into the mosque metaphor, then, injects into *demokaraasi* notions of character, singular leadership, and community choice.

The insertion of imam into the mosque metaphor clears up some of the complexities that would lead a voter (like Goorgoorlu) to expect to be able to vote for three or four candidates. In the mosque there can be only one imam; in *demokaraasi* there can be only one president. The introduction of imam into the metaphor, however, cloaks the idea of *alternance* in another way. Simply stated, muezzins - who are often casted - do not in practice become imams. Their powerful voices may bring them new adherents, but their caste status generally precludes them from becoming *njiit*. Thus, electoral competition may pit candidate against candidate; but the position of the President remains unaffected. *Demokaraasi*, in this formulation, licenses Diouf to remain President for an indeterminate period of time.

The overlapping of religious and political themes takes on an added significance in this context. Already within Islamic Wolof culture there is a widespread belief that it is God who ultimately chooses the world's mortal leaders. This idea is expressed in an

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[91] Arame Fal, Rosine Santos, and Jean Léonce Doneux, *Dictionnaire wolof-français suivi d'un index français-wolof* (Paris: Karthala, 1990) p. 106.

oft cited Wolof proverb: "It is better to throw more wood on a fire lit by God than to put it out."[92] The implied message is that since it is God who put the leader in power (lit the fire), humans should not attempt to remove him (put out the fire).

The PS has attempted to tailor this notion to its own uses. During the 1988 electoral campaign, calendars appeared with a picture of Abdou Diouf and a Wolof caption reading: "President Abdou Diouf: The President that God Gave Us." The tactic appears to have worked on at least some voters. One old woman, for instance, explained to me that "I had to vote for Abdou Diouf because God placed him here."

The idea that the Presidency of Diouf is sanctioned by God was linked directly to *demokaraasi* via the mosque metaphor by Bassirou Diagne, the *Grand Serigne* of Dakar,[93] in a Wolof speech he made during the 1988 electoral campaign:

> *Demokaraasi* like we have here does not exist in many other countries; everywhere people are grasping for it. Yet in our own country there are those in the opposition who do not want it because they did not help build it. If *demokaraasi* could break out of its shackles it would save Africa because in many African countries they do not accept multipartyism; they have a single, unique party. Thus if Abdou Diouf accepts other parties you should help him by acting with respect and restraint so that *demokaraasi* can bring peace here. Even in France, to be a candidate for the Presidency you need 500 signatures, and the people who sign the petition must be notables in their communities. There, you must have credibility to become a candidate. But here in Senegal Abdou Diouf said: "Here is the mosque. Whoever can call the faithful to prayer - let him call." Thus we all need to play the game

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[92] In Wolof: *Taal bu yalla taal, sanni ci matt moo gënn fey ko.*

[93] The Grand Serigne of Dakar is the leader of the Lebou community. The Lebou are a Wolof-speaking ethnic group that migrated to the *Cap Vert* peninsula in the 18th century. Abdou Diouf played an important role in having Bassirou Diagne named to the position in 1986; Diagne, in return, has been a staunch supporter of the President. In recent years, many in the Lebou community have demanded the ouster of Diagne. Resentment over the Diagne-Diouf connection may have cost the President much support during the 1993 presidential elections in the heavily Lebou populated towns of Yoff, Camberène, and the city of Rufisque. See *Le Devoir*, November 1986, p. 6 on selection of Bassirou Diagne. On the recent flap within the Lebou community see *Le Témoin*, 11 August 1992. *Sud Hebdo*, 2, 12, and 19 November 1992. *Wal Fadjri*, 13 November 1992. *Le Cafard Libéré*, 18 November and 16 December 1992.

> democratically. Every person has the right to vote for the candidate he pleases. On election day, we will support Abdou Diouf. I ask that you all vote for him. If it was in our hands to elect (*fal*) Abdou Diouf we would do it without even voting. But since it is God who chooses our leaders, all we can do is to cast our ballots for Abdou Diouf.... Let's be fair and realize that the seat of the presidency is made for only one person. And the person who should sit there will be chosen by God; let's help him.[94]

It is God's choice that Diouf is president. To vote for him is to act out God's will. *Demokaraasi* may entail the acceptance of opposition parties, but it also appears to involve doing God's bidding. Diagne's rendition of the mosque metaphor thus implicitly reinforces the idea that God has sanctioned Diouf to lead and rule, and that this is an integral part of *demokaraasi*.

One final motif embedded within the mosque metaphor needs to be discussed: the image of political society as a religious community. The tangle of competing and contradictory interests that mark political society gets transformed in this metaphor into a community of believers joined together by prayer and the adoration of a single and unique God. Unlike politicians (and their supporters) who believe in differing programs and visions of how society should be organized, imam, muezzins, and the faithful are engaged in a communal experience of worship. Conflict recedes into the background. *Demokaraasi*, viewed in this light, involves communality, harmony, and reconciliation.

The mosque metaphor, then, grafts onto *demokaraasi* connotations not stressed in the view of *démocratie* presented by the PS in its French-language discourse. Onto the idea of multipartyism and freedom of expression and association get added layers of meaning: undertones of communality and harmony, a pastiche of religious motifs, and the diffusion of *alternance* as an issue through the promotion of an image of president as *njiit*.

B. Images from the Opposition: Buur and Nguur

The image of mosque is not the only picture of *demokaraasi* that gets disseminated to Wolof speakers. Opposition parties try to convey a different message, one that emphasizes the centrality of rules for fair electoral competition and *alternance*. Abdoulaye Wade, for instance, emphasized the need for a strong legal framework to make *demokaraasi* work in this 1988 speech at a PDS convention:

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[94] Bassirou Diagne, radio and television broadcast, 1988 electoral campaign, 25 February 1988.

> *Demokaraasi* requires that people who live together in a country or the same household; or work together in the same office or company have laws that each individual must respect. If each person did whatever he pleases, nobody would have his own space and nobody would stay. What we want for Senegal is this: a constitution that will be respected by whoever comes to power. We can have peace in this country. We say that the President, Deputies to the National Assembly, and the Prime Minister should be chosen according to the laws of the country....
>
> Not all laws are just laws. Which is just? - The constitution of Senegal is just. It says that whoever wins a majority becomes president. Simply because Abdou Diouf writes a law doesn't mean it's just. You made me secretary-general of the PDS, right? You know that I can do a lot of things, but you also know that there are things I do not have the right to do. Can I, right here, jump on someone and hit him, do to him what I please? If I did that you would resist me. Thus if you elect me, there is a point at which I must stop. I cannot go beyond that point. The same holds true for Abdou Diouf. He has limits beyond which he should not go. He has, however, already gone beyond those limits. That is why I invoke the constitution: "he who has the majority, wins." Abdou Diouf wants to bring in some of his people - his brothers - to count the ballots.[95] It would be like me taking my brother Moustapha Wade to count the ballots. Is that *demokaraasi*? He said his brother would be in charge of counting the ballots. That will not happen here in Senegal![96]

Demokaraasi entails a respect for laws, especially those concerning the transfer of power.

The message of the opposition is, nonetheless, prone to mutation as it moves from French to Wolof. One fascinating glimpse at how meanings can be transformed once conveyed in Wolof is provided by a speech delivered by Landing Savané, the Secretary-General of *And-Jëf*/MDRN. This speech was broadcast on radio and television during the 1988 electoral campaign, three days before election day. Savané delivered the first part of the speech in

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[95] Several cabinet ministers at the time - including the Minister of Interior charged with overseeing the elections were indeed relatives or close personal friends of the President, a situation which continues to this day. See *Wal Fadjri*, 12-18 April 1991, p. 2.

[96] Abdoulaye Wade, 3rd ordinary Congress of the PDS, Dakar, 2-3 January 1988.

French after which he provided a Wolof summary. Both parts are reproduced here in full:

French

Dear fellow countrymen, the struggle for *démocratie* is a permanent requirement of political combat. In our country it is a vital necessity. *Démocratie* is not measured simply in how many political parties exist - the fascist Chile of Pinochet has many. It is not measured simply by the presence of opposition journals - Haiti and the Philippines have many; they even have independent radio stations. *Démocratie* is most importantly the existence of state institutions above the grasp of any party. It is the acceptance of the principle of *alternance* as the manifestation of the natural evolution of societies. It is also the free expression of all the organized interests of society via the state-run media, which should no longer have the monopoly on communications. It is above all the existence of a dynamic counter-power. It is also the respect for the right to hold different opinions regarding ideology and policy. It is the acceptance of a critical, even radical opposition. It is tolerance. It is the respect for the right of citizens to have access to all information relative to the normal functioning of state institutions. It is also the possibility for every citizen to elect freely his representative and to demand from him accountability. It is naturally the strict separation of temporal and religious power, and an education that helps citizens to better understand the problems of the nation.

The present electoral campaign proves that the budding fascists of the PS are far from understanding and even farther still from accepting these elementary principles since certain among them dare to declare that even the decrepid [croupillon] *démocratie* in place today is too much for our people to handle. Mr. Diouf himself made thinly veiled threats against the opposition and *démocratie* itself. Confronted with the totalitarian impulses of Diouf and his partisans, *And-Jëf* is ready to assume its responsibilities. I call on all the opposition parties, all the democrats of this country - organized or not - to rise up and block the way of this advancing fascism. If Diouf and his partisans attempt on election day to follow through with their electoral coup d'etat, then the people will have to strengthen its resistance by engaging in a massive civil disobedience campaign. The young people, the women, the men of this country can block the path of these apprentice fascists, and impose the will of the people against massive fraud, rising prices, huge cut-backs, and against the unauthorized disengagement of the state.

Thousands and thousands of people have come out during the electoral campaign to voice their rejection of Diouf's regime; a regime of lies, embezzlement, mediocrity, and misery. We have to organize this general discontent. We have to organize a vast political, economic, social, and cultural resistance movement to open the way for an alternative. In the final analysis the future of our country in these critical days is in the hands of the people. Thank you.

Wolof

Fellow Senegalese, I just spoke about *demokaraasi* in Senegal. I explained how the *demokaraasi* that is in place toady is an emptied *demokaraasi* because it does not give the people of Senegal any authority - something that the people in the government (*waa nguur gi*) reserve for themselves. Anything that the people needs or wants to do, the government (*nguur gi*) prohibits if it is not in its own interest. That is why we say that this *demokaraasi* is not enough for us, and we will fight it. Those who argue that this *demokaraasi* is excessive are partisans of the PS. Their declarations show the true mentality of the party: they think that they don't need to take into account any opinions other than their own. They want others to do what they say - something we can never accept. We are here to strengthen the authority of the people. We want to consolidate *demokaraasi*. The elections will soon be here. Abdou Diouf and his supporters are planning to fix the elections so that he can falsely declare himself the winner. We should not have to see that kind of thing. They want the farmer to pay his taxes, but they haven't done anything for him. The farmer should refuse to pay, along with everyone else, to weaken the government (*nguur*) or to make it fall.[97]

The Wolof portion is in some ways a stripped down version of the French speech. The central idea that the *demokaraasi* practiced by Diouf and his partisans is inadequate because it denies people a real say in how government affairs are handled remains, as does his attack on those who claim that there is too much *demokaraasi*, and his closing call for resistance. Shed from the French speech are the references to Chile, Haiti, and the Philippines; totalitarianism and fascism; and any of the specific aspects of *démocratie* he mentioned in French: media, education, or opposition parties.

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[97] Landing Savané, radio and television broadcast, 1988 electoral campaign, 25 February 1988.

Without these references, the discussion of *demokaraasi* in Wolof is in one respect uprooted from its original context. Gone are the ready-made bench marks provided by the experience of countries and movements around the world against which the performance of Senegal's *demokaraasi* can be measured. Also gone are references to the specific institutional arrangements which make a call for *demokaraasi* concrete and imaginable. Savané calls vaguely in Wolof for increasing the authority of the people, but does not explain what such an arrangement would require, or how it would operate. Perhaps he omitted these allusions to fascism or Haiti because he reasoned they would hold little meaning to the non-Francophone majority of the population. (Indeed in interviews I conducted during the weeks following the precedent-setting elections in the West African country of Cap Verde, few non-French speaking Senegalese could tell me what took place there, despite wide coverage in the French-language media, and moderate coverage in Wolof-language broadcasts).

Yet in another respect, the Wolof portion gets regrounded in Senegalese culture via connotations not present in the French. Savané's choice of words here is revealing. When making reference to the government he consistently used the Wolof word *nguur* as opposed to the universally understood French loan word *góornëmaa* (from *gouvernement*). It could be that he made a deliberate attempt to speak a Wolof unadulterated with French loan words, an explanation that finds support in the fact that Savané is not a native Wolof speaker. Having publicly acknowledged this fact on radio and television several days earlier in the electoral campaign, he may have felt compelled to express himself in relatively "pure" Wolof. The particular word choice, though, may have served other purposes. *Nguur*, unlike *góornëmaa*, carries a web of connotations that implicitly reinforce the image of a Senegalese government inimical to *demokaraasi*.

Nguur is a complex term that covers a semantic field significantly wider than *góornëmaa*, a term first introduced into Wolof during the era of colonial rule to describe the machinery of modern bureaucratic government introduced by the French. Today the term refers rather narrowly to the institutions of government, the body of persons who occupy offices of government, or the President's cabinet.

The word *Nguur* finds its origins in pre-colonial political institutions. It appears to derive from, and remains closely associated with, the term *buur*. European travelers, traders, and missionaries have translated *buur* since the French revolution to mean roughly "king" or "sovereign."[98] In Wolof society, the *buur*

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[98] *Buur* is translated by the French term "*roi*," for example, in an anonymous lexicon seized during the French revolution from a convent. See "*Vocabulaires Guilof, Mandingue, Foule, Saracole,*

were members of royal lineages who, once ascended to power, had the right to collect tribute from land owners in a given territorial unit.[99]

The term *buur* has taken on strong valuative connotations. Many proverbs paint a picture of the *buur* as arbitrary, cruel, and egotistic. One proverb, for instance, cautions that "the king is not a relative."[100] That is, the egoism of the *buur* can push him to sacrifice his closest relatives to further his self-interest.[101] Another proverb states that "it is not bad to love a *buur*, but a *buur* that loves you is better."[102] Wolof folktales also reflect popular perceptions of the *buur*. One recounts the deeds of two brothers: Samba Satan and Amary Muslim. The pious Amary Muslim treats all he encounters with respect and courtesy, and ends up a blind beggar. Samba Devil violates every interdiction - killing his fathers' horse, his mother, his newborn brother, and an old man, whom he then eats - and becomes a *buur* who rules over many subjects.[103] To be a *buur* requires not godliness and civility but impudence and brutality.

The egoism of the *buur* pushes him to lead a life of indulgence. In popular culture, the *buur* is someone whose desires are satisfied, whose wants are fulfilled. It is perhaps for this reason that *buur* has also come to mean "to be complete or full." The phrase "*gémmiñam buur na*," for example, can be translated to

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Séraire. Bagnon et Floupe, Receuillis à la côte d'Afrique pour la service de l'ancienne compagnie royale du Sénégal et publiés pour la première fois d'après un manuscrit de la Bibliothèque Royale." Memoires de la Société Ethnographique, *tome second*, p. 256. See also "*Petit vocabulaire Français, Yolof, et Serere, 18e siècle.* Manuscript held at the *Bibliotheque Sainte-Géneviève.*

[99] Abdoulaye-Bara Diop. La Société Wolof: Tradition et Changement (Paris: Karthala, 1981) pp. 115-152.

[100] In Wolof: *buur du mbokk.*

[101] Assane Sylla, La Philosophie morale des Wolof (Dakar: Sankoré, 1978) p. 217.

[102] In Wolof: *Sopp buur aayul, wanté buur bu la sopp a ko gënn.* Cited in Dard, Grammaire Wolofe, p. 135.

[103] Lilyan Kesteloot and Cherif Mbodj, Contes et Mythes Wolof (Dakar: *Nouvelles Éditions Africaines*, 1983) pp. 88-101.

mean "he has a full set of teeth." Literally, his mouth is complete.[104]

Nguur appears to derive from *buur* because in Wolof an initial consonant "b" may mark singularity while an initial consonant "g" or "ng" marks plurality, as in the terms *bët* (eye) and *gët* (eyes). An original meaning of *nguur* may thus have been royalty. These consonants may, however, also mark a relation of product to producer as in the terms *buy* (fruit of baobab tree) and *guy* (baobab tree). In this case, nguur may have originally meant something like the "reign" established by the *buur*. Whatever the original sense or senses may have been, today *nguur* has assumed several meanings. It can mean "reign" as in the phrase *nguurug Yalla* (the reign of God). It can also be used to mean "power" - something that can be assumed (*yor nguur*), renounced (*gedd nguur*), competed for (*xëcco nguur*), or taken by force (*foqati nguur*). And like *góornëmaa* it can refer to the administrative machinery of government or the people who run it.

The connotations of egoism and fulfillment contained in *buur* have also colored the term *nguur*. In Wolof, someone who enjoys leading a comfortable lifestyle is said to "like *nguur*" (*bëgg nguur*). If someone is said to "like *nguur* too much," it is implied that the person is greedy.

An important cognate of *nguur* is the verb *nguuru* which is formed by the root *nguur* and the reflexive suffix *-u*. Translators sometimes render *nguuru* with the English "to govern" or "to rule" - a translation that is not wholly adequate. The reflexive suffix turns the governing inward; it connotes holding power for oneself or in one's own interest. It involves not only the exercise of power, but the gaining of pleasure or enjoyment from it.[105] The meaning of *nguuru* has evolved to the point where indulgence and satisfaction have come to be more central to its meaning than ruling. To many Wolofones, *nguuru* means simply to be comfortable, to enjoy something, to have things feel good. To sit in a nice cushy chair is to be *nguuru*. The sense of governing has been diluted.

Given these connections between *nguur* and pleasure or satisfaction, to say that *nguur* simply means power, government, or reign is not quite right. *Nguur* in its different uses is closely

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[104] Fal et al, *Dictionnaire wolof-français*, p. 49. Note that in this respect, *buur* is similar to the English term "king," which has been extended to imply wealth (a king's ransom), luxuriousness (king-sized bed), a lavish-lifestyle (to live like a king), or pampering (to treat like a king).

[105] Pathé Diagne, "*Le Pouvoir en Afrique*." In *Le Concept de Pouvoir en Afrique* edited by UNESCO (UNESCO: Paris, 1981) p. 42.

associated with egoism, contentment, and completeness. This term implies that the one who holds power benefits materially from his position. Ideas of governance flow into connotations of enjoyment and gratification. It is said that when Abdou Diouf came to power, he avoided using the term *nguur* precisely because it conjured images of contented, privileged government officials - images at odds with his public insistence that the state should be an instrument of development. It was perhaps for this reason that he told the nation repeatedly during the 1983 campaign that he was *jammu seeni soxla*; literally the "slave of their needs," or in other words their servant.[106]

Savané, by repeatedly referring to the Senegalese government as *nguur* in his Wolof explanation of *demokaraasi*, played on these blended notions of governance, egoism, and self-gratification. The officials of the *nguur* are portrayed as people who exercise power for their own benefit. In the words of Savané, they "reserve" power for themselves; they do not "take into account any opinions other than their own," and they "prohibit" what is not in their "own interest." Real, consolidated *demokaraasi*, according to Savané, implies giving people a voice in how they are ruled to force the *nguur* to govern in the general interest.

Yet the webs of meaning surrounding the term *nguur* make a different interpretation of *demokaraasi* possible - one not intended by Savané. It is possible to understand calls for *demokaraasi* in this context to mean that those in power should share the privileges they enjoy. *Demokaraasi* gets transformed from a redistribution of power to a redistribution of pleasure and benefit. That is, *demokaraasi* shifts from meaning that everyone should *nguuru* (rule) to mean that everyone should <u>experience</u> *nguuru* (gratification). This interpretive shift is not farfetched. Consider this statement by an elderly woman living in the poor Medina neighborhood of the capital city, Dakar. I asked her whether there was *demokaraasi* in Senegal. Her answer:

> "Yes, there is *demokaraasi* here. The Socialist Party chose a local elder to be the delegate for this neighborhood. Everything that he gets from the party, be it rice or sugar, he shares with us. Whenever I have a family occasion he gives me money."

The essence of *demokaraasi* for this woman appears to lie not in choosing her representative to the government or having a say in who rules the country - but in the benefits this delegate brings home. *Demokaraasi* for this woman means distributing material goods.

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[106] For an account of a similar dynamic in Indonesia see Clifford Geertz, <u>The Interpretation of Cultures</u> (New York: Basic, 1973) p. 318.

Now consider a few lines from the 1991 hit song by Khar Mbaye Madiaga named "*Démocratie*." She sings in Wolof:

> Senegal is the place to imitate when it comes to *demokaraasi*.... Hey my friend Abdou, what you swore to do not so long ago at the Palace of Justice, you haven't gone back on your word. You said "whatever benefits come my way from this office that I don't share with Senegal - those are benefits I prefer not to have."

Senegal is an exemplary *demokaraasi* because the President vowed to share the advantages of his office. *Demokaraasi* as used in this song implies that those who *nguuru* (rule) should make an effort for all to be *nguuru* (comfortable).

In the Wolof portion of his speech, then, Savané left out references to other countries and to specific institutional arrangements that would not resonate with the bulk of his audience; opting instead to put the discussion of *demokaraasi* into a context that people would understand. This context was provided by *nguur*, a term grounded in Wolof history and culture. The problem inherent in this shift is that these meanings drag *démocratie* from its away from its originally intended meaning. That is, the attempt to link the wolof concept *nguur* with the French concept of *démocratie* seems to have contributed unintentionally to the creation of a Wolof hybrid - *demokaraasi*.

C. Images from the Opposition: *Fal* and *Folli*

Two additional terms are of particular importance to the opposition in its attempts to associate *demokaraasi* with *alternance*. These terms - *fal* and *folli* - mean roughly "to elect" and "to vote out of office" respectively.[107] For instance, Abdoulaye Bathily, the Secretary-General of the LD/MPT, explained in a radio broadcast during the 1988 electoral campaign that *demokaraasi* means the following:

> *Fal naa la; defuloo lu baax, folli naa la. Loolu mooy demokaraasi.*[108]

One way to translate this statement would be thus: "I elected you; you didn't do anything good so I voted you out of office. That is *demokaraasi*." At least this is the message that Bathily intended

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[107] *Folli* derives from the root *fal* plus the inversive suffix - i. Other examples include *ub/ubbi* (to close/open); *takk/tekki* (to attach/detach); and *boot*/botti (to carry on one's back/remove from one's back). See Omar Ka, *La Derivation et la Composition en Wolof* (Dakar: CLAD, 1981) pp. 16-17.

[108] Abdoulaye Bathily, radio and television broadcast, 1988 electoral campaign, ? February 1988.

to get across, a meaning that conveys the centrality of *alternance* to *demokaraasi*. The words *fal* and *folli*, however, carry connotations that make such a translation problematic, and make it unlikely that many Wolofone speakers comprehend his words in this way.

To understand why this is so requires a brief overview of the traditional practices with which *fal* and *folli* have long been associated - practices of choosing rulers from among several pretenders common in the pre-colonial Wolof states of Bawol, Jolof, Kajoor, and Waalo over long periods of their history.

In each state eligibility for rulership was restricted by birth. Pretenders to the throne - called *lawax* in Wolof - had to descend on the patrilineal side from the original founder of the state, and at the same time belong to particular noble lines on the matrilineal side.[109] The power to select (*fal*) or depose (*folli*) rulers, within the confines of restrictions stated above, resided primarily in a council of men issuing from the most important lineages. The councils - known as *waa reew mi* in Kajoor, *seb ak baawor* in Waalo, and *njenki* in Jolof - sometimes included leading members of the freeman and slave orders, although their influence does not appear to have been great.[110] Later, as the influence of Islam grew, leaders of the Muslim community were sporadically included.[111] There is some ambiguity in the historical record over the size of these councils. Several European and Wolof sources suggest that the councils included less than ten men each, while

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[109] In the states of Kajoor, Jolof, and Bawol the rulers were always men. The exception was Waalo where, as Boilat noted, women sometimes ruled. Abbé David Boilat, *Esquisses Sénégalaises* (Paris: Bertrand, 1853) p. 284. Another exception: In Jolof there were no matrilineal requirements; it sufficed to descend from the founder of the state on the paternal side. Henri Gaden, *Légends et coutumes sénégalaises. Cahiers de Yoro Dyao* (Paris: Leroux, 1912) p. 27.

[110] *Waa reew mi* means "the people of the country." The meaning of *njenki* is unknown. According to legend the name *seb ak baawar* recalls the rivalrous relationship of the two sisters who founded the two principle noble families in Waalo. The first sister - named Waalil - had only one daughter. Jealous of her sister Fajeng, who had many children, she called them *baawal* - "to spread all over." Believing that saying such things would bring misfortune on Fajeng, their mother called Waalil *sib* - "to scorn." *Seb ak baawar*, then, may be a deformation of *sib ak baawal* - "to spread all over and to scorn." Gaden, pp. 20 and 27. Mamadou Diouf, *Le Kajoor au XIXe siècle* (Paris: Karthala, 1990) p. 61.

[111] Ibid., p. 61.

others imply that they were larger bodies of nobles and freemen, of which these named dignitaries were simply the leading members.[112]

Deliberation by each council usually required a series of meetings. In Waalo, for instance, the selection of a ruler normally necessitated three gatherings of the *seb ak baawor*. The first meeting was a conference of the dignitaries of the three leading noble families. A second meeting included the leading members of two other noble families. At the third and last meeting, during which the *seb ak baawor* announced its selection, the participants of the first two meetings were joined by notables from the order of royal slaves (*jaami buur*) and two tributary territories, who assumed a consultative role.[113]

The historical record suggests that these councils placed little emphasis on the formal procedures of choosing. What was important was achieving a consensus; not the protocols (raising hands, counting voices, casting ballots) that are central to Western notions of voting and electing. Joseph Ki-Zerbo had this difference in mind when he remarked that in many traditional African states, including those of the Wolof:

> There was not an arithmetic, formalist *démocratie* that posted the yes's and the no's in a numeric balance sheet; but a *démocratie* that lived by unending dialogue that lasted until exhaustion.[114]

Whether the deliberation of the councils counts as "*démocratie*" is questionable; Ki-Zerbo is, nonetheless correct to emphasize the consultative as opposed to computative nature of the process.

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[112] Compare the descriptions of Bawol by K. Samb in Victor Martin and Charles Becker, "*Les Teeñ du Baol: Essai de chronologie.*" *Bulletin de l'IFAN* Series B, 38,3 (1976) p. 499; and Kajoor by L.J.B. Bérenger-Féraud, *Les peuplades de la Senegambie* (Paris: Leroux, 1879) p. 45 with the descriptions of Kajoor by Assane Sylla, *Philosophie morale des Wolof* (Dakar: Sankoré, 1978) pp. 130-31; and Waalo by H. Azan, "*Notice sur le Oualo.*" *Revue maritime et coloniale* 10 (January-April 1864) p. 335; and Gaden, *Légends et coutumes sénégalaises. Cahiers de Yoro Dyao*, p. 20.

[113] Gaden, *Légends et coutumes sénégalaises. Cahiers de Yoro Dyao*, p. 21.

[114] Joseph Ki-Zerbo *Histoire de L'Afrique noire (d'hier à demain)* (Paris: Hattler, 1972) p. 615? See also Pathé Diagne, "*De la démocratie traditionelle*" *Présence Africaine* 97 (1st quarter, 1976) pp. 18-42. George B.N. Ayittey, "*La démocratie en Afrique précoloniale*" *Afrique 2000* 2 (July-September 1990) pp. 39-75.

We must be careful, however, not to romanticize these traditional practices.[115] Conflict in the councils was often sharp, as one chronicler noted of the *seb ak baawor* in Waalo:

> Circumstances often rendered discussion very stormy, because the council could not always find an heir who met the desired conditions; or it could be presented with several candidates that filled the requirements equally.[116]

Moreover, when the councils failed to reach a consensus the ultimate arbiter was force. Another observer made these remarks about the selection of rulers in Kajoor and Waalo:

> It is not rare that various competitors employ violent or occult means to conquer the coveted position. And among the Wolof, as among all others, blood is often spilled in the name of this or that ambition.[117]

The existence of deliberative processes, then, did not always assure the cheerful achievement of consensus.

The practical limitations of *fal* and *folli* in the councils notwithstanding, Wolof speakers to this day closely identify the meaning of these concepts with consultation and agreement. One woman, for example, told me that *fal* meant "people joining together to agree on someone they all trust."

Because *fal* and *folli* were linked to the selection and deposition of rulers, these terms have become common currency in talking about the modern electoral process in Senegal. These terms do not, however, correspond neatly to Western democratic concepts of "electing" and "voting out of office," since the concepts *fal* and *folli* carry different connotations, most importantly, the connotations of deliberation and consensus. *Fal* and *folli*, in short, require the airing and harmonization of opinions, not the counting of votes. As the Governor of the region of Cap Vert of Senegal observed, "our system of values has not, up to this point, integrated the vote. In traditional Africa it was consensus that prevailed."[118]

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[115] For a more general discussion of this tendency see V.G. Simuyu, "The Democratic Myth in the African Traditional Societies." In Democratic Theory and Practice in Africa edited by Oyugi et al. (Portsmouth, New Hampshire: Heinemann, 1988) pp. 49-70.

[116] Azan, "*Notice sur le Oualo*," p. 335.

[117] Bérenger-Féraud, *Les peuplades de la Senegambie*, p. 44.

[118] *Le Soleil*, 13 August 1982, p. 7.

The point is that this connotation of consensus undermines the very notion of *alternance* that is central to Bathily's intended meaning. Undertones of harmony have leeched from the concepts *fal* and *folli* to color the concept of *demokaraasi*, reinforcing images of consensus that are already present in the mosque metaphor.

5. Conclusion

Fractions of the Francophone political elite are today vying to define and appropriate *démocratie* to advance their own political interests. While the opposition insists that the term entails fair rules of electoral competition and *alternance*, the ruling party argues that it is essentially the right to organize political parties and to express grievances. In their competition to lend exclusive legitimacy to their positions, each faction uses a variety of channels to disseminate their opposing views to the wider population, trying to win new adherents and supporters.

Yet the population of Senegal is segregated in terms of access to political knowledge. The literate, urban minority that attends French-language schools, reads French-language books and journals, and understands French-language radio and television broadcasts have access to diverse sources of information on politics and *démocratie*. Views of *démocratie* held by this educated segment of society tend to reflect broadly the ideas and positions held by the different factions of the political elite. For non-Francophones, in contrast, the key channels are political rallies, cassette recordings, and Wolof-language electronic media programming - especially electoral campaign broadcasts.

Because concepts like "*démocratie*" have no direct equivalents in Wolof, members of the political elite have attempted to convey their views of *démocratie* by projecting traditional Wolof words into new political contexts or by using metaphors to bridge the gap between the familiar and unfamiliar. These projections and metaphors, however, carry with them meanings embedded in Wolof history and culture that tend to pull *démocratie* from its semantic foundations. The mosque metaphor and the use of the words *fal* and *folli* stretch *demokaraasi* with connotations of communality and harmony, while the use of *nguur* extends *demokaraasi* to signify a wide distribution of material benefits.

To what extent are such shifts in meaning intentional? Certainly the choice of mosque metaphor on Diouf's part was carefully considered, as may have been Savané's repetition of *nguur*. Nonetheless, political leaders are not always adept speakers of Wolof, as their frequent blunders suggest. Abdou Diouf has referred to himself as *càmmiñ* - a term that means brother, but the use of which is restricted to women. In the most recent presidential campaign, the twisted and sometimes incomprehensible Wolof of Madior Diouf was the most visible target of drubbing. In

the harsh appreciation of one taxi driver, "he doesn't have anything going for him; he doesn't even understand Wolof."[119] Even former President Léopold Senghor - a renowned Wolof linguist - made occasional slips. A widely recounted anecdote has it that once during a radio speech on agricultural policy he meant to address the problem of brush fires (*daay*), but unknowingly raised the issue of bowel movements (*day*). These gaffes suggest that, at a minimum, not all bent meanings are the result of deliberate calculation.

Be that as it may, the shifts in meaning from *démocratie* to *demokaraasi* should not be seen solely as the consequence of specific word choices; these shifts emanate from the general nature of translation - a process that inevitably involves some loss, addition, or skewing of meaning.[120] Diouf, Savané, and Bathily relied on a set of cultural premises grounded in the everyday life of the unschooled populace because the presuppositions that provide meaning to the French term *démocratie* are missing in Wolof. The transfer of meaning from French to Wolof involves a shift of reference points and corresponding metaphors. The absence of equivalent cultural frames in Wolof has, in short, required the different factions of the Senegalese political elite to generate new frames of interpretation that fit the cultural frameworks of non-French speaking Wolofones.[121] The evidence presented in this paper thus suggests that the Wolof concept *demokaraasi* as used by the political elite is something other than the French term *démocratie* pronounced in accordance with the phonetic rules of Wolof. The transfer of meaning from French to Wolof entails a shift of cultural reference points, a shift that bends the original meaning of the concept.[122] The lesson is that in studying the diffusion of political ideas in multi-lingual countries, we need to take seriously the issue of translation.

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[119] Reported in *Wal Fadjri*, 5-11 February 1993, p. 2.

[120] Eugene A. Nida, "Principles of Translation as Exemplified in Bible Translating." In On Translation, edited by Reuben Brower (Cambridge: Harvard University Press, 1959) pp. 13, 19.

[121] Eugene A. Nida and William D. Reyburn, Meaning Across Culture (Maryknoll, NY: Orbis, 1981) pp. 14, 17, 25.

[122] The question remains, though, as to how the non-Francophone populace assimilates and transforms these meanings, and whether it holds any coherent understanding of the concept. This is a subject for another day. See Fred Schaffer, "How Adequate are Institutional Definitions of Democracy? Some Reflections based on the Study of *Demokaraasi* in Senegal." Paper prepared for delivery at the 1993 Annual Meeting of the American Political Science Association, The Washington Hilton, September 2-5, 1993.

ORDINARY POLITICS: IMMIGRANTS, DIRECT ACTION AND THE POLITICAL PROCESS IN FRANCE

Martin A. Schain

Center for European Studies

New York University

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Schain

A great deal has been written during the past few years about the normalization of French politics. The one political pattern that has not been normalized, at least in the conventional sense of the word, is the relationship between protest and ordinary politics. At the same time that the Fifth Republic has produced a series of powerful governments capable of bringing about policy reform with astonishing rapidity (compare this with the recent US experience), these same governments have proven to be surprisingly vulnerable to veto by protest. Indeed, every government in the past 12 years (the years of "normalization") has seen at least one of its key projects rejected, not by ordinary parliamentary processes, but by protest in the streets.

It is hardly novel to note that there appears to be a high level of protest behavior in France. Russell Dalton's comments are typical:

> A call to the barricades stirs the hearts of many Frenchmen, contributing to historically high levels of unconventional political activity. In the words of one expert, protest in France is a national way of life.[1]

Nevertheless, although Dalton does show high levels of "unconventional political participation" in France, these levels are only slightly higher than those of the United States, Britain and Germany for the same year. The marginally higher French percentage is due mostly to higher participation in lawful demonstrations, and participation in unofficial strikes. In fact, what

Dalton demonstrates most convincingly is that, cross-nationally, participation levels in moderate forms of unconventional politics rival those of more conventional modes.[2]

What appears to differentiate the French pattern from that of other industrial democracies, is the *impact* of protest movements. The efficacy of protest--its impact on the policy-making process-- seems puzzling in light of two developments during the period of the Fifth Republic. The first is the general ability of governments to dominate the legislative process; and the second is the high level of legitimate support accorded the institutions of the Fifth Republic.

A combination of constitutional tools and working majorities in the National Assembly have given Fifth Republic governments the ability to develop mandates, and carry through their promises. Even the relatively weak governments lead by Raymond Barre between 1976 and 1981, and the minority governments of Michel Rocard, Edith Cresson and Pierre Bérégovoy between 1988 and 1993, were able to gain their essential objectives by using the array of questionable tools provided by the Constitution to push through legislation. This mode of governing is made possible by support that has grown through the years for the strong executive. The "malaise" that has been widely analyzed during the past few years has reflected a lack of confidence in political leaders and political parties, but *not* political institutions.

This strength of formal executive power and regime consensus only highlights the periodic effectiveness of protest movements in vetoing, modifying or postponing important legislative efforts, and this paradox is highlighted even more by the periodic effectiveness of immigrant protest. Movements by and/or in favor of non-citizens, the most politically marginal and weak actors, would, on their face, seem to be destined to be suppressed or to fail. If we can understand the success of these movements, then we may be able to draw some general conclusions about the relationship between protest and politics.

In this paper, I will examine three protest movements initiated by immigrants in France. I will look at the movements, their origins, organization and outcomes, and focus on the relationship between these movements and the policy-making process.

Resources and Opportunities

Patterns of protest in France imply two questions on which we will focus in this paper. The first is the question of why the weapons of the weak appear to be so effective against strong and coherent governments. The second is why some movements succeed while others fail. From the point of view of the actors, protest is a way of mobilizing resources, a way that organizers have of strengthening their influence, either directly or indi-

rectly, in the policy process. Protest can, therefore, be seen as an aspect of "ordinary" politics-- by other means.[3]

The success (and the initiation) of protest movements has been analyzed in terms of "structures of opportunity" within the state and political system which, according to Sidney Tarrow, encourage the protesting group to mobilize its resources and are related to the success of the movement.[4] Opportunity structures are both constant and variable. Relatively constant opportunity structures include the degree of openness of the political system[5] , the degree of centralization of the system, and the structure of the party system. More variable structures include: the stability or instability of party alignments;[6] the presence of allies or supporters among political elites;[7] political conflicts within and among elites.[8]

It would appear that the variable aspects of the opportunity structure reflect the conflicts within the government and the state both with regard to general policy, and with regard to the issue at hand. In the first instance, the issue at hand is used by political elites in ongoing conflicts; in the second, the issue creates or becomes a vehicle for new alliances. In both cases, elites are not simply passive actors in an opportunity structure, but also shape this structure by their response to protest.

The question is not simply how these structures are viewed from below, but how they play out from above. Protest literature

focuses on how variations in the opportunity structure encourage protest movements, and contribute to their success. My interest here is somewhat different. I am most interested in how movements of direct action relate to elite behavior, as well as how the actions of elites mold the protest environment: the relationship between the way policy is developed within institutions and among elites, and the way that movements of protest emerge and develop from below.

In France, the more constant elements of the opportunity structure seem to militate against the possibility of protest. A high degree of centralized decision-making, combined with a relatively closed political system and a stable core of political elites, remote access to decision-making, and considerable protection for the targets of protest, provide little encouragement for mobilization. On the other hand, the fragmentation of the party system and changing political alignments in France work in the opposite direction, and political conflicts within and among the (stable) core of political elites in France have generally encouraged and supported protest movements.

THREE CASES OF DIRECT ACTION AMONG IMMIGRANTS

Since the 1970s, there have been three important cases of direct action among and on behalf of immigrant groups in France. The first was a long rent-strike of immigrant workers living in

state supported dormitories that began in 1973 and lasted, through various phases, until 1980. This was the first important movement initiated by immigrant workers themselves, and eventually involved unions, state agencies, political parties and the government. The second, was a series of immigrant-initiated strike movements, first from 1975-80, and then in 1982-83 (I will look at the second wave), which appeared to portend the emergence of ethnic conflict in France. Finally I will look at SOS Racisme, the movement that emerged in 1984 as a result of aseries of anti-racist youth marches. Its dynamic leadership quickly established close links with the governing Socialist Party, and became an important conduit for the government for the development of policies on immigration.

From each of these cases of direct immigrant action, we can learn something different about the relationship between direct action and the policy-making process. We can also analyze those elements that are common to immigrants, and are different from direct action among other groups, as well as elements that these cases have in common with other French patterns (such as those analyzed in other papers on this panel). I will argue that each of these movements had an important impact on the structure of decision-making, and that each was part of a process through which immigrants were integrated into institutions involved in the political system. I will also argue that in each movement immigrants provided the expressive motor-force that was harnessed

in an instrumental way by existing political elites. However, each movement also resulted in unanticipated and unintended consequences, not necessarily consistent with either the expressive spirit of the protest or the instrumental objectives of existing elites.

1. The SONACOTRA Rent Strike

SONACOTRA (the National Association for the Construction of Housing for Algerian Workers) had been established in 1956, as a *société d'économie mixte* to build and administer housing "for French muslims from Algeria who have come to work in France", and was funded in part by credits from the French government. The purpose of the agency, apart from building and administering worker housing, was to limit the recruitment of the FLN, which recruited heavily in the slums populated by Algerians on the outskirts of Paris. After Algerian independence the name (but not the acronym) of the agency was changed to eliminate "Algerian," and its mission was changed to include workers in general.[9]

The SONACOTRA expanded as part of a larger program of the French governments that dated from the early years of the Fifth Republic, to eliminate the shantytowns that surrounded large French cities, and that were inhabited by large numbers of foreign workers (largely Portuguese at this time). By the late 1970s, most shantytowns had disappeared, and about 170 thousand immigrants were housed in units administered by SONACOTRA, and

200 thousand in low income housing sponsored by other agencies (HLM).[10] Although the dormitory housing depended on state subsidies, they were expected to recover their maintenance costs from rents (called "share of the running costs") charged to the residents.

During the 1970s, the structure of the immigrant population in France was in the process of changing. In general the dominant population of mobile immigrant workers was giving way to a more sedentary population of families. The suspension of immigration in 1974 encouraged this trend by favoring family unification, and making it more difficult for workers to leave and reenter the country. Nevertheless, particularly among North Africans, adult males living in France alone without their families still predominated in the mid-1970s.[11]

The SONACOTRA conflict had all of the earmarks of a protest movement. It was a direct (not representative) collective action, whose participants, at least initially, rejected institutional mediation. Its initial aims were disruption of normal processes, an attempt to break through the bureaucratic morass, an attempt to be heard. The movement was broadly expressive, and demands, as we shall see, were often "couched in symbolically charged and non-negotiable terms." Nevertheless, their demands did impinge on political elites, and the participants were strategic in their choice of issues, targets and goals.[12]

Between December, 1973 and July, 1975 the residents of three immigrant worker dormitories in the Paris region initiated rent strikes in protest against increases in rent, and against living conditions in the residences. The movement might have been quickly defused, if the directors of SONACOTRA had agreed to negotiate with their clients. Instead, they refused. "We don't discuss [policy]," argued one manager, with people who come from huts."[13] Although the strikes were related to one another, it was not until July, 1975 that a committee was established to represent the workers in their negotiations with the directors of the SONACOTRA. Informal contacts had failed to produce any results, and rents were increased once again at the end of the summer. The new move provoked the spread of the strike to other dormitories, and a new Coordination Committee was formed, consisting of delegates from each of the striking dormitories.

The first committee had been formed by the C.G.T. of the department of the Hautes-de-Seine, and was closely linked to the Communist Party. The party, was playing a role that it had played since the 1920s, representing the interests of immigrant workers, but, in this case, its links to the North African workers on strike in the dormitories were weak and fragile. The new committee, which did not displace the C.G.T.-dominated committee, was more representative of these workers, and employed a more radical (gauchiste) vocabulary in its formulation of

demands; it also claimed to be the sole representative of the striking immigrants.

The competing claims were put to the test in December, when the Hautes-de-Seine committee, with the approval of the Amicale des Algériens en Europe (the Society of Algerians in Europe) signed an agreement with SONACOTRA on behalf of the first dormitory that went out on strike in 1973. The accord granted many of their demands for rent reductions, but was immediately denounced by the rival regional coordinating committee, which now claimed to speak for 37 dormitories on still on strike. The C.G.T., the P.C.F. and the Amicale were all denounced as traitors, and, by the end of the month, the strike had spread to another 13 SONACOTRA dormitories. There were now 1200 residents in 50 dormitories participating in the movement. During the first few months of 1976, the strike continue to spread throughout the Paris region, eventually to 238 dormitories. The Coordination Committee appeared to have won the battle over representation.

Nevertheless, SONACOTRA, which was quite happy to negotiate with the C.G.T., denounced the representivity of the Coordinating Committee. The claims of the committees went to the very core of what these workers were. The C.G.T. represented them as workers; the Amicale, as foreigners on French soil; but the Coordination Committee claimed that they were essentially *immigrant workers*, with special needs. By 1976, their demands had gone well beyond the reduction of the rents; they claimed the right to form their

own autonomous renters' association as well as improved living conditions. Moreover, although most of the striking workers were North African, participants also included many Black Africans and Portuguese workers.[14]

Beginning in February, 1976, the movement moved into the political arena. For the first time, the Coordination Committee called a mass rally (at the Mutualité) in Paris, attended by 3500 strikers and supporters. The rally was covered extensively by the press (the first time that this had happened). The Government, which had remained on the periphery of the negotiations until now, then moved to deport several dozen of the strike leaders on Good Friday; a poor choice of days, since it provoked angry statements from a combination of the Catholic Church (the Arch-Bishop of St. Denis), Jean-Paul Sartre, Simone de Beauvoir, François Mitterrand, Jean-Pierre Chevènement, as well as the PCF, the CGT, the CFDT (which demanded to see the prime minister). In March, 1977, the Council of State overturned the deportation orders for most of those concerned (who then returned to France--adding fuel to the political mobilization effort). Nevertheless, large numbers of deportations were confirmed on the grounds of the disturbance of public order.[15]

Perhaps the most interesting reaction to the expulsions came at a press conference on May Day, 1976, at the end of a week of demonstrations throughout France organized by all of the major trade unions, together with the Amicale. The President of the

Amicale, speaking for this coalition that had been denounced many times by the Coordination Committee, reaffirmed his unqualified support for the strikers, but carefully noted that

> ...it is useful to emphasize that our organization has never pretended to substitute itself for the group of immigrants whose diversity of nationalities limits in fact our ability to act in a role of active intermediary, directly interested in the satisfaction of the legitimate needs of the residents.[16]

At the same time, he denounced the

> ...irresponsible leaders if certain extremist elements, who are preoccupied little with the with the outcomes of the claims of the residents, and are only interested in creating a permanent center of agitation in these hostels.

The trade union leaders concentrated their fire against the government and the SONACOTRA, but the press conference in fact revealed the outlines of the challenge confronted by the those who regarded themselves as the legitimate representatives of the interests of the strikers. Both the CGT and the CFDT were forced to affirm their support for the right of immigrant association at the same time that acted on their behalf.[17]

During the summer of 1976, a second accord was signed between the dormitory authorities and the trade union committee, and this one seemed to hold for a few months, until the Fall of

1976, when new demonstrations and rent strikes were organized by the Coordination Committee. The trade union committee continued its negotiations with the SONACOTRA, but the conflict continued in the Paris region until mid-1980 (in late 1979, almost a third of the dormitories in the Paris region were closed because the residents refused to pay rent increases), when settlements were reached in most cases. In fact, it is difficult to give a precise date for the end of this movement, since each time it seemed to be ending, it would reemerge a few months later. The very complexity of noting the end is an indication of the endurance of the movement.

Like most movements, "success" cannot be judged simply in terms of its evolving objectives. Rents that were reduced at some points were raised at others, but living conditions in the residences themselves seem to have improved. However, the *process* of the movement did alter the political landscape in ways that were not entirely predictable at the beginning, and in ways that did not entirely work in favor of the immigrant workers themselves at the end.

Because SONACOTRA (and the government) refused to acknowledge the Coordination Committee as a legitimate representative of the striking immigrants, it was forced to deal with a trade union committee that had only limited influence over the participants in the movement. The ability of the Coordination Committee to survive attacks from both the government and the trade unions,

gave it added weight among the striking workers. In the end, the strikes cost the state about 50 million dollars in lost rents, not counting increased subsidies that the state paid to the lowest paid workers to offset the rent increases.[18] The state also expanded its efforts to provide low-income housing for immigrant workers and their families. Finally, the precedent of immigrant workers of different origins working together served to solidify subsequent movements against government actions, particularly the Bonnet proposal to tighten police powers of expulsion and the Stoleru proposal to discontinue permanent work permits (both were severely modified as a result of decisions by the Council of State and the Constitutional Council, and ultimately repealed by the Socialist government in 1981).

However, there were unanticipated consequences that are linked to the movement. On the issue of housing, the effective positions of the right and left were reversed in the late 1970s. During this period, the central government of the right was drawn into the position of defending subsidized housing for immigrants, while the local governments of the left attempted to resist or limit its expansion.[19] On the other hand, when, in order to assert its authority in this area, the government attempted to impose increased restrictions on immigrant rights and to restrict entry in a variety of ways, the effort was strongly resisted by the Left opposition.

Another unanticipated consequence of the conflict was masked by the Maoist tendencies of the Coordinating Committee:

> The leftist and marxist language used by the Coordination Committee, [notes Jacques Barou, contributed to hide the islamic aspect of this conflict, which, though never underlined by the media...was nevertheless quite present....Between 1974 and 1979, when the conflicts were almost uninterrupted, this demand for space for prayers was so systematic that it was anticipated by the directors concerned, who budgeted in all of the dormitories construction to respond to this need. We must also take into account the fact that, for the directors, it was one of the demands that was easiest to satisfy and the its satisfaction seemed to bring back a semblance of order.[20]

By 1986, 80 percent of the dormitories run by the SONACOTRA had built Islamic prayer rooms, which served religious purposes, but also served to reaffirm islamic identity in a broader sense. Favored by managers in the 1970s because they linked Islam with order, Islamic expression was also favored by the leftist organizers of the SONACOTRA strikes because they viewed it as a means of promoting solidarity. Thus the widespread demand for prayer rooms met virtually no opposition.

On balance, the movement was linked to the development of national policy on immigration both directly and indirectly. The

direct link was relatively narrow: the involvement of the government in the settlement of the strikes over a five-year period. The indirect links are related to the process through which the movement evolved. The SONACOTRA movement had its own dynamics which ultimately involved these workers-- many of whom were not French citizens, did not vote, and had few resources with which to assert their demands-- in the conflict between the government and the organized opposition. The broader policy response of the government was related less to the movement itself than to the process that had been set in motion by the movement, and, in this sense was indirectly linked to it. The choices of the government were not preordained, but were, nonetheless, constrained by the new political environment that resulted from the movement.

2. The Auto Strikes of 1982-83

During the 1970s immigrant workers gained more or less full access to trade union rights. Legislation passed by governments of the right in 1972 and 1975 granted immigrants the right to vote in "social" elections for shop stewards, union representatives and plant committees. The 1975 legislation, moreover, permitted them to stand for election and to hold office in trade unions themselves, provided that they were able to "express themselves" in French and had worked in France for at least five years.[21] Paul Dijoud (Giscard's Secretary of State for Immigration) referred to the new legislation as a "confirmation of the

government's dedication to assuring the equality of social rights between foreign and French workers."[22]

Nevertheless, the rates of unionization remained low among immigrant workers, even lower than those of native workers. It is estimated that only about ten percent of immigrant workers belonged to any union in the 1970s, less than half the percentage of native workers. However, this overall discrepancy can be explained in part by the concentration of immigrants in industries with relatively low rates of unionization. In sectors in which rates of unionization were higher (textiles and metalworking), the discrepancy was much narrower.[23]

During the period after the victory of the Left in May and June, 1981, there was a decline in strike activity, with the exception of the automobile sector, in plants in which there were large number of immigrant workers. The immigrant workers who went out on strike between the fall of 1981 and the spring of 1983 were, for the most part, the most endangered workers in an endangered sector: assembly line workers in a shrinking industry. Like many intense strikes in France, this movement that lasted a year and a half began with non-unionized assembly line workers in two Renault plants: Billancourt and Flins. In both of these plants, immigrant workers constituted over 50 percent of the blue collar work force, concentrated on the most redundant assembly line work.

By 1981, international competition had begun to take its toll on the French auto industry. The combination of job cutbacks and assembly line speedups provoked a three-week walkout in Renault-Billancourt in October, 1981, a precursor as it turned out, to a larger strike wave in the spring and fall of 1982, and then the winter and spring of 1983. The press reports sometimes referred to these strikes as "the May-68 of the immigrants."

What made them most notable, perhaps, was the fact that they were almost the only large strikes that lasted for long periods of time during this period. In fact, at a time when union membership was in sharp decline, when union influence among French workers was declining as well, when unions were increasingly viewed as "too powerful," and when the frequency and amplitude of strike action was diminishing, these immigrant strikes were widely seen as a (hopeful) sign of mobilization by commentators on the left.[24] They were also notable because, generally standard demands were frequently posed in terms of "dignity," leading commentators to refer to the most bitter of these strikes (especially the strikes at Citroën and Talbot) as "the springtime of dignity."[25] It appears that speedups and changes in work-rules provoked the strikes, but that most of the demands that were finally negotiated involved financial settlements of some kind.[26]

The strikes themselves generally followed a well-known pattern of French strike movements. First, they were initiated

"at the base" by small groups of non-unionized workers, and gained the support of others. Thus, the conflict at Citroën-Aulnay began with a remark by a foreman to an assembly line worker on April 22, 1982, reported as: "I don't discuss things with slaves, with *bougnoules* [a pejorative name for North Africans]." An hour later, several hundred workers had walked out.[27] The strike lasted until June. At Renault-Flins, the strike was initiated on January 6, 1983 (the second strike in less than a year) by a few hundred mostly immigrant workers in the paint shop with the support of CFDT (the leading union in the plant). The strike movement soon spread to other shops in the plant (in part because production was halted).

Second, the strikes caught the unions by surprise. This was particularly true at Citroën, which was dominated by a company union, and where the established unions were particularly weak. The unions then attempted to "canalize" the movement, to act as intermediaries with management (and state authorities), and competed with one-another in acting in this role. Nevertheless, in no case did the unions dominate the strike process.

> But the conflicts in Flins and Billancourt show that the unions are not the masters of the game. The strikers have imposed their own will: "It is the workers who have set off the strike who must decide about return to work" affirmed a spokesman for the strikers in Flins, the majority of whom are immigrants.[28]

In this context, the role of the union delegates from the different centrals varied. The CGT tended to be more open to negotiation in Flins, while the CFDT tended to "stick" closer to the striking immigrant militants.

Finally, the movements lost steam, and settlements were reached with at least short-term gains for the striking workers.[29] Although they were not generally depicted by the unions or the workers themselves as "immigrant" struggles, there were aspects of this movement that were specific to the workers as immigrants that we shall explore below. Less obvious, however were the changes that had broader implications for the immigrant workers as a group, and their relationship with the trade unions that were increasingly dependent upon their support, especially in declining industries.

Thus, these strikes marked the integration of North African workers into the more general working class conflict, but with conditions specific to who they were. Research conducted during this strike period shows a permanent tension between two goals for the unions:

> One hand the recognition of worker individuality, and thus of foreign identity, without which the union cannot be firmly entrenched in its "base," ...; on the other hand, the elimination of ethnicity, age, and sex in the search for a broader legitimacy and representativeness. [30]

The result was a compromise, both in the process of canalizing the strikes, and in the settlements that were reached.

In each of the strikes in the auto industry, the motor force behind the organization and definition of the movement was a committee of the striking workers themselves, a committee that remained more or less apart from the union delegates. In April, 1982 in Flins, it was called "the strike committee," in April-June in Citroën-Aulnay, the "delegates for struggle." In each case these committees that had the confidence of the strikers performed intermediary roles that ranged from language interpretation to bargaining interpretation and intermediation. In some earlier cases (Usinor-Dunkerque in the spring of 1981), these committees had presented themselves as alternatives to the established unions, but during the strike wave of 1982-83, their actions were "canalized,' if not controlled by the unions. In the end many of their members were integrated into the CGT (most frequently) and the CFDT.[31]

In this sense, the strike movement was an organizational success for the unions, particularly the CGT. It was also an organizational success for the immigrants, many of whom, sponsored by the unions, became shop stewards and members of plant committees during the period after the strike movements.[32]

This pattern is part of a more general struggle by unions to come to terms with the "different," specifically the Islamic aspects of North African workers. In some plants (particularly

Renault) CGT has been a more active supporter than CFDT of specifically religious demands of Muslim workers. During the 1970s, in response to what they perceived as attempts by the government and by management to use Muslim workers to weaken the bargaining strength of the unions, the CGT attempted to mobilize and integrate them by supporting demands for religious practice in the workplace.[33] During the 1980s the union has continued to support "cultural demands" with more enthusiasm than the CFDT, which has been more wary of supporting such demands.[34]

On the other hand, the CGT has been more wary of the independent strike committees organized by immigrant workers, and the 1982-83 strike wave marked the first time that it was successful in both working with them and, ultimately bringing their leaders into the union. But, the larger picture is less sanguine. Since the 1960s, the proportion of immigrants among the delegates at the national congress of the CGT has increased somewhat, but in 1985 still only represented just over 6 percent of the those present (down from 8 percent in 1982).[35]

Nonetheless, we would argue that the strike movement of 1982-83 were an important step in forging a relationship with immigrant workers and the trade union movement. Even if some of the gains proved to be temporary (all of the plants concerned continued to reduce employment, particularly among the workers who spearheaded the movement,) and the penetration of the union organizations was slow and marginal, the movement was a *conflict*

révélateur of the changing structure of the French working class, and the changing structure of the trade union movement. By most measures, these strikes were successful because of the relationship between the striking workers and the unions.

There was another aspect to this movement that is more difficult to analyze. The government was not directly involved in the negotiations during the strike movement. Nevertheless, its indirect involvement was important. Like any important strike movement, this one was imbued with political meaning and political consequences. It was a direct challenge to the emerging austerity policy of the Socialist government, and it came in the midst of the debates over lois Auroux and the first electoral breakthroughs of the National Front. the strike movement also came during the runup to the important municipal elections of 1983. The Minister of Labor, M. Auroux, strongly supported the proposals of the director of Renault (a nationalized firm under independent management), and state mediation finally ended the strike at Citroën-Aulnay.

Clearly, even for a Socialist government that would normally be somewhat sympathetic to the poorest workers fighting for their "dignity," this strike movement was a political problem. But the way that it chose to focus on the problem was unexpected. In the runup to the March, 1993 local elections, the prime minister, the minister of labor and the minister of the interior all interpreted the strike movement as a challenge of fundamentalist Islam.

Thus in speaking of the conflict at Renault, Prime Minister Pierre Mauroy distanced this strike from a "normal" strike, by declaring that

> ...the main difficulties that remain are posed by some immigrant workers who, without disregarding the problems, ...are agitated by religious and political groups who are guided by criteria having little to do with the realities of French society.[36]

A few days later, the Minister of Labor drove the point home in more explicit and ominous terms:

> There is evidence of a religious and fundamentalist element in the conflicts which we have encountered, which gives them a slant not entirely confined to trade unionism. Having said that, we live in a secular state and we expect things to remain as they are. I am against the institutionalization of any religion inside the place of work. I am against religion in the workplace just as I am against politics in the workplace.[37]

At the same time the Minister of the Interior spoke darkly of "fundamentalists" and "shiites."

Islamic demands were not important in the 1982-83 strike movement, and there was certainly no evidence of "outside agitators." Moreover, in terms of the norms of the French trade union movement, the pattern of these strikes was certainly quite

orthodox and expressed a set of demands that were universal and not particularistic in content. Nevertheless, the claims of the government were meant to transform the meaning of the strikes at a time when it was engaged in an electoral campaign in which immigration was becoming an important issue, and in which the minister of the interior was involved in a local contest in Marseilles in which this issue was of pivotal importance. Indeed, at the time, Defferre was arguing that he, as minister of the interior, he was best placed to combat immigration. Thus, in an unanticipated way, the movement fed into the politicization of the immigration issue in France.

3. SOS Racism

The case of SOS Racism is quite different from the previous two cases, different in terms of origins, different terms of participants, different in terms of process, and, in significant ways, different in terms of outcomes and consequences. The organization emerged as a reaction to the rise of the National Front in 1983 and 1984, at the culmination of a series of anti-racist marches and demonstrations by "second generation" North African youth. The marches themselves had attracted considerable media attention, and the organizers of the movement were strongly attuned to the uses of media and publicity.

SOS rapidly became a holding company of diverse communities of immigrant youth (lycée and university students, for the most

part), united by a broad commitment to fight the tide of racism that accompanied the expansion of the National Front. Throughout France, in housing projects, lycées and universities, the movement established *points-stop racism*.[38] In part, the rapid spread of SOS can be accounted for by the fact that soon after its founding, it began to work with established anti-racist organizations and student groups of all kinds (including the Union des étudiants juifs de France- UNEJF). The "tuned-in" (*branché*) style of the leadership facilitated the penetration of lycées and university centers by SOS.[39]

But the leaders of the organization were particularly skilled in mobilizing media coverage of its high-profile marches, concerts and events. Indeed, Marie Poinsot has argued that the great innovation brought by SOS-Racism was its systematic use of the media for organization and mobilization.[40] The anti-racist movements in 1983-84 promoted the founding of SOS Racisme, but SOS organized around the use of the media to magnify its mobilization capacity.

> Even with pretty weak elements, we were prepared to feed something to the journalists who were always camped at the door of the association...The words, the events, the "actions," everything was used in terms of monopolizing the media,

argued a former member of the Paris association.[41] By 1985, SOS became the primary spokesman for racist incidents for which the

media needed a reaction. The face of Harlem Désir was frequently on the screen, and the organization became both visible and privileged.

Also, by 1985, SOS-Racism had established a firm link with the Socialist Party.

> Thanks to the machine of the Socialist Party, a solid implantation of several dozen committees of SOS was rapidly put in place across France. It was essential to have this advantage because, in all future actions, we would need their cooperation to mobilize the masses.[42]

In fact, Malik notes that many of the local committees were composed of "a few guys from the PS or of the Ligue Communiste," and Poinsot confirms the close links with the PS in the Nord region around Lille.[43]

Within a few years after its founding, SOS Racisme had also stimulated the founding of competitive organizations of North African youth-- notably, France Plus. France Plus, more oriented towards traditional republican values of "individual integration into the nation," and the placement of North African candidates on lists in local elections, has provided considerable competition for SOS both nationally, and, especially, locally. It has also successfully competed for support within the PS-- particularly among the Rocard wing of the party. In fact, the electoral work of France Plus has helped it establish firmer local roots compared with SOS Racisme. As Marie Poinsot notes:

> At the end of this decade, SOS Racisme therefore remains a national actor without a solid anchoring in the region of the Nord, since it is only the local media that relate in their columns the statements of the parisien association in the area of anti-racism. The formation of a local audience among the youth of Lille has not happened.[44]

Nevertheless, SOS Racisme has become an institutionalized political force. It is an established presence on the French political scene, a recognized representative organization that is part of the continuing dialogue on racism and immigrant policy. The institutionalization of SOS was the beginning of a more general shift in *intérlocateurs valables* among groups claiming to represent the interests of North African immigrants, from French organizations and *amicales* linked to the North African governments, to groups with roots among the so-called second generation of immigrants.

IMMIGRANTS, PROTEST AND FRENCH POLITICS

The three protest movements discussed in this paper were all successful in several ways.

1. Institutionalization of Representation

During the long rent strike at SONACOTRA, immigrant militants in the Coordination Committee became important actors in

political bargaining for the first time. Although they were opposed by both some trade union leaders and the directors, they maintained the confidence of the participants. The tension between the union representatives and the immigrant committee probably prolonged the strike, but also established the prerogatives of the immigrant representatives, at least informally.

By 1982-83 these same tensions, this time in the context of industrial action, were worked out in a way that benefited both the striking immigrant workers and the trade unions involved. The immigrant strike committees generally worked well with the union organizations. In the case of SOS Racisme, the rapid institutionalization of the movement was related to its ability to relate well to the media, but also to other French organizations that were dealing with the problems of racism.

2. Gains and Objectives

Each movement was also a success in the gains that it was able to obtain for the immigrant participants. Conditions *did* improve at the SONACOTRA dormitories, and the government *did* make a larger commitment to immigrant housing. The strike movement was surprisingly successful in the gains that it made in the midst of a policy of austerity. The success of the SOS cannot be measured in the same terms, but the representatives of SOS did gain access to the decision-making process on immigration.

In fact, the pattern that these movement indicates is different from that of most protest movements in France. Unlike most movements, these are closest to the "cycle" of protest analyzed by Sidney Tarrow.[45] Protest in France is either part of the "normal" pattern of trade union action (and periodically the action of other groups as well), or the sporadic movement of what is referred to as the "social climate." Only rarely does protest result in the incorporation of new groups into the political system. In this case, the net effect of these three movements was to institutionalize immigrant representation in the trade unions, and to include immigrant actors in the polity.

A second significant difference between these movements and most other protest movements in France is that there were positive gains. Many, though certainly not all, protests are attempts to veto policy changes, and prevent the government from doing something it has already done, or intends to do. The SONACOTRA strikes began as an attempt to push back a rent increase, but as the strikes went on, the demands broadened.

But how can we understand the success of these movements, and what can we learn more generally about protest movements in France?

1. Elite competition

In the two strike movements, the immigrant participants had the support of both the CGT and the CFDT. The strikes initiated by the immigrants on trade union turf were a challenge to their

authority that could not be ignored. The competition between the unions in an environment of declining union confidence among workers guaranteed an elevated sensitivity by union representatives to immigrant concerns. The stakes of these movements for union elites were different than they were for the immigrant participants, but success was important for both.

2. The Fragmented Party System

Although the French political system is relatively closed, and decision-making is still relatively centralized, the fragmentation of the party system constantly offers opportunities for protest movements of long duration. The SONACOTRA strikes became part of the continuing struggle between the government of the Right and the Left opposition in the 1970s, but the striking workers also attracted the support of sympathetic deputies from the governing parties.

The strikes in 1982-83 seriously challenged and embarrassed the Socialist-Communist government of the Left, but also created divisions both between Socialists and Communists, and among the Socialist ministers. The statements by the prime minister, the minister of the interior and the minister of labor were opposed publicly by the secretary of state for immigration. The creation of SOS Racisme was supported by the governing Socialist Party at the time, but after the emergence of France Plus a year later, both organizations became linked to different wings of the party.

The fragmented party system offered both opportunities and posed problems for each of these movements. The links that developed between these movements and the parties or party factions strengthened the movements in some ways, but also made them more dependent on party priorities.

3. Centralization

Given the fragmentation at the center, the centralization of decision-making in France tended to magnify the importance of these movements, and of protest movements in general. All of the bargaining to resolve the strike protests quickly moved to the top, and involved government officials either directly or indirectly. Thus, once elements of the center became involved, it became more important to resolve the conflicts, even if concessions were made.

Therefore, I would argue that the variations in the opportunity structure in France are important for understanding these movements and others as well. Nevertheless, the dynamics at the top have a life of their own, and it would be useful to look at these movements through the eyes of elite actors, to understand why they reacted in the ways that they did.

ENDNOTES

1.Russell J. Dalton, Citizen Politics in Western Democracies (Chatham: Chatham House Publishers, 1988), p. 60.

2.Dalton, p. 65,

3.See Charles Tilly, Louise Tilly and Richard Tilly, The Rebellious Century: 1830-1930 (Cambridge: Harvard University Press, 1975), Ch. VI.

4.Sidney Tarrow, Democracy and Disorder (Oxford: Clarendon Press, 1989), pp. 21-23.

5.Peter Eisinger, "The Conditions of Protest Behavior in American Cities," American Political Science Review, 67: 11-28.

6.Frances Fox Piven and Richard Cloward, Poor People's Movements (New York: Vintage, 1977).

7.William Gamson, The Strategy of Social Protest (Homewood: Dorsey, 1975) and Craig Jenkins and Charles Perrow, "Insurgency of the Powerless: Farm Worker Movements 1946-1972," American Sociological Review, 42:249-68.

8.Jenkins and Perrow, "Insurgency of the Powerless..."

9.Gilles Kepel, Les banlieues de l'islam (Paris: Seuil, 1987), p. 127

10.See Véronique de Rudder, "Immigrant Housing and Integration in French Cities," in Donald Horowitz and Gérard Noiriel, Editors, Immigrants in Two Democracies: French and American Experience (New York: NYU Press, 1992), p. 248, and Douglas, Ashford, Policy and Politics in France (Phila: Temple University Press, 1982), p. 283.

11.See R.D. Grillo, Ideologies and Institutions in Urban France (Cambridge: Cambridge University Press, 1985).

12.This more or less follows Tarrow's definition of protest movements in Democracy and Disorder, p. 14.

13.The word he used was *gourbis*-- a pejorative term for rural Arab huts. See the report by Jean Benoit at the end of the movement in 1980. Le Monde, August 5, 1980, p. 21.

14.See Gilles Verbunt, L'intégration par autonomie (Paris: CIEM, 1980), pp. 319-21 and SONACOTRA, Nous, les gérants racistes (Paris: Les Éditions du Cerf, 1979), preface by Claudius Petit, the former president of the SONACOTRA. According to Gilles Kepel, about 88 percent of the *residents* of the dormitories were North African in 1975. Kepel, Les Banlieues de l'islam, p. 127.

15.The details of this account are derived from the forthcoming book by Patrick Ireland, The Political Challenge of Ethnic Diversity: the Evolution of Immigrant Politics in France and Switzerland, pp. 78-83; and from Catherine Wihtol de Wenden-Didier, Les Immigrés et la politique, Thèse présenté en vue du doctorat d'Etat en sciences politique, Institut d'Etudes Politiques de Paris, 1986, pp. 405-413.

16."Conference de presse sur l'immigration," May 1, 1976, (CFDT, CGT, FEN, UGTA, AAE) (Paris, mimeo).

17.Ireland, The Political Challenge of Ethnic Diversity, p. 83.

18.Mark Miller, Foreign Workers in Western Europe: An Emerging Political Force (New York: Praeger, 1981), p. 88; and Douglas Ashford Policy and Politics in France, p. 282. Also see Le Monde, June 17 1978.

19.See Martin Schain, French Communism and Local Power (New York: St. Martin's Press, 1985), pp. 72-83.

20.Jacques Barou, Les OS dans les industries automobile (), pp. 139,as quoted by Gilles Kepel in Les banlieues de l'islam (Paris: Seuil, 1987), p. 134.

21.There were some other restrictions as well, such as a limit of one-third on the proportion of trade union administrators. See Ireland, The Political Challenge of Ethnic Diversity, pp. 76-77.

22.Journal Officiel de l'Assemblé Nationale, June 16, 1975, p. 4241. In fact, Dijoud's reforms were part of a larger package that included increased spending for Housing, special classes for immigrants in primary and secondary schools, and special scholarships for universities. See Ashford, Politics and Policy in France, p. 280.

23.Ireland, The Political Challenge of Ethnic Diversity, p. 84.

24.2.3 million work-days were lost to strikes in 1982, most of them attributable to the immigrant workers' strikes, a record for the decade of the 1980s. I have explored the decline of the trade union movement in "Relations between the CGT and the CFDT: Politics and Mass Mobilization," in Mark Kesselman, Editor, The

French Workers' Movement (London: George Allen and Unwin, 1984). The reports in Le Monde by Jean Benoit were particularly inciteful during this period, and particularly upbeat both about the positive impact of these conflicts on the trade union movement, and the ability of the immigrant workers to make significant gains through the trade union movement. In particular, see Le Monde, December 3 and 4, 1982 and January 29, 1983.

25.See Floriane Benoit, Citroën: le printemps de la dignité (Paris: Ed. Sociales, 1982).

26.See Catherine de Wihtol de Wenden-Didier, Les Immigrés et la politique, pp. 711-714.

27.See Benoit's article in Le Monde, December 4, 1982, p. 35.

28.Michael Noblecourt, "Les syndicats et la direction de Renault tentent de débloquer la situation," Le Monde, January 27, 1983.

29.I have explored this pattern in "Corporatism and Industrial Relations in France," in Philip Cerny and Martin Schain, Editors, French Politics and Public Policy (New York: St. Martin's Press, 1980).

30.Maryse Tripier, "French Citizens and Immigrants in the Workplace: Marginality of the Subject, Marginality of the Research?" in Horowitz and Noiriel, Immigrants in Two Democracies, p. 297.

31.See Benoit, "Les Nouveaux immigrés," Le Monde, December 4, 1982, p. 35.

32.See Benoit, "Les Nouveaux immigrés," Le Monde, December 4, 1982, p. 35.

33.The link between organization and religion did not begin with Muslims. See Ralph Schor, "Le Facteur religieux et l'integration des étrangers en France 1919-1939," Vigntième siecle, No. 7, July-September, 1985, pp. 103-115.

34.See René Mouriaux and Catherine Wihtol de Wenden, Syndicalisme français et islam," in Rémy Leveau and Gilles Kepel, Les Musulmans dans la société française (Paris: Presses de la FNSP, 1988), p. 60.

35.Mouriaux and Wihtol de Wenden, "Syndicalisme et islam," p. 44.

36.Le Monde, January 29, 1983.

37.Le Monde, February 11, 1983.

38.Within two years after SOS began, two of the movement's founders had published books that detailed their experiences. See Harlem Désir, Touche pas a mon pôte (Paris: Grasset, 1955) and Julien Dray, SOS Génération: l'histoire de l'interieure du movement des jeunes de novembre-décembre 1986 (Paris: Ramsay, 1987).

39.Much of this is due to the organizational skills of Julien Dray, according to S. Malik in Histoire secrète de SOS Racisme (Paris: A. Michel, 1990).

40.Marie Poinsot, "La concurrence des associations nationales dans l'espace politique local: SOS Racisme, France Plus et Memoire Fertile," presented at the Workshops of the ECPR, Leiden, April, 1993, p. 7. I have relied on Ms. Poinsot's account for much of this section.

41.Malik, Histoire sécrète..., p. 68.

42.Malik, L'histoire sécrète..., p.53. In fact, the closest links are between the Fabius wing of the PS and SOS.

43.Poinsot, "La concurrence...," p. 8.

44.Poinsot, "La concurrence...," p. 10.

45.Tarrow, Democracy and Disorder, Ch. 1.

Montesquieu on Slavery

Diana J. Schaub
Loyola College in Maryland

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I

Perhaps the two best-known regime categorizations are those of Aristotle and Montesquieu. In place of Aristotle's three good regimes (kingship, aristocracy, polity) and their corresponding perversions (tyranny, oligarchy, and democracy), Montesquieu speaks of republics, monarchies, and despotisms. In essence, he keeps kingship and tyranny under the names monarchy and despotism, while collapsing aristocracy, polity, oligarchy, and democracy into the one category of republic. The distinction between the few and the many, so crucial to the conduct of ancient politics, is simply elided by Montesquieu. Moreover, while there exists a good form and a bad form of rule by one, republics are simply republics. Montesquieu makes no categorical distinction between healthy and corrupt republics. We have to wonder why not? We know that Montesquieu's distinction between monarchic and despotic government hinges on the status of the law. A monarch rules "by fixed and established laws," whereas a despot "draws everything along by his will and his caprices" (II.1).[1] Montesquieu noticeably refrains from using the word "sovereign" in speaking of the monarch (II.4); however, he uses it repeatedly in speaking of a republican people (II.2). Moreover he defines popular sovereignty in terms of will: "The sovereign's will is the sovereign himself" (II.2). Remember that despotic government was also defined in terms of will. Perhaps it is impossible for a sovereign people to be bound by law in the way that a constitutional monarch or chief executive can be. With

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[1]References to The Spirit of the Laws are by book and chapter number in the text. I have used the translation of Anne M. Cohler, Basia Carolyn Miller, and Harold Samuel Stone (Cambridge: Cambridge University Press, 1989). References to the Persian Letters are by number in the text (e.g., #51). I have relied on the translation of George R. Healy (Indianapolis: Bobbs-Merrill, 1964), making occasional emendations wherever I thought greater literalness imperative. References to other works by Montesquieu are to the two volume Pléiade edition of the Oeuvres complètes, edited by Roger Caillois (Paris: Librairie Gallimard, 1949-51) cited by volume and page number (e.g., II:39), with the exception of Mes Pensées which are by number in the text (e.g., no. 115); translations from these works are my own.

great subtlety, Montesquieu hints that a republic, in which the sovereign people, be they few or many, are unbounded by fundamental laws, bears a certain similarity to despotism, in which the will of one is unbounded. In other words, in eliding the difference between the few and the many, Montesquieu has not substituted the distinction between the one and the many as the most relevant regime characteristic. The essential factor is the unity or separation of power. Monarchy properly understood is a regime of separated powers, where there exists what Montesquieu calls "a depository of laws" (II.4), essentially an independent judiciary. The point of Montesquieu's new categorization of regimes is to move beyond the question of number (one, few, or many) and beyond the question of what Montesquieu, in an explicit criticism of Aristotle, calls "accidental things, like the virtues or the vices of the prince" (XI.9). Already, Montesquieu can be seen moving toward the question of constitutional order and a government of laws not men. As The Spirit of the Laws unfolds, the fundamental regime distinction will become that between despotic and moderate government.

Despite its familiarity to us today, Montesquieu's usage of the term "despotism" was unique and constituted a significant departure from both ancient and early modern usage. It is Montesquieu who more than any other thinker is responsible for the onus that now attaches to despotism. Although "despot" and "despotic" were part of the political lexicon of the Greeks, their meaning was not always pejorative. "Despotēs" was the Greek term for "master" and despotic rule proper was that exercised by a master over his slaves. To the extent that slavery was regarded by the Greeks as just, despotic rule had its legitimate sphere in the household. It was only when a ruler sought to treat free men as slaves that "despot" became a term of abuse. Aristotle, for instance, in his categorization of regimes, refers to all three

corrupt regimes as despotic.[2] In general however, the ancients spoke much more frequently of tyranny than of despotism. One of the great achievements of classical political science was its analysis not simply of the tyrannical regime, but of the tyrannical soul. Although the ancient authors gave memorable accounts of the methods of tyranny, those accounts were in some sense ancillary to the more fundamental inquiry into the motivations to tyranny.

Given the power of the ancient analysis of tyranny, perhaps it is not surprising that, of all the Greek words for political things, "tyrant" and its cognates were the only ones to be adopted into Latin. For the duration of Latin's sway, "despot"--that other Greek term of political corruption--languished. It was known of course to those who read Aristotle in the Greek; in Latin and Latin-influenced vernaculars, however, "despot" was translated into other terms: dominus, seigneur, or master.[3]

After this long neglect, it was Thomas Hobbes who reintroduced the original Aristotelian terminology into political discourse.[4] His intentions in writing of "dominion paternal and despotical" were, however, very un-Aristotelian. Just as Machiavelli had dissolved the Aristotelian distinction between kingship and tyranny, Hobbes, as the foremost apologist of absolute sovereignty, redefined "despotic," attempting to relieve it of any negative connotations. Hobbes' restoration of the term "despotic" was thus accomplished on the ground of a significant

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[2]Politics 1279a17-21. Further at 1279b15-17 Aristotle defines tyranny as "the monarchic rule of a despot over the political association" (also 1295a17); at 1292a15-25 he describes democracies which become despotic and analogous to tyranny; at 1306b1-6 he speaks of oligarchies being overthrown when they become too despotic.

[3]For a fascinating philological tour, see R. Koebner, "Despot and Despotism: Vicissitudes of a Political Term," Journal of the Warburg and Courtauld Institutes 14 (1951): 275-302; also Melvin Richter, "Despotism," in Dictionary of the History of Ideas 2 (NY: Charles Scribner's Sons, 1973): 1-18 and Franco Venturi, "Oriental Despotism," Journal of the History of Ideas 24 (Jan.-March 1963): 133-42.

[4]Koebner, "Despot," 288.

moral abdication. According to Hobbes, despotical dominion is founded on the consent of those vanquished by force; and for Hobbes, that extracted consent does not differ from the consent of those who agree together to submit to a sovereign. Both types of consent are prompted by fear--whether it be fear of a conqueror or fear of one another. Hobbes concludes that: "the rights and consequences of . . . despotical dominion, are the very same with those of a sovereign by institution; and for the same reasons."[5]

Montesquieu was unwilling to follow the Hobbesian progression from the primacy of individual natural right to the doctrine of absolute sovereignty. He expressed his disagreement with the Hobbesian argument throughout his career, from his earliest to his latest writings. Of course John Locke also departed from Hobbes; but his departures--despite their tremendous practical significance--could be described as on the order of refinements, qualifications, and corrections. For Locke, individuals do not cede to the civil sovereign the full natural power which each man in the state of nature possesses to be his own judge and executioner. Natural right is inalienable. In Locke's view, men cannot be said to transfer their natural power to the sovereign; rather, in moving out of the state of nature men create a new kind of power: political power. On the basis of the distinction between natural and political power--the one unlimited, the other limited and divided into executive and legislative--Locke establishes more stringent standards for legitimacy. Unlike Hobbes, he denies the legitimacy of governments founded on conquest and usurpation and, accordingly, allows men recourse to a collective right of revolution against despotic or tyrannical authority. (It is true that Hobbes permits the man on the way to the gallows, whether justly condemned or not, to try to make off or otherwise resist. This may be an

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[5]Thomas Hobbes, Leviathan, ed. Michael Oakeshott (NY: Macmillan, 1962), 154.

exercise of an inalienable right to self-defense, but as to its efficacy we must judge it "too little, too late.") As a theorist of limited government, Locke took the first steps to make "despotic" once again a term of opprobrium.

Montesquieu's differences with Hobbes are more thoroughgoing than Locke's. Montesquieu rejects both elements of the Hobbesian paradox: the absolute liberty of the individual in the state of nature and the absolute power of the sovereign in the state of civil society. He rejects as well the mediating term between the extremity of liberty and the extremity of power: namely, the social contract. Whereas Locke sought to avoid the despotic Hobbesian outcome while retaining in large measure the Hobbesian account of man's origins, Montesquieu was duly impressed by their inseparability. He accepted the Hobbesian linkage of fear and absolutism. He did not, however, regard fear as the originating passion of all government. For Montesquieu, fear is the spring of one particular form of government: despotism. In effect, Montesquieu turns Hobbes' terminological innovation back upon him. Hobbes had retrieved the adjective "despotic," thinking to render it value-neutral; but Montesquieu appropriated it, and by capitalizing on its transformation into the noun "despotism," forged a powerful weapon against all forms of absolute rule, from civil slavery to domestic slavery to political slavery.

Montesquieu was the first political philosopher to embrace the neology "despotism" and to make it central to his thought. Although the Church had been employing the "ism" suffix for some time, producing such words as "paganism," "exorcism," "Thomism," and "atheism," and although both "humanism" and "Machiavellism" existed, there had not as yet been an -ism designating a system of government.[6] "Despotism" was the first. The study of political science today is largely a study of -isms; in the midst of our current welter of -isms, it is worth remembering and

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[6]Koebner, 300-1, gives a brief history of the -ism suffix (yet another Greek contribution which Latin purists had long resisted).

reflecting upon the beginnings of this branch of nomenclature in the thought of Montesquieu.

We might wonder, for instance, at the significance of the shift from tyranny to despotism. Why does Montesquieu need a new word? What makes tyranny no longer serviceable? As I mentioned earlier, the ancient critique of tyranny was connected to a particular understanding of the human soul according to which the naturally ruling element of mind ought to govern spiritedness and desire. The tyrant possesses a soul gone awry, a soul lacking the proper articulation of its elements. His tyranny is but the simulacrum of his disordered soul. Tyranny is then a phenomenon traceable to the individual; it is the structure of the tyrant's soul writ large. Despotism, by contrast, is understood by Montesquieu as systemic or institutional. The despot himself is not the culprit. To put it in terms we are all-too-familiar with: he is a product of the system. Montesquieu's protagonist in the Persian Letters, Usbek, is just such a reluctant despot, a despot not by his own desire or design. Usbek is presented to us as an enlightened and virtuous man whom we nevertheless see authorizing and perpetrating horrible cruelties. We may say that Montesquieu's use of the term "despotism" in preference to "tyranny" acknowledges the ideologization of politics; in other words, Montesquieu finds the source of the political problem not in rulers, but in ruling doctrines. His critique of despotism is able to encompass the doctrines of both Christian divine right and Hobbesian natural right--no small feat, given the virulent anti-clericalism and thinly-disguised atheism of Hobbes. But Montesquieu saw that the Hobbesian system shares something fundamental with Christian dogma: the principle of fear. In the Christian dispensation, the fear of God is the beginning of all wisdom; in the Hobbesian dispensation, the fear of death is the beginning of all wisdom. Montesquieu implies that for men who have rejected the religious justification of rule, Hobbes' views

are a likely and dangerous replacement.[7] (Rousseau by the way, in his Social Contract, showed his understanding of Montesquieu's critique by classing Hobbes among the "Christian authors."[8])

For Montesquieu, the alternative to despotism is not a different -ism; it is moderate government, of which there are many varieties in accordance with the many varieties of the human spirit. Montesquieu, the most non-doctrinaire of thinkers, would not have welcomed our proliferation of -isms. Despotism was his only -ism, the one that should have discredited all others.

The critique of despotism runs through Montesquieu's entire corpus; indeed it might be said to constitute the ligaments of that corpus. The Persian Letters, while treating despotism comprehensively, takes up in particular the question of Christian monarchy's relation to despotism and Montesquieu's doubts of the stability or sufficiency of the monarchical principle. The Considerations on the Romans then traces the relation of ancient republicanism and despotism. Like monarchies, republics too (especially those which attain political greatness) are subject to collapse into despotisms. Moreover, the moral greatness of ancient republics bears a certain resemblance to despotism proper, such that we may speak of a despotism of virtue.[9] Accordingly, the movement in The Spirit of the Laws is from these

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[7]In the Spicilège, Montesquieu notes that in certain cases the religious authorities have been the purveyors of Hobbes: "It is the abbé Dubois [cardinal and prime minister to the regent] who has corrupted the duc d'Orléans and has had him read Hobbes and other authors of that kind" (Pléiade, 2:1350).

[8]Rousseau, On the Social Contract, ed. Roger D. Masters, trans. Judith R. Masters (NY: St. Martin's Press, 1978), 127.

[9]Part 1, books I-VIII, lays out Montesquieu's tripartite scheme of governments (republics, monarchies, despotisms). Montesquieu dissects all three regimes, but particularly the ancient republic, the regime dedicated to virtue. Very gently, he uncovers the impossibility and the undesireability (indeed the inhumanity) of the ancient conception of virtue. The fundamental problem of the ancient republic is the contradiction between its nature and its principle. Its nature is to be governed by the will of the people; its principle is virtue understood as self-renunciation. As Montesquieu presents it, there is no lasting equilibrium possible between republican willfullness and republican austerity. The classical republic self-destructs.

three traditional regimes (examined in Part 1, books I-VIII) toward a new regime, one devoted explicitly to liberty. In Part 2, books IX-XIII, Montesquieu explores the possibility of a regime with a greater resistance to the gravitational pull of despotism. We learn of this new standard--liberty--and of a regime explicitly devoted to liberty--England--a regime which we might call a modern commercial republic. According to Montesquieu, modern republicanism differs from the ancient (and Christian) variety in being based on liberty rather than virtue, commerce rather than constraint.

II

The Spirit of the Laws, however, does not conclude with Montesquieu's famous teaching on the separation of powers and his elaboration of a decent penal law. He is interested in more than a generic blueprint for a constitutional order. In Part 3, books XIV-XIX, Montesquieu seems to turn away from the analysis of regimes. He inquires instead into the despotism of nature. We learn that despotism is systemic in more than an ideological sense. Montesquieu details the ways in which climate and terrain shape human character and laws, in many parts of the world virtually mandating civil, domestic, and political slavery. Montesquieu tempers our liberal universalism by showing us the natural obstacles to its realization.

Nature has a different meaning and place for Montesquieu than for Hobbes and Locke. Classical liberalism begins from an insight into man's asocial self-preservation in the face of other men's animosity and nature's stinginess. Hobbes places more stress on the former, Locke on the latter. But whether it is the fear of violent death or the problem of scarcity which is primary, Hobbes and Locke are alike in presenting a fundamentally optimistic rendering of the human situation. For despite the fact that "nature should thus dissociate, and render men apt to

invade, and destroy one another,"[10] the art and artifice of man can supply the defect. Man can bring together, or convene, what nature fails to; convention can remedy the inconvenience of nature. According to the guns and butter diagnosis, the human problem is soluble. The Leviathan neutralizes strife among men; and once the world has been made safe for the industrious, the bare endowment of nature can be rendered productive.

For Montesquieu, nature is not so easily overcome. We hear little of the movement from a state of nature to a state of civil society; instead, we encounter nature as a massive interruption, an outcropping. The six books of Part 3 are located squarely in the center of The Spirit of the Laws. Moreover, Montesquieu's "nature" is the real thing, not that logical construct--"the state of nature"--where man lives in the absence of government. Montesquieu is concerned with the elements and their enduring effect on individuals and institutions. We are shown to be formed by and adapted to our environment. Looking at that environment according to the old schema of the four elements, we might say that Montesquieu gives each element of the physical universe its due. There are four books on the relation of law and climate (air). There is one book on law in relation to terrain (the joint product of earth and water). Finally, there is one book on law in relation to the general spirit (which I believe might be analogized to fire[11]).

On the basis of this section, many have ascribed to Montesquieu a relatively crude naturalistic determinism. And indeed, he begins bluntly enough, explaining human character in terms of the slackness, extension, and sensitivity of fibers and nerves, as determined by heat and cold (XIV.2 "How much men differ in the various climates"). Most notoriously, he backs up

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[10]Hobbes, Leviathan, 100.

[11]In the opening paragraph of book XIX, Montesquieu says he "must make daylight."

his climatological claims about the difference in temperament between northern and southern peoples with the record of an experiment he conducted on the papillae of a sheep's tongue. But even these somatogenic explanations are not as simplistic as they at first appear. The body is a complex organism; heat produces slack fibers (and hence, a cowardly heart), but lively nerves (and hence, an active imagination). We see that the influence of the climate is not simple or fixed. If the heat-extended fibers of Southern peoples render them timid, their heat-expanded nerves render them vivacious. Not surprisingly, the next chapter is entitled "A contradiction in the characters of certain peoples of the South." Here Montesquieu refers to the Indian practice of suttee, grimly remarking that "this is considerable strength for so much weakness" (XIV.3). Montesquieu explains how such willfull neglect of self-preservation might occur among the naturally faint-hearted:

> Nature, which has given these peoples a weakness that makes them timid, has also given them such a lively imagination that everything strikes them to excess. The same delicacy of organs that makes them fear death serves to make them dread a thousand things more than death. The same sensitivity makes the Indians both flee all perils and brave them all.

The message which emerges is thus not one of climatic determinism, but of the need for wise legislators, who can give a proper turn to the imagination: "The more easily and forcefully one is impressed, the more important it is to be impressed in a suitable manner, to accept no prejudices, and to be led by reason" (XIV.3). Moral causes may assume the ascendancy over physical causes by taking advantage of the ambiguity or multiplicity of moral effects. Of course, the success of such strategems depends on a sophisticated understanding of physical causes, and more particularly on an understanding of the interconnections between the physical and the moral.[12] In

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[12]For Montesquieu's fullest treatment of the soul one would have to turn to his Essay on the Causes Affecting Spirits and Characters. There Montesquieu likens the relationship of soul and body to a spider in its web. The spider's

chapter ix, "A means of encouraging industriousness," Montesquieu illustrates how a legislator might counteract the laziness associated with hot climates. Since lazy nations are also usually arrogant, Montesquieu says,

> [o]ne could turn effect against cause and destroy laziness by arrogance. In southern Europe, where peoples are so impressed by the point of honor, it would be well to give prizes to the plowmen who had best cultivated their lands and to the workers who had been most industrious.

Something as simple as the institution of county fairs or the issuance of patents can be a powerful agent of economic, social, and political change.

In general, in Southern climes, one must temper the imagination and fortify the heart and stomach. In the North, by contrast, one must often strive to bestir a phlegmatic imagination. While the Indians take their lives under the influence of fanaticism, the English do so as a result of mental depression. In chapter 12, "On laws against those who kill themselves," Montesquieu argues against the punishment and stigmatizing of suicide in England on the ground that suicide there is "the effect of an illness":

> It is likely that there is a failure in the filtering of the nervous juice; the machine, when the forces that give it motion stay inactive, wearies of itself; it is not pain the soul feels but a certain difficulty in existence. Pain is a local ill which inclines us to the desire to see this pain cease; the weight of life is an illness having no particular place, which inclines us to the desire to see this life end.

Before the advent of psychotropic drugs and electroshock therapy

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motion is communicated to the threads just as motion in the thread is communicated to the spider. The soul, on Montesquieu's metaphor, is not immaterial, since the body itself is spun from the stuff of the soul. The soul is instead a sort of ganglion--a sensate entity, a fuzzy, tentacled receiver and transmitter of vibrations. Crude and amateurish though they sometimes appear to us, these images of webs and fibers and reciprocal networks are used by Montesquieu to endow "matter in motion" with some real-life complexity, certainly greater complexity than the reductionist, billiard-ball model of kinetics offers. Montesquieu does on one occasion employ the billiard-ball model, but significantly it is to describe the motion of obedience in a despotism: "In despotic states the nature of the government requires extreme obedience, and the prince's will, once known, should produce its effect as infallibly as does one ball thrown against another" (III.10).

for the treatment of depression, intoxicating liquors and bloodsports were commonly used as physical restoratives. These measures work through the body to warm the imagination. There are also what we might call moral restoratives. In chapter 13, "Effects resulting from the climate of England," Montesquieu presents the rigors of freedom as a sort of moral restorative. It turns out that England's constitutional order is particularly suited to the constitutional disorder of individual Englishmen.

Most assuredly, Montesquieu points to the conditioned quality of human life. If English liberty is so linked to the morose and impatient English temperament and the rather insalubrious English climate, we can't help wondering what this means for liberty's prospects elsewhere.[13] How enslaving is the embrace of nature?

III

Montesquieu's initial consideration of the force of the climate in book XIV deals mainly with sub-political elements relating to care of the body: self-preservation, animal vitality, food, drink, disease, sex. If book XIV examines the bearing of the climate on life, books XV-XVII examine the bearing of the climate on liberty. Each of the next three books takes up a different form of slavery: civil (XV), domestic (XVI), and political (XVII). For the present, I shall confine my attention

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[13]Shakespeare's Constable of France puts it thus:

> Dieu de batailles! where have they this mettle?
> Is not their climate foggy, raw, and dull,
> On whom, as in despite, the sun looks pale,
> Killing their fruit with frowns? Can sodden water,
> A drench for sur-reined jades, their barley broth,
> Decoct their cold blood to such valiant heat?
> And shall our quick blood, spirited with wine,
> Seem frosty? O, for honor of our land,
> Let us not hang like roping icicles
> Upon our houses' thatch, whiles a more frosty people
> Sweat drops of gallant youth in our rich fields--
> 'Poor' we call them in their native lords!
> --Shakespeare, Henry V III.v.15-26.

to book XV, "How the laws of civil slavery are related with the nature of the climate," inquiring more closely into what Montesquieu says about the most radical form of enslavement: property in man.

Montesquieu begins with a wholesale condemnation of slavery as "not good by its nature" (XV.1). Absolute mastery over another's life and goods is harmful to both master and slave. A life of compelled obedience deprives slaves of any opportunity for virtue. Meanwhile the master contracts the habit of tyranny, with its supercilious contempt for others, its petulance, its loosed and odious passions, its violence. Whereas the slave is harmed from without by having his virtue thwarted, the master is harmed from within, his virtue corrupted. Montesquieu spends more time detailing the injury to the master (given the extreme concision of his prose, one can attach significance to the difference between 10 words and 31). Characteristically, Montesquieu's condemnation of slavery appeals as much to the self-interest of the masters as to their philanthropy. In one of his pensées, Montesquieu says: "It is not with declamations that despotism needs to be attacked, but by showing that it tyrannizes the despot himself" (no. 1818). Jefferson employs the same method in his Notes on the State of Virginia, when he asserts that:

> There must doubtless be an unhappy influence on the manners of our people produced by the existence of slavery among us. . . . The man must be a prodigy who can retain his manners and morals undepraved by such circumstances.[14]

Booker T. Washington would also express the conviction that slavery had harmed the enslaver as much as the enslaved ("No race can wrong another race simply because it has the power to do so without being permanently injured in morals"[15]), but in

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[14]The Portable Thomas Jefferson, ed. Merrill D. Peterson (NY: Penguin, 1983), 214.

[15]"Democracy and Education," in African-American Social & Political Thought: 1850-1920, ed. Howard Brotz (New Brunswick: Transaction Publishers, 1992), 370.

Washington's mouth such statements carry a somewhat different rhetorical charge. Whereas both Jefferson and Montesquieu speak of the effects of slaveholding on "us" as one of "us" (i.e. as a Virginian or European), Washington speaks from the other side. In discussing the effects of slaveholding on "them," Washington elevates his own people. He both ascribes superior virtue to his own people and calls forth that superior virtue through the example of his own magnanimous solicitude for degraded bigots.

Following upon his universal condemnation of slavery, Montesquieu immediately resuscitates his tripartite regime analysis. Slavery must be judged not only in itself but in the context of the regime. Under despotism, where there is little difference between slave and subject, slavery is not as intolerable. Civil slavery is just an additament to political slavery. Montesquieu is not saying that slavery should be accepted under despotism, only that its sufferers themselves will feel it less. When one has already been injured, an added insult often goes virtually unnoticed. In a democracy, by contrast, slavery is "contrary to the spirit of the constitution." Institutionalized inequality can have no proper place in a regime which aims at maintaining equality and frugality. (It is important to keep in mind that "democracy" refers to the austere classical republic. In many respects a modern, commercial, representative republic like our own is closer to Montesquieu's "monarchy" than his "democracy.") Most interesting is what Montesquieu says about monarchy: "But in monarchical government, where it is sovereignly important neither to beat down nor to debase human nature, there must be no slaves." In other words, slavery is forbidden not because the regime mandates equality of condition, but because the regime depends on the full flourishing of human nature, and in particular, on the spirit of human highheartedness. Remember that a monarch governs by fundamental laws rather than by his will alone, which is to say that monarchy depends on the existence of intermediate powers (as for instance, the nobility, the clergy, the municipalities, the guilds, etc.),

with prerogatives and rights of their own (II.4). Moreover, these corporate powers are not really intermediate if the body of the people is not free. Honor, or "the prejudice of each person and each condition" (III.6) is the soul of monarchy: "Honor makes all the parts of the body politic move; its very action binds them, and each person works for the common good, believing he works for his individual interests." In a monarchy, humanité becomes a political necessity--it is "sovereignly important" not to dishonor individuals or classes, since sovereignty in such a regime is constituted by the multiplicity of interests and the separation of powers.

Just in passing, one curious fact about this first chapter should be noted: it contains no mention of climate. In fact, there will be no such mention until chapters 7 and 8, the only two of book XV's nineteen chapters to address the avowed topic.

There follow four chapters which explode the various rationales for slavery. These chapters on the specious "right of slavery" present an interesting progression. Montesquieu begins with a critique of the Roman jurists who sought to present slavery as the law's merciful alternative to a worse fate. The Romans argued that:

> The right of nations wanted prisoners to become slaves so that they would not be killed. The civil right of the Romans permitted debtors whose creditors might have mistreated them to sell themselves; and natural right wanted the children of an enslaved father who was no longer able to feed them to be enslaved like their father. (XV.2)

Montesquieu replies point by point. As to the right of nations, since it does not permit the murder of captives, so it does not authorize enslavement to avert murder. As to civil right, it does not allow a free man to sell himself; to contract into slavery is logically impossible. Moreover, "[t]he liberty of each citizen is a part of the public liberty" (XV.2) and hence non-fungible. As to the argument from natural right, Montesquieu says that what cannot be done to the father through the right of nations or civil right cannot be done to his children by virtue of their

nativity. In sum, "[t]hese reasons of the jurists are not sensible" and "[o]ne would never believe that pity established slavery" (XV.2).

Montesquieu's refutation of the Roman jurists exposes the unlawfulness of slavery: "the law of slavery has never been useful to [the slave]; it is against him in every case, without ever being for him, which is contrary to the fundamental principle of all societies." The right which the Roman jurists speak of is nothing but the right of the stronger. In chapters 3 and 4, both entitled "Another origin of the right of slavery," Montesquieu turns his attention to the modern practitioners of slavery, the European imperialists, among whom the essential character of slavery is more forthright. In chapter 3, he attacks the Spaniards and their conviction of cultural superiority:

> Lopez de Gomara says that "the Spanish found, close to Sainte-Marie, baskets in which the inhabitants had put produce; there were crabs, snails, crickets, and grasshoppers. The victors treated this as a crime in the vanquished." The author claims that the right that made the Americans slaves of the Spanish was founded on this, not to mention the fact that they smoked tobacco and that they did not cut their beards in the Spanish fashion.

As always, Spanish bullishness is treated with picador-like satire by Montesquieu. The lance bites deeper in chapter 4 where Montesquieu denounces the religious fanaticism that would embrace slavery as an instrument in the spread of Christianity:

> It was this way of thinking that encouraged the destroyers of America in their crimes. On this idea they founded the right of making so many peoples slaves; for these brigands, who absolutely wanted to be both brigands and Christians, were very devout.

Montesquieu is a most determined foe of imperialism. This appears most forcefully whenever he discusses the events following upon the discovery of the New World. The Spanish are repeatedly castigated for their plundering and pillaging, as well as their proselytizing. Between them, the conquistadors and Jesuits have despoiled South America. Montesquieu does what he can to insure

that this is not the model of Western involvement with the world. As one of the great theorists of commerce, Montesquieu is clearly not opposed to the idea of contact between peoples; he does however want the engagement to be conducted upon certain principles and directed toward certain ends. He is, moreover, aware of the inevitable costs of communication. Disease, for instance, is highly communicable. The chapter "On the laws relating to diseases from the climate" (XIV.11) traces the spread of disease via the route of empire ("The Crusades brought us leprosy"). Transmission often travels both directions: while the Indians perished of small pox, the Spanish were decimated by syphilis. Montesquieu suggests that these natural consequences of social contact can be checked, although not entirely averted, through the use of quarantines and other public health measures.

Slavery also is a frequent consequence--albeit an entirely man-made one--of contact among peoples. Montesquieu concludes this short series of chapters with a discussion of the European institution of African slavery in the Americas. Entitled "On the Slavery of Negroes" (XV.5), this chapter presents all the standard justifications--economic, cultural, and religious--for race slavery. Montesquieu speaks ostensibly in his own name, saying: "If I had to defend the right we had of making Negroes slaves, here is what I would say." The conditional form of the opening sentence, however, serves to alert the reader to expect some ironic distance between Montesquieu's own views and the "arguments" offered. Rather than sermonize on the injustice of race slavery, Montesquieu simply mouths the self-incriminating arguments of its proponents. Stripped of all euphemism, these justifications appear for what they are: brutal, prideful, and absurd.

Montesquieu begins with the economic justifications:

> The peoples of Europe, having exterminated those of America, had to make slaves of those of Africa in order to use them to clear so much land.
>
> Sugar would be too expensive if the plant producing it were not cultivated by slaves.

As W.E.B. DuBois informed his white fellow citizens, the Negro brought with him "the gift of sweat and brawn to beat back the wilderness, conquer the soil, and lay the foundations of this vast economic empire two hundred years earlier than your weak hands could have done it."[16] Montesquieu suggests it was not an incapacity for hard labor on the part of the Europeans so much as an indisposition to it born of arrogance and compounded by greed.

With African slavery established, racial justifications come to the fore:

> Those concerned are black from head to toe, and they have such flat noses that it is almost impossible to feel sorry for them.
>
> One cannot get into one's mind that god, who is a very wise being, should have put a soul, above all a good soul, in a body that was entirely black.
>
> It is so natural to think that color constitutes the essence of humanity that the peoples of Asia, who make eunuchs, continue to deprive blacks of their likeness to us in this more distinctive way.

In this string of excuses for slavery, which might at first seem random, Montesquieu traces the progression of race prejudice from an initial perception of physical difference which impairs fellow feeling to an assumption of spiritual and moral difference, and finally to an act, castration, that truly establishes physical (and possibly moral) difference. Concluding that blacks are not men, the peoples of the East have tried to eradicate any attributes that indicate otherwise. Where nature has failed to render supposedly natural differences sufficiently clear, resort has been had to human correction. Color consciousness may extend even further, culminating in genocide. Curiously, the example Montesquieu gives refers not to black victims, but white:

> One can judge the color of the skin by the color of the hair, which, among the Egyptians, who are the best philosophers in the world, was of such great consequence that they had all the red-haired men who fell into their hands put to death.

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[16]W.E.B. DuBois, The Souls of Black Folk (Fawcett Publications, 1961), 190.

By reversing the discrimination, Montesquieu shows that racism is not unidirectional; since it is a matter of perspective, the ascription of inferiority may strike any group. In the Persian Letters, one of the characters offers an explanation of this phenomenon:

> It seems to me, Usbek, that we judge things only by a covert reference that we make to ourselves. I am not surprised that Negroes paint the devil in dazzling white and their gods in carbon black; or that the Venus of certain peoples has breasts that hang to her thighs; . . . It is well said that if triangles were to create a god, they would describe him with three sides. (#59)

Natural aesthetic self-preference leads men of one race to demonize men of other races, in effect, reading them out of humanity, while at the same time, projecting themselves into the heavens. Men deny similarity where it exists (namely, among human beings) and ascribe similarity where there is none (that is, between men and the divine). Just as despotism is a form of politics reduced to elemental passions, the despotic aesthetic is concerned with surfaces, the simple (though perhaps deceptive) appearance of things.

Montesquieu enlarges on this theme of appearance, producing a mock justification for slavery which unites racial and economic factors:

> A proof that Negroes do not have common sense is that they make more of a glass necklace than of one of gold, which is of such great consequence among nations having a police.

Necklaces of glass and gold are both intrinsically worthless baubles. The value Europeans set upon gold is entirely conventional, a product of human agreement upon a common measure. The blacks are no more foolish than the whites, although the Africans' ignorance of Western currency valuations may make slavery more profitable than it would otherwise be.[17]

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[17]Elsewhere in The Spirit of the Laws, Montesquieu makes clear the folly involved in the Spanish quest for gold:

Montesquieu concludes this chapter with a supremely ironic formulation of religious reasonings:

> It is impossible for us to assume that these people are men because if we assumed they were men one would begin to believe that we ourselves were not Christians.
>
> Petty spirits exaggerate too much the injustice done the Africans. For, if it were as they say, would it not have occurred to the princes of Europe, who make so many useless agreements with one another, to make a general one in favor of mercy and pity?

Slavery is at odds with the Christian teaching of universal human brotherhood. One response to that contradiction between principle and practice is to ruthlessly resolve it by denying the slave's humanity. Montesquieu's remarks point up the contrast between ancient and modern attitudes toward slavery. The ancients at least included the slave within the family of man, and sought to justify slavery, however erroneously or hypocritically, on charitable grounds. The modern defenders of slavery are driven to deny a common creation. The force of the contradiction between principle and practice (between universal declarations and the peculiar institution) is part of the reason for the greater viciousness of modern chattel slavery, but also what made possible its eventual abolition. The American struggle over the slavery question, in all its glory and all its sordidness, would

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> [Spain] drew from the newly discovered world so prodigious a quantity of gold and silver that there was no possible comparison with what there had previously been. . . .
>
> After this time, the Spanish monarchy went into an uninterrupted decline. This was because there was an internal and physical vice in the nature of this wealth, which made it hollow, and this vice increased daily.
>
> Gold and silver are a wealth of fiction or of sign. These signs are very durable and almost indestructible by their nature. The more they increase, the more they lose of their worth, because they represent fewer things.
>
> When they conquered Mexico and Peru, the Spanish abandoned natural wealth in order to have a wealth of sign, which gradually became debased. . . .
>
> I have more than once heard deplored the blindness of the Council of Francis I for refusing Christopher Columbus' proposal to go to the Indies. In truth one did, perhaps imprudently, a very wise thing. Spain acted like the foolish king who asked that everything he touched turn into gold and who was obliged to go back to the gods and beg that they put an end to his destitution. (XXI.22)

be unimaginable in the ancient world. Montesquieu's exploration of the rationales for slavery began in chapter 2 with the mention of pity and ends in chapter 5 with another mention of pity, but in that short space we have moved from pity establishing slavery to pity favoring emancipation.

Having excoriated both Roman and European-instituted slavery, Montesquieu seeks in chapter 6 "the true origin of the right of slavery." The true origin turns out to be political in nature, which is to say derivative from the regime. Civil slavery cannot be justified on the grounds of culture, religion, economics, or race. It can only be justified politically in the sense that slavery is natural to one particular form of regime: "In every despotic government, it is very easy to sell oneself; there political slavery more or less annihilates civil liberty" (XV.6). Despite his reknown as a sociological pioneer, Montesquieu still regards the political as primary and determinative. While the free citizen of a republic or monarchy cannot sell himself, the subject of a despot apparently can. He is his own commodity. Perhaps surprisingly, Montesquieu calls this form of slavery "gentle." He speaks for instance of merchants being the slaves of lords, and those merchants having slaves of their own. It is as if all men require a place in the despotic hierarchy. Subordination is a condition of existence, but one has some choice of master and, moreover, the intermediate master is not absolute. Montesquieu seems to be describing an entire nation built on the model of an immense bureaucracy, where power flows from the top down and there are no independent sources of power.

In the succeeding chapter, "Another origin of the right of slavery," the climate finally makes itself felt. We learn that in excessively hot countries, slavery, even "cruel" slavery, "offends reason less" (XV.7). Since no one willingly works in hot climes, it may be that recourse must be had to fear and force. Once again, Montesquieu stresses the connection between civil and political slavery: in such places, the masters themselves are

slaves to the prince. At this point, Montesquieu indicates that he doesn't think much of Aristotle's argument for natural slavery. He doesn't go into details, but earlier he had rejected the idea that "those persons incapable of earning their living must be reduced to servitude" on the very pragmatic ground that "one does not want such slaves as these" (XV.2). If natural slavery hinges on a lack of reason and self-sufficiency, as Aristotle initially argues, then slaves would be burdensome to masters. The really useful slave, as Aristotle himself admits when speaking of Oriental eunuchs, is an intelligent being lacking in courage and will. It is just such a being that Montesquieu considers calling a "slave by nature": "I believe that, if there are any such, they are those whom I have just mentioned." Montesquieu, however, pulls back from endorsing the phrase "slave by nature," preferring to assert that "as all men are born equal, one must say that slavery is against nature, although in certain countries it may be founded on a natural reason." We see again the doubleness or ambiguity of nature; physical nature fails to support or vindicate human nature.

While chapter 7 does contain a concession to the force of the climate, Montesquieu manages to turn even this concession to the service of the anti-slavery cause. The next chapter is entitled "Uselessness of slavery among ourselves." The effect of Montesquieu's concession to what he now calls "natural servitude"[18] is not to condone slavery, but rather to quarantine it, to place it beyond the pale of civilization. Montesquieu says,

> natural servitude must be limited to certain particular countries of the world. In all the others, it seems to me that everything can be done by freemen, however arduous the work that society requires.

The exception not only proves the rule, but serves to enforce the

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[18]I believe that "natural servitude" is meant to connote that the existence of slavery is natural under certain circumstances, but not that those who find themselves in that condition are "slaves by nature." The phrase has a general rather than an individual bearing.

rule. Montesquieu pursues a complex rhetorical strategy in these chapters. By associating "natural servitude" with some poor unfortunate lands, Montesquieu appeals to a kind of snobbishness or ethnocentrism in his readers. Note however that Montesquieu does not name any of the ill-fated lands; he capitalizes on the inclination of each nation to count itself among the fortunate. He goes on, through the example of mine work in Europe, to give instruction in how free labor can replace slave labor. Finally, he holds out the possibility that proper laws and institutions, together with the liberating potential of technology, could overcome the despotic tendency of even the worst climates:

> There is no work so arduous that one cannot adjust it to the strength of the one who does it, provided that reason and not avarice regulates it. With the convenience of machines invented or applied by art, one can replace the forced labor that elsewhere is done by slaves. The mines of the Turks, in the Province of Timisuara, were richer than those in Hungary, but they did not produce as much because the imagination of the Turks never went beyond the brawn of their slaves.
>
> I do not know if my spirit or my heart dictates this point. Perhaps there is no climate on earth where one could not engage freemen to work. Because the laws were badly made, lazy men appeared; because these men were lazy, they were enslaved.

Ever cautious, Montesquieu hints he may be overly optimistic; it may be his heart which speaks. Nonetheless, his inability in this case to distinguish between head and heart is itself grounds for reasonable hope. In the end, moral factors outweigh physical factors. The art of legislation can counteract the force of the climate. If the air is bad, we need more than air-conditioning; we need a kind of soul-conditioning.

While chapter 8 deals with the construction of civil liberty, chapter 9, "On nations among whom civil liberty is generally established," deals with its perpetuation. Apparently, the prevalence of civil liberty is no guarantee of its continuance. Montesquieu reveals that the impulse to slavery exists not only in particular regimes and particular climates, but in the passions of individuals: "Every day one hears it said

that it would be good if there were slaves among us." To meet this challenge, Montesquieu employs a rhetoric we have not heard from him yet. Earlier, Montesquieu used ridicule and parody to expose brutality and hypocrisy and to impugn the pro-slavery position (chapters 2-5); then he shifted to an appeal to national pride and self-opinion in order to begin to build up anti-slavery sentiment (chapters 6-8); now he solidifies that sentiment by giving it a moral foundation (chapter 9). We have finally become fitted for more high-minded appeals:

> the cry for slavery is the cry of luxury and voluptuousness, and not that of the love of public felicity. Who can doubt that each man, individually, would not be quite content to be the master of the goods, the honor, and the life of others and that all his passions would not be awakened at once at this idea? Do you want to know whether the desires of each are legitimate in these things? Examine the desires of all.

Pleasure, including the pleasure of the majority, is not a sufficient guide to the common good. Civil liberty ultimately rests on a restriction of self in deference to the equal dignity of others. I believe that Montesquieu's achievement in these chapters deserves the appellation "Lincolnian." His moral education of the reader is an example of philosophic statesmanship. As our own national experience indicates, the preservation of civil liberty does indeed depend on such education.

IV

Book XV can be divided into two main parts. Chapters 1-10 are foundational; they answer the who, what, why and where questions. What is slavery? What are its kinds? Is anyone legitimately enslaved? Why and where is slavery established? Can it be abolished? Chapters 11-19 are more directly practical, not "what is?" but "what is to be done?" The title of chapter 11 gives the general topic: "What the laws ought to do in relation to slavery" and the chapter itself consists of a one-sentence

answer: "But whatever the nature of slavery, civil laws must seek to remove, on the one hand, its abuses, and on the other, its dangers." Like Aristotle, Montesquieu is willing to give advice to despots, not because he is a friend to despotism, but because if adopted his advice would ameliorate despotism and prepare the transition to moderate government. There are two basic strategies for dealing with an existing evil like slavery. The first is to declare its lawlessness and insist on immediate and complete abolition, rejecting any attempts to lessen the horrors of slavery as tending to condone and perpetuate the essential wrong. So long as it exists, the relation of master and slave is illimitable. This, for instance, was the line taken by William Lloyd Garrison and the American Anti-Slavery Society. While Montesquieu surely does what he can to encourage anti-slavery sentiment, he is no radical utopian abolitionist. He pursues the reformer's path of bringing slavery within the purlieus of the law. As the misbegotten creature of positive law, slavery ought to be owned and regulated by that law.

Chapter 11 had spoken of removing "abuses," but chapter 12 shifts to the singular. By "the abuse of slavery," Montesquieu means the sexual enslavement of women, whether in the organized form of the polygamous harem or in the more disorderly form of incontinent masters. Involuntary sex is more of a violation than involuntary labor; even when one's labor is at the disposal of another, one's privates ought not be. To borrow the words of an ante-bellum Southern court "because individuals may have been deprived of many of their rights by society, it does not follow that they have been deprived of all their rights."[19] We can see Montesquieu taking the first steps to mark off a zone of personal integrity, creating what we might call "a right of privacy." In addition to violating the laws of modesty, which are part of

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[19]State v. Jones 1 Miss 83 (1820) quoted in Herbert J. Storing, "Slavery and the Moral Foundations of the American Republic," in The Moral Foundations of the American Republic, third edition, edited by Robert H. Horwitz (Charlottesville, University Press of Virginia, 1986), 316.

natural right, sexual slavery works a further corruption. In the harem, women receive leisure in compensation for their claustration. Idle and vain, these enemies of work come to love their subjection. Although Montesquieu had spoken of the need for the civil law to remove abuses, he suggests no means by which the civil law might remedy this situation. One can only surmise that there are situations which are beyond statutory correction, or which require a prior revolution in a nation's manner of thinking. As Montesquieu's other discussions of polygamy make clear, a theological/sexual revolution is called for. The problem of incontinent masters, on the other hand, is more readily addressable by the civil law, in part because such behavior lacks any religious justification. Montesquieu endorses the following law of the Lombards: "'If a master debauches the wife of his slave, both of them will be free.'" Furthermore, he recommends that the right of marriage be secured to slaves, both for themselves and in order to safeguard the marriages of citizens. (A story like William Faulkner's "Was" illustrates well the moral effects that the South's brutal and shameful miscegenation had upon the institution of the family.) The weight Montesquieu accords to the sexual and familial aspect is a very distinctive feature of his political philosophy. Although he only touches upon it here, the next book (XVI) is devoted entirely to the subject of domestic despotism and, of course, the theme is central to the Persian Letters as well.

While the abuses of slavery afflict the distaff side in particular, the dangers of slavery, as outlined in chapter 13, derive from the spear side. A wise legislator must see to it that female slaves are not put upon, and that there is no occasion on which male slaves must be put down. Perhaps paradoxically, slave insurrections are especially to be feared in moderate governments. In despotic countries, where virtually all are reduced to slavery of one form or another, rebellion is unlikely. Great numbers of slaves are no hindrance to despotic order. But the situation is otherwise in moderate states. There "it is very

important not to have too many slaves" (XV.13) since the sight of other men in full enjoyment of liberty awakens spiritedness. Slaves who have become aware of their own debasement are "the natural enemies of society" (XV.13). A moderate government in which slavery exists is a nation at war with itself. As Montesquieu illustrates in chapters 14 and 15, a warrior people may be able to contain that discord or even use it to fuel their martial spirit. In chapter 16, however, Montesquieu offers an alternative to institutionalized civil war:

> The Athenians treated their slaves with great gentleness; one sees that the slaves did not disturb the state in Athens, whereas they shook it in Lacedaemonia. . . . A prudent legislator avoids the misfortune of becoming a terrifying legislator. Because the slaves among the Romans could have no trust in the law, the law could have no trust in them.

A regime's security can be based as much on confidence as on coercion. In chapter 17, "Regulations to make between the master and the slaves," and chapter 18, "On freeing slaves," Montesquieu sketches the fundamental provisions of a conciliatory slave code. The amor patriae of the slaves need not be destroyed, if a modicum of justice is extended to them. The general rule is to secure life if not liberty. In practice, this means that the law must prescribe something like minimum care standards with respect to food, clothing, sickness, and old age. Further, if masters possess the power of life and death, such punishment as they mete out must take place under color of the law at least. Montesquieu says that "the law must order formalities, which remove the suspicion of a violent action" (XV.17). Moreover, slaves should have available to them some legal recourse against an abusive master, as for instance, a right to request transfer to another master.

Through such provisions of the civil law, Montesquieu in effect strips the slaveholder of his absolute, arbitrary authority. Yet interestingly, Montesquieu continues to call the other party "slaves," despite the fact that they no longer meet

the strict definition. While Montesquieu works to ameliorate the terms of slavery, he does not let the term "slavery" itself suffer any euphemistic modification. In fact, what he does is to extend the reach of the word, and thereby muster the animus triggered by the word "slavery" against ever less frightful conditions. This method of gradual reform is truly progressive--one imagines Montesquieu eventually being able to employ anti-slavery sentiment in the service of labor reform. Montesquieu's departure from his philosophic forebears is especially marked in these two chapters. Whereas Montesquieu uses "slavery" in a capacious sense, Hobbes and Locke both contract its meaning. For Hobbes, a slave is a man in irons, physically vanquished but unrelenting in his hostility to his captor. All others are servants who have consented to their subjection in the interest of self-preservation.[20] On Hobbes' reading, individuals captured in Africa and shipped to America were slaves, but those same Africans once they had been sold to plantation owners were servants. In contrast to Hobbes, Montesquieu does not dress subjection up as consent. While one can find in Locke, unlike Hobbes, a strong denunciation of despotism and a spur to vindicate the right of liberty, Locke nonetheless blunts the anti-slavery effect of his words with his exceedingly narrow definition of slavery (and correspondingly broad definition of consent). Locke also asserts that once obedience enters, slavery ceases. Thus, of the practice of selling oneself into slavery among the Jews, Locke says "this was only to Drudgery, not to Slavery."[21] Montesquieu discusses the same passage from Exodus (chapter 21), praising the Jews for placing a time limit on slavery, but strongly faulting them for other provisions of their slave code:

> The law of Moses was very crude. "If someone beats his

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[20]Hobbes, Leviathan, p. 153-4.

[21]John Locke, Two Treatises of Government, edited by Peter Laslett (NY: Cambridge University Press, 1960), 326.

> slave and the slave dies under his hand, he will be punished; but if the slave survives a day or two, he will not be punished because it is his silver." What a people, whose civil law ceased to cling to natural law! (XV.17)

At a minimum, those deprived of "natural defense" must be provided with "civil defense."

Montesquieu is unwilling to treat slavery as a purely domestic institution, exempt from civil interference. Since the existence of slavery is a threat to the continuance of moderate government, the regime has leave to defend itself against the cancer. In explaining why the slavery question was of national, and not merely local, concern, Abraham Lincoln employed similar reasoning:

> Finally, I insist, that if there is ANY THING which it is the duty of the WHOLE PEOPLE to never entrust to any hands but their own, that thing is the preservation and perpetuity, of their own liberties, and institutions. And if they shall think, as I do, that the extension of slavery endangers them, more than any, or all other causes, how recreant to themselves, if they submit the question, and with it, the fate of their country, to a mere hand-full of men, bent only on temporary self-interest. If this question of slavery extension were an insignificant one--one having no power to do harm--it might be shuffled aside in this way. But being, as it is, the great Behemoth of danger, shall the strong gripe of the nation be loosened upon him, to entrust him to the hands of such feeble keepers?[22]

John Quincy Adams had likewise argued for national intervention, claiming that in the event of actual rebellion, national power would extend beyond the matter of slavery's extension to its very existence. On the floor of the House on April 14, 1842, Adams explained how and with what authorization the federal power might one day put an end to slavery:

> I might furnish a thousand proofs to show that the pretensions of gentlemen to the sanctity of their municipal institutions under a state of actual invasion and of actual war, whether servile, civil, or foreign, is wholly unfounded, and that the laws of war do, in all such cases,

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[22]"Speech on the Kansas-Nebraska Act, 1854," in The Political Thought of Abraham Lincoln, edited by Richard N. Current (NY: Macmillan, 1967), 78.

> take the precedence. I lay this down as the law of nations. I say that the military authority takes for the time the place of all municipal institutions, and slavery among the rest; and that, under that state of things, so far from its being true that the States where slavery exists have the exclusive management of the subject, not only the President of the United States but the commander of the army has power to order the universal emancipation of the slaves.

As Adams had predicted, the pen-stroke of emancipation followed the sword-stroke of civil war. Montesquieu's thrust is also toward emancipation (hence the penultimate chapter of this book "On freeing slaves"), but at the same time, he recognizes the difficulties involved: "the republic can be equally endangered by too many freed men and by too many slaves" (XV.18). In Jefferson's pithy formulation, "we have the wolf by the ears, and we can neither hold him, nor safely let him go."[23] Aware that circumstances must dictate the pace and perhaps even the possibility of emancipation, Montesquieu is exceedingly reluctant to speak in general terms, but it is clear that he favors voluntary over forced emancipation, gradual over sudden emancipation, and compensated over uncompensated emancipation. In other words, he would want to avoid the necessity for an executive order like the Emancipation Proclamation.[24] He is quite emphatic on this point:

> Slaves must not be freed suddenly in considerable numbers by a general law. One knows that, among the Volscians, when the freed men became masters of the voting, they made an abominable law giving themselves the right to be the first to lie with girls who married freeborn men.

Former slaves, precisely because of their experience of slavery

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[23]Letter from Thomas Jefferson to John Holmes, April 22, 1820, in The Portable Thomas Jefferson, edited by Merrill D. Peterson (NY: Penguin, 1983), 568.

[24]Lincoln himself was loathe to issue it, waiting through 17 months of war. Even in the three month interim between the preliminary announcement of the Proclamation and the date of its taking effect, Lincoln urged the adoption of a Constitutional Amendment which would provide for voluntary, gradual, compensated emancipation, believing that that route "spares both races from the evils of sudden derangement." ("Second Annual Message to Congress, 1862," in The Political Thought of Abraham Lincoln, 220-34.)

and slaveholders, may regard the law only as an instrument of one's own pleasure. To avoid the prospect of the exploited becoming the exploiters, freedmen must be incorporated into the body politic slowly. Whereas the rapid rise of a sizeable group of freedmen to full political equality could lead to factionalism, gradual emancipation will remove the opportunity for revenge and allow the freedmen a chance to become true fellow citizens. For Montesquieu, extremism, even in the defense of liberty, is a vice (and the corollary: moderation, even in the pursuit of justice, is a virtue). Extremists always come in see-sawing pairs; thus, the radical Reconstruction governments in the South are succeeded by the reactionary Redeemer governments, with the result that the cause of civil rights was delayed for nearly a hundred years. Montesquieu acknowledges the relevance of the distinction between the freedmen and the freeborn, but argues for a gradual, generational removal of exclusions, with the children of freedmen being freeborn.

Montesquieu recommends various methods by which new citizens might be assimilated. In each case the aim is to offer a chance to exchange the forged bonds of the slave for the paper bonds of the wage-slave. For instance, "[t]he laws can favor savings and put the slaves in a position to buy their liberty"; or "[t]hey can set the term of servitude"--in other words, an indentured, contract-based arrangement; or "[o]ne can even heal the ill at its root; as a great number of slaves are bound to the various employments given them, transferring to the freeborn a part of these employments, for example, commerce or navigation, decreases the number of slaves." A variation on this latter strategy was attempted by Jefferson. In the chapter on commerce in his Notes on the State of Virginia, Jefferson encourages Virginians to abandon the growing of tobacco, their primary crop, and switch to wheat farming. At the end of the same chapter, Jefferson recommends horse-breeding to Virginians. As is well known, tobacco farming is labor-intensive; Jefferson calls it "a culture productive of infinite wretchedness. Those employed in it are in

a continued state of exertion beyond the powers of nature to support." By contrast, wheat farming is ideally suited to horse-powered mechanization. I believe Jefferson hoped that together these two innovations might make slave labor unnecessary and inefficient. A slavery eradication program should go after the economic roots of slavery, as well as the moral climate in which slavery thrives. Commerce is one of the human arts whereby men can transform the determinism and despotism of nature. Commerce is the art which remedies "both the defect of nature and the defects of art itself" (XXI.6).

The final chapter, "On freed men and eunuchs," is an odd one. We learn that under majoritarian rule, the freeborn may have a somewhat higher status than the recently freed; nonetheless, substantial equality is the goal. Under arbitrary one-man rule, the situation is reversed; the recently elevated actually have the advantage, since their elevation is owing to the personal favor of the despot. Freedom becomes a gift, rather than a right or an achievement. However, it seems that there are those who cannot occupy the office of a freed man, even when it is given: namely, eunuchs. In considering this chapter, one must not forget the well-established link between eunuchs and priests in Montesquieu's writing. Eunuchs are present in most all of his works, both those published in his lifetime and in his private journals. He had long been occupied with their meaning, and with the similarity between the eunuchs and the priesthood. Priestly eunuchs first appear in "Les Pretres dans le paganisme," a work Montesquieu wrote at the age of twenty-two (Pensées, no. 591). In the Persian Letters, the analogy between eunuchs and priests is clearly drawn in the letter on the causes of depopulation in Christian countries: Usbek complains of the "great number of eunuchs" in Christian lands, explaining that he is "referring to those priests and dervishes of both sexes who are sworn to perpetual chastity" (#117). In mentioning the vow of silence taken by the Carthusian order, Rica makes the same point, in his own inimitable "modest proposal" fashion:

> It is said that the Carthusians cut off their tongues upon entering the convent, and it would be most desirable if all the other dervishes would remove in the same way everything rendered useless by their profession.

According to Montesquieu, the eunuchism encouraged by Christianity was made explicit by Origen, one of the early Church fathers, who "castrated himself on account of a verse" (Pensées, no. 2162a, the verse he acted upon was Matthew 19:12). With the standard path of manliness blocked, another is formulated. A malicious, subterranean hatred circulates through, and eventually dominates, the eunuch's being. Sexual passion is not so much expunged as displaced or channeled into the quest for power. In almost Nietzschean manner, Montesquieu links priestly asceticism and the quest for temporal dominion. Book XV ends on a gloomy note, with a comparison of the eunuchs to Lucifer himself. As Lucifer is a fallen angel, the eunuch is a fallen man, given up to "the enterprises of despair." Despite their unnatural degradation below the human rank, eunuchs routinely exercise administrative rule in despotic lands. Nonetheless, "despite the privileges accorded them," Montesquieu says,

> they can scarcely be regarded as freed men. For, as they cannot have families, they are bound to a family by their nature, and it is only by a kind of fiction that one can regard them as citizens.

Montesquieu strongly implies that citizenship rests on the sub-political foundation of the family--and not the family of one's birth, but the family of one's making. Because of the eunuchs' sexual disability, their office is that of mediation rather than initiation. They are hangers-on, ideally suited to be the animate instruments of another's wealth or glory: "They have no family, and although they are naturally avaricious, the master or prince profits in the end from their very avarice" (XV.19). Theirs is the rule of ressentiment--ambitious, but ultimately slavish, for eunuchs cannot aspire to rule in their own name. They are the vehicle of the husband's or the lord's apotheosis and, at the same time, the vehicle of the wives' or the people's subjection.

Montesquieu explicitly connects the prevalence and preeminence of eunuchs with scorn for women. Religious and sexual despotism are linked. The religious assault on the sexual component of the self is rooted in misogyny. Thus, this final chapter serves as the transition to Book XVI on domestic despotism. If, as the final sentence declares, "[i]t seems that eunuchs are a necessary ill in the East" (XV.19), we shall know why from the next book. The discussion of slavery must turn to the question of sexual difference.

V

Unlike the ancients, whose search for the best regime was guided by a view of man's natural end; and equally unlike those moderns, namely Hobbes and Locke, whose elaboration of a universally valid public law was guided by a view of man's natural beginnings, Montesquieu takes as his starting point the most prevalent political situation: despotic government. He begins where we begin, in medias res, amidst human history and human convention. Perhaps no other thinker has so documented the ways in which men are unfree: under the power of climate and geography, of passion and prejudice, of custom and law. Montesquieu's sociological inquiry, however, is not undertaken with a view to establishing determinism. Rather, he seeks room for maneuver within the conditions of life; he seeks to increase the potential for politics. In the Pensées, Montesquieu offers this startling summation of the difference between despotic and non-despotic government: "For me, good laws are like great nets in which fish are caught but believe themselves free, and bad laws are like nets in which the fish are so constrained that they sense immediately they've been caught" (no. 1798). For Montesquieu, liberty is in a very real sense a state of mind, an opinion of one's security--an opinion fostered by mild laws and unobtrusive institutions. More than any other thinker, Montesquieu is guided by a negative standard. Liberty itself is

understood not as the opposite of despotism (that is, as the absence of constraint), but rather as a relaxation of it. The constraints of liberty should be invisible.

Particularly at this juncture, as the nations of Eastern Europe and the former Soviet Union secure their release from slavery and attempt a liberal reordering of their polities, Montesquieu ought to be our resource, for he offers an understanding of liberty responsive to circumstances, history, and national differences (while avoiding the Scylla and Charybdis of relativism and historicism). Because of the weight that Montesquieu assigns to the general spirit of a nation, there can be no standard blueprint for moderate government. The advent of a liberal order will not look the same in all countries. Instead of dictating rules, Montesquieu teaches us how to fathom for ourselves. He teaches the art of legislation and statesmanship rather than the science of public administration. To speak meaningfully about political things, you must look to the particulars. Political life is marked by variety, due to the variety of circumstances, and that fact affects political theory decisively. In his moderation and his comprehensiveness, in his attention to the regime question and his appreciation of prudence, Montesquieu is reminiscent of Aristotle. Although he frequently criticizes Aristotle, I believe his spirit is closest to Aristotle's:

> I say it, and it seems to me that I have written this work only to prove it: the spirit of moderation should be that of the legislator; the political good, like the moral good, is always found between two limits. (XXIX.1)

While for the freedmen of the East (and for those still enslaved there), Montesquieu may provide the best equipment for the arduous journey toward moderate, constitutional government, for the West, and Americans in particular, Montesquieu is equally indispensable. In teaching us whether and how despotism can be overcome, he provides the underpinnings of a sound American human rights policy. Here at home, our own legacy of slavery is still much with us. As I have tried to suggest by quoting from American

statesmen, black and white, who grappled with slavery, Montesquieu offers us a lens through which to understand the American experience, from Columbus to the present. A Montesquieuan education helps us to assess what was done wrong, what was done right, and what is yet to be done.

From Woman Citizenship to Separate Spheres: The Changing Identities of Abigail Smith Adams (1744-1818)

Pauline Schloesser
Indiana University at Bloomington

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Abstract

In this paper I treat Abigail Adams as a political thinker on two axes: republicanism and gender theory. I argue that as a revolutionary republican, Abigail Adams put forth a critique of the modern state which we would today call "feminist," but dropped it and assimilated to the ideologies of separate spheres and Federalism, as John ascended as an elite politician. I explain Abigail's changing political identities as strategies to combat modern patriarchy and the denial of woman citizenship. I argue that her abandonment of feminist principles resulted in an obsession with her husband's political career, and a concomitant identification with modern republicanism and the conservative Federalist party. I conclude by suggesting that Adams's abandonment of "feminism" and the struggle for woman citizenship was made palatable by the individual political privileges that she would enjoy as a Federalist wife of the Vice President, and then as First Lady.

From Woman Citizenship to Separate Spheres:
The Changing Identities of Abigail Smith Adams (1744-1818)

Introduction

Of the many recent biographies on Abigail Smith Adams, most do not analyze Adams as an exponent of gender and republican theory, and none appear to analyze how her definition of "woman" fit into her changing conceptions of the common good.[1] Charles Akers's wonderfully concise biography comes closest to a theoretical treatment of Adams's total political thought, although it fails to note and account for her shift from neo-classical to modern republican concepts, a subject that has been the focus of debates on male political thought of the period since the 1950s.[2]

Greater attention has generally been given to Adams's thought on the status of women. While most scholars have interpreted Adam's famous "Remember the Ladies letter," narrowly as a plea for state protection against wife abuse, only Butterfield, Friedlaender, and Kline, in their edited volume of Adams family correspondence, interpret the letter broadly, as a plea for "equal rights." Yet even they deny the possibility of Abigail Adams's disappointment when John refused to work toward such legal reforms, on the grounds that Mrs. Adams's usually agreed independently with her husband on most political matters.

In this chapter I address the question of Abigail Adams's republicanism and gender theory. On one hand, I define her changing conceptions of virtue and the common good, to place her as a political intellectual within the purview of contemporary discussions of American political thought and development. On the other hand, I define her multiple conceptions of womanhood, to address the question of whether and how she could be considered what we would today call a "feminist." I show that Abigail Adams redefined virtue and corruption conservatively in her shift from a revolutionary to a Federalist, and that this shift fostered her acceptance of separate spheres ideology, the very ideology that John used to refuse her proposal for woman citizenship. I begin the chapter situating Adams in the roles she played during the Revolution. I then define her conception of republicanism and prescriptions for the category "woman" that emerged from her revolutionary experience. I argue that Adams offered a feminist critique of the state, which was in tension with her republicanism, especially the republican definition of woman. I show how her identification with the Federalist party led her to toward a reactionary and conservative definition of republicanism, at the same time that it dissipated her feminism and led her accept the separate spheres ideology that she had originally challenged.

I. Deputy Husband

The American Revolution separated John and Abigail Adams's living quarters for a decade. From the time that John was elected to the first Continental Congress in 1774 to a year after the conclusion of peace with Great Britain in 1884, John and Abigail maintained their relationship through correspondence, interrupted by only two brief visits together. During much of this time, Abigail, like many wives, served as a single parent and "deputy

husband," assuming all of the roles that John had abandoned in pursuit of his revolutionary fame. While John Adams defined himself as a revolutionary hero in the public realm, Abigail assumed new roles as parental educator, family farmer, breadwinner, and negotiator of contracts.

A. Parental Educator and Farmeress

Initially, Deputy Adams felt incompetent and overwhelmed with her new responsibilities. She wrote her friend Mercy Warren, "I find myself. . . not only doubled in Wedlock but multiplied in cares to which I know myself unequal, in the Education of my little flock I stand in assistance of my Better half." She felt she could not "do them justice" because of "the multiplicity of other concerns" that were now hers in the absence of her "associate." And since their hired hand had become ill and left them, she felt "obliged to direct what I fear I do not properly understand." She told John as well that she scarcely knew which way to turn and felt "uneaquil to the cares which fall upon me," especially "to be the Directress of our Husbandry and farming."[3]

As Adams mastered formerly "masculine" duties, she grew confident and took pride in them. Within weeks she seemed to have mastered farming. General James Warren, Mercy's husband, was certainly impressed, and wrote John, "I don't doubt but Mrs. Adams Native Genius will Excel us all in Husbandry. She was much engaged when I came along, and the Farm at Braintree appeared to be under Excellent Management. I tried to persuade her to make a Visit to her Friend Mrs. Warren, but she cant leave Home this Busy Season."[4] Capable as she was, John's praise of her "conduct in the Management of our private affairs" made her more confident. His praise sufficiently compensated her anxieties in discharging "the many duties devolved upon me in consequence of the absence of my dearest Friend."[5]

Directress Adams seemed to flourish in her independence, learning the intricacies of agri-business on the job. But wartime farming was much more challenging than peacetime farming. The "late call of Men" would distress them in their husbandry. Abigail lost her "Negro head," who had chosen to fight for his freedom. "His going away would not worry me so much if it was not for the rapid depretitation of our money, she explained. "We can scarcely get a days work done for money and if money is paid tis at such a rate that tis almost imposible to live." Abigail curbed her own consumption, and lived now "as I never did before," but took pride that "Heaven" had "blessed us with fine crops." In the wonderful detail that distinguished her letters, she documented projected returns. "I hope to have 200 hundred Bushels of corn and a hundred & 50 weight of flax. English Hay we have more than we had last year, notwithstanding your ground wants manure. We are like to have a plenty of sause [garden sauce, i.e., from vegetables] I shall have fat Beaf and pork enough, make butter and cheesse enough." As for the imported staples she was accustomed to, she told John, in a voice of republican sacrifice, "[if I have neither Sugare, molasses, coffe nor Tea I have no right to complain. I can live without any of them and if what I enjoy I can share with my partner and with Liberty, I can sing o be joyfull and sit down content. . . . "

Like other patriotic women, Abigail Adams clothes her children and servants in

homespun. Unlike many other women, she kept her the family farm financially sound. She had "contracted no debts that I have not dischargd," and managed to pay off previous debts; "one of our Labourers Prince I have paid seven months wages to since you left me. Besides that I have paid Bracket near all we owed him which was to the amount of 15 pounds lawfull money. . . ." She also "set up a cider press . . . besides procuring and repairing many other articles in the Husbandery way, which you know are constantly wanted." As Mary Beth Norton has argued, Abigail Adams was one of those women who became stronger and more confident as a deputy husband during the American Revolution, despite the labor shortage and runaway inflation. "I should do exceeding well," she wrote John, "if we could but keep the money good, but at the rate we go on I know not what will become of us."[6]

B. Breadwinner (Merchant)

John Adams received his congressional commission as Minister to the Court of France on November 28, 1777. Though Mrs. Adams was exceedingly disappointed, having already been apart from her husband for three years, she encouraged him to go. As Mr. Adams wrote in his diary, "[m]y wife who had always encouraged and animated me, in all antecedent dangers and perplexities, did not fail me on this Occasion. . . ." Except for a month's return in 1779, he remained abroad, and was not joined by his wife in 1784. During that seven year period, when her farm management could not keep up with inflation, she improvised by selling scarce goods, which she imported from European manufacturers through John.

In her initial request, Abigail told John that debts were her "abhorrence" and that she would never borrow "if any other method can be devised." The method that she wished John to assent to was "to order some saleable articles. . . a trunk at a time, containing [goods worth] ten or 15 pounds Sterling, from which I may supply my family with such things as I need, and place in the hands of Dr. T[uft]'s Son who has lately come into Trade." Tuft's son would sell the extra goods for her "by which means if I must pay extravagant prices I shall be more upon an eaquel footing with my neighbours."[7]

John heartily accepted his wife's proposal, never questioning her judgment or expanded identity as merchant. The practice had become so standard that John Adams simply referred her orders to merchants on the continent, who then transacted business directly with Mrs. Adams.[8] Typically she dealt in textiles such as linen, gauze, shoe strings, ribbons, threads, and occasionally china and tableware. Her trade seemed to be successful, and she began to identify herself proudly as an independent woman who would burden neither her husband nor their friends. "It is true my spirit is too independent to ask for favours." Though they had friends who would assist her, she resolved, "whilst I can help myself I will not try them." Neither would she "ask a person to lend . . . money who would demand 30 per cent for it." She had "never borrowed for my expenses," nor would she. Thus it was the exception rather than the rule when she asked her husband for funds for their son Charles's passage back to America in 1782.[9]

C. Negotiator of Contracts

In addition to placing orders for importing saleable goods, Abigail Adams also stood as a contractor when she negotiated the terms of her husband's salary. The trick was to perform a masculine duty without appearing to break the bounds of prescribed femininity. In 1779 she wrote a member of Congress, John Lovell, to inquire about Mr. Adams's "accounts and vouchers." After offering the customary apology for "meddling" in politics, she told Lovell that she wished only "to know from time to time any important and interesting matters which may take place," and then proceeded to challenge Congress on the rate of exchange secured for her husband's salary. "I find that Congress are drawing Bill[s] at 25 for one upon Mr. Laurens and Jay to the amount of 100,000 Sterling. . . . Why I ask do they demand only 25 when 30 has been currently given here and 40 at Philadelphia[?]" Conscious of the restrictions on women discussing politics, and of her desire to get past them, she gave Lovell an exit and proceeded to ask for the information she needed. "You may always give me the go by, when I ask an improper Question and I shall take no umbrage but it will not be one I suppose to inquire after Mr. Adams's accounts and vouchers and to ask what has ever been done with them?" Mr. Adams was uninformed about his accounts and left Mrs. Adams "in charge that I should inquire after them."[10] Obviously John was neither threatened nor disapproving of Abigail's expansion into congressional business as his deputy husband.

Independence fueled more expansion. Thus in 1780, after seeing a diminution of her husband's title in a Philadelphia newspaper, it was no great feat for her to write to challenge it. The Philosophical Society had named her husband and John Jay as members, however Jay was given the title "His Excellency," while her husband was referred to only as "The honorable John Adams Esqr. late member of Congress." She did not consider it improper or unfeminine to question this discrepancy. Since both Jay and Adams were foreign ministers--Jay to Madrid, Adams to Passy--Mrs Adams believed that her husband ought to be given the same title as Jay, and wrote Elbridge Gerry to see if he could fix the matter. Mrs. Adams justified her grievance in political terms. "In a publick Society where they mean to Confer an Honorary Distinction, such things as these ought to be attended to, especially as they have a much greater influence abroad where Rank is considerd of more importance than in our Young Country."[11]

All of the roles that Abigail Adams assumed as a deputy husband expanded the definition of womanhood beyond domesticity. As a "directress" of farming, Deputy Adams learned that she could direct as well as take direction. As an importer she learned that she could judge the market and make a profit without relying on her husband's salary. As a negotiator and contractor, she learned to transact business and make claims rather than be the exchanged and claimed, thus reversing what Gayle Rubin has called "the traffic in women."[12] John welcomed this expansion, not because he had any feminist impulses, as we shall see, but because Abigail's assumption of these roles supported his endeavors as a man in pursuit of national independence and personal glory, and thus boosted, rather than threatened, his power.

II. Republican

In contrast to the ambiguous definition of "woman" within the varied roles of deputy

husband, "woman" in republican theory was unambiguously defined as subservient to the category "man." While the concept of womanhood had to be stretched as women performed formerly masculine tasks in the deputy husband identity, womanhood was defined restrictively in republican theory under the general, self-abnegating concept of feminine virtue.

Abigail Adams defined feminine virtue in terms of suppressed desires, personal sacrifice, and familial duty. One way that Adams suppressed her desires was to urge her husband forward in his service to the republic, rather than indulge in her economic, emotional, and sexual needs for him. "All domestick pleasures and injoyments are absorbed in the great and important duty you owe your Country," she wrote John, "'for our Country is as it were a secondary God, and the first and greatest parent. It is to be preferred to Parents, Wives, Children, Friends, and all things the Gods only excepted." This sublimation of desire to heroic republican duty supported Adams's definition of the self in republicanism as what Michael Sandel has recently called "encumbered" or "constitutive." The constituted self has meaning by virtue of its membership in the community into which it is born, rather than as a deontological, freely choosing individual who can put on or take off community obligations and norms like mere cloaks.[13] During the Revolution, the common good had to be the priority, for if it perished it would be "impossible to save an Individual as to preserve one of the fingers of a Mortified Hand." Thus did she "suppress every wish, and silence every Murmur, acquieceing in a painfull Separation from the companion of my youth, and the Friend of my Heart."[14]

Sacrifice was a virtue that Adams practiced with near masochistic rigidity. In October of 1777, when John obtained leave from Congress and returned to Braintree, Abigail became pregnant for the sixth time. In November, John was reelected to the Continental Congress, and in January he travelled to Baltimore, where Congress was in session. Mrs. Adams regretted his absence. and there is some indication that the intimacy of his brief stay in Braintree was prefaced with a promise of his presence if she got pregnant. She wrote John to express her anxieties about giving birth without his presence, but released him from obligation to her in a self-abnegating demonstration of her virtue: "that is a Satisfaction I know I must not look for," for giving birth without her husband might be necessary for the public good. "[T]ho," she added parenthetically, "I have a good ming to hold You to your promise since some perticuliar circumstances were really upon that condition." Instead, she put reason over her passions, and summoned "all the Phylosophy I am Mistress of since what cannot be helped must be endured."[15] At an age in which women commonly died from childbirth, this sacrifice was nothing less than masochistic heroism.

But in June of 1777 when the approach of Howe's army seemed imminent, she gave in to her "selfish" desires and begged John to come back. Conscious of her slip in virtue, she explained, "I used to have courage, but you cannot wonder at my apprehensions when you consider my circumstances. I can but poorly walk about the House. . . ." And yet, should he not come, she assured him, "I am not of an over anxious make; I will trust in Providence that I shall be provided for."[16] Again she implored him to come home, suggesting that he was avoiding his share in the "dreaded" event with her.[17] John never made it back. Abigail was resigned to writing him during labor between contractions, on July 10. "If there should be agreeable News to tell you, you shall know it as soon as the

post can convey it. I pray Heaven that it may be soon or it seems to me I shall be worn out. I must lay my pen down this moment, to bear what I cannot fly from --and now I have endured it I resume my pen and will lay down all my feelings and thank you for your obligeing letters." In the succeeding sentence she detailed the local news. "A prize arrived this week at Marblehead with 400 Hogsheads of rum aboard in by Manly.--Every article and necessary of life rises here daily. . . ."[18] Clearly Adams understood her labor in the absence of her husband and her continual duty to inform him about politics as the practice of republican virtue. The next day she gave birth to a girl, stillborn, as she had earlier feared it would be.

The theme of sacrifice continued as John was given a commission as minister to France. In February and March of 1788, he and John Quincy sailed to France aboard the Boston. Again Mrs. Adams was called on to exercise selflessness for the public good, which she did, as she waved husband and son farewell. This she could do because her marriage had been extraordinarily good, giving her "as much felicity, and as exquisite happiness as falls to the share of mortals. . . ." Furthermore, she understood her sacrifice of son and husband as an heroic act for her country. If the world did not recognize women's wartime virtues, she could "glory" in her own, "and derive pleasure" vicariously from her "intimate connexion with one who is esteemed worthy of the important trust devolved upon him."[19]

Abigail Adams had begun to define feminine virtue through self-abnegation, acquiescence, and service to her husband and family. As Edith Gelles has noted, Adams identified John's service to the country with the good of the country, and defended against loneliness and desperation by promoting an inflated image of him. Hearing erroneously in December of 1778 that her husband would be transferred to Holland, she quelled her anxieties for him with the theme of sacrifice and selflessness: "neither your own pleasure or satisfaction or my comfort or conveniency are to be consulted. Those were long ago sacrificed to the publick to whom you are devoted. . . ." It was his masculine duty to go wherever the republic demanded his service, and hers to "acquiesce, . . . to attend you whenever you think your own comfort, pleasure or satisfaction can be promoted by it. . . ."[20]

Mrs. Adams's conception of indirect virtue may have made her pains, tragedies, and unfulfilled desires easier to bear, but it also reified the ideology that was used to justify women's exclusion from citizenship. Defining her virtue as a personal sacrifice in the service of her husband, and his to his country reified the gender system that would devalue her contributions as natural and reward his as worthy of membership and office in the new polity. Thus in 1780 when she recalled her private loss in the stillborn child, she quickly converted her personal pain to public hope for the liberty of "ages yet unborn." Instead of mourning, she held "the flow of my heart upon this occasion," and reclaimed her virtue, absorbing her "whole Soul" in "the honour of my dearest Friend, the welfare and Happiness of this wide extended country," and "ages yet unborn."[21] The sublimation of her pain along with her commitment to vicarious pleasure in her husband's honor made the denial of women's rights easier--for her and for him. For while John's sacrifice might be compensated by the gain of national identity, Abigail's sacrifice would be recognized only by her family.

Not only did Abigail define virtue through the support of her patriotic husband, she

also defined virtue in her role as a republican mother,[22] As republican mother, her virtues were defined in educating her sons for citizenship. Letters to her son demonstrated that her republicanism was a blend of Christian and neo-classical concepts of the human telos and the common good. When John Quincy left for Europe with his father, Mother Adams told him that "the most amiable and . . . useful disposition in a young mind" was "diffidence of itself," which ought to lead him to "seek advise and instruction" from his father. She praised his "natural good understanding" and "spirits unbroken by adversity" but warned that his abilities, even if they were "superior" would be worth little "unless Virtue, Honour, Truth and integrety" were added to them. As a Christian mother, she reminded her son that he should remember his accountability to his maker for all of his words and action. Like a Spartan mother sending her son to die on the battlefield, she told hers that she would rather he suffered an early death crossing the Atlantic than be seen "as an immoral profligate or a Graceless child."[23] One was not a self-reliant, but a dependent being; one owed one's existence to God. Dependence on God begot duty and the human telos. The purpose of a moral life was not "to rove from clime to clime, to gratify an Idle curiosity." Rather "every new Mercy" one received was to be understood as a "New debt" or "obligation" upon oneself "to a diligent discharge of the various relations" in which one stood connected," first to the "Great Preserver," next to "Society in General, in particular to your Country," and finally to one's parents and oneself.[24]

Since God was the Being to whom one's ultimate duty was owed, "[t]he only sure and permanant foundation of virtue" was "Religion," that is, a "Belief of the only God, . . . who superintends and Governs all Nature . . . but more particularly regards Man whom he created after his own Image . . . ." God "[b]reathed into him an immortal Spirit capable of a happiness beyond the Grave," but to attain such happiness, man was "bound to the performance of certain duties which tend to the happiness and welfare of Society" and were "comprised in one short sentence . . . thou shalt Love thy Neighbor as thyself. . . " Quoting Pope in his "Essay on Man," Mother Adams reminded John Quincy to "Remember, Man, the universal cause/ Acts not partial, but by general laws/ And makes what happiness we justly call/ Subsist not in the good of one but all/. . . ."[25]

Once Mother Adams successfully ordered individual happiness as a product of the common good, she had only to link religious with civic virtue. She did this by claiming that God's greatest good was for humans to live in community. "The Supreme Being made the good will of Man towards his fellow creatures an Evidence of his regard to him, and to this purpose has constituted him a Dependent Being, and made his happiness to consist in Society." Since man was dependent on society for existence, as Adam required Eve even in Eden, man owed society the "duties" of "Justice, humanity, and Benevolence." These duties were extended to the country, but had to be supplemented with "the additional obligation of sacrificeing ease, pleasure, wealth and life itself for its defence and security." To his parents, he owed "Love, reverence and obedience to all just and Equitable commands." To himself, he had a duty "[t]o become what you ought to be" and what his "fond Mother" wished for him, which was to live by good precepts. For this, "one of the most usefull Lessons of Life" was "the knowledge and study of yourself." One had to be wary of "Self Love" and "partiality," character defects that "cast a mist before the Eyes."

True to late eighteenth century republicanism, she emphasized that he must learn to

govern his passions with the "countroul of Reason," which was the key to both public and private good. Governing the passions was essential to human happiness because "passion unrestrained by reason[,] cooperating with power" had "produced the Subversion of cities, the desolation of countries, the Massacre of Nations, and filled the world with injustice and oppression." His own country was a case in point; it suffered "from the Effects of Lawless power and Malignant passions. . . ." Once he learned self-government, she promised, he would "find a foundation laid for happiness" in himself and "usefullness" for Mankind."[26]

The definition of virtue as the sacrifice of personal desires and duty to God and country situated Abigail Adams in the company of her neo-classical republican friend Mercy Warren. Like Warren, Adams preached duty, sacrifice and the ascendence of reason over the passions. Both women also defined the category "woman" in republican theory as subservient to the category "man." The telos of "man" was to serve his community and share in its leadership. The telos of "woman" was to serve "man," and to take pride in the honor bestowed upon him, rather than to request honor or glory for herself. Thus, in contrast to the deputy husband definition of woman as man's replacement--which expanded womanhood beyond domesticity to the outer edges of the public realm--the republican definition of womanhood was restrictive, underscoring the gendered distinction of public and private, and minimizing women's contribution to the republic. Both roles defined women as men's servants, however, the deputy husband role upheld women's demonstration of equal competence while the republican wife role reified "woman" as a private sacrificial being whose purpose was to support the "public" virtues of her husband. This supportive, self-abnegating role conferred and inflated John's phallic sufficiency,[27] which enabled him to receive the glory of citizenship, political office, and notoriety, while she took pleasure in her suffering and the vicarious glory of her instrumentality.

III. Abigail Adams as Feminist

During the War Adams developed a feminist identity, which was in tension with her republican wifehood identification. By "feminist," I mean that she was aware of and critical of the structure of patriarchy, and resisted the definition of "woman" within that system. Adams criticized the structure of what Pateman has so aptly termed "modern patriarchy,"[28] in anticipation of the American founding. The critique can be found in her "Remember the Ladies" letter, quoted without exception in every biography on Abigail Adams.

Adams's feminism consisted of a critique of "male tyranny," or the absolute power of (white) men, which at that time manifested itself in the institutions of slavery and coverture. As I explained in Chapter Three, the legal tradition of coverture that continued in America, despite the Revolution, deprived women of a direct relationship to the state by subsuming the identities of every married woman into her husband's as her "Lord" or "Baron." Adams had her finger on the pulse of revolutionary theory when she criticized slavery and coverture as theoretically and morally inconsistent with the revolutionary principles of equal liberty. The institution of slavery was "a most iniquitous Scheme," defying revolutionary logic since whites were fighting for that freedoms that they were "daily robbing and plundering from those who have as good a right to freedom as we have."[29] Keeping the institution of coverture intact made no sense since white men would become free citizens, but women

would remain the "vassals" of their husbands. Thus the preservation of both slavery and coverture preserved a white male tyranny, despite the Revolutionary rhetoric to combat tyranny and absolute power.

A. "Remember the Ladies"

Adams's critique of modern patriarchy was more concerned with the status of white women than slaves of either sex. This critique can be found in her famous "Remember the Ladies" letter of March 31, 1776, in which she applies revolutionary radicalism to the status of women.

> I long to hear that you have declared an independancy--and by the way in the new Code of laws which I suppose it will be necessary for your to make I desire you would Remember the Ladies, and be more generous and favourable to them than your ancestors. Do not put such unlimited power into the hands of Husbands. Remember all Men would be tyrants if they could. If perticular care and attentions is not paid to the Laidies we are determined to foment a Rebelion, and will not hold ourselves bound by any Laws in which we have no voice, or Representation.
>
> That your Sex are Naturally Tyrannical is a Truth so thoroughly established as to admit of no dispute, but such of you as wish to be happy willingly give up the harsh title of Master for the more tender and endearing one of Friend. Why then, not put it out of the power of the vicious and the lawless to use us with cruelty and indignity with impunity. Men of Sense in all Ages abhor those customs which treat us only as the vassals of your Sex. Regard us then as Beings placed by providence under your protection and in immitation of the Supreem Being make use of that power only for our happiness.[30]

The meaning of this letter has been the subject of scholarly disagreement. Most read the letter narrowly as a limited request for legal protection against wife abuse, and not as a plea for woman suffrage.[31] Lynne Withey has suggested that the letter could be read as a feminist plea for suffrage, but rejects that interpretation on the grounds that Adams was content with separate, gendered spheres, and because she was no "social" revolutionary, despite her war-time efforts. L. H. Butterfield, Marc Friedlaender, and Mary-Jo Kline have suggested that Adams did mean to argue for "equal rights," but that she happily accepted John's refusal, since she experienced no gender subordination in her own life, and often came independently to the same conclusions about most political issues. Phyllis Levin obliquely refers to the letters "breadth," but does not specify whether it included a plea for equal rights, or woman citizenship.[32]

I read the letter broadly as a critique of coverture and a proposal for woman citizenship. According to the eighteenth-century jurist William Blackstone, the institution of coverture stipulated that "by marriage, the husband and wife are one person in law: that is, the very being or legal existence of the woman is suspended during the marriage, or at least

is incorporated and consolidated into that of the husband. . . ."[33] In the eighteenth-century marriage contract, as Pateman has argued, the woman exchanges her obedience for her husband's protection; but this was hardly an equal trade. The denial of married women's legal personhood entailed a widely oppressive definition of the category "woman," which not only barred women from independent property ownership (except in rare cases) and political rights, but also from the possibility of suing a husband for marital rape or other abuses. Had Adams meant narrowly to criticize the lack of protection against wife-beating, she would not have needed to describe the problem broadly as the "tyranny" of men, or prescribe "representation" of women to topple it.

Adams clearly meant to apply the revolutionary rhetoric of freedom and equality to a critique of the institution of coverture. For it was coverture that put "unlimited power into the hands of Husbands," making them patriarchs in their families, or male "tyrants." The threat of "fomenting a rebellion," against laws "in which we have not voice or representation," was a broad application of revolutionary logic to the tyranny of men. That Adams felt her representation as a woman denied by coverture obviously indicated that she rejected the concept of "virtual" representation for women through their husbands, and pleaded for women's "actual" representation as citizens in their own right.

John Adams ridiculed his wife's proposal. "As to your Extraordinary Code of Laws, I cannot but laugh." Having necessarily to dodge revolutionary principles, he threatened chaos in opening the franchise to Negroes and Indians, and worst of all, the "tribe" of women. "We have been told that our struggle has loosened the bands of Government everywhere. That Children and Apprentices were disobedient--that schools and colledges were grown turbulent.--that Indians slighted their guardians and Negroes grew insolent to their Masters. But your letter was the first Intimation that another Tribe more numerous and powerfull than all the rest were grown discontented."

John's more successful strategy with his wife was to argue against woman citizenship from the ideology of sexual difference and separate spheres. Women's sexuality made them more powerful than men in the domestic sphere, thus women actually ruled men despite their exclusion from politics. "Depend upon it," he told her, "[w]e know better than to repeal our Masculine systems. Altho they are in full Force, you know they are little more than Theory." Echoing Rousseau, John argued that women's sexual mastery in the private realm necessitated subjecting them to men's power in the public realm.

> We are obliged to go fair, and softly, and in Practice you know We are the subjects. We have only the Name of masters, and rather than give up this, which would completely subject us to the Despotism of the Peticoat, I hope General Washington, and all our brave Heroes would fight. I am sure every good Politician would plot. . . against Despotism, Empire, Monarchy, Aristocracy, Oligarchy, or Ochlocracy."

Fear of castration through the "Despotism of the Peticoat," was John's ultimate rationale for lumping the category "woman" with the already excluded Other, that is, those disenfranchised persons who would also threaten the ranking system of American manhood, namely "Tories, Landjobbers, Trimmers, Bigots, Canadians, Indians, Negroes, Hanoverians,

Hessians, Russians, Irish Roman Catholicks, [and] Scotch Renagadoes. . . ."[34]

Feminist Adams was obviously disappointed by her husband's objections to woman citizenship. She confided in her friend Mercy Otis Warren, hoping to win her support, and with it, protest the state. "I think I will get you to join me in a petition to Congress. I thought it was very probable our wise Statesmen would erect a New Government and form a new code of Laws. I venture[d] to speak a word in behalf of our Sex, who are rather hardly dealt with by the Laws of England," that is the institution of coverture, "which gives such unlimited power to the Husband to use his wife Ill." Applying the revolutionary principle of placing limits on authority, she "requested that our Legislators would consider our case," and check the "natural propensity in Human Nature to domination," by erecting "the most generous plan," which would "put it out of the power of the Arbitrary and tyranick to injure us with impunity by Establishing some Laws in our favour upon just and liberal principals."[35]

The problem of women's "injury" may have been wife-beating, but the "most generous plan" to check the "domination" of "Arbitrary and tyrannick" men would have been a system of equal rights for women. Adams contrasted "Liberal principles" with John's failing virtue, which was neither "disinterested" nor "generous," but rather corrupted by self-interest. For he proclaimed "peace and good will to Men, Emancipating all Nations," yet "insist[ed] upon retaining an absolute power over Wives." Women's "voice" and "representation" would have checked such male domination, toppling the patriarchal power of the King and the husband/father in one fell swoop.

Adams never obtained support from Warren who, in 1776, was more interested in winning John Adams's approval for her intellect than challenging the system of modern patriarchy. Thus Adams began seriously to consider an alternative strategy of sexual subversion, and playfully warned John about her private power to bend him to flaccidity. "[R]emember that Arbitrary power is like most other things which are very hard, very liable to be broken--and notwithstanding all your wise Laws and Maxims we have it in our power not only to free ourselves but to subdue our Masters, and without violence throw both your natural and legal authority at our feet--/Charm by accepting, by submitting sway/ Yet have our Humour most when we obey."[36]

While Adams discussed her proposal for woman citizenship with Mercy Warren, John discussed strategies for denying women citizenship with James Sullivan, only eight weeks after Abigail wrote her "Remember the Ladies" letter. If the "only moral Foundation of Government is the Consent of the People," he asked, "to what extent Shall we carry this Principle? . . . Shall we say that every Individual of the Community, old and young, male and female, as well as rich and poor must consent, expressly to every Act of Legislation?. . . "Whence arises the Right of the Men to govern the Women, without their Consent?. . . Why exclude women? Consent of the governed was obviously not the only moral foundation for legitimate rule. Despite his wife's demonstration of farm mastery, John concluded that women's "delicacy" rendered them "unfit for Practice and Experience, in the great Business of Life, and the hardy Enterprises of War, as well as the arduous Cares of State." "Besides," he added, "their attention is so much engaged with the necessary Nurture of their Children, that Nature has made them fittest for domestic cares."

A little deconstruction quickly reveals that John's reasoning is embedded in deep

circularity. Women should be excluded from the franchise because they are preoccupied with necessary childrearing. Since "nature" intended women for childrearing, it is also natural that women should be confined to domesticity and excluded from citizenship. The merging of masculine dictates with those of God or nature--the posited first cause- complete the circle of reason. Men ruled that women were unfit for politics, and then concluded that Nature intended it so. Thus God is man, and first and second cause become interchangeable. Had John Adams reasoned instead that women's "sphere" was contingent upon their exclusion from politics and rights, his argument for denying women suffrage would have failed. The circle of reason bought time--about a hundred and fifty years--before women had began to break it.

Should the argument about women's "natural" delicacy fail, the second strategy for excluding women from citizenship, also deeply circular, posited women's "natural" dependence. John asserted that women were like men "who are wholly destitute of Property," that is, "too little acquainted with public affairs to form a Right Judgment, and too dependent upon other Men to have a Will of their own. . . ." Or: women were dependent like the poor and children, "for generally speaking, Women and Children have as good Judgment, and as independent Minds as those Men who are wholly destitute of Property: these last being to all Intents and Purposes as much dependent upon others, who will please to feed, cloath and employ them, as Women are upon their Husbands, or Children on their Parents. . ." On Deconstruction, the argument takes this form: women are dependent under the law of coverture, and thus dependent by nature. Since women are naturally dependent, the law of coverture is natural, god's law. Thus, once again, man and God are conflated, and women's "vassalage," was said to reflect a "natural" incapacity for independent property ownership, the prerequisite for independent moral judgment. Women's exclusion from citizenship was merely man's law, but God's law, as well.

John admitted to Sullivan his aim to restrict the distribution of power to a limited number of white men. He warned Sullivan that it was "dangerous to open so fruitfull a Source of Controversy and altercation. . . as would be opened by attempting to alter the Qualifications of Voters." There would be "no End of it." New Claims would arise. "Women will demand a Vote. Lads from 12 to 21 will think their Rights not enough attended to, and every Man, who has not a Farthing will demand an equal Voice with any other in all Acts of State." The real problem was that opening the franchise would "confound and destroy all Distinctions, and prostrate all Ranks, to one common Levell." John Adams was a firm believer in ranks and levels--not only those separating blacks and whites and men and women, but also men and other men.[37]

B. "Daughters are wholly neglected in point of Literature"

As deputy husband, Abigail Adams resisted another aspect of modern patriarchy in 1776 when she protested the disparity of education between the sexes. This protest was waged on two grounds: failing to educate women was detrimental to children's education, as well as a patriarchal strategy to restrict women from knowledge, judgment, and a share in political power.

1. "If we mean to Heroes, Statesmen, and Philosophers. . . "

Educating her children, Adams found herself "soon out of my debth, and destitute and deficient in every part of Education." To remedy this problem she proposed to John "that some more liberal plan might be laid and executed for the Benefit of the rising Generation," and that the "new constitution" would be "distinguished for Learning and Virtue." Systematic education for girls as matter of constitutional right would benefit men, who would in turn serve their country. "If we mean to have Heroes, Statesmen and Philosophers, we should have learned women." Even this benevolent foundation for a female right made Adams self-conscious: "[t]he world would laugh at me, and accuse me of vanity, but . . . I have a mind too enlarged and liberal to disregard the Sentiment."[38]

John Adams wholeheartedly agreed that learned women benefitted men, but he showed no interest in establishing public education for girls as a constitutional right. He feared the proliferation of "Femmes Scavans," and "Pedants," but lauded the supportive woman behind the great man. History proved that every "great Character, whether a General or a Statesman, or Philosopher," was supported by "some female about him either in the character of a Mother, Wife, or Sister," with "Knowledge and Ambition above the ordinary Level of Women, and that much of his Emminence" was owed "to her Precepts, Example, or Instigation, in some shape or other."[39] The proper role for a talented woman was not on center stage, as Judith Sargent Murray would later argue,[40] but strictly in the private sphere. "Aspasia the wife of Pericles," for example, taught her husband "his refind Maxims of Policy, his lofty imperial Eloquence; nay, even composed the Speeches, on which so great a Share of his Reputation was founded." So extraordinary was this lady that "[t]the best Men in Athens frequented her House, and brought their Wives to receive Lessons from her OEconomy and right Deportment. Socrates himself was her Pupil in Eloquence and gives her the Honour of that funeral Oration which he delivers in the Menexensu of Plato. . . ." John's resistance to his wife's proposals was insinuated in his idealization of extraordinary women, and his sarcastic wish that "some of our great Men had such Wives."[41]

2. The "Tyranny" of Men Barring Women from "ingenious education"

John touched on the subject again in April of 1778, when he boasted of the intellects of French women. "I admire the Ladies here. Dont be jealous. They are handsome, and very well educated. Their accomplishments are exceedingly brilliant. And their knowledge of Letters and the Arts, exceeds that of English Ladies much, I believe."[42] Abigail took the opportunity, once again, to criticize "the trifling narrow contracted Education of the Females of my own country," and to call on John's "more generous and liberal Sentiments" to combat the ridicule of female learning. No doubt aware that John was neither generous nor liberal when it came to sharing state power, Abigail resorted to the commentary of some unnamed but admired male author to protest the exclusion of women from serious education as a power play in sexual warfare. If women were men's "enemies," then men were cowards to disarm them of the same "weapons" that men used in sexual warfare. But if women were men's friends, it was "an inhumane Tyranny to debar them of priviliges of

ingenious Education which would also render their Friendship so much the more delightfull to themselves and us."

The claim of male tyranny never appealed to John's sense of justice, thus it was no surprise that Abigail argued for equal "ingenious" education from republican wife rhetoric. As men's supporters, educated women would become more "polite and charming creatures," whose "brighter intellects" made them more beautiful, not more powerful. This justification contained the promise, from one male author(ity) to another, that women would not outshine men intellectually, "[n]or need we fear to loose our Empire over them by thus improveing their native abilities since where there is most Learning, Sence and knowledge there is always observed to be the most modesty and Rectitude of manners."[43]

Abigail expressed her frustration with male tyranny in her letters to John Thaxter, her husband's assistant. "[T]he difference of education between the male and female Sex, even in those families," like her own, where Education was "attended to" was "mortifying." "Every assistance and advantage which can be procured is afforded to the sons, whilst the daughters are totally neglected in point of Literature. Writing and Arithmatick comprise all their Learning." With John Thaxter, Adams gave the republican mother justification, but the emphasis was on the injustice to women rather than the promise of non-threatening service to men. "Why should the Females who have a part to act upon the great Theater" as mothers, "a part no less important to society," be "suitably qualified for the Trust, Especially when we consider that families compose communities, and individuals make up the sum total." And then again, why would men "wish for such a disparity in those whom they one day intend for companions and associates[?]" Answering her own question, she could not avoid "sometimes suspecting that the Neglect arises in some measure from an ungenerous jealousy of rivals near the throne."[44] Proving himself more "liberal" than Mr. Adams, Thaxter agreed with Abigail that men denied women education to restrict power to themselves. "After mentioning that our sex wish a disparity, you subjoin a suspicion that Jealousy of rivalship is the foundation of the neglect of your sex. Madam, I am positive it is too often the case. It is an 'ungenerous Jealousy' as you justly term it."[45]

Two points follow from Adam's dual strategy for attaining female education rights. The republican motherhood strategy employed the argument that women performed a vital service to the community, for which they ought to be rewarded with equal education with men. The failure to educate girls would be a detriment to the republic, since women would be less able to educate their children. The second strategy was deconstructive. It reduced the exclusion of girls from education as plain sexual warfare. Men denied women and girls knowledge to keep power in their own hands. Denying girls equal educational opportunities kept the circle of sexist reason unbroken. It maintained the definition of "woman" as a naturally dependent, domestic being, unfit for participation in the "public" realm, which in turn validated the definition of female "nature" as incapable of independent rationality and judgment, and thereby maintained the conflation of God with man. Clearly, Abigail's deconstructive strategy was an attempt to resist the patriarchal definition of "woman."

C. Adams joins Warren in critique of Lord Chesterfield

A third feminist act that Abigail Adams performed was her support of Mercy

Warren's critique of Lord Chesterfield as a Libertine. As I discussed in chapter three, Mercy Warren wrote a letter to her son, in which she attempted to dissuade him from Chesterfield's teachings on sexuality. Chesterfield blamed women for male licentiousness, but Warren argued that "human nature" was "the same in both sexes." Thus the focus on women as the cause of licentious manners was simply bad custom. Men and women frequently reached the same moral heights or sunk to the same level of depravity, but men like Chesterfield unjustly "branded liscentious manners in female life with peculiar marks of infamy."[46] In February of 1780, Abigail Adams's seconded Mercy Warren's conclusion that Chesterfield was a "libertine" whose teachings about women were an "abuse upon our sex." Adams requested a copy of Warren's letter,[47] which she arranged to publish in the Independent Chronicle (Boston). It appeared in print on January 18, 1781.[48]

This act was a concerted feminist effort among women to protest a pejorative characterization of themselves which was frequently used to exclude them from the category of the rational individual, and thus the public realm as well. Thomas Jefferson, for example, viewed women as seductive temptresses, whose uncontrolled passion would cause chaos and anarchy if allowed to mix with men in matters of public business.[49] By seconding Warren's sentiments that moral human nature was the same in both sexes, Adams resisted the patriarchal definition of "woman" as a creature defined by insatiable sexual desire, and thus incapable of a rational voice worthy of representation.

III. "It is Scarcely Reputable for Young Ladies to Understand Latin and Greek"

One would think that Abigail's critique of sexist educational opportunities might lead her to pay special attention to her daughter's education. In 1776, her most radical year, she did: she began to teach Nabby Latin and Greek. John, however, discouraged his daughter from pursuing it further because it was unladylike. "You must not tell many people of it, for it is scarcely reputable for young ladies to understand Latin and Greek--French, my dear, French is the language next to English--this I hope your mamma will teach you."[50] He may have killed her appetite for learning in general, for there was no further evidence of his daughter's interest in Greek, or any other academic subject.

On the other hand, John Adams raised and educated his second child John Quincy for nothing less than statesmanship. At first Father Adams instructed his son from afar. He directed his wife to instruct their son in the great republican virtues of "Temperance, Justice, Magnanimity, Honour, and Generosity." John Adams intended to educate John Quincy to become "a wise and great Man." Abigail was to have him to read the newspapers for current events, history for lessons on virtuous and despotic characters, and the classics to understand the rise and fall of republicanism. Thus Father Adams sent his son a formidable bibliography of classics in July of 1777 for his present and future reference.[51] At age eleven, John Quincy accompanied to his father to Holland. At age thirteen, he enrolled at the University of Leyden. There he studied Phadreus's Fables, along with other Greek and Latin classics, by which his father intended he would learn the difference between wisdom, virtue, vice, and folly.[52] Further, Adams asked John Quincy to must inform himself "as perfectly as possible concerning the Origin, the Progress, the Institutions, Regulations, Revenues, &c. of that celebrated University, and especially to remark every Thing in it, that

may be imitated, in the Universities of your own Country."[53]

The education and support for John Quincy proved successful and useful in just a few years. A few days before his fourteenth birthday he became the unpaid secretary to Francis Dana, who was appointed Minister to Russia in July of 1781. Dana requested the John Quincy's services since he could "easily translate in writing, as Mr. Dana had seen, any state paper," from French to English and English to French.[54] Father Adams was continued to express his concern for his son's education even in his role as teenage foreign secretary. With no college to be found, he should follow his own course of study with "assiduity," and take more pains with his handwriting, resolving "never to write the most familiar Letter or trifling Card, with[out] Attention and care. . . . "[55] At one point Father Adams discovered, to his "mortification," that his son was wrote "better in a foreign Language" than in his "mother Tongue," but lacked style in both. He quickly prescribed an academic antidote of intercourse with works by "the best Writers in both," whose Spirit he was to "penetrate" and whose "Fires" he should allow to "warm" and "inflame" his own. To summarize, Father Adams counseled John Quincy on his daily and long-term educational goals, as well as his penmanship and writing style. He continually challenged John Quincy to reach beyond his current abilities to prepare him for a great role on the world stage. Mother Adams also challenged her son to aspire for greatness. In addition to her in-depth letters on republican theory, she impelled him to "consider that every Moment of your time is precious, if trifled away never to be recalled." He was to aspire, in whatever he undertook, "to make yourself perfect in it, for if it is worth doing at all, it is worth doing well."[56]

Aside from discouraging Nabby from learning Greek and Latin, no such fatherly attention was paid to Nabby's education. While John sent Abigail specific instructions for John Quincy's studies, he wrote that his "dear Daughters education" was near his heart. Obviously it was not at the center, since he could only add that she was "a modest and discreet Child" with "an Excellent Disposition, as well as Understanding."[57] On one or two occasions, Father Adams did write his daughter of historical and geographical facts from his European journeys in his "Moments of Leisure, to inform you of any Thing that I observe which may contribute to your improvement or Entertainment." Rather than engaging her with questions or assignments, Father Adams suggested that "Arts and Accomplishments" that were "wholly ornamental" should not be a priority in a woman's education. With somewhat lowered aspirations for his daughter than his wife, he told Nabby that the primary purpose of girls' education was to make them "useful" to "act their Parts well in the various "Relations of Life, those of Daughter, Sister, Wife, Mother, Friend."[58]

Nabby Adams received few letters and wrote even fewer herself. Though her mother encouraged her to keep up correspondences with her brothers, she was too ashamed of her lack of education to write. "I cannot prevail with your Sister to write"--Mother Adams told her son--"I believe she is affraid you will shew her Letters and she is so proud that she thinks she cannot write well enough. I do not like it that she is not more socible with her Brothers."[59] When she did write John Quincy, she expressed women's "anxiety of authorship."[60] She was "sensible of her own unworthiness," but excused herself as a female whose "lot" was "to pass my time in a very contracted Sphere." "I have scarcely visited as many towns as you have kingdoms."[61]

John Adams did offer his daughter a few republican principles for living, but only

after she requested him to send her jewels and lace from Europe for her embellishment. He was disappointed that she had not instead asked for a copy of "Bell's British Poets." In a paltry effort to correct years of neglect of his daughter's education, Adams began by telling her "if you have not yet so exalted sentiments of the public good as have others more advanced in life, you must endeavor to obtain them." The principles underlying the public good consisted of "the primary and most essential branch of general benevolence, and therefore the highest honour and happiness both of men and Christians, and the indispensible duty of both." She should avoid "Malevolence," which was "its own punishment, even in this world." "Indifference to the happiness of others" was also a vice because it arose from "insensibility of heart, or from a selfishness still more contemptible, or rather detestable."[62]

Adams condensed the lessons of the Greek polis, the fall of Rome, and histories of revolutions in the west into a mere hundred words. If she could understand the general concept of benevolence, she could probably be trusted to understand commitment to the public good as the highest virtue. "But for the same reason that our own individual happiness should not be our only object, that of our relatives, however near or remote, should not; but we should extend our views to as large a circle as our circumstances of birth, fortune, education, rank, and influence extend, in order to do as much good to our fellow men as we can." This brief lesson in civic virtue as the foundation of moral society and human happiness was his answer to a daughter who had assumed her lot, as an ornament, perhaps too well. Father Adams preferred the industrious and "useful" woman over the ornamental woman. "[J]ewels and lace can go but a very little way in this career. Knowledge in the head and virtue in the heart, time devoted to study or business, instead of show and pleasure, are the way to be useful and consequently happy."[63]

Father Adams failed to engage his daughter in intellectual deliberation, or to create structured opportunities for her intellectual growth. Instead he discouraged her from learning Greek and Latin, and gave her what Aristotle called "right opinion," that is the flat reason that must be taken on faith for those supposedly lacking the rational capacity for general reason. The objection might be raised that the young Abigail was simply not as talented as her brothers; but this conclusion would be difficult to draw given the gaping distinctions between hers and John Quincy's educational environments. Furthermore, there is no indication that the younger Charles Adams fared better in life than his sister, despite his advantages. Like John Quincy, he was educated in Europe as a boy, but died of alcoholism at the age of thirty. John's lack of concern for his daughter's education reified his construction of woman as a "dependent being," naturally incapable of political judgment, and thus undeserving of citizenship. The circle of reason protecting the limited franchise spiraled down to the next generation. Nabby Adams accepted her "lot," in a narrow, contracted sphere of domesticity without protest, despite her mother's proposals for equal educational opportunities as a matter of right, as well as in family practice.

IV. The Transition to from Feminism to Separate Spheres

The question as to whether or not Abigail Adams was a feminist has been discussed and decided negatively in the context of her endorsement of separate spheres; these writers

seem to assume that domesticity and woman citizenship were opposing categories, as they have been in the twentieth century, but it is my claim that they were not antithetical in Adams's mind in the eighteenth century. Instead, I argue that Adams challenged the boundary between public and private by viewing domestic work as a contribution to the republic that was worthy of woman suffrage and public honor. In contrast to Edith Gelles,[64] I argue that though Abigail Adams was comfortable as a domestic being, she did "suffer conflicts over her place in the world," and her role in society. The question, then, is not whether Adams was a feminist or a domestic woman, but why and when she abandoned her feminist critique of the state and acceded to the ontology of sexual difference and its concomitant ideology of separate spheres. Why was Abigail Adams so willing to give up her political struggles for woman citizenship and defer to her husband's will?

A. From Sexual Performance to Sexual Difference

As we have seen, Mrs. Adams began to play with a "difference" strategy to assert female power when she accepted her husband's theory on the power of the petticoat in the Spring of 1776. When she failed to convince him that women deserved actual, rather than virtual representation in government she warned him to beware of the subversive power of women, who

> Charm by accepting, by submitting, sway
> Yet have our humour most, when we obey.[65]

This sex play suggested that feminine charm and submission was rather a strategic act than a natural determinant of womanhood.

By the end of 1780, however, Adams's ruminations on sexual difference were no longer playful. She had received far fewer letters from her husband than she had sent (most were lost at sea or confiscated); it was Christmas, and she was felt "alone in the wide world, without anyone tenderly to take care of me, or lend an assisting hand through the difficulties" that surrounded her. Reflecting on her pain and her husband's apparent lack of it, she suggested that women were more emotional than men: "Man is active resolute and bold/ Woman is fashioned in a different mold." Men were "[m]ore independent by Nature," scarcely able to "realize all those ties which bind our sex to his." It was now "natural" that as women's dependence was greater, their attachment to others was also stronger.[66] Two years later, still miserable in her separation, she moved from contingent to natural female misery, paraphrasing the Bible. "Desire and Sorrow were denounced upon our Sex: as punishment for the transgression of Eve." Since women were "[m]ore tender and susceptible by Nature" to "those impression[s] which create happiness or misiry," they Suffer[ed] and enjoy[ed] in a higher degree" than men did. In contrast to the younger Judith Sargent Murray, who attributed social inequality to Biblical and institutional sexism, Adams now accepted divine punishment as the explanation of woman's cultural misery. Instead of attributing her unhappiness to the glory of her self-abnegating sacrifices, Adams now turned her misery toward her femaleness. "I never wonderd at the philosopher who thanked the Gods that he was created a Man rather than a Woman."[67]

Adams's use of the word "penetration" might also suggest a theoretical move toward natural sexual difference as the foundation of the gender system. She twice used the concept of penetration to stimulate men to rise to public virtue, suggesting a link between the phallus and the public realm. She urged Jonathon Mason forward with Sullivan's army troops as a condition of his manliness. The virtues of "[p]enetration and wisdom" were the "fruits of experience, not the lessons of retirement and leisure." "Ardour and generosity" could not be gained passively through solitary "reflection or knowledge;" but were the rewards that issued from of a mind "raised and animated" in the scenes of action.[68]

Adams used these oppositions of penetration and passivity to arouse John Quincy to manhood as well. Yielding to the separation that she had originally resisted, she now masculinized him for his second stay in Europe in 1780. These were "times in which a Genious would wish to live. "Great characters" were not formed "in the still calm of life, or the repose of a pacific station. . . . Would Cicero have shown so distinguished an orator, if he had not been roused, kindled and enflamed by the Tyranny of Catiline, Millo, Verres and Mark Anthony[?]." No. "The habits of a vigorous mind" were "formed in contending with difficulties." "Wisdom and penetration" came from active "experience," not the "Lessons of retirement and leisure." Great causes called out great virtues, which could only "wake into life" when the mind was "raised, and animated by scenes that engage the Heart." This hard-won wisdom and penetration formed not only the character of the soldier, but of "the Hero and the Statesman" as well. Or, put differently, only those who penetrated became heroes and statesmen, and to penetrate, one had to be active, confrontational, and brave--a real man.[69]

Another indication of Adam's acceptance of natural sexual difference and separate spheres was her praise of Fordyce in 1782, as an ally "to whom our Sex are much indebted for the justice he has done them. . . ." As Mary Beth Norton has shown, the Reverend James Fordyce was a *conservative* theorist of gender. He offered a justification for restricted female education based on a theory of sexual difference. Since women had a "defect in point of depth and force," but enjoyed a refined "sentiment" and more insight into human characters, he recommended that women narrow their interests to "refined" rather than "profound" subjects.[70] This was hardly in line with Adams's earlier proposal for an "ingenious" education for women that aspired beyond reading and arithmetic. She now praised Fordyce for his claim that women with good manners provided the "best School" for "conscientious" and "moral" men to learn "proper demeanor, the easiest turn of thought and expression and right habits of the best kind."[71] The ideology of separate spheres began to dominate of her thinking on gender. She now claimed that "the virtuous fair" would soften men's "rusticity and asperity" in the private realm and refine it to "benevolence and philanthropy." Women would take selfish, "ungenerous" men and teach them "graces" without "sacrificing the[ir] virtues."[72] That is, women would bend men with their tenderness, rather than castrate them through political competition.

Adams's use of binary oppositions like hard/soft, penetrating/passive, confrontation/retirement, and bold/miserable, to describe male/female rested on a shifting foundation. Her ontology of difference vacillated between the natural and preordained, on one hand, and the socially constructed on the other. In addition to her religious explanation for women's suffering in 1782, Adams recognized women's suffering as the consequence of

male domination. Women suffered because the country failed to recognize their virtuous acts as worthy of citizenship. "Patriotism in the female Sex is the most disinterested of all virtues. Excluded from honours and from offices, we cannot attach ourselves to the State or Government from having held a place of Eminence." Women gave to the public cause, though they were still guaranteed to live under the tyranny of men through the law of coverture. "Even in the freest countrys our property is subject to the controul and disposal of our partners, to whom the Laws have given a sovereign Authority." Coverture rendered women "[d]eprived of a voice in Legislation, obliged to submit to those Laws which are imposed upon us," and thus, she reasoned, "is it not sufficient to make us indifferent to the publick Welfare?"[73] As much as she credited her own contributions to the public good, Adams was also clearly disillusioned with republicanism and the concept of "virtue," which systematically devalued women's domestic contributions by excluding women from citizenship.

Adams's transition from feminism to separate spheres began in the last half of the Revolutionary period, but not without equivocation. After John ridiculed and refused her proposal for woman citizenship, and put forth his view of women's sexual mastery in the private realm, Adams played along, threatening to subvert the denial of woman citizenship within their marriage. She explored the idea that women's suffering was preordained, and appeared to have accepted it as women's lot. Yet, in the same period, she also identified and resisted women's exclusion from politics as an oppressive social construction which was inconsistent with the liberal principles of the revolution. This fact is overlooked by such fine scholars as Akers, Hoff, and Gelles,[74] who miss the point of Adams's critique of coverture, virtual representation, and the male bias of "virtue," and conclude that she completely accepted the ideology of separate spheres undergirding women's exclusion from politics.

To view Adams as a conventional woman in this sense is not only to deny or minimize her critique of modern patriarchy, but to take her espousal of separate spheres during and after her period as First Lady at face value. For it was then that she endorsed separate spheres ideology unequivocally, despite her obvious immersion and inclusion in male-dominated politics. When she wrote John Quincy in the Spring of 1796 that

> [h]owever brilliant a woman's talents . . . [she] ought never to shine at the expence of her Husband. Government of States and Kingdoms, . . . I am willing should be soley administerd by the lords of the creation. I should only contend for Domestick government,[75]

she was the Vice President's wife, on her way to becoming the second First Lady in the country's history. When she did become First lady, her endorsement of separate spheres was even stronger. "I will never consent to have our sex considered in an inferiour point of light. Let each planet shine in their own orbit. God and nature designd it so--if man is Lord, woman is Lordess--that is what I contend for."[76]

By end of her life, the reversal was complete. She had accepted her husband's "power behind the scenes" view of womanhood as the ideal. Since "[n]o man ever prospered in the world without the consent and cooperation of his wife," women should be given an education that would "qualify them for the useful and domestic duties of life." It was an

"indispensable requisite" for "every American wife" to "know how to regulate her family; how to govern her domestics, and train up her children." If she failed in her domestic duty, she was not a true woman. For the "all-wise Creator made woman an help-meet for man, and she who fails in these duties does not answer the end of her creation.[77]

The contradiction of Adams's endorsement of separate spheres as an elite politician's wife, and her reversal from feminist critique to natural sexual difference and preordained spheres begs explanation. Her "normal" statements on gender from the mid 1790s on should not be taken at face value, or abstracted from her earlier struggle for woman citizenship, but rather seen as contradicting and reversing an earlier "feminist" strategy that failed to win support from either her husband or her friend Mercy Warren. At the same time that Adams became disillusioned with the concept of republican virtue, she also gave up her virtuous, but losing battle on behalf of womankind. Adams switched strategies, trading her feminist protest in for the individual privileges that she alone would enjoy as the wife of an elite and rising politician, who at least paid lip-service to separate spheres ideology. In practice, Adams was actively involved in political discourse with male politicians, and suffered little or no bars to her political expression, once she dropped her feminist critique and identified with the dominant male point of view of her time.

B. The Benefits of Individual Talent and Privilege

As Adams abandoned her feminist critique of the state and began to play the supportive role that John had recommended to her, her individual reputation and access to political information gradually ascended. This transition from feminism to individualism was made easier both by her cleverness as a an observer and writer of politics, and as the wife of an elite politician who enjoyed his political connections. Abigail Adams's depictions of battles, troops, and popular reactions during the War became essential to John Adams, who expressed his reliance on them. "You take it for granted that I have particular Intelligence of every Thing from others. But I have not. . . . I have more particulars from you than any one else. Pray keep me constantly informed, what ships are in the Harbour and what Fortifications are going on."[78] He wrote his cousin Mary Palmer that Abigail obliged him "with clearer and fuller intelligence" than he could get "from a whole committee of Gentlemen."[79]

John Thaxter, Adams's protege, also kept up his correspondence with Mrs. Adams in the early 1780s, omitting "no opportunity in writing" her because he was "too sincere an admirer of every trait of . . . [her] Pen, which never fails of Instruction or Improvement . . . ."[80] And after Mrs. Adams and her daughter joined Mr. Adams in London in 1784, she carried on a correspondence with Thomas Jefferson, on which he also came to rely for information. "You refered me to Mr. Adams for news; but he gives me none; so that I hope you will be so good as to keep that office in your own hands. I get little from any other quarter since the derangement of the French packets."[81] It was not just that she offered him political details that her husband omitted, but that her opinions and predictions were usually well-founded; thus Jefferson actually preferred to hear the news from her rather than either John Adams or Colonel Smith.[82]

Political men loved Abigail's letters, and she used them as a bridge to the public

realm that was not attained through woman suffrage. "Continue to write by every opportunity," was the request that prompted Thaxter to express his commitment to correspondence with Mrs. Adams in 1778. "I love to know what is passing in the world tho excluded from it."[83] This abandonment of the cause of women as a group and acceptance of individual privilege allowed her to reconcile her exclusion from the franchise and continue to express her political acumen. Mrs. Adams observed and discussed the race for Massachusetts Governor in 1780 as if she had the right to vote. "The man who from Merrit, fortune and abilities ought to be our Chief is not popular, and tho he will have the votes of the sensible judicious part of the State, he will be more than out Numberd by the lovers of the tinkeling cymball," Her man of merit was James Bodoin; the tinkeling cymball, John Hancock. Aware of the irony of following elections as a woman, she exclaimed to her husband, "What a politician you have made of me?" If I cannot be a voter upon this occasion, I will be a writer of votes. I can do something that way but fear I shall have the mortification of a defeat."[84]

In the same spirit of assimilation, Mrs. Adams renounced any ambition for herself, and proclaimed her assumption of the republican wife role. "For myself I have little ambition or pride--for my Husband I freely own I have much." She dreamed of a simple, virtuous life with John in their "rustick cottage" where "Goodness honour Harmony and Love--Retirement rural quiet Friendship Books--ease and alternate Labour--usefull life--progressive Virtue, and approveing Heaven" would yield all that she could wish for. But since the Revolution had "disturbed this peacefull tranquility" and called forth her husband as "a principal actor upon the Stage," her ambition was for his character--that he should "do Honour to his country whilst he secures it to Freedom, independence, and fame."[85]

V. Abigail Adams's Assimilation to Federalism

Adams's shift within the category "woman" accommodated her assimilation into Federalism. Once she chose to abandon her feminist and antislavery sentiments and identify with her husband's career, her major objections to the modern state and the hierarchy of federalism were gone. Adams's identification with the Federalist party was clear from her stances on political issues from the late 1780s until the early 1800s. She opposed the democratic uprisings and movements, such as Shay's rebellion, denounced the Jeffersonian republicans as "Jacobins," defended hierarchical order and obedience in the citizenry, and hawkishly supported Britain in its struggle against France. She showed unwavering support for the Sedition Act, and finally, espoused the Federalist view of the constitutional separation of powers, as well as the new doctrine of judicial review.

Abigail Adams began to identify with conservatives in the wake of Shays' Rebellion. In 1786 Daniel Shays and other farmers in western Massachusetts suffering from the economic crisis blocked the entrances of courthouses in protest of the legislature's failure to relieve their debt and distress. Adams, now in England with her husband, wrote Thomas Jefferson, then in France, about the "tumult" of "[i]gnorant, wrestles desperadoes, without conscience or principals. . . ."

In her view Shays had led a "deluded multitude" to pretend grievances which had "no existence but in their imaginations." Their radically democratic pleas for the issue of paper

money, the annihilation of all debts, and an equal distribution of property, along with the complaint that the Senate was "a useless Branch of Government" necessitated the "wisest and most vigorous measures to quell and suppress it." Adams assumed that Jefferson, as one of the few "sensible and judicious" persons, would agree that these "mobish insurgents" were sapping the foundation of their liberties. For her it was simply a matter of the "lower order of the community" who were "prest for taxes," but were unable to part with their land to pay them, and those who "possest money" were too afraid to lend it to them.[86] Jefferson responded in disagreement. He supported the "spirit of resistance" as the true foundation of liberty. "I wish it always to be kept alive. It will often be exercised when wrong, but better so than not to be exercised at all. I like a little rebellion now and then."[87] Thus as early as 1787, Adams was involved in a political debate over the meaning of liberty that would eventually come to delineate the boundary that separated the Federalists from the Republicans in the first party division. This party division would remove her husband from the presidency, and replace him with Thomas Jefferson himself in 1800.

In 1789, as the wife of the Vice-President, Adams began conscientiously to identify herself as a Federalist, in opposition to Antifederalists such as Elbridge Gerry and her old friends Mercy and James Warren. Adams wrote her sister Mary Cranch, ". . . there is not a member [of Congress] whose sentiments clash more with my Ideas of things than Mr. G[err]y." Gerry failed to "comprehend the Great National System which must Render us respectable abroad & energetick at Home. . . ."[88] Adams, like other Federalists, favored the centralization of power through the controversial Hamiltonian finance system and the federal adoption of state debts.[89]

After she discovered Mercy and James Warren's antifederalism and their sympathetic stance toward Shay's rebellion, she drove a wedge between herself and them, now ridiculing "a certain lady" for the audacity to ask the Vice President to consider her husband and sons for positions in the federal government. Adams chastised Warren for her "ambition," and hoped that "her pretentions & those of her Family" would fail to win favor with the ruling party, since whatever their contributions, James and Mercy Warren were "jealous" antifederalist "partizans." Adams suspected "a constant correspondence" was "kept up between Mrs. W[arre]n and Mr. G[err]y," and feared they conspired to "disturb the Government."[90] Thus the wedge between Mercy Warren and Abigail Adams signalled both women's complete identification with masculine parties, which obliterated whatever connections they may have shared as family friends, patriots, and political allies on elevating the status of womanhood from the abuses of Lord Chesterfield.

The conservative Mrs. Vice President censured the emerging Democratic-republican party for their "cry of the rights of man, liberty and equality. . . ." Her blind commitment to protect John's reputation threatened the dispassionate rationality that she so praised in her lecture to John Quincy during the Revolution. Instead of challenging the underlying philosophy of the Republicans, she criticized them for representing "the Vice- President as inimical to them, and as a man whose object was to introduce a government of Kings, Lords and Commons and a hereditary nobility."[91] As First Lady Mrs. Adams continued to defend her husband's opposition to the French Revolution, referring to supporters of French Revolutionary principles as "Jacobins." The Democratic-republicans continued to libel the President, calling him a "monarchist" for his pro-British sympathies and readiness to defend

the British militarily.

This calumny infuriated the First Lady, whose political energies were now completely devoted to the protection of her husband's honor. During the XYZ affair, Adams defended her husband's choice of envoys to France against Republican opposition, and was delighted that the papers of the failed reconciliation were exposed, proving the hostility of Talleyrand toward the American diplomats. Republicans had criticized President Adams for choosing Federalists envoys who were obviously hostile to the French, and thus unlikely to secure a reconciliation with them. But the exposed papers preserved her husband's reputation against attack, and validated Abigail's claim that the envoys were "honorable," "truly American" and "professional."[92] The First Lady's concern for her husband's reputation colored her interpretations of other major political contests, such as the Hamiltonian finance system, the Foreign Intercourse Bill, and the Sedition Act.[93] Excepting the Sedition Act, Adams expressed these contests as battles over John's reputation and power rather than serious debates over the meaning of republicanism in the early national period.

First Lady Adams now separated herself from her long-time friend Mercy Warren by politics and political philosophy. Mercy Warren retained a classically republican philosophy, in which virtue was defined through active participation in government, and corruption through the centralization of power and emasculation of male citizenship. The First Lady assimilated to the modern republican outlook put forth by the Federalists. No longer defining virtue through male courage and penetration in the public realm, Abigail Adams now expected the lower orders and the opposition to behave passively and obey established power. The "corruption of morals" was no longer a potential problem for every man, but was now defined through the passionate disobedience, insubordination, and opposition of the Democratic-republicans.[94] By the end of John's presidency, individual liberty was practically dropped from her vocabulary, as national interest and national self-defense against domestic insurgents became her political obsession.

This obsession led her to greater conservatism. When the French privateers began to capture unarmed American ships in 1795, Adams was actually more in favor of an American war with France than her husband. President Adams was squeezed between the opposition of the Republicans on one side, and the demands of General Washington and his chosen second, Alexander Hamilton, on the other. In 1799 after Adams decided to reconcile the hostilities by sending a minister plenipotentiary to France, he wrote his then ill wife that the Hamiltonians missed her because she was more hawkish than the President. "I have instituted a new mission, which is kept in the dark, but when it comes to be understood it will be approved. O how they lament Mrs. Adams's absence! She is a good counsellor! If she had been here Murray would never have been named nor his mission instituted! This ought to gratify your vanity enough to cure you."[95]

Adams's nationalism was also demonstrated by her eager support for the Sedition Act. While the Republican presses told lies about President Adams, and the Federalist presses told lies about Vice-President Jefferson, the Sedition Act was used to suppress only calumnious Republicans.[96] The Federalist Administration brought fifteen indictments under the Act, ten of which resulted in conviction and government. The conviction and imprisonment of James Callender was particularly important to Mrs. Adams, for when President Jefferson released Callender from custody, she regarded the gesture as a severance of the bond of their former

friendship. Adams blamed Jefferson for having practiced the "blackest calumny" and "foulest falsehoods" to defame her husband and win the election. And then, once in office, he liberated the "wretch" who was suffering the just punishment for his crimes in writing and publishing the "basest libel" and "vilest Slander which malice could invent . . . against the Character and reputation of your predecessor, of him for whom you profest the highest esteem and Friendship, and whom you certainly knew incapable of such complicated baseness."

In Adams's opinion, President Jefferson's release of Callender signalled the downfall of the republic. Letting Callender go was "a public approbation of his conduct." The Chief Magistrate had corrupted himself by permitting his "public conduct to be influenced by private resentment." In releasing the liar from his sense of shame--"the last restraint of vice"--President Jefferson set a bad example "upon the manners and morals of the community," opening the floodgates for vice throughout the nation. Thus, in addition to "stabbing" her with this "personal injury," he had contributed to the degeneration of the republic.[97]

Jefferson defended himself to Mrs. Adams by claiming to have "discharged every person under punishment or prosecution under the Sedition Law," which was "a nullity as absolute and palpable as if Congress had ordered us to fall down to worship a golden image." For Jefferson the law was unconstitutional because it coerced the people to worship their government officials almost religiously, and thus violated their right to free expression. It was the law, not the person, that received his attention. His motivation was not to reward slander but to "inspire ordinary charities to objects of distress, meritorious or not," and fulfill his "obligation . . . to protect the constitution," which was "violated by an unauthorized act of Congress."[98]

Mrs. Adams accepted his good intentions, but not his constitutional theory. Jefferson's mistake was to assume that the president held the power to invalidate a law on the basis of unconstitutionality. "[D]ifferent persons entertain different opinions respecting [the law]. It lies not with me to decide upon its validity, that I presume devolved upon the Supreem Judges of the Nation . . . ." Like other Federalists, Mrs. Adams accepted Justice Marshall's theory of judicial review articulated in Marbury v. Madison (1803). Further, the separation of powers required that "the power which makes a Law, is alone competent to the repeal." For if "a Chief Magistrate can by his will annul a Law, where is the difference between a republican, and a despotic Government?" Mrs. Adams's federalism was never far from her concern for her husband's reputation, and perhaps flowed from it.

The Sedition Act was lawful in her view because all civilized nations had agreed that "some restraint should be lain upon the asassin, who stabs reputation." Mrs. Adams's supported the Sedition Law with a "law and order" claim that if the injured could not resort to the law for reparation, then every man would "become the judge and avenger of his own wrongs," and the "sword and pistol" would decide the contest. Once injured men like her husband began retaliating outside the law, then society would become ungovernable. "All the Christian and social virtues will be banished from the land."[99] The real injury, however, was more personal than constitutional. Mrs. Adams's overriding concern was for her husband's reputation rather than legal principles. For she also defended her husband's midnight appointments of Federalists before leaving office, and criticized Jefferson for

removing John Quincy from his Federal appointment.[100]

Jefferson did Adams the courtesy of engaging in debate with her on the constitutionality of his repeal of the Sedition Act. He defended a constitutional theory that granted the presidency the power to declare the acts invalid, in contradistinction to the derived power of judicial review. "You seem to think it devolved upon the judges to decide on the validity of the sedition law. But nothing in the constitution has given them a right to decide for the executive, more than to the Executive to decide for them." Jefferson held that judges had the constitutional obligation to issue fines and imprisonments according to acts of Congress, but the president "was bound to remit the execution" of a law he considered unconstitutional. This distribution of power made the presidency and judiciary "check" each other; whereas "the opinion which gives to the judges the right to decide what laws are constitutional, and what not, . . . would make the judiciary a despotic branch."

Furthermore, though the United States Congress could make no law abridging the freedom of the press, the "power to do that is fully possessed by the state legislatures."[101] Adams could not agree. She continued to defend the Federalist policy on the grounds of national self-defense. To her it was a republican perversion to suppose that "the constitution ever meant to withhold from the National Government the power of self-defense, or that it could be considered an infringement of the Liberty of the Press, to punish the licentiousness of it."[102] Clearly Adams feared the loss of governmental power, not the loss of liberty in the citizenry.

In the realm of masculine politics, then, Abigail Adams had made the shift from revolutionary, neo-classical republicanism to modern Federalism. If Adams was a "liberal" during the Revolution, believing in equal liberty and protections of individual rights against governmental power, she was no longer. Rather she was a modern republican who still retained the paradigm of virtue and corruption in her political vocabulary, but redefined the terms during the "conservative revolution" of the Founding, as John Pocock and Russell Hanson have argued concerning the basis of male Federalist thought.[103]

Conclusion

Abigail Adams was a radical republican and feminist during the early part of the American revolution. After the Founding of the Constitution, she was a conservative republican. How did this happen? As I have shown, Adams actively participated in the Revolutionary cause. She assumed the responsibilities that her husband had abandoned at home in her role as deputy husband, kept John constantly informed of local political news, and identified her domestic work and personal sacrifices as public virtues. This independence and expansion of her identity fostered her feminist critique of the modern state as she anticipated its arrival, as early as 1776. She proposed the dismantlement of coverture through legal change, including female suffrage, without which, she threatened to "foment a rebellion," as the patriots had done against the absolute tyranny of the British. She also proposed a system of female "ingenious" education to eradicate the intellectual distinction between parents, and to improve the women's capacity to contribute to the state as mothers of future citizens and statesmen. She recognized that the denial of woman citizenship and equal educational rights was a testimony to male tyranny, but did not push the point further

with her husband, who had already failed to be receptive to her ideas on woman citizenship.

After being ridiculed and refused by her husband, Abigail Adams dropped her feminist challenges. She began to defer to John's ideas about the power of women in the private realm, and to accede to the ideology of separate spheres. Even as she did this, she recognized that the concept of virtue discriminated against women's contributions to the public welfare and became disillusioned. One of her coping methods was to turn her depression toward her femaleness, and subscribe to woman's "natural" misery. The other coping method was to drop her feminist criticism and proposals, and make her husband's political career her own. Thus Abigail Adams became a right-wing Federalist. She defended all the actions of her husband's administration, feared the uprisings of the masses, and disdained Democratic-republican opposition. In her identity as a conservative Federalist, she enjoyed common political expression with powerful men.

These coping methods served Mrs. Adams well. Whatever loss she may have felt in the denial of woman citizenship and the lack of support from both her husband and Mercy Warren, she was compensated by the honor and advantages that she received in partnership with a man on the road to the presidency. As First Lady, Mrs. Adams could now refer to the franchise and women's exclusion from it with levity, while endorsing the ideology of separate spheres. "Present my compliment[s] to Mr. Whitman," she wrote her sister Mary, "& tell him if our State constitution had been equally liberal with that of new Jersey and admitted the females to a vote, I should certainly have exercised it in his behalf."[104] During the same period, she wrote her son that "[h]owever brilliant a woman's talents may be, she ought never to shine at the expence of her Husband. Government of States and Kingdom, tho' God knows badly enough managed, I am willing should be solely administered by the lords of the creation. I should only contend for Domestic government, and think that best administered by the female."[105] She also contended that the separate spheres were "equal." Let each planet shine in their own orbit. God and nature designd it so--if man is Lord, woman is Lordess--that is what I contend for."[106]

Abigail Adams had made a trade, and profited from it as an individual. She received the approval of her husband and the larger society, and enjoyed many fruits of office, in particular the education and information she received by being in close proximity to politicians. Her letters from 1789 to 1800 demonstrated her improved spelling, grammar, and perspicuity, despite her interest to protect her husband. In addition to the information she received from her husband, she entertained and exchanged information with other politicians while her husband was in office. It was common for her to report to her sister Mary days in which she was visited by thirty to a hundred persons, including "Ladies of Foreign Ministers and the Ministers, with our own Secretaries & Ladies" and "the whole Levee . . . of senate & house," and strangers as well.[107]

Aside from the educational privileges she received in identification with her husband's political concerns she clearly exercised some influence in national policy. As Joan Hoff has noted, Adams engineered the crucial loan that John acquired for the United States from Holland in 1788 through her suggestion to Thomas Jefferson that he cooperate with her husband to secure it.[108] Certainly President Adams considered her views with respect to the hostilities toward France and a sedition policy. We also know that her one regret in leaving office in 1800 was that she lost the power to execute her political ideas. One of the

principal pleasures of her life was to "do good according to my ability with the means indulged in me;" her "sole regret" as it concerned herself, was that "those means will in future be so greatly curtailed, and limited . . . ."[109] Thus Adams lost the power she held informally as First Lady when she left office and "commenced" her "operation of dairywoman." Over the long view, she traded her failing struggle for women's rights in exchange for a complicity to modern patriarchy that would profit her as an individual. The education, influence, and notoriety that Abigail Adams enjoyed in her identification with her husband and Federalism obviously outweighed the hostility, resistance, and marginalization that she would have suffered had she chosen to maintain her disagreement with her husband and fight for woman citizenship.

1. The biographical works I have considered are these: Janet Whitney, Abigail Adams. Boston: Little, Brown, and Co., 1947. L. H. Butterfield, Marc Friedlaender, and Mary-Jo Kline, eds., The Book of Abigail and John: Selected Letters of the Adams Family, 1762-1784. Cambridge, MA: Harvard University Press, 1976. Charles W. Akers, Abigail Adams, an American Woman. Boston: Little, Brown, and Co., 1980. Lynne Withey, Dearest Friend: A Life of Abigail Adams. New York: The Free Press, 1981. Phyllis Lee Levin, Abigail Adams, a Biography. New York: St. Martin's Press, 1987. Hoff, Joan, Law, Gender and Injustice, a Legal History of U. S. Women, Chapter Two. New York: New York University Press, 1991. Edith Gelles, Portia: The World of Abigail Adams. Bloomington: Indiana University Press, 1992.

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3. AA to MOW, 4/13/76, Adams Family Correspondence, L. H. Butterfield, ed., Vol. 1, 377; AA to JA 4/11/76, Ibid., 375.

4. James Warren to John Adams 4/27/77, Ibid., V2, 289; John Adams to Abigail Adams, 5/15/77, Ibid., V2, 230.

5. AA to JA 6/17/76, Ibid., V2, 14.

6. AA to JA 8/22/77 Ibid., V2, 323-24; Norton, Liberty's Daughters, 1980, 216-27.

7. AA to JA, AFC, 7/9/78 V3, 61.

8. JA to AA 1/16/80, Ibid., V3, 259; 3/23/82 V4 301.

9. AA to JA, Ibid., 3/25/82 V4, 296.

10. AA to James Lovell, Ibid, 12/13/79, V3 249.

11. AA to Elbridge Gerry, Ibid., 3/13/80, V3, 297,98.

12. Gayle Rubin, "The Traffic in Women: Notes on the 'Political Economy' of Sex," in Rayna R. Reiter ed., Toward an Anthropology of Women, 157-210, esp. 175.

13. Michael Sandel, Liberalism and the Limits of Justice. New York, NY: Cambridge University Press, 179-82.

14. AA to JA, Ibid., 5/7/76, Vol 1, 402.

15. AA to JA, Ibid., 4/17/77, V2, 212.

16. AA to JA, Ibid., 6/15/77, V2, 266.

17. AA to JA, Ibid., 6/23/77, V2, 270.

18. AA to JA, Ibid., 7/10/77, V2, 279.

19. AA to JA, 5/18/78, Ibid, V3, 23.

20. AA to JA, 12/13/78, Ibid., V3, 135.

21. AA to JA, 7/16/80, Ibid., V3, 376.

22. Kerber, Women of the Republic, 1986, 11,12; Norton, Liberty's Daughters, 1980, 248.

23. AA to JQA, 6/10/78, AFC V3, 37.

24. AA to JQA, 3/20-5/8/80, Ibid., V3 310-312.

25. Ibid.

26. Ibid.

27. The phrase comes from Diane Rubenstein's "Psychoanalysis and the Presidency," a paper delivered at the 1993 Midwest Political Science Association Annual Meeting, p. 13. Rubenstein explains that first ladies (like other women) often disavow male lack and confer the phallic sufficiency of their husbands like Donna Reed in the movie "It's a wonderful life."

28. Carole Pateman has defined modern patriarchy as the system of male dominance that ensues in bourgeois republics, replacing monarchical patriarchy. Instead of all subjects being subjected to the dominance of the father king of monarchical systems (classic patriarchy), in modern patriarchy the "sons" of liberty metaphorically cut off the king's head and share power equally amongst themselves. Women become subjected to the domination not only of their husbands and fathers who maintained patriarchal authority in the family, but to the male state as well. See Carole Pateman, The Sexual Contract, Chapter 4. Stanford: Stanford University Press, 1988.

29. On her objection to slavery, see AA to JA, 5/22/74, AFC, V1, 162.

30. AA to JA, 3/31/76, AFC, V1, 370.

31. Janet Whitney (1947:129-31) shrugged off the letter as raising a "purely academic" question, that neither of the Adams's took seriously. Charles Akers (1980:43-44), Mary Beth Norton (1980:116-17), and Joan Hoff (1991:60) interpret the letter narrowly as a plea for protection against wife abuse, and explicitly disavow an interpretation of the letter as proposal for women's rights to political participation.

32. Lynne Withey, Dearest Friend (1980: x-xii); L. H. Butterfield, Marc Friedlaender, and Mary-Jo Kline, The Book of Abigail and John (1976:5), and Phyllis Lee Levin, Abigail Adams (1987:82-84).

33. William Blackstone, Commentaries on the Laws of England, 1765-69, Book 1, Chapter 15, quoted in J. Ralph Lindgren and Nadine Taub, The Law of Sex Discrimination. St. Paul: West Publishing Co., 1988, 2-3.

34. JA to AA, 4/14/76, Ibid., V1 382.

35. AA to Mercy Otis Warren, 4/27/76, Ibid., V1, 396-98.

36. AA to JA, 5/7/76, Ibid., V1, 402.

37. Joan Hoff, Law, Gender, and Injustice, 1991, 61-62.

38. AA to JA, 8/14/76, AFC V2, 94.

39. JA to AA, 8/25/76, Ibid., V2, 110.

40. See Judith Sargent Murray, "On the Equality of the Sexes," in The Massachusetts Magazine, March, 1790, 132-34; and her sequel, Essay Nos. 88-91 in The Gleaner, 1798, Volume 3.

41. JA to AA, 8/11/77, Ibid., V2, 306.

42. JA to AA, 4/25/78, Ibid., V3, 17.

43. AA to JA, 6/30/78, Ibid., V3, 52-53.

44. AA to JT, 2/15/78, Ibid., V2, 391-92.

45. JT to AA, 3/6/78, Ibid., V2, 400.

46. Mercy Warren to son Winslow Warren, 12/24/79, reprinted in "Mercy Otis Warren v. Lord Chesterfield, 1779," ed., Edmund Hayes, *William and Mary Quarterly*, 3rd. Series, Volume 40, 620. According to Hayes (616-17), this letter criticizing Chesterfield's misogyny was of such interest to Warren's female contemporaries that Abigail Adams had it published in *The Independent Chronicle, January 18, 1781. It appeared again in The Boston Magazine in June, 1784; and Judith Sargent Murray, otherwise known as "Constantia," sent it to The Massachusetts Magazine, where it was published in January, 1790.*

47. See AA to MOW, 2/28/80, Ibid., Vol 3, 289.

48. See Edmund M. Hayes, ed., "Mercy Otis Warren versus Lord Chesterfield, 1779," William and Mary Quarterly, 3rd Ser., Vol 40, 1983, 616-20.

49. See John Chester Miller, The Wolf by the Ears, 182. New York: The Free Press.

50. JA to NA, 4/18/76, Ibid., V1, 308.

51. See JA to JQA, 7/27/77, Ibid., V2, 289-91.

52. See JQA to JA, 5/13/81, AFC, V4, 113; JA to JQA, 5/18/81, Ibid., 117.

53. JA to JQA, 12/23/80, Ibid., V4, 49.

54. AFC, V4, 171, n.3.

55. JA to JQA, 12/15/81, Ibid., V4 264.

56. AA to JQA, 3/2/80, Ibid., V3, 293.

57. JA to AA, 6/29/77, Ibid., V2, 270.

58. JA to AA2, 23/23/79, Ibid., V3, 247-48.

59. AA to JQA and CA, 2/8/81, Ibid., V4, 77.

60. Sandra Gilbert and Susan Gubar have coined "anxiety of authorship" to describe women's systematic apologies introducing their writings, especially in nineteenth century pieces. See The Madwoman in the Attic, The Woman Writer and the Nineteenth Century Literary Imagination, Chapter Two. New Haven: Yale University Press, 1979.

61. AA2 to JQA, 5/24/81, Ibid., V4, 126. The Adams's cousin Eliza felt a similar embarrassment for her "want of proper abilities" which explained her neglect in writing. See also Elizabeth Cranch to JQA, 5/81, V4, 146.

62. JA to AA2, 9/26/82, Ibid., V4, 384.

63. Ibid.

64. Gelles, "Abigail Industry," 675.

65. AA to JA, 5/7/76, Ibid., V1, 402.

66. AA to JA, 12/25/80, Ibid., V4, 50.

67. Judith Sargent Murray, "On the Equality of the Sexes," first written in 1779, published in the Massachusetts Magazine, April, 1790, 223-26. AA to JA, 4/10/82, Ibid., V4, 306.

68. AA to Jonathan Mason, 8/78, Ibid., V3, 82.

69. AA to JQA, 1/19/80, Ibid., V3, 268.

70. Quotes from Mary Beth Norton, Liberty's Daughters, 264.

71. AA to JT, 6/17/82, Ibid., V4, 331.

72. AA to JT, 7/18/82, Ibid., V4, 349.

73. AA to JA, 6/17/82, Ibid., V4, 382.

74. Charles W. Akers, Abigail Adams, an American Woman. Boston: Little, Brown, and Co., 1980. Joan Hoff, Law, Gender and Injustice, a Legal History of U. S. Women, Chapter Two. New York: New York University Press, 1991. Edith B. Gelles, "The Abigail Industry," William and Mary Quarterly, October 1988, v.45, no.4, 656-83.

75. AA to JQA, 5/20/1796, quoted in Withey, 234; Whitney, 290.

76. AA to Elizabeth Smith Shaw Peabody, 7/19/99, quoted in Norton, 250.

77. AA to ESP, 1809, quoted in Akers, Abigail Adams, 189.

78. JA to AA, 4/28/76, Ibid, V1, 400.

79. JA to Mary Palmer, 7/5/76, V2, 34.

80. JT to AA, Ibid., 3/7/82, V4, 288.

81. TJ to AA, 12/27/85, Ibid., V1, 110.

82. TJ to AA, 12/27/85, The Adams-Jefferson Letters, V1, 110; TJ to AA 8/9/86, Ibid., V1, 149.

83. AA to JT, 8/19/78, AFC, V3, 78.

84. AA to JA, 7/5/80 Ibid., V3, 372.

85. AA to James Lovell, 9/12/81, Ibid., V4 210.

86.

87. AA to Thomas Jefferson, 1/29/87, Adams-Jefferson Letters, V1, 168-69. TJ to AA, 2/22/1787, Ibid., V1, 173.

88. AA to Mary Cranch, New Letters, 15.

89. (See AA to Cotton Tufts, quoted in Levin, 262; also AA to MC, 9/1/89, New Letters, 22); and (AA to MC, New Letters, 4/20/92, 83).

90. AA to MC, 7/12/89, New Letters, 16,17.

91. AA to AA2, Feb, 1793, Quoted in Whitney, 253.

92. See AA to Mary Cranch, 6/3/97, New Letters, 93,94; and AA to Mercy Warren, 4/25/98, Warren-Adams Letters, 337.

93. AA to MC, New Letters, 4/20/92, 83; 2/5/98, 127; AA to TJ, 7/1/1804, The Adams-Jefferson Letters, V1, 273.

94. See AA to MC, 12/12/97, NL, 117.

95. Quoted in Whitney, Abigail Adams, 289.

96. Miller, John C., The Federalist Era, 233-4.

97. AA to TJ, 7/1/1804, The Adams-Jefferson Letters, V1, 273.

98. TJ to AA, 7/22/1804, V1 275.

99. AA to TJ, 8/18/04, Adams-Jefferson Letters, ed. Lester J. Cappon. Chapel Hill: University of North Carolina Press, Vol 1, 276.

100. See TJ to AA, 6/13/04; and AA to TJ, 7/1/1804, AJL V1 272.

101. TJ to AA, 9/11/1804, AJL, V1 279.

102. AA to TJ, 10/25/1804, Ibid., Vol 1 280. It is important to note that this entire correspondence took place privately between Abigail Adams and Thomas Jefferson. John Adams left a note dated Nov. 19, 1804 in the family records that "[t]he whole of this Correspondence was begun and conducted without my Knowledge or Suspicion." See AJL, V1 282.

103. See J. G. A. Pocock, The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition, Princeton: Princeton University Press, 1975, 526-27. Russell Hanson, "Democratic Republicanism as the New American Hybrid," 183-88 in Terrence Ball and J.G.A. Pocock, eds., Conceptual Change and the Constitution, Lawrence: University Press of Kansas, 1988.

104. AA to MC, 11/15/97, New Letters, 112.

105. AA to JQA, 5/20/1796, quoted in Withey, 234; Whitney, 290.

106. AA to Elizabeth Smith Shaw Peabody, 7/19/99, quoted in Norton, 250.

107. AA to MC, 5/16/97, New Letters of Abigail Adams, 1788-1801, ed. Stewart Mitchell, 91.

108. See Whitney, 217.

109. AA to ESP, quoted in Levin, 392.

HIERARCHICAL MODELS OF DECISION MAKING IN THE EPA AND THE NLRB: TOWARDS A THEORY OF AGENCY RESPONSIVENESS TO POLITICAL PRESSURE

BY
DIANE E. SCHMIDT
(SOUTHERN ILLINOIS UNIVERSITY-CARBONDALE)
AND
LUCINDA K. MCKINNEY
(SOUTHERN ILLINOIS UNIVERSITY-CARBONDALE)

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ABSTRACT

Understanding bureaucratic control and adaptation has become a pivotal topic in the study of decision making and institutional control over the past decade. Yet agency theory has, with a few limited exceptions, been used to describe bureaucratic adaptation and responsiveness to a restricted principal or set of stimuli on a piecemeal, case by case basis and separate from more traditional interest group theory about political responsiveness and accountability. To work toward a more general, inclusive theory of agency responsiveness, this paper attempts to pull together the common findings of these cases to establish a general theory of principal-agent relationships existing in the federal bureaucracy as constrained by political and organizational context. Our research compares the stimuli of two independent government institutions, the Environmental Protection Agency (EPA) and the National Labor Relations Board (NLRB) with a particular emphasis on the role of organized interests in determining the level of agent responsiveness to principal cues.

We found that regional office staff in the NLRB and the EPA are strikingly similar in their ability to pursue formal and informal principals' goals. While structure does not seem to determine the success of formal principals, it can affect the coping strategies which agents use to reduce the pressure of informal principals for less regulation. Regardless of whether the interests or the agency initiates the enforcement action, responsiveness occurs irrespective of whether the organized interests are formal clients or affected interests. Finally, issue salience skews this balance of influence toward those interests which are particularly affected by enforcement outcomes.

HIERARCHICAL MODELS OF DECISION MAKING IN THE EPA AND THE NLRB: TOWARDS A THEORY OF AGENCY RESPONSIVENESS TO POLITICAL PRESSURE

Understanding bureaucratic control and adaptation has become a pivotal topic in the study of decision making and institutional control over the past decade. Much of the current research has focused on agency theory, and in particular, institutional constraints and incentives designed to promote responsiveness within the American federal bureaucracy (see McCubbins et al. 1987; McCubbins and Page 1986; Moe 1985; Schmidt 1993b; Scholz et al. 1991; Weingast and Moran 1983; Wood 1992). Yet agency theory has, with a few limited exceptions, been used to describe bureaucratic adaptation and responsiveness to a restricted principal or set of stimuli on a piecemeal, case by case basis and separate from more traditional interest group theory about political responsiveness and accountability. In particular, most studies ignore the influence of countervailing power in determining decision outcomes (McFarland 1992; Moe 1982; Sabatier 1992; Wood and Waterman 1991).

To work toward a more general, inclusive theory of agency responsiveness, this paper attempts to pull together the common findings of these cases to establish a general theory of principal-agent relationships existing in the federal bureaucracy. Our research compares the stimuli of two independent government institutions, the Environmental Protection Agency (EPA) and the National Labor Relations Board (NLRB) with a particular emphasis on the role of organized interests in determining the level of agent responsiveness to principal cues.

Our plan is to first, provide a limited critique of agency studies emphasizing the problems of generalizability. Second, we will identify the points of congruence and divergence which provide us with both theoretical tenets and limits to constructing a general theory. Third, we will provide a formal model of hierarchical decision making and agency responsiveness to political pressure. Fourth, we will provide limited, preliminary evidence of the validity of our model using studies of the NLRB and EPA. Finally, we will address our goals for future development of our theory.

Past Research

In an excellent but brief review of past studies of bureaucratic adaptation, Wood and Waterman (1993) argue that studies of bureaucracy often take simplistic views of bureaucratic responsiveness and adaptation. Such simplistic views lead to an underestimation of the stimuli creating incentives for responsive behavior. These scholars are particularly critical of past studies which focus only on presidential or congressional cues using static empirical methods without reflecting a wider range of special interest stimuli occurring within a multiple channel institutional arrangement.[1] According to Wood and Waterman, such studies ignore the complexity and dynamic nature of agency environment which influence the tone of bureaucratic relations. To address this, these scholars provided and tested an empirical model which includes congressional, presidential, judicial, and media pressure on EPA divisions. Their findings justify the inclusion of these variables and advance our understanding of political control within one agency.

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[1]For example, see Moe 1982, 1985, Weingast and Moran, 1983, Chubb 1985, Scholz and Wei 1986, Wood 1988, 1991, 1992, Eisner and Meier 1990, Wood and Waterman 1991. We agree with Wood and Waterman that more sophisticated theory and new techniques are now needed to expand on the excellent foundation laid by these developmental but static approaches.

Yet, while Wood and Waterman's study confirms the validity and importance of agency environmental stimuli, their study is limited by its narrow applicability. By focusing on one high profile agency such as the EPA, the theoretical value of adding measures to control for the tone of bureaucratic relations is constrained to agencies similarly situated within the collective political consciousness. As part of the federal bureaucracy regulating externalities of industrial production affecting the safety of entire communities of people, EPA activities are salient to politicians, environmental activists, and reporters. Yet, because it is an independent agency with a single administrator, its relationship with the president, Congress and the judiciary is different than other types of agencies such as cabinet departments or independent commissions. It is not clear that their conclusions are necessarily applicable to other agencies like the NLRB which were institutionally designed as independent boards or commissions to depoliticize, rationalize, and remove from public view agency decisions which benefit high profile interests.

While we agree with Wood and Waterman's premise that contemporary studies of bureaucratic relations overemphasize institutional, informational, and behavioral constraints or patterns, we are not satisfied that their conclusions are generalizable to other agencies. We are especially concerned about the applicability of their model to agencies designed as independent commissions and which must respond to tone or context dynamics that are regionally determined. While Wood and Waterman include measures of congressional and media tone, EPA and the NLRB operate within an institutional structure where most of the work of regulating and administering policy occurs within a political culture that is regionally and locally determined.

Regional implementation of regulations in EPA and the NLRB has important implications concerning responsiveness for a number of reasons. First, decision making within these agencies is fragmented and localized. From authors with a variety of backgrounds and approaches, we know that this decentralization profoundly affects an organization's output by enabling and hindering rational decision making (Boschken 1988), by the filtering of decisions through different structural tiers (Hammond 1986), and by situating decision makers in proximity to different collections of constituents (Wilson 1989). Second, decision making in regionalized agencies is characterized by a high level of bargaining between units within the agency, competing organizations from other governmental units, and interests exterior to the agency (Ripley and Franklin 1986; Wilson 1989). Together, these two features of regionalized implementation ensure that incentives between principals and agents will be different than in highly centralized structures.

It can be empirically observed that substantial variation exists in the output of regional offices at both EPA (McKinney 1993a, 1993b) and the NLRB (Schmidt 1993a, 1993b, 1993c, 1993d, 1991, 1990a, 1990b, 1989). This variation cannot be explained entirely by the preferences of federal principals, administrative constraints, or task factors. We argue that the additional variation between regional offices is not random, but is in part a function of the preferences of regional officials and interests.

Moreover, the influence of these preferences is affected in systematic ways by the visibility of the problem addressed by the agency. Issue visibility affects both the way in which interests are organized and the incentives of politicians to monitor (Ripley and Franklin 1986; Wilson 1980; Wilson 1989). Both Ripley and Franklin and Wilson have developed well known

categorizations of policies and agencies based on these characteristics.[2] We find their categories to be a useful beginning point but limited with respect to predicting responsiveness. These broad classifications of agencies fail to account for substantial internal differences between programs and offices. Additionally, we find that agencies do not often fit neatly into a single category, but rather have some characteristics of several.

Instead of focusing on categorical differences between agencies, we argue that variation in the tone and contextual characteristics of decisions is critical for understanding the incentives which exist between principals, agents, related subunits, and constituents. Although we depart from the simplistic categorization of agencies, we believe the concepts of political and organizational context particularly with respect to regional characteristics are fundamental determinants of an agency's tone and context. The EPA and the NLRB provide an interesting comparison along these lines. Both rely on regionalized implementation with extensive interaction with local interests. Significantly, however, these two agencies have fundamentally different structures and approaches with the EPA responsible for the identification and initiation of regulatory action and the NLRB responsible for disposition of complaints filed by its clientele.

We amend Wood and Waterman's model to include measures of political culture and differential saliency while broadening the theory to control for and be sensitive to structural and institutional differences or goals existing within different components of federal bureaucracy. We do this by conducting a limited comparison between the EPA, an independent agency which regulates behavior affecting the general public, and the NLRB, an independent board which regulates the relationship between targeted groups. We will reserve an additional comparison including the two other components of the federal bureaucracy, executive departments and governmental corporations, for future study in a more expansive context.[3]

Our approach is consistent with normative and empirical studies of organized interests including contemporary studies showing differentials in agency responsiveness related to structure and public stature of organized interests. In particular, there are several notable studies which independently validate the importance of both political culture and the structure of organized interests to political outcomes. Moe's (1984, 1987) critical analysis of the organization of interests shows that visibility of groups, the structure of the arena that groups pluralize, the structure of their opposition, and the saliency of group goals influences governmental responsiveness. Huckfelt's (1986) study of political context shows convincingly that the political culture existing within a political actor's decision context influences and often constrains the range of information collected and processed in making decisions.

Further, Schmidt's studies (1993a) on public opinion and labor union effectiveness show that newsworthy union activities are associated with a decline in a supportive political culture for unions. In addition, Goldfield (1987) and Schmidt (1993a, 1993b, 1993c, 1993d, 1991, 1990a, 1990b, 1989) show that there is a clear and continuing state specific if not regional bias to the structure of NLRB decisions related to union organizing and protection from unfair labor practices. Finally, although Schlozman and Tierney (1986)

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[2]Ripley and Franklin's classification of domestic policy includes the following categories: distributive, competitive regulatory, protective regulatory, and redistributive. Wilson's four classifications of policies include clientelism, interest group politics, majoritarianism, and entrepreneurialism.

[3]We are currently developing a text that examines all components of the federal bureaucracy in Models of Decision-Making in the Federal Bureaucracy.

have provided evidence that bureaucratic decisions often reflect the political climate or tone as well as institutional constraints on discretionary decision making, Sabatier's (1992) study of the responsiveness of tightly structured public organizations and special interests shows that the structure of the agency, the structure of organized interests, and the structure of public support influence how decisions are made in general.

These studies provide substantial support for our argument that an examination of agency adaptation and responsiveness within a principal-agent relationship must necessarily include an understanding of the strength and limitations of the structure of competing organized interests, and the climate of opinion existing within the political culture in which the agency staff interact. Yet, such interest group approaches fail to address a crucial limit to discretionary decision making in agencies. These studies fail to acknowledge what agency theorists have convincingly shown that responsive or strategic behavior is constrained by institutional structure (Hammond 1986). Agency theorists have demonstrated with case studies as well as with formal models that principals use punishments and rewards as incentives for their agents to minimize the opportunity for shirking or disregard for the principals' preferences (Bendor et al. 1987; Bendor and Moe 1985; Calvert et al. 1989; McCubbins et al. 1987; McCubbins and Page 1986).

Our argument accentuates the congruence between these seemingly disparate approaches by acknowledging, as agency theorists do, the importance of institutional constraints and the value of incentives while adapting Wood and Waterman's argument for controlling for the tone of bureaucratic relations and amending their argument to include the political context and structure of organized interests into the model. By broadening the examination of the environment in which agency staff interact, we expand the range of explainable agent behavior and can better understand how slippage occurs and why, even when it appears that agents are not responding consistently to principal cues, they are reasonably successful in administering policy within their environment. Importantly, by controlling for organizational structure and political context, we can better weigh the relative importance of each to different components of the federal bureaucracy.

A General Theory of Agency Responsiveness

In this section we specify the components of the general model of bureaucratic responsiveness to political pressure. Like the Wood and Waterman model, our model responds to both pressure from principals and pressure from clientele as top-down and bottom-up forces. We operationalize some of the stimuli differently to provide comparative models for the EPA and the NLRB and to address the structural constraints on decision making at the field level of these institutions. We first address important determinants existing within the structure of the agency. Next we examine the effect of political context on agency decision making.

Structure of Agencies: Responsiveness to political direction occurs not in accordance with a single principal's preferences or cues but to multiple principals and pressures. Unlike executive departments which are subject to presidential control through appointees and routine congressional oversight occurring as a by-product of the budgetary process, other bureaucratic structures have less formal relationships with congressional principals. In particular, institutional structures such as those found in the NLRB are subject to presidential control through appointees but not to routine congressional oversight. Congressional oversight on these kinds of bureaucratic institutions are often a result of "fire alarm" oversight activity (McCubbins and Schwartz 1984). Other structures such as those found in the EPA are subject to ongoing control through presidential appointees and congressional oversight based on "police patrol" activities by members and committees of Congress.

Aside from the formal relationship with the president and Congress, decisions often reflect responsiveness to other pressures occurring within the filtering and processing of decisions through the structure of the agency. For example, in the NLRB, the sources of pressure on regional staff are the national office board members, the General Council, administrative law judges, employers, unions and public opinion. At EPA, similar sources of pressure on regional staff come from the national office, state officials, administrative law judges, industry, environmental groups, and public opinion. The joint pressures from formal principals (top-down) and informal principals (bottom-up) create a dynamic environment in which numerous principals compete for agency attention to their preferences.

This is particularly characteristic of tall or decentralized agencies. More complex institutional structures increase the distance between formal principals and their agents. The greater number of clearances required the more uncertainty will be generated in determining the fit between formal principals' preferences and agency output. More importantly, this distance and the dilution of the incentive structure between formal principals and agents creates more opportunity and locations for clientele as informal principals to access field office staff.

The structure of responses to formal and informal principals is generally determined by opportunities within the institutional filtering process to stall, respond, or make non-decisions either proactively or reactively. Within the NLRB, there is ample opportunity to respond, stall, or make non-decisions such as urging withdrawal. The NLRB, however, can only react to complaints; it cannot initiate a case. The EPA has similar decision making opportunities, but its structure dictates a proactive approach whereby EPA officials initiate enforcement actions.

Structure of Political Context: Political context is composed of both event driven public opinion as well as traditional sympathies and preferred policy outputs. Each state and region of the U.S. has its own political culture concerning labor relations and environmental protection. In particular, when the state or regional political culture is supportive of unions or environmental protection, respectively, pro-union or pro-environment decisions by the agencies are received more positively than pro-industry decisions. As such, traditional sympathies create work or decision environments for agencies which comprise a continuum of hostile to supportive political cultures for their decisions.

Yet, it is difficult to discuss political culture in isolation from the relative strength of competing organized political interests within a policy domain.[4] For example, at the NLRB, the countervailing powers are stable and narrowly focused on two peak associations -- unions and employers. In contrast, the countervailing powers at the EPA are not narrowly focused. The opposing forces, broadly defined as industry versus environmentalists, are fragmented and tend to shift depending on the issue context. The structure of interests within the policy domain is critical for understanding the way in which political context shapes decision making at an agency.

Within this context, then, the magnitude of political conflict between competing interests often determines the level and frequency of variation in decision outputs from the preferences of the national principals. Where conflict is low and decisions favor principal preferences, there is little incentive for principals to monitor agent decisions. Where conflict is low but agency decisions reflect capture, monitoring and oversight become the main mechanisms for control. Where conflict is high but agency decisions favor

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[4]For further discussion of policy domains and peak associations, see Salisbury (1992) and Salisbury et al. (1987).

principal preferences, agencies may continue to seek principal support to justify their decisions and reduce the uncertainty existing in their environments. Where conflict is high and decisions do not reflect preferences of the principal, the principal must engage more than simple monitoring to be successful but may withdraw responsibilities or use other mechanisms to punish the agency.

While the existence of political conflict, by itself, is rarely enough to create pressure which competes with principal goals, the level of the political conflict and the congruence between a principal's preferred outcome and the actual outcome influence how much monitoring and oversight field staff can expect from upper levels of the institutional hierarchy. Importantly, the range of interests involved and the institutional constraints for remedial decision making influence how critical reviews by principals are perceived. Whereas some decisions in the NLRB are non-reviewable, all decisions made in the EPA can be reviewed and reversed by political or judicial actors outside institutional hierarchy.

More intense scrutiny of agency decisions often occurs when political conflict expands to the public level (Schattschneider 1975). Often, the visibility of problems and issues under the direction of the agency determine support for agency decisions by formal and informal principals. Since the creation of the NLRB, labor relations are generally not public issues unless there is a high profile strike or contract negotiation. Conversely, environmental issues have become highly salient public issues and propagandized through state and regional campaigns for environmental consciousness. Because of this, the relative strength of public information and knowledge about what these agencies do, why they do it, and who they do it for influences the acceptability of their decision outputs.

Similarly, the perceived impact of agency decisions on the welfare of targeted clientele also affects the saliency of the problem. For example, at the NLRB pro-union decisions are often perceived as influencing industry profitability, while pro-industry decisions are often seen as adversely affecting unions' ability to protect workers welfare. With respect to EPA enforcement, industry perceives their economic welfare to be directly related to EPA actions with aggressive enforcement interfering with profits and creating financial distress. In both cases, decisions by the agencies are perceived as having the potential to create financial distress for individual firms resulting in employee layoffs that subsequently affect the economic health of the region.

A Provisional Test Using the NLRB and EPA

We examine our theory through a comparison of the NLRB and the EPA by explaining how the principal-agent relationship works in each institutional structure and identifying the key determinants of decisions. In particular, in each discussion we examine the range of interests, goals, and constraints involved in each agency's filtering process. In the final section, we will compare common determinants and important differences in the decision process.

Principal-Agent Theory and the NLRB

Structure of the NLRB: The NLRB was created to help curb labor strife by regulating labor-management relations. The Wagner Act 1935 guaranteed the right of workers to unionize and bargain collectively. In response to claims that the NLRB was biased against employers and gave undue advantage to unions, Congress granted rights to employers against unfair labor practices by unions in the Taft-Hartley Amendment (1947) to the Wagner Act. The NLRB's responsibility then became one of umpiring private disputes between labor and management (McClintock 1980).

The NLRB basically applies law and precedent to individual cases which have been recommended by the Regional Director of a regional office and the General Counsel of the NLRB; it cannot take independent action but must wait for a case to be filed and referred to it from its field offices. While the NLRB is composed of five members appointed by the president for six year terms, the General Counsel is the current president's appointee. The General Counsel determines whether a complaint has merit or not. The Regional Director is responsible for a large staff of field personnel, who have ample discretion, apply a range of personal, legal, political, and organizational criteria to determining merit in cases (Moe 1985).

As shown in Figure 1, once a complaint is filed at one of the board's regional offices, the staff at the regional office investigate and decide whether to dismiss the charge, recommend withdrawal, or to hold a hearing before an administrative law judge.

(FIGURE ONE ABOUT HERE)

If a case is granted a hearing, the judge then makes recommendations to the NLRB's General Counsel. This recommendation can be appealed to the Regional Director and finally to the NLRB (NLRB 1987). Thus, the NLRB is organizationally situated in a classic principal-agent relationship between itself, its General Counsel, and its regional offices.

Theoretically, for the NLRB to control the regional offices, it must have some leverage. It has some control over regional office budgets and organizational structure. Additionally, the NLRB could reverse regional office decisions or refuse appeals as ways of providing direction and rebuke to maverick offices. Implicit in the structure of the relationship is that decisions made by these regional offices are reflecting the precedent setting decisions of the Board. Given the existence of a relatively constant pro-labor coalition in the board, regional offices and their clientele could reasonably be expected to know which direction decisions would likely take at the national level.

By eliminating the pro-labor coalition in the NLRB, the Reagan administration created conditions under which regional decisions were being made with greater uncertainty than ever before. Hence, until 1980 there was substantial opportunity to exert some independence in the regional offices from the NLRB members' control. Regional Directors, field personnel, and clientele could be reasonably sure about which claims would be accepted and calculate an expected outcome.

As such, the NLRB's decision-making structure provides ample opportunity for regional offices to use considerations other than merit in deciding cases (Brownstone 1986-87; Cooke and Gautchi 1982; Delorme and Wood 1981). In the past ten years, however, there have been important changes which have led to speculation that the NLRB is exerting pressure on regional offices for pro-business decisions. Prior to the Reagan administration, presidents traditionally appointed members who met with approval of both labor and business interests, and reappointed such members. Such a departure introduces unknown members as well as uncertainty and influences the ability of claimants to plan a board strategy. Most importantly, from 1961 to 1980, regardless of which party controlled the presidency or the legislative controversy occurring at the time, there was always a pro-labor coalition existing in the board. Yet during the Reagan administration, from 1981-1985, not only was the pro-labor coalition dismantled, but Democrats were excluded from the board altogether (Schmidt 1993a, 1991, 1990a, 1989).

Besides changes in tradition and precedent, regional decisions can be influenced by changes in the offices' organizational environment due to strategic behavior by clientele. Most specifically, regional office caseload

has an important effect on the NLRB's ability to provide direction to its regional staff (Moe 1985). Studies have shown that the greater the relative tendency of labor to file cases, the less pro-labor are the staff's filtering decisions (Moe 1985; Delorme et al. 1981). Dismissals of union claims, then, may be a result of increased workload rather than adherence to NLRB criteria.

Political Context: At the national level, labor and business, as bipolar groups and the sole clientele of the NLRB, are stable, focused, and competitive. Regionally, however, this is not always true. In some states, both labor and business are quite fragmented; most frequently there is one dominant force and often that is business. The relative influence of each group is often determined by the nature of the political context in which they compete. Numerous components of this political context include stable cultural attributes as well as event driven forces derived from economic distress and issue saliency. More specifically, these forces and attributes include historical patterns of hostility toward unions, the level of unemployment as a measure of industrial financial distress, and the scope of the conflict as measured by the number of strikes.

Individual regional offices operate in very different types of political environments, some of which are hostile to unions and some of which are supportive to unions. Within the loose organizational structure of the NLRB, it is possible for one type of case to be routinely dismissed by one regional office, whereas the same type of case may be granted a hearing in another regional office. This variance may be a response to the political strength of the claimant within the region or state. For example, the Southern and Southwestern regions of the U.S. have been traditionally less fertile for union organizing and have the lowest areas of unionization (Goldfield 1987). Although the strength of Southerners' disapproval of unions, as measured by public opinion polls, has declined since the 1970's, Southerners still express the least support for unions (Schmidt 1993b, 1989).

Just as some areas have a historical pattern of hostility toward unions, other areas have historical and intermittent patterns of industrial distress. This stress increases the saliency of NLRB decisions for industry so that they pressure for outcomes which do not create more financial hardships or industry layoffs. Conversely, unions pressure for outcomes which protect them from employer activities designed to reduce membership, benefits, and jobs. For example, some studies have shown that increases in unemployment tend to increase the leniency of decisions by regional staff. In contrast, other studies have shown that labor unions are less likely to file complaints during periods of high or rising unemployment because they are usually in a weaker bargaining position in those periods (Moe 1985; Delorme et al. 1981).

Bargaining strength is important because the board reviews only those cases which have been processed by regional staff. It is possible that cases sent to the NLRB for review are those originating from regions where the labor and business interests are unevenly matched in political or economic strength. This suggests that the likelihood of a labor complaint against an employer in a strong union area being recommended to the board for review is higher when the board is dominated by Democrats than it would be if the board were dominated by Republicans. Given that this type of decision-making constraint exists for some regional offices and not for others, this suggests that the comparative strength of labor to industry within the political context creates varying incentives for responsiveness to formal and informal principals in regional NLRB offices.

Thus, we expect that regional variance in the relative leniency or aggressiveness in investigating union or industry complaints are a result of structural and contextual forces. Regional office staff are cross-pressured between formal and informal principals determined by the organizational structure of the NLRB. The relative influence of these principals is affected

by the nature of the political context in which decisions are made.

Empirical Evidence: We used cross-sectional time series regression analysis to examine the relative weights of changes in the political composition of the board, economic welfare, clientele strength, regional culture, and organizational forces on regional office decisions on unfair labor practices. We used an NLRB data set concerning union complaints against business because that is clearly where the most cases are filed and reflect the original intent of Congress in establishing the NLRB.[5] These data were taken from the NLRB's unpublished master data files on Unfair Labor Practices. This master data file contains 658,623 cases completed in regional offices from 1964 to 1986.[6] This time period begins four years after the last amendment to the Wagner Act in 1959, and after a change in presidential administrations and General Council. Because there is limited comparable state data, we use only eleven years of data between 1964 and 1982.[7]

To more fully grasp the importance of bias and union access to remedial action by the board, we examined the ratio of regional office dismissals of union complaints to all complaints filed and closed. Because the filtering process is so important to achieving standing for remedial action and perhaps subsequent board review, the rate of dismissals signals the willingness of the regional office to pursue problems of labor.

Thus, the model, using times series cross-sectional regression[8], will be identified as follows:

$$D_t = U_t + E_t - M_t - T_t + S_t + H_t + V_t + R_t + B_t$$

where:

D_t = percentage of union complaints dismissed
U_t = percentage of unemployment in the state
E_t = percentage of state employment in manufacturing
M_t = percentage of state union density
T_t = number of work stoppages per state
S_t = dummy variable for Southern anti-union states
H_t = dummy variable for high caseloads
V_t = percentage of state voting for U.S. House Democrats
R_t = dummy variable for Republican presidents
B_t = dummy variable for pro-labor coalition at board

The dependent variable is the ratio of union complaints dismissed to all

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[5]Section 8A of the National Labor Relations Act prohibits coercive acts by an employer against employees, such as firing employees engaging in union activities. Section 8B of the Act on unfair labor practices defines which activities by unions are illegal, such as secondary boycotts. Unions file under Section 8A and employers file under Section 8B (NLRB 1987).

[6]Although other studies of decision making in the NLRB contain earlier data, it is not possible at this time to extend the data to match those same time periods. The NLRB unpublished master file only contains reliable data from 1964 to 1986.

[7]These years include 1964, 1966, 1968, 1970, 1972, 1974, 1975, 1976, 1978, 1980, 1982.

[8]We used TSCSREG-Parks method in the SAS statistical package to estimate the NLRB model. This procedure corrects for Type II error structures by assuming a first-order autoregressive error structure with contemporaneous correlation between cross-sections and estimating the model using first two-stage least squares and then generalized least squares. See other applications of this procedure in Scholz and Wei 1986 and Wood 1992.

complaints for each office. The independent variables will control for the structural and political context of the decisions. We measure the strength of industry with the percentage of state employment in manufacturing, the strength of unions with the percentage of state union density, the regional salience of labor relations with the number of strikes per year in each state, and the financial distress of industry with the percentage of unemployment in each state.[9] We included binary dummy variables (0, 1, where 1 = the controlled characteristic and 0 is everything else) to control for shifts in decision making in response to the demise of the pro-labor coalition in the NLRB where 1 = the pro-labor coalition from the 1964-1980 period and where 1 = Republican administrations.[10] To control for caseload we sorted the data by regional office and by caseload[11] and created a binary dummy variable where 1 = offices with high caseloads. We measured regional influences with two variables. The first is a dummy variable with the traditional division between Sunbelt and other regions where 1 = the Sunbelt.[12] The second regional variable measures the percentage of the vote cast for Democratic U.S. House candidates in each state.[13] Support for Democratic candidates, given the long association of unions with the Democratic party, can be seen as a proxy for support for unions within each state. This variable should provide a closer approximation of state specific sympathies toward unions by providing a finer distinction between the political culture of the states.[14]

(TABLE ONE ABOUT HERE)

All the variables are significant except the variables which measured the Sunbelt as a distinctive political culture and the effect of high caseload on decision making. The political context variables have the strongest influence on dismissal rates while the structural variables are limited to the influence of formal principals.

The structural variables assessing the influence of formal principals are both highly significant. These include the influence of a pro-labor board and the pressure of Republican presidents who appointed Republican General Councils. In particular, the pro-labor board has one of the strongest influences outside of the impact of manufacturing employment. The pro-labor board variable is positive which means that the percentage of dismissals increases when there is a pro-labor board. This suggests that regional staff

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[9]The unemployment data, manufacturing employment data, and labor force unionization rates were taken from the Bureau of Labor Statistics' Handbook. The labor force unionization rates are state level and for the private sector only. The state strike data were taken from the Bureau of Labor Statistics' Statistical Abstracts.

[10]The dummy variable for the pro-labor coalition dominance was constructed from data found in Schmidt (1989a).

[11]During the period from 1964 to 1986, high volume offices handled 25000 to 35000 cases, medium range office handled 15000 to 24000 cases, and low range office handled between 5000 to 14000 cases.

[12]These data were sorted according to the traditional divisions between northeastern and east central industrial states, the south, and western states. Finer distinctions between these states probably should be made after the mid-1970's due to the industrial shift from the Rustbelt to the sunbelt. Organizing efforts and attitudes have changed in the sunbelt over time. For most of the time period examined, however, these divisions represent a reasonable approximation of division between hostile and less hostile union environments.

[13]The election data were obtained from the Bureau of Labor Statistics' Statistical Abstracts.

[14]Although public opinion poll data measuring union support in each state would be preferable, such data do not exist for the comparable time periods used in this study. See Schmidt (1993b) for studies on public opinion polls regarding labor union support.

are confident in making decisions when there is relative certainty in board preferences. When Republican presidents changed the board membership, the dismissal rate dropped, indicating that regional staff were more uncertain about board preferences and less willing to dismiss cases.

Independently, the same pattern was observed relative to Republicans in the White House. When regional staff are certain of the president's preferences through the General Council, they dismiss more cases. Republican presidents and their General Councils have more clearly articulated their opposition to pursuing labor initiated cases. Thus, the pro-labor board and a Republican in the White House variables show that regional staff are both responsive to the implied preferences of the board and the explicit preferences of the president.

The final structural variable, caseload, does not work at all. Theoretically, and in other studies, high caseloads increase dismissals. In this model, caseload has no effect. This could be a result of controlling for regional office and state specific influences. Most high caseload offices exist in the north and where unions or industry are strong. Thus, it is not caseload that increases dismissal rates. Other influences such as a Republican president in the White House are important.

The political context variables are all highly significant except for that measuring the Sunbelt. Many scholars argue that there is a significant anti-union bias in the South. Goldfield (1987) has argued, however, that this bias has been diminishing or is now located in just specific sections of certain states. Schmidt (1993b) found that it was necessary to control for Southern anti-union bias when national level data were used to examine NLRB decisions. By analyzing state level data, the distinction of being in the Sunbelt is longer significant. This suggests that we need to examine particular state cultures that support or promote unionization within states.

As a finer measure of support for unions with the state, we used the percentage of the vote for Democratic House candidates in each state. The results show an inverse relationship between state level support for Democrats and regional dismissal rates. When Democratic support increases, the percentage of cases dismissed from that state decreases. This suggests that regional staff understand the close relationship established during the New Deal era and respond to the preferences defined by state culture. More specifically, when there is more Democratic sympathy in the state, regional staff are less inclined to dismiss cases and perhaps more inclined to either process them or urge unions to withdraw their complaints.

The variables which control for the relative strength of organized interests within the region are both significant in the hypothesized direction. The manufacturing employment variable as a proxy for the economic strength has the strongest impact on the percentage of cases dismissed. As the percent of population which is employed in manufacturing increases, the percentage of cases dismissed also increases. On the contrary, when a large percentage of the state population are union members, the percentage of cases dismissed decreases. These results show that both union and industry influence regional decision making. Such influence could create cross-pressure effects on regional staff when both industry and labor are strong competing forces. This data shows that it is a grossly unequal influence, however, because the manufacturing variable has a much larger influence than the state union membership variable.

Outside of the unequal power of the clientele, other contextual characteristics affect the relative success of these informal principals. Issue saliency or issue visibility determines the scope of the conflict and the level of responsiveness expected from regional staff. Our measures of issue saliency, strikes and unemployment, are both significant and influence

the dismissal of cases in the hypothesized direction. Unemployment, which is both an indicator of the welfare of workers as well as the welfare of industry, is positively related to increases in dismissal of cases. As was discussed earlier, when industry reaches a level of distress or unprofitability it begins to lay off workers. We argued that when there is high unemployment, regional staff are more likely to be lenient with industry than they would under full employment conditions. They are concerned about creating financial hardship for industry which may lead to layoffs. This suggests that regional staff are cognizant of the economic consequences of their decisions.

Yet, they also respond to union preferences as demonstrated by the inverse relationship between the number of strikes initiated in a state and the percentage of cases dismissed. Increases in the number of strikes, as a measure of the magnitude of the conflict between employers and employees, influence regional staff to take labor concerns more seriously. Regional staff are more reluctant to dismiss cases in states where workers have felt strongly enough about disputes with employers to risk personal financial hardship through strikes.

Thus, the key influences on regional staff decision making in the NLRB are both the formal and informal principals. Their relative influence is affected by regional characteristics which determine the nature of incentives to respond to one pressure over another in a given region. At the NLRB, we observed that the greatest influence on the variation in regional decisions occurs as a response to the distribution of interests and preferences. For unions to successfully compete with the influence of strong industry, they must have many members and the support of a pro-union culture, a sympathetic president, and a highly visible conflict with employers.

This test of our theory showed that when political culture, events, and formal principals support labor unions, regional staff are more reluctant to dismiss cases. When political culture, events, and formal principals are sympathetic to industry, regional staff are more likely to dismiss higher percentages of cases filed by unions against employers. If political culture, events, and formal principals present conflicting cues, regional staff will respond to the more dominant interest existing within the countervailing forces competing for influence. We will now turn to an evaluation of these same forces at the Environmental Protection Agency.

Principal-Agent Theory and the EPA

Structure of EPA: During the Nixon administration, EPA was created to coordinate a variety of existing and new environmental protection statutes through a regulatory process based on monitoring and enforcement. Beginning in the late seventies, the Toxic Substances Control Act of 1976 (TSCA) required EPA to coordinate regulatory activity related to the manufacture, distribution, and disposal of chemicals substances.[15] To enforce TSCA, policy makers in Washington write specific rules which are then directly enforced by officials in the ten regional offices.[16] The regions employ a variety of

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[15]The act comprehensively includes all chemical substances except those in eight categories. Those excluded are pesticides, tobacco, nuclear material, firearms and ammunition, food, food additives, drugs, and cosmetics. All of these are regulated under other statutes.

[16]The distribution of the states among the regional offices is as follows: Region I - CT, ME, MA, NH, RI, VT; Region II - NJ, NY, PR, VI; Region III - DE, DC, MD, PA, VA, WV; Region IV - AL, FL, GA, KY, MS, NC, SC, TN; Region V - IL, IN, MI, MN, OH, WI; Region VI - AR, LA, NM, OK, TX; Region VII - IA, KS, MO, NE; Region VII - CO, MT, SD, UT, WY, Region IX - AZ, CA, HI, NV, TT; Region X - AK,

(continued...)

strategies to gain compliance from firms. These include self-monitoring reports filed by firms, random and scheduled inspections by EPA personnel, informal negotiations with violators, formal administrative actions, and federal civil and criminal cases.

In contrast with decision making at the NLRB, regional EPA personnel are responsible for determining if any action -- whether formal or informal -- is warranted on the part of the agency. As such, EPA inspectors and case processors determine both the presence of a violation and the agency's response, if any, to that violation. Informal actions include personal discussions between regional officials and firm representatives to develop methods and timetables to eliminate identified violations. If this is not productive, regional officials initiate formal measures which culminate in a formal administrative action.[17] Based on statutory guidelines, regional preferences, and headquarters preferences, these actions can be litigated through EPA's own administrative law judge process or through federal district courts. This process is outlined in Figure 2.

(FIGURE TWO ABOUT HERE)

In this analysis, we focus specifically on EPA enforcement of the TSCA program. While general guidelines are set through the program office in Washington, regional personnel have considerable discretion in making enforcement decisions about toxic substance violations. Although regional officials recommend cases for litigation through the federal district courts, headquarters lawyers as well as Department of Justice lawyers assume primary responsibility for these cases removing much discretion from regional offices. Formal administrative actions, however, are the primary gambit of regional officials. Hence, formal and informal principals should have the most opportunity to influence regional decision making with respect to decisions regarding the initiation of formal enforcement actions.

In fact, previous research indicates that EPA as a whole and in specific programs has been responsive to numerous formal principals. (Hoberg 1992; Lowry 1992; McKinney 1993b; Percival 1991; Vig and Kraft 1990; Wood and Waterman 1991; Wood 1992). Presidents have used the control of appointments and staff oversight to steer EPA in desired directions. Although Shimberg (1991) and Wood (1992) note that the influence of Congress has been limited by executive control and Congress' own inability to speak with a unified voice, numerous authors have found some consistent responsiveness on the part of EPA to the House and Senate (Hoberg 1992; Lazarus 1991; McKinney 1993b; Percival 1991; Vig and Kraft 1990). To ensure that its preferences are represented by EPA decisions, Congress has used fire alarm oversight, procedural guidelines, and specific legislative requirements. The U.S. federal courts have adopted a particularly activist approach to judicial decision making with respect to EPA, and EPA has shown much sensitivity to court concerns (Glicksman and Schroeder 1991; Hoberg 1992; Kenski 1990; Kovacic 1991; McGarity 1991; Melnick 1983; Tietenburg 1992).

As with the NLRB, the caseload of regional staff may affect their ability to initiate enforcement actions and balance competing preferences. Unlike the NLRB, however, EPA regional staff can control their caseload by initiating fewer formal administrative actions even when the magnitude of the problem great. For example, when large numbers of firms are in violation of

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[16](...continued)
ID, OR, WA. While many EPA programs are implemented through joint relations of some kind with state agencies, Congress has given EPA primary implementation responsibility for TSCA which cannot be delegated to state agencies.

[17]In certain very severe violations, the statute allows for criminal prosecutions. These are difficult to establish and quite rare, comparatively.

TSCA regulations, it is possible for EPA regional staff to concentrate on only the most significant and visible violators as a strategy to manage their caseloads. In this situation, we should observe an inverse relationship between caseload and enforcement activity. Nonetheless, EPA behavior and responsiveness to the scope of the problem is scrutinized more closely by Congress and the president than such staff strategies at the NLRB. Because of this, we may observe more rigorous enforcement when the problem is more visible and caseloads are high.

Political Context: The visibility of the problem as well as other state specific characteristics help create a unique political context which constrains the way EPA regional staff make decisions in each state. The distinct political culture of each state with respect to environmental issues, the balance of power between competing organized interests, as well as the salience of environmental regulation to these interests are also components of this context. As we saw at the NLRB, these contextual forces create variance in the regional administration of EPA regulations.

Nationally, there is no unified political culture with respect to environmental policy, although there has been a general increase in the saliency of the environmental protection. Regionally, however, it is possible to identify significant variation in the political culture of local areas toward environmental protection. Unlike the NLRB, this is not a simple matter of identifying large regional blocks of the country. Rather, pro-environmental cultures exist in states as widely scattered as California and Rhode Island, and anti-environmental cultures exist in others such as Louisiana and Wyoming (Hall and Kerr 1991).

There has not been much empirical attention to the specific influence of EPA's clientele or other affected interests on decision making at the enforcement stage. In the TSCA program, the chemical industry is the target clientele of the regulation. In comparison to many other regulatory programs at EPA, this industry segment is relatively stable and narrow in terms of its preferences, although probably not to the extent of employers' interests at the NLRB. TSCA provides citizens and environmental interests very limited standing to sue EPA, but this provision is almost never utilized at the enforcement stage. Environmental interests are active in Washington at the rulemaking stage but exhibit little formal activity in the regions. Nonetheless, because local citizens and environmental interests may access legislators, the media, or even the judicial system, we expect regional decisions to reflect the preferences of these informal principals as well as the industry clients.

Just as some states have distinctive political cultures and strong environmental interests, other areas have historical and intermittent patterns of industrial distress which detract from a concern for environmental regulation. This distress increases the saliency of EPA decisions for industry so that they pressure for outcomes which do not create more financial hardships or industry layoffs. Conversely, environmentalists pressure for strong enforcement, particularly in those sections of the country where the problem is most severe and visible. Hence, the salience of the issue for each interest motivates them to be more aggressive in pressuring regional EPA staff to be responsive to their needs.

This suggests that regional variance in the relative leniency or aggressiveness of regional staff in the initiation of formal administrative actions are a result of structural and contextual forces. Like the NLRB, EPA regional staff are cross-pressured between formal and informal principals determined by their organizational structure. The relative influence of these principals is affected by the nature of the political context in which decisions are made.

Empirical Evidence: We used cross-sectional time series regression analysis to examine the relative importance of formal principals, informal principals, regional political context, and caseload on regional decisions to initiate formal administrative actions against firms. We used data collected by EPA which indicates the total number of formal administrative actions initiated by regional officials in each state from 1988 through 1991 in the TSCA program. These data were taken from an annual report from EPA's Office of Enforcement entitled "State-by-State Enforcement Data Summary." During these four years, the regional offices initiated 2,240 formal administrative actions throughout the 50 states.[18]

Using time series cross-sectional regression,[19] the model is identified as follows:

$$A_t = U_t - C_t + E_t + SNC_t + P_t + H_t + S_t$$

where:

A_t = number of administrative actions initiated
U_t = percentage of unemployment in the state
C_t = percentage of state GDP from chemical industry
E_t = number of environmental group members in the state
SNC_t = number of firms in significant noncompliance in state
P_t = dummy variable for pro-environment state
H_t = dummy variable for high caseloads
S_t = LCV average for Senate oversight committee

In the EPA model, the dependent variable is the total number of formal administrative actions initiated by regional personnel in each state over one year. The independent variables control for the political and organizational context of decision making. As a measure of the salience of TSCA enforcement to industry, we use the percentage of unemployment in each state. To measure enforcement salience for environmental groups, we use the total number of firms in significant noncompliance (SNC) in a state per year. We measure the strength of the chemical industry within the state by using the percentage of state gross domestic product (GDP) derived from chemical industry revenues.[20] The strength of organized environmental groups is measured by indexing the number of conservation group members per 1000 state residents.[21] We use an environmental assessment of the states' policies and laws to identify those states which are comparatively more environmentally inclined than most others.[22]

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[18]Because the cases are aggregate totals by state for four years, the sample size for this analysis is 200.

[19]We used TSCSREG-Parks method in the SAS statistical package to estimate the EPA model. See NLRB model note for details.

[20]Unemployment data is from the Bureau of Labor Statistics' Statistical Abstracts. State GDP percentages for the chemical industry and state membership in environmental clubs were taken form the Green Index (Hall and Kerr 1991). Total number of SNCs were gathered from the "Enforcement Data Survey report from EPA.

[21]These conservation group members include Sierra Club, Green Peace, and National Wildlife Federation and its state affiliates.

[22]The Institute for Southern Studies combined program specific assessments with their own evaluations of state laws to produce a measure for each state which ranks the states from 1 to 50. The highest ranked state scored only 38. To include approximately the top third, we identified any state with a score of 25 or higher as comparatively pro-environment.

We also control for the influence of formal principals and other structural variables. Using a binary dummy variable to control for the influence of exceptionally high caseloads in a regional office, we aggregated the state data by region, and identified those regions with 70 or more cases per year as a high caseload state. For this variable, 1 = high caseload. To measure the influence of EPA's formal Senate principal, an index was constructed from the League of Conservation Voters (LCV) scores[23] for individual Senate oversight committee members in each year.[24]

Table 2 presents the results of the time series cross-sectional analysis of EPA enforcement activity. These results provide strong evidence that organizational and political context are important for agency decision making with all measures significantly influencing the initiation of formal administrative actions.

(TABLE TWO ABOUT HERE)

Because of the structure of EPA, we expected the Senate oversight committee to have significant influence over regional behavior. The results show that EPA's Senate oversight committee is able to successfully influence regional decisions. When the oversight committee preference index is high and pro-environment, more formal administrative actions are initiated in that year throughout the states. The other measure of structural context, caseload, is also positively related to enforcement actions. It appears that EPA regional staff are not using stalling behavior to cope with high caseloads. Instead, we observe more rigorous enforcement when caseloads are heavy. This is especially true when Senate principals are highly interested in environmental aggressiveness.

Political context also significantly affects the behavior of regional EPA personnel both in terms of distinctive cultures, the relative strength of organized interests, and issue salience. Enforcement actions are significantly higher in those states with a pro-environment culture since the variable controlling for pro-environment states is positively related to formal administrative actions. This suggests that EPA regional staff are aware of distinctive cultural attitudes throughout the state toward environmental regulation. When a pro-environmental culture exists, EPA regional staff respond by initiating more formal administrative actions.

Staff ability to respond to state culture is enhanced or tempered by the relative strength the competing organized interests. The variable controlling for the strength of the chemical industry is inversely related to enforcement. States with a higher percentage of their GDP derived from the chemical industry have fewer enforcement actions. Hence, the chemical industry successful in pressuring regional EPA personnel so that fewer cases are initiated in those states where they are strongest. Alternatively, the variable measuring the strength of environmental groups is positively related

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[23]The LCV produces as yearly score card for members of Congress. Congressional records were used to identify members of the Senate Committee on Environment and Public Works.

[24]In preliminary analysis, we also included a dummy variable for the transition from Reagan to Bush as well as LCV average scores for House oversight committees. The TSCSREG-Parks analysis demonstrated very high collinearity between House oversight preferences, chemical manufacturing preferences, and club membership. The estimators were nearly linear and the model could not be estimated with House Scores included. Similarly, the analysis indicated that the change from Reagan to Bush was nearly constant, again, producing a biased estimate so that the influence of this principal cannot be included in this estimation. During this short time series, it is reasonable to assume that the influence of the Republican Presidents is quite similar.

to enforcement. We see significantly more enforcement actions in those states with a higher number of environmental group members. This suggests that EPA personnel are sensitive to the potential complaints of environmental groups in those states where they are most visible and active.

The salience of the issue as measured by issue visibility is highly significant but with one unexpected result. The visibility of the problem as measured by the number of significant noncompliers in the state is positively related to the dependent variable. Those states with a higher number of firms in severe violation of regulations have more visible TSCA problems than other states; they also have more enforcement activities.

We also included unemployment as a measure of the salience of TSCA regulation to industry. We expected that when unemployment was high, EPA regional staff would be more reluctant to issue formal administrative actions to avoid causing further financial distress for industry. Instead, we observed that higher numbers of cases initiated are associated with higher levels of unemployment. It is possible that this may be measuring the effect of financial distress on firm compliance and not the salience of enforcement for industry. Specifically, as firms experience financial difficulties, employees are laid off resulting in higher unemployment. At the firm, these layoffs probably indicate a reduction in variable costs including employees in charge of quality and compliance. If compliance and labor costs are reduced through layoffs of production and compliance personnel, more violations are probable, resulting in the need for more enforcement. Although provocative, this observation is somewhat speculative and warrants additional investigation.

Thus, the key influences on EPA regional staff decision making are both the formal and informal principals. These principals compete for influence over EPA activity. While structural context is important for constraining formal principals' influence from the top-down, informal principals as well as dominant political culture constrain decision making from the bottom-up. For principals to be successful in pressuring EPA regional staff for more aggressive enforcement, multiple forces must coincide. Specifically, EPA regional staff must work within a context of active oversight from pro-environment principals, a supportive political culture, and a highly salient issue. Importantly, the preferences of anti-environmental principals from both the top-down and the bottom-up constrain aggressive enforcement. This is particularly true when the political culture opposes environmental regulation and the issue is not visible.

Conclusion: Toward a Theory of Agency Responsiveness

The purpose of this study was to explore more deeply the argument that structural and political context are important determinants in agency decisions. More importantly, these influences help explain why, within a principal-agent relationship, agents deviate from or fail to respond consistently to principal cues and incentives. In particular, our goal was to expand this theoretical model to include a comparison between two different components of the federal bureaucracy each designed to limit opportunities for politicization of policy decisions by the president.

In respect to the influence of agency structure, we found that regardless of whether the agency is designed to be proactive or reactive, formal principals can successfully influence agency outcomes. The regional staff at both the EPA and the NLRB were responsive to formal principals as long as competing formal and informal principals share similar preferences. When either formal principals disagree or informal principals have preferences which are strongly and distinctly different from a formal principal such as the president, the formal principals may be unsuccessful in pressuring their agents at the regional level.

Although previous studies suggested that caseload constrains rigorous enforcement, this was not true in either the NLRB or the EPA. Rather, at the NLRB, our model showed no influence of caseload when regional characteristics were held constant. Importantly in the EPA, more rigorous enforcement is associated with higher caseloads suggesting that regional staff divert more attention to those areas with the most severe problems. The main difference is that the EPA determines its caseload while the NLRB cannot. While structure does not seem to determine the success of formal principals, it can affect the coping strategies which agents use to reduce the pressure of informal principals for less regulation.

The pressure of informal principals comes from the political context in which regional staff make their decisions. When there is a sympathetic political culture for active enforcement of regulation at the regional level in conjunction with strong organized interest which share this preference, regional staff respond with more enforcement. Agencies are similarly responsive to anti-enforcement pressures. Regardless of whether the interests or the agency initiates the enforcement action, responsiveness occurs irrespective of whether the organized interests are formal clients or affected interests.

Yet issue salience skews this balance of influence toward those interests which are particularly affected by enforcement outcomes. Agencies are particularly responsive to pro-enforcement groups when the scope and level of the conflict regarding the regulated activity are high. For example, when there are large numbers of firms in significant noncompliance, the EPA issues more actions. When the number of strikes increases, the regional NLRB staff dismiss fewer complaints by unions. On the contrary, when enforcement outcomes clearly worsen industrial distress, fewer enforcement actions occur. Typically, unemployment is used as an indicator of economic conditions within a region that may be affecting the stability of firms. Our results raise questions about the usefulness of this measure for all policy areas because of the unexpected results in the EPA model.

Thus, we found that regional office staff in the NLRB and the EPA are strikingly similar in their ability to pursue formal and informal principals' goals. Yet, we do not claim to have provided a comprehensive test of competitive influence of institutional structure and political context. In our future work, we intend to address a number of concerns. To properly test and compose a generalizable theory, we acknowledge the need to provide representation of executive departments and government corporations as components of the federal bureaucracy. In particular, we argue that a comparison of the diversity of organized interests between different components of the federal bureaucracy is necessary for constructing a general theory of principal-agent relationships and bureaucratic adaptation and responsiveness. Further, we argue that the institutional structure, including an agency's status an independent versus being enmeshed in an executive departmental structure creates additional barriers to principal-agent relationships and provides opportunities for multiple principals.

Finally, we propose that a critical, in depth, comparative study be conducted on the structure of field to national office relations examining personnel differences in professional training, partisanship, and length of service. By adding a third component, regional personnel characteristics, we can provide a generalizable, comprehensive theory of agency responsiveness to political pressure. This theory would describe not only the formal and informal principals' influences within the decision making hierarchy but also the contextual and individual level influences determining variation in implementation over both time, region, and agencies.

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TABLE 1: NLRB Regional Office Percentage of Union Dismissed Complaints, 1964-1982

Variable	Parameter Estimate	t-score
Intercept	72.957	36.007**
Unemployment	0.236	2.356*
% Manufact. Employees	34.009	8.724**
Union Membership	-0.413	-9.784**
# Strikes	-0.014	-8.209**
Sunbelt State	0.267	0.222
High Caseload	-0.801	-1.123
% Vote for Democrats	-0.046	-2.146*
Republican President	0.851	2.986*
Pro-labor Board	2.026	4.202**
Number of Cases	330	
R^2	.99	
F Score	3979	

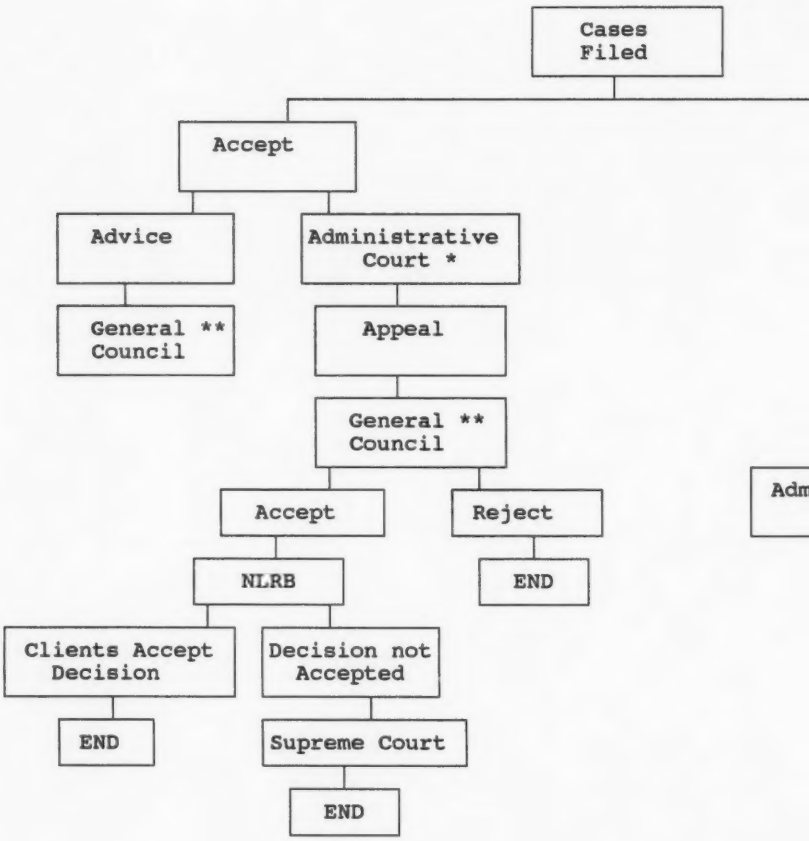
* significant at .05
** significant at .001

TABLE 2: EPA Regional Office Number of TSCA Administrative Actions Initiated, 1988-1991

Variable	Parameter Estimate	t-score
Intercept	-9.110	-5657002**
Unemployment	1.160	15786657**
% GDP from Chemicals	-0.216	-108869**
Enviro. Club Membership	0.294	2194743**
# Sig. Noncompliers	0.806	74444256**
Pro-environment State	4.011	1165912**
High Caseload	8.631	72081506**
Senate Oversight	0.060***	8407636**
Number of Cases	200	
R^2	.99	
F score	3185	

** significant at .001

FIGURE 1. NATIONAL LAB
DECISION PR



LABOR RELATIONS BOARD
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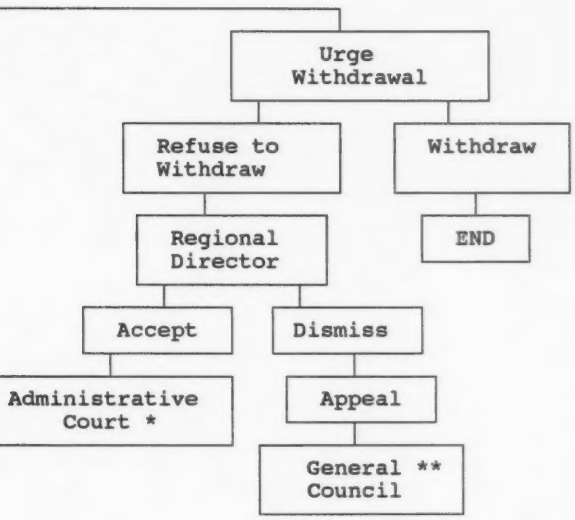
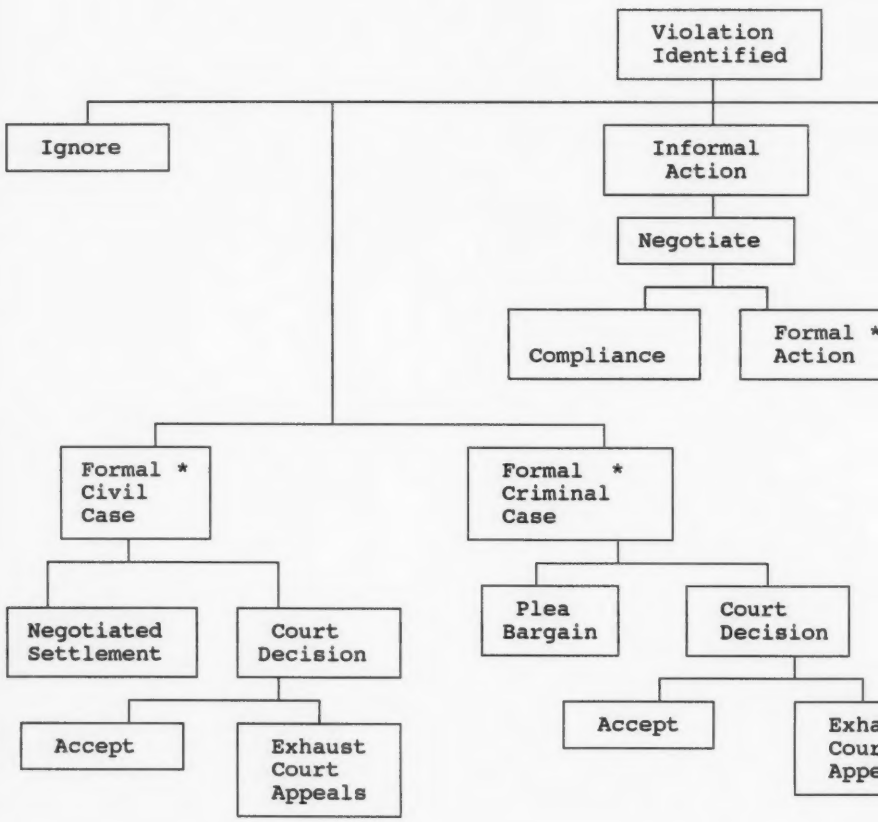
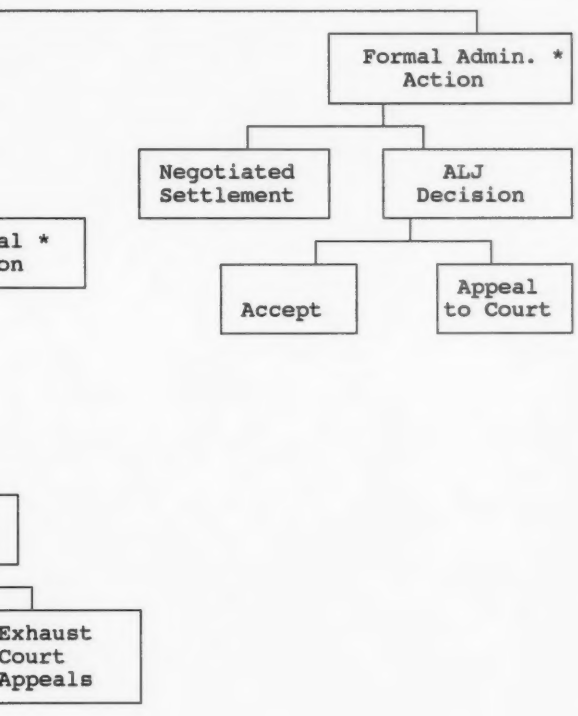


FIGURE 2. ENVIRONMENTA
DECISION F



ENTAL PROTECTION AGENCY
ON PROCESS



UPSCALING BUSINESS AND DOWNSIZING GOVERNMENT: FRANCE IN THE NEW EUROPEAN COMMUNITY

Vivien A. Schmidt
European Studies Program and
Department of Management
University of Massachusetts/Boston
Boston MA 02125
(617) 287 7863

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UPSCALING BUSINESS AND DOWNSIZING GOVERNMENT: FRANCE IN THE NEW EUROPEAN COMMUNITY

Vivien Schmidt

With all of the turmoil in the exchange markets since 1992, the most recent being the run on the franc in the face of the Bundesbank's continuing refusal to lower interest rates, there has been much talk of an end to the European Monetary System with its goal of a single currency, and therefore an end to the dream of a unified Europe. England and Italy's temporary withdrawals from the EMS have already weakened the it. Were France to pull out, it would be all but dead. This likelihood, along with such issues as national pride and political futures, are what have motivated French governments to seek to maintain a strong franc, despite the rise of unemployment and a slide into what six Nobel prizewinners, in a plea for French withdrawal from the EMS, have called a pointless recession, given France's low inflation rate and otherwise competitive economy.[1]

But even if the EMS were to have been merely a pipedream, it will neither mean an end to the EC nor a return to the status quo ante in the macroeconomic sphere. Moreover, even if the French referendum on Maastricht, with its all too close victory for the partisans of European unity (51% in favor vs. 49% against), is an indicator of public reluctance to take any great leaps forward with respect to European integration, this will not stop the ongoing policy developments with regard to the creation of the single European market, or produce any moves backward.

The rush toward European integration has already brought about great changes in the macroeconomic environment in all the countries of the EC, but in particular France, where the state has relinquished many of its traditional interventionist powers over the economy at the same time that it has encouraged the opening of the markets. The goal of a single European market has already had, and will continue to have, a tremendous impact in the microeconomic sphere on the rules governing business activity. In addition, the very challenge of Europe has pushed businesses to restructure and enlarge while it has encouraged governments to reshape their traditional relationships with business. In other words, even if European integration were to go no further, it has already gone very far indeed, changing the face of European business and its relationship with European governments. In no other European country has this been more true than in France, where business has upscaled while government has downsized in response not only to the reality but also, and most importantly, to the very idea of European integration.

European integration has had three orders of effects on French government and its relationship to business: the first order effects come from the direct application of EC policies and directives; the second order are the indirect result of the implementation of EC directives; and the third encompass initiatives in anticipation of European integration or in response to the first and second order effects.

The first order effects have largely been documented. These have directly altered the state's role in the economy and, thereby, the regulatory environment for business. They consist of changes in the macroeconomic sphere that include the state relinquishing control of exchange rates, the opening of the financial markets, the ending of price controls, and so forth. In the microeconomic sphere, they encompass changes in competition policy, product standards, sectoral rules governing different businesses, and all that the opening of the borders entails in terms of the free movement of professionals and workers.

The second order effects come from the impact that the very implementation of EC policies has indirectly had on French government and its relationship to business. These effects are less apparent, but every bit as significant as the first order effects, since they have loosened the ties that

have traditionally bound business and government by undermining the statist model of industrial policymaking, where governments have typically formulated policy unilaterally but allowed societal interests in at the implementation stage with the politics of accommodation, cooptation, or confrontation.

The primacy of Brussels in policy-formulation has, to begin with, increased the independence of business, which now looks as much to Europe as to the nation-state for policymaking. At the same time, it has decreased the independence of government, which not only no longer has the authority to make policy unilaterally, but also has deprived itself of its interventionist policy instruments of the past. Government, in consequence, naturally finds itself less able to influence business, which concomitantly needs government less for guidance and support as a result of the new competitive environment and the opening up of non-governmental sources of financing. Finally, the increasing independence of business has only been reinforced by the introduction of the EC regulatory model, which demands an arms'-length relationship between business and government and the even-handed application of the rules. This has served to weaken France's traditional pattern of policymaking even further, since it calls into question the administrative nature of the French state, where making exceptions is the rule. But it also decreases business' ability to pressure government, since it can no longer have as much of a say at the implementation stage. The result is that in the application of EC rules or of those of the new French regulatory agencies, all societal interests, and not only business, will find less accommodation and therefore may engage in more confrontation, albeit with less success. Only where the traditional relationship between ministry and industry remains will business find more cooptation with regard to state oversight.

In short, while the first order effects have changed the way in which government leads and business competes, the secondary effects of European integration have altered the manner in which government and business interact, replacing the formerly close, nearly symbiotic relationship with one in which government leads less and business competes more.

The third order effects have little direct or indirect causal relationship to European integration, but rather come from government initiatives in response to the competitive challenge represented by European integration, and in anticipation of the first and second order effects. In France, these encompass most of governments' industrial policies through the eighties. To begin with, French industry's problems in the seventies resulting from the end to tariff barriers and other external constraints were in large measure responsible for the Socialists' decision to nationalize in the early eighties. Secondly, the increasingly competitive environment for businesses that were themselves changing through concentration, consolidation, and internationalization in response to the rush toward 1992 led to successive governments' decisions to find ways to dilute state ownership and/or diminish state control of public enterprise. This occurred progressively, beginning in 1983 with informal privatizations and increasing autonomy for public enterprise; accelerating with the formal privatizations of 1986-1988; persisting afterwards, with the trading of shares first among nationalized companies alone and then with privatized companies; and leaving us with a new round of proposed privatizations today.

These third order effects have, together with the first and second order effects of European integration, in a very real way ensured the rise of business and the decline of the nation-state. For while business has become less dependent on national governments and more interdependent and international, the French state become more dependent on the European Community, losing many of its traditional powers and some of its national sovereignty. It did this willingly, of course, in order to gain other benefits, i.e., greater control over its macroeconomic environment and a larger arena for its ambitious industrial policies. But as both of these have begun to prove elusive, some may increasingly question whether all of this has been worthwhile, especially given the problems for French democracy resulting from EC control over French domestic policy formulation and the

regulatory model for policy implementation, which together are leading to the increasing disenfranchisement of national citizens and elected officials alike.

Changing the Regulatory Environment for Business: First Order Effects on Government

Ever since the Treaty of Rome, the EC has been a major spur for French governments to move away from a state-directed economy to one with a greater emphasis on the market. This has been a gradual but ineluctable process, one in which each action in conformity with EC policy has, taken together with other exogenous factors, so undermined the effectiveness of the traditional set of policies that it literally forced governments to adopt new EC-inspired policies which brought even greater market openness and a larger commitment to European integration.

This began with the move away from France's traditional protectionism, as mandated by the EC, along with the abandonment of a number of specific policy instruments such as preferential taxation and public procurement policies, non-tariff barriers and certain kinds of industrial subsidies.[2] These measures, which opened the domestic market to greater competition, taken together with a whole panoply of problems related to external economic constraints such as the end to the fixed exchange rate system that had enabled French governments to correct payment deficits through devaluation, the impact of the two oil crises, and so forth, decreased French governments' ability to manage the economy. These constraints, in effect, undermined not only the French governments' traditional macroeconomic tools for controlling the economy, e.g., the encadrement du credit, or the system for rationing credit, but also their microeconomic tools, whether the national plans which no longer accurately forecast economic trends or the industrial policies which no longer adequately sorted out the most appropriate industrial investments.[3]

The entry of France in the EMS in 1979 by the Barre government represented an attempt to regain some control in the macroeconomic sphere, serving to reduce inflation by pegging the franc to the Deutschmark. But it also limited France's ability to devalue or to adopt an independent monetary policy. Moreover, within a very few years, it led to a crisis for the Mauroy government, whose expansive macroeconomic policies and expensive microeconomic policies (see the discussion below under third order effects) were totally out of step with those of fellow European Community members.

This came to a head in the macroeconomic sphere between June 1982 and March 1983, when the Socialists agonized over whether to stay in the EMS, and therefore begin to reduce the budget deficit and deflate the economy, or to exit, and thereby sustain reflation by devaluing the franc and putting up protectionist barriers to imports in order to stabilize the trade deficit.[4] For some, only the discipline of the EMS would permit France to retain its place in global competition; for others, the only quick escape from the crisis was to get out from under the Community environment with its impossibly high interest rates.[5] With Mitterrand's decision to stay in, France had to cut back public spending, scale back aid to industry, in particular to the nationalized industries, and allow more bankruptcies. It also had to cut back on its social policies, since bringing down inflation of necessity took the place of bringing down unemployment rates.

Moreover, absent the resources that its inflationary policies had allowed it, the Socialist government was no longer able to stimulate industry through demand using its traditional industrial policy instruments. It therefore had to improve the competitiveness of French firms through more supply side measures. This had actually started even before the great U-turn of 1983, in 1982 with the deindexation of salaries on prices, and the 1983 law on savings, which allowed the introduction of new debenture shares and investment certificates. With the decision to stay in the EMS and

therefore to embrace European integration wholeheartedly, moreover, liberalization now anticipated European Community directives as much as followed them.

The liberalization accelerated under Prime Minister Fabius, who put an emphasis on profit and faith in the market. As of 1984, the Socialists put through measures encouraging competition in the banking system, relaxing regulations in the financial markets, authorizing many new financial instruments, loosening controls over exchange rates, partially eliminating price controls, and reducing a variety of business taxes, including the prélèvements obligatoires, or payroll taxes, and the tax on revenues. In the capital markets in particular, they established a second market in unlisted securities and a third in financial futures. Finally, in 1985 they even went so far as to consider a law on competition which, though never passed, was to have reinforced antitrust measures and loosened restrictions on competition. Moreover, public sector wages were held down and regulations affecting firms' ability to lay off workers loosened.

The neoliberal right only continued in this direction. Thus, they decontrolled prices and created a Council on Competition. Moreover, like Fabius, they focused first and foremost on bringing down inflation and the budget deficit, although they were even more supply side in their approach to industry, cutting taxes rather than increasing financial aid to corporations. And they went further in the deregulation of the securities, futures, and foreign exchange markets; in the reduction of payroll taxes, corporate taxes (by 37 billion francs over two years), and the business tax; in the ending of most price controls; and in the passage of the law on competition which replaced the two ordinances of June 30, 1945 (along with the approximately 30,000 rules which grew up around them).[6]

On top of policies that simply extended those of their Socialist predecessors, the neo-liberals introduced a number of entirely new policies. Most notably, they overhauled monetary policy as of January 1, 1987, by replacing the system of rationing bank credit, the encadrement du crédit (which they themselves had instituted in 1974 when they were known as conservatives) with a system in which the Banque de France would control the money supply by manipulating interest rates.[7] They also liberalized controls on corporations' stock issues and passed the law on savings which facilitated leveraged management buyouts (LMBO) and employee stock ownership plans (ESOP) as well as encouraged employees generally to buy shares in the firms for which they worked (especially in the newly privatized ones). Moreover, they created what Balladur dubbed the petit bang which broke the 180 year monopoly of the 60 official French stockbrokers, replacing the old system with one in which the administrative tasks related to the running of the stockmarket are separated from the regulatory and oversight functions carried out by an elected council. This anticipated way in advance of 1993 the scheduled end to the stockbrokers' monopoly, when the 12 member countries of the EC would be able to trade on the Paris Bourse and the six regional stock exchanges.

Subsequent Socialist governments continued with the liberalization policies and the emphasis on what Minister of Finance under the Rocard and Cresson governments and then Prime Minister Pierre Bérégovoy called "competitve disinflation," giving priority to budget reduction and focusing on supply side microeconomic policies. The Rocard government reduced corporate taxes by 10 billion francs in its 1989 budget, cut taxes on individuals by 5 billion francs and increased public spending in line with inflation, that is, by 4.5%. Morever, it reduced taxes on revenue from savings and on consumption (by reducing the TVA, as mandated by the EC, despite Rocard's criticism of its "pauperizing" effect on the State). At the same time, however, Rocard spent a lot on a variety of measures for the poorest workers, on public employees' salaries (in particular the nurses, transport workers, postal employees, and tax collectors), on the national education system (from 198 billion francs in 1988, it grew to 250 billion francs in 1991), and on modernizing the public sector (expected to cost over the next seven years 42 billion in constant francs, of which the state was to pay 22 billion).[8] Similarly, while Prime Minister Cresson continued with tight

monetary policies, she continued spending to modernize of the public sector, although she reduced it for the health sector and for the military. Finally, Bérégovoy himself, having in 1983 argued for exit from the EMS, but having subsequently undergone a total conversion at the time of his first stint as Minister of Finance between 1984 and 1986, had become the EMS' greatest defender by the time of his appointment in 1992 as Prime Minister. In addition to keeping inflation down in order to maintain stable prices and keep the franc strong, he reduced fiscal pressures on business yet again, in particular in reducing the rate of taxation on profits (it went from 50% in the early eighties to 33% for 1993).

For all this liberalization, however, French governments between 1983 and 1993 kept a certain number of industrial policy instruments for themselves; deregulation did not leave everything to the market. For example, in the 1986 ordinance on the control of mergers and acquisitions, Balladur kept the sole power to refer any issues to a new Competition Council which was itself limited to giving advice, and not allowed to provide binding opinions, as is the case in England, where the minister cannot forbid a merger once a favorable opinion has been given by the Monopolies and Mergers Commission, or in Germany, once a merger has been authorized by the BundesKartellamt. This meant not only that the Minister of Finance could accept or reject the decisions of the new Council, but also that the Minister could choose not to refer, thus leaving everyone in the dark until a takeover is complete, even if the takeover violates the rules. This was the case under Rocard, where although Air France's acquisition of Air Inter and UTA went way beyond the threshold level anticipated by the ordinance of 1986, the Council was not brought in.[9]

In addition, the French also managed to ignore Community rules in certain cases. Thus, in the privatization program, the French limited foreign ownership to a 20% share despite the fact that the limitation on European ownership violated the laws of the European Community. In this, however, they were not alone; they were simply more inept. All European governments have found ways around Community rules that forbid discrimination in aquisitions of the companies of one European country by others that are also Community members. The Germans or the British, however, tended to camouflage their actions better through the use of antitrust criteria, e.g., Germany's Office of Cartels objected to Thomson's acquisition of Grundig on the grounds that the former would thereby gain a dominant position in the German market in consumer electronics.[10]

Even this has escaped country control, however, since the European Commission now decides the fate of mergers and acquisitions of companies where the overall sales are above 5 billion écus. For the French, this came home quite forcefully with the refusal by the Commission to allow the takeover of the Canadian firm Havilland by Aérospatiale and Aléna on October 2, 1991. It is important to note, however, that this was the only case among hundreds of takeovers looked into by the EC.

Similarly, moreover, despite constant French complaints to the contrary, the Commission investigations of aid to French nationalized enterprises have mostly resulted in decisions favorable to France. Although the General Directorate that deals with competition policy under the leadership of Leon Brittan has time and again undertaken investigations of France's capitalization of its nationalized industries, arguing that it represented unfair competition, France as often as not has gotten its way. For example, in 1991, just as the French were gearing up for what they were certain to be EC rejection of direct or indirect (through other public enterprises) capital infusions, the Commission approved 6.68 billion francs in aid to Bull because although they saw it as a subsidy (since it would not have received a similar amount under similar conditions from an investor on the market), they recognized it as part of a radical restructuring plan. It also approved the injection of 2.5 billion francs into Usinor-Sacilor by the Crédit Lyonnais for a 9% share in the company because EC Commissioner Leon Brittan found it in keeping with the principle of sound free market investment. The 2 billion francs for Air France were also approved. Only Renault, in any earlier capital infusion, had to give some money back.

Thus, although the French have not given up on a role for the state in response to European integration, it is a different role. Integration has changed the content of French industrial policymaking, with direct state intervention focused on the demand side increasingly replaced by indirect state action concentrating on the supplyside, and with the market, not the state, seen as paramount. This in turn has affected the process of French industrial policymaking and the relationship between business and government.

Loosening the Ties that Bind: Second Order Effects on Government and its Relationship to Business

European integration, by depriving French governments of many of the policy instruments at both macro and microeconomic levels with which they traditionally influenced business, has undermined state autonomy. At the macroeconomic level, this loss of autonomy has resulted in a tradeoff where, by giving up independence in policymaking, governments have regained control over the economy. At the microeconomic level, there have been no such tradeoffs. The loss of autonomy has weakened France's traditional statist model of industrial policymaking at both formulation and implementations stages, thereby loosening the ties that have for a very long time closely bound business to government.

Much of scholarly attention in recent years has focused on the second order effects resulting from the push toward European monetary union and the Maastricht treaty, the opening up of the financial markets, and so forth. This is natural, given that the resulting macroeconomic changes have been dramatic: governments have virtually given up their sovereignty with regard to monetary policy, and they have lost many of their interventionist tools. This has been more significant in France, where the state through its control of the banks and its virtual monopoly over credit has traditionally held wide powers over the economy, than in England, where the system of capital allocation has for a long time been based on highly developed capital markets which ensured that however much the government might have liked to intervene, it did not have the necessary tools.[11]

At the same time that France has given up sovereignty in macroeconomic policy, however, it has to a large extent gotten back its ability to manage the economy effectively. Although the shift toward liberalization could be seen as simply a giving in to external constraints, and therefore as a defeat for the traditionally strong state in macroeconomic policymaking, it is more appropriately understood, as Michel Loriaux argues, as an attempt to "restore the state's power to exercise control over the evolution of fundamental monetary quantities: monetary growth, prices, credit, and the values of the currency."[12] By giving away some of its independence in macroeconomic policymaking, in other words, France took back control. And although the room for manoeuver is smaller, as André Lévy-Lang, head of Paribas, remarked, it is all the more reason for the French government to play its role.[13]

In the microeconomic sphere, by contrast, France gave away much of its independence in policy formulation along with much of its control in policy implementation. At the formulation stage, Brussels has undermined Paris' traditional pattern of unilateral policymaking, not only by being the primary locus for decision-making, but also by letting national interest groups into the supranational policy-formulation process. At the implementation stage, the loss of state independence has been compounded by the increasing independence of business that results not only from the first order effects of European integration, that is, deregulatory measures and non-governmental sources of finances, but also from the second order effects at the formulation-stage, that is, the new EC level business-government relationship. Complicating this even further is the substitution of the EC regulatory model for the administrative one which, together with the other second order effects, have served to disrupt the traditionally close state-industry relationship with its politics of accommodation, cooptation, or confrontation.

The Statist Pattern of Policymaking

Traditionally, France's pattern of industrial policymaking has been "statist," meaning that government decision-makers and decision-making organizations take a leadership role in policymaking and have primary control over structuring the "state-society relationship," dictating the pattern of interest representation and resisting the pressures of interests, whether organized or not, where they choose.[14] At the formulation stage, this means that governments can undertake "heroic" programs in which government leadership remains paramount and consultation is often minimal. The most recent examples of these are the programs of nationalization under the Socialists in 1982 and privatization under the neoliberal right between 1986 and 1988.

Although often using other terms, most French scholars have taken account of this "heroic" statism, typically portraying France as the ideal-typical, strong state, insulated from the political community and centralizing enough to ensure it at least partial autonomy,[15] with institutions which provide it with "tactical advantages" that enable it to take independent action[16] and to manifest a policy style notable for its capacity not merely to initiate far-sighted planning efforts but also to impose them where it deems necessary.[17] Some scholars, primarily in France, systematize this pattern, seeing state-society relations as forming a system in which the state remains central, dominating the political agenda and monopolizing the construction of the populace's worldview, organizing and controlling societal interests, and taking charge of the implementation of public policies.[18] Moreover, they see policy not only identified by a small group of the administrative elite, the "central decision-making milieu,"[19] but also implemented by it with minimal public debate.

And yet, however strong the state may appear, it suffers from many weaknesses. First of all, the image of the strong state hides great fragmentation because of rivalries both between ministries and within ministries.[20] Secondly, in numbers of instances where policies are more "everyday" than heroic,[21] the boundaries between "state" and "society" become blurred, and societal interests may even take over government's policy formulation function (this was the case with the notaries.)[22] Finally, however much the government may seek to impose, societal interests can and do effectively resist.[23] The state is not really able to govern by decree because, as Shonfield noted already in the sixties, "The system will not function unless private organizations give their willing collaboration to the pursuit of public purposes. What is therefore required is the opposite of a bully state--rather a wheeling and dealing type of public authority constantly seeking out allies, probing and maneuvering for the active consensus."[24]

France's statist polity, in effect, is one in which governments' ability to take unilateral action at the policy-formulation stage, without prior consultation with those most interested in the policy, is tempered by their need to respond to societal interests at the implementation stage, where policymaking is characterized by the politics of accommodation, cooptation, or confrontation. Much depends upon the centrality of the policy to the government, its strategy, the policy's potential impact on the most affected interests, and these interests' level of access, upset, and organization.[25] Only in an authoritarian statist polity could an unelected government not only formulate policy unilaterally but also impose it unilaterally, without attention to societal response.

Responsiveness to society at the implementation stage in statist policymaking is facilitated by the administrative nature of the state, where civil servants have wide latitude in interpreting the law, and even making exceptions to it when they see fit. This is in stark contrast to the regulatory model which denies civil servants much latitude by comparison, and where making exceptions to the rules is regarded as illegitimate. In France, the relationship between formulation and implementation was captured years ago in de Tocqueville's famous phrase: "the law is rigid, but the application is flexible." This means that laws formulated absent societal input can be adapted

in the implementation process, ensuring that societal interests can be heard, but giving civil servants the discretionary power to listen or not.

In the industrial policy arena in particular, the flexibility of the rules have been legend, with exceptions to the rules one of the ways in which civil servants could influence business. The most important of the policy instruments available to civil servants in this arena, however, was public investment, which enabled government to hold sway either directly through the granting of subsidies and loans, or indirectly, through its control over the allocation of credit.[26] The state could in addition exert influence over business indirectly not only as a buyer of goods, but also as a seller, by way of the nationalized industries.[27] Finally, the state had significant leverage through price controls, regulation, and taxation, not only by enforcing the rules, but also by selectively granting exceptions to them--a pattern which enabled the state to appear not only as punisher of transgressions but also as rewarder for good behavior.[28]

The result was that in national planning and industrial policy, the state could ensure a cooperative relationship that was primarily one of mutual accommodation, although over time it began to look more like cooptation, as governments led less and the initiative often shifted to business. Thus, although in the sixties Shonfield saw the national planning relationship as constituting almost a "conspiracy to plan" between ministry and industry[29] while in the seventies Charles Lindblom explained that same relationship as "in some part even an explicit exchange of favors,"[30] by the 1980's, Jack Hayward could argue that industrial policy, which had replaced planning as the preferred governmental tool, "frequently amounts to an industrialists' policy."[31]

In fact, the closer ministry got to industry, the more accommodation began to look like cooptation. Thus, in sectoral planning and policy, many scholars have documented the relative independence of industry from state control, and the ability of industry to impose its agenda on government. In the steel industry, the ministry-industry relationship involved a "corporatist-style collusion," orchestrated by the industrial trade association rather than government, in which "there was an abandonment of autonomous decision making by the steel firms and a rejection of arm's length remoteness from detailed policy intervention by the various government agencies and political leadership."[32] In the case of oil, it was the French state that was "captured" by industry, as the oil companies in some sense dictated state policies as a result of their greater expertise.[33] In other sectors, cooptation was not nearly so pronounced--but the mutual accommodation devolved primarily to industry's benefit. In the cases of such industrial groups as Thomson and CGE, the various planning contracts and concommitant government support ensured that while the State took the technical and industrial risks, the enterprises carried out the industrial projects and disposed liberally of the resulting profits.[34]

Although accommodation and cooptation were the norm, confrontations did occur, as when the government temporized for close to seven years on the SNCF's fast-speed train project.[35] Confrontation, however, was more the exception than the rule, and this even during the most interventionist of periods, that of the restructuring of the nationalized industries in the early eighties, when industry nevertheless as often as not got its way.[36] Thus, although Saint-Gobain was displeased with the policies it saw as forced upon it, Thomson, CGE, and others were quite content. Moreover, in many cases where there was confrontation, it was soon followed by government capitulation to industry demands, as in the case of Thomson's proposed sale of certain of its operations in 1983. But even where the government held to its decision, this was generally sweetened by government promises of capital grants or loans.[37]

In short, business and government over the years developed a close, near symbiotic relationship which ensured that while government may have had its way at the formulation stage,

business more often than not got its way at the implementation stage. Most of this has been in the process of changing as a result of European integration.

The Impact on Policy Formulation

In the first place, European integration has meant that the government has lost much of its ability to formulate policies independently, thereby significantly weakening one of the most distinctive features of the statist pattern of policymaking. In fact, the sphere in which French policymakers can act independently, without attention to the EC, has gotten narrower and narrower. Jacques Delors himself predicted in a speech to the European Parliament in July 1988 that ten years hence 80% of the acts of national legislatures would be of EC origin. French bureaucrats are more and more in the business of implementing policies formulated in Brussels rather than in Paris.[38] In addition, because EC member governments no longer have veto power over Community decisions, given the shift to qualified majority voting with the Single European Act that went into effect in 1987, the French administration could even be implementing policies that the French government opposed. Because of this, effective interaction with Brussels at all levels has become crucial.[39]

French influence with the EC bureaucracy, however, is not nearly as great as the French would wish, leaving it with what many French see as a distinctly Anglo-Saxon bias. This comes from two sources, both having to do with the French administrative culture. The first stems from the minimal French civil service presence in Brussels until comparatively recently; the second from the French lack of understanding of EC administrative culture.

The first problem results in large measure from French ministries' longstanding underestimation of the importance of the EC administration. Because French bureaucrats were slow to recognize the significance of the EC as an administrative, as distinct from a political, policymaking body, they were even slower at encouraging the "best and the brightest" of the younger civil servants, that is, graduates of the ENA or Polytechnique, to forsake national for EC service. This in turn has ensured that comparatively few find themselves in the upper levels of an administration where civil servants start low and stay long in the Directorates, acceding only late in their careers to major positions (by contrast with the French system in which young graduates of the ENA start high, go higher, and then more out to head a private or pubic enterprise).[40] The Ministries themselves, moreover, were late in feeling the need for their civil servants to know European policy and law,[41] or to have a continuous presence in Brussels. In this regard, the Director-General of Industry, Jacques Maisonrouge, expressed his shock that, when he was appointed in 1987, there was not much of a relationship between the Ministry of Industry and Brussels. He noted, moreover, that a very serious problem for the French was that the important posts were held by the English and the Germans, because the French were not interested in making the EC a career. And finally, he complained that although standards are set by the Association des Normes, which is under the jurisdiction of the Ministry of Industry, it has no influence other than negative, rejecting proposed standards rather than working with the Association to develop them.[42] This last problem, however, comes from France's second source of difficulties with the EC administration, i.e., that its civil servants are not culturally attuned to the policymaking process.

French civil servants do not always do a very good job of representing French national interests within the EC administration (although they may very well at the level of the Council or the Commission) because of the culture clash between EC and French administrative practices. As Pascal Lamy, director of the cabinet of Jacques Delors, has remarked, French civil servants have been finding the culture of consensus of the EC bureaucracy difficult to deal with, since they are used to much more conflictual relations in interministerial committees, with the Prime Minister or President called upon to mediate the conflict and to make the decision.[43]

The cultural problems for the French, while significant in the drafting of regulations or directives, where civil servants negotiate and France is officially represented in the tour de table, is even more so in the case of decisions, which are more internal to EC administration.[44] In France, in effect, ultimate decision-making in the ministries is political, and the most important level of decision-making is at the top, so that any decision on a dossier, however technically competent, may be reversed higher up, by the minister or even, in the case of particularly sensitive cases, by the Prime Minister or President. By contrast, in the EC general directorates, decision-making is only minimally political, and the most important level is at the bottom, where the first level senior civil servant charged with a given dossier has the most weight. This is therefore the place where any lobbying by national civil servants or business must focus. Lobbying itself, moreover, unlike in France, involves providing detailed technical information to the civil servant in charge of the dossier, not simply an excellent lunch for the Commissioner.[45] Because universal suffrage is not here to legitimate their actions, these first level civil servants make every effort to hear all sides and to base their decisions on purely technical and economic arguments, and therefore are open to technical, but not political, persuasion. Moreover, once they make a recommendation, it is extremely difficult to reverse it. The commissioner at the next level up has difficulty changing the recommendation on anything other than purely technical grounds, as do the seventeen commissioners even higher up, who make the final recommendation. The cultural misunderstandings were amply demonstrated in the De Havilland case, where most French incorrectly assumed that the process was political, not technical, and where business and national civil servants were not up to the lobbying task.[46]

The French do not only have difficulty playing the regulatory game in Brussels because of differences in administrative culture, they often have difficulty accepting the results of the regulatory process. This is mainly because they are used to an entirely different model of policymaking, where in gross terms governments formulate policies, civil servants prepare and implement them, and the courts ratify them, rather than one in which civil servants and/or courts may even formulate policies and impose them on governments.

For the French, therefore, the decisions of EC regulatory bodies or the courts are much harder to take than EC directives or regulations. Because both regulations and directives come out of a lengthy process of negotiation at the EC level, with directives in particular leaving governments great leeway in determining how to implement them, French governments feel that they have a significant amount of control over them.[47] In the environmental protection area, for example, the directives are the compromises resulting from hard bargaining by member countries, with all giving up something and getting something in return.[48] More generally, there has been little outcry at the loss of the governments' traditional policy instruments because this was voluntary, a result of the French decision in 1983 to stick with the EMS they had joined in 1979, to pursue the goal of a common market more rapidly with the Single European Act and to attempt monetary union with the Maastricht treaty (at least until recently).

By contrast, where the policies do not result from a process of negotiation, as in the binding decisions of regulatory bodies or the European Court,[49] the French tend to be much readier to question their legitimacy. It is telling that whereas the French were ahead of many member states in translating European directives into national law, they were way behind in heeding warning letters from the Commission or orders of the Court of Justice.[50] This is because the French are generally uncomfortable with what they see as the European Court of Justice's judiciary activism,[51] or what they assume to be the lack of responsiveness of regulatory bodies, as in the de Havilland case. This may be an added reason for the French push for the Single European Act and the Maastricht treaty, since they constituted limitations of judicial power (even as they consecrated judicial decisions, as in the standard of mutual recognition) in favor of political power.

In any event, whatever the source of the policy, and whether it be regulation, directive, or decision, there is a general acknowledgement that the French government has lost its independence, and that instead of directly preparing the rules it administers, the bureaucracy now implements rules forged in Brussels, where it can act in the creation of such rules only as a "lobbyist" representing one state out of twelve.[52] For business in particular, the fact that the EC can impose and French governments can do little else but obey has affected their traditional relationship with government.

Business, despite its privileged relationship with French ministries, now recognizes that this neither is nor can be enough. Brussels is as important as Paris, especially since Paris no longer has veto power over decisions taken in Brussels (with the qualified majority rule). Moreover, business is expected by Brussels to make its views heard directly, and not only through the intermediary of the French mission. Unlike in the traditional French policy process, where business interests had their main input at the policy implementation stage, in the European process business interests have their main input at the formulation stage.

Thus, lobbying activities that are still regarded as illegitimate at the national level, and are therefore still not very highly developed, have become quite sophisticated at the supranational level. French government officials who frown on lobbying when it involves the national government even encourage it when it involves the EC.[53] The result is that French business has effectively organized itself to lobby in Brussels not only as charter members of European business associations such as UNICE and of the various European groupings of national umbrella organizations, but also as members of national associations, or even as individual firms.[54] On their own, moreover, French CEOs also have direct albeit informal impact through face-to-face meetings with European commissioners. In short, whether as part of European business associations, national associations, or as individual firms, French business plays a role not only in influencing policy, but also, in some instances, initiating it, since European business often participates with the European Commission in seeking to impose a policy on reluctant governments.

With business as the primary interest being heard at the EC level, though, neither corporatism, which demands a relatively equal balance among industry, labor, and government,[55] nor pluralism adequately describe the relationship. For although the system may be "transnational pluralism" in form,[56] it is not so in content, at least ideally, given the one-sided nature of interest-group politics where industry dominates and opposing interests representing consumer groups, labor, and so forth are virtually absent. In fact, while French business was quick to recognize the need to organize at the EC level as well as to prepare for the new, competitive European environment, many of the major unions were slow to organize, too busy trying to defend themselves against that very environment, fearing a loss of jobs and privileges.[57] But even had the French unions paid more attention to the EC, they would have had little impact because there is no cohesive, pan-European labor movement to make their case at the European level at the same time that they have been losing ground at the national-level.[58] It is only recently that there has been some indication that labor has been organizing more effectively.[59]

But despite French business' access, it too sometimes has problems making itself heard by comparison with the lobbies of other countries. This goes back to issues of cultural difference. The fact that lobbying is comparatively underdeveloped in France and business interest groups not always very cohesive makes French business less effective at the EC level than those countries with better developed lobbies and more cohesive peak associations, e.g., the Germans. Because they are used to very close, symbiotic relationships which allows them great leeway at the implementation stage, but little input at the formulation stage, French businesses find it hard to adjust to the greater openness, or porousness, of the EC formulation process. Moreover, in

regulatory decisions, because they expect to interact with a bureaucracy that tends to operate without much technical input from business at the formulation end but is accomodating at the implementation end, it has had difficulty organizing itself to get information quickly enough to the civil servants in charge of the dossier that affects them. The de Havilland decision is a case in point.[60] Finally, because they are used to an interaction where they were generally the privileged interlocutors, they find it difficult to adapt to a situation in which they have to deal with a whole range of interests from a variety of countries--and where French bureaucrats have themselves in some sense become lobbyists.

Whatever the problems for French business of lobbying the European Commission, the very fact of their access to the decision-making process at this level has increased their independence from the national government, since they are now as much partners with national ministries in efforts to influence the EC as they are supplicants of national ministries to influence the EC for them. As partners in the EC lobbying effort, moreover, the government tends to see business more as defenders of the interests of the French nation than as a lobby that might have its own interests at heart, and not those of France in particular or Europe at large. It is as if the old notion attached to public enterprise, in which it was seen to act as a catalyst for social reforms and industrial innovation, leading the nation forward, has been generalized to all big French businesses, despite the fact that increasing numbers are private or on the road toward privatization, and that their goals, whether public or private, are profitability above all.

This sense that however independent business is, it still serves the national interest, pervades not only interaction related to European policy formulation, but also continues to characterize the entire French business-government relationship. The only problem, however, is that it has becoming increasingly one-sided, as government gives and business takes. As Elie Cohen explains it, the "attributes of sovereignty" that French business gained in the past from its relationship with government remain, leaving unchallenged the idea that French business operates in the national interest through the creation of French jobs and plants and through the trade balance, and that in exchange the State owes it attention, assistance and protection. That this is not challenged, according to Elie Cohen, has to do with the fact the State has not yet figured out how to operate in its new, more modest role, and reflects the continued crisis of national sovereignty.[61]

That crisis, in fact, has ensured that as the French state has lost its authority for this and other reasons (including scandals related to corrupt election financing and the distribution of tainted blood), business has gained in stature, becoming almost an unchallenged authority in France.[62] And this has only been enhanced by the fact that at the head of the major business firms, as often as not, are individuals whose education and career paths have been state-centered.[63] This means that in many cases the very civil servants who helped shape the policies formulated by French governments are now the CEOs helping shape the policies formulated by French governments in conjunction with their European partners (e.g., the current head of Renault was in Delors' cabinet; the number two at the BNP was formerly director of the Treasury; the current head of Aerospatiale was director-general of industry, etc.)

The new position of business is also related to changes in its size and organization. Because over the course of the eighties French firms have consolidated, concentrated, and expanded worldwide in response to the challenge of European competition (in 1990 alone the French spent $12 billion in the United States of an overall $30 billion),[64] they are no longer the parochial firms focused on domestic markets and interested in protection above all. Instead, they have become supranational firms for which the EC is their natural interlocutor and other European supranational firms their natural allies. As these supranational relationships develop, they serve to loosen further the ties that bind at the national level.

The Impact on Policy Implementation

In the policy implementation process, business' new position of authority has meant that it has gained increasing independence from government. This has only been helped by the primary effects of European integration. For the more French governments have relinquished the policy instruments that they had in the past used to orient business investment and gain business aquiesence, and the more they opened up the markets and deregulated the economy, the less business has needed government. As business has been increasingly subject to the imperatives of world competition, the constraints of the market, and the demands of technological advancement, it has looked less to government for guidance. And as alternative sources of financing have grown, business has turned less to government for support.

This has been true for public as much as for private enterprises, with both imposing their own strategies on compliant ministries and finding their own sources of financing. Thus, for example, what distinguished the launching of the Airbus A321 the most is less the near abandonment of any directive role by the Ministry of Defense in the face of the superior commercial expertise of the manufacturers than the fact that the manufacturers chose to finance the plane exclusively through the banks, and without any public financing.[65] This is not to say that the Direction Générale d'Armement (DGA) has no role to play any longer, but that its role has become more one of "justifying and accompanying" the strategic policies decided autonomously by the heads of the enteprises themselves.[66]

In fact, although the politics of accommodation, cooptation, and confrontation remain to some extent, their rate of incidence has changed. Businesses, with greater access to policy formulation at the EC level, are much less likely to need the politics of accommodation in the implementation process. Moreover, since the state no longer has the policy instruments and the virtual monopoly over credit that enabled it to "persuade" as it had in the past, cooptation tends much more to be the rule. For public enterprises, moreover, this has been increasingly the case not only for firms in the competitive arena, but also for those in the service area. These had been traditionally subject to great interventionism, with prices often set for political and social rather than technical considerations and with little concern for the impact on the level of investment or indebtedness of the firm. France Telecom (telephone), the EDF (electricity), and GDF (gas), all of which suffered in different ways from this, have relatively recently been reorganized in such a way as to make them less vulnerable to this kind of pressure.[67]

The incidence of confrontation, however, has also increased as a result of the new regulatory nature of policy implementation, although less so for business than for other societal groups with less access to the policy formulation process at the EC level. Because societal interests had come to expect that even if they had little input into policy formulation, they would at least be heard during the implementation process, tensions, in what has always been a more conflictual model than the cooperative one of other EC countries,[68] are likely only to get worse. In the past, where societal interests did not approve of a policy, they were generally more successful at blocking its application than in working with the administration to make it acceptable to all concerned.[69] Now, and until societal interests generally organize themselves to influence policy formulation at the EC level, they are likely to be confronted with decisions which they cannot block. In certain sectors, especially where the EC has imposed a policy decision not to the liking of societal interests, confrontation is more likely to occur because the government has no option other than to implement the decision. The administrative model where making exceptions was the rule by which French civil servants managed to control interests and to promote accommodation has had to make way for the regulatory model, where exceptions are illegitimate. This has been most apparent in the agricultural sector in the context of the GATT talks. Vegetables on the highways and pigs in the street, however, have not been as effective as they have in the past

at gaining anything other than verbal concessions from the French government, because the government is no longer as free to bend, or not, to the pressures of confrontation.

Not that the government hasn't tried to continue in its old ways. In fact, the ministries have sometimes been remiss in implementing EC directives in the manner that the EC regulatory model demands. As one set of commentators put it already in 1988, the French administration, following Tocqueville's maxim, "has not dedicated itself to the consistent implementation of policies."[70] The French government has been chastised by the European court for making countless exceptions to rules that, in the view of the EC, allow none.

The regulatory model, moreover, has complicated life generally for the bureaucracy, since it results in two different systems of law: the old administrative one and the new regulatory one. Thus, the French constitutional scholar Guy Braibant has remarked on the inequities that result, given the two different processes, with different avenues for recourse[71]--a bit like the differences in the United States between cases taken up by the Federal Trade Commission, which go through an administrative law process before any appeal can be made to the courts, and those taken up by the Justice Department which go directly to the judiciary.

French government ministries are not the only ones having difficulty with the regulatory model in the national context. The quasi-independent regulatory bodies that increasingly administer policy is also something quite new for French businesses, and one that they are finding a hard time getting used to. The more arms' length relationship demanded by these bodies often leaves business people even more upset than they had been in the past by the traditional, near symbiotic relationship with the ministries, since at least there they were likely to be able to arrive at some kind of accommodation, if they could not get their way altogether. Thus, for example, the CEO of the privatized television station, TF1, found that the regulatory body set up to monitor television and radio simply substituted increased government regulation for government ownership, and complained that "the regulations have become more and more constraining to the point that they appear edicted to make it impossible for us to function."[72]

The new regulatory model, in short, has upset the traditional model of policy implementation, and in many cases further weakened the traditional business-government relationship. This, together with the primacy of the EC in policy formulation and the new access of business at this level, has ensured that business is more independent from government than it has ever been. Such independence, moreover, has only been enhanced by the third order effects of European integration, which involve the choices that governments have made in seeking the ensure that French business is ready for the competitive challenge of Europe.

Meeting the Challenge of European Competition: Third Order Effects on Government and its Relationship to Business

The third order effects have received the least attention from scholars focused on Europe and its impact, but are probably as important with regard to the changes in government and its relationship to business. These effects are the results of the choices governments have made (or not made) in response to the competitive challenge constituted by the drive toward European integration and by the implementation of EC directives. Such choices encompass not only the industrial policies of the Mitterrand years, but also many of the choices taken by governments from the very beginning of the European Community (i.e., the very decision to join the EC).[73] The most significant choices, however, are the contemporary ones. And although it would be an exaggeration to insist that European integration was <u>the</u> reason for governments' policy choices, it was certainly <u>a</u> reason, and often one of the more compelling ones.

During the Mitterrand years, these choices all involve decisions about the levels of state ownership and control of business necessary to meet European competition, and are embodied in the policies related to nationalization between 1981 and 1986, to privatization between 1986 and 1988, to the ni-ni period of neither nationalization nor privatization between 1988 and 1991 when state-owned firms traded shares in one another, the post ni-ni period when private firms could acquire up to a 49% stake in public ones between 1991 and 1993, and the most recent return to privatization. Their effect has been to ensure that after an initial period of increased state ownership and control through nationalization which better prepared French business to meet the challenge of European competition, French governments under Mitterrand progressively increased public enterprise autonomy in order to put French business on an equal footing with their private European competitors.

Much of the Socialist government's industrial policies of the early eighties can be understood as the response to the problems for French business created by the drive toward European integration. These began primarily in the late sixties with the final removal of all protectionist barriers. This opened French business up to a competition for which it was basically unprepared. French companies soon discovered that they could no longer depend upon producing more; they had to produce more competitively, with better quality goods at lower prices, in order to meet the challenge of foreign manufacturers not only in foreign markets but also in the domestic market.[74] French business, however, was doing little to meet that challenge. From the mid-1970's to 1981, foreign penetration in basic manufactured goods rose from 25 to close to 40 percent. Moreover, while the costs of salaried workers was going up, investment was going down: between 1974 and 1983, the rate of investment fell from 14% of the GDP to 12%. Although some of this can be blamed on external economic constraints such as the oil shocks of 1974 and 1979 and on internal political weaknesses such as the failure of governments to respond forcefully enough with adequate macroeconomic policies, the fault also rests with business.

French businesses in the seventies suffered from three handicaps by comparison with their European competitors: heavier debt loads, insufficient investment and research, and defensive reactions to the economic crisis. French business' level of indebtedness was double that of the Germans (4% of added value by contrast with 2%).[75] Investment also suffered from the high debt load and from business' focus on dividends, while investment in research and development in particular experienced negative growth of -4% per year from 1968 to 1974 and zero growth from 1974 to 1981.[76] In addition, instead of reorienting their efforts toward growth sectors of industry, French governments increasingly focused their efforts on propping up the declining sectors. Finally, because key sectors of industry such as steel were convinced that the problem was conjunctural rather than structural, they had not taken the necessary steps to restructure or streamline operations, or to create diversified industrial groups (as the Germans had done).[77] Instead, the steel industry consistently demanded, and received, subsidies from government to the tune of 100 billion francs in exchange for maintaining employment and not closing outdated plants.

French scholars themselves were relatively late at recognizing the potential effects of this on the economy.[78] The French government even later. Under Giscard d'Estaing, the politique de créneaux, while successful in increasing the international competitiveness of industry leaders in certain sectors or "niches" of the international economy, caused the economy to lose a significant share of its domestic market and to waste a lot of money on products that couldn't sell and on firms that couldn't compete on the international market. In the meantime, it was becoming apparent to businesspeople and economists alike that another kind of strategy, a politique de filières focused on increasing the size of firms while integrating them vertically along lines of production, was the only way to ensure competitiveness.[79]

The Socialists, committed as much to European integration and meeting the challenge of international competition in a market economy as they were to making a break with capitalism (at

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Columbia Revisited:
Interpersonal Communication, Mass Communication and Voting
- Evidence from a Study of West and East German Voters -

by
Rüdiger Schmitt-Beck

Centre for European Social Research
University of Mannheim
D-68131 Mannheim
Germany

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1. Introduction

When voters make up their minds about which party to vote, for they rarely do so in a social vacuum. Rather, they are surrounded by and embedded in complex communicative contexts that expose them to political messages more or less regularly and more or less intensely. For voters, such communicative environments fulfill the important function of mediation. They provide them with links to the distant, complex, and ambiguous world of politics beyond the realm of their direct experience. Insofar as politics becomes an object of the voters´ preception, it is necessarily a mediated experience (Lippmann 1949; Nimmo/Combs 1990).

Two types of communication channels are of predominant importance for the process of political intermediation: the networks of interpersonal communication, linking individual voters to relatives, friends, neighbors or colleagues at the workplace, and the system of mass communication. For electoral research these objects are not new. Almost half a century ago they were central targets of the Columbia School´s seminal studies (Lazarsfeld et al. 1968; Berelson et al. 1954; Katz/Lazarsfeld 1955). However, this research perspective did not lead to a continuing strand of electoral research. Instead, for the ensuing decades this particular area of political sociology has been dominated, on the one hand, by the narrowly individualistic perspectives of the Michigan School, and the Rational Choice approach, which tend analytically to deprive voters of their communicative contexts, and on the other hand -- particularly with respect to European voting behavior -- by the cleavage approach that tends to link the political behavior of individuals directly to social background variables, thereby ignoring the mediating institutions which necessarily intervene between these two dimensions (Knoke 1990: 29-39; Beck 1991: 372).

Certainly it would be inappropriate to propose that the importance of instituions of intermediation has been ignored by electoral research altogether. In particular the effects of mass communication on voting behavior have been studied extensively (Kraus/Davis 1976: 48-109; Schönbach 1987; Ansolabehere et al. 1991). Some, although much less, research has also been devoted to the study of interpersonal communication networks and their meaning for political attitudes and behavior (Sheingold 1973; Knoke 1990: 29-56). Very rarely, however, have researchers engaged in investigations of interpersonal and mass communication simultaneously (Reardon/Rogers 1988).

This one-sidedness of the study of political intermediation processes entails specific shortcomings. Erbring et al. (1980: 18) criticize the tendency of (mass) communication research to view society exclusively as audience of the mass media and to neglect that political orientations may have other sources as well, such as interpersonal communication. When studying effects of the mass media, it should be taken more into account that their audience is not an amorphous ´mass´ of atomized individuals but a society structured by complex networks of many kinds of communication relationships (Chaffee 1972: 114; Schenk 1977: 120; Knoke 1990: 54).

Research on political communication in the networks of everyday interaction, on the other hand, must be aware that as an intermediary institution these are still located very close to the individual and therefore themselves need further links to get into touch with the distant world of politics. In other words, as an intermediary institution they cannot bridge the gap entirely between the micro-level of the individual citizen and the macro-level of the political system. Furthermore, the idea proposed by the Columbia studies that the majority of voters do not get into contact with media messages directly but rather through the mediation of opinion leaders -- i.e., the famous model of the two-step-flow of communication (Lazarsfeld et al. 1968: 151-152) -- no longer seems appropriate. Instead there is reason to believe that today´s ubiquituous media also reach their audiences directly. This, again, has consequences for interpersonal communication: "Interpersonal interaction today takes on a new dimension, growing out of the fact that millions of people can receive the same message at about the same time." (Chaffee 1972: 95-96) Thus, when studying interpersonal communication it seems appropriate not to leave the information flows of mass communication aside.

A more recent conceptualization of interpersonal communication and mass communication argues for a view of their relationship as being reciprocal and partially complementary. "Social communication consists of an ongoing series of transactions between people and the channels that bring them information, not a finite competition between these channels. The traditional concept of a directional ´two-step´ or ´multi-step´ flow fails to capture the cyclical and reciprocal nature of this process. The most likely ´effect´ of communication (...) is further communication." (Chaffee 1986: 76) According to this view, the search of individuals for information starts when the information that they already have at their disposal is ambiguous or contradictory. Additional information in such a situation has the function of a reality test. "When we seek information it is often for corroboration or comparison with prior constructions of reality, and we seek it through those channels that are most accessible to us and are likely to have something additional to say on the subject. Whether these are media or interpersonal channels depends largely on the topic, timing, and immediate accessibility." (Chaffee 1986: 75-76)

However, interpersonal and mass media channels are each characterized by a certain specialization. The strength of the mass media consists primarily in their ability to distribute information about facts and events distant from the individual´s everyday experience, whereas interpersonal communication is particularly effective in transmitting meta-information about this information. While mass communication contributes primarily to the construction of knowledge structures, interpersonal communication supplements this plain knowledge with interpretations. In other words, it helps to attain a sense of its meaning through the addition of opinions and evaluations (Merten 1982: 38).

In the context of the international research project "Comparative National Election Project (CNEP)" an attempt is being made to revive the long neglected research agenda of the Columbia School by studying interpersonal and mass communication simultaneously. Paul Allen Beck (1991) has recently published an analysis of the joint intermediation environments of Ohio voters in the 1988 presidential election. The present paper is an attempt to replicate this study with data on German voters. It compares West and East German voters at the first all-German general election of 2 December 1990.[1] The aim of this study is to investigate two dimensions of the interpersonal and mass media intermediation environments of German voters: the degree to which they are *exposed* to these two types of intermediaries and the *nature of the political messages* which these mediators convey to them.

2. Interpersonal Intermediation Environments

2.1. Exposure

The interpersonal intermediation environments of German voters have been identified empirically as egocentric networks (Pappi 1991; Burt 1984), that is, they were reconstructed according to how they were perceived by the voters themselves. Since it is of interest how political communication fits into voters´ everyday communication with persons of their immediate social surrounding, the networks have been generated by means of a thematically nonspecific name generator. Respondents were asked to name up to four persons with whom they had discussed "important

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1 This paper was written in the context of the project "Comparative Election Study - General Election 1990 in West Germany and East Germany". Principal investigators are Max Kaase (Mannheim), Hans-Dieter Klingemann (Berlin), Manfred Küchler (New York) and Franz Urban Pappi (Mannheim). The project is directed by Rüdiger Schmitt-Beck and Ingo Koßmann (both Mannheim). Also working or involved in the project are Rolf Hackenbroch (Berlin), Rainer Mathes (Frankfurt), Barbara Pfetsch (Mannheim), Peter Schrott (Mannheim), Katrin Voltmer (Berlin), and Bernhard Weßels (Berlin). The analyses presented in this paper are based on data drawn from the first two waves of a three-wave panel survey, based on random samples of the West and East German electorates, respectively. Interviews were conducted from 3 October through 16 November 1990 for the first wave, and from 10 November through 1 December 1990 for the second wave. In the first wave 1340 interviews in West Germany and 692 interviews in East Germany were completed (response rate for West German sample, 68%; for East German sample, 71%). Due to an unusually high panel mortality, in the second wave only 449 interviews in West Germany and 253 interviews in East Germany could be completed (panel mortality for West German sample, 66%; for East German sample, 63%).

matters" during the past six months. In a second step they were asked how frequently they were discussing political matters with these persons. Finally, it was asked whether there existed an additional person with whom they talked about political matters. This question´s aim was to make sure that "weak ties" (Granovetter 1973) of a specifically political character were also included in the egocentric networks.

As Table 1 shows, every sixth West German and every fifth East German did not respond to the network questions. Very few respondents -- 4% in West Germany and 8% in East Germany -- named as many as five discussion partners. On average about two persons were named by both West German and East German voters. The rank order in which network partners were named reflects the density of contacts. It was on average highest with those named first and lowest with those named as fourth or fifth persons. In general, contacts are are more frequent among East Germans than among West Germans, indicating a generally higher density of social contacts in Eastern part of the country. In both regions of Germany contacts with three-fourths of the network partners take place at least once a week, that is, the egocentric networks of all German voters are composed mainly of persons interacting quite regularly with one another. However, fewer West Germans than East Germans talk to their contact persons as often as almost every day (Table 2).

The one exception to this rule, where contact frequencies are substantially higher than average, are the network partners on rank 1 -- these are often spouses (Table 3). Other very important contact partners are relatives, followed by work colleagues, both in East Germany and, somewhat less so, in West Germany. The reverse is true for friends, who are also generally mentioned frequently, but remarkably less so in East Germany than in West Germany. Voluntary associations as well as the neighborhood, on the other hand, seem to be not very important as contexts that stimulate interpersonal exchange.

Regarding politics, East Germans, again, are characterized by denser contact structures (Table 4). Not only do they talk to each other more often -- if they have contact with each other, they also thematize political matters much more often. While many West German voters have quite a number of partners with whom they never discuss politics -- although apparently considerably less so than American voters (Beck 1991: 374; Schenk 1993: 262) --, East Germans do not. At the same time, the various network partners of East Germans differ less with respect to the incidence of political discussions, whereas among West Germans these tend to concentrate more clearly on the additional political communication partners on rank 5, on spouses, and on colleagues (Table 5). Taken together, prior to the first all-German general election of 1990, the everyday life-world of voters in East Germany was much more politicized than that of their West German counterparts. Doubtless this is at least in part a period effect reflecting the revolutionary political and social changes that East Germans had to cope with following the breakdown of the Socialist regime in the former GDR. For lack of comparable data from "normal" times, it is not possible to determine whether in West Germany everyday life in its political dimension simply carried on as normal or whether the rates measured there were also unusally high. The one thing that is clear, however, is that in the "old" Federal Republic, that is, in West Germany, the political turmoil of 1989-1990 did not penetrate everyday life to a comparable depth.

What determines how strongly voters expose themselves or are exposed to political communication in the context of their everyday contacts? The answer to this question differs in part with respect to the type of relationship involved (Table 6).[2] However, there are also variables which influence the intensity of interpersonal political communication in a very general way. Prominent among these is the level of political competence. Voters with high political self-esteem clearly tend to discuss politics more than voters who feel themselves to possess less political

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2 The analysis is based on voters with at least one network person named. Higher scores on independant variables are assigned to higher educated, males, elderly, politically interested, politically competent (factors scores of principal component based on four items about political self-esteem), strongly ideological voters (distance of self-placement from center of left-right-scale), voters of parties in government, voters with high average contact frequencies, and voters with many network partners named.

knowledge. In contrast, with the exception of friendship ties, higher levels of political interest lead only in West Germany to heightened frequencies of political exchange. This can also be attributed to the unique situation in East Germany where political interest in the year of the country's unification was generally very high and therefore varied only little. The West German voters thus correspond to the pattern described by Beck (1991: 375-377) for American voters.

Moreover, voters who generally meet their network partners often talk more about politics with their colleagues. Among West German voters only, high contact densities also enhance political exhange with spouses, neighbors, colleagues, and friends. Remarkably, women still tend to view their husbands as the most important partners for political discussions, whereas men find their partners more often outside the familiy. Here again, German voters reveal the same pattern as American voters. Among West German spouses, in addition, the intensity of political discussions rises with age, and among West German colleagues with higher levels of formal education.

2.2. Political Concordance and Discordance

This section considers the political preferences of everyday communication partners as perceived by the voters. To what kind of political messages are voters exposed when they engage in political discussions with their spouses, relatives, colleagues, or friends? Is interpersonal communication dominated by concordant relationships, that is, do voters interact mostly with persons of the same political persuasion? To what degree are voters confronted through their interpersonal communication with discordant standpoints that contradict their own position?

According to the rule that "like talks to like" (Chaffee 1972: 99), one would expect interpersonal intermediation environments to provide voters more often with support for than with challenges of their own political preferences. Table 7 demonstrates a confirmation of this assumption. Generally the egocentric networks of West and East Germans are dominated by concordant relationships.[3] They function more often as sources of support than of challenges for the voters' political dispositions. However, some important qualifications apply as well. Firstly, the interpersonal intermediation environments of East German voters seem to be less often characterized by concordance and more often by discordance than those of West German voters. Secondly, concordance levels between spouses are by far the highest; in two of three couples both partners intend to vote for the same party. To the degree that voters engage in political exchange beyond the narrow boundaries of their core families, they must cope increasingly with party preferences other than their own. Since such behavior is more characteristic of men than of women, these typically face more political challenges in their personal contacts. Women, on the other hand, should be expected to stick more stably to their political dispositions. In comparison, the concordance levels between discussion partners at the workplace are rather small. In this context, that seems to be almost as important as the core familiy with respect to the frequency of political discussions, voters are confronted relatively often with discordant views.

In order to provide an overall impression of the interpersonal intermediation environments to which German voters are exposed, measures of overall concordance and discordance are required. Therefore two indices have been constructed by dividing, for each voter, the sum of his concordant or discordant relationships to network partners by the sum of all his concordant, discordant, and neutral relationships. A value of 1.0 stands for a fully concordant or discordant interpersonal intermediation environment and a value of 0.0 for an interpersonal intermediation environment without concordant or discordant relationships. Also in the overall analysis, the predominant impression is one of concordance (Graph 1).[4] Again, this applies more to West Germans than to East Germans. Majorities of 38% of voters in West Germany and 31% of those in

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3 In condordant relationships both voter and network partner vote for the same party (as perceived by voter), in discordant relationships the network partner votes for a party other than the one favored by the voter. If voter reports that his network partner is a non-voter or if he does not know about the network partner's vote intention, the relationship is classified as neutral.

4 The analysis is based on voters with at least one concordant, neutral, or discordant network partner.

the East view themselves as communicating exclusively with persons of their own political affiliation. At least one-half concordant are the interpersonal intermediation environments of 62% of West German and 54% of East German voters.

Remarkable, however, is, on the other hand, that about one-quarter of West German voters and one-third of East German voters do not derive political support from their contact networks. Among these voters´ contact partners, no-one shares their party preference. However, this does not necessarily imply that their political orientations are under the pressure of discordant interpersonal communication. Not more than 15% of East German and 7% of West German voters are exposed to fully discordant interpersonal intermediation environments (Graph 2). Roughly one-half of the East German and two-thirds of the West German voters are entirely untroubled by discordant views originating from their personal contact networks.

The analysis of the full interpersonal intermediation environments again demonstrates that in their everyday contacts East German voters are exposed to less concordance and more discordance than West German voters. Probably this observation is attribuTable to the fact that in 1990 the German party system had been only freshly transferred to East German voters. It therefore had not had the time to take root in the electorate of the former GDR as firmly as it is anchored in West German society where it has developed over four decades. Consequently, party loyalties in East Germany showed fewer clear-cut, and cross-cutting loyalties among communication partners were more numerous. Since German voters were more often challenged by discordant points of view and less often buttressed by concordant messages, there was certainly a greater potential for short-term changes in voting intention prior to the election of 1990. One can only speculate whether this constellation is at present still characteristic of the East German electorate.

Under what conditions are interpersonal intermediation environments concordant and under what conditions discordant? Part of the answer to this question relates to the specific opportunity structure of the German party system (Table 8).[5] Voters favoring one of the large parties (CDU/CSU or SPD) have much higher chances of communicating predominantly with persons sharing their preferences than adherents with one of the small parties (see also Pfenning et al. 1989). Ideological voters also interact more with partners of their own position than moderate "middle-of-the-road" voters. While these correlations hold both for West and East German voters, the affiliation with either a party in government or an opposition party makes a difference between them. In West Germany those preferring one of the opposition parties communicate more often with concordant contact persons, whereas in East Germany the same is true for supporters of one the parties of the government coalition. Contrary to a recent finding of a West German sample reported by Schenk (1993: 266), in our study frequent political discussions do not appear to enhance the degree of political congruency between West German network partners, but only that among East Germans.

3. Mass Media Intermediation Environments

3.1. Exposure

Not only do East Germans engage more often than West Germans in discussions with their network partners, but they also expose themselves more intensely to the other important institution of political intermediation, the mass media system (see also Kiefer 1992). Drawing on media system dependency theory (Ball-Rokeach 1985), this pattern also may be interpreted as period effect reflecting the deep social and political changes to which East Germans were subjected during the year of German unification. Roughly three out of four West German, but nine out of ten East

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5 The analysis is based on voters with at least one concordant, neutral, or discordant network partner. Higher scores are assigned to voters of large parties and to voters with high average frequencies of political discussions (other independent variables: see footnote 2). As dependent variable an index is used similar in its logic to the index used by Beck (1991: 387, FN 6), i.e., each concordant relationship is assigned a value of 1, each discordant relationship is assigned a value of -1, and each neutral relationship is assigned a value of 0. Then for each voter all scores are summed.

German voters read a daily newspaper at least occassionally (Table 9). Furthermore, it is remarkable that much fewer East Germans than West Germans rely exclusively on tabloids whose content and style of presentation is better suited to entertainment than to information. Among East German voters 86% as opposed to only 60% among West German voters pay attention to the information supplied by the "serious" regional and national newspapers; as many as 9% in West Germany and 14% in East Germany even read two such newspapers.

Considering exposure in a more detailed way, it is also clear that East Germans use daily newspapers more intensely. Table 10 demonstrates, furthermore, how the usage patterns of tabloids differ from those of the more "serious" press with respect to each type of content. Large majorities of West and even more so of East German readers pay attention to each issue of their newspaper, whereas reading habits of tabloids appear much less regular. Generally, to pay attention to a newspaper does not necessarily imply reception of its political information, and even less so of its political commentaries and editorials. The average frequency with which such types of content are paid attention to are lower than the average frequency of newspaper reading in an unspecific sense. However, once again East Germans appear to be more attentive to any type of political content of newspapers.

Regarding the second mass media institution of interest in this study, television, it is obvious that this is the political mediator with the broadest reach. Remembering that television is a ubiquituous medium that reaches almost every German household -- with only 3% of West Germans and 1% of East Germans in our samples not owning television sets the actual penetration rates of television are only slightly overestimated -- one can conclude from Table 11 that only small minorites of German voters manage to avoid television evening news entirely. In contrast to newspapers, to which sizable proportions particularly of the West German electorate do not pay attention, television news reaches almost anybody at least occasionally. This implies that many voters devoting no time to the consumption of daily print media are nonetheless exposed to mass media political intermediation through television. With regard to general usage patterns, East German spectators appear to expose themselves more often to political information than their West German counterparts also regarding television news.

Concerning the usage patterns of the major news programs of German television presented in Table 11, two additional features deserve mention. These are due to specific aspects of Germany´s broadcasting landscape in the year 1990. For one, in West Germany the effects of the "dualization" of the broadcasting system (Schuler-Harms 1992) are quite obvious. Since 1984 Germany´s two public television systems, ARD and ZDF, have had to face the challenge of numerous private, advertising-financed channels, offering mainly entertainment programming of a mass-attraction type. These channels can be received either through subscribing to cable networks, which, however, are concentrated in the more densely populated areas of West Germany, or via private satellite dishes, which have been spreading enormously in both regions of Germany since 1989. The two private channels with the highest ratings, RTLplus and SAT1, have been included in the analysis presented here. In 1990 about 70% of the West German voters could receive at least one of these channels.[6] Within this segment of the television audience most news programs of the public channels lost a portion of their spectators. The news offered by the commercial channels, on the other hand, were obviously not accepted as an equivalent and attracted no regular audience.

Secondly, all East Germans in 1990 still could watch the two channels of the former GDR state television DFF ("Deutscher Fernsehfunk"), which was finally taken off the air by the end of 1991. Traditionally, the two West German public broadcasting systems, ARD and ZDF, had for decades reached large parts of the East German televison audience through intentional overspill (Hesse 1988). Following the breakdown of the Socialist regime by the end of 1989, additional efforts were undertaken to provide all East German television viewers as quickly as possible with the West German public channels in good reception quality. By the time of our study 85% of East German

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6 Although these channels had by 1990 also gained a sizable East German audience through direct satellite-reception, they were not included in the East German part of our study in order not to overload the survey.

voters reported abling to watch one or both of these channels, however not always in satisfying reception quality. As Table 11 demonstrates, the opportunity to watch "Westfernsehen" (West German television) virtually drained DFF´s news programm of its audience.

Finally, with regard to the self-reported attention paid to political reports in newspapers and to television news shows, once again, the pattern of stronger exposure to mass media intermediation environments in East Germany (Table12). Tabloids reveal themselves as a medium not paid particularly strongly attention to for their political content. Aside from tabloids there is a tendency, furthermore, for newspapers to receive more attention than television news in West Germany, whereas the opposite is the case in East Germany.

Among the factors determining the intensity of exposure to mass media political reporting, as measured by its frequency, the variables of age and political interest stand out (Table 13).[7] West and East German voters pay more attention to political content the older they are, and the more they are interested in politics. These correlations apply to television news more strongly than to newspapers. The effect of age reflects at least partly the general character of television, which is a medium that attracts older persons more strongly than the younger (Comstock et al. 1978: 289-309; Kiefer 1992: 149-164). Politically competent voters also tend to expose themselves more often to the political content of the mass media. However, this relationship is clearer for newspaper readers than for television viewers. Newspapers tend to be rather the medium of the politically competent, television news the medium of the politically interested. Finally, paying attention to television news is in West Germany more widespread among voters with lower levels of formal education. It is worth noting that the profile of West German media users comes quite close to that of their American counterparts as described by Beck (1991: 382).

3.2. Political Concordance and Discordance

Normative theories of the mass media often highlight "objective" reporting through truthful representation of plain facts as a basic operating norm and one of the fundamental requirements for the mass media in liberal-democratic political systems (Severin/Tankard 1988: 212-213). Although open endorsements, as in editorials of American newspapers, are not common practice in the German media, there are content analyses that claim to identify partisan biases in the reporting of newspapers (Kepplinger et al. 1989). Furthermore, there is considerable criticism of public broadcasters accusing them of being a playground for party influences (Langenbucher/Lipp 1982). However, to what extent do those exposed to the mass media perceive political reporting as being skewed towards the direction of particular parties?

Regarding newspapers, three principal results stand out (Table 14). Similar to their American counterparts (Beck 1991: 382-384), German voters predominantly do not detect partisan trends in the reporting of the newspapers which they customarily read. The feeling that their newspapers tend to report in an unbalanced way, however, is more widespread among West Germans than among East Germans. Finally, according to the perceptions of newspaper readers, the party profiting primarily from skewed reporting is the leading party in government, the CDU/CSU. 28% of West German and 15% of East German feel that their newspaper favors this party. About one-half as many observe a bias towards the large opposition party SPD, whereas the small parties are rarely found to be supported in the newspapers. Since the German newspaper system is rather decentralized[8], and consumption is spread over hundreds of local papers, more detailed analyses of specific newspapers cannot be presented here.

However, the perceived bias of television programs can be investigated in a more specific way (Table 15). Such biases are observed less often in television than in the print media. The proportion of spectators unable to detect any political bias never drops below 60%. Nonetheless, there are

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7 The analysis is based on voters using at least one medium (coding of independent variables: see footnote 2).

8 More with respect to the number of titles read than that of ownership (Meyn 1992: 88-104): In September 1991, 410 media companies published 1673 local newspaper editions (Schütz 1992: 75).

also some clear differences and trends. Again, as with print media, East German peceptions tend more strongly towards neutrality. However, this does not apply to the two public channels, ARD and ZDF. The aggregate similarity between East German and West German perceptions of these two channels is astounding. In both electorates, twice as many voters feel that the ZDF favors the CDU/CSU than feel that it favors the SPD. The ARD, on the other hand, is seen by roughly equal proportions of the audiences as biased towards the CDU/CSU or towards the SPD. Special cases are the West German commercial channels and the East German DFF. The private entertainment channels are obviously hard to evaluate, and in sum they appear only to very few spectators as biased. Certainly this result reflects at least partially the generally marginal role of politics in the programming of these channels. The East German television DFF continued its transmissions in 1990 with the old staff, but under a new, West German management, and adopting a new, public television philosophy (Faul 1991). As Table 15 indicates, in the view of its spectators it was quite successful -- in fact, much more so than its two West German models -- in matching the ideal of political balance upon which this type of broadcasting is based. Fewer than 10% of the East German voters felt that the DFF's reporting was biased towards one or another party.

When relating voters' party preferences to the partisan orientations which they perceive in the mass media, the regularities that appear are, once again, similar to those identified by Beck (1991: 384) for the American media users. If they perceive indeed that one of the media which they consume is biased in partisan terms, both West German and East German voters feel more often that it is in the direction of a party other than the one which they themselves prefer (Table 16). In other words, if voters do not perceive a particular medium as neutral, they tend to perceive it as discordant than as concordant.[9] This may be interpreted as one more manifestation of the "hostile media phenomen" (Vallone et al. 1985): If we assume that the media actually report in a neutral fashion, partisans tend to perceive them as being opposed to their own point of view, due to a mechanism of negative projection. The one exception where discordant relationships do not outweigh concordant relationships are the commercial channels. However, these are perceived in any case as neutral by nine out of ten viewers, so that there is little room either for concordance or for discordance.

To assess German voters' full mass media intermediation environments, indices of overall concordance and overall discordance have been developed. Following the model of interpersonal intermediation environments, these indices have been constructed by dividing, for each voter, the sum of his concordant or discordant relationships to newspapers read and/or television programs watched by the sum of all his concordant, discordant, and neutral relationships. A value of 1.0 represents a fully concordant or discordant mass media intermediation environment and a value of 0.0 a mass media intermediation environment without concordant or discordant relationships. While the interpersonal intermediation environments of voters in West as well as in East Germany are characterized more or less strongly by concordance, the mass media intermediation environments are rather typified by its absence (Graph 3).[10] Not more than one out of ten West German and one out of twenty East German voters are exposed to media of which at least one-half appear to share their own political standpoint. In contrast, more than 70% of West German voters and more than 80% of East German voters feel that not one of all the media they cusomarily consume reports in a concordant way. Occurrences of discordance, on the other hand, are only slightly less infrequent (Graph 4). No discordance originating in the mass media system is experienced by 57% of West German and by 68% of East German voters. In sum, the mass media are seen as much more neutral political mediators than voters' interpersonal contact networks. However, if a party bias is felt to be present, its direction is challenging rather than supportive.

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9 In condordant relationships the medium (as perceived by voter) favors the party the voter wants to vote for, in discordant relationships if favors another party. If a voter perceives a medium as not being biased towards any particular party, or if he does not know which party a medium favors, the relationship is classified as neutral.

10 The analysis is based on voters using at least one medium.

No more than two variables seem to be of importance with regard to the degree of concordance or discordance of mass media intermediation environments (Table 17).[11] Voters of parties in government feel their mass media intermediation environments more often to be concordant than do voters of oppositional parties. This is due to the dominance of the CDU/CSU that is perceived in the reporting of some of the media. Moreover, in West Germany voters of the large parties derive more support than challenge from their mass media intermediation environments -- a consequence of the fact that voters very rarely feel one of the smaller parties to profit from biased media reporting. Aspects of political competence that are important determinants for the perceptions of American voters do not seem to be of relevance in Germany (Beck 1991: 379-381).

4. Joint Mass Media and Interpersonal Intermediation Environments

4.1. Exposure

The starting point of this paper was the argument that to understand more adequately the functioning of political intermediation, it is necessary to study interpersonal and mass media intermediation environments simultaneously. How do the intensities with which voters expose themselves to the two mediating institutions interact with each other? Do voters tend to specialize by concentrating their communication efforts rather on one of the two mediators while neglecting the information supply offered by the other? Or do voters differ rather with respect to the intensity with which they expose themselves to the two intermediation environments at the same time? For West German voters the answer to these questions is unambiguous: On the dimension of political exposure, interpersonal and mass communication are closely connected (Table 18).[12] Voters strongly inclined to engage in political discussions with the persons they whom they associate in everyday life also pay much greater attention to the information supply offered both by newspapers and by television. Exposure to interpersonal communication and exposure to mass communication on political matters appear in West Germany to be two sides of the same coin.

In East Germany the situation is somewhat different, however. With respect to newspapers there is also a positive correlation, although considerably weaker than in the West. That is, in the new states of the East voters frequently engaging in political discussions also tend somewhat more to pay attention to the political reports of daily newspapers. Television, on the other hand, is a clearly different matter. No relationship is found between the intensity of interpersonal and mass communication with respect to the visual medium. Voters eager to discuss political matters as often as possible do not differ from those tending to avoid such discussions in the strength of their inclination to watch television news shows.

4.2. Political Concordance and Discordance

Finally, we consider the relationship between interpersonal and mass media intermediation environments with respect to the nature of the political messages which they convey to the voters (Table 19).[13] Obviously interpersonal communication is a much more important source of political reassurance through exposure to concordant standpoints than mass communication. Since East Germans tend to perceive their media system as more neutral than West Germans, this applies even more so to East Germans. Discordant messages that challenge existing political dispositions, originate in West Germany more often from the mass media, whereas in East Germany the

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11 The analysis is based on voters using at least one medium. Higher scores are assigned to voters watching frequently television news and to frequent readers of political reports in newspapers (other independent variables: see footnotes 2 and 5). As dependent variable an index is used similar in its logic to the index used by Beck (1991: 387, FN 6), i.e., each concordant relationship is assigned a value of 1, each discordant relationship is assigned a value of -1, and each neutral relationship is assigned a value of 0. Then for each voter all scores are summed.

12 The analysis is based on voters with at least one network partner, using at least one medium.

13 The analysis is based on voters with at least one network partner, using at least one medium. The table is based on the indices described in footnotes 5 and 11 which were trichotomized.

opposite is the case: here it is interpersonal communication that exposes voters more often to discordant positions. On the one hand this difference is due to the fact that the East German society is less clearly aligned along party cleavages than the West German, so that more discordance is transferred through interpersonal communication, and, on the other, to the mostly neutral perceptions of the mass media among East Germans.

In particular, because the media system is predominantly perceived as a neutral mediator, only a small fraction of voters find themselves in the comfortable situation of being subjected exclusively to affirmative messages (9% in West Germany, 6% in East Germany). The modal category of the cross-classification of intermediation environments is represented by voters receiving concordant messages from their everyday contact partners that remain uncontradicted by neutral mass media. This sizable segment of the electorate, some one-third of voters, can be expected to remain rather sTable in its party preferences.

On the other hand, roughly four out of ten voters are confronted with deviating political standpoints in one or another way -- a substantial potential for possible erosions of existing partisan loyalties through communication. Concerning the potential for media influences, it is remarkable that no more than one-half of those voters exposed to discordant mass media intermediation environments are shielded by the "protective cocoons" of concordant egocentric networks. Rarely, however, must voters cope with discordant messages conveyed to them through both interpersonal and mass communication and thus face massive pressure towards changing their own orientations. Roughly only one-tenth of the electorate is characterized by this precarious constellation.

5. Conclusion

The analysis of intermediation environments of West German and East German in the first all-German general election of 1990 reveals a set of regularities that in part matches the observations of Beck (1991) among Ohio voters. If voters expose themselves to interpersonal communication with relatives, friends, colleagues, or other reference persons, they receive predominantly messages that affirm their party preferences. However, the necessity to cope with less concordance and more discordance is greater, the more voters extend the range of their political contacts beyond the "cocoon" of the core family. The mass media, on the other hand, are generally perceived as neutral mediators. If party biases are detected, however, these tend to be discordant rather than concordant. Therefore, if the media are felt to be conveyers of partisan messages, they bear a potential to erode rather than to stabilize existing political orientations.

How do such perceptions of party stances of intermediation environments come about? In interpersonal contact networks one obvious answer is that they are rooted in explicit information exchange: Voters discussing politics may tell each other what party they intend to vote for. However, there is also much room for projection, so that the observations of voters about the partisan characteristics of their communication partners in the first place must be taken as expressions of subjective realities whose match with the partners´ actual political preferences is open to empirical scrutiny (Knoke 1990: 54-55). Investigating the accuracy (McLeod/Chaffee 1972: 61-63) of voters´ perceptions of their reference persons´ positions is in itself an important dimension of the study of political intermediation. Since openly adopting partisan standpoints is not common in the German media, observations of partisan biases in newspapers or television must be based on differing assessment processes. The question of why the leading party in government is so often seen as profiting from unbalanced mass media can perhaps be answered partly by referring to the massive quantitative dominance of the government in the political reporting of the media prior to the election of 1990 (Pfetsch/Schmitt-Beck 1993).

The comparison of West and East German voters demonstrates how deeply politics penetrated the everyday life of the new states´ citizens during the period of social and political upheaval which began in 1989 and will surely continue for many years to come. They engage much more often in political discussions than West Germans, and also refer much more intensely to the mass

media as sources of political information. However, while the intensity with which West Germans expose themselves to interpersonal political communication strongly parallels that of their consumption of the political content of the media, these two dimensions of political communication are less clearly connected in the East German electorate. While the frequency of newspaper use and of political discussions are also, if more weakly, positively correlated, the frequency of watching television news is not related to the incidence of interpersonal communication about politics.

Concerning the nature of the messages to which West and East Germans are exposed through political communication, one observes that in their personal relationships East Germans must cope more often than West Germans with political challenges while receiving less reassurance. In their everyday contacts they come into touch less frequently with concordant views and more commonly with discordant views. Despite partisan affinities towards West German parties, which perhaps even predate the breakdown of the GDR and the transfer of the West German party system (Bluck/Kreikenbom 1991), the new East German electorate is still more characterized by cross-cutting partisan alignments than the West German electorate, where the party system took roots over a period of four decades.

There thus exists a greater potential for political change within the East German electorate than one may expect in the context of the rather sTable West German party system. The mass media in 1990 did not appear as a counterbalancing force. The East German media were perceived by even more voters than the West German media as neutral communicators. However, in view of the fact that the medium perceived as the most neutral by East Germans, the East German broadcaster DFF, has disappeared in the meantime, voters in the East today may, in addition, be confronted with a more partisan media system. Therefore, given the tendency to perceive partisan media as hostile, the higher incidence of discordant exchange at the interpersonal level may be today supplemented with even more discordance originating from the media. Thus, chances for destabilizing electoral dispositions through exposure to intermediation environments may be even more pronounced.

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Table 1: Number of network persons named (row percent)

	None	1 person	2 persons	3 persons	4 persons	5 persons	N
West Germany	16.0	22.7	23.6	18.9	14.7	4.2	1340
East Germany	20.4	15.9	22.1	18.1	15.6	7.9	692

Table 2: Contact frequency by rank order of network persons (column percent)

West Germany	1st person	2nd person	3rd person	4th person	5th person
Almost daily	61.2	35.3	32.7	28.6	29.7
At least once a week	28.0	45.5	46.2	45.3	45.1
At least once a month	8.8	15.9	18.9	24.8	18.7
Less often	2.0	3.3	2.2	1.3	6.6
N	1126	819	493	234	91
East Germany	1st person	2nd person	3rd person	4th person	5th person
Almost daily	68.1	51.7	46.2	42.6	39.3
At least once a week	24.9	35.1	38.9	32.7	35.7
At least once a month	5.8	10.2	11.8	18.5	21.4
Less often	1.3	2.9	3.1	6.2	3.6
N	551	441	288	162	56

Table 3: Type of relationship by rank order of network persons (column percent; multiple responses possible)

West Germany	1st person	2nd person	3rd person	4th person	5th person	At least one appearance in network
Spouse	45.2	6.0	6.9	5.6	2.2	53.9
Relative	15.2	26.4	25.2	23.9	23.1	35.5
Neighbour	5.3	9.0	7.3	6.4	11.0	13.7
Same volunt. association	1.8	3.2	3.7	3.8	4.4	4.5
Colleague	6.7	15.1	11.8	12.4	22.0	19.1
Friend	24.4	34.8	38.3	40.2	29.7	46.9
Other contacts	2.5	6.5	8.3	9.4	9.9	8.1
N	1126	819	493	234	91	1126

East Germany	1st person	2nd person	3rd person	4th person	5th person	At least one appearance in network
Spouse	41.6	5.9	3.8	3.7	5.4	49.6
Relative	17.2	30.8	28.5	27.8	26.8	41.9
Neighbour	6.0	12.0	10.1	9.9	10.7	18.5
Same volunt. association	2.5	3.4	2.8	4.9	3.6	6.4
Colleague	19.4	29.9	37.5	34.0	32.1	43.2
Friend	12.5	17.9	16.3	22.2	25.0	29.4
Other contacts	1.3	1.6	2.4	0.6	1.8	3.1
N	551	441	288	162	56	551

Table 4: Frequency of political discussions by rank order of network persons (column percent)

West Germany	1st person	2nd person	3rd person	4th person	5th person
Almost always	18.2	13.3	14.8	15.4	31.9
Sometimes	47.8	49.6	46.2	47.4	44.0
Seldom	24.0	26.8	29.0	28.6	19.8
Never	9.9	10.2	9.7	8.5	4.4
N	1123	816	492	234	91
East Germany	1st person	2nd person	3rd person	4th person	5th person
Almost always	54.6	48.7	51.0	52.8	50.0
Sometimes	37.6	42.6	38.9	35.4	41.1
Seldom	7.1	7.5	9.4	10.5	7.1
Never	0.7	1.1	0.7	1.2	1.8
N	548	439	288	161	56

Table 5: Frequency of political discussions by type of relationship (column percent)

West Germany	Spouse	Relative	Neighbour	Same vol. association	Colleague	Friend	Other contacts
Almost always	21.0	13.7	6.0	11.8	25.1	15.0	13.2
Sometimes	49.0	47.4	53.3	52.9	50.2	46.4	34.1
Seldom	24.9	24.4	31.4	21.6	22.8	27.7	26.4
Never	4.9	14.5	9.2	13.7	1.9	10.8	26.4
N	603	388	153	51	215	527	91

East Germany	Spouse	Relative	Neighbour	Same vol. association	Colleague	Friend	Other contacts
Almost always	51.9	46.2	45.1	68.6	51.3	53.4	52.9
Sometimes	40.1	43.0	44.1	25.7	41.2	37.2	41.2
Seldom	7.0	9.3	9.8	5.7	7.1	8.7	0.0
Never	0.4	1.5	1.0	0.0	0.4	0.7	5.9
N	270	229	102	35	238	161	17

Table 6: Determinants of the frequency of political discussions by type of relationships (betas)

West Germany	Spouse	Relative	Neighbour	Colleague	Friend
Education	.06	.06	-.07	.18	.00
Gender	-.21	.05	.06	.10	.06
Age	.13	.03	-.07	.06	.12
Pol. interest	.18	.23	.26	.21	.29
Pol. competence	.28	.20	.26	.17	.23
Ideology	-.01	-.00	.09	-.03	.08
Vote for gvt. party	-.03	-.12	.02	.04	.04
Frequency of contacts	.12	.01	.30	.24	.10
Network size	.08	.10	.02	-.02	.14
Adj. R^2	.18	.19	.32	.24	.28
N	396	265	108	155	353
East Germany	Spouse	Relative	Neighbour	Colleague	Friend
Education	-.12	-.13	-.04	.00	.01
Gender	-.22	.06	-.04	-.01	-.11
Age	.00	-.06	-.02	.08	-.06
Pol. interest	.11	.15	.02	.10	.25
Pol. competence	.36	.24	.54	.38	.29
Ideology	.05	.08	-.08	-.10	.01
Vote for gvt. party	.04	-.01	-.01	.02	.02
Frequency of contacts	.04	.12	.04	.21	.03
Network size	-.01	-.09	-.03	-.05	-.03
Adj. R^2	.11	.09	.17	.17	.13
N	181	153	64	165	111

Unterlined betas are significant at the .05 level.

Table 7: Concordance, discordance, und neutrality of perceived vote intentions of network persons by type of relationship (column percent)

West Germany	Spouse	Relative	Neighbour	Same vol. association	Colleague	Friend	Other contacts
Concordant	69.6	56.3	49.6	50.0	49.0	51.8	40.5
Neutral	13.0	17.2	26.5	15.6	23.8	25.1	31.0
Discordant	17.1	26.4	23.9	34.4	27.2	23.1	28.6
N	392	261	113	32	151	342	42
East Germany	Spouse	Relative	Neighbour	Same vol. association	Colleague	Friend	Other contacts
Concordant	64.7	49.4	50.8	55.6	47.3	48.3	36.4
Neutral	10.3	16.0	29.2	14.8	21.0	17.8	27.3
Discordant	25.0	34.6	20.0	29.6	31.7	33.9	36.4
N	184	156	65	27	167	118	11

Table 8: Determinants of concordance and discordance of interpersonal intermediation environments (betas)

	West Germany	*East Germany*
Education	.01	-.02
Gender	.02	-.03
Age	.04	.03
Pol. interest	-.04	.03
Pol. competence	.01	-.02
Ideology	.14	.15
Vote for gvt. party	-.12	.18
Vote for large party	.34	.29
Freq. of pol. discussions	.03	.14
Frequency of contacts	.03	-.01
Adj. R^2	.13	.16
N	656	346

Unterlined betas are significant at the .05 level.

Table 9: Reading newspapers regularly of occassionally (Row percent)

	No news-paper	Only tabloids	1 news-paper	1 news-paper + tabloids	2 news-papers	N
West Germany	26.9	12.7	37.3	13.9	9.2	1340
East Germany	10.0	4.0	40.3	31.8	13.9	692

Table 10: Frequency of reading newspapers and political contents of newspapers by type of newspapers (column percent)

West Germany	Reading newspaper		Reading pol. reports		Reading editorials	
	Newspapers	Tabloids	Newspapers	Tabloids	Newspapers	Tabloids
Never	0.3	0.0	3.6	8.2	9.3	18.8
1 day/week	1.5	1.6	4.8	7.1	10.3	12.2
2 days/week	3.2	9.9	9.8	17.0	13.0	16.0
3 days/week	4.8	10.4	14.2	14.3	12.6	10.5
4 days/week	5.5	9.3	9.8	14.3	9.8	8.3
5 days/week	8.5	17.0	8.6	12.1	8.3	11.6
6 days/week	71.3	45.6	46.3	25.3	35.1	21.5
7 days/week	5.0	6.0	2.9	1.6	1.7	1.1
N	787	182	787	182	786	181
Mean	5.5	4.9	4.5	3.6	3.8	3.0
r	.17**		.17**		.13**	
Tau-B	.17		.15		.11	
East Germany	Reading newspaper		Reading pol. reports		Reading editorials	
	Newspapers	Tabloids	Newspapers	Tabloids	Newspapers	Tabloids
Never	0.0	0.0	1.2	3.3	4.0	13.3
1 day/week	0.7	6.7	1.5	6.7	6.7	10.0
2 days/week	1.5	10.0	4.1	13.3	8.6	13.3
3 days/week	3.1	16.7	8.4	13.3	13.9	6.7
4 days/week	5.1	13.3	7.2	10.0	8.2	13.3
5 days/week	5.1	6.7	7.5	13.3	5.3	10.0
6 days/week	82.2	36.7	68.1	33.3	51.7	30.0
7 days/week	2.2	10.0	1.9	6.7	1.5	3.3
N	584	30	583	30	582	30
Mean	5.7	4.5	5.2	4.3	4.5	3.6
r	.24**		.14**		.09	
Tau-B	.17		.12		.08	

**: P<.001.

Table 12: Intensity of attention paid to political reports in newspapers and to television news (column percent)

	West Germany			*East Germany*		
	News-papers	Tabloids	TV-news	News-papers	Tabloids	TV-news
Very attentive	26.2	13.3	23.6	34.3	26.7	38.2
Attentive	50.0	46.1	53.5	54.7	33.3	50.0
Less attentive	21.2	35.6	19.6	10.3	36.7	10.6
Not attentive	2.6	5.0	3.4	0.7	3.3	1.2
N	782	180	1255	583	30	670
Tau-B (i)	.15			.10		

(i) Print media only.

Table 11: Frequency of watching news shows by programme reception (co

West. Germany	Tagesschau		Heute		Tagesthemen	
TV reception	Public TV only	Also private TV	Public TV only	Also private TV	Public TV only	pri
Never	4.6	6.2	19.0	21.8	23.6	
1 day/week	6.3	9.0	9.5	15.2	19.6	
2 days/week	14.3	15.7	21.6	21.3	25.9	
3 days/week	17.5	18.7	20.5	16.1	12.8	
4 days/week	16.0	13.1	11.8	9.7	11.2	
5 days/week	10.9	11.3	7.0	5.1	2.7	
6 days/week	16.4	12.8	7.6	6.4	2.1	
7 days/week	13.9	11.2	3.0	4.4	2.1	
N	475	814	473	816	475	
Mean	4.0	3.6	2.6	2.4	1.9	
r	.10**		.06		.01	
Tau-B	.08		.06		.03	

West. Germany	AK am Abend		AK Zwo		Tagesschau	He
TV reception	DFF only	Also West German public TV	DFF only	Also West German public TV	Also ARD	
Never	9.6	27.1	47.0	54.8	7.7	
1 day/week	6.0	14.1	8.4	14.2	5.4	
2 days/week	8.4	15.0	10.8	11.6	9.4	
3 days/week	10.8	11.9	9.6	6.7	11.6	
4 days/week	7.2	8.4	4.8	4.9	10.5	
5 days/week	10.8	5.7	6.0	3.5	12.6	
6 days/week	8.4	5.5	3.6	2.2	13.8	
7 days/week	38.6	12.3	9.6	2.0	29.1	
N	83	595	83	593	588	
Mean	4.6	2.6	2.0	1.2	4.5	
r	.26**		.13**			
Tau-B	.21		.08			

*: P<.01; **: P<.001.

(column percent)

men	Heute-Journal		SAT1-Blick	RTL-aktuell
Also private TV	Public TV only	Also private TV	Also SAT1	Also RTLplus
27.4	22.4	32.1	48.7	42.4
22.5	20.1	22.0	18.3	18.3
20.3	27.1	21.0	14.7	17.5
11.1	14.6	11.2	8.7	11.5
7.3	7.6	6.3	3.9	4.0
4.8	4.4	3.2	1.7	2.1
5.0	3.0	2.5	3.1	2.7
1.6	0.8	1.7	1.0	1.6
813	473	813	716	772
1.9	1.9	1.6	1.2	1.4
.01	.08*			
.03	.09			

Heute	Tages-themen	Heute-Journal
Also ZDF	Also ARD	Also ZDF
16.3	38.9	33.5
9.2	15.4	16.9
12.5	17.6	19.8
13.4	10.8	11.6
10.7	5.8	7.6
9.4	4.3	2.5
7.8	2.7	2.5
20.0	4.6	5.5
553	586	550
3.6	1.7	1.9

Table 13: Determinants of the frequency of exposure to political information of mass media (betas)

	West Germany		*East Germany*	
	Reading pol. reports in newspapers	Watching TV-news	Reading pol. reports in newspapers	Watching TV-news
Education	-.01	-.10	-.01	-.04
Gender	-.01	-.02	.01	-.04
Age	.11	.21	.17	.26
Pol. interest	.13	.25	.17	.17
Pol. competence	.34	.12	.24	.07
Ideology	.00	.02	-.08	-.01
Vote for gvt. party	.05	-.02	.06	-.07
	.19	.13	.13	.09
N	655	828	395	424

Unterlined betas are significant at the .05 level.

Table 14: Perceptions of biased reporting in newspapers (percent; multiple responses possible)

West Germany	
CDU/CSU	28.5
FDP	1.8
SPD	13.4
Greens	0.6
No party favoured	57.5
Don´t know	2.8
N	428
East Germany	
CDU	15.3
FDP	2.3
SPD	7.3
Alliance 90/Greens	1.6
PDS	3.1
No party favoured	77.1
N	262

Tabelle 15: Perceptions of biased reporting in television channels (percent; multiple responses possible)

West Germany	ARD	ZDF	RTLplus	SAT1
CDU/CSU	12.8	21.2	4.6	7.8
FDP	1.1	2.1	0.4	0.5
SPD	11.2	7.1	7.1	4.1
Greens	0.2	0.5	0.8	0.5
Other parties	1.3	0.7	0.4	0.5
No party favoured	68.5	62.9	69.4	69.6
Don´t know	8.2	9.4	20.5	19.3
N	425	426	239	217
East Germany	DFF 1	DFF 2	ARD	ZDF
CDU	4.4	3.7	14.6	22.8
FDP	0.8	1.2	1.9	2.0
SPD	2.8	3.7	13.2	7.0
Alliance 90/Greens	0.4	0.4	-	-
PDS	1.6	1.2	-	-
No party favoured	90.7	89.7	76.4	73.1
Don´t know	2.0	2.4	1.0	1.0
N	248	244	212	197

Table 16: Concordance, discordance, und neutrality of media reporting by medium (column percent)

West Germany	News-papers	ARD	ZDF	RTLplus	SAT1
Concordant	16.4	7.3	10.2	6.1	7.0
Neutral	57.8	76.7	70.1	89.4	87.3
Discordant	25.8	16.0	19.7	4.4	6.0
N	322	313	314	180	158
East Germany	News-papers	DFF 1	DFF 2	ARD	ZDF
Concordant	5.8	1.1	1.2	8.0	10.1
Neutral	73.5	93.5	95.2	77.3	74.8
Discordant	20.6	5.3	3.6	14.7	15.1
N	189	169	166	150	139

Table 17: Determinants of concordance and discordance of mass media intermediation environments (betas)

	West Germany	*East Germany*
Education	-.08	-.01
Gender	.09	-.03
Age	-.09	-.08
Pol. interest	-.05	.09
Pol. competence	.01	-.01
Ideology	-.09	-.01
Vote for gvt. party	.22	.10
Vote for large party	.26	.45
Frequency of reading pol. reports in newspaper	-.06	-.02
Frequency of watching TV-news	-.01	-.03
Adj. R^2	.14	.19
N	306	160

Unterlined betas are significant at the .05 level.

Table 18: Frequencies of paying attention to political information in mass media by frequency of political discussions (row percent)

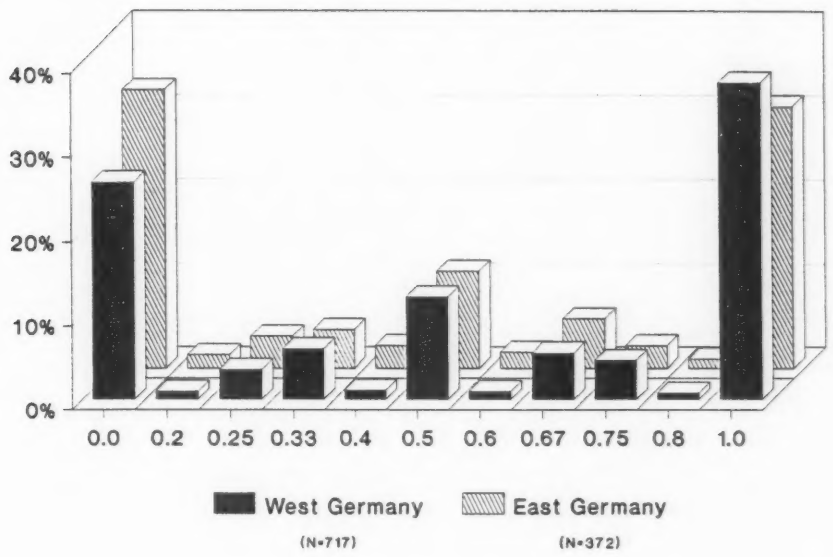
West Germany	Reading newspaper			Watching news		
Political discussions	Below average	Above average	N	Below average	Above average	N
Below average	64.7	35.3	252	61.5	38.5	317
Above average	41.0	59.0	349	40.5	59.5	422
r (i)	.35**			.35**		
Tau-B (i)	.25			.24		
East Germany	Reading newspaper			Watching news		
Political discussions	Below average	Above average	N	Below average	Above average	N
Below average	34.9	65.1	175	48.4	51.6	190
Above average	23.3	76.7	172	51.9	48.1	183
r (i)	.19**			-.02		
Tau-B (i)	.15			..01		

(i) For uncollapsed variables.

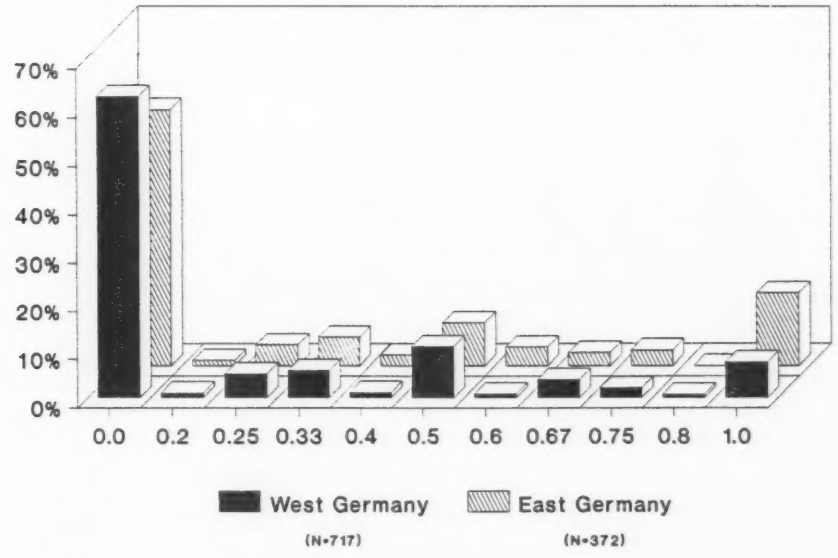
Tabelle 19: Concordance and discordance of overlapping intermediation environments (cell percent)

West Germany	Mass Communication			
Interpersonal Communication	Discordant	Neutral	Concordant	Total
Discordant	10.4	7.6	2.8	20.8
Neutral	6.6	11.8	5.2	23.5
Concordant	15.6	31.1	9.0	55.7
Total	32.5	50.5	17.0	100.0
N	94	146	49	289
East Germany	Mass Communication			
Interpersonal Communication	Discordant	Neutral	Concordant	Total
Discordant	10.2	19.0	2.0	31.3
Neutral	4.1	13.6	2.7	20.4
Concordant	10.2	32.0	6.1	48.3
Total	24.5	64.6	10.9	100.0
N	36	95	16	147

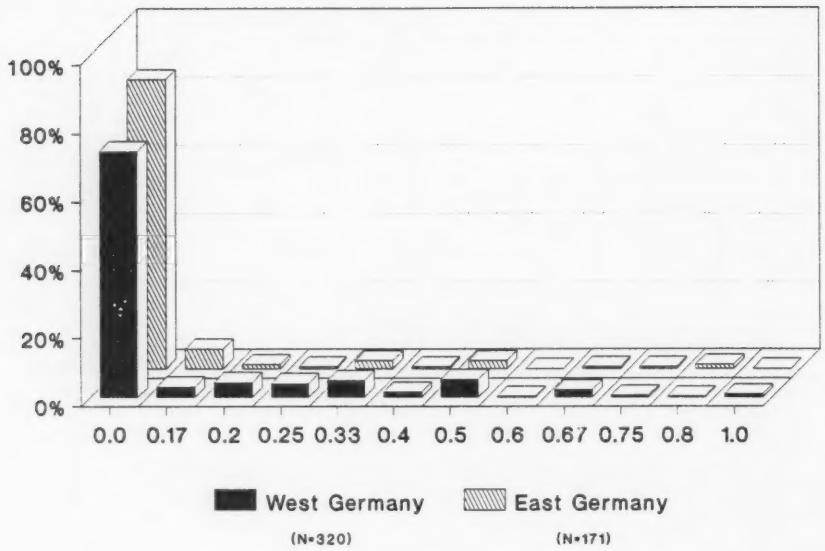
Graph 1:
Overall concordance of interpersonal intermediation environments



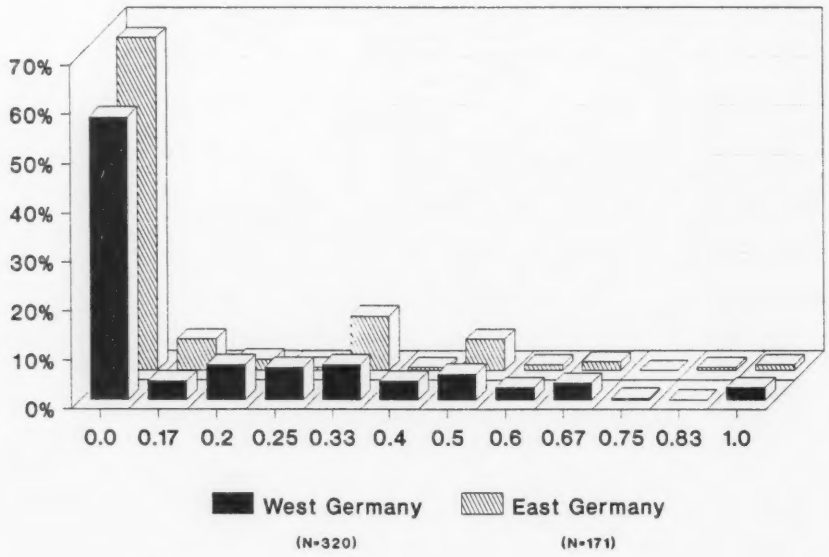
Graph 2:
Overall discordance of interpersonal intermediation environments



Graph 3:
Overall concordance of mass media intermediation environments



Graph 4:
Overall discordance of mass media intermediation environments



PEACE THROUGH INTEGRATION: ASSESSING THE ROLE OF INTERNATIONAL CONSTRAINTS

Gerald Schneider
Graduate Institute of International Studies
11A, Avenue de la Paix
CH-1202 Geneva

Volker Krause
Department of Political Science
University of Michigan
Ann Arbor MI 18109-1045

Email contact:
schneidg@hei.unige.ch
volker.krause@um.cc.umich.edu

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Abstract

This paper evaluates the liberal hypothesis that political integration promotes peace while disintegration has the opposite effect. Conceiving of integration as a costly international commitment, we contrast this explanation with the well-established finding that democracies are less conflict-prone than autocracies. The statistical analysis of 1496 European dyads shows that foreign policy elites have to reckon with both domestic and international decision-making costs. Especially memberships in customs unions constrain governments from using force. Participation in security alliances and disintegration decisions by contrast enhance the likelihood of a conflictual outcome.

I. INTERNATIONAL COMMITMENTS AS A PACIFYING FORCE[1]

In 1866, the idea of political integration endured a severe setback. When the Seven Weeks' War broke out between Prussia and Austria, the links forged between Prussia and the members of the Zollverein were not strong enough to prevent Hanover and the South German states from taking Austria's side. As a consequence, the most ambitious integration project of the 19th century suddenly collapsed.

Like the turbulent period during the first German unification, our epoch is shaped by the seemingly opposing trends of integration and disintegration. While some governments pursue the arduous task of institutionalizing new forms of cooperation, other political entities break up and vanish, all too often accompanied by hatred and violence. The actual nexus between disintegration and militarized conflict apparently confirms an ever popular liberal hypothesis. According to functionalist reasoning, political integration in the form of memberships in international governmental organizations (IGOs) and the unification of states promotes peace. The disintegration of nations and international institutions, by contrast, has allegedly the opposite effect. David Mitrany (1966, 1975) was, of course, one of the first adherents of this "regulatory" or institutional liberalism (Nye 1988). He believed that the continuously growing network of international cooperation might gradually oust the use of military force as a means of interstate interaction. The major proponents of integration research refined the argument and spoke of the emergence of "security communities" (Deutsch 1957) and "supranationalism" (Haas 1958).

Current studies still refer to these traditional concepts, almost exclusively mirroring the Western European experience since World War II. As a consequence of this limited focus, no rigorous empirical test covering an extended temporal and spatial domain supports at present the assertion that integration and disintegration have contrasting impacts on the probability of militarized conflict. The present study tries to close this gap. Drawing on recent formal models (Bueno de Mesquita and Lalman 1992, Lake 1992, Wittman 1991), we conceive of integration as a costly international commitment that constrains governments in a way similar to democratic institutions (Morgan and Campbell 1991, Morgan and Schwebach 1992). In other words, leaders who consider employing military force must take into account negative reactions by their "partners" in a security alliance or a customs union. The threat of international punishment softens aggressive tendencies as long as war participation by one member harms the interests of other members. This perspective challenges the classic approaches which are largely non-institutional (Scharpf 1988). Typically, tradtional examinations stress the importance of societal, systemic or functionalist factors to account for the effect of political integration.

Focusing on the period between 1816 and 1980, this paper evaluates the liberal proposition statistically. Since we control for democracy and major power status, our analysis particularly allows us to show whether domestic or international constraints are more important. The multivariate logit models establish that political integration is an important decision making constraint, but only in certain areas of interaction. While cooperation in the form of costums union membership has an independent pacifying effect, participation in security alliances does not reduce the likelihood of a conflictual outcome. Exits from key IGOs also enhance the probability of a conflictual outcome.

We organize the article in the following way: The second section reviews the theoretical literature from which we deduce four hypotheses. The third section is an outline of the research design. We present the results in the fourth section. Possible extensions of our work and its theoretical and political implications are discussed in the conclusion.

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[1] A first version of this paper has been presented at the Universities of Michigan and Florida, at the Graduate Institute of International Studies, and at the 1993 Annual Convention of the International Studies Association in Acapulco. We would like to thank Lars-Erik Cederman, Gary Goertz, Kathleen Horohoe, Simon Hug, Arie M. Kacowicz, David Singer, and Patricia Weitsman for helpful comments. Gerald Schneider gratefully acknowledges research support by the Swiss National Science Foundation (Grant No. 8210-030615).

II. THE THEORETICAL DEBATE

2.1. Early empirical studies

The impact of political integration and disintegration on the likelihood of armed conflict has been a neglected topic during the last two decades. This is in contrast to the scrutiny other liberal arguments have received, such as the interfaces between war and democracy (e.g. Bueno de Mesquita and Lalman 1992:145-177) or between trade and militarized violence (e.g. Domke 1988). There are at least two reasons why peace research did not pay much attention to the effects of formal integration. One of them is the inability of neo-functionalism to account for integration failure (Schneider and Cederman n.d.). This became already apparent in the 1970s (Haas 1975). A second source is the revival of realism which began to dominate the research agenda at the same time (Wayman and Diehl 1993).

This negligence is surprising, given the policy relevance of the integration hypothesis. Especially since the foundation of the European Community, politicians refer to integration as a guarantee of peace. Praising the proposed European Coal and Steel Community, Robert Schuman made the most lasting remark: "The solidarity in production ... will manifest that war between France and Germany not only becomes unthinkable, but physically impossible" (quoted in Poidevin 1988:195). Four decades later, French politicians used the "peace through integration"-argument to garner support for the Maastricht treaty.

This conviction was also popular among major proponents of integration research such as Deutsch, Haas and Mitrany. Two related hypotheses can be derived from their writings. The first postulate describes consequences of integration beyond the framework of a specific organization. The second conjecture is in line with Schuman's vision. It supposes that common institutions and increased communication mainly pacify the interactions among the members of an IGO. To distinguish the two arguments, our analysis speaks of *external* and *internal* effects of integration.

The conjecture about the external consequences of integration draws on the functionalist argument (Mitrany 1975:266) that the IGO system circumvents ideological and racial divisions as well as territorial frontiers. The growth in the number of IGOs and of IGO-memberships should thus exert a pacifying effect on the global system[2]. Notwithstanding the hopes of Mitrany and his followers, an early quantitative evaluation of this hypothesis led to a discouraging result. Singer and Wallace (1970:540) showed that the "amount of IGO has almost no effect on the amount of war which the system experiences." On the contrary, the creation of IGOs reaches its peak exactly when periods with high amounts of war end and people start trusting international institutions again.

While defining different notions of integration, Deutsch and his collaborators (1957:5) described the internal consequences as follows: "A security community ... is one in which there is real assurance that the members of that community will not fight each other physically, but will settle their disputes in some other way." Yet, in an indirect assessment of this hypothesis, Russett (1967:198) concluded that similar patterns of institutional membership and other forms of integration do not reduce the likelihood of war between two countries[3]. There is no statistical, but much anecdotal evidence for the related conjecture that disintegration ("unsuccessful integration") is a process which eventually ends in secession or civil war (Deutsch et al. 1957:5).

It should be noted that the rejections of the liberal integration hypotheses are theoretically and methodologically very much tied to the epoch during which they were written. As Singer and Wallace (1970:540-542) recognize themselves, a general indicator combining all IGOs is not discriminatory

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[2] A topic which will not be evaluated within this paper is conflict management by IGOs.

[3] Russett analyzed pairs of countries which have been engaged in militarized conflicts resulting in over 100 battle-related fatalities from 1946 until 1965. The results with other explanatory variables (geographic proximity, economic interdependence, socio-cultural similarity and similarity of UN voting behavior) were alike.

enough. A second limitation is that both studies only test bivariate relationships. Finally, Singer and Wallace (1970) exclusively account for the influence of systemic variables.

2.2. Definition of integration and disintegration

The present paper uses less general indicators and applies a mixed research design, combining a longitudinal and a cross-sectional perspective. To make the notions of integration and disintegration comparable, we conceive of them as opposite events. Integration is accordingly linked to the decisions to join a core IGO or to merge completely with another state. Disintegration represents the other side of the coin, namely the dissolution of states or the exit from important international institutions. The paper furthermore distinguishes complete and limited forms of integration and disintegration. This distinction reflects the categorization by Deutsch et al. (1957) who spoke of "amalgamated" and "pluralistic" security communities. The unification and decomposition of a state are complete forms of integration; to join or to leave an IGO represent their counterparts with a limited scope.

From the viewpoint of a national decision-maker, international restrictions mainly result from the decision to cooperate regionally. In line with the idea of the loss-of-strength gradient (Boulding 1962), the influence of international obligations thus diminishes with geographical distance. In this study, we only focus on the responsibilities due to memberships in customs unions or security alliances. Participation in such core institutions diminishes state sovereignty in two highly sensitive domains, trade and security policy. In contrast to free-trade areas, customs unions oblige member states to accept one common external tariff against other nations (Viner 1961 [1950]). As the formal coordination of security policies also leads to a considerable loss of discretion, alliances create comparable commitments (Kegley and Raymond 1990). Both kinds of organizations are typically unanimity-ruled, yielding the small member nations a disproportional amount of power and creating collective action problems. As Viner (1961 [1950]:84-85) observes, free-riding was already present in the 19th century customs union: "...Prussia was obliged to share authority in the Zollverein on a substantially equal basis with at least most of the other non-enclave members, so that on major questions of tariff revision and administration Prussia with its 17'000'000 population and, for example, Brunswick, with 200'000 population, had, at least contractually, equal authority."

Since we only examine two types of IGOs, this study distinguishes between six different forms of political integration and disintegration. Table 1 summarizes these definitions.

Table 1: *Definitions of different forms of political integration and disintegration*

TYPE OF INTEGRATION	DEFINITION
Complete integration	Merger of states
Limited economic integration	Entry into customs union
Limited security integration	Entry into alliance
Limited security disintegration	Exit from alliance
Limited Economic disintegration	Exit from customs union
Complete disintegration	Dissolution of state

Mainly limited integration and disintegration are important for our question of research. This restriction is due to a common trait of complete disintegration and integration which both lead to the creation of

new states. Since such entities only gradually grow into the framework of international institutions, they might have a higher tendency to engage in militarized conflicts (Jacobson, Reisinger and Mathers 1986). According to this reasoning, it is more the age of a nation than the way this state was established that accounts for its conflict-proneness. Complete integration enhances also the capabilities which are necessary to be successful in a militarized dispute. It has simultaneously to be acknowledged that complete disintegration is more likely to create enduring rivalries than complete integration. Despite this difference, there are, however, no compelling reasons to assume that complete integration pacifies a state as long as the merger of states does not lead into the establishment of an effective global government.

2.3. Derivation of hypotheses

Both international constraints and norms might provide explanations of why limited integration might promote peace. Integration could, on the one hand, foster the evolution of a set of values and principles about how states ought to conduct their interactions. International institutions, on the other hand, possibly limit the latitude of a government so much that it cannot use armed force in an interstate dispute. This second argument is similar to the reasoning that domestic decision-making constraints influence the likelihood of war (Bueno de Mesquita and Lalman 1992, Morgan and Campbell 1991, Morgan and Schwebach 1992).

This study only evaluates the importance of international institutions, to a large extent because it is difficult to separate structural from normative explanations[4]. Our institutionalist perspective starts with the finding of the neoclassical theory of the state that integration lowers interstate transaction costs (North 1981). In a recent contribution, Wittman (1991:129) develops this basic insight further to explain the relationship between integration, disintegration and militarized conflict. He observes that improved international organization reduces both interstate transaction costs and the threat of war. As intrastate transaction costs simultaneously grow, the size of states diminishes. Similarly, Lake (1992) argues that the costs to control state rent-seeking are higher in autocracies than in democracies. This should lead to a more expansionist and conflictual policy by the former type of regime.

We adopt a pluralist conception of the state and perceive governments as the crucial actors in foreign policy-making (Schneider 1993, Schneider and Cederman n.d). The second important assumption is that both domestic and international constraints influence a regime[5]. Domestically, governments gain or lose support when opting for a specific position. Depending upon the degree of democratization, they have to take into account the attitudes of their own constituents. As long as integration promises welfare gains, some interest groups might wish to deepen the permanent links with other states. Internationally, governments have to reckon with reactions from other states if their sovereignty is permanently limited through the membership to core international communities. Fearing the negative effects international violence might bear on their own country, leaders punish a government pursuing a defiant course in an interstate crisis.

We summarize this argument in the first hypothesis.

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[4] Axelrod's (1986) evolutionary approach to norms shows for instance that institutional and normative explanations are not mutually exclusive. Because sanctioning is the crucial evolutionary mechanism, norms cannot evolve without some minimal institutional framework in his analysis. The option to use retaliatory force and therefore the threat to punish aggression may also support other norms (Bueno de Mesquita and Lalman 1992, chapt. 4) unless the "dovishness" of all parties is common knowledge. For a general discussion of norms see chapters 10 and 11 in Coleman (1990).

[5] In a recent essay, Starr (1992) attributes the emergence of security communities solely to the pacifying effects of the democratic norm of dovishness.

Hypothesis 1:
States which are members of a costums union or a military alliance are less likely to employ force in their interactions with another nation.

Nevertheless, there are some reasons to suspect that the link between integration and the likelihood of armed conflict is more complex. The first one is the distinction between internal and external effects of integration. We assume that members of international communities rarely use militarized force against each other. By contrast, the reluctance to engage in armed violence should be smaller in a confrontation with an internationally uncommitted state. This study accordingly distinguishes between *integrated* dyads (both states belong to an international organization) and *nonintegrated* dyads (at least one state is not a member of an international organization). Cases where both states belong to the same institution represent a subset of the integrated dyads.

We derive our second hypothesis from the far from trivial finding that democracies rarely fight each other, but often use military force in conflicts with non-democracies. According to the game-theoretic model by Bueno de Mesquita and Lalman (1992:145-177), this divergence results from the lack of confidence democratic governments have when they face an authoritarian counterpart. This uncertainty drives them into launching preemptive attacks against presumed aggressors. If both sides are democracies by contrast, they can be almost completely sure that the other side is a dove because of the costs the use of force incurs domestically.

International commitments should have the same effect, at least as long as they urge a government to share power with other leaders to a considerable extent. Based on the analogy to domestic cost, a second hypothesis is put forward:

Hypothesis 2:
Two internationally committed governments are less likely to use military force against each other than dyads with at least one internationally uncommitted state member.

Important policy shifts by a government require the tacit or formal consent provided by the IGO to which a state belongs. Shortcuts to the enterprise of building such a broad consensus are costly for members of core institutions. Bypasses can be accomplished if a government liberates itself from possible international pressure and abrogates its obligations. Breaking out of an international community signals that a state no longer cares about former commitments.

This leads to a third hypothesis which construes a relationship between disintegration decisions and the likelihood of a conflictual outcome. This conjecture allows us to test whether disintegration and integration have opposite effects.

Hypothesis 3:
States which have undergone limited disintegration are more likely to experience a conflictual outcome than other states.

It has to be acknowledged that both customs unions and alliances are no perfect safeguards. The 1866 breakdown of the Zollverein is an illustration of this imperfection of the former type of organization. With regard to alliances, Sabrosky (1980) showed that states often break their commitments and use force against their presumed partners. A more recent examination evinced a curvilinear relationship between the degree to which such "norms" were considered binding and the amount of war in the state

system (Kegley and Raymond 1990:226-232).

However, the effects of integration and disintegration on the likelihood of reciprocated armed conflict seem to differ from one policy domain to another. It seems feasible to assume that memberships in a regional economic IGO confine governments more than those in a security community. This supposed divergence derives from one of the very justifications to build up alliances, namely the use of force.

Hypothesis 4:
Members of formal alliances are more likely to engage in a militarized conflict than members of a customs union.

2.4. Other potential causes

Outside of the sphere of integration and disintegration, other potential factors might influence governments in their decision whether to use militarized force in an interstate crisis. In our analysis, we control the effects of democracy and power status.

The inclusion of a variable distinguishing between democratic and non-democratic regimes enables us to assess whether domestic or international costs are more important as moderating sources. The related empirical tests should accordingly evince whether the Waltzian "second image" or the "second image reversed" (Gourevitch 1978) is more important for the problem under consideration. As the literature on the primacy of either national or international sources of foreign policymaking is mainly speculative, there is no general evidence supporting either of the propositions (Schneider 1993). To compare the influence of domestic decision-making structures and international commitments requires that the predictor variables are not identical. Such a juxtaposition seems possible because not all integrated states are democracies.

The second control variable permits us to evaluate whether the status of a nation outweighs either domestic or international decision-making costs. We assume that major powers with their far-flung interests have the possibility to disregard international pressure.

III. RESEARCH DESIGN

3.1. Temporal and spatial domain

Our theoretical argument suggests that political integration lowers the likelihood of a conflictual outcome. Disintegration on the other hand should enhance the propensity of a state to use force. We test the integration hypotheses and the conflicting propositions within the customary temporal domain of the Correlates of War project, beginning in 1816 and ending in 1980. The spatial domain is limited to integration and disintegration between members of the interstate system. There are two main reasons why the cross-sectional analysis only refers to European dyads[6]. First, the idea of political integration has been most prominent in Europe. Second, the data collection for one continent alone is very costly.

[6] Our coding rules for the inclusion of a state in the data set are identical with the decisions by Bueno de Mesquita and Lalman (1992). The Ottoman Empire and Turkey as its successor state are thus members of the European system throughout the whole period under consideration, the United States since its engagement in World War I following the sinking of the Lusitania in 1916.

3.2. Methods of data analysis

The analysis proceeds in two steps. Before testing our hypotheses, we first describe the occurrence of armed conflict and integration and disintegration decisions. In this descriptive section, all variables are aggregated at the system level. This coding rule is based on the substantial problem of choices in disputes involving more than two states often not being independent (Bueno de Mesquita and Lalman 1992:281-282).

In accordance with Bueno de Mesquita and Lalman (1992), we test our hypotheses on the population of both nondisputing and disputing dyads. The inclusion of randomly selected pairs of nondisputing states allows us to account for the decision of a government to respect the status quo in its relations with another administration (for a discussion of this research strategy, see Achen 1993). The analysis includes 555 instances where two European states were engaged in a militarized dispute with each other. In addition to disputing dyads, we randomly selected 941 cases of nondisputing dyads. This sample represent the population of more than 90'000 nondisputing events. The combined data set of events and nonevents thus consists of 1496 cases. We call the state which takes the first step "nation A" or "initiator." The second-moving state is referred to as "nation B" or "target."

3.3. Definition of the outcome variable

The outcome variable is dichotomous. It contrasts conflictual and peaceful outcomes of dyadic interactions. We code all instances as 0 where the members of a dyad accepted the status quo in a given year or reached a negotiated outcome after one state issued an initial demand. The classification 1 pertains to cases where one side violated the status quo and no peaceful settlement was possible.[7] The source is an updated version of the Militarized Interstate Dispute data set[8].

3.4. Definition of predictor variables:

Limited security integration: To test the first hypothesis, we code whether a state is a member of a core institution or not. A state is considered to be integrated in the realm of security policy if it belongs to a formal alliance. Data are taken from an update of the Correlates of War formal alliance data set covering the period from 1816 to the present (see Small and Singer, 1969, for a description of the original alliance data set).

Limited economic integration: We used data partly from the IGO data set (Wallace and Singer 1970) to determine whether a nation makes part of a customs union. Since this data set does not include the German and Austrian Zollverein of the 19th century[9], we had to resort to diplomatic histories (e.g.

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[7] The categories refer to the outcomes of the International Interaction Game (Bueno de Mesquita and Lalman 1992) which are operationalized according to a six-point scale describing the actions of the initiator and the target nation in their relationship with each other. The outcomes represent combinations of the levels which nation A and B reach in their interactions with the other side. *BIGWAR* requires that the battle related fatalities of both sides amount to more than 1000 deaths (level 5 for nation A and B). *All wars* includes instances where both sides use some military force (at least level 4 for A and B). *Capitulation* occurs when one side does not reciprocate the use of force by the other nation. Capitulation by B (A) thus requests level 4 or 5 by A (B) and less than level 4 by B (A). *Acquiescence* describes situations where one state does not respond reciprocally to a level 2 or level 3 action by the other nation. Level 2 steps are demands with no subsequent actions whereas level 3 moves require that one side threatens the other. Level 1 finally stands for cases where the target does not respond to the escalatory moves by the other state. *Negotiations* occur when levels are equal, larger than 0 and smaller than 4. *Status quo* stands for the non-disputes where both states choose level 0.

[8] For a description of the coding rules see Jones (1991).

[9] The 19th century prototype of a customs union did not fulfill all criteria which were valid in this data set. To qualify as an IGO (see Wallace and Singer 1970), an organization must (i) consist of at least two system members, (ii) hold plenary

Henderson 1984) and a treaties collection in the appendix of Viner (1961 [1950]) to assess the memberships during this period. In addition to the early Austrian and German customs unions, we also include the European Community, the BENELUX and its 1921 predecessor convention between Luxembourg and Belgium.

Limited security disintegration: Disintegration only counts as a signal to other states when the related actions do not lie further back than five years. We compare the results received with this indicator with two operational codes looking at time spans of ten and one years respectively. The data source is the alliance data set.

Limited economic disintegration: A state undertook a limited disintegration decision when it left a customs union within the last five years. Alternative indicators again refer to temporal frames of one and ten years. The data are derived from the same source that is used for the integration variable.

Democracy: To determine whether a state is a liberal democracy we rely on the list of liberal democracies by Doyle (1986).

Power status: The power codification of the Correlates of War project (Small and Singer, 1982) establishes whether a state is a great power. Within the temporal domain of this study, the following nations states qualify as major European powers: United States (1916-1980); United Kingdom (1816-1980); France (1816-1940; 1945-1980); Germany (1816-1918, 1925-1945); Austria-Hungary (1816-1918); Italy (1860-1943); Soviet Union/Russia (1816-1917, 1922-1980).

IV. THE IMPACT OF INTERNATIONAL CONSTRAINTS

Integration and disintegration in the global system: Before delving into the statistical tests, we intend to describe how much the different forms of integration and disintegration changed over time. Event counts show that the growth in the number of the related decisions has been far from uniform during the time under consideration. Geographically, however, integration and disintegration has been largely a European phenomenon in the period under examination.

This is especially the case for complete integration and disintegration[10]. Eleven of the thirteen unifications which took place globally between 1816 and 1980 are related to the integration of Italy and Germany. The 35 disintegration cases are more evenly distributed over the whole period. This form of territorial change was most frequent in 1918 when nine entities separated from larger units.

The link between systemic change, disintegration and integration is also obvious in the realm of security cooperation. The interstate system experienced higher numbers of both exits from and entries into alliances before and after the two World Wars as well as in the most significant period of decolonization in the early 1960s. Economic integration is not so closely linked to the occurrence of systemic changes. Some realignment in the customs union system took place during the first half of the 19th century when the organization led by Prussia grew at the expense of some other unions or when this regional hegemon went to war against other German states (Seven Weeks' War).

Conflict as a function of integration type: The statistical analysis is directed towards disputing and nondisputing European dyads. Of these 1496 pairs of nations, 941 are nonevents, representing the decision to live with the status quo. 69 of the 555 disputes ended in negotiations.

Security integration is more frequent than economic integration. Of the 1496 initiating states, 944

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sessions at least each decade (iii) establish a permanent headquarter arrangement, (iv) have been created by a formal instrument of agreement between governments of national states, (v) select its own membership and (vi) be serviced by administratively distinct secretariat personnel.

[10] Data are taken from the collection of territorial changes by Goertz and Diehl (1992). Instances of complete integration and disintegration correspond to their categories of unification and secession respectively.

belonged to a formal security alliance. By contrast, 166 were members of a customs union. While 871 of the second-moving nations had committed themselves to other states militarily, only 149 conformed permanently to the rules of a customs union. 572 initiators and 597 targets were democracies. 545 of the former type of states qualified as major powers. Only 413 target nations belonged to the same category.

To assess the impact of different forms of integration and disintegration, we first conducted different bivariate tests. Table 2 shows the likelihood of certain dyads experiencing militarized interactions as a function of different types of integration.

Table 2: *Likelihood of a conflictual outcome as a function of integration dyad type (bivariate logi regressions, N=1496)*

Predictor variables	**n**	**Parameter**	**Likelihood**	**Constant**	**Loglikelihood**
No alliance members in dyad	272	-0.40** (0.15)	0.67	-0.66** (0.06)	1879.27
One alliance member in dyad	633	-0.10 (0.11)	0.91	-0.69** (0.07)	1885.68
Both states alliance members	591	0.33** (0.11)	1.39	-0.87** (0.07)	1877.83
Member of same alliance	219	0.26 (0.15)	1.29	-0.77** (0.06)	1883.59
No customs union member	1043	0.63** (0.13)	1.88	-1.19** (0.11)	1861.07
One customs union member	358	-0.60** (0.14)	0.55	-0.60** (0.06)	1867.03
Both states c. u. members	95	-0.44 (0.25)	0.65	-0.44** (0.06)	1883.08
Member of same customs union	50	-0.81* (0.37)	0.45	-0.71** (0.06)	1880.93

Note: The outcome variable takes the value 1 if a dyad experienced a conflictual outcome in a given year. Standard errors are given in parentheses. The likelihood of the parameter expresses the odds of a conflictual outcome following a change of integration type.
* p<.05.
** p<.01.

The logit regression reported above confirm - generally speaking - the first hypothesis. Limited integration thus lowers the likelihood of a conflictual outcome. On the other hand, the effects of limited security integration and limited economic integration are inverse. This is in line with our fourth proposition although we did not expect that security cooperation is linked to an increased probability of conflictual outcomes. Not even dyads which belong to the same alliance have a significantly reduced

level of conflict. It should be noted that this surprising finding is largely due to the recurrent conflicts between the two NATO members Turkey and Greece. Economically integrated dyads where both states belong to a customs union are equally not more likely to settle for negotiations or the status quo in a given year than dyads where only one state was a member of this type of organization. In contrast to the second hypothesis, the distinction between integrated and nonintegrated dyads does thus not matter much.

To test the disintegration proposition (hypothesis 3), we conducted the same kind of analysis. Table 3 provides these results. Since economic disintegration decisions are a rare event, we only distinguished whether a dyad member left a customs union.

Table 3: *Likelihood of a conflictual outcome as a function of disintegration dyad type (bivariate logit regressions, N=1496)*

Predictor variables	**n**	**Parameter**	**Likelihood**	**Constant**	**Loglikelihood**
Both states left alliance	167	1.24** (0.17)	3.44	-0.89** (0.06)	1831.58
One state left alliance	509	0.67** (0.11)	1.96	-0.98** (0.07)	1952.20
One state left costums union	19	0.74** (0.64)	2.10	-1.46* (0.64)	1884.87

Note: The outcome variable takes the value 1 if a dyad experienced a conflictual outcome in a given year. Standard errors are given in parentheses. The likelihood of the parameter expresses the odds of a conflictual outcome following a change of integration type.

* p<.05.

** p<.01.

Table 3 suggests that political disintegration in the form of exits from core IGOs enhances the likelihood of a conflictual outcome. To leave an international organization is thus at least in the domain of security policy a sign that a states does not care about international commitments anymore. It has to be acknowledged that the impact of disintegration might be due to latent factors. Governments which consider to employ force are thus likely to change alliances. In other words, security disintegration might be an almost necessary sideeffect of growing tensions. Exits from customs union have been so rare in Europe that no reliable test could be undertaken.

The relative impact of political integration: In order to control the robustness of our findings, multivariate logit regressions were undertaken. Table 4 reports the relative importance of limited integration, democracy and major power status in three equations. In the first equation, we only assess the influence of alliance membership by the initiator or the target. These two variables take the value of 1 if nation A or nation B respectively belonged to a formal alliance. Defining the economic integration variables in the same way, the second equation accounts for participation in customs unions. The third equation, finally, summarizes the impact of the two pairs of predictor variables.

Table 4: *Logit analysis of the impact of limited economic and security integration on the likelihood of a conflictual outcome*

Predictor variables	***Security integration***	***Economic integration***	***Both types of integration***
Alliance member$_A$	0.32*	-	0.45**
	(0.14)		(0.14)
Alliance member$_B$	-0.26	-	-0.21
	(0.14)		(0.14)
Customs union member$_A$	-	-0.95**	-1.11**
		(0.26)	(0.26)
Customs union member$_B$	-	-0.83**	-0.70**
		(0.26)	(0.27)
Democracy$_A$	-0.46**	-0.52**	-0.46**
	(0.13)	(0.13)	(0.13)
DemocracyB	-0.39**	-0.33**	-0.40**
	(0.13)	(0.13)	(0.13)
Major power$_A$	1.77**	1.81**	1.67**
	(0.13)	(0.13)	(0.13)
Major power$_B$	0.54**	0.38**	0.48**
	(0.15)	(0.14)	(0.15)
Constant	-1.38**	-1.15**	-1.28**
	(0.15)	(0.11)	(0.14)
Log-likelihood	1614.50	1590.58	1580.36
N	1496	1496	1496

Note: The outcome variable takes the value 1 if a dyad experienced a conflictual outcome in a given year. Standard errors are given in parentheses.
* p<.05.
** p<.01.

The first important finding is that the effects of limited economic integration are still negative and significant. Members of customs union are thus more likely to settle for negotiations or the status quo in the interactions with another state after the effects of power status and domestic decision-making have been partialled out. The impact of security integration (memberships in alliances) continues to be more ambiguous. At least for initiator nations, participation lowers the likelihood of peaceful dyadic interactions. This reflects on the one hand that alliance memberships become more attractive in the presence of tensions. If governments know that most of their potential enemies are likely to be doves, there is no need to join an alliance. The association between security integration of target nations and the likelihood of a conflictual outcome is negative, but not significant. This seems to indicate that alliance memberships have partly a deterring effect.

The table furthermore shows that both domestic and international constraints affect the likelihood that states accept a peaceful outcome in the relationship with other states. Since integration defined by the membership in certain types of international institutions does not require democratic decision-making, the two liberal hypotheses supplement each other. Constraints in the form of democratic institutions, however, seem to have a stronger impact than the effects due to international institutions. The results furthermore suggest that power status is the most important variable. Major powers thus tend to break

the status quo in dyadic interactions more frequently than other states.

The same kind of analysis is undertaken to assess the role of disintegration. The predictor variables "Alliance exit" and "Customs union exit" are coded as 1 if a state left an organization of this type during the last five years. We furthermore distinguish between the disintegration decisions by nation A and nation B.

Table 5: *Logit Analysis of the impact of limited economic and security disintegration on the likelihood of a conflictual outcome*

Predictor variables	***Security disintegration***	***Economic disintegration***	***Both types of disintegration***
Alliance exit$_A$	0.63**	-	0.64**
	(0.14)		(0.14)
Alliance exit$_B$	0.56**	-	0.55**
	(0.15)		(0.15)
Customs union exit$_A$	-	0.77	0.90*
		(0.63)	(0.64)
Customs union exit$_B$	-	0.94	0.86
		(0.68)	(0.70)
Democracy$_A$	-0.45**	-0.48**	-0.42**
	(0.13)	(0.13)	(0.13)
DemocracyB	-0.24	-0.30*	-0.22
	(0.13)	(0.13)	(0.13)
Major power$_A$	1.68**	1.88**	1.69**
	(0.14)	(0.13)	(0.14)
Major power$_B$	0.25	0.39**	0.23*
	(0.13)	(0.11)	(0.15)
Constant	-1.63**	-1.38**	-1.68**
	(0.12)	(0.11)	(0.12)
Log-likelihood	1578.79	1614.00	1570.72
N	1496	1496	1496

Note: The outcome variable takes the value 1 if a dyad experienced a conflictual outcome in a given year. Standard errors are given in parentheses.
* $p<.05$, ** $p<.01$.

From the three equations reported in table 5 it is fairly clear that the third hypothesis receives support from our data. States are thus more likely to engage in a conflict after exits from both security alliances and customs unions. The results pertaining to economic disintegration are non-significant, reflecting the very small number of instances where a state left a customs union. Security disintegration seems to be unambigously a signal that a state does no more have to take into account the constraints imposed by an IGO. The results remain significant when the time frame for exits from alliances is limited to one year or extentend to ten years. This reflects that fluidity in alliance behavior might be a powerful early warning indicator to predict international conflict.

To sum up, the different tests established in accordance with the first hypothesis that political integration in the form of customs union memberships constitutes an important pacifying force. However, in contrast to the second proposition, we could not show that there is a difference between

integrated and nonintegrated dyads. This result is in opposition to the puzzling finding that dyads with only one democratic states are more likely to engage in conflict than dyads consisting of two democracies. As expected from the third hypothesis, disintegration events, and particularly exits from security alliances, enhance the likelihood of a conflictual outcome in a dyad. The study also showed in the analysis of a fourth hypothesis that there are major differences between security and economic integration. Alliance memberships are linked to increased likelihoods of conflict whereas participation in regional economic IGOs pacifies interstate interactions.

V. CONCLUSION

We have offered a statistical analysis of the "peace through integration"-hypothesis. Our findings seem to confirm the liberal postulate that formal interstate cooperation promotes peace. This paper also found evidence supporting the opposite claim: Disintegration in the forms of exits from IGOs increases the propensity to employ force.

What do these results imply for the study of regional integration? They challenge some orthodoxies, such as the neorealist claim that international institutions are weak responses to the anarchy of the interstate system (Grieco 1990:230). Our analysis suggest that the network of IGOs is an important component of the interstate system. Although factors such as the number of IGOs do not lower the likelihood of conflict, participation in some key organizations is a major pacifying force. Our research thus endorses the optimism that international institutions are more than vehicles to reduce transactions costs (Axelrod and Keohane 1986). Most interestingly, non-security organizations are better safeguards than military alliances. Taking into account the divergence between memberships in economic and security organizations, researchers should be cautious and employ the term "integration" in a discriminatory way.

Our analysis represents only a first step toward a systematic rediscovery of the integration hypothesis. Future empirical work should test whether our findings are robust across different datasets and definitions of integration and disintegration. Other studies might also compare the importance of political intergration with effects of societal forms of integration. Increased interactions between different societies could create "norms" which pacify interstate interactions. Our current framework does equally not speak to the possibility of institutional learning. Extensions could also include a comparison of the integration hypothesis with realist and system-level explanations.

However, these limitations do not completely cast doubt on our overall conclusion that political integration in the form of participation in customs unions exerts a pacifying effect. Based on an institutionalist perspective, we add a further liberal explanation to the understanding of war and peace.

This article also clarifies why IGOs consisting of liberal democracies should open their doors to non- or semi-democracies. Policy makers face this question with regard to the aspirations of countries like Turkey which wish to become members of the European Community. We show that there might be substantial non-economic reasons why the participation of such states is crucial.

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EXPLAINING THE VARIATION IN STATE MEDICAID PRENATAL CARE SERVICES: THE ROLE OF FEDERAL ADMINISTRATIVE REGIONAL OFFICES

Saundra K. Schneider

University of South Carolina
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The study of public policy in the American federal system is both a fascinating and frustrating enterprise. On the one hand, the national government has a significant impact on the adoption and evolution of public programs across the country. On the other hand, however, state and local governments have a tremendous influence on public policy activity within their own jurisdictions. This makes it extremely difficult to disentangle the role of various levels of government on public policy development in the United States.

This situation is compounded by the fact that other governmental actors are also involved in the process. The national government has established federal regional offices across the country. These regional offices interpret the policies and guidelines of the national government for state and local authorities. And, they channel subnational requests and demands back to national government officials. In sum, they occupy an important intermediary position within the American federal system (Crotty 1988). As a result, they can have a profound impact on the evolution of public policies. Unfortunately, however, there has been virtually no research into the activities of these regional offices. Therefore, very little is known about the ways in which this governmental factor impinges upon the policy process.

This paper examines the role of federal regional offices in an important public policy area. More specifically, I will develop and test an empirical model of maternal and child health care choices in state Medicaid programs. The model focuses directly on the influence of regional administrative offices in shaping state-level policy responses. The empirical results demonstrate that regional administrative factors do affect the adoption of maternal and child health care services in the Medicaid program. In contrast, more traditional economic and political variables seem to have little direct impact on state-level decisions in this policy area.

The paper is organized as follows. First, I will briefly discuss the significance of maternal and child health care issues in the United States. Then, I will describe how the Medicaid program is used to address many of the major concerns in this policy area. After that, I will specify a model of state Medicaid maternal and child health care decisions which incorporates the role of federal regional offices.

In the remaining sections of the paper, I will present and discuss the empirical findings. Overall, the results of this analysis yield useful insights into the influences on Medicaid maternal and child health care service choices. And, they have more general significance: They help explicate the important intermediary role of federal regional agencies in the public policy process.

Maternal and Child Health Care as a Public Policy Issue

Maternal and child health care is an important public policy issue in the United States. First, and foremost, it is a barometer of the overall well-being and conscience of the nation (Hughes, et al. 1988). Women and children are two of the most vulnerable groups in American society. Consequently, they should receive appropriate and effective medical treatment. The extent to which women and children are actually shielded from preventable and unnecessary medical problems, tells us a great deal about the value priorities and moral commitment of the country.

Second, the issue is noteworthy for purely pragmatic reasons. Stated simply, maternal and child health care is cost-effective. It has an immediate impact on the health care status of pregnant women and infants (U.S. General Accounting Office 1987; Hughes, et al. 1989). It also has long-range societal consequences. Healthy mothers are more likely to deliver healthy babies. Healthy babies have a better chance of becoming healthy children. And, healthy children do better in school, and they are more apt to grow up to become productive American citizens (McManus 1986). By improving the health care status of mothers and children, we are able to deal with a host of important social issues.

Maternal and child health care is also a very symbolic and politically-expedient issue. Most Americans believe that "mothers," "babies," and "children" deserve special care and treatment. So, it is relatively easy to focus public attention on this problem area. It is also much easier for public officials to push for government-sponsored maternal and children health care programs. No one wants to be against providing services to pregnant women and infants (Schneider 1992). This, in turn, helps to stimulate and legitimize policy activity.

Governmental Responses to Maternal and Child Health Care Problems

As is the case with all major social problems, American policy-making with respect to maternal and child health care is a highly complicated enterprise. There are a myriad of public programs designed to address certain aspects of the problem, including the Title V Maternal and Child Health Block Grant Program, the Special Supplemental Food Program for Women, Infants, and Children (WIC), the Community Health Centers Program, etc. Of these, the Medicaid program clearly represents the most significant and inclusive governmental effort (McManus 1986; Hill 1990). By almost any measure (e.g., expenditures, number of services provided, number of women and/or infants covered), Medicaid far exceeds the other programs. Over the years, the Medicaid program has been used aggressively in order to address the causes and symptoms of maternal and child health care problems. For example, it has helped to reduce the incidence of teen pregnancy and out-of-wedlock births, rates of maternal and infant mortality, and the spread of many childhood diseases. Because of the program's broad responsibilities, we will focus on Medicaid for the remainder of this study.

In order to explicate Medicaid's maternal and child health care responsibilities, it is necessary to understand something about the structure of the program itself. Medicaid was created in 1965 as a joint federal-state initiative in which both levels of government were to work together in order to provide medical assistance to the poor (Stevens and Stevens 1974). The federal government was a major source of funding and coordination across separate states. It established general programs that were designed to stimulate, rather than control, state activity. Within this overarching framework, individual states were supposed to create unified health care systems for their low-income citizens. In so doing, they retained a great deal of power and responsibility over such important matters as specific eligibility criteria, service provision, and provider participation (Bovbjerg and Holahan 1982).

Medicaid's provisions for maternal and child health care closely reflect the overall structure of the program. Of course, the program varies from one state to the next, but it is possible to make some generalizations about Medicaid coverage during the early years. Eligibility criteria tended to be relatively

strict, clearly defined, and fairly uniform across the states. The most important provision was that a woman had to qualify for cash assistance under the AFDC program before she could obtain any Medicaid benefits (Rosenbaum 1985). This meant that there must already be children in the household with no other family member (e.g., husband, parent, etc.) present to support the woman. Thus, program beneficiaries had to meet both categorical and financial criteria.

The early Medicaid eligibility requirements were fairly stringent. But, once women and children qualified for the program, they could obtain a wide variety of health care services. Everyone received a basic package of benefits, which included physician care, hospitalization coverage, lab and x-ray benefits, and outpatient hospital services. Women received maternity benefits for subsequent pregnancies and deliveries. Children were eligible for targeted services such as immunizations and preventative care (Johnson 1985). In summary, Medicaid's initial efforts at maternal and child health care were aimed at a limited population and focused on curative measures; they dealt with the most urgent problems after they arose.

The basic system remained fairly stable throughout the 1970s. But, major changes occurred in response to the Reagan Administration's New Federalism plan (Schneider 1988). The Omnibus Budget Reconciliation Act of 1981 (OBRA-81) gave the states more leeway to pursue more cost-effective payment policies for hospital-related maternity and infant care. For example, it allowed states to experiment with all-payer, multiple-rate, and diagnostic-related-group prospective payment systems, and it encouraged the development of "alternative delivery systems" (e.g., health maintenance organizations and case management systems) for the provision of both primary and institutional prenatal care. In addition, OBRA-81 also gave states an option to target subgroups of the Medicaid population with special health care needs. States choosing this option could essentially define the full range of medical benefits that would be available to the targeted group of recipients. This provision was specifically intended to help pregnant women and infants (Schneider 1992).

Overall, the OBRA-81 shifted the locus of Medicaid decision-making from the national government to the states. In turn, this gave the states more control over the management, coverage, and delivery of the program's maternal and child health care services. A number of states took advantage of the newly-available options. They extended Medicaid coverage to low-income women and their children who met the categorical but not the financial criteria for regular Medicaid eligibility (Hill 1986). Several states also experimented with "alternative" health care delivery systems to provide more timely and continuous care to pregnant women and children (Hill 1986, 1987).

Further changes in Medicaid's coverage of maternal and child health care resulted from the passage of the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985. Although it was a piece of national legislation, COBRA created a new opportunity for the states by waiving the federal comparability rule. The latter required each state to finance uniform services for all Medicaid recipients regardless of their categorical or financial status. In contrast COBRA enabled states to add extra benefits and/or finance greater amounts of care for pregnant women and infants. A number of options were possible. States could expand the traditional types of benefits-- such as physician services, home health care, etc.-- for these two population groups. They could also provide special services to pregnant women and children-- that they did not provide to other groups within the Medicaid population. And, they could even add entirely new types of "enhanced" prenatal care services or child health care benefits. For example, they could identify pregnant women "at risk" and then channel them into more "managed" and intensive forms of care (Rosenbaum 1985). In this manner, Medicaid moved away from strictly curative services into more preventative, non-medical strategies.

Several months after the enactment of COBRA, Congress made yet another major change in Medicaid. The Omnibus Budget Reconciliation Act of 1986 (OBRA-86) officially severed the linkage between AFDC and Medicaid eligibility for certain deserving subgroups of the population (Hill 1987). Pregnant women and children were specifically identified as such deserving subgroups because of their special needs. OBRA-86 essentially opened the door for states to expand their Medicaid programs to

thousands of low-income women and children without having to simultaneously enlarge their AFDC coverage. The severing of these two programs represented a significant change in the nation's way of handling maternal and child health care issues (Hill 1990).

Medicaid was revised several more times during the late 1980s and early 1990s. But, these changes tended to be just expansions upon or modifications to earlier efforts. For example, the Omnibus Budget Reconciliation Act of 1987 gave states the authority to extend Medicaid eligibility to pregnant women and infants up to 185 percent of the federal poverty rate. The Medicaid Catastrophic Coverage Act (MCAA) mandated that all states expand Medicaid coverage for pregnant women and infants with incomes at or below 75% of poverty by July 1, 1989, and then up to 100% of poverty by July 1, 1990. The Omnibus Budget Reconciliation Act of 1989 superseded the MCCA by altering the scope and timing of earlier Medicaid eligibility changes: States were to extend program coverage to pregnant women and infants at 133 percent of the poverty rate; children were to be covered until the age of 6; and, the timetable for implementing all of these changes was moved up to April 1990. Then, legislation passed in 1990 required states to phase in Medicaid coverage of children up to age nineteen living in families below the federal poverty level by October 2001.

Clearly, Medicaid's provisions for maternal and child health care in the 1990s are substantially different from those that were originally established back in 1965. Overall, the changes made in Medicaid during this time period illustrate two important points. First, the federal and state governments both have been actively involved in reshaping governmental assistance for low-income women and children. The national government has been responsible for initiating major changes in the Medicaid program, allowing thousands of additional low-income women and children to receive more timely and appropriate forms of care. But, the states have not simply been passive, reactive participants in this process. They have played a key role in the implementation of maternal and child health care policy changes, and they serve as the major testing grounds for new policy efforts.

Second, there is now wide variability across the states' maternal and child health care systems. The differences in state-provided Medicaid services are both quantitative and qualitative in nature. For example, Florida provides a sparse package of very few maternal and child health care benefits to its Medicaid population. In contrast, Washington finances a broad, fairly comprehensive package of services. North Carolina concentrates on providing the "enhanced" services derived from OBRA-85. California's efforts are aimed in a different direction; that state focuses on expanding program eligibility from the provisions of OBRA-86. Overall, it is accurate to say that each state has its own unique Medicaid-based system of maternal and child health care.

Possible Explanations for Interstate Variability

The information presented in the previous section raises an obvious and extremely important question. Why is there such wide variability across the states' Medicaid maternal and child health care systems? There has been an enormous amount of research devoted to this problem (U.S. General Accounting Office 1987; Office of Technology Assessment 1987). But, virtually all of this work has involved case studies or in-depth comparisons of small numbers of states (Erdman and Wolfe 1987). This line of work have not been aimed at developing broad, general theories of policy development. Instead, it has argued for the dominance of the unique circumstances surrounding each state's maternal and child health care system (Hughes, Johnson, and Rosenbaum 1988, 1989; Breyel 1990; Breyel and Hill 1993).

In this study, I intend to take a quite different direction and look at general factors that influence states throughout the nation. For guidance in this endeavor, we must look at the more general literature on social policy developments within the American states. This area has received a great deal of scholarly attention. Most of the previous studies can be placed under one of two broad headings: Those that emphasize state-level factors and those that focus on national initiatives.

At the state level, researchers have focused on three major sets of factors that influence policy outputs: state economic conditions, state political institutions, and the ideology of the state's population. A long line of research was aimed at comparing the relative magnitude of political versus economic

variables. Almost uniformly, economic forces were found to outweigh the effects of political actors and organizations (Dye 1966). But, a more recent series of analyses suggests that the previous conclusion was premature. Instead, the prevailing ideology of the state's population shapes all subsequent aspects of the system including political and policy outcomes (Kligman and Lammers 1984; Wright, Erikson, and McIver 1987). And, there is still another line of state-focused work, that focuses on a broad combination of factors loosely grouped under the heading of "political economy" (Plotnick and Winters 1985; Barilleaux and Miller 1988; Peterson and Rom 1990). This approach suggests that policy outputs result from the interplay between relevant producers and consumers. In the case of maternal and child health policy these two groups would be represented by state agencies, and pregnant women and child, respectively. Thus, there are several perspectives that basically come to the same general conclusion: State by state variability in social policy-making is due to differences among the states themselves.

The second major perspective emphasizes the primacy of the national government. This view can be traced back to conceptions of nation-centered federalism (see Wright 1982; Anton 1989). The national government is the policy innovator, and the states merely follow its lead. Federal officials generally answer to large constituencies; hence they are forced to take broader and often more progressive stances with respective to major social issues. Furthermore, the national government has the power and the resources to impose its will on the states-- a course of action that it has often pursued at least up until the 1980s. Along with this traditional view, a more recent and somewhat different approach still arrives at a similar conclusion: Several researchers have suggested that the national/state mix in policy-making activities is most accurately described as a series of "principal-agent" relationships (Gramlich 1982; Chubb 1985). The national government is the dominant actor, and the states are responsive to its initiatives. It is in this sense, that they serve as "principals" and "agents" respectively. Thus, there are several lines of thinking in which the national government exercises a dominant role, permeating each state's own policy-making system.

Both the state- and nation-centered perspectives provide valuable insights into social policy-making in America. However, they probably only have limited relevance for understanding maternal and child health care initiatives in the states. There are several reasons for this. For one thing, the special status of mothers and infants makes them somewhat immune from political manipulation and derogatory accusations of welfare fraud. They tend to receive services regardless of prevailing ideological climates or economic fluctuations. In addition, maternal and child health services are often initiated by bureaucrats who are by definition insulated from direct political pressures. Administrators are often highly trained experts themselves; they are often in close contact with lobbyists and members of the health care profession; and they receive at least part of their funding from the national government outside of the immediate state environment. All of this means, that their activities will be less confined by state-specific factors. Finally, the nation-centered perspective seems to be contradicted by the very existence of vast differences across the states. If the federal government really did dominant the process, then we should observe the relative uniformity across the states that existed during the 1960s rather than the wide interstate heterogeneity that seems to be the hallmark of the 1990s. For all of these reasons, the traditional explanatory factors for state-level policy developments do not seem to apply to maternal and child health care.

As an alternative, I argue that it is important to focus on activities within the executive branch of government. This is certainly true within the states. As already mentioned, it is state-level bureaucrats who initiate many of these services in the first place. Because of their ongoing contact with relevant parties (i.e., interest groups, providers, and recipients) and their access to important information (e.g., state health care statistics), state administrators find themselves in a uniquely effective position for setting maternal and child health care policy. The dominance of the executive branch extends to elected officials as well. During the 1980s, it was state governors rather than state legislators who acted as policy innovators in this area (Nathan and Doolittle 1987; Beyle 1989; Schneider 1989).

But, looking within the states is not enough. We also need to look outside state boundaries at an intermediary level of decision makers which has been almost completely overlooked in past research. The federal government relies upon ten regional offices to administer the Medicaid program throughout the nation. The staffs in these offices are agents of the federal government, but it would be inaccurate to characterize them as national-level policy-makers. They do not initiate programs or services. Instead, they are the interpreters of federal guidelines and regulations. At the same time, they clearly exist "above" the states that fall within their respective jurisdictions. Before the states can initiate any program changes, they must submit their requests and accompanying documentation through these offices for federal approval. This, in turn, gives these regional offices an enormous amount of formal and informal influence over precisely what the states can do. For this reason, they clearly deserve more attention by researchers examining policy-making in the American states.

Model and Estimation

In this section I will examine an empirical model of state maternal and child health care policy-making. Contrary to what appears to be common practice, I will not begin with an all-inclusive equation and proceed by pairing away variables with nonsignificant effects. Instead, the analysis will emphasize the final model which is quite parsimonious in specification. Following a discussion of the major results, I will briefly consider the reasons for excluding other factors.

This analysis will be based upon state-level-data for 1990. Perhaps surprisingly this is the only year for which information on all the relevant variables is readily available. And, if we must be limited to a single time point, then 1990 is a good choice since it falls after all of the major policy innovations of the 1980s.

The dependent variable for this analysis summarizes the package of enhanced prenatal care services offered in each state Medicaid program. The focus on this particular type of care is very reasonable because prenatal activities are crucial to the health of both the mothers and the children (Institute of Medicine 1988, 1989). Under the Medicaid program, states can offer up to seven distinct

enhanced prenatal services: risk assessment, nutritional counseling, health education, psychosocial counseling, home visitations, transportation, and case management. It is up to the states to decide what combinations, if any, of these services they will provide. I will simply use the number of services adopted by each state. This is in effect a summated rating scale measuring state commitment to maternal and child health care. The reliability for this scale is .884. Measures of this type are based upon tangible evidence of policy decisions by state-level actors. As such, they are effective summaries for the outcomes of complex policy-making processes (Jacoby and Schneider 1992; Schneider and Jacoby 1992). The data for this variable are obtained from the National Governor's Association, *MCH Update, State Coverage of Pregnant Women and Children.*

A histogram summarizing the frequency distribution for this information is presented in Figure 1. The distribution is clearly bimodal with about a third of the states providing virtually no enhanced prenatal services and about the same number taking advantage of all available options. In this sense, the states exhibit a rather extreme degree of variability with respect to their policy choices in this area. Of course, accounting for these differences is precisely the focus of this analysis.

The model includes four independent variables, all of which can be defined in a straightforward manner. First, there is the party of the incumbent governor in 1990. This is coded as a dichotomy with zero representing Republican governors and one for Democrats. In 1990, there were 23 Republican governors and 27 Democratic governors. The data for this variable are obtained from the *Statistical Abstract of the United States, 1992.*

The second independent variable is intended to summarize each state's overall commitment to the Medicaid program's general population. This is operationalized as the number of optional Medicaid services offered within each state. The federal government requires all states to provide a common package of basic, required services. Beyond this, states can adopt up to 31 (in 1990) more optional services. The number of optional service adoptions provides an empirical measure of each state's commitment to providing health care for its poor citizens (Jacoby and Schneider 1992, Erdmand and

Wolfe 1987). The information needed to create this variable is obtained from the Health Care Financing Administration, within the U.S. Department of Health and Human Services.

The third independent variable is the number of low birthweight infants per 1,000 live births within each state. This is widely viewed as a valid indicator of the severity of maternal and child health conditions (Institute of Medicine 1985). In the present context we can interpret it as a measure of the need for Medicaid prenatal care services. These figures are taken from the National Center for Health Statistics, Centers for Disease Control and Prevention.

The last independent variable is the set of federal regional offices. It is important to emphasize that these regions are determined by federal regulations. They often do not correspond to "standard" geographic regions. Table 1 shows the division of the states across the ten offices. For the empirical analysis, these regions are operationalized as nine dummy variables; region eight is left as the reference category. These regional designations came directly from the Bureau of Medicaid Statistics, an office of the Health Care Financing Administration.

The results of the empirical analysis are summarized in Table 2. The table entries give the OLS coefficient estimates obtained when the prenatal services variable is regressed upon the previously defined independent variables. The equation shows a reasonable level of explanatory power. The R^2 is .54. Note, however, that the use of the nine dummy variables markedly decreases the degrees of freedom for the equation. Therefore, it is important to examine the adjusted R^2. Fortunately, this value remains quite robust at .39. Clearly, there is no problem here of "overfitting" the model.

The model represented in Table 1 results from a rather lengthy process of testing many alternative specification. Hence, it is not surprising that all of the included independent variables show important effects on Medicaid prenatal care adoptions. The left most column of the table gives the nonstandardized coefficient estimates with standard estimates in parentheses.

First, the party of the governor does make a difference. Democratic governors provide an average of 2.5 fewer services than their Republican counterparts. At first this result is very surprising. It seems

to contradict the conventional wisdom about differences between Democrats and Republicans. Nevertheless there are two factors that probably account for this result. On the one hand, prenatal care is widely perceived to be a cost-effective measure. Republican policy-makers have taken the lead in pursuing any means of reducing public expenditures while still covering needy populations. For this reason, prenatal care measures are particularly attractive to Republican gubernatorial administrations. On the other hand, Democratic governors have focused their attention elsewhere. They have been much more active in expanding Medicaid eligibility to additional segments of the population (Schneider 1989). There overall orientation holds that it is more important to bring people into the program than it is to provide specialized benefits to particular needy groups. Thus, the significant, but counterintuitive difference between Democrat and Republican governors is very reasonable once one takes the complexities of maternal and child health care policy into account.

The results for the second independent variable, the incidence of low weight births, are exactly as one would expect on both theoretical and intuitive grounds. The regression coefficient for this variable is .98, and it is statistically significant. Stated simply, as the rate of low weight births increases so does the number of prenatal services. This finding is very encouraging. It suggests that policy-makers are responsive to the health care problems that exist within their respective states.

The number of optional services also has a significant, positive effect on the provision of prenatal care. The immediate interpretation of this result is straightforward. States that are relatively generous with respect to overall health care services, also tend to provide the greatest amounts of prenatal care. But, I also believe that this is indicative of a more interesting phenomenon. These optional services are initiated by state Medicaid administrators. And, they represent their own perceptions of state health care problems and conditions. If this variable truly reflects the bureaucrats' orientations, then the results obtained here are a clear manifestation of bureaucratic influence on state policy-making. Political scientists have long argued that the bureaucracy is now a powerful interest group in its own right (Meier 1993). What we are seeing here may well be an example of precisely this phenomenon.

Finally, there are sizable differences in prenatal care across the HCFA regions. The coefficient for each region represents the mean difference in the number of prenatal care services between the states in that region and those in the omitted reference region (Region VIII). In order to facilitate interpretation, Figure 2 shows a bar chart for regional influences. The height of each bar is proportional to the respective dummy variable coefficients. There seem to be three groups of regions. First, Regions I, IV, V, and VIII (the omitted reference region) all offer relatively few prenatal care services; their coefficients are all smaller than 1.00. This represents a heterogenous group of states. Most of them are from the midwest or the south. But beyond this, they have no obvious common characteristics. Instead, I believe this grouping merely represents a point originally made back in the discussion of Figure 1. The modal tendency in the United States is for states to provide no enhanced prenatal care services, regardless of their other health care benefits.

The second grouping consists of Regions VI, VII, and IX. The states in this grouping all provide moderate levels of prenatal care; their coefficients are 1.08, 1.82, and 1.42 respectively. These states tend to fall in two geographic regions: the far West (California, Hawaii) and the "mid-South" (from Iowa southward). These states have all taken highly visible steps toward the provision of maternal and child health care services. Some of these states, like California, made early progress, but have not really sustained it overtime. Other states have made later, but nevertheless, serious commitments to this policy area. These would include states like Arkansas and Missouri (Hill 1987; Hill and Breyel 1989).

The third set of regions consists of the true policy leaders in this field. Regions II, III, and X contain states like New York, New Jersey, and Oregon. These are states that are quick to take every option available in all facets of health care policy. For example, New Jersey was the first state to introduce a waiver program for acquired immunodeficiency syndrome patients. And, Oregon is well-known for its controversial health care "rationing" program. Therefore, it is not surprising that they have taken action in the maternal and child health care area as well.

These results show that service provisions vary with the regional offices, but they do not directly demonstrate that the interstate differences are due to these HCFA-designated regions. Nevertheless, I strongly believe that to be the case. The policy orientations of the staffs at this regional level have an enormous impact on Medicaid program operations. They clearly serve as gatekeepers in that any state-level innovations must be approved by the relevant regional office before it can be put into place. The regional offices also disseminate policy guidelines, and in this sense promote the adoption of new services within their jurisdictions. Thus, the regional offices can both stimulate and encourage developments in Medicaid-related maternal and child health care policy.

We have identified several influences on maternal and child health care policy outputs. But, which ones have the greatest impacts? We can address this question by examining the standardized regression coefficients which are presented in the right-hand column of Table 1. The party of the governor, low birthweight, and number of optional services all have strong influences, with the first two somewhat larger than the third. But, the most interesting finding is the magnitude of the regional influences. Two of these coefficients have the strongest impacts of any of the variables in the model. This confirms the importance of the regional offices. The magnitudes of their effects attest to their importance in the policy process.

Before leaving this analysis, it is useful to consider briefly the model specification. It is probably immediately obvious to the reader that the regression equation does not include many of the variables that are traditionally employed in state policy analysis. Their omission was not based upon a priori assumptions. Instead, I tested many preliminary models, which incorporated such factors as legislative partisanship, state economic wealth, federal matching rates, and state-level administrative features. None of these variables showed effects that were significant in either statistical or substantive terms. It is also important to point out that the HCFA regions are not merely surrogates for state political cultures. Indeed, they are virtually uncorrelated with the measures of state ideology and partisanship developed by Wright, Erikson, and McIver (1985). For all of these reasons, I believe that the model employed here

provides an accurate and stable representation of the major influences on Medicaid maternal and child health care benefits.

Conclusions

Perhaps, the most prominent finding from this study is the fact that prenatal care services are not a function of the kinds of factors that influence other aspects of state-level policy development. Many studies have shown that other types of policy outputs, such as expenditures in particular areas, hybrid measures of program coverage and effort, etc., are dependent upon a straightforward array of independent variables (Hanson 1984; Schneider 1988). These include such factors as state-level economic conditions and political orientations. But, these variables simply do not work in the present context. I believe this is directly due to the nature of the decision-makers who are involved in this policy area. Enhanced prenatal services are determined by bureaucrats who can largely afford to ignore the environmental forces that affect the actions of other governmental officials. Of course their insulation from the political world is not absolute as evidenced by the influence of gubernatorial partisanship. But, even the latter variable produced a surprising and counterintuitive result. Overall, this study suggests that administrators' own inclinations are a major determinant of maternal and child health care service provision.

It is also important to note that even though the present results are quite different from those in earlier studies they are still largely consistent with general theories of state policy-making. Specifically, the array of independent variables suggests an interpretation based upon political economy. This perspective holds that the supply of goods-- policy outputs-- is determined from the interplay between producers and consumers. In this case, the goods are prenatal care services themselves. The producers are state Medicaid administrators. The consumers are low-income pregnant women and infants. The propensity to produce is measured by bureaucratic generosity, while the demand for services is gauged by the size of the needy population. As either one of these factors becomes more pronounced, the supply of goods (i.e., the number of services) tends to expand. Thus, the specific actors may be different, but

the general process fits very nicely with a prominent theoretical perspective about the origins of state-level policies.

Another prominent result from this analysis centers on the influence of federal regional offices. This is important because it represents a distinct level of policy decision-making, and one that exists along with the more commonly recognized national- and state-level institutions. On the one hand, I have successfully incorporated into a rigorous empirical model a factor that any Medicaid bureaucrat clearly recognizes to be vitally important. On the other hand, it is very difficult to operationalize the exact processes by which regional offices influence policies. Stated simply, we know very little about the individuals who staff these offices or the precise ways that they function. Indeed, it is likely that their procedures vary from one office to the next. Nevertheless, the empirical results clearly show that regional influences do in fact exist. The dummy variable coefficients from the regression analysis capture the net impacts of these offices, but not the exact processes that generate these impacts. Thus, these results represent a satisfying addition to theories of policy-making. But, they also provide a challenge for future work which must try to explicate these influences more fully.

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Table 1. States Included in HCFA Regions.

Region I
- Connecticut
- Maine
- Massachusetts
- New Hampshire
- Rhode Island
- Vermont

Region II
- New Jersey
- New York

Region III
- Delaware
- Maryland
- Pennsylvania
- Virginia
- West Virgina

Region IV
- Alabama
- Florida
- Georgia
- Kentucky
- Mississippi
- North Carolina
- South Carolina
- Tennessee

Region V
- Illinois
- Indiana
- Michigan
- Minnessota
- Ohio
- Wisconsin

Region VI
- Arkansas
- Louisiana
- New Mexico
- Oklahoma
- Texas

Region VII
- Iowa
- Kansas
- Missouri
- Nebraska

Region VIII
- Colorado
- Montana
- North Dakota
- South Dakota
- Utah
- Wyoming

Region IX
- California
- Hawaii
- Nevada

Region X
- Alaska
- Idahao
- Oregon
- Washington

Table 2. Influences on State Medicaid Enhanced Prenatal Care Services.

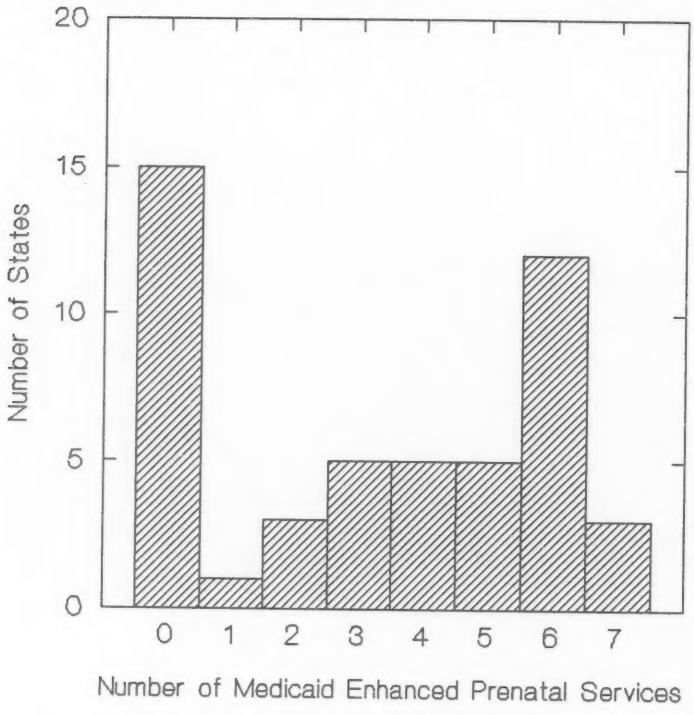
Independent Variables	Unstandardized Coefficient	Standardized Coefficient
Region I	0.90 (1.23)	0.12
Region II	4.14* (1.86)	0.32
Region III	4.17* (1.31)	0.49
Region IV	0.51 (1.36)	0.08
Region V	.004 (1.38)	0.001
Region VI	1.08 (1.36)	0.13
Region VII	1.82 (1.31)	0.20
Region IX	1.42 (1.52)	0.13
Region X	5.63* (1.39)	0.60
Party of the Governor	-2.50* (0.70)	-0.49
Optional Medicaid Services	0.19* (.09)	0.35
Low Birthweight Infants	0.98* (.43)	0.46
Intercept	-7.75	
Adjusted R^2		.39

Number of Observations: 49.

Table entries are ordinary least squares regression coefficients. Standard errors are in parentheses.

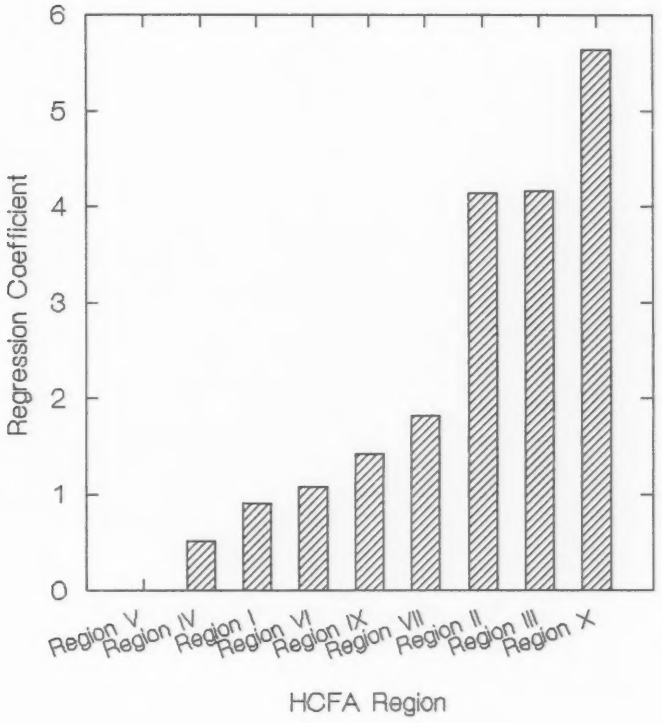
*Coefficient is significant at .05 level.

Figure 1: Histogram of State Medicaid Enhanced Prenatal Care Benefits.



Source: National Governors Assocation *MCH Update*, 1990.

Figure 2: Bar Chart Showing Dummy Variable Regression Coefficients for the Impact of HCFA Regions on the Number of Medicaid Optional Prenatal Care Services.



Note: The bar heights correspond to the values of the regression coefficients given for each of the HCFA region dummy variables, as shown in Table 2. For each region, the coefficient value represents the difference between the mean number of services provided by states within that region, and the mean number provided by states in the omitted, reference region (HCFA Region VIII).

Voter Turnout and the Role of Groups: Participation Game Experiments*

by

Arthur Schram
Joep Sonnemans

June, 1993

address: University of Amsterdam
CREED
Faculty of Economics and Econometrics
Roetersstraat 11
1018 WB Amsterdam
the Netherlands

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ABSTRACT:

Voter Turnout and the Role of Groups:
Participation Game Experiments

This paper reports the results of a series of experiments in which the voter turnout decision is analyzed. Seven general hypotheses with respect to turnout are distinguished (including models of individual behavior from game theoretic equilibria and learning models) and systematically elaborated, analyzed, and tested. The results are used to explore future paths of research. A distinction is made in two parameter configurations (representing winner-takes-all elections and elections with proportional representation) and three group conditions (in which the stability and openness of group composition varies). Furthermore, the effect of group size is investigated (both unequal versus equal group size and the size itself). Using the results of a post-experiment questionnaire, the effect of individual orientation in the experiment is discussed. The results show that the experimental design is successful in replicating the strategic situation of the turnout decision. The models of individual behavior in the turnout decision appear to be missing something, however. It is argued that they lack a objective ground for asymmetry between individuals in equal circumstances.

1. Introduction

The paradox of voter turnout has intrigued economists for decades now. It started with Downs' (1957) formulation of the problem. Downs confronted the theoretical irrationality of an individual vote with the empirical observation of massive turnout in general elections. This apparant lack of rationality in human behavior is something (mainly public choice) economists could not accept. Many theoretical and empirical papers have been published on the subject, but only in the last decade, rational choice models (generally using game theory) have been developped that show that turning out to vote might be rational in an instrumental sense under specific circumstances.

Nevertheless, as will be extensively discussed below, many questions concerning individual motivation in the turnout decision remain unanswered. Empirical evidence from field data has barely been used to find support the for recent models mentioned (for a review of empirical analyses of the turnout decision, see Schram, 1991). Therefore, the relevance and predictive accuracy of these models has barely been tested.

A game theoretic formulation of the turnout problem provides a useful framework for running experiments on the individual decisionmaking process concerned, however. This is the subject of the present paper. Results will be presented from a series of experiments that have been run. Using the existing literature on voter turnout and related experiments, a number of hypotheses will be derived and tested using experimental data. In addition, the data will be used to explore some future paths of research. It will be argued that there is still a lot to be learned about the individual vote decision, especially with respect to the role of different, interacting, types of individuals. The first goal of this paper, however, is simply to establish whether the laboratorium situation created provides an adequate description of the turnout problem as faced by individuals in the real world. Once this has been established, existing theories about individual behavior in the turnout decision must apply to the experimental situation as well. The results may then be used to test them and to look for possible solutions to the paradox of voter turnout.

Many of the results presented in this paper will reject existing theories, which will prove to be inadequate to explain the behavior observed in the experiments. This is not very surprising: existing theories have difficulties in explaining observed voter turnout as well. The experiments show possible ways in which the theories may be modified, however.

The organization of this paper is as follows. The following section provides an overview of related literature. This is gathered from two main bodies of theory. First of all, the literature on the turnout paradox is reviewed. Second, because the problem will be argued to give rise to conflicts within and between groups of individuals, studies concerning these conflicts will be reviewed as well. In section 3 the experimental design is presented, as well as the parameters chosen, and the questionnaire used to supplement the experimental results. In addition, some general results will be presented. Section 4 presents models of individual decision making for the problem at hand. This analysis consists of three parts, a static game analysis, a dynamic game analysis and an analysis based on the assumption that participants are only bounded rational and *learn* how to make decisions as the experiment evolves. In the latter case, some simple learning processes are looked into. This section also confronts some of the theories presented with our experimental results, by formally deriving and testing hypotheses. More hypotheses and tests are presented in section 5. Most attention is focussed on the experimental results, but some interesting results from the questionnaire (concerning individual orientation and goals) are discussed as well. Finally, section 6 presents a concluding discussion.

2. A Short Review of Related Literature

Voter turnout

There is a reasonable amount of theoretical literature on the problem of voter turnout in elections. The formal literature on this subject was initiated by Downs (1957). He argues that expected benefits from voting in large-scale elections should be computed as the benefit to be obtained if one's favorite candidate or party wins times the probablity of being decisive in an election. Of course, this describes a typical winner-takes-all election. In a system of proportional representation, the expected benefit should be defined as the marginal effect of an individual vote on the benefit. This marginal effect is a decreasing function of the overall turnout level.

In both type of elections, the expected benefit is generally low. Downs argues that it will usually be outweighed by the costs of voting, implying that casting a vote is an irrational act. Rational behavior would lead to abstention in general elections. In real life, however, turnout in general elections is usually relatively high. This contradiction between theory and practice is often referred to as the 'voting paradox'.

After Downs, various attempts were made to develop theory that would predict larger turnout in elections. Riker and Ordeshook (1968) argue that voters may derive utility from the act of voting per se, through the fulfilment of a sense of 'civic duty'.[1] Riker and Ordeshook have been criticized because of the ad hoc nature of their civic duty concept (see Barry, 1970, for example). Just adding a variable with positive value to the utility attributed to voting, without explaining where this variable comes from is at most a first step towards a solution to the paradox, of course.

Ferejohn and Fiorina (1974) show that defining rationality as minimizing maximum regret instead of maximizing expected utility makes it more likely that the act of voting is rational. These authors have been confronted with a number of theoretical objections to their minimax regret analysis, however (see a number of contributions to Vol. 69 of the *American Political Science Review*, for example). One objection put forward is their prediction that the probability of being decisive in an election has no influence on the turnout decision. This is contradicted by empirical results (for recent evidence, see Kirchgässner and Schimmelpfennig, 1992) and by the experiments to be presented in this paper (cf. section 5). The Ferejohn and Fiorina study was extended by Grofman (1979) who did not meet the major objections, however.

In the eighties, game theory was used to find solutions to the voting paradox. The decision to vote or abstain was placed in a setting of strategic interaction of individuals. The general idea is that if everyone knows that it is rational for everyone to abstain, one might expect zero turnout, in which case it would be rational to vote. Palfrey and Rosenthal (1983) model the turnout decision as a so-called participation game.[2] In this game, players in two or more teams have to make a decision, whether to participate in an action that is beneficial to everyone in the team or not. Participation is costly but increases payoffs in one's own team and decreases payoffs in the other team, *ceteris paribus*. Payoffs (net of costs) are equal for everyone in the same team.

Palfrey and Rosenthal assume identical costs for all players. Moreover, payoffs to the teams are assumed to be symmetric and of a 'winner-takes-all' nature. They distinguish two ways of dealing with an equal participation in both teams. In one case, ties are broken randomly with equal probabilities of winning. The second case concerns appointing one of the two teams as winner in case of a tie. The first case is in line with one of the set-ups chosen in the present paper. Having formalized the turnout decision as a participation game, a series of (Nash-) equilibria is derived. Pure strategy and some mixed-pure and mixed equilibria are derived. It is shown that in many cases equilibria with substantial turnout exist. Well-known is the Palfrey and Rosenthal result that in some cases turnout may rise as the costs of voting rise. This Palfrey and Rosenthal representation of the turnout decision is the basis for the structure of our experiments and game theoretic analysis (sections 3 and 4, respectively).

Ledyard (1984) presents a general equilibrium model in which voters are uncertain about other voters' costs and preferences. He finds some equilibria with positive turnout, but one major equilibrium shows zero turnout. Following the Ledyard paper, Palfrey and Rosenthal (1985) add the same kind of incomplete information (voter uncertainty) to their previous model and find that, contrary to their earlier results, even slight uncertainty yields equilibria with zero turnout if no civic-duty type of concept is used. In another game-theoretic study, Owen and Grofman (1984) also conclude that arguments other than the effect on the election outcome are needed to induce a large number of people to vote.

Game theoretic approaches (i.e. the modelling of strategic interaction of individuals) seem to provide promising tools to analyze the voter turnout problem. However, in the game theoretic models

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[1] The idea of having a sense of civic duty enter the utility of voting was also mentioned by Tullock (1967: 110).

[2] A participation game is a special case of a team game. The latter consists of two (or more) groups of players. Within a group, players have identical and common interests, but the interests differ between groups. Each player individually makes a decision on a level of action. Individual costs are increasing in the level of action. Payoff to a player is an increasing (decreasing) function of the level of action of all players in her or his team (the other team).

presented above, no convincing equilibria have been found in which substantial turnout levels are predicted. A major problem may be that the studies undertaken have treated the problem as a one-shot game, neglecting aspects of the repeated nature of turnout decisions. For a further discussion, see section 4.

In more recent work, the 'other arguments' mentioned by Owen and Grofman have been sought by focussing on the role of groups. In a team (or participation) game setting, groups (teams) play a central role, of course. For groups as a whole, positive turnout may be rational, assuming that groups are large enough relative to the population size to seriously affect the election outcome. The role of groups has been discussed in a winner-takes-all set-up by Uhlaner (1989) and Morton (1987,1991). Schram and van Winden (1991) do the same for a system of proportional representation. Rationality at a group level does not imply that turnout is rational for individuals in a group, however. In a participation game, there are incentives to free-ride on the choices of co-members.

In Uhlaner (1989) and Morton (1987, 1991) it is simply assumed that group leaders will provide selective incentives ('private benefits') for individual members to overcome the free-riding problem. It is not clear whether it is rational for group leaders to do so. The individual vote decision is not addressed very thoroughly either. In both models, a general equilibrium approach is applied, where voters and candidates act simultaneously.

In Schram and van Winden (1991), a partial equilibrium approach is chosen in the sense, that party positions are assumed to be fixed. A detailed model of the turnout decision is given, however. Optimal turnout for groups as a whole is derived first. Then, within-group processes are described in which some members try to convince other members to cast a vote. It is shown that it may be rational for some members to act as group leaders in this way. The pressure produced by these leaders may induce other members to cast a vote. The paper thus presents a kind of endogenization of the civic duty concept of Riker and Ordeshook. The proportional representation set-up chosen is one of the configurations used in the experiments described below.

In the present paper the role of groups in the individual turnout decision is investigated more closely. Equilibrium in decisions at a group level[3] and equilibria at an individual level are distinguished. These do not always coincide and both may diverge from Pareto optimal decisions.[4] It will be investigated whether the level of group identification has an effect on the level to which group-level equilibria affect individual decisions.

Typical for team games like the ones used to describe the turnout decision is that both inter- and intra-group conflicts exist. Between groups, a prisoners´ dilemma situation occurs, whereas a social dilemma describes the situation within groups. As Bornstein (1992) notes, both levels of conflict must be studied simultaneously. Bornstein does this, but as far as we can see he is the only one that does so experimentally, other studies focus on one of the two conflicts. Because of their relevance for the problem at hand, a brief review of studies on these two types of conflict will now be presented.

Experiments on Intra- and Inter-group Conflicts

Whilst intergroup conflicts have received attention in the non-economic literature (see below) experimental economists have mainly focussed on intra-group processes. We start with the latter.

Intra-group conflict studies typically address problems of the voluntary provision of public goods. In these problems individuals are faced with a situation where they have to decide whether to make a voluntary contribution to obtain a public good for all participants. In general, some contribution threshold is required to obtain the public good. In this set-up there are free-riding incentives for all individuals: they would prefer to have others provide sufficient contribution so they can obtain the good without enduring costs. In the context of the turnout decision, the public good for a group

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[3]Morton (1991) uses the term 'group rationality'. We refrain from using this type of reference to groups as actors.

[4]Throughout this paper, the term 'Pareto optimality' is used to indicate the decisions that maximize the sum of payments to the individuals, i.e., the Pareto-criterion after application of the compensation principle is used.

concerns electoral victory, whereas the contribution is made by the individual vote.

An early study on voluntary provision (in the context of collective action) is by Chamberlin (1978), who is interested in the effect of group size on the level of contribution. One of his results is that individual contributions are negatively related to group size. Though the paper does not really focus on the level of free-riding, the extent to which this occurs does not appear to be very great. Smith (1980) presents the results of a series of computerized public good experiments and finds no "credible" increase in free riding behavior as group size increases.

Schneider and Pommerehne (1981) and Marwell and Ames (1981) conducted experiments (neither took place in a laboratory) to investigate the occurrence of free-riding. Both papers conclude that free-riding occurs, i.e., suboptimal levels of public good provision are found, but the level of free-riding is much smaller than one would expect from (economic) theory.[5] Subsequent authors sought to investigate why the free-rider hypothesis did not receive much support in these experiments. Kim and Walker (1984) describe 9 'invalidating factors' that might explain the previous results.[6] These factors include problems like 'misunderstanding and vagueness' and 'insufficient economic motivation'. In their own experiments (which were sloppy in design) a remarkable amount of free-riding is found.

A systematic analysis of the occurrence of free-riding behavior in a voluntary contribution set-up is presented by Isaac, Walker, and Thomas (1984). Among other things, they find the free-riding increases as the marginal return of contribution decreases or as the experience of participants increases. In addition, they find that ceteris paribus (i.e., including constant marginal returns) group size does not have an independent effect on free-riding. Isaac and Walker (1988) extend their previous work (with Thomas) on the effect of group size and marginal per capita return on the provision of public goods. Once again they conclude that the negative relationship between group size and individual voluntary contributions is due to the declining marginal return and not to the number of individuals in a group per se.

An important article in this field is by Isaac, McCue, and Plott (1985). A voluntary contribution mechanism for a continuous public good is investigated in a series of one shot set-ups. Induced value theory is applied, avoiding reference to real world situations. Varying conditions, Isaac et al. reach various conclusions. Substantial free-riding is found, that increases with replication. An interesting result appears to be that communication among participants increases the level of contribution.

Andreoni (1988) elaborates the often found result that finite repetition yields a decay of the contributions towards a free-riding level. He uses experiments to investigate whether this phenomenon is due to 'learning' by participants (it takes a while to understand what the 'optimal' behavior is) or strategic behavior in the repeated game constituted by the repetitions. He concludes that strategies do not play a role in the observed behavior. 'Learning' behavior appears to exist but cannot explain the complete phenomenon. Andreoni uses the term 'learning' lightly. An analysis of this behavior that is more in line with recent theories on the subject is presented in section 4.

Palfrey and Rosenthal (1988) extend the theoretical analysis of games of public good provision. The effect is investigated of the introduction of altruistic behavior by individuals. Not the effect of the altruism itself is focussed on, but the uncertainty of individuals about the altruism, and therefore contributions, of others. Using a Bayesian approach testable predictions are derived, especially with respect to comparative statics. The theory is found to be supported by existing experimental data. An extension of this approach to the case of participation games, in a dynamic setting, is presented in section 4.

As for intra-group conflict studies by non-economists, in a summary of experimental studies concerning 'take-some games'[7] Linder (1982) concludes that preplay communication seems to have a positive in-

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[5] Bohm (1972) reports finding virtually no free riding at all, in a different type of experiment.

[6] Kim and Walker discuss five previous studies where free-riding was not supported in experiments. Not all of these studies are discussed here.

[7] A take-some game is a game where a common pool of money exists. Each participant can choose to take some of this money in a period. At the end of the period the pool is increased by a fixed percentage and a new round is played.

fluence on cooperative behavior. In Dawes, McTavish and Shaklee (1977) subjects in a uniform social dilemma game could either not communicate, only communicate about irrelevant matters, discuss the dilemma, or discuss the dilemma and make a public announcement about their choice (without a formal commitment) before they made their choices. In the last two conditions much more cooperation was observed than in the first two (70% vs 30%). The authors conclude that not communication as such, nor promises made, but the discussion itself is essential. The discussion helps participants understand the problems at hand.

Kramer and Brewer (1984) study the influence of a common 'social-group identity' on cooperative behavior in a 6-person take-some game. The level of group identity was manipulated by stressing the differences (low level) or similarities (high level) between the members of the group. A higher level of group identity enhanced cooperative behavior, especially when (false) feedback indicated that the common pool of money was being depleted. On the other hand, Bonacich (1972, 1976) found that an intragroup conflict (social dilemma) itself can enhance the group's cohesion and strengthen group norms. In his experiments subjects could communicate, but the decisions were anonymous.

Kramer and Brewer's result on the one hand and Bonacich's on the other seem to indicate that communication may increase group identity, yielding higher cooperative behavior (less free-riding). The Dawes et al. (1977) result shows that the communication must be on the dilemma at hand, however. Because the communication in his experiments was not structured, it is not clear whether group cohesion is also enhanced by communication about irrelevant matters in Bonacich's experiments.

All in all, the literature on intra-group conflicts has provided quite a few (sometimes contradictory) results. From these, the following are thought to be of interest for the study at hand. First of all, free riding appears to be a phenomenon that occurs, but probably not in the extreme sense that is assumed by rational choice theory. It may be added that a number of authors (e.g., Marwell and Ames, 1981) find that economists free ride more than other individuals. Second, cooperative behavior is positively affected by group identity. Third, pre-play communication has a positive effect on cooperative behavior. Finally, an increase in group size (or a decline in marginal return as a consequence of the increase) diminishes contributions.

The inter-group conflict constitutes a prisoners' dilemma. There appears to be a difference between individuals and groups playing this type of game: in general groups of individuals that have to make one common decision show less cooperation vis-à-vis each other than individuals facing each other in the same situation do (see Insko et al, 1987, for a review of the experimental literature). According to the 'altruistic-rationalization hypothesis' (McCallum et al., 1985) groups are more competitive because individuals in a group can rationalize their competitiveness towards the other group as having been enacted for the sake of fellow members. The 'group-schema hypothesis' is based on the effect of schemas.[8] In the context of intergroup relationships this hypothesis claims that when groups have to make common decisions, schemas are activated that create expectations about intragroup loyality and cooperation, and inter-group distrust and competitiveness. According to this hypothesis group cohesion will enhance inter-group competitiveness. On the other hand, inter-group conflict may enhance group identification and cohesion (Brewer 1979). Most experiments supporting this claim involve a group discussion, however, and it may be the case that not the group-membership but the discussion is essential in finding less cooperation between groups. Rabbie, Schot, and Visser (1989) argue that discussion enhances the rational and cognitive capabilities of the group and that groups are not necessarily more competitive than individuals, but more instrumental and rational.

Our conclusion from this part of the literature, is that any set-up that enhances within-group identification will diminish inter-group cooperation. Therefore, Pareto-optimality is not expected to arise from intra-group identification in a participation game.

As mentioned above, Bornstein (1992) analyzes the free-rider problem in a participation game setting where intra- as well as inter-group relationships play a role. Bornstein distinguishes individual, group, and collective rationality (the latter refers to Pareto optimality). This corresponds to the three types of

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[8] The term 'schema' is used in the cognitive psychology to describe a set of beliefs or norms that individuals have learned to believe to be relevant in specific situations.

outcome we shall distinguish below. Two conditions are investigated: one with, and one without communication (cheap talk). The experiments are run as a one shot game with groups of three individuals. The results show some support for the free-riding hypothesis. Communication within groups decreases this behavior and moves results towards the group optimum. Communication between groups reduces contributions towards a Pareto optimum.

This concludes the review of a selection of the relevant literature. The conclusions that have been drawn allow one to derive testable hypotheses concerning the behavior of individuals in a turnout problem. A series of hypotheses will be derived in sections 4 and 5. These will be tested using data from our experiments. Therefore, first, the experimental design will be presented.

3. Experimental Design and General Results

Experimental Design

The (computerized) experiments were conducted in the laboratory of the Center for Research in Experimental Economics and Political Decisionmaking (CREED) at the University of Amsterdam. Subjects were recruited from the (undergraduate) student population of the University of Amsterdam. Players were asked to participate in an experiment concerning decisionmaking. They were told that the experiment would take about two hours and that they would generally earn something between 20 and 50 guilder, depending on their own decisions and those of other participants.[9]

Twelve sessions were organized in the period May 27 - June 12, 1992 and four more on December 9 and 10, 1992. A total of 210 subjects participated. Table 1 presents some descriptive statistics.

Table 1: Subject Characteristics

age:	*18-38 years old*, average *21.8* (standard deviation 2.8)
gender:	male: *76%*; female *24%*
major:	economics/econometrics: *59%*; other students: *35%*; missing: *6%*
employed:	yes (mostly parttime): *33%*; no: *65%*; missing: *2%*
participated in previous experiment:	yes: *39%*; no: *60%*; missing: *1%*

When asked for their motivation, *83%* of the subjects named making money as one of the reasons for participating in the experiment.

The subjects assembled in the reception-room of the laboratory and when settled down some preliminary instructions were read aloud. These gave the general set-up of the experiment: (1) the subjects would be randomly assigned tables; (2) one of the participants was randomly selected to be an observer in the experiment; his or her job was to ensure that the experiment was conducted exactly as stated in the instructions; (3) it was stressed that all decisions had to remain secret, no communication was allowed (in the lab, participants were unable to see each others' screens without the experimenter noticing it); (4) the subjects were told that they could make or lose money in the experiment; to compensate potential losses, they were paid a lunp-sum fee of *f* 15 or *f* 20 (depending on the parameter set) when entering the laboratory.

When every subject was seated, the computerprogram for the instructions and experiment was started.[10] Each subject, including the observer, could read the instructions (which includes comprehen-

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[9] 1 guilder is worth approximately 0.5-0.6 American dollars and is denoted by a *f*.

[10] The software, written by CREED-programmer Otto Perdeck, is available upon request. The program, consisting of instructions and the experiment itself, is written in the language EASEL for an OS/2 environment.

sion tests) at her or his ease. Typically subjects took 25-35 minutes to finish the instructions. In all sessions the subjects were told they would play 20 periods. No practice trials were held. When everyone had finished the instructions a one-page summary was handed out.

For the experiment participants other than the observer were split into two teams, named yellow and blue. In sessions 1-12 each group consisted of 6 subjects. The way in which groups were composed varied. In sessions 1-4, the group-composition varied from period to period. The participants knew that the composition was never the same in any two periods. These first four sessions are labelled *mixed*, below. In sessions 5-8, the participants knew that the groups remained constant but did not know who was in which group. These sessions are labelled *blind*. In sessions 9-12, the table-number determined the allocation of groups. In these sessions everyone knew who was in which group, though all decisions remained secret, of course. To stress the openness of the group composition in these four sessions, the tables of the yellow (blue) group were marked by yellow (blue) balloons and all paper (for notes and handouts) was yellow (blue). These sessions are labelled *open*. Sessions 13 and 14 were designed to test the effect of unequal group size. The formation was undertaken as in *blind*, but in this case the yellow group consisted of eight and the blue group of six subjects. These sessions are labelled *blind-8x6*. Finally, sessions 15 and 16 were conducted to testfor a group size effect. In these cases, each group consisted of 14 subjects. Once again, the *blind* group composition was used. These are denoted by *blind-14x14*.

After the group composition had been arranged, the parameter-configuration for the session concerned was handed out. This determined the payoff structure. There were two configurations, one representing an election in a system of proportional representation (labelled *propres*) and one representing a winner-takes-all (*winall*) election. Each configuration was run twice in each of the group-conditions mixed, blind, and open. Only *winall* was used (twice) for *blind-8x6* and *blind-14x14*. Table 2 presents the distribution of group-conditions and parameter configurations over the 16 sessions.

Table 2: Condition and Configuration per Session

group-condition	mixed		blind		open		blind-8x6	blind-14x14
configuration	propres	winall	propres	winall	propres	winall	winall	winall
session	1&2	3&4	5&6	7&8	9&10	11&12	13&14	15&16

The subjects were given five minutes to study the configuration. Then the twenty periods were run. In each period, each participant had to decide to buy an imaginary disc or not. The price of a disc was common knowledge and equal for everyone. In propres a disc costs f 0.7. In winall the price is f 1. The players were payed a lump-sum start-off fee of f 15 in propres and f 20 in winall.

The number of discs bought in each group determines the payoffs. In *propres* the payoff to any group-member is equal to the number of discs bought in one's own group divided by the total number of discs bought times f 2.22. In *winall*, each member of the group that buys most discs receives a payoff of f 2.5 and the payoff for the other group equals zero. In case of an equal number of discs in both groups the observer randomly draws a yellow or blue ball from an urn (with a probability of ½ either way) to determine which group receives a payoff of 2.5. The parameter configuration of a session was handed out in a matrix form on paper and on the computer screen. Using the keyboard or mouse, subjects could light up rows or columns of the matrix to enhance readability. Table 3 shows the form in which subjects received the information in sessions 1 through 12 (two teams of six players each). The matrices for sessions 13-16 were straightforward extensions.

In the instructions it was made sure that participants understood how to read these matrices. In addition subjects were well aware of the fact that they received the payoff to their group irrespective of whether they bought a disc or not. To assure the participants that everyone was working with the same matrix, it was also projected on an overhead screen. Of course, the observer would be able to notice any deception in this way as well.

Table 3: Parameter Configuration

1. PROPRES

Costs for a disc: 70 cents:

Payoff matrix in cents:

		number of discs in the other group						
		0	1	2	3	4	5	6
number of discs in your group	0	111	0	0	0	0	0	0
	1	222	111	74	55	44	37	32
	2	222	148	111	89	74	63	55
	3	222	167	133	111	95	83	74
	4	222	178	148	127	111	99	89
	5	222	185	159	139	123	111	101
	6	222	190	167	148	133	121	111

2. WINALL

Costs for a disc: 100 cents:

Payoff matrix in cents:

		number of discs in the other group						
		0	1	2	3	4	5	6
number of discs in your group	0	0 or 250	0	0	0	0	0	0
	1	250	0 or 250	0	0	0	0	0
	2	250	250	0 or 250	0	0	0	0
	3	250	250	250	0 or 250	0	0	0
	4	250	250	250	250	0 or 250	0	0
	5	250	250	250	250	250	0 or 250	0
	6	250	250	250	250	250	250	0 or 250

The screen of each participant keeps track of the results. It gives the period number, the group allocation of the individual in that period, the decision to buy or not, the number of discs bought in each group, the payoff to each group, and the individual's personal earning in the period. The latter is equal to the group payoff if (s)he did not buy a disc and equal to the group payoff minus the price of a disc in case (s)he did. These results are displayed for the most recent 4 periods, and participants can easily scroll back to earlier results.

The 20 periods of the experiment generally took about 30 minutes. In *open* and in *blind-8x6*, after 20 periods the experimenter in the laboratory said that this was the end of the first part of the

experiment. The participants were told they would be allowed to communicate within their group for 5 minutes. After 5 minutes no communication was allowed anymore, and 5 more periods were played.

After 20 or 25 periods, the subjects were asked to remain seated and questionnaires were handed out. A translation of the questionnaire is available upon request. The general structure is as follows. It consists of 4 parts. The first part (6 questions) concerns the instructions, e.g. were they clear, and did the subject use the one page summary of the instructions handed out. The second part (26 multiple choice questions and 3 open questions) is dedicated to the decisions made by the subject. It concerns, for example, the considerations while making choices, and the extent to which the subject perceives her or his earning dependent on the choices of other participants. The third part contains more general questions about the experimental situation (17 multiple choice and 1 open question), e.g., whether the subject was satisfied with his/her earnings and questions about the use of the computer. The final part of the questionnaire concerns individual characteristics of the subject, like age, gender, and major.

The questionnaire included some open questions, especially about the subjects' considerations when making their choices. These questions are asked early in the questionnaire, in order to avoid having subjects influenced by the ideas of the researchers, as revealed in other questions asked later on. The answers to these questions are coded into categories.

It generally took the subjects 5-15 minutes to fill out the form. The reason for using such an extensive questionnaire is twofold. First of all, it can give us useful information on how subjects experienced the experiment itself. Second, the results of the questionnaire may help to derive hypotheses about individual choice for future testing. It is realized that reservations should be made with respect to the use of stated preferences and motivations for certain choices, especially when the statements are made after the result of their choices is known to the subjects. However, in some cases the statements may reveal an individual's attitude towards the group, for example (cf. section 5).

After everyone had finished the questionnaire, subjects were asked into the reception room one by one and paid. Anyone that had lost money (only one subject in all 16 sessions) had to pay back part of the money paid at the start of the experiment. The total duration of the experiment from the reading of the first instructions to the paying of the last subject generally took just over an hour and a half and never took more than 2 hours. Including delays at the start of the experiment, no subject ever spent more than 2 hours and 20 minutes on the experiment.

The subjects appear to have understood the instructions. The comprehension questions had to be answered correctly, and answers in the questionnaire showed that the instructions were thought to be clear. Nothing in the individual decisions seems to show that subjects might not know what they were doing.

The sessions generally took place as planned and without problems. An exception is formed by the two sessions in which the experiment was run with teams of 5 individuals per group instead of 6 (*winall* sessions 3 and 12). In addition, four times, a software problem occured that potentially could affect results. In session 7, the data concerning period 8 were lost. A short break was taken to solve the problem. Individuals were asked to restate their decisions of period 8 at the end of the session.[11] Using this information, the results for period 8 were reconstructed. In session 9, one of the computers lost contact with the local area network, and a restart-program taking about 5 minutes had to be run. In session 15 the restart program had to be used again. In session 16 the same problem occurred after period 19, and the experiment was stopped. None of these problems is expected to have had an effect on the results.

A potentially more important problem concerns the difference between the group conditions *blind* and *open*. The idea is, that individuals do not know who their co-members are in *blind*. After the random draw of a group, individuals had to type in their color on the keyboard. Some participants let us know after the experiment that they had known which group their neighbors belonged to because

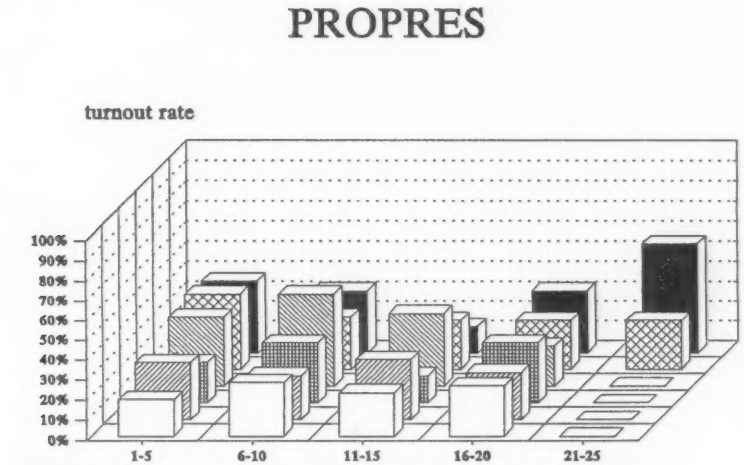
[11] This restatement had no effect on payoffs. For period 8 the aggregate result was known. Therefore, it was known which team had won 2.5 guilder. For this period payoffs were made net of costs (i.e., irrespective of the decision to buy or not). Participants knew this when they restated their decision of period 8. The aggregate result of the 'restatement' corresponds to the original aggregate result.

they had heard the number of keys typed ('blue' has one letter more than 'yellow', in Dutch). Though this might have a slight effect on difference between *open* and *blind*, it seems safe to assume that the latter has a more anonymous group composition than the former.

General Results

The appendix to this paper presents all of the results of the 16 sessions. The aggregate results are presented in figures 1, 2, and 3, which show the five-period-average 'turnout rate' (number of discs bought divided by the number of participants) for each session. Figure 1 gives the results for the *propres* configuration for the various group conditions (sessions 1,2,5,6,9,10).Figure 2 presents the corresponding results for *winall* sessions 3, 4, 7, 8, 11, 12). Figure 3 compares the *blind-winall* results in the conditions 6x6, 8x6, and 14x14 (sessions 7, 8, 13, 14, 15, 16). A first glance at these figures indicates that (1) turnout seems higher in winall than in propres; (2) turnout declines towards the end of a session; (3) turnout in *mixed* is lower than in *blind* or *open*; and (4) the 8x6 and 14x14 conditions do not seem to differ much from the 6x6 condition. Of course, these assertions will be tested more thoroughly, below.

Figure 1: Turnout Rates for PROPRES

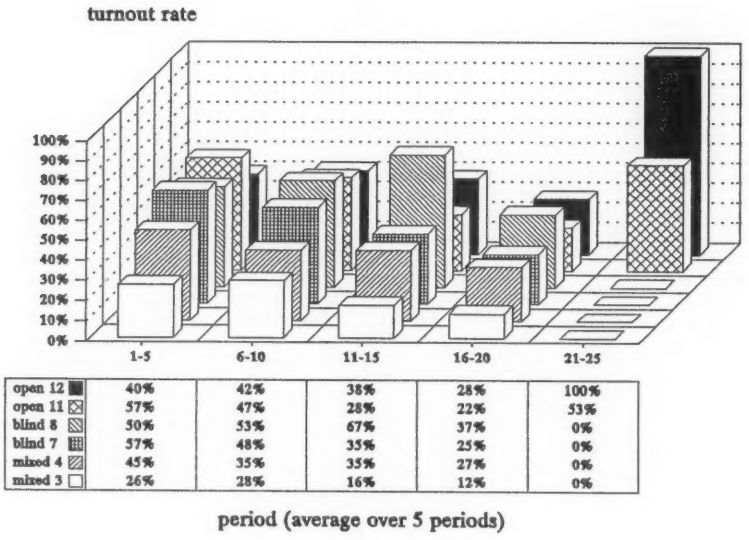


	1-5	6-10	11-15	16-20	21-25
open 10	37%	32%	13%	32%	55%
open 9	38%	27%	25%	25%	25%
blind 6	35%	47%	37%	20%	0%
blind 5	20%	30%	13%	30%	0%
mixed 2	28%	22%	30%	23%	0%
mixed 1	18%	27%	22%	25%	0%

A different way of summarizing the results is at an individual level. Table 4 (first row) presents the average number of discs bought per individual, in the various condition/configuration combinations. This table enables comparisons of results in various conditions, to be undertaken when testing hypotheses in sections 4 and 5. Thus, much of our statistical analysis will take place at an individual level (as opposed to a session-level). This is a consequence of the fact that most of the research questions and hypotheses we have are at the individual level. Because the observations in any one session are not completely independent (the choices of 'other' participants may vary sytematically over sessions), one needs to test and correct for a 'session-effect'.[12] No such effect could be distinguished in the data.

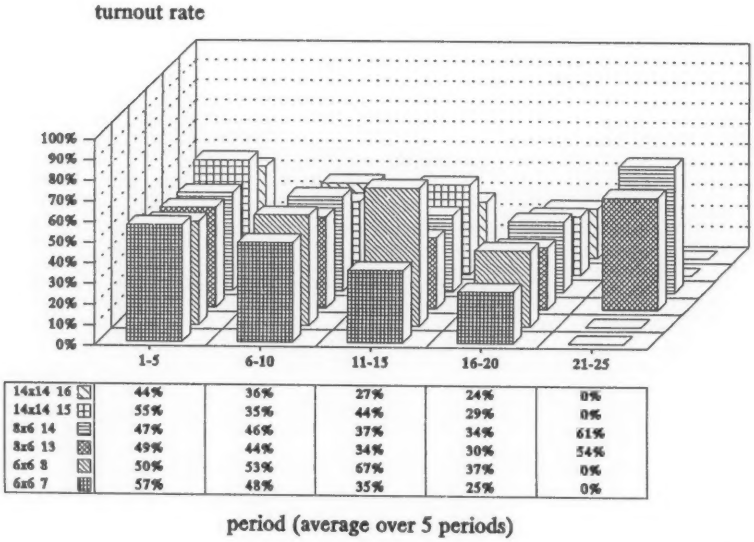
[12] One could avoid problems by having subjects, unknowingly, play against programmed strategies. This has other disadvantages, of course.

Figure 2: Turnout Rates for WINALL



	1-5	6-10	11-15	16-20	21-25
open 12	40%	42%	38%	28%	100%
open 11	57%	47%	28%	22%	53%
blind 8	50%	53%	67%	37%	0%
blind 7	57%	48%	35%	25%	0%
mixed 4	45%	35%	35%	27%	0%
mixed 3	26%	28%	16%	12%	0%

Figure 3: Turnout Rates for BLIND



	1-5	6-10	11-15	16-20	21-25
14x14 16	44%	36%	27%	24%	0%
14x14 15	55%	35%	44%	29%	0%
8x6 14	47%	46%	37%	34%	61%
8x6 13	49%	44%	34%	30%	54%
6x6 8	50%	53%	67%	37%	0%
6x6 7	57%	48%	35%	25%	0%

Table 4: Average Number of Discs and Average Earnings per Individual

group-condition	mixed		blind		open		blind-8x6	blind-14x14
configuration	propres	winall	propres	winall	propres	winall	winall	winall
number of discs per i	4.88	5.73	5.79	9.29	5.71	7.55	8.08	7.36[a]
earnings per i[b]	18.79	19.27	18.15	15.71	18.20	17.58	16.93	17.18

[a]The average number in session 16 was corrected for the fact that only 19 periods were played.
[b]Net of start-off fee.

As for earnings, over the first 20 periods[13] the net earnings in *propres*, excluding the *f* 15 subject received at the start, was between *f* 10.28 and *f* 25.57, with an average of *f* 18.38. For *winall* the subjects started off with *f* 20 and the net earnings were between -*f* 0.30 and +*f* 39,00, with an average of *f* 17.26. The average earnings for the various group conditions are presented in the second row of table 4.

Table 5: Earnings and Number of Discs Bought
(excluding start-off fee of *f* 15 / *f* 20)

# discs	PROPRES		WINALL	
	# cases	average earning	# cases	average earning
0	9	22.11	11	24.77
1	4	23.00	5	23.00
2	6	18.68	9	23.28
3	6	20.30	9	15.61
4	7	18.63	5	20.50
5	7	18.32	15	19.33
6	5	17.71	14	18.64
7	10	16.87	11	16.41
8	5	17.61	12	14.92
9	1	13.50	9	13.22
10	4	16.98	14	14.29
11	1	18.02	7	15.79
12	1	10.28	3	13.83
13	3	15.14	12	14.52
14	1	12.05	4	17.88
15	1	12.05	7	14.64
16	1	15.19	1	14.00
17	-	----	1	15.50
18	-	----	1	12.00
20	-	----	2	6.25
	Pearson's R: -0.67		Pearson's R: -0.41	

[13]Note that the participants in the sessions concerned did not hear about the additional five periods until after period 20 had been played.

To get an impression of the relationship between the number of discs bought and the earnings, table 5 presents the average earnings in both parameter configurations for various numbers of discs bought. The table shows a negative relationship between earnings and number of discs (stronger for *propres* than for *winall*), as was to be expected, though monotonicity is not obvious.

These general results only serve to provide a first impression of the results of the experiments. We now turn to a more systematic analysis of theories of individual behavior for the setting described. The theory will then be confronted with the data obtained.

4. Models of Individual Behavior

In this section, two types of models of individual behavior will be discussed. First, a formal game-theoretic analysis of the situation at hand will be presented. The equilibria to be derived will be tested using the data obtained from the experiments described. A distinction is made between a static and a dynamic interpretation of the game at hand. The second type of model concerns a (less formal) description of learning process that a participant might go through in the experiments.

The structure in which theories are analyzed in this and the next section is as follows. First, a general description of the theory is presented. Next, the theory is formulated as a hypothesis in general terms. This is then elaborated to make it testable using the experiments. It will become clear that one general hypothesis (e.g., hypothesis 1) may be elaborated to various testable hypotheses (e.g., 1a-1e). The elaborated hypotheses are tested and conclusions are drawn. Rejection of a hypothesis may indicate that the general hypothesis is wrong, or that the elaboration is wrong. In these cases, and in case of acceptance of a hypothesis, an explorative discussion of the implications of the results will be presented.

In elaborating and testing the hypotheses put forward in this paper, the following *notation* will be used. The variable x_{it} is a 0-1 dummy that is equal to 1 if individual i buys a disc in period t and 0, otherwise. The total number an individual buys in 20 periods is denoted by $X_i = \Sigma_t x_{it}$. From the point of view of i, the group (s)he belongs to is denoted by I, the other group by II. The probability $p_{it} = \text{Prob}\{x_{it}=1\}$. The total number of individuals *other than i* who buy a disc in group I in period t, is denoted by n^I_{it}, the turnout in group II by n^{II}_{it}. Total turnout in period t is equal to $x_{it}+n^I_{it}+n^{II}_{it}$, turnout in a group is denoted by n_t.

4.1. Static Game Theoretic Equilibria

For the parameter configurations described in table 3, various types of (Nash-)equilibrium can be derived. One can distinguish static (one shot) equilibria from dynamic equilibria for the complete 20 periods of an experiment. In addition, a distinction can be made between equilibria at the level of individuals and equilibria at the level of groups. Finally, one must determine whether complete information concerning the payoff functions of fellow players is a reasonable assumption or not. Note that for both *propres* and *winall* the Pareto optimal situation is for no one to vote.[14]

Assuming complete information, at an *individual* level, both pure and mixed strategy equilibria will be determined. In the latter case, only totally quasi-symmetric equilibria are investigated (cf. Palfrey and Rosenthal, 1983), where all voters in one group are assumed to vote with the same probability. Randomly labelling our two groups I and II, we denote the probability of any individual in I (II) voting by p (q). Assume n (m) members in group I (II). Furthermore, denote the (n+1, m+1) matrix defining the benefits from an election result for an individual in I by A (cf. table 3, for examples). Due to symmetry, A^T presents the benefits for an individual in II. Finally, the costs of voting are assumed equal for everyone and denoted by c.

To start with the pure strategy equilibria for the games determined by Table 3, it can easily be seen that for *propres*, all (36) situations where one participant in each group votes constitute a Nash

[14] The various situations will be described using terminology referring to voting instead of buying discs.

equilibrium. In *winall* only the situation where everyone votes represent a Nash equilibrium in pure strategies in the 6x6 or 14x14 games. In the 8x6 game, no Nash-equilibrium in pure strategies exists.[15]

Turning to equilibria in mixed strategies, for a member of I, the expected value of voting or not voting depends on the number of other individuals i in I, and the number of individuals j in II casting a vote. The probability of i and j occurring for group size n,m can be denoted by Pr_{ij}^{nm}. For notational convenience, the superscripts n and m will be dropped. Given i and j voters in I and II, the benefit from voting is:

$$A[i+1, j] - c .$$

The benefit from not voting is:

$$A[i, j] .$$

Given the probabilities Pr_{ij}, this yields the expected benefit to be obtained from voting as opposed to abstaining:

$$E_{vote} - E_{abstain} = \sum_{i=0}^{n-1} \sum_{j=0}^{m} Pr_{ij} \cdot (A[i+1, j] - c - A[i, j]) , \tag{1}$$

where

$$Pr_{ij} = \binom{n-1}{i} \cdot p^{i} \cdot (1-p)^{n-i-1} \cdot \binom{m}{j} \cdot q^{j} \cdot (1-q)^{m-j} .$$

For any matrix A, a mixed equilibrium strategy for an individual in I will occur, if:

$$E_{vote} - E_{abstain} = 0 . \tag{2}$$

The set (p,q) constitutes an equilibrium if eq. (2) holds and q is an equilibrium strategy for any voter in II.[16] The latter requires:

$$\sum_{i=0}^{n} \sum_{j=0}^{m-1} Pr_{ij}^{*} \cdot (A^{T}[i, j+1] - c - A^{T}[i, j]) = 0 , \tag{3}$$

where

$$Pr_{ij}^{*} = \binom{n}{i} \cdot p^{i} \cdot (1-p)^{n-i} \cdot \binom{m-1}{j} \cdot q^{j} \cdot (1-q)^{m-j-1} .$$

Solving eqs. (2) and (3) yields the mixed strategy equilibria for the games constituted by various values

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[15] We are assuming that risk attitudes ar such, that an equal probability of earning f 1,5 or losing f 1 is preferred over a sure profit of f 0.

[16] Note that eqs. 2 and 3 are a generalization of eqs. 11 and 12 in Palfrey and Rosenthal (1983).

of m and n. In our cases, (m,n) = (5,5), (6,6), (8,6), and (14,14). Before presenting the solutions, which have been determined numerically, we determine the solutions for groups as a whole.

The groups as a whole play a game of two players with m+1 and n+1 strategies, respectively (from zero voters to m or n voters). The payoff matrix B for group I in this game consists of the elements:

$$B[i, j] = n \cdot A[i, j] - i \cdot c \ , \ i = 1, \ldots, n, \ j = 1, \ldots, m \ .$$

For group II, the payoff matrix is given by:

$$B^T[i,j] = m \cdot A^T[i,j] - j \cdot c \ , \ i = 1, \ldots, n, \ j = 1, \ldots, m \ .$$

A pure strategy for I (II) consists of having i (j) members vote and n-i (m-j) abstain. A mixed strategy for group I (II) consists of probabilities p_i, i=0,...,n, (q_j, j=0,...,m), with:

$$\sum_{i=0}^{n} p_i = \sum_{j=0}^{m} q_j = 1 \ . \qquad (4)$$

For groups as a whole, we only look at pure strategy equilibria, the case for mixed strategies is straightforward, but will not be needed in the analyses to be undertaken.

For the parameters used, at an individual level the mixed strategies are all symmetric, i.e. p=q, in the (n,m) = (5,5), (6,6) and (14,14) cases. Table 6 summarizes the game theoretic predictions for our experiments.

Table 6: Static Game Theoretic Equilibria[a]

	Pareto-optimum	Individual-level		Group-level
		pure strategies	mixed strategies (p, q)	pure strategies
propres	0 0	1 1	(0.098, 0.098)	5 5
winall (5x5)	0 0	5 5	(0.064, 0.064) (0.936, 0.936)	5 5
winall (6x6)	0 0	6 6	(0.051, 0.051) (0.949, 0.949)	6 6
winall (8x6)	0 0	----	(0.037, 0.050)	----
winall (14x14)	0 0	14 14	(0.019, 0,019) (0.981, 0.981)	14 14

[a]The numbers in the cel represent the total number of voters in each group for the Pareto optima and pure strategies. For mixed strategies, the equilibrium probability of voting (equal for both groups) is given.

Table 6 shows that the pure strategy individual-level equilibria are completely different for *propres* and *winall*. In the former case turnout is very low, in the latter it is 100% for the symmetric cases, whereas no pure strategy equilibrium exists for the 8x6 configuration. Note that the pure strategy equilibria for *propres* would seem to be very difficult to arrive at, due to coordination problems as to which indivi-

dual in each group should vote (there are 36 of these equilibria). The mixed strategy individual-level equilibria make low turnout possible in equilibrium in both cases. At the group level high turnout is the equilibrium for both matrix configurations, except the asymmetric *winall* case, where no pure strategy equilibrium exists. Note that the Pareto optimal zero turnout is never an equilibrium. Using these equilibria, a number of hypotheses based on the literature discussed in section 2 will be examined in section 5. Here we focus on the matter whether the static game theory described provides an adequate description of behavior in the experiments. We start with the first hypothesis in general terms.

HYPOTHESIS 1: *In the absence of group-identification, turnout will correspond to individual-level game theoretic equilibria.*

This general hypothesis refers to the static as well as the dynamic case. The former will be tested in two forms, the first more strict than the second. Because the group condition *mixed* should exclude the possibility of group identification and does not constitute a repeated game, the decisions made there are related to the equilibria predictions in table 6. Of course, we have to deal with the various configurations and conditions described in the table. In addition, both pure and mixed strategies are possible. Though the coordination problems for the pure strategies in *propres-mixed* are immense, the first version of the hypothesis simply predicts that one of the equilibria will be found. The second version is far less strict: it compares the predicted outcomes in various conditions in a comparative static manner. If it is assumed that pure strategies are played, the number of discs bought in *winall* is expected to be larger than in *propres*. If mixed strategies are assumed, individual behavior over 20 periods must be in accordance with the probabilities constituting the strategy.

HYPOTHESIS 1a: *In mixed, n_i corresponds to a pure strategy equilibrium in table 6 or $X_i/20$ corresponds to a mixed strategy in table 6.*

HYPOTHESIS 1b: *In mixed, X_i is larger for winall than for propres.*

Results

Remember, to avoid repeated game properties, the static equilibria have only been looked into, for the group-condition *mixed*. First consider hypothesis 1a. As far as pure strategies are concerned, the individual-level equilibrium of 1-1 for *propres* was obtained in only 6 out of 40 rounds, and never two rounds in succession. The *winall* pure strategy equilibria of 5-5 (session 3) and 6-6 (session 4) were never found. The mixed strategy equilibria were investigated using individual participation records. The number of discs bought by an individual, X_i has a binomial distribution with parameters 20 (number of periods) and p (probability of buying a disc). Hypothesis 2a implies that $p=0.098$ for *propres*, $p=0.064$ or $p=0.0936$ for *winall 5*, and $p=0.051$ or $p=0.949$ for *winall* . This yields 95% confidence intervals for the number of times a disc is bought: [0,5] for *propres*, [0,4] and [16,20] for *winall 5*, and [0,3] and [17,20] for *winall*. In *propres*, the participation of 13 of the 24 subjects stays within this interval. For *winall 5*, 5 out of 10 act in accordance with the lower interval and no individual buys 17 discs or more. For *winall*, 1 out of 12 act in line with the lower interval and no individual buys 16 discs or more. Aggregating over individuals, the average number of discs bought differs significantly from the mixed strategy equilibrium in each of the three parameter configurations used.

Hypothesis 1b compares the number of discs bought in *propres* and *winall* in *mixed*. In the former configuration, on average 4.88 discs are bought, in the latter 5.73. This difference is as expected, but not statistically significant, using a t-test. The hypothesis is not rejected by the data.

All in all, the support for static game theory as a model of individual behavior in our experiment is only partial. Only the comparative statics of 1b are supported. It may be added that the same conclusion holds, if tests are carried out for the last 10 periods of each session only. Of course, the symmetry assumed may be too restrictive. We return to this point in section 4.4, after other models of individual behavior have been discussed.

4.2. Dynamic Aspects of the Game

If behavior is analyzed in the setting of a dynamic (repeated) game, there are two versions that could be relevant for the present case. Which version is chosen depends on the assumptions made concerning the information individuals have. In the static analysis above, complete information on other players' payoffs was assumed. In a repeated game, complete (but imperfect) information implies that a subgame perfect Nash-equilibrium is the appropriate concept to use[17]. This is discussed below. On the other hand, people may have incomplete information concerning the payoffs of others, for example where positive utility is derived from the act of contributing per se, but one does not know how much utility is derived by other participants. The dynamic game of incomplete information then arrived at will be analyzed below. Note that we do not discuss the static case of incomplete information. Using the analysis below, this is straightforward, however.

Repeated Game with Complete Information

The difference between a series of static (one-shot) games and a repeated game is that in the former case players attempt to achieve a maximum payoff, given the strategies of other players, in each period. In the repeated game, however, a maximum payoff for all periods together is sought. Threats and promises about future behavior can affect current behavior. Of course, these threats need to be credible. This is the case as long as they are not on conflict with Nash-behavior in any subgame. Formally, a subgame-perfect Nash equilibrium is a Nash equilibrium for the dynamic game if the players' strategies constitute a Nash equilibrium in every subgame. It can be shown that a repetition of the pure strategy-equilibria derived above for *winall* and *propres* are subgame perfect Nash equilibria for these participation games. There may be many more, of course, but here we focus on these most straightforward ones. Therefore, hypothesis 1 can easily be elaborated to apply to the dynamic case of complete information.

Naturally, we cannot simply refer to the results for hypothesis 1. This was tested using the *mixed* condition, which does not constitute a repeated game. In addition, the group-condition *open* may be a bit tricky because it was specifically designed to enhance group identification. Therefore, we adapt the hypothesis for the condition *blind*. This then simply reads that the results in periods of the repeated game are static Nash-equilibria. It should be noted that, in theory, subgame-perfect Nash equilibria could exist, in which the outcome of a period is not a Nash-equilibrium. This can occur when multiple static equilibria exist for the stage game. The complexity of our cases, where only one of the multiple equilibria is in pure strategies, makes it unlikely that individual participants will behave in this manner. We therefore restrict the analysis to repetitions of the (same) static equilibria.

HYPOTHESIS 1c: *In blind, n_i corresponds to a pure strategy equilibrium in table 6 or $X_i/20$ corresponds to a mixed strategy in table 6.*

HYPOTHESIS 1d: *In blind, X_i is larger for winall than for propres. X_i is larger in blind-14x14 than in blind (winall).*

Once again, the second version is based on pure strategies only, and is no more than a comparative analysis between conditions.

Results

To test 1c, we once again count the number of pure strategy equilibria arrived at, and compare individual track records to the binomial confidence intervals for mixed strategies. In *propres*, 3 times out of 40, a (1,1) equilibrium was arrived at, and this was never repeated in the next period. Only 11 out of 24 subjects bought discs in accordance with the lower interval (less than or equal to 5 discs) whereas none bought in accordance with the higher interval (more than or equal to 16). For *winall*, the pure strategy equilibria (6,6) or (14,14) were never obtained. The intervals for the 6x6 condition are

[17] For a useful explanation of the role of information and various equilibrium concepts, see Gibbons (1991).

once again [0,3] and [17,20]. The former was kept to by 2, the latter by 1 out of 24 individuals. The 95%-confidence intervals for the 14x14 condition are [0,2] and [18,20]. 13 of the 56 subjects stayed in the first interval, 2 of the 56 stayed in the second. For the 8x6 condition, the confidence interval for the group of 8 is [0,3], for the group of 6 it is [0,4]. 3 out of 16 participants adhered to the former, 2 out of 12 to the latter.

As for 1d, both elements are supported by the data. In blind (6x6), 9.29 discs were bought on average in *winall*, whereas 5.79 were bought on average in *propres*. The difference is statistically significant at a 1% level. The numbers for *blind-winall-6x6* and *blind-winall-14x14* are 9.29 and 7.36, respectively. The corresponding t-test has a p-value of 0.085.

All in all, like the static case, only the comparative statics implied by the dynamic game theory assuming complete information are supported. Once again, this may be a consequence of the fact that we have elaborated the general hypothesis for the symmetric case only (cf. section 4.4).

Repeated Game with Incomplete Information

The assumption of complete information about other participants' payoffs is more restrictive than it may seem at first sight. It assumes that every player is only concerned with the monetary payoffs provided by the experimenter. Moreover, it implies that everyone knows, that everyone knows (etc.), that every player is only concerned with these monetary payoffs. If non-monetary rewards to contributing to a group goal exist, however (people might just feel good about doing something nice for someone else) or if people only think that they may exist, the assumption of complete information needs to be changed.

To investigate the effects, assume that non-monetary awards are added to the monetary payoffs of participants. These rewards may be due to a feeling of altruism (Palfrey and Rosenthal, 1988) or giving in to social norms like 'civic duty' (Schram and van Winden, 1991), for example. The formal incorporation of these rewards below will be similar to the altruism model by the former.[18] They rightfully stress that there are two effects following the introduction of these non-monetary rewards. First of all, a trivial consequence of a higher reward attributed to ones own contribution is that one is more likely to participate. This is not the interesting consequence, however. The second consequence worth studying, is that uncertainty concerning altruism of other participants yields different behavior (and different equilibria) than in case of complete information.

In the context of the present paper, the non-monetary rewards are incorporated in the analysis by adding a parameter d_i (for 'duty') to eqs. (1) and (3). Given the results in Table 6, that in the static game for groups of equal size, mixed strategies were found to be equal across groups, we restrict attention to symmetry within and between groups: everyone has the same probability of participating. Thus, the analysis that follows does not hold for the *blind-8x6* condition. An extension to asymmetric cases is straightforward, however.

For the symmetric cases, we only need to adapt (1), which now reads:

$$E_{vote} - E_{abstain} = \sum_{i=0}^{n-1} \sum_{j=0}^{m} Pr_{ij} \cdot (A[i+1, j] - A[i, j] + d_i - c) \; . \qquad (1')$$

Note that if $d_i > c - \min \{A[i+1,j] - A[i,j]\}$, the individual will always vote, and if $d_i < c - \max \{A[i+1,j] - A[i,j]\}$, (s)he will always abstain. These are individuals whose sense of duty is so high or low that a dominant pure strategy exists. Here, we focus on intermediate cases.

A perfect Bayesian equilibrium for this game consists of strategies and beliefs (concerning the levels of

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[18] Palfrey and Rosenthal (1988) apply their analysis to voluntary provision of public goods games. They derive a Bayesian Nash Equilibrium, i.e., no intertemporal behavior (including Bayesian updating) is investigated.

altruism of other participants) that satisfy (roughly speaking):[19] (1) each player maximizes expected payoffs, given her or his beliefs and the strategies of others; (2) beliefs are updated using Bayes' rule. The latter requirement is very tricky in the game at hand. Because participants have no feedback concerning other participants' behavior at an individual level, Bayesian updating would necessarily concern some aggregate measure concerning the altruism of others. Assume that this aggregate measure determines the distribution function of d_j, $j \neq i$, as individual i believes it to be. The turnout observed then provides information concerning the value of this measure. There are now two possibilities.

First of all, i may believe that her or his altruism stems from the same distribution. In this case, i (assuming (s)he knows d_i) has more direct information concerning the altruism distribution and it is not clear how (s)he should use both types of information optimally. The second case is where i believes that her or his altruism contains no information with respect to the altruism of other participants. Because d_i is relevant for the beliefs of others, this yields a complex system of interrelated beliefs about the distribution of altruism of 'the others'.

In both cases, optimizing rational individuals will be forward looking in the sense, that they will take account of the fact that their behavior will not only affect the behavior, but also the beliefs of other players. This adds yet another complexity to the perfect Bayesian outcome. Given all these complexities, we shall not set out on a quest for the perfect Bayesian outcome.[20] Instead, two simplifying assumptions will be made. First, players are not assumed to be forward looking, in the way described. A participant is assumed to maximize payoffs, given beliefs, without taking account of the possibility of affecting future beliefs. Second, it is assumed that players disregard their own altruism when updating their belief about the distribution of altruism on the basis of observed behavior. As mentioned above, a final characteristic of the analysis is that only symmetric equilibria are under investigation. This point will be discussed in section 4.4.

Focusing on symmetric equilibria, strategies consist of equal participation probabilities for both groups, (p^*,p^*), and beliefs concerning the distribution of altruism are shared equally by everyone. Following Palfrey and Rosenthal (1988), an equilibrium to the game can be characterized by a cutoff-point d^*, (equal for all individuals), such that individual i will vote if $d_i > d^*$, abstain if $d_i < d^*$ and be indifferent if $d_i = d^*$. This can be seen from eq. (1') by noting that one individual with a mixed strategy and $d_i = d^*$ implies that people with lower d_i have $E_{vote} < E_{abstain}$ and people with higher d_i have $E_{vote} > E_{abstain}$. The symmetric mixed strategy equilibria (p^*,p^*) can now be derived from (1'). The equilibrium strategies will depend on d^*.

The value of d_i for other individuals represent incomplete information for the participants. It is assumed that each player has an idea as to the distribution of d_i accross individuals; this is represented by the distribution function $F_\mu(d)$. It is assumed that this function is known to the individual up to its mean μ. In any period of the game, individuals are assumed to have a belief concerning the value of μ. This belief represents the incomplete information aspect of the game. As the individual gathers more information about choices by other participants this belief is updated using Bayes' rule. Given our definition of (p^*,p^*) as equilibrium parameters and d^* as cutoff-points, we have:

$$p^* = 1 - F_\mu(d^*) \ . \qquad (5)$$

Note that the same distribution function F_μ is assumed for both groups. It would mean a straightforward extension to the analysis to let the function vary.

Next, we make use of the fact that at the cutoff-points d^* an individual is indifferent between voting and abstaining, i.e., the expected benefit of both is equal (eq. 2). From (1') it can be derived:

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[19] For a more formal definition, see Gibbons (1991, 177-180).

[20] The complexity of an analysis provides two arguments for not undertaking it. First, in models of individual behavior, participants are assumed to (explicitly or implicitly) be able to do the reasoning needed. If they are not able to do so, there is no need to do it as a researcher. Second, the analysis may be too complex for the researchers to undertake. In this case, both arguments apply.

$$d^* = c - \frac{1}{(n-1)\cdot m} \cdot \sum_{i=0}^{n-1} \sum_{j=0}^{m} Pr_{ij} \cdot (A[i+1, j] - A[i, j]) \ , \qquad (6)$$

where Pr_{ij} is given as a function of p and q(=p) below eq. (1).

Together, eqs. (5) and (6) constitute two equations for the unknown variables p and d*, if F_μ is known. In any static game, this (Bayesian) Nash equilibrium can be solved. In a dynamic setting, one needs to address the updating of beliefs. We shall not do so formally, but restrict attention to comparitive statics that follow from this updating.

To start with, simply assume that μ is updated because of observed behavior. The effect of this change in μ on the equilibrium value of p can be derived by substituting (6) in (5) and totally differentiating:

$$\frac{dp^*}{d\mu} = \frac{-\frac{\partial F}{\partial \mu}(d^*)}{1 + f_\mu(d^*) \cdot G(p^*)} \ , \qquad (7)$$

where:

$$G(p) = \frac{1}{(n-1)m} \sum_{i=1}^{n-1} \sum_{j=1}^{m} \frac{\partial Pr_{ij}}{\partial p}(p) \cdot (A[i+1,j] - A[i,j]) \ .$$

Using the definition of $Pr_{ij}(p)$, it can be derived that:

$$\frac{\partial Pr_{ij}}{\partial p} = \frac{i+j-(m+n-1)p}{p(1-p)} \cdot Pr_{ij}(p) \ .$$

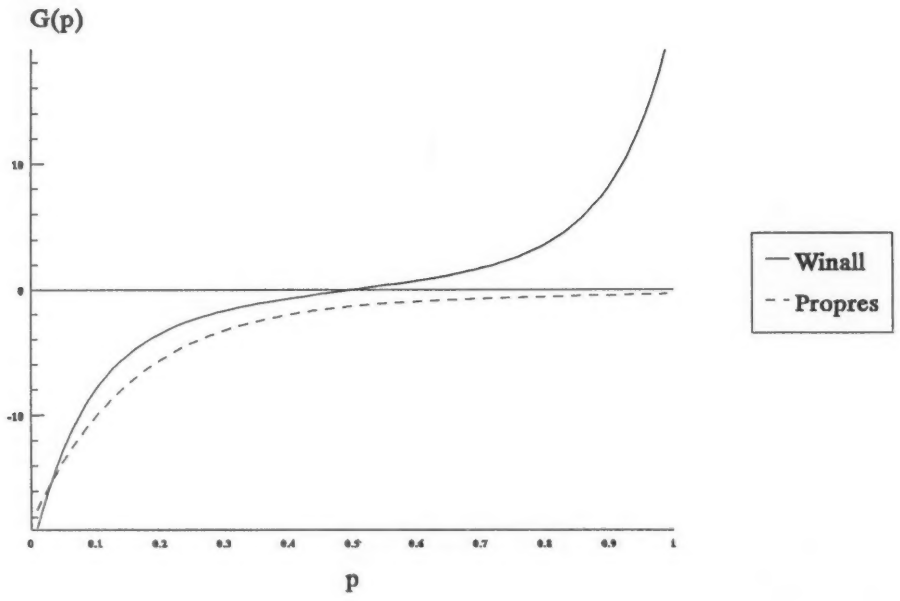
In (7), f_μ represents the density function of μ. Furthermore, for any d, the value of the distribution function declines if μ increases, so the numerator is positive. Therefore the sign of the change in the equilibrium value of p following an updating of μ is determined by the sign of the denominator. Given that $f_\mu > 0$, a sufficient condition for p to move with μ is that $G(p) > 0$. The value of G(p) is plotted for *winall* and *propres* (for m=n=6) in figure 4. This shows that G(p) is a monotonically increasing function in both cases, and is larger than 0 for $p > 0.5$ for *winall* (the same holds for the 14x14 case of winall), but $G(p) < 0$ for *propres*.

The final step to take is to determine the sign of $d\mu$, i.e., in what direction μ is updated. We wish to do so for a general case, without specifying the distribution F. The value of μ will decline if individuals are confronted with unexpected low turnout, and will increase if turnout is unexpected high. The higher an observed turnout is in any given period, the more likely that it will be unexpectedly high, and therefore the more likely it is that μ will be adapted upwards. Moreover, from the previous paragraph, we know that a sufficiently high equilibrium value of p* will mean that the upward movement in μ will be followed by an upward movement in p*, at least for *winall*, where $p^* > 0.5$. This heuristic reasoning yields the only testable elaboration of hypothesis 1 that we derive from the analysis.

HYPOTHESIS 1e: *In winall, in the blind conditions 6x6 and 14x14, a turnout higher than or equal to 50% will, on average, be followed by a higher turnout.*

The term 'on average' has been added, because an increase in turnout probability for every participant need not always yield a higher turnout. Unfortunately, turnout rates of over 50% were rare in our experiments. In the 6x6 case, 21 turnouts (out of 40) were equal to, or over 50%. In 4 cases turnout was higher in the next period, in 4 cases it remained equal, and in 13 cases it declined. For the 10 (out of 39) cases with turnout $\geq 50\%$ in the 14x14 configuration, 2 times an increase, 2 times no change, and 6 times a decline was observed. These figures are in contradiction with the hypothesis.

Figure 4



4.3. Learning behavior

The game theoretic models of individual behavior described above focus attention on the 'ideal' rational participant, and enable one to confront her behavior with that of experimental subjects. A completely different approach starts at the other end, and tries to find out what subjects are actually doing in the experiment. Once this has been established, this behavior may be confronted with the 'ideal' behavior. Typically, this alternative approach assumes that the rationality of participants is bounded in some way.

It is reasonable to assume that a subject will make the decision (s)he thinks is best, given her or his beliefs and expectations about the situation and the behavior of the other subjects in that situation. If these beliefs and expectations are not in line with the model being studied or with the game theoretic assumption that all participants are rational, and that this is common knowledge, game theoretic predictions will not be confirmed by the data from the experiments. However, if a game is played repeatedly, subjects can learn from their experience.

This learning can take on various forms. Here, we focus on a set-up presented by Selten (1991), where three kinds of learning are distinguished. In this analysis, the term 'learning' refers to the way in which an individual adapts her or his behavior as a consequence of experiences.

1 *Rote learning*: choices that led to success (failure) are repeated (abandoned). Note that in this case, no insight in the strategic situation the individual is confronted with is necessary. One might say that an extreme form of stimulus-response behavior is assumed.

2 *Imitation of successful others*: In this case, the horizon of an individual is expanded beyond the personal experiences to look for other indications of what the 'optimal' behavior might be.

3 *Belief learning*: experiences in a situation are used to strengthen or weaken beliefs about the situation one is confronted with.

Necessary conditions for learning to take place are a stable environment and reliable information about choices and results in previous rounds. These conditions are fulfilled in the present experiments;

subjects received clear information about previous rounds and the game itself did not change during a session. However, the environment was not completely stable; results depend on the behavior of other participants, which may (and typically did) change in the course of a session. Moreover, in the mixed condition the situation was less stable because the composition of the groups changed every period; nothing specifically could be learned about the behavior of the blue or yellow group in this case. Therefore, we distinguish the following general hypothesis, that will be elaborated to various testable hypotheses for our experiments.

HYPOTHESIS 2: *Participants in the experiments in the blind and open conditions adapt their behavior between periods in accordance with the learning processes described.*

The second type of learning distinguished by Selten (imitation of successful others) is not possible in the present study, because the subjects did not receive information about the choices and earnings of other individuals. We shall, therefore, elaborate and test the hypothesis for the other two kinds of learning.

Rote learning

This is the most simple kind of learning. No insight in the situation is required, no expectations or beliefs about how other subjects will change their behavior from one period to the next are involved; the only capability required is the recognition of successes and failures, and a memory to record previous outcomes.

Start with the assumption of a one-period memory: periods before the last period are not considered by a subject when deciding what to do now. A decision is defined to be *right* (*wrong*) if the alternative decision would have yielded less (more) profit, given the choices of the other participants. In this case rote learning indicates that if a decision was wrong in the previous period, the alternative decision will be chosen in the present period, whereas a right decision will be repeated from the previous period. In fact, this may be called myopic adaptive behavior; at $t+1$ play the best response to the situation at t.[21]

To examine whether rote learning in the form of myopic adaptive behavior occurs in the experiments, decisions must be compared with the decisions and outcome in the previous period. This yields the following elaboration of hypothesis 2.

HYPOTHESIS 2a: *A right (wrong) decision is followed by a the same (alternative) decision in the next period.*

One way to test this hypothesis is to check whether switches occur more often after wrong decisions than after right decisions.[22] Table 7 presents the percentage of participants that made a different decision after right or wrong previous choices. A distinction is made in the winall and propres configurations and between buyers and non-buyers in the previous period.

Though evidence of myopic adaptive behavior is found in the table, especially for *winall*, it is not very strong.[23] In addition, it should be noted that peculiarities were observed when analyzing the data. For example, in the *winall* condition, after a draw, non-buyers switched to buying (significantly) more often when their group lost the random draw than when their group won it. Moreover, in various cases reactions to wrong decisions proved asymmetric: the reaction to a wrong decision in a losing group is different from the reaction in a winning group. Nevertheless, it would appear that some rote learning is taking place.

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[21] This section on learning behavior is partly based on suggestions by Eric van Damme of Tilburg University, in private communication. He suggested a model based on myopic adaptive behavior, inertia and forward lookingness. This is discussed below.

[22] It should be noted that not one participant showed this type of myopic adaptive behavior in every instance.

[23] It should be noted that seperate analyses for various conditions do not alter this conclusion.

Table 7: Switches in Decisions[a]

		Winall	Propres
Buyers	right decision	41%*	50%*
	wrong decision	47%*	63%*
Non-Buyers	right decision	25%*	23%
	wrong decision	32%*	23%

[a]The numbers in the cells represent the percentage of participants that switched to the other decision for various outcomes in the previous periods. For example, in the winall condition, 41% of the buyers of discs in the previous period switch to non-buying, even though non-buying would have yielded less payoffs previously.
*Indicates that the difference in reaction to a right and wrong decision is statistically significant at a 5%-level (Chi-square test).

One can attempt to make the model more realistic by dropping the assumption that subjects' reactions are based on the outcome of the previous period only, and by taking into account the extent to which the previous decision was wrong or right. If in the previous period the alternative decision would have yielded a pay-off that is substantially (marginally) higher, the tendency to switch to the alternative decision will be stronger (weaker). The hypothesis then reads that subjects will switch if they are not satisfied with their earnings in the previous periods. Satisfaction with the outcome was not measured, however, so the additional assumption is needed that on average subjects who earned more are more satisfied.

HYPOTHESIS 2b: *The tendency to switch behavior is lower, the higher the average earnings in previous periods is.*

This was tested by comparing average earnings (in the last period and in the previous three periods) of switchers and non-switchers for all conditions except *mixed*. In *propres* subjects who switched earned less money in the previous period as well as in the the previous 3 periods than subjects who repeated their decision (t-tests, in both cases $p<.001$). However, this effect is caused by the subjects who did not buy a disc in the previous period, for the buyers there is no effect (previous period) or an effect in the other direction (previous 3 periods, t-test $p<.01$). This latter result - that participants who bought a disc in the previous period and did not buy one in the present period had earned more money on average than those that bought one in both periods - is caused by the subjects who almost always bought (and therefore almost never switched) and earned relatively little money.

In the *winall* conditions the hypothesis is supported (t-tests $p<.001$), this holds for both the buyers (previous period $p<.01$, previous 3 periods no effect) and the non-buyers (t-tests respectively $p<.05$ and $p<.001$).

Belief learning

In this kind of learning, beliefs are strengthened or weakened by outcomes. We focus on beliefs (expectations) concerning the behavior of the other subjects (cf. the analysis of dynamic games for a discussion about bayesian learning of the altruistic orientation of others). A subject will buy a disc if and only if (s)he expect that buying is profitable on average, given her or his expectations about the choices of others. If the outcome is in line with these expectations and the result is positive (compared to the alternative decision) one is likely to make the same decision in the following period. A negative result does not necessarily imply that the decision was principally wrong (because of the uncertainty about the behavior of other participants), and will not always lead to a different decision in the next period. It will only do so if the outcome was far from the expected outcome and the expectations are adapted. This type of learning leads to *inertia*: subjects will often make the same decision.

HYPOTHESIS 2c: *Participants will have a tendency to repeat behavior over periods.*

There is some evidence for inertia in our data. In 67% of the *winall* cases subjects made the same decision as in the previous period; we would expect 52% if the decision was totally independent from the previous decision (given the fact that, on average, 39% of the subjects buy a disc, independence means that .61*.61+.39*.39=52% makes the same decision twice in a row). The difference is statistically significant at $p<.0001$ (Chi-square test). In the *propres* condition these percentages are 67% and 61%, respectively (statistically significant, Chi-square, $p<.0001$).

In the course of the session subjects will probably also form expectations about how the outcome of the last period will influence the choices of the other participants, a kind of *forward lookingness*. The existence and influence of these expectations is difficult to examine in the present study. Some subjects indicated in the questionnaire that their decisions were sometimes based on predictions about the decisions of the other participants. For example, a subject wrote: "I speculated that if they had some successful rounds, free-riding behavior should increase and our cooperative behavior should be profitable". This kind or reasoning can explain why *winall* subjects in the strong losing groups (where the winning group bought at least 2 discs more) buy more discs in the next period. However, these explanations are ad hoc, therefore we plan to measure expectations in future research.

Towards a Behavioral Model?

So far, we have discussed only very simple learning models, with some positive results. It should be noted, however, that buying a disc was almost always unprofitable in this experiment. In *propres* 85% of the decisions to buy a disc (n=393) were wrong (in the sense that not buying would yield more money), and 20% of the decisions not to buy a disc (n=1047) were wrong. On average buyers would have earned 36 cents more by not-buying, and non-buyers would have earned 33 cents less if they had bought a disc. In *winall* 63% of the decisions to buy a disc (n=1110) were wrong (not buying would have yielded 1 guilder more) and 39% of the decisions to not buy a disc (n=1750) were wrong (buying would have yield on average 25 cents more). Nevertheless subjects kept buying discs. Any successful learning model should be able to explain this phenomenon. Given the results for hypotheses 2, such a model will probably contain elements of myopic adaptive behavior and inertia.

In the private communication mentioned in footnote 21, Eric van Damme suggested a behavioral model for the experiments at hand. Worth noting is that his model need not converge to a Nash equilibrium. The model combines the aspects of myopic adaptive behavior, inertia and forward lookingness described above. The weight each type of behavior is attributed depends on the outcome in a previous round. After a large victory, myopic adaptiveness is strong: the number of discs by the losing team drops to zero, non-buying winners do not buy again, and buying winners randomize. Especially the first of these three assertions is rejected by our data.

In the second situation, a tie in the previous period, some forwards lookingness enters: though buyers are assumed to repeat their decision, non-buyers take account of the fact that other group members may show myopic adaptiveness and buy a disc, so some of the non-buyers will not buy a disc, as a consequence of their forward-lookingness. The first part of this hypothesis is not supported by our data: buyers are not more stable after a tie than otherwise.

The third situation concerns a victory by one disc. Here, forward lookingness is assumed to become so strong that buyers in the winning team will tend to switch to non-buying, whereas the reverse holds for non-buyers in the losing team. Once again, not much evidence of this happening is present in our data.

It may seem strange to discuss a model offered in private communication only to argue that it is not supported by the data. The reason to do so is, first of all, that it combines various aspects of learning behavior in an appealing way. A priori, it seems to make sense. Moreover the fact that the behavior need not converge to a Nash equilibrium makes the model worth looking at, given our rejection of various Nash-equilibria. Nevertheless, something seems to be missing in all the models of individual behavior discussed. It is to this, that we now turn.

4.4. Back to the Drawing Board: What is Missing?

In this section, we have presented various theories about individual behavior. Especially the game theoretic models found only limited support. Though some weaker hypotheses (usually concerning comparative static implications of the theories) were supported, as mentioned above, the general picture is that something is still missing. Though the various elements of the learning model appear to find some support, there too, something is still missing. Therefore, we must ask ourselves (1) are the experiments doing what we intend them to do; and (2) if so, what is wrong with the models discussed?.

To start with the experimental design, a first potential concern is the ecological validity. Perhaps the models of individual behavior describe the voter turnout problem adequately, but our experiment does not describe the same decisionmaking process. In section 6, we shall argue that we believe that our experiments do describe the process. Moreover, individual models of voter turnout have typically been very unsuccessful (cf. section 2). This is precisely the raison-d'être of the present study. Even if this were not the case, however, many of the models described above claim to describe behavior in the experiment itself. Therefore, the models must be scrutinized.

When discussing and elaborating the models, we have maintained one assumption throughout. Unless there was explicit reason not to do so, symmetric behavior has been assumed in all cases where incentives and restrictions were symmetric. In the Nash-equilibria, differences between groups were allowed, but symmetry within groups was maintained. In the learning models, the same processes were assumed for all individuals. The fact that hypotheses concerning point predictions behaved poorly, whereas comparative statics were supported, is an indication that some individuals may actually behave according to theoretical predictions, while others do not. It may then be expected, that relaxing the assumption of symmetry will yield an improvement in results. For example, one could allow asymmetric Nash equilibria, where some participants always vote, some never vote, and the rest play various mixed strategies (cf. Palfrey and Rosenthal, 1983). In the learning model, one could allow different individuals to learn in different ways (note that the van Damme model allows different learning in different situation, but does not distinguish between individuals).

The reason why we have not incorporated individual variablity in the models is that we have not had objective grounds for distinction. It is one thing to claim that different individuals will behave in different ways, it is something completely different to allow each individual to potentially fulfill any role. This yields so many degrees of freedom that the data can be made to support any theory. What is needed is an a priori classification of individuals in various roles distinguished by theory. For example, if game theory provides equilibria with n different participation rates in equilibrium, then the individuals must be categorized in the n groups before the theory is tested. Doing so requires independent tests for the classification, i.e., it may not be done using participation decisions.

Unfortunately, in this experiment no such information was obtained, except in the questionnaire. The questionnaire has the disadvantage, that responses may be affected by behavior during the experiment. Moreover, no incentives were provided for truthful response. Currently, experiments are being designed, where independent classification tests are included. These will allow fair testing of individual behavior models in which asymmetry in identical situations is allowed.

A first indication of the effect of differences between individuals is found by looking at variation in behavior of individuals that vary in their goals and orientation, as measured in the questionnaire. This is discussed in the next section. As for learning behavior, the questionnaire included an open question concerning the way in which they arrived at their decisions. In answering this question, 47% of the subjects spontaneously refer to the previous period. In a different question (using a seven-point scale) we explicitly asked to what extent the result of the previous period influenced their decision. Comparing two groups of subjects: one with a high influence (≥ 4 on the scale), and one with a low influence (score < 4), no rote learning is found for the latter group, whereas significant rote learning (in the sense that myopic adaptive behavior is observed) is found for the former. Even for the group that reports a high influence, a large number of participants stick to a wrong decision or switch from a right decision, however.

5. Other Hypotheses Concerning Individual Behavior

In section 2, the discussion of the literature on voter turnout and free riding behavior yielded a number of hypotheses that can be tested using our data. This section is dedicated to doing so. It starts with a hypothesis concerning the expected closeness or expected benefit of an election.

HYPOTHESIS 3: *In the winner-takes-all case, participation will increase as expected closeness increases. In case of proportional representation, participation will increase as the expected benefit increases.*

To test this hypothesis, an assumption as to what individuals expect that others will do in a specific period is needed. In the experiments, expectations as such were not measured, so an assumption is needed concerning their formation. In *mixed*, participants are not thought to have expectations concerning the purchase of discs in any period t in both groups, because they have no idea what the group composition in t will be. We shall make the simple assumption that an individual in *blind* or *open* expects all others to make the same decision in t as they did in t-1.[24] In *winall*, as the choices of others in the previous period are closer to a tie, an individual is more inclined to buy a disc. In *propres*, the marginal benefit to be obtained from buying a disc (MB_{it}) can be calculated as:

$$MB_{it} = 2.22 \cdot \frac{n_{it}^{I}+1}{n_{it}^{I}+1+n_{it}^{II}} - 0.7 - 2.22 \cdot \frac{n_{it}^{I}}{n_{it}^{I}+n_{it}^{II}}.$$

These assumptions yield the following elaboration of hypothesis 3 (cf. section 4.1 for the notation used).

HYPOTHESIS 3a: *In winall, for blind, blind-8x6, blind-14x14 and open, p_{it} is negatively correlated to $|n_{it-1}^{I} - n_{it-1}^{II}|$; In propres, for blind and open, p_{it} is positively correlated to MB_{it-1}.*

A weaker version of this hypothes reads:

HYPOTHESIS 3b: *In winall, for blind, blind-8x6, blind-14x14, and open, p_{it} is higher for $|n_{it-1}^{I} - n_{it-1}^{II}| = 0$ or 1 than otherwise; In propres, for blind and open, p_{it} is higher for $MB_{it-1} > 0$ than for $MB_{it-1} < 0$.*

Results

For 3a, the decision to buy a disc or not was related to MB_{it-1} for *propres* and to $DIF_{it-1} = |n_{it-1}^{I} - n_{it-1}^{II}|$ for *winall*, in two ways. MB denotes the marginal benefit i could have achieved by buying a disc in the previous period, and DIF denotes the closeness of the result of the previous period (both net of i's decision). First a t-test was used to test for a differences in the average value of MB_{it-1} and DIF_{it-1} between subjects choosing to buy a disc ($x_{it}=1$) and those choosing not to ($x_{it}=0$). In *propres*, the average value of MB_{it-1} is -0.39, -0.38, for $x_{it} = 0,1$, respectively. The difference, indicating that buyers expect a slightly higher marginal benefit of voting than non-buyers (basing expectations on the result of the previous period) is not statistically significant.[25] In *winall*, over all conditions (except *mixed*) the average value of DIF_{it-1} is 1.73, 1.47, for $x_{it} = 0,1$, respectively. The difference, indicating that buyers expect a closer race than non-buyers is statistically significant. This resuults is also found for each configuration seperately, though the difference is not statistically significant for *open*.

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[24] An alternative assumption would be that individuals expect everyone else to choose an equilibrium strategy. In that case, expected closeness is constant as is expected benefit (cf. table 4) and no effect can be measured.

[25] Unless indicated otherwise, statistical significance is measured at a 5%-level, using a two-tailed test.

The second way in which 3a was tested, was by running a logit regression with dependent variable x_{it}, using a constant term and MB_{it-1} or DIF_{it-1} as independent variables. For *propres*, the coefficient found for MB_{it-1} is 0.20, with a t-value of 0.71. The positive sign of the coefficient is again in line with the hypothesis, but the value is not statistically different from zero. The coefficient found for DIF_{it-1} in *winall* is -0.16, with a t-value of XXXX. The negative (statistically significant) sign is in line with the hypothesis: expected closeness (a low value for DIF_{it-1}) has a positive influence on the probability of buying a disc.

As for hypothesis 3b, in *propres*, individuals facing a positive (negative) value of MB_{it-1} buy a disc 29.8% (28.6%) of the time. In *winall* individuals facing DIF_{it-1} equal to 0 or 1 buy a disc 44.3% of the time, as opposed to 33.4% of other individuals. Both diferences are as expected, only the latter difference is statistically significant.

All in all, the results support the hypothesized positive relationship between expected closeness and participation in *winall*, but a positive relationship between expected benefit and participation in *propres* is less clear.

The next hypothesis concern the affect of group identification on voter turnout.

HYPOTHESIS 4: *As within group identification increases, participation will move from an individual-level towards a group-level optimum.*

The first thing to be done, is to determine what an 'optimum' is. We simply assume that this is represented by the game theoretical (pure strategy) equilibria derived in section 4.1. In that case, the hypothesis can be tested most thouroughly for *propres*, because both levels have the same equilibrium in *winall*. On the other hand, in the latter configuration, there are mixed strategy equilibria of lower buying levels than the group-level equilibrium. Therefore, we conjecture that some increase in buying may occur as we move from the individual- towards the group-level in *winall* as well. Finally, it is necessary to establish the pattern of group identification. This is assumed to increase as we move from *mixed* to *blind* to *open*.

HYPOTHESIS 4a: *In propres and winall,* X_i*(in open)* $>$ X_i*(in blind-6x6)* $>$ X_i*(in mixed).*

Results

The increase in participation as the group condition moves from *mixed* to *blind* to *open* for the *propres* configuration is tested using a F-test for the group means. The average number of discs bought is 4.88, 5.79, 5.70, respectively. The slight difference between *blind* and *open* has the wrong sign. The difference in means is statistically insignificant, as are all pairwise comparisons. The difference between the mean number of discs in *mixed* on the one hand and in both other conditions pooled on the other is not significant either. For *winall*, the means in (*mixed, blind-6x6, open)* are (5.73, 9.29, 7.55). The difference between the first two numbers is statistically significant, the difference between the latter two numbers is not, and has the wrong sign.

All in all, the hypothesized move from an individual- towards a group-level equilibrium as group identification rises is supported for the step from *mixed* to *blind*, but not supported at all for the move from *blind* to *open*. Of course, this result may be related to the way in which group identification is manipulated in the experiments. We shall return to the success or failure of this manipulation in the concluding discussion.

We now turn to free-riding. The voluntary provision literature (cf. section 2) seems to conclude that free-riding will occur, though it is usually not observed to be complete.

HYPOTHESIS 5: *Free-riding within groups will occur, and will be stronger as the incentive to free-ride is greater. Free-riding will not be complete, however.*

This is tested by comparing the decisions in *winall* to those in *propres* and those in the larger group conditions for *blind* to those in the 6x6 condition.

HYPOTHESIS 5a: *X_i is larger in winall than in propres, and X_i in blind-14x14 > X_i in blind.*

Note that hypothesis 1b already makes a comparison between *winall* and *propres* for the group condition *mixed* and 1d for *blind*. In addition, 1d also compares *blind-14x14* to *blind*. Support for the hypothesis was found in all cases. The remaining case, a comparison for *open* shows an average of 7.55 discs for *winall* and 5.71 for *propres*. The overall difference between both configurations is statistically significant. The hypothesis that free-riding increases as the incentive to do so increases, is supported. Note that free-riding is not complete.

We now turn to the role of communication. The results by Isaac et al. (1985), Linder (1982), Dawes et al. (1977), and Bornstein (1992) all seem to imply that communication will decrease free-riding behavior, hence:

HYPOTHESIS 6: *Communication will decrease free-riding, and hence increase participation.*

This can be tested using the five additional periods of play introduced after period 20 in group conditions *open* and *blind-8x6*. These periods were held after 5 minutes of free communication within groups were allowed. Naturally, the mean number of discs bought should be compared to the last five periods before communication. Moreover, one should take account of the difference between the larger and smaller group in the 8x6 case. The former may have free-riding incentives to overcome, for the latter it is not clear what will happen.

HYPOTHESIS 6a: *In open and for the larger group in blind-8x6, X_i is larger in the five periods after communication than in the five periods before.*

The mean number of discs bought in the five periods after (before) communication in *open* is 2.82 (1.32). The difference is statistically significant. A statistically significant effect is found for the role of communication when the data are split in *propres* and *winall* as well. For the group of 8 in *blind-8x6* an increase form 1.38 to 4.56 discs on average (statistically significant) was observed. The members of the 6-person group seem to have realized that the larger group was likely to buy more discs, so they would have little chance of winning. This smaller group bought less discs after communication than before (1.17 versus 2.17). All in all, these results support the hypothesis.

The final hypothesis 7 concerns free-riding behavior by economists versus non-economists (cf. Marwell and Ames, 1981). Because we know the field our subjects major[26] in, we can test this using individual decisions.

HYPOTHESIS 7: *Economists free-ride more than non-economists.*

This is elaborated as:

HYPOTHESIS 7a: *X_i is smaller for students of economics or econometrics than for other subjects.*

On average, students of economics or econometrics bought 6.34 discs, and students with a different major bought 7.93 discs. The difference is statistically significant. Because the number of econom(etr)ic majors was relatively higher in early sessions than in later ones, we corrected for a parameter configuration and/or group condition effect, but a significant effect of the major chosen remained. All in all, this result supports the hypothesis.

Individual Characteristics and Orientation

Though no hypothesis has been put forward with respect to the influence of individual characteristics

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[26] Actually, in Dutch universities students choose a field directly when entering the undergraduate level. We use the term 'major' to enhance readibility.

(other than the field one majors in) on decisions, this constitutes a general problem one can investigate with the experiments undertaken. Moreover, using the results of the questionnaire, some information on individual motivation and orientation can be gathered and compared to the individual choices made.

Individual characteristics may influence the way subjects make their decisions. In this study, information was gathered on age, gender, field (major), employment status, administrative experience, and participation in a previous experiment. Except for the major chosen, which has been dealt with in hypothesis 7, no significant effect of these characteristics is expected and none was found. An interesting question with respect to the effect found for major, concerns in what way the field of study influences a subject's decisions: does it affect the orientation or goals of the subject? This can be investigated using the responses to the questionnaire.

The orientation of a subject in the experimental situation is likely to influence her or his decisions. By orientation we mean the way in which the subject perceives the situation. For example, some subjects focus primarily on the social and strategic side of a situation and stress the interdependence of the players, while others tend to see the situation simply as decision making under uncertainty, as a game against nature.

A study into the orientation of participants seems worth undertaking, if only to help one find hypotheses to test in future experiments. These hypotheses could concern, for example a basis for distinguishing between individuals when adding asymmetry to models of individual behavior. It is difficult to find out the orientation of subjects in an experiment, however. A questionnaire may be used as a supplement to the experimental data. Asking direct (multiple choice) questions on individual orientation has the disadvantage that the phrasing of the question can affect the ideas the subject has. For example, asking many questions about the strategic qualities of a situation may give the subject the impression that (s)he should have adopted a strategic attitude and will have an influence on the answers. Asking open questions has the disadvantage that the information gathered may not be complete (e.g., if a subject has 3 reasons for making a specific decision, (s)he might only mention one or two of them in the questionnaire), and that the processing of the data is much more labourous. In the questionnaire used in this study, both open and multiple choice questions are included.

In their responses to questions asked, 50% of the subjects referred to the interdependence between subjects in the experiment. 56% of the subjects referred to their own group, 32% referred to the other group, 6% referred to all subjects (as one group) and 36% made no reference to other subjects at all.[27] These variables do not vary between conditions in the experiment. Students of econom(etr)ics refer to the interdependence less than other subjects (49% vs 54%, the difference is not significant). The same holds for economists' reference to their own group (49% vs 68%, statistically significant). It turns out that subjects who refer to the interdependence bought more discs (7.9 vs 5.7, statistically significant) than subjects who did not. Along the same line, subjects referring to their own group purchased more discs (8.1 vs 5.3, statistically significant) than subjects who did not.

As for the goals subjects have, these may differ among individuals. As discussed in section 4.4, a distinction of various goals may be of aid in defining differences between individuals. In current experiments, tests for goals are included at the beginning of the experiment. In the experiments described in this paper, information had to be obtained from the questionnaire. This included questions concerning four particular goals: (1) the goal to make as much money as possible in the experiment (*individualism*); (2) the goal to make more money than other subjects (*competition*); (3) the goal to make as much money as possible, together with the other members of the group (*cooperation*); and (4) the goal to make as much money as possible together with the all other subjects (*collective*). Of course, individualsm is the assumption most common to economists. As discussed in section 2, however, this can lead to a paradox when applied to the voter turnout decision.

If a subject pursues only one of the goals, one can hypothesize what her or his decision will be. We expect that subjects with a collective goal will buy few (or no) discs, and subjects with a cooperative goal will buy a lot of discs. As a consequence of the intragroup conflict, subjects with a indivi-

[27] These percentages do not add up to 100% because some subjects referred to both groups.

dualist goal are expected to use equilibrium strategies if other players do. They may have a tendency to buy only a few disks, but will buy more in specific situations described in various hypotheses above. Subjects with a competitive goal face a dilemma: in order to earn more than the other members of their group they should buy no disks, but in that case they run the risk that subjects in the other group may earn more than they do. Of course, subjects can (and most of them claim they do) pursue more than one of these goals. Especially subjects with an altruistic tendency who have both cooperative and collective goals face a dilemma.

The main goal of the subjects proved to be to earn as much money as possible (mean score of 5.9 on a seven-point scale), but competitive, cooperative and collective goals are also found (mean scores respectively 3.4, 3.9 and 3.3).[28] The goals are closely related to the orientation of the subject as decribed above: subjects referring to interdependence report cooperative goals more often than others (the difference in mean score is statistically significant).[29] Subjects referring to their own group have significantly more cooperative goals and less individualistic goals than others. Finally, subjects referring to all subjects report significantly more collective goals than others.

Students of econom(etr)ics appear to have more individualistic and less cooperative goals than other subjects. Interestingly, there also appears to be a difference between the experimental group conditions concerning the competitive goals: subjects in *open* report significantly more competitive goals than subjects in *blind* or *mixed*. This would seem to indicate that the openness of group composition had the unintended effect that more competitive goals arose (compared to *blind*, where composition was fixed but anonymous). Future experimental research is needed to get a better grasp of the meaning and consequences of this result.

Statistically significant correlations are found between the number of discs bought and the intensity of goals in case of individualistic goals (-.240) and in case of cooperative goals (.257). No significant correlation with competition or collective goals is found. This indicates that subjects reporting individualistic (cooperative) goals are less (more) likely to but discs. If this result is replicated in more thorough derivation of individual goals, it provides reason to distinguish between various individuals in game-theoretic analyses or learning models.

It is stressed that our study of individual characteristics and orientation is not meant as a formal theoretical or empirical analysis. It is only meant as an explorative investigation of what is happening in the experiments undertaken. The results of this investigation can supplement the results of the experiments but are not expected to go further than that. It has been stressed, however, that they form a point of departure for future (and current) research.

Moreover, orientation and goals should not be considered as individual characteristics. Of course, they may be related to some personality traits like altruism, but the mood of a subject on the day of an experiment may play a role as well. They are also dependent on elements of the experimental situation, however, like the behavior of other subjects, the group condition and configuation in a session, or the experimental set-up in general.

6. Concluding Discussion

The first question to be addressed in conclusion is whether the experiments used describe the individual turnout decision adequately. The results are promising. Both the interpretation of subjects' decisions (e.g, the influence of expected closeness investigated in hypothesis 3, the group identification hypothesis 4, and the free-riding hypothesis 5) and their conception of the decisionmaking problem as stated in the questionnaire support a positive answer to this first question. The fact that only limited support was found for the hypotheses concerning game theoretical models is more relevant for an evaluation of these models than for an evaluation of the experiments. It should be stressed again that these models have generally not been very successful in explaining voter turnout in elections, either.

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[28] Details concerning the way in which the questionnaire was used to derive these results may be obtained fron the authors.

[29] Naturally, one should take care in comparing reported goals and reported orientation in this way, especially when obtained in the same questionnaire, held after the experiment has been completed and subjects are aware of the results.

The type of experiment developped will therefore be used in future investigations with respect to determinants of voter turnout and other participation game situations.

A second matter, is whether the manipulation of group identification by the conditions *blind-open* was successful. Both the problem mentioned in section 3, that some participants knew their neighbor's group allocation in *blind*, and the unexpected difference between *blind* and *open* in the number of discs bought raise some doubt. Three questions that can be used to test the success of this manipulation were included in the questionnaire. These concern within group identification. In *blind*, subjects showed no preference for membership of their own group or for the other group. In *open*, a slight preference for the own group was reported, but the difference with *blind* is not statistically significant. The subjects were also asked their opinion about the wiseness of the choices made by the members of the own and the other group. In *blind*, subjects found the choices made by the other group to be slightly more wise, and subjects in *open* found the choices made by their own group slightly more wise, but the difference is again not statistically significant. Thus, we find no strong support that the manipulation of within-group identification by moving from *blind* to *open* was successful. The results for these two conditons do not indicate a successful manipulation either.

Turning now to some general implications following from the results in sections 4 and 5, one conclusion is that game theoretical solutions do not provide accurate point predictions for behavior in the present setting (hypotheses 1a and 1c). Comparative statics implied by game theory do better (1b, 1d). The same holds for some standard learning models (hypotheses 2a-2c). It was found that significant differences between participants exist with respect to their orientation, and their goals. Moreover, given the caveat made, it appears that these differences have an impact on behavior. Besides this, it was established that economists act different than other people do (hypothesis 7). These differences may explain the reason why comparative statics do better than point predictions.

An interesting result with respect to the role of individual- versus group-level equilibria is the support for hypothesis 6, which states that participation will increase with communication. This may indicate that group-leaders play a role in focusing individuals' attention on group goals. In future experiments, the role of communication will be investigated more thoroughly, by allowing costly communication through the computer network. This may give information with respect to the type of communication that is of importance and the differences between subjects with respect to the number and type of messages they send. The question is whether differences between individuals are such, that group leaders will endogeneously arise that try to enhance group participation.

Combining these results, the results of the experiments imply that a model of individual behavior in a participation game must address various points. (1) It must explain how individuals can be classified (e.g., according to orientation, goals, or ability), in order to provide a basis for an asymmetric treatment; (2) it must predict the behavior of individuals in the various classes distinguished, either using game theoretic tools or learning models; (3) it must explain in what way a conflict between individual- and group-level goals is handled by individuals with common group interests; (4) it must somehow deal with the effect of communication and group leaders. A first attempt to model voter turnout along these lines, was presented in Schram and van Winden (1991). Future research will need to contain more experiments aimed at clarifying these points.

Appendix: The Results

For each session, for each of the 20 (25) periods, per individual the group allocation (1= yellow, 2=blue) and choice (0: denotes the decision to buy a disc, 1 denotes the decision not to buy a disc) is presented. This is followed by the total number of discs bought by yellow and blue, the result of the random selection of a winner in case of a tie in *winall*, and the gross payoffs to yellow and blue.

SESSION 1

	1	2	3	4	5	6	7	8	9	10	11	12					
1	2	0	1	0	1	0	2	0	2	0	1	0	1	0	1	1	2	1	2	1	1	0	2	0	1	2	-	74	148
2	2	0	2	0	2	1	1	0	1	0	2	0	1	0	2	0	1	0	1	0	2	0	1	0	0	1	-	0	222
3	2	0	1	0	1	0	1	1	1	0	2	0	1	0	2	0	2	1	1	0	2	0	2	0	1	1	-	111	111
4	1	0	1	0	1	1	2	1	2	0	2	1	1	0	2	0	1	0	2	1	2	0	1	0	1	3	-	55	167
5	1	1	2	0	2	0	1	0	2	0	1	0	2	0	2	0	1	0	2	0	1	0	1	0	1	0	-	222	0
6	1	0	2	0	1	1	1	1	1	0	1	1	2	1	2	0	2	1	2	0	2	0	1	0	3	2	-	133	89
7	1	0	2	0	2	1	2	0	1	1	2	0	1	0	2	1	1	1	1	0	1	0	2	0	2	2	-	111	111
8	1	0	2	0	2	0	1	0	1	0	1	0	2	0	1	0	2	1	2	0	2	0	1	0	0	1	-	0	222
9	1	0	2	0	1	0	1	1	1	0	2	0	2	0	2	1	1	0	2	0	1	0	2	0	1	1	-	111	111
10	1	0	1	0	2	0	1	1	2	0	1	1	2	1	2	1	2	0	1	0	2	0	1	0	2	2	-	111	111
11	2	0	2	0	1	0	2	1	1	0	2	0	2	0	2	1	1	0	1	0	1	0	1	0	1	0	-	0	222
12	2	0	1	0	2	1	1	0	2	0	2	0	1	0	2	1	1	0	1	0	1	0	1	0	2	0	-	0	222
13	2	0	1	0	2	0	1	1	2	0	2	0	1	0	1	1	2	1	1	0	2	0	1	0	2	1	-	148	74
14	2	0	1	0	1	1	1	1	1	1	2	0	2	0	1	1	2	0	2	0	2	0	1	0	4	0	-	222	0
15	2	0	2	0	2	0	2	1	1	0	2	1	1	0	1	0	1	0	1	0	1	0	2	0	1	0	-	0	222
16	1	0	1	0	2	0	2	1	2	0	1	0	2	0	1	1	1	1	2	0	1	0	2	0	2	1	-	148	74
17	1	0	2	0	1	1	2	1	2	1	1	0	2	0	1	1	2	0	1	1	1	0	2	0	3	2	-	133	89
18	2	0	2	0	1	0	2	0	2	0	1	0	1	0	1	1	2	0	1	0	1	0	2	0	1	0	-	222	0
19	1	0	1	0	2	0	2	1	1	0	1	0	2	0	1	1	2	0	2	0	1	0	2	0	1	1	-	111	111
20	2	0	1	0	1	0	2	1	2	1	1	1	1	0	1	1	1	0	2	0	2	0	2	0	2	2	-	111	111

SESSION 2

	1	2	3	4	5	6	7	8	9	10	11	12					
1	1	1	1	1	1	2	0	2	1	1	1	1	0	2	0	1	0	2	0	2	0	2	0	4	1	-	178	44
2	2	0	1	1	2	1	1	0	2	0	2	0	2	0	1	0	2	0	1	1	1	0	1	0	2	1	-	148	74
3	2	0	1	0	2	0	1	0	2	0	2	1	1	1	2	0	1	0	2	0	1	0	1	0	1	1	-	111	111
4	2	0	1	1	2	0	2	0	1	1	2	0	1	0	1	1	1	0	1	1	2	0	2	0	4	0	-	222	0
5	1	0	2	1	2	0	1	0	1	0	1	1	2	0	1	0	2	0	1	1	2	0	2	0	2	1	-	148	74
6	2	1	2	0	2	0	1	0	1	0	1	1	1	0	2	0	2	0	1	1	1	0	2	1	2	2	-	111	111
7	1	0	1	1	2	0	2	0	1	1	2	1	2	0	1	0	2	0	2	0	1	0	1	0	2	1	-	148	74
8	2	0	2	0	1	0	1	0	1	0	1	1	2	0	2	1	2	0	1	0	1	0	2	0	1	1	-	111	111
9	1	0	2	1	2	0	1	0	1	0	2	1	1	0	1	0	2	0	2	0	1	0	2	0	0	2	-	0	222
10	2	0	2	1	2	0	1	0	1	0	1	1	2	0	2	0	1	0	1	0	2	0	1	0	1	1	-	111	111
11	1	0	2	0	2	0	2	0	2	0	2	1	1	0	1	0	2	0	1	0	1	0	1	0	0	1	-	0	222
12	1	0	1	0	2	0	1	0	2	0	2	1	2	0	1	0	1	0	2	0	2	0	1	1	1	1	-	111	111
13	2	1	1	1	1	0	1	0	2	0	2	1	2	0	2	0	1	0	1	1	2	0	1	0	2	2	-	111	111
14	2	1	2	1	1	0	1	0	2	0	2	1	1	1	2	1	1	0	1	0	1	1	2	0	2	4	-	74	148
15	2	0	1	1	1	0	2	0	2	1	2	1	2	0	1	1	2	0	1	0	1	1	1	0	3	2	-	133	89
16	1	0	2	0	1	0	2	0	1	0	1	1	2	0	1	0	1	0	2	0	2	0	2	0	1	0	-	222	0
17	1	0	2	1	1	0	2	0	1	1	1	1	1	0	2	0	2	0	2	0	2	0	1	1	3	1	-	167	55
18	1	0	1	1	1	0	2	0	2	0	1	1	1	0	2	0	2	0	2	1	2	1	1	1	3	2	-	133	89
19	1	0	2	0	1	0	2	0	1	0	1	0	2	0	2	0	1	0	2	0	1	1	2	0	1	0	-	222	0
20	2	0	1	1	1	0	2	0	2	0	1	0	1	0	1	0	1	0	2	0	2	1	2	1	1	2	-	74	148

SESSION 3

	1	2	3	4	5	6	7	8	9	10					
1	2	0	2	1	2	0	2	0	1	0	2	1	1	0	1	0	1	0	1	0	0	2	-	0	250
2	1	0	1	0	1	0	1	0	1	0	2	1	2	0	2	0	2	1	2	0	0	2	-	0	250
3	1	1	1	1	2	0	2	0	1	0	2	0	2	0	2	0	1	0	1	0	2	0	-	250	0
4	2	0	1	1	1	1	1	0	2	0	2	0	2	0	2	0	1	1	1	1	4	0	-	250	0
5	2	0	2	1	1	1	1	0	2	0	1	1	1	0	1	0	2	0	2	0	2	1	-	250	0
6	2	0	2	1	2	0	1	0	1	0	1	1	2	0	2	0	1	1	1	0	2	1	-	250	0
7	1	1	1	0	1	0	2	0	2	0	2	1	1	0	1	0	2	0	2	0	1	1	2	250	0
8	1	1	2	0	2	1	1	0	2	0	1	0	1	0	2	0	2	0	1	1	2	1	-	250	0
9	1	1	2	1	1	0	2	0	1	0	1	0	2	0	2	0	1	0	2	0	1	1	1	0	250
10	2	0	1	1	2	1	1	0	2	0	1	0	2	0	1	1	2	0	1	1	3	1	-	250	0
11	2	0	2	0	1	0	1	0	1	0	2	0	2	0	1	0	1	0	2	0	0	0	2	250	0
12	2	0	1	1	1	0	2	0	2	0	1	0	2	0	1	0	2	0	1	0	1	0	-	250	0
13	2	0	1	1	2	1	1	0	2	0	1	0	1	0	2	0	2	1	1	1	2	2	1	0	250
14	1	0	2	0	2	0	2	0	2	0	1	0	1	0	2	0	1	0	1	0	0	0	1	0	250
15	2	1	1	0	1	0	1	0	1	0	2	0	2	0	1	1	2	1	2	0	1	2	-	0	250
16	2	0	2	0	1	0	2	0	1	0	2	0	1	0	1	0	2	0	1	0	0	0	1	0	250
17	1	1	1	0	2	0	1	0	2	0	1	1	2	0	2	0	1	0	2	0	2	0	-	250	0
18	2	0	1	0	2	0	2	0	1	0	2	0	1	0	1	0	1	0	2	0	0	0	2	250	0
19	1	0	2	0	1	1	2	0	2	0	1	1	1	0	1	0	2	0	2	0	2	0	-	250	0
20	2	0	2	1	1	0	2	0	1	0	2	1	1	0	2	0	1	0	1	0	0	2	-	0	250

SESSION 4

	1	2	3	4	5	6	7	8	9	10	11	12					
1	1	0	1	1	2	1	2	0	1	0	2	0	2	0	1	0	2	0	2	1	1	1	1	1	3	2	-	250	0
2	2	1	2	1	1	1	2	0	1	0	1	0	1	0	2	1	1	1	1	1	2	1	2	0	3	4	-	0	250
3	1	0	2	1	1	1	2	1	1	0	1	1	2	0	1	0	1	0	2	1	2	1	2	1	2	5	-	0	250
4	1	0	2	0	2	0	1	0	1	1	2	0	1	0	1	0	2	1	1	1	2	0	2	1	2	2	1	0	250
5	2	1	1	0	2	0	1	0	2	0	2	0	1	0	2	1	1	0	1	0	1	1	2	1	1	3	-	0	250
6	2	1	2	1	2	1	1	0	2	0	1	0	1	1	1	0	1	0	2	0	1	0	2	1	1	4	-	0	250
7	2	0	1	0	1	0	1	0	1	0	1	0	2	0	2	1	2	0	1	0	2	1	2	0	0	2	-	0	250
8	2	0	2	0	2	1	1	1	2	0	1	0	1	0	2	0	1	1	2	0	1	0	1	0	2	1	-	250	0
9	2	1	1	1	2	0	1	0	2	0	1	0	2	0	1	1	1	0	1	1	2	0	2	1	3	2	-	250	0
10	1	0	2	0	1	1	1	0	2	1	2	1	1	0	2	1	1	0	2	1	1	1	2	0	2	4	-	0	250
11	2	0	1	1	1	0	2	0	2	0	1	0	1	0	1	1	2	0	1	0	2	1	2	1	2	2	2	250	0
12	1	1	1	1	1	0	2	0	1	1	2	0	2	0	2	1	1	0	1	1	2	0	2	0	4	1	-	250	0
13	1	0	2	0	1	0	2	1	1	0	2	0	1	0	2	0	1	0	2	0	2	1	1	1	1	2	-	0	250
14	1	0	2	0	2	0	2	0	2	0	1	1	1	1	1	1	1	0	2	0	2	1	1	0	3	1	-	250	0
15	2	0	2	0	1	1	2	0	1	1	1	1	1	0	2	1	2	0	1	1	2	0	1	0	4	1	-	250	0
16	1	1	1	0	2	0	1	0	2	0	2	0	2	0	2	0	2	0	1	0	1	1	1	0	2	0	-	250	0
17	2	0	1	0	1	1	1	0	2	0	2	1	2	1	1	1	2	1	2	0	1	1	1	0	3	3	2	250	0
18	2	0	1	0	1	0	2	0	1	1	2	0	2	0	1	0	2	0	2	1	1	0	1	0	1	1	1	0	250
19	1	0	1	0	2	0	1	1	2	0	1	0	2	0	2	0	2	0	2	1	1	1	1	0	2	1	-	250	0
20	1	0	2	0	2	0	2	1	1	0	2	0	2	0	1	0	2	0	1	1	1	1	1	0	2	1	-	250	0

SESSION 5

	1	2	3	4	5	6	7	8	9	10	11	12					
1	2	0	2	0	2	1	1	0	1	0	2	0	1	0	1	1	2	0	1	0	2	0	1	0	1	1	-	111	111
2	2	0	2	0	2	1	1	0	1	0	2	0	1	0	1	1	2	0	1	1	2	0	1	0	2	1	-	148	74
3	2	0	2	0	2	1	1	0	1	0	2	0	1	0	1	0	2	0	1	0	2	1	1	0	0	2	-	0	222
4	2	0	2	0	2	0	1	0	1	0	2	0	1	0	1	1	2	0	1	0	2	0	1	0	1	0	-	222	0
5	2	0	2	0	2	0	1	0	1	0	2	0	1	1	1	1	2	0	1	1	2	0	1	1	4	0	-	222	0
6	2	0	2	0	2	1	1	0	1	0	2	0	1	0	1	0	2	0	1	0	2	1	1	0	0	2	-	0	222
7	2	0	2	1	2	0	1	0	1	0	2	0	1	1	1	1	2	1	1	0	2	1	1	0	2	3	-	89	133
8	2	0	2	0	2	0	1	0	1	0	2	0	1	0	1	1	2	0	1	0	2	1	1	1	2	1	-	148	74
9	2	0	2	0	2	1	1	0	1	0	2	0	1	0	1	1	2	0	1	0	2	0	1	1	2	1	-	148	74
10	2	1	2	0	2	1	1	1	1	0	2	0	1	0	1	1	2	0	1	1	2	0	1	0	3	2	-	133	89
11	2	0	2	0	2	0	1	0	1	0	2	1	1	0	1	0	2	0	1	0	2	1	1	1	1	2	-	74	148
12	2	0	2	0	2	0	1	0	1	0	2	0	1	1	1	1	0	2	0	1	0	2	0	1	0	1	-	222	0
13	2	1	2	0	2	0	1	0	1	0	2	0	1	1	1	1	0	2	0	1	0	2	0	1	0	1	-	111	111
14	2	0	2	0	2	0	1	0	1	0	2	0	1	0	1	0	2	0	1	0	2	0	1	0	0	0	-	111	111
15	2	0	2	0	2	0	1	0	1	0	2	0	1	1	1	0	2	0	1	0	2	0	1	1	2	0	-	222	0
16	2	1	2	0	2	1	1	0	1	0	2	0	1	0	1	0	2	0	1	1	2	1	1	1	2	3	-	89	133
17	2	1	2	0	2	1	1	0	1	0	2	0	1	0	1	0	2	0	1	0	2	0	1	0	0	2	-	0	222
18	2	1	2	1	2	0	1	0	1	0	2	0	1	1	1	1	2	0	1	0	2	0	1	1	3	2	-	133	89
19	2	0	2	0	2	1	1	0	1	0	2	1	1	1	1	0	2	0	1	0	2	1	1	0	1	3	-	55	167
20	2	0	2	0	2	0	1	0	1	0	2	0	1	0	1	1	2	0	1	0	2	0	1	1	2	0	-	222	0

SESSION 6

	1	2	3	4	5	6	7	8	9	10	11	12					
1	2	1	1	0	2	1	1	0	1	0	2	1	2	0	1	0	1	1	1	1	2	0	2	0	2	3	-	89	133
2	2	0	1	0	2	1	1	0	1	1	2	0	2	0	1	0	1	0	1	0	2	0	2	0	1	1	-	111	111
3	2	0	1	1	2	1	1	0	1	1	2	0	2	0	1	0	1	1	1	1	2	0	2	1	4	2	-	148	74
4	2	0	1	1	2	0	1	1	1	0	2	1	2	0	1	0	1	1	1	1	0	2	0	2	0	3	1	-	167	55
5	2	1	1	0	2	1	1	0	1	1	2	0	2	0	1	0	1	1	1	1	0	2	0	2	0	2	2	-	111	111
6	2	1	1	1	2	1	1	1	1	0	2	1	2	0	1	0	1	1	1	1	1	2	0	2	1	4	4	-	111	111
7	2	1	1	0	2	1	1	1	1	0	2	0	2	0	1	0	1	0	1	0	2	1	2	0	1	3	-	55	167
8	2	1	1	0	2	1	1	0	1	0	2	0	2	0	1	0	1	0	1	1	2	0	2	0	1	2	-	74	148
9	2	1	1	0	2	1	1	0	1	1	2	1	2	0	1	0	1	1	1	1	0	2	0	2	1	2	4	-	74	148
10	2	1	1	0	2	1	1	1	1	1	2	1	2	0	1	0	1	1	1	1	0	2	0	2	1	3	4	-	95	127
11	2	0	1	1	2	0	1	1	1	1	2	0	2	0	1	0	1	1	1	1	0	2	0	2	0	4	0	-	222	0
12	2	0	1	0	2	1	1	1	1	0	2	0	2	0	1	0	1	1	1	1	1	2	0	2	0	3	1	-	167	55
13	2	0	1	0	2	1	1	0	1	1	2	0	2	0	1	0	1	1	1	1	0	2	1	2	0	2	2	-	111	111
14	2	0	1	1	2	0	1	0	1	0	2	1	2	0	1	0	1	1	1	1	0	2	0	2	0	2	1	-	148	74
15	2	1	1	1	2	1	1	1	1	0	2	1	2	0	1	0	1	1	1	1	0	2	0	2	1	3	4	-	95	127
16	2	1	1	0	2	1	1	0	1	0	2	0	2	0	1	0	1	1	1	1	1	2	0	2	0	2	2	-	111	111
17	2	0	1	0	2	1	1	0	1	1	2	0	2	0	1	0	1	0	1	0	2	1	2	0	1	2	-	74	148
18	2	1	1	0	2	1	1	0	1	0	2	0	2	0	2	0	1	0	1	0	1	0	2	0	2	0	2	-	0	222
19	2	0	1	0	2	0	1	0	1	0	2	0	2	0	2	0	1	0	1	1	1	1	2	0	2	0	2	-	222	0
20	2	0	1	0	2	0	1	0	1	0	2	1	2	0	1	0	1	0	1	0	1	0	2	0	2	0	1	-	0	222

SESSION 7

	1	2	3	4	5	6	7	8	9	10	11	12					
1	2	1	1	1	2	0	2	1	2	1	1	0	1	1	2	1	2	0	1	0	1	1	1	0	3	4	-	0	250
2	2	0	1	1	2	0	2	1	2	1	1	0	1	1	2	0	2	0	1	0	1	1	1	1	4	2	-	250	0
3	2	0	1	1	2	0	2	1	2	1	1	0	1	1	2	0	2	1	1	0	1	0	1	1	3	3	1	0	250
4	2	1	1	1	2	1	2	1	2	1	1	0	1	1	2	0	2	0	1	1	1	0	1	1	4	4	1	0	250
5	2	0	1	1	2	0	2	1	2	1	1	1	1	0	2	0	2	1	1	1	1	1	1	0	4	3	-	250	0
6	2	0	1	1	2	1	2	0	2	1	1	1	1	0	2	0	2	1	1	1	1	0	1	0	3	3	2	250	0
7	2	1	1	1	2	1	2	1	2	1	1	0	1	0	2	0	2	0	1	1	1	0	1	0	2	4	-	0	250
8	2	1	1	1	2	0	2	1	2	0	1	0	1	0	2	0	2	0	1	1	1	1	1	1	4	2	-	250	0
9	2	-	1	-	2	-	2	-	2	-	1	-	1	-	2	-	2	-	1	-	1	-	1	-	0	0	1	0	250
10	2	0	1	1	2	0	2	1	2	0	1	0	1	0	2	0	2	0	1	1	1	0	1	0	2	1	-	250	0
11	2	0	1	0	2	0	2	1	2	0	1	1	1	0	2	0	2	1	1	0	1	0	1	0	1	2	-	0	250
12	2	0	1	1	2	0	2	1	2	0	1	0	1	0	2	1	2	1	1	0	1	1	1	1	3	3	2	250	0
13	2	0	1	0	2	0	2	1	2	0	1	0	1	0	2	0	2	0	1	0	1	1	1	0	1	1	1	0	250
14	2	1	1	1	2	0	2	1	2	0	1	0	1	0	2	0	2	0	1	1	1	0	1	1	3	2	-	250	0
15	2	0	1	1	2	0	2	0	2	0	1	1	1	0	2	0	2	0	1	1	1	1	1	1	5	0	-	250	0
16	2	0	1	0	2	0	2	0	2	0	1	0	1	0	2	0	2	0	2	0	1	0	1	0	0	0	2	250	0
17	2	0	1	0	2	0	2	0	2	1	1	0	1	0	2	0	2	1	1	0	1	0	1	1	1	2	-	0	250
18	2	0	1	1	2	0	2	0	2	1	1	0	1	0	2	1	2	0	1	1	1	0	1	0	2	2	2	250	0
19	2	1	1	1	2	0	2	0	2	0	1	1	1	0	2	0	2	0	1	0	1	1	1	1	4	1	-	250	0
20	2	0	1	1	2	0	2	0	2	0	1	0	1	0	2	0	2	1	1	0	1	0	1	1	2	1	-	250	0

SESSION 8

	1	2	3	4	5	6	7	8	9	10	11	12					
1	1	1	2	1	2	1	2	1	1	1	1	1	1	1	2	1	1	0	1	0	2	0	2	0	4	4	2	250	0
2	1	1	2	1	2	0	2	0	1	0	1	1	1	0	2	1	1	0	1	0	2	1	2	0	2	3	-	0	250
3	1	0	2	1	2	0	2	1	1	0	1	1	1	0	2	1	1	0	1	0	2	0	2	1	1	4	-	0	250
4	1	0	2	1	2	0	2	1	1	1	1	1	1	0	2	1	1	0	1	0	2	0	2	0	2	3	-	0	250
5	1	0	2	1	2	0	2	1	1	1	1	1	1	1	2	1	1	1	1	0	2	0	2	0	4	3	-	250	0
6	1	1	2	0	2	0	2	1	1	1	1	1	1	1	2	1	1	1	1	1	2	0	2	1	6	3	-	250	0
7	1	1	2	0	2	1	2	0	1	1	1	1	1	0	2	0	1	1	1	1	2	0	2	0	5	1	-	250	0
8	1	1	2	0	2	0	2	0	1	0	1	1	1	0	2	0	1	1	1	1	2	0	2	0	4	0	-	250	0
9	1	1	2	0	2	0	2	0	1	1	1	1	1	1	2	1	1	1	1	1	2	0	2	0	6	1	-	250	0
10	1	1	2	0	2	0	2	0	1	1	1	1	1	0	2	1	1	0	1	0	2	1	2	1	3	3	2	250	0
11	1	1	2	1	2	1	2	1	1	1	1	1	1	0	2	1	1	1	1	1	2	1	2	0	5	5	1	0	250
12	1	1	2	1	2	1	2	1	1	0	1	1	1	0	2	0	1	1	1	0	2	1	2	1	3	5	-	0	250
13	1	1	2	1	2	0	2	0	1	0	1	1	1	1	2	1	1	0	1	1	2	1	2	1	4	4	1	0	250
14	1	1	2	1	2	0	2	1	1	1	1	1	1	0	2	0	1	1	1	1	2	1	2	0	5	3	-	250	0
15	1	1	2	0	2	0	2	0	1	1	1	1	1	0	2	1	1	1	1	0	2	1	2	0	4	2	-	250	0
16	1	1	2	0	2	1	2	0	1	0	1	1	1	0	2	0	1	1	1	1	2	0	2	0	4	1	-	250	0
17	1	1	2	0	2	0	2	0	1	1	1	1	1	1	2	0	1	0	1	0	2	0	2	1	4	1	-	250	0
18	1	1	2	0	2	0	2	0	1	1	1	1	1	1	2	0	1	0	1	0	2	0	2	1	4	1	-	250	0
19	1	0	2	0	2	0	2	1	1	1	1	1	1	0	2	1	1	0	1	0	2	0	2	0	2	2	1	0	250
20	1	0	2	0	2	0	2	1	1	0	1	1	1	0	2	0	1	0	1	1	2	0	2	0	2	1	-	250	0

SESSION 9

	1	2	3	4	5	6	7	8	9	10	11	12					
1	1	1	1	1	0	1	1	2	0	2	1	1	0	1	0	2	0	2	0	2	1	2	0	3	2	-	133	89
2	1	0	1	1	1	0	1	1	2	0	2	0	1	1	1	0	2	0	2	1	2	1	2	0	3	2	-	133	89
3	1	1	1	0	1	1	1	1	2	1	2	0	1	0	1	1	2	0	2	1	2	0	2	0	4	2	-	148	74
4	1	1	1	0	1	0	1	0	2	0	2	0	1	1	1	0	2	0	2	0	2	1	2	0	2	1	-	148	74
5	1	0	1	0	1	1	1	0	2	0	2	0	1	0	1	0	2	1	2	1	2	1	2	0	1	3	-	55	167
6	1	0	1	1	1	0	1	1	2	1	2	0	1	0	1	1	2	0	2	0	2	1	2	1	3	3	-	111	111
7	1	0	1	0	1	0	1	1	2	1	2	1	1	0	1	0	2	0	2	0	2	0	2	0	1	2	-	74	148
8	1	0	1	1	1	0	1	0	2	0	2	0	1	0	1	1	2	0	2	1	2	1	2	0	2	2	-	111	111
9	1	0	1	0	1	0	1	0	2	0	2	0	1	1	1	1	2	0	2	0	2	0	2	0	2	0	-	222	0
10	1	0	1	0	1	0	1	0	2	0	2	0	1	0	1	0	2	1	2	0	2	0	2	0	0	1	-	0	222
11	1	0	1	0	1	0	1	0	2	1	2	0	1	0	1	0	2	0	2	1	2	1	2	0	0	3	-	0	222
12	1	1	1	1	1	0	1	0	2	1	2	1	1	0	1	1	2	0	2	0	2	1	2	0	3	3	-	111	111
13	1	0	1	0	1	0	1	0	2	0	2	0	1	1	1	1	2	0	2	0	2	0	2	1	2	1	-	148	74
14	1	0	1	0	1	1	1	0	2	0	2	0	1	1	1	0	2	0	2	0	2	0	2	0	2	0	-	222	0
15	1	0	1	0	1	0	1	0	2	0	2	0	1	0	1	0	2	1	2	0	2	0	2	0	0	1	-	0	222
16	1	0	1	1	1	0	1	1	2	0	2	0	1	1	1	0	2	0	2	0	2	0	2	0	3	0	-	222	0
17	1	0	1	0	1	0	1	0	2	0	2	0	1	0	1	1	2	1	2	0	2	0	2	0	1	1	-	111	111
18	1	0	1	1	1	0	1	1	2	1	2	0	1	1	1	0	2	0	2	0	2	1	2	1	3	3	-	111	111
19	1	0	1	0	1	0	1	0	2	0	2	0	1	0	1	0	2	0	2	1	2	0	2	0	0	1	-	0	222
20	1	0	1	0	1	0	1	1	2	1	2	0	1	0	1	0	2	0	2	0	2	1	2	0	1	2	-	74	148
21	1	0	1	0	1	0	1	0	2	1	2	1	1	0	1	1	2	1	2	1	2	0	2	0	1	4	-	44	178
22	1	0	1	0	1	0	1	0	2	0	2	0	1	1	1	0	2	1	2	0	2	0	2	1	1	2	-	74	148
23	1	0	1	1	1	0	1	0	2	1	2	0	1	0	1	0	2	0	2	1	2	0	2	0	1	2	-	74	148
24	1	0	1	0	1	0	1	1	2	0	2	0	1	1	1	0	2	1	2	0	2	0	2	0	2	1	-	148	74
25	1	0	1	0	1	0	1	0	2	0	2	0	1	0	1	0	2	0	2	0	2	0	2	1	2	0	-	0	222

SESSION 10

	1	2	3	4	5	6	7	8	9	10	11	12					
1	1	0	1	1	1	0	1	0	1	0	1	0	2	0	2	0	2	1	2	0	2	0	2	1	1	2	-	74	148
2	1	0	1	0	1	0	1	0	1	1	1	0	2	1	2	1	2	1	2	1	2	0	2	1	1	5	-	37	185
3	1	1	1	1	1	0	1	0	1	0	1	0	2	0	2	0	2	1	2	0	2	0	2	0	2	1	-	148	74
4	1	1	1	1	1	0	1	0	1	0	1	0	2	0	2	0	2	0	2	1	2	0	2	1	2	3	-	89	133
5	1	1	1	0	1	0	1	1	1	1	1	0	2	0	2	0	2	0	2	1	2	0	2	1	3	2	-	133	89
6	1	0	1	0	1	0	1	0	1	0	1	0	2	0	2	0	2	1	2	0	2	0	2	1	0	2	-	0	222
7	1	0	1	1	1	0	1	0	1	0	1	0	2	0	2	1	2	1	2	0	2	0	2	0	1	2	-	74	148
8	1	0	1	1	1	0	1	1	1	1	1	1	2	0	2	1	2	0	2	1	2	0	2	0	4	2	-	148	74
9	1	0	1	0	1	0	1	1	1	0	1	0	2	0	2	1	2	0	2	1	2	0	2	1	1	3	-	55	167
10	1	1	1	0	1	0	1	0	1	0	1	0	2	0	2	1	2	1	2	0	2	0	2	1	1	3	-	55	167
11	1	1	1	1	1	0	1	0	1	0	1	0	2	0	2	0	2	0	2	0	2	0	2	0	2	0	-	222	0
12	1	0	1	1	1	0	1	0	1	0	1	0	2	1	2	0	2	1	2	0	2	0	2	0	1	2	-	74	148
13	1	0	1	0	1	0	1	0	1	0	1	0	2	0	2	0	2	0	2	0	2	0	2	0	0	0	-	111	111
14	1	0	1	0	1	0	1	0	1	0	1	0	2	0	2	0	2	0	2	0	2	0	2	0	0	0	-	111	111
15	1	0	1	1	1	0	1	0	1	0	1	0	2	0	2	1	2	0	2	0	2	0	2	1	1	2	-	74	148
16	1	0	1	1	1	0	1	1	1	0	1	1	2	0	2	0	2	0	2	1	2	0	2	0	3	1	-	167	55
17	1	1	1	1	1	0	1	1	1	0	1	0	2	1	2	0	2	1	2	0	2	0	2	0	3	2	-	133	89
18	1	0	1	1	1	0	1	0	1	0	1	0	2	0	2	0	2	1	2	0	2	0	2	1	1	2	-	74	148
19	1	0	1	1	1	0	1	0	1	1	1	0	2	0	2	1	2	0	2	1	2	0	2	1	2	3	-	89	133
20	1	0	1	0	1	0	1	0	1	0	1	0	2	0	2	1	2	0	2	0	2	0	2	1	0	2	-	0	222
21	1	0	1	0	1	0	1	0	1	0	1	0	2	0	2	0	2	0	2	0	2	1	2	1	0	2	-	0	222
22	1	1	1	1	1	1	1	1	1	1	1	1	2	0	2	0	2	1	2	0	2	0	2	1	6	2	-	167	55
23	1	1	1	1	1	1	1	1	1	1	1	1	2	1	2	1	2	1	2	1	2	0	2	0	6	4	-	133	89
24	1	0	1	1	1	0	1	0	1	1	1	0	2	1	2	1	2	1	2	1	2	1	2	1	2	6	-	55	167
25	1	1	1	1	1	0	1	1	1	0	1	1	2	0	2	0	2	1	2	0	2	0	2	0	4	1	-	178	44

SESSION 11

	1	2	3	4	5	6	7	8	9	10	11	12					
1	1	1	1	0	2	0	2	1	2	0	2	1	1	0	2	1	1	1	1	0	2	1	1	1	3	4	-	0	250
2	1	1	1	0	2	0	2	0	2	1	2	0	1	0	2	1	1	1	1	0	2	0	1	1	3	2	-	250	0
3	1	0	1	1	2	0	2	1	2	1	2	0	1	1	2	1	1	1	1	0	2	0	1	1	4	3	-	250	0
4	1	0	1	1	2	1	2	1	2	1	2	0	1	0	2	1	1	1	1	0	2	1	1	1	3	5	-	0	250
5	1	1	1	1	2	0	2	1	2	1	2	0	1	0	2	1	1	0	1	1	2	1	1	0	3	4	-	0	250
6	1	0	1	1	2	0	2	1	2	1	2	0	1	1	2	1	1	1	1	0	2	0	1	1	4	3	-	250	0
7	1	0	1	1	2	1	2	1	2	0	2	0	1	0	2	1	1	1	1	0	2	0	1	0	2	3	-	0	250
8	1	0	1	1	2	0	2	1	2	1	2	0	1	1	2	1	1	1	1	0	2	1	1	0	3	4	-	0	250
9	1	1	1	1	2	0	2	1	2	0	2	0	1	1	2	1	1	0	1	0	2	1	1	0	3	3	2	250	0
10	1	0	1	1	2	0	2	0	2	0	2	0	1	0	2	1	1	1	1	0	2	0	1	0	2	1	-	250	0
11	1	0	1	0	2	0	2	1	2	1	2	0	1	0	2	0	1	0	1	0	2	1	1	0	0	3	-	0	250
12	1	0	1	0	2	0	2	1	2	1	2	0	1	0	2	0	1	0	1	1	2	0	1	0	1	2	-	0	250
13	1	1	1	0	2	0	2	0	2	0	2	0	1	1	2	0	1	1	1	0	2	0	1	1	4	0	-	250	0
14	1	0	1	0	2	0	2	1	2	0	2	0	1	0	2	0	1	1	1	0	2	0	1	0	1	1	2	250	0
15	1	0	1	1	2	1	2	1	2	1	2	0	1	0	2	0	1	1	1	0	2	0	1	0	2	3	-	0	250
16	1	0	1	1	2	0	2	0	2	1	2	0	1	0	2	0	1	0	1	0	2	1	1	0	1	2	-	0	250
17	1	0	1	1	2	0	2	0	2	0	2	0	1	0	2	0	1	0	1	1	2	1	1	0	2	1	-	250	0
18	1	0	1	1	2	0	2	1	2	0	2	0	1	0	2	0	1	0	1	0	2	0	1	0	1	1	2	250	0
19	1	0	1	1	2	0	2	0	2	0	2	0	1	0	2	0	1	0	1	0	2	0	1	0	1	0	-	250	0
20	1	0	1	0	2	0	2	1	2	1	2	1	1	0	2	0	1	0	1	0	2	1	1	0	0	4	-	0	250
21	1	0	1	0	2	0	2	0	2	0	2	0	1	0	2	0	1	0	1	0	2	0	1	0	0	0	2	250	0
22	1	1	1	1	2	1	2	1	2	0	2	1	1	1	2	1	1	1	1	0	2	1	1	1	5	5	2	250	0
23	1	1	1	1	2	1	2	1	2	1	2	0	1	1	2	1	1	1	1	1	2	0	1	0	5	4	-	250	0
24	1	1	1	1	2	0	2	1	2	1	2	0	1	1	2	0	1	1	1	1	2	0	1	0	5	2	-	250	0
25	1	1	1	1	2	0	2	0	2	1	2	0	1	0	2	0	1	1	1	0	2	1	1	1	4	2	-	250	0

SESSION 12

	1	2	3	4	5	6	7	8	9	10					
1	1	1	1	1	1	0	1	1	1	1	2	1	2	1	2	0	2	0	2	0	4	2	-	250	0
2	1	0	1	0	1	0	1	1	1	1	2	0	2	1	2	0	2	1	2	0	2	2	2	250	0
3	1	0	1	0	1	0	1	0	1	0	2	1	2	1	2	0	2	1	2	0	0	3	-	0	250
4	1	0	1	1	1	1	1	0	1	0	2	0	2	1	2	0	2	1	2	0	2	2	2	250	0
5	1	0	1	0	1	1	1	0	1	0	2	0	2	1	2	0	2	1	2	0	1	2	-	0	250
6	1	0	1	1	1	1	1	0	1	0	2	0	2	1	2	0	2	0	2	0	2	1	-	250	0
7	1	0	1	1	1	0	1	1	1	1	2	0	2	0	2	0	2	1	2	1	3	2	-	250	0
8	1	0	1	1	1	0	1	1	1	0	2	0	2	1	2	0	2	1	2	0	2	2	1	0	250
9	1	0	1	1	1	1	1	1	1	0	2	0	2	0	2	0	2	1	2	0	3	1	-	250	0
10	1	0	1	1	1	1	1	1	1	0	2	0	2	1	2	0	2	1	2	0	3	2	-	250	0
11	1	0	1	1	1	1	1	1	1	1	2	0	2	0	2	0	2	0	2	0	4	0	-	250	0
12	1	0	1	0	1	1	1	1	1	1	2	0	2	0	2	0	2	1	2	0	3	1	-	250	0
13	1	0	1	1	1	1	1	1	1	1	2	1	2	0	2	0	2	1	2	0	4	2	-	250	0
14	1	0	1	1	1	1	1	1	1	0	2	0	2	1	2	0	2	0	2	0	3	1	-	250	0
15	1	0	1	0	1	1	1	0	1	0	2	0	2	0	2	0	2	0	2	0	1	0	-	250	0
16	1	0	1	1	1	0	1	1	1	0	2	0	2	0	2	0	2	1	2	0	2	1	-	250	0
17	1	0	1	1	1	1	1	1	1	0	2	0	2	0	2	0	2	0	2	1	3	1	-	250	0
18	1	0	1	0	1	1	1	0	1	0	2	0	2	0	2	0	2	1	2	0	1	1	1	0	250
19	1	0	1	1	1	0	1	1	1	0	2	0	2	0	2	0	2	1	2	0	2	1	-	250	0
20	1	0	1	1	1	1	1	0	1	0	2	0	2	0	2	0	2	0	2	0	2	0	-	250	0
21	1	1	1	1	1	1	1	1	1	1	2	1	2	1	2	1	2	1	2	1	5	5	2	250	0
22	1	1	1	1	1	1	1	1	1	1	2	1	2	1	2	1	2	1	2	1	5	5	1	0	250
23	1	1	1	1	1	1	1	1	1	1	2	1	2	1	2	1	2	1	2	1	5	5	2	250	0
24	1	1	1	1	1	1	1	1	1	1	2	1	2	1	2	1	2	1	2	1	5	5	1	0	250
25	1	1	1	1	1	1	1	1	1	1	2	1	2	1	2	1	2	1	2	1	5	5	2	250	0

SESSION 13

	1	2	3	4	5	6	7	8	9	10	11	12	13	14					
1	2	1	1	1	1	0	1	0	2	1	2	0	2	0	1	0	1	0	1	1	1	0	2	0	2	1	1	1	3	3	1	0	250
2	2	0	1	1	1	0	1	1	2	1	2	0	2	0	1	0	1	0	1	1	1	1	2	1	2	0	1	1	5	2	-	250	0
3	2	1	1	1	1	1	1	1	2	0	2	1	2	0	1	2	0	1	0	1	1	1	1	1	1	2	1	2	1	1	1	7	4	-	250	0
4	2	0	1	1	1	0	1	0	2	1	2	1	2	1	1	0	1	0	1	1	1	0	2	1	2	0	1	1	3	4	-	0	250
5	2	0	1	0	1	0	1	1	2	1	2	0	2	1	1	0	1	0	1	0	1	0	2	0	2	1	1	0	1	3	-	0	250
6	2	1	1	1	1	1	1	0	2	1	2	0	2	0	1	0	1	0	1	0	1	0	2	0	2	1	1	1	3	3	2	250	0
7	2	0	1	1	1	1	1	0	2	0	2	1	2	0	1	0	1	0	1	1	1	0	2	0	2	0	1	1	4	1	-	250	0
8	2	0	1	1	1	0	1	0	2	1	2	1	2	0	1	0	1	0	1	1	1	0	2	0	2	1	1	0	2	3	-	0	250
9	2	1	1	1	1	1	1	1	2	1	2	0	2	1	1	0	1	0	1	0	1	0	2	1	2	1	1	0	3	5	-	0	250
10	2	1	1	1	1	1	1	0	2	1	2	0	2	0	1	0	1	0	1	0	1	0	1	1	2	0	2	1	4	3	-	250	0
11	2	0	1	0	1	1	1	1	2	1	2	1	2	1	1	0	1	0	1	1	1	1	2	0	2	0	1	1	5	3	-	250	0
12	2	0	1	0	1	1	1	1	2	0	2	1	2	0	1	0	1	0	1	1	1	0	2	0	2	0	1	1	4	1	-	250	0
13	2	1	1	0	1	0	1	1	2	1	2	0	2	1	1	0	1	0	1	1	1	0	2	0	2	1	1	0	2	4	-	0	250
14	2	1	1	0	1	0	1	0	2	1	2	0	2	0	1	0	1	0	1	0	1	0	2	0	2	1	1	0	0	3	-	0	250
15	2	1	1	0	1	0	1	0	2	0	2	0	2	0	1	0	1	0	1	0	1	0	2	1	2	0	1	0	0	2	-	0	250
16	2	1	1	1	1	0	1	0	2	0	2	0	2	0	1	0	1	0	1	0	1	1	2	0	2	1	1	0	2	2	2	250	0
17	2	1	1	0	1	0	1	0	2	0	2	1	2	0	1	0	1	0	1	1	1	1	2	1	2	0	1	1	3	3	1	0	250
18	2	1	1	0	1	1	1	0	2	1	2	1	2	0	1	0	1	0	1	1	1	0	2	0	2	0	1	0	2	3	-	0	250
19	2	1	1	0	1	0	1	1	2	1	2	0	2	1	1	0	1	0	1	0	1	1	2	0	2	0	1	0	2	3	-	0	250
20	2	1	1	0	1	0	1	0	2	0	2	0	2	0	1	0	1	0	1	0	1	0	2	0	2	0	1	0	0	1	-	0	250
21	2	0	1	1	1	1	1	1	2	0	2	0	2	0	1	1	1	1	1	1	1	1	2	0	2	0	1	1	8	0	-	250	0
22	2	0	1	1	1	1	1	1	2	0	2	0	2	0	1	1	1	1	1	1	1	1	2	0	2	0	1	1	8	0	-	250	0
23	2	0	1	1	1	1	1	1	2	0	2	0	2	0	1	1	1	1	1	1	1	1	2	0	2	0	1	1	8	0	-	250	0
24	2	0	1	1	1	1	1	1	2	0	2	0	2	0	1	1	1	1	1	1	1	1	2	0	2	0	1	1	7	0	-	250	0
25	2	1	1	1	1	1	1	1	2	0	2	0	2	0	1	1	1	0	1	0	1	0	2	0	2	1	1	1	5	2	-	250	0

SESSION 14

	1	2	3	4	5	6	7	8	9	10	11	12	13	14					
1	1	1	1	0	1	1	2	1	1	1	2	1	2	0	2	0	1	1	2	1	1	0	1	1	2	0	1	0	5	3	-	250	0
2	1	1	1	1	1	0	2	0	1	0	2	0	2	1	2	0	1	1	2	1	1	1	1	1	2	1	1	0	5	3	-	250	0
3	1	1	1	0	1	0	2	0	1	1	2	1	2	0	2	0	1	0	2	0	1	1	1	1	2	0	1	0	4	1	-	250	0
4	1	0	1	0	1	0	2	0	1	0	2	1	2	1	2	1	1	1	2	0	1	1	1	1	2	0	1	0	3	3	2	250	0
5	1	0	1	1	1	0	2	0	1	1	2	1	2	1	2	0	1	0	2	0	1	0	1	1	2	1	1	0	3	3	1	0	250
6	1	1	1	1	1	0	2	0	1	1	2	1	2	1	2	0	1	1	2	0	1	0	1	1	2	1	1	1	6	3	-	250	0
7	1	0	1	0	1	0	2	1	1	0	2	0	2	0	2	0	1	1	2	0	1	1	1	0	2	1	1	0	2	2	2	250	0
8	1	1	1	0	1	0	2	0	1	0	2	1	2	1	2	0	1	1	2	0	1	0	1	0	2	0	1	0	2	2	1	0	250
9	1	0	1	1	1	0	2	1	1	0	2	1	2	1	2	0	1	1	2	0	1	0	1	1	2	1	1	0	3	4	-	0	250
10	1	0	1	1	1	0	2	1	1	0	2	1	2	1	2	0	1	1	2	0	1	0	1	1	2	1	1	1	4	4	1	0	250
11	1	1	1	1	1	0	2	0	1	0	2	1	2	1	2	0	1	1	2	0	1	0	1	1	2	1	1	1	5	3	-	250	0
12	1	0	1	1	1	0	2	0	1	0	2	1	2	1	2	0	1	1	2	0	1	1	1	1	2	0	1	0	4	2	-	250	0
13	1	0	1	0	1	0	2	0	1	1	2	0	2	0	2	0	1	1	2	0	1	1	1	1	2	1	1	0	4	1	-	250	0
14	1	0	1	1	1	0	2	0	1	0	2	0	2	0	2	0	1	0	2	0	1	0	1	1	2	0	1	0	2	0	-	250	0
15	1	0	1	0	1	0	2	1	1	0	2	1	2	1	2	0	1	1	2	0	1	1	1	0	2	0	1	0	2	3	-	0	250
16	1	1	1	1	1	0	2	0	1	0	2	1	2	1	2	1	1	1	2	0	1	0	1	0	2	0	1	0	3	3	1	0	250
17	1	0	1	1	1	0	2	0	1	0	2	1	2	1	2	0	1	1	2	0	1	0	1	1	2	0	1	1	4	2	-	250	0
18	1	1	1	0	1	0	2	0	1	0	2	0	2	1	2	1	1	1	2	0	1	0	1	1	2	0	1	1	4	2	-	250	0
19	1	0	1	1	1	0	2	0	1	0	2	0	2	1	2	0	1	0	2	0	1	0	1	0	2	1	1	0	1	2	-	0	250
20	1	0	1	0	1	0	2	1	1	0	2	0	2	1	2	0	1	0	2	0	1	0	1	1	2	0	1	0	1	2	-	0	250
21	1	1	1	1	1	1	2	0	1	1	2	0	2	0	2	0	1	0	2	0	1	1	1	0	2	0	1	1	6	0	-	250	0
22	1	1	1	1	1	1	2	0	1	1	2	0	2	0	2	0	1	0	2	0	1	1	1	0	2	0	1	1	6	0	-	250	0
23	1	1	1	1	1	1	2	1	1	1	2	1	2	1	2	1	1	1	2	1	1	0	1	0	2	1	1	1	6	6	1	0	250
24	1	1	1	1	1	1	2	0	1	1	2	0	2	0	2	0	1	1	2	0	1	0	1	1	2	0	1	1	7	0	-	250	0
25	1	1	1	1	1	0	2	1	1	1	2	1	2	1	2	1	1	1	2	1	1	0	1	1	2	1	1	1	6	6	1	0	250

SESSION 15

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
1	2	0	2	1	2	1	1	0	1	0	2	1	2	0	2	0	1	0
2	2	0	2	1	2	0	1	0	1	1	2	1	2	1	2	0	1	0
3	2	0	2	1	2	0	1	0	1	1	2	1	2	0	2	0	1	1
4	2	0	2	1	2	1	1	0	1	1	2	1	2	0	2	1	1	1
5	2	0	2	0	2	1	1	0	1	1	2	1	2	0	2	1	1	1
6	2	0	2	0	2	0	1	0	1	0	2	0	2	1	2	1	1	1
7	2	0	2	0	2	0	1	0	1	1	2	0	2	0	2	0	1	1
8	2	0	2	0	2	0	1	0	1	1	2	0	2	0	2	0	1	1
9	2	0	2	0	2	0	1	0	1	0	2	1	2	0	2	0	1	1
10	2	0	2	1	2	0	1	0	1	1	2	0	2	1	2	1	1	1
11	2	0	2	0	2	1	1	0	1	0	2	0	2	1	2	1	1	1
12	2	0	2	1	2	1	1	0	1	1	2	0	2	0	2	1	1	0
13	2	0	2	1	2	0	1	0	1	1	2	0	2	0	2	0	1	0
14	2	0	2	1	2	0	1	0	1	1	2	0	2	0	2	0	1	1
15	2	0	2	1	2	0	1	0	1	0	2	0	2	1	2	0	1	0
16	2	0	2	1	2	0	1	0	1	0	2	0	2	0	2	1	1	0
17	2	0	2	0	2	0	1	0	1	1	2	0	2	0	2	0	1	0
18	2	0	2	0	2	0	1	0	1	0	2	1	2	0	2	0	1	0
19	2	0	2	0	2	1	1	0	1	0	2	0	2	0	2	0	1	1
20	2	0	2	0	2	0	1	0	1	0	2	0	2	0	2	0	1	0

SESSION 16

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
1	2	0	1	0	2	0	1	0	1	1	2	0	1	0	1	0	2	1
2	2	1	1	1	2	1	1	0	1	1	2	1	1	0	1	0	2	1
3	2	1	1	0	2	1	1	0	1	1	2	0	1	0	1	1	2	0
4	2	1	1	0	2	0	1	0	1	1	2	0	1	1	1	1	2	1
5	2	1	1	1	2	0	1	0	1	1	2	0	1	0	1	1	2	0
6	2	0	1	0	2	0	1	0	1	1	2	0	1	0	1	1	2	0
7	2	0	1	1	2	1	1	0	1	1	2	1	1	0	1	0	1	0
8	2	0	1	0	2	0	1	0	1	1	2	0	1	1	1	0	2	1
9	2	1	1	0	2	0	1	0	1	1	2	1	1	0	1	0	2	0
10	2	0	1	1	2	0	1	0	1	0	2	1	1	0	1	0	2	1
11	2	0	1	0	2	1	1	0	1	1	2	0	1	0	1	1	2	0
12	2	0	1	1	2	1	1	0	1	1	2	1	1	0	1	1	2	0
13	2	0	1	0	2	0	1	0	1	1	2	0	1	1	1	0	2	0
14	2	0	1	0	2	0	1	0	1	1	2	1	1	0	1	1	2	0
15	2	0	1	0	2	0	1	0	1	0	2	1	1	0	1	1	2	0
16	2	0	1	0	2	0	1	0	1	1	2	0	1	0	1	1	2	0
17	2	0	1	1	2	0	1	0	1	1	2	0	1	1	1	0	2	1
18	2	0	1	0	2	0	1	0	1	0	2	0	1	1	1	0	2	1
19	2	1	1	1	2	0	1	0	1	1	2	0	1	0	1	1	2	0
20	2	-	1	-	2	-	1	-	1	-	2	-	1	-	1	-	2	-

17	18	19	20	21	22	23	24	25	26	27	28						
1	2	1	2	1	1	0	2	1	1	0	2	1	1	1	2	1	1	0	1	1	1	1	6	10	-	0	250
1	2	1	2	1	1	0	2	1	1	0	2	0	1	1	2	1	1	1	1	0	1	0	6	9	-	0	250
0	2	0	2	1	1	0	2	1	1	1	2	1	1	1	2	1	1	1	1	1	1	0	8	7	-	250	0
0	2	1	2	0	1	0	2	1	1	1	2	0	1	0	2	1	1	1	1	1	1	1	10	7	-	250	0
1	2	1	2	0	1	0	2	1	1	0	2	0	1	0	2	1	1	1	1	1	1	0	7	7	1	0	250
0	2	1	2	0	1	0	2	1	1	0	2	0	1	0	2	0	1	1	1	1	1	1	6	4	-	250	0
1	2	0	2	0	1	0	2	1	1	0	2	1	1	0	2	0	1	1	1	0	1	1	5	3	-	250	0
0	2	0	2	0	1	0	2	1	1	0	2	1	1	0	2	0	1	0	1	1	1	0	5	2	-	250	0
1	2	0	2	0	1	0	2	1	1	1	2	0	1	0	2	1	1	1	1	0	1	0	5	4	-	250	0
0	2	0	2	1	1	0	2	1	1	0	2	1	1	1	2	1	1	1	1	1	1	1	8	7	-	250	0
1	2	1	2	1	1	0	2	1	1	1	2	0	1	0	2	1	1	1	1	1	1	0	7	9	-	0	250
1	2	1	2	1	1	0	2	1	1	0	2	1	1	0	2	1	1	0	1	1	1	0	4	10	-	0	250
0	2	0	2	0	1	0	2	1	1	0	2	1	1	1	2	0	1	0	1	0	1	0	4	3	-	250	0
0	2	1	2	1	1	0	2	1	1	1	2	0	1	0	2	1	1	1	1	1	1	1	8	6	-	250	0
0	2	0	2	1	1	0	2	1	1	0	2	0	1	0	2	1	1	1	1	1	1	1	5	5	2	250	0
0	2	0	2	1	1	0	2	1	1	0	2	0	1	0	2	0	1	1	1	1	1	0	5	6	-	0	250
0	2	0	2	0	1	0	2	1	1	1	2	0	1	0	2	1	1	0	1	1	1	0	4	3	-	250	0
0	2	0	2	0	1	0	2	1	1	0	2	0	1	0	2	0	1	0	1	1	1	1	6	2	-	250	0
1	2	1	2	0	1	0	2	1	1	0	2	1	1	0	2	0	1	0	1	1	1	0	3	5	-	0	250
0	2	1	2	0	1	0	2	1	1	0	2	0	1	0	2	1	1	0	1	0	1	1	3	3	1	0	250

17	18	19	20	21	22	23	24	25	26	27	28						
1	1	0	1	1	1	0	2	0	2	1	2	0	2	1	1	0	1	0	2	0	2	0	4	5	-	0	250
0	1	0	1	1	1	0	2	1	2	0	2	0	2	1	1	0	1	1	2	0	2	1	6	8	-	0	250
0	1	1	1	1	1	0	2	1	2	0	2	0	2	1	1	0	1	1	2	0	2	1	7	6	-	250	0
1	1	1	1	1	1	0	2	0	2	0	2	0	2	1	1	1	1	0	2	0	2	1	8	6	-	250	0
1	1	0	1	1	1	0	2	0	2	1	2	0	2	0	1	0	1	1	2	0	2	1	7	4	-	250	0
0	1	0	1	1	1	0	2	0	2	1	2	0	2	1	1	0	1	0	2	1	2	1	5	5	1	0	250
0	1	0	1	1	1	0	2	0	2	1	2	0	2	1	1	0	1	1	2	0	2	1	5	6	-	0	250
0	1	1	1	1	1	0	2	0	2	1	2	0	2	1	1	1	1	0	2	0	2	1	8	5	-	250	0
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0	1	0	1	1	1	0	2	0	2	0	2	0	2	0	2	0	1	0	1	0	2	0	2	1	2	4	-	0	250
0	1	0	1	0	1	1	2	0	2	0	2	1	2	1	1	0	1	1	2	0	2	1	5	6	-	0	250
1	1	0	1	0	1	1	2	1	2	1	2	0	2	0	1	0	1	1	2	0	2	0	6	5	-	250	0
0	1	0	1	1	1	0	2	0	2	0	2	0	2	0	1	0	1	0	2	0	2	0	5	0	-	250	0
0	1	0	1	0	1	0	2	0	2	0	2	0	2	0	1	0	1	0	2	0	2	0	4	2	-	250	0
1	1	0	1	0	1	0	2	0	2	0	2	0	2	0	2	0	1	0	1	0	2	0	3	2	-	250	0
0	1	0	1	1	1	0	2	0	2	1	2	0	2	1	1	0	1	0	2	0	2	0	5	3	-	250	0
0	1	0	1	1	1	0	2	0	2	0	2	0	2	0	2	0	1	0	1	1	2	0	6	2	-	250	0
1	1	0	1	0	1	0	2	0	2	0	2	0	2	0	2	0	1	0	1	1	2	0	3	1	-	250	0
0	1	0	1	0	1	0	2	0	2	0	2	0	2	0	2	0	1	0	1	1	2	0	6	1	-	250	0
-	1	-	1	-	1	-	2	-	2	-	2	-	2	-	1	-	1	-	2	-	2	-	0	0	1	0	250

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GAY POLITICS IN THE LEGISLATIVE ARENA: THE POLITICS OF CONCEALMENT

by

Jean Reith Schroedel
Claremont Graduate School

Jennifer Liu
Claremont Graduate School

Paul Peretz
California State University, Fullerton

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Abstract

AIDS has propelled gays into the heart of the political process. The onset of AIDS has simultaneously made gays more visible and given them a reason to seek aid from the political process. In this paper we examine three gay related votes on the 1988 AIDS bill. We look at four explanations of the votes, majority voting, minority voting, ideological voting and concealed voting. We argue that the last best represents the political process on gay related votes.

Gay Politics in the Legislative Arena

Introduction

Although it is possible that AIDS (acquired immune deficiency syndrome) has existed since the 1950s, the first generally recognized cases in the United States occurred in 1979. Despite rumors of a "gay cancer" spreading through large urban centers in the Northeast and West coast, the Centers for Disease Control did not issue a report about the epidemic until June 1981.[1] Over the next two months a total of 108 cases were identified and 94% of these were among homosexual or bisexual men (Bayer 1983: 5). The fact that AIDS first appeared within the gay community in the United States and was initially called GRID (Gay Related Immune Deficiency Syndrome) has enormous policy implications.[2] This early association of homosexuality with the syndrome has meant that social attitudes towards homosexuality[3] and the political strength of the gay community have shaped the policy response towards AIDS.

One indicator of the strength of the public's perception of the linkage between AIDS and homosexuals can be drawn from survey research on public opinion about AIDS policies. For example, Stipp and Kerr (1989: 102) discovered that the best predictor of public attitudes towards HIV (human immunodeficiency virus) infected people is one's view towards homosexuality. Another study found that individuals with negative attitudes towards gay people generally favored punitive and restrictive policies against people with HIV, such as tattooing and issuing them identity cards (Price and Hsu 1992: 47).

Not only has the AIDS epidemic forced heterosexuals to confront their feelings about homosexuality, it has fundamentally altered the pattern of interaction between the gay community and the government. Prior to the advent of AIDS, organized gay political behavior primarily

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[1]The June 5, 1989 volume of Morbidity and Mortality Weekly Reports included a discussion of the "unusual" appearance of pneumocystis cariini pneumonia in five Los Angeles gay men. The article went on to suggest a possible linkage between the "homosexual lifestyle" and the illness.

[2]Representatives of gay organizations were extremely concerned that the labeling of the epidemic GRID would heighten the discrimination against gay people in the country. Their lobbying of the Centers for Disease Control helped convince officials to rename the syndrome (Stoddard and Rieman 1991: 256).

[3]Some observers, like conservative commentator Patrick Buchanan, have argued that people with AIDS were being punished for their "deviant" sexual practices. "Those poor homosexuals. They have declared war on nature and nature is exacting an awful retribution" (Buchanan May 24 and 25, 1983). This tendency to attribute AIDS to a "deviant" lifestyle was not limited to conservative political and religious figures. Dr. James Fletcher in an editorial in the Southern Medical Journal made a similar point when he wrote, "Might we be witnessing, in fact, in the form of a modern communicable disorder, a fulfillment of St. Paul's pronouncement: 'the due penalty of their error'" (Fletcher February 1984).

was directed towards keeping the government out individuals' private lives.[4] However, because AIDS disproportionately affected homosexual men,[5] gay political organizations for the first time were in a position of lobbying the government for financial resources. This was a radical transformation. Gay lobbyists began to mimic the behavior of their counterparts representing more traditional political constituencies (i.e., akin to the requests of lobbyists representing peanut growers for more agricultural subsidies.) The AIDS epidemic also made it impossible for governmental actors to ignore the gay and lesbian community. Officials at the local, state, and federal levels of government were forced to confront demands that AIDS funding be made a national priority, and this in turn, forced many of these individuals to confront their own feelings about homosexuality. For these reasons the policy response to the AIDS epidemic provides a particularly suitable case for assessing governmental attitudes towards gays and lesbians.

Although there have been a number of excellent studies of AIDS policy-making at the state and local level (Colby and Baker 1988; Gostin 1989; Ron and Rogers 1989; Martin and Dean 1990; Le Poire, Sigelman, Sigelman, and Kenski 1990; Slack and Luna 1992), there have only a few studies of policy-making at the federal level (Fox, Day and Klein 1989; Gostin 1990) and none of these have focused on Congress, the body that actually enacts national legislation. Researchers' emphasis on the state and local response to the AIDS epidemic is understandable. Since people with AIDS stretched municipal and state medical resources sooner than national resources, those levels of government were faced with making policy choices at an earlier point in time. Others consider the slow federal response to the AIDS epidemic to be partially due to a national "leadership vacuum" (Johnson and Jones 1991). Because most HIV infected individuals are members of stigmatized groups (i.e., homosexuals, bisexuals, and/or intravenous drug users and their partners), national politicians have little electoral incentive to push for

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[4]The only pre-World War Two gay political organization, the Chicago Society for Human Rights, organized around civil liberties for gays (Adam 1987: 39). Although the Chicago Society for Human Rights only lasted a very short period of time, its focus on obtaining the normal rights of citizenship for gays was passed on to its postwar descendants. The homophile organizations of the 1950s, such as the Mattachine Society and the Daughters of Bilitis, sought to end witch hunts directed at ferreting out gays and lesbians employed by the federal government and attacks on gay and lesbian gathering places (D'Emilio 1983 and Adam 1987). John D'Emilio's (1983) Sexual Politics, Sexual Communities: The Making of a Homosexual Minority in the United States, 1940-1970 and Barry D. Adam's (1987) The Rise of a Gay and Lesbian Movement are excellent histories of the origins of gay political behavior in the United States. This emphasis on defending the "right to privacy" continued up in the 1980s. The National Gay Task Force (N.G.T.F.), the most important national gay political organization, was still making the "right to privacy" its central political demand up until the advent of the AIDS crisis (Altman 1982: 135).

[5]Although it is impossible to accurately assess the prevalence of the disease within any community, in the cities that comprise the epidemic's epicenters approximately half of all gay men between the ages of thirty and forty-five are sero-positive (Gagnon 1989: 55).

additional funds for treatment and research.[6] In some cases elected officials may actually reap political benefits by attacking people with AIDS. The President of the United States did not publicly address the AIDS epidemic until the spring of 1987, after almost 21,000 people had died of the disease (Peck and Bezold 1992: 135). Even though gay men made up the vast majority of those who had died, the President never mentioned homosexuality in his speech (Reagan 1987: 14D-16D). The national government did not pass comprehensive legislative providing funds for AIDS treatment and education until the end of 1988---nine years after the first cases were identified and after 1.5 million people had become infected with the virus (Congressional Quarterly Almanac 1988: 302).

The politics associated with the passage of the 1988 AIDS legislation provides an excellent means of assessing the responsiveness of Congress to the needs of the gay community. There were nine separate recorded Senate votes on S1220, the "AIDS Information and Treatment" bill. Three of these votes involved the role of the federal government in funding safe(r) sex education materials directed at homosexual and bisexual men.[7] The remainder dealt with issues, such as providing clean needles to intravenous drug users, requirements that applicants for marriage licenses be screened for HIV antibodies, and mandatory testing of prison inmates. Provisions from the "AIDS Treatment and Information" bill (S1220) were subsequently incorporated into an omnibus health measure (S2889---PL100-607), which was signed into law on November 4, 1988. This law, which provided approximately $600 million for treatment and education, was the first significant national policy response to the AIDS epidemic.

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[6]Keniston made this point when he asked people to imagine what the policy would have been if AIDS "...were a disease that selectively affected white middle-class girls between the ages of two and fifteen" (Keniston 1989: 19).

[7]This is not the first time that Congress has enacted policies that affect the gays and lesbians. However, as was pointed out above, this is the first time that Congress was being asked to provide financial resources to the members of the gay community. In the past virtually all congressional actions towards the gay and lesbian community have been punitive in nature and part of attempts to root out subversives of one form or another. Following the Bolshevik Revolution in 1917, a Senate committee investigated the dangers posed by so-called "immoral conditions" within a Navy training station. See U.S. Senate, 1921, 67th Congress, 1st sess., Committee on Naval Affairs, "Alleged Immoral Conditions at Newport (R.I.) Naval Training Station." During the Red Scare of the early 1950s, "sexual perverts" were viewed as almost as much of a danger to national security as Communist infiltrators. In June 1950 the Senate authorized one of its committees to investigate "moral perverts" within the government. The subsequent report warned that, "One homosexual can pollute a Government office" and urged that "such morally contaminated persons" be fired (U.S. Senate, 1950, 81st Congress, 2nd sess., Committee on Expenditures in Executive Departments, "Employment of Homosexuals and Other Sex Perverts in Government"; 3-5). According to D'Emilio, thousands of civilian government employees were fired during this campaign against homosexuality. Additionally, 1,700 other people were denied government jobs between 1947 and the mid-1950s because of homosexuality (D'Emilio 1983: 44).

The Politics of Concealment

Like many other issues that come before Congress, the 1988 AIDS bill tapped more than one dimension. While at this time AIDS had primarily affected gays in the United States, it was clear to most informed observers that it had the potential to become a major disease amongst heterosexuals. Also, unlike most other sexually transmitted diseases, there was no cure. Thus one element of the reaction to the bill was the general desire to prevent the spread of an illness that could be harmful to all. Another thread of the pattern was the general desire to save life. People react differently to life threatening diseases than to other phenomena. It is possible to defend a vote to save a gay person from dying, even to a constituency that is strongly opposed to homosexual activity. Finally, even in 1988, a small number of people who were neither homosexuals or drug abusers had contracted AIDS. This too provided political cover for those favoring a comprehensive AIDS bill.

For all these reasons we did not think that the vote on the bill itself would provide a direct measure of congressional behavior towards gay issues. [8] But, as is often the case on major bills, there were a series of proposed amendments and motions intended to reshape the main bill. Among the nine subsidiary votes were three that were directly aimed at the gay community. In this paper we seek to identify the determinants of congressional positions on the three explicitly gay-oriented Senate votes on S1220.

How would we expect senators to vote on such issues? The congressional literature is rife with disputes on the determinants of voting. Some see voting as determined primarily by the opinions of constituents, while others place more weight on the views of the senators themselves. Some see political party affiliation as a major explanation, while others claim it is but a mask for the real determinants. Some feel that real political forces always prevail whilst others give weight to the institutional peculiarities of the Senate, such as the right to filibuster. In this paper we will look initially at three dominant explanations for Congressional voting and then advance an alternative that better fits the conditions under which voting on gay oriented policies takes place.

Three approaches dominate the work of political scientists. One approach, deriving from the work of Anthony Downs (1957; 1961) and David Mayhew (1974) sees voting as primarily driven by re-election needs. In this view the legislator seeks to cast votes that will appeal to a majority of his constituency and avoid votes that will anger that majority. The more important the issue is to that majority the more constrained he is to vote as his constituency wishes.

Another approach, deriving from the work of Schattschneider (1935) and Olson (1965, 1982), also sees re-election as a dominant motive but argues that small powerful minorities are more likely to gain their wish than large unorganized majorities (Schroedel 1986; Fowler and

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[8]Another reason for not examining the bill itself derives from recent roll call analyses. Much of the recent work argues that votes on bills that have been previously shaped in committees contain systematic bias (VanDoren 1990; Snyder 1992). The motions and amendments we examine are less susceptible to this objection.

Shaiki 1987). Because of the free rider problem[9], small groups with large individual resources will find it easier to organize than larger groups where each individual has less at stake. Such groups can provide the candidate with money and other resources at election time, and will also be comprised of people for whom the vote on a particular bill is particularly salient and particularly likely to be noticed.

A third approach places more weight on the views of the representative. Because most constituents are poorly informed about their legislator's voting records, because many of those votes have little importance to them and because their representative is likely to cast votes for and against the interests of any given individual, it is hard for that individual to use their one vote, cast every six years to control their senator. This allows room for their senator to vote as his or her ideology dictates. Thus this view sees the personal ideology of the senator as the immediate cause of a given vote. In the last few years this has become the dominant view. A large body of work has claimed that most voting in Congress is along a fairly constant left-right continuum (Schneider 1979, Poole and Daniels 1985; Poole and Rosenthal 1985, 1991).

While these are often advanced as exclusive explanations, it makes more sense to think of all of them as relevant to some degree for all voting decisions, but with some being more important for some voting decisions and others for different ones. The feelings of the majority are more likely to be relevant on issues such as the budget and taxes, where large groups feel intensely about the issue. The view of strong organized minorities should be most important on issues such as farm subsidies where they have a lot to lose or gain and others have relatively little at stake. Ideological voting should be most important where the issue is of little importance to most of the legislator's constituency and where he or she feels strongly about the matter.[10]

How does voting on gay issues fit into this spectrum? Until recently the best description would have been one of an unorganized gay minority facing a somewhat more organized majority opposed to gays. We might expect legislators to be more sympathetic to gays than the average voter, but we would not expect this to be an issue that was very important to most legislators. Under these circumstances one would expect that there would be few bills proposed that were favorable to gays and that any such attempts would be stymied by the hostile majority. And such has indeed been the case.

But in more recent years the AIDS issue has mobilized gays. Areas with large concentrations of gays and lesbians have applied pressure to their legislators through groups such

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[9]This is a classic problem in social organization. It occurs when someone can share the benefits of a good whether or not he pays for it. As everyone waits for everyone else to pay the good may never get supplied unless government forces people to pay the taxes to provide it. The classic example is the protection of the armed services. It is easier to make people pay voluntarily for such a good if there are only a few, than if there are a large number. See Mancur Olson (1965).

[10]Most of those who stand behind the view that congressional voting is performed on a fairly consistent left-right continuum would dispute the approach outlined in this paragraph and claim that all voting is primarily on ideological lines. However others strongly dispute this view and see the type of policy issue as crucial (Clausen 1973; Wilcox and Clausen 1991).

as the Human Rights Campaign Fund, the Gay and Lesbian Victory Fund and the National Gay and Lesbian Task Force. In response a number of small countervailing groups, such as the Family Research Council, Focus on the Family and Concerned Women of America, have made opposition to gay rights a central focus. A similar, but more subdued bifurcation has occurred amongst the general public. Some citizens, especially on the West Coast and in the North East have come to view gays as the latest claimants in the civil rights struggle that has embraced first blacks and then women and Hispanics. While not necessarily approving of gay sexual behavior, they have come increasingly to view it as something that is genetically determined rather than freely chosen. However other citizens, especially in the South East and Mountain States, have rallied around the old view that gay behavior is freely chosen, sinful and the Devil's work. These people equate gay rights with sin and decadence. The bulk of the public lies somewhere in between, but nearer to the latter than the former view (Klassen, Williams and Levitt 1989). Overall then we have an organized minority of gays and lesbians, opposed by smaller fundamentalist religious groups with the general public being generally anti-gay but not strongly so. Since senators, like other members of the elite, (Stouffer 1955; Dahl 1961; McCloskey and Brill 1983) should be more liberal on civil rights issues, we would expect that they would be more sympathetic to gays than their constituents would.

It is our contention that votes on gay related issues will not be fully explained by any one of the standard approaches. Rather we would expect to see what we term the politics of concealment. Viewed from the perspective of the legislator we have a strongly engaged and attentive minority supporting pro-gay policies favored by the legislator himself, opposed by a larger less attentive majority opposed to gays[11]. Under these circumstances optimal behavior should consist of voting against bills and amendments that seek explicitly to benefit gays, while voting for bills and amendments phrased in more general terms which happen to benefit gays but do not explicitly say so.

Under these circumstances optimal behavior by the proponents of policies favorable to the gay community would be to put forward universalistically phrased bills and amendments that do not mention gays and lesbians but do give them benefits. Analogously, opponents should propose bills and amendments that make a vote for gay oriented policies a vote in favor of a gay lifestyle. The legislative struggle would then be to define the issue in one of these two ways. Depending on the phrasing of the bill the same legislator could easily vote for or against gays. Thus it matters which amendment comes first, what limits there are and what obstacles can be placed in the way of voting. Success would depend on control of the agenda (McKelvey 1976) and the relative ability of the two sides in tactical maneuvering.

In the congressional literature two methods of testing hypotheses have primarily been employed. One group of scholars has relied on detailed case histories of legislation. Another group has relied on quantitative analysis of floor and/or committee votes. The case study method has the advantage of better revealing the motives of the participants and the context within which decisions are made. However it has the disadvantage that one can never be sure whether the

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[11]It should be noted that the countervailing groups noted above are trying hard to raise the salience of the issue with the religious right and conservatives. If they succeed the balance between gays and their opponents could change again.

events described by the author are the crucial ones. Quantitative analysis has the advantage of better allowing comparison between different cases and of showing more precisely which causes have more weight. However it often misses important context and can mask important differences between events especially when some causes are hard to measure. Because both methods have advantages we use both methods to analyze the voting on three gay related votes. We will look first at the history of the voting in context and then move to a quantitative analysis of the crucial votes.

The History of the "AIDS Treatment and Information" Bill

On May 15, 1987 Senator Edward Kennedy (Democrat, Massachusetts) introduced the "AIDS Treatment and Information" bill (S1220) that would provide over $600 million in funds for AIDS education and treatment into the Senate.[12] The legislation was referred to the Labor and Human Resources Committee, which in June unanimously recommended that it be enacted into the law. Despite the unqualified endorsement of the authorizing committee and bipartisan support, the bill was not brought up to a vote on the floor of the Senate in 1987. After consulting with Senate leaders, the sponsors of the bill chose to keep it off the floor because they were afraid that Senator Jesse Helms (Republican, North Carolina) would tie it up with a series of punitive amendments (Congressional Quarterly Almanac 1987: 20). In particular, the sponsors worried that legislators from the far-right wing of the Republican Party would defy their leaders and attach amendments requiring wide-spread mandatory testing for HIV antibodies (Congressional Quarterly Almanac 1987: 491).

Over the next ten months as the impact of the AIDS epidemic spread and the country moved into an election year, support for S1220 within the Senate increased. By the time the leadership had decided to bring the bill up on the floor of the Senate, a total of fifty-seven senators had signed on as co-sponsors. The fact, that the floor managers of the bill, Senator Edward Kennedy and Senator Orren Hatch (Republican Utah), represented the chamber's liberal and conservative wings, underscored the degree of bipartisan support for passing comprehensive AIDS legislation. Senator Kennedy in his introductory floor remarks thanked Republican Senators Arlen Specter (Pennsylvania), Robert Dole (Kansas), and Pete Wilson (California) for their assistance in building support for the bill (Kennedy, Congressional Record, 100th Congress, 2nd. sess., April 27, 1988: S4937).

Senator Hatch directed his initial remarks towards his fellow conservatives, especially Senator Helms. He began by pointing out that since the committee had recommended passage of the bill an additional 20,000 people had been identified as having the syndrome, and then asked that the bill be passed without amendments (Hatch, Congressional Record, 100th Congress, 2nd. sess., April 27, 1988: S4939). The appeal failed to sway Senator Helms, who proceeded to introduce eleven separate amendments, most of which were clearly designed to halt

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[12]Five other senators had signed on as co-sponsors by the time that S1220 was introduced into the Senate. These co-sponsors were Alan Cranston (Democrat, California), Barbara Mikulski (Democrat, Maryland), Christopher Dodd (Democrat, Connecticut), Howard Metzenbaum (Democrat, Ohio), and Claiborne Pell (Democrat, Rhode Island).

passage of the bill. Senator Helms summed up his feelings towards homosexuals and the sero-positive individuals when he said, "...let us establish one fact about the AIDS epidemic. I agree with what amounts to the Biblical injunction that we should hate the sin and love the sinner. I may not love the sinners. I do not say that I can go that far, but I sympathize with anyone who has a terminal disease, however he or she gets it. But there is not one case of AIDS on record in this country that did not have its origin in sodomy" (Helms, Congressional Record, 100th Congress, 2nd Sess., April 27, 1988: S4944).

On April 28th Senator Helms proposed amendment 1992 which was designed to halt federally funded safe(r) sex education directed at gay men. The amendment stated," Notwithstanding any other provision of this Act or an amendment made by this Act, none of the funds provided under this Act or an amendment made by this Act shall be used to provide education, informational, or risk reduction materials or activities to promote or encourage, directly, homosexual activity" (Congressional Record, 100th Congress, 2nd. sess, April 28, 1988: S5035). If passed this amendment would have severely curtailed the ability of groups to successfully reach the gay community with safe(r) sex materials since virtually any explicit descriptions of homosexual activities would be considered as promoting it. For example, Senator Helms argued that an educational safe(r) sex comic produced by the Gay Men's Health Crisis was "demeaning, disgusting garbage" and their video showing how to put a condom on a penis encouraged "immoral" and "illegal" behavior (Helms, Congressional Record, 100th Congress, 2nd sess., April 28, 1988: S5046).[13]

When Senator Kennedy described amendment 1992 as a "killer," he was referring not only to the possibility that it would halt (i.e., kill) the passage of S1220, but also that it would result in more Americans dying from AIDS (Kennedy, Congressional Record, 100th Congress, 2nd sess., April 28, 1988: S5043). For these reasons Senator Kennedy moved that the amendment be tabled (i.e. removed from consideration by a procedural vote.) If a motion to table is successful, the proposal under consideration is defeated, but the senators have not been forced to actually vote on its substance (Olezsek 1989: 11). Kennedy hoped to use this procedure to halt Helms without forcing senators into the politically costly position of appearing to promote homosexuality by voting in favor of safe(r) sex education directed at the gay community. However, this tactic failed when the motion to table was defeated by a margin of 22-73 (Congressional Record, 100th Congress, 2nd. sess., April 28, 1988: S5048.)

Following the defeat of the Kennedy motion, the Senate immediately moved to vote on the amendment. Once again a majority of Republicans and Southern Democrats united against a majority of Northern Democrats. The vote on the Helms amendment prohibiting the use of federal funds for AIDS education that "promote or encourage, directly, homosexual activity" passed 71-18 on April 28, 1988. A majority of the co-sponsors of S1220 actually voted in favor of the "killer" amendment. Despite his plea against including amendments of this sort, Senator

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[13]A similar video demonstration with Ruben Blades demonstrating how to put a condom on a banana prompted a protest letter from an International Banana Association spokesperson, who argued, "The choice of a banana rather than some other inanimate prop constitutes arbitrary and reckless disregard for the unsavory association that will be drawn by the public and the damage to our industry that will result therefrom" (Crimp 1988: 255).

Orren Hatch ended up voting in favor of the Helms' amendment. Like many other senators he was afraid that voters in his state would not accept it if he appeared to vote in favor of promoting homosexuality.

Senator Edward Kennedy quickly moved to blunt the impact of the Helms education amendment. He proposed amendment 1996 which would have included the following language in the bill, "Education programs that receive funds under this Act shall stress the public health benefits of a single monogamous relationship and the avoidance of unlawful intravenous drug use. Notwithstanding any other provision in this Act nothing shall restrict the ability of the education program to provide accurate information on reducing the risk of becoming infected with the etiologic agent for AIDS" (Congressional Record, 100th Congress, 2nd. sess., April 28, 1988: S5056).

Senator Jesse Helms immediately attacked the proposed amendment. He argued quite rightly that if passed, the effect of the new amendment would be to completely undercut the amendment prohibiting the use of funds to educational programs that "promote or encourage" homosexual activity (Congressional Record, 100th Congress, 2nd. sess., April 28, 1988: S5056). Helms was also strongly opposed to the Kennedy amendment's language encouraging monogamous relationships. He was morally outraged by the support for "shacking up" and for "homosexual monogamous relationships" (Congressional Record, 100th Congress, 2nd. sess., April 28, 1988: S5056-8).

Fellow conservative Republican Orren Hatch attempted to win support from Helms and other conservatives by arguing, "Now, it is one thing, I call my friend's attention to this, it is one thing that he and I both wish that there were not homosexuals. He and I both wish that we could get everybody to live decent, moral lives in a marital relationship...But to make a long story short, it is common knowledge that there are large numbers of people in our society who need this bill, who need the help. And the principal people who need it are homosexual and bisexual males, according to the statistics" (Congressional Record, 100th Congress, 2nd. sess., April 28, 1988: S5057).

Following an extensive Senate debate, Senator Helms moved that Senate table the Kennedy amendment, and allow the language from his amendment to control the form of educational materials funded by the federal government. The motion to table was rejected by a 61-29 margin. Virtually all of the co-sponsors of S1220 including those who had voted in favor of the original Helms amendment voted against tabling the Kennedy amendment. The implication of this reversal is that very few senators actually wanted to curtail safe(r) sex educational efforts in the gay community as would have occurred with the Helms amendment, but they did not want to be placed in the position of appearing to cast a pro-gay vote.

Immediately afterward, on a voice vote, the Senate passed the Kennedy amendment, thereby superseding the Helms anti-gay amendment which had been passed on a roll-call vote (Congressional Record, 100th Congress, 2nd. sess., April 28, 1988: S5062). There are two very important lessons that can be drawn from this action. First, a large majority of senators are willing to enact policies that are favorable towards the gay community. But secondly, these same senators are not willing to risk their political base by taking a publicly pro-gay stance. This implies that gay activists will either need to pursue a behind-the-scenes legislative strategy or convince senators that it is not politically risky to support pro-gay initiatives.

After agreeing to the Kennedy amendment, the Senate passed S1220 by a 87-4 margin.

The only senators voting against the bill were William Armstrong (Republican, Colorado), Jesse Helms (Republican, North Carolina), James McClure (Republican, Idaho), and Malcolm Wallop (Republican, Wyoming) (Congressional Record, 100th Congress, 2nd. sess., April 28, 1988: S5071-72). Since in a bicameral legislature both chambers needed to pass the same legislation, attention then shifted to the House of Representatives. On September 23, 1988 the House passed a similar measure, HR5142. Normally differences between the two chambers are resolved in a conference committee where legislators from the House and Senate iron out their differences and then the new language must be voted on by each body. However, Senator Jesse Helms was able to prevent this from happening. With the end of the legislative session fast approaching, Helms was able to use the threat of a filibuster to prevent the appointment of members of the Senate to a conference committee (Congressional Quarterly Almanac 1988: 306).

Despite this maneuvering, Helms was not able to prevent the enactment of AIDS education and treatment legislation. Strong majorities from both the House and the Senate wanted AIDS legislation passed and introduced new identical bills into both chambers and managed to pass them without amendments, thereby circumventing Helms. However, Helms won a partial victory because the language is the new law was closer to that favored by conservatives. House provisions assuring confidentiality of test results and counseling for those taking the HIV test were eliminated from the new law. Helms was also successful in getting language barring the use of federal funds for educational materials that "promote or encourage, directly, homosexual activity" included in the appropriations law that actually provided the funding for these programs (Congressional Research Digest, 100th Congress, 2nd. sess., Public Law 100-436, approved September 28, 1988: 225).

As can be seen, the history of the bill supports our hypothesis that voting on gay issues is best characterized as the politics of concealment. The key event that cannot be well explained by any of the other approaches is the switch on the vote to table the Kennedy amendment. When given suitable cover large numbers of senators switched from opposing the dissemination of safe sex material for gays to supporting it. This does not fit with the view that senators always cast their vote as the majority of their constituents want. It is even less in accord with the idea that they are consistently guided by the votes of small well organized groups, as such groups would not be fooled by the language of the bill. Finally it says that senators' ideologies did not prevent around forty percent of the Senate from voting one way on one vote and the other way on the next vote.

In contrast the events fit well with the hypothesis that gay voting is characterized by the politics of concealment. Looked at from this perspective one has a number of senators who are more pro-gay than their constituents, or who are more likely to feel that preventing AIDS deaths takes priority over other issues. When forced to vote on an issue that appears to align them with the promotion of homosexuality they vote against gays. But when allowed to vote on the same issue, phrased in language that does not refer to gays, they change their vote.

Description of the Quantitative Study and Methodology

While the account above supports our hypothesis, case histories, by their nature, are subject to the problems outlined in the second section of this paper. We therefore think it useful

to perform a roll-call analysis of the three gay related amendments to the 1988 Senate AIDS bill (S1220) to test our hypothesis that voting on gay related issues is best explained by the politics of concealment. While we expect all of the traditional reasons for voting to have some influence, we expect the politics of concealment to be the most important explanation.

Few things are harder to demonstrate than an attempt to conceal one's motives. There is no direct indicator of concealment. Rather we claim that legislators will have different voting patterns on bills that provide concealment from those that do not. The influence of constituency factors should be greater in proportion to the visibility of the vote. Where the nature of the amendment forces the legislator to take a highly visible position on gays, constituency characteristics should be an important determinant of the vote. Where the amendment is phrased in a way that it does not deal with gays explicitly, the influence of constituency characteristics should decrease.

The three votes that we consider range from highly visible to almost invisible. The most visible is the vote on Helms' amendment 1992 which banned the use of funds "to promote or encourage, directly, homosexual activity." The phrasing of the amendment appears to imply that those voting against the amendment wish to promote homosexual activity.

Somewhat less visible is the vote on a motion by Kennedy to table this amendment. While this would have had the effect of killing the amendment, formally, tabling only means that the amendment would not be considered at this time. Therefore it would be possible for someone voting for the motion to table to claim that they simply wished to postpone consideration of the amendment.

Least visible is our third vote, a Helms motion to table Kennedy's amendment which was intended to reverse the just passed Helms amendment. The reader will recall that this amendment supported monogomous relationships, opposed drug use, and added "Notwithstanding any other provision in this Act nothing shall restrict the ability of the education program to provide accurate information on reducing the risk of becoming infected with the etiologic agent for AIDS." This amendment has the effect of cancelling the Helms amendment. But, as can be seen from the language, someone voting for the amendment, far from seeming to be in favor of promoting homosexuality, now seems to be in favor of monogamous relationships, against drug use and in favor of providing accurate information. The motives of someone voting against tabling the motion are even more obscured. A legislator could reasonably claim that he opposed the amendment and was eager to vote against it, if his vote were questioned.

We have used a variety of variables to measure the general approaches discussed above. To measure ideology of the member we used scores compiled by the American Civil Liberties Union (ACLU). They used a 1-100 numerical scale to show how closely the legislator's previous votes fitted their own position on votes important to them. For example, if the ACLU gives a senator a score of 75 it indicates that senator votes for ACLU positions three-quarters of the time and against their position one quarter of the time. We also experimented by replacing the ACLU score with those of other groups such as the ACU and the ADA but found the ACLU score to have the most predictive accuracy.

To assess the effect of smaller focussed constituency groups we used two types of measures. To ascertain the importance of gays to the senator we used two proxy variables designed to estimate the number of gays in a state. We used two different measures because there is no generally accepted means of counting gays and lesbians. One proxy, taken from a

data set supplied by the Centers for Disease Control was the number of AIDS deaths in each state traceable to homosexual transmission. We thought that this would capture not only the number of gays but also the intensity of the AIDS scourge amongst gays. The major defect of this measure is that it is not a good measure of lesbians. Our second proxy for the number of gays was Census Bureau figures on non-family members sharing a household. The National Organization of Gay and Lesbian Scientific and Technical Professionals (NOGLSTP) have found that when they use these figures to calculate the percentage of such households in each state, there is a high correlation with congressional districts that have a high concentration of gays and lesbians. We found that in all three of the votes we examined the latter had superior predictive value, so we used it as our measure of the size of the gay population.

Because the focussed opposition to pro-gay legislation comes from small groups affiliated with the religious right, we used a variable designed to measure the strength of the religious right in the state. We used the percent of people in the state belonging to one of the six major conservative Protestant churches.

We also used two measures designed to tap the general attitudes of the population of the state towards liberal issues and towards discrimination. Perhaps the broadest measure of the general liberalism of the state on political issues is the party identification of the state's legislators. The easiest way to tap this is to control for the party of the senator voting. There is however general agreement that as a measure of a state's political liberalism, party identification has a fatal flaw, namely that Southern Democrats and Northern Democrats are not equally liberal. To allow for this we created a conservative coalition variable in which a senator was given a score of 0 if a Northern Democrat, 1 if a Southern Democrat and 2 if a Republican. We used both the standard party variable and the conservative coalition variable in our runs, and found, as expected, that the conservative coalition variable had superior predictive power in each of our runs. This led us to drop the standard variable and report only the conservative coalition results.

The other majoritarian measure was the presence of anti-discrimination laws covering gays in the state. We reasoned that in states which had passed such a law, the majority was likely to be more opposed to discrimination than the majority in states which had not. We also felt that the stronger the law, the more opposed to discrimination the majority would be. This variable was coded 1 where there was no anti-discrimination law, 2 where there was a partial law and 3 where there was a comprehensive law.

We also tried a variety of socio-economic constituency variables which have proved to have predictive value in other voting studies. We did not expect these to predict well in this case and they did not. We therefore do not report them.

Because the three dependent votes are dichotomous we used logit analysis, rather than regression analysis to determine the relative influence of the independent variables. We also recoded the variables so that a positive coefficient always shows that the variable led to support for the gay position and a negative coefficient always shows a variable reduced support for the gay position.

The Results

We started with the equation...

$$VOTE = a + b_1ACLU + b_2GAY + b_3RELIG + b_4CON + b_5LAW + e$$

where VOTE is the outcome on the amendment, ACLU is the senators ACLU score, GAY is the number of gays, RELIG is the percent of the state's population belonging to a fundamentalist church, CON is the conservatism of the senator's party membership and LAW is the presence and strength of a state anti-discrimination law.

Table 1: Determinants of Voting on Three Amendments to the 1988 AIDS bill

Variable	Helms amendment vote	Kennedy motion to table Helms amendment	Helms motion to table Kennedy amendment
ACLU	0.185 (0.010)	0.097 (0.002)	0.089 (0.02)
GAY	105.663 (0.025)	41.972 (0.056)	-2.049 (0.868)
RELIG	0.155 (0.194)	-0.035 (0.678)	0.036 (0.267)
CON	3.421 (0.030)	1.871 (0.025)	-0.364 (0.563)
LAW	3.391 (0.022)	1.452 (0.056)	0.178 (0.267)
Constant	-52.308 (0.011)	-22.565 (0.005)	-2.058 (0.604)
Pseudo R^2	0.70	0.56	0.51
Percent of Correct Prediction	91.7%	92.2%	82.4%

Columns 2-4 of Table 1 show the coefficients for each of the three runs with the significance level of the t scores in brackets. As can be seen RELIG, the proxy for pressure by fundamentalist groups on gay votes, is not significant on any of the three runs. This is consistent with our earlier view that the focussed opposition on gay issues is less organized and powerful than political activity by organizations representing gays. Because this variable was not significant on any of the runs we dropped it from all three runs. We then re-ran the three equations with this variable removed. With this variable removed the coefficients on the variables predicting the votes on the Helms amendment and the Kennedy motion to table the Helms amendment were all significant at the .05 level or better. The new results are shown in columns 2-3 of Table 2. The re-run on the last of the three votes, the Kennedy amendment, left all but one variable, the ACLU score, insignificant at any plausible level. We then dropped each

variable in turn, always choosing the least significant variable to drop. All variables except the ACLU score dropped out without reaching significance at the .10 level. This left us with the result shown in column 4 of Table 2. Each of the three runs shown in Table 2 explains a reasonable amount of the variance.

Table 2: Determinants of Voting on Three Amendments to the 1988 AIDS bill - Revised			
Variable	Helms amendment vote	Kennedy motion to table Helms amendment	Helms motion to table Kennedy amendment
ACLU	0.146 (0.007)	0.102 (0.000)	0.089 (0.000)
GAY	76.637 (0.005)	45.008 (0.001)	
CON	2.639 (0.035)	1.959 (0.018)	
LAW	2.517 (0.025)	1.545 (0.037)	
Constant	-38.438 (0.005)	-24.136 (0.001)	-2.216 (0.000)
Pseudo R^2	.68	.56	.48
Percent of Correct Prediction	95.2	92.2	82.4

As can be seen the coefficients are all in the expected direction, with the exception of the coefficient for the modified party score. On all three votes the more liberal the senator the more likely he was to support the gay position. On the first two votes constituency variables were also important. Those senators with more gays in their state were more likely to take the pro-gay position. Those senators from states with anti-discrimination laws were also more likely to support the gay position. The one unexpected coefficient is that for party (CON) in the first two votes. It shows that equally liberal senators, with equal numbers of gays in their state, and with equal anti-discrimination laws were more likely to support the gay position if they came from the more conservative party.[14] One possible explanation is that a minority party has more incentive to seek out groups to add to its coalition. In addition we note that The Log Cabin Clubs, a grouping of gay Republicans, have long urged their party to support gay issues on libertarian grounds.

To what degree do the results shown in Tables 1 and 2 support the hypothesis advanced above? As can be seen they are highly consistent. Looking at Table 2 we can see that as we

[14]Because Northern Democrats are in fact more liberal than Republicans and Southern Democrats this result is misleading. In runs not controlling for ideology we found the expected significant negative relation between party and being in favor of pro-gay legislation.

move from the voting on the more visible Helms amendment to voting on the somewhat less visible motion to table that amendment, the size of the coefficients on the constituency variables drops by almost half. While both runs show the effects of the three constituency variables, the size of the gay population, the presence of an anti-discrimination law and the party of the senator, the effects are much more important when it appears that the senators are voting on the promotion of homosexuality.

An even more dramatic difference can be seen when we move from the somewhat visible Kennedy amendment to table the Helms amendment to almost invisible vote on the Helms motion to table the Kennedy amendment. The reader will recall that the wording of the Kennedy amendment strongly disguises the fact that it is a vote to override the anti-gay wording in the Helms amendment, and the fact that it is a motion to table that amendment further obscures matters. We can see that this lessened visibility virtually wipes out the restraining effects of the constituency variables. Comparing column 3 to column 4 we can see that all the constituency influence visible in the Kennedy motion to table the Helms amendment has vanished in the vote on the Helms amendment to table the Kennedy amendment, despite the fact that the two votes were essentially intended to do the same thing.

Also consistent with the hypothesis is the generally decreasing amount of the variance explained as we move from the vote on the Helms amendment to the vote to table the Kennedy amendment. The run seeking to explain the voting on the Helms amendment has a pseudo R^2 of .68 and would enable us to predict the vote successfully 95 percent of the time. The run explaining the voting on the Helms motion to table the Kennedy amendment has a pseudo R^2 of .48 and would enable us to explain the vote successfully 82 percent of the time.

Support for the hypothesis is bolstered by a closer comparison of the two extremes on our continuum, the voting on the Helms amendment and the voting on the Helms motion to table the Kennedy amendment.[15] The reader will recall that the Helms amendment sought to ban any actions to stop AIDS that might have the effect of promoting homosexuality. While this might seem at face value to be a purely symbolic motion, it actually had real consequences preventing several strategies, such as promoting the use of condoms in gay sex, which were thought to be helpful in slowing the spread of the disease. The Kennedy motion to table was essentially an attempt to prevent this motion from passing by providing political cover to those who wanted to save the lives of gays. But Kennedy motion to table failed and the Helms amendment then passed. The Kennedy amendment, although phrased in general terms, was actually an attempt to nullify the Helms amendment, which the Senate had just passed. Indeed Senator Helms said exactly that in his speech on the Kennedy amendment. Thus we have three votes all dealing with the some point and differing only in the degree of cover they provided to those voting.

Given this the results of the voting are quite startling. The Helms amendment passed by a vote of 71 to 18, seeming to indicate that 80% percent of senators voting supported his

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[15]The reader might reasonably ask why we are not comparing the vote on the Helms amendment with the vote on the Kennedy amendment. The most obvious reason is that the final vote on the Kennedy amendment was a voice vote, with no record kept of who voted for it. However even if it had been available for analysis, the Helms motion to table better represents the extreme of the visibility continuum.

position. But the results were completely different when cover was provided. The motion to table the Kennedy amendment, which one would have expected to garner over 70 votes instead only garnered 29, with 61 senators voting to support the amendment. No less than forty senators changed from the anti-gay to the pro-gay side.

Further the senators who switched were disproportionately those who one might expect to do so. Their mean ACLU scores of 53 were in between those who voted consistently against gays, who had a mean ACLU score of 15, and those who voted consistently for gays, who had a mean ACLU score of 82. These were senators who did not feel strongly enough either way to allow their personal beliefs to override constituency pressure. And there was also evidence that this group was likely to face such pressure. There were disproportionate numbers of switchers amongst Southern Democrats, amongst those without an anti-discrimination law in their state, and amongst those without large numbers of gays in their constituency. This reinforces the idea of a group seeking political cover.

While the results clearly support the politics of concealment hypothesis, it might seem that they also provide support for the third of our hypotheses, that ideology is the primary determinant of the vote. In each of our three runs, the ACLU vote was the major variable, and unlike the others it did not drop out as we moved from the two votes on the Helms amendment to the vote on the Kennedy amendment.

However in our view such a conclusion would not be fully accurate. Putting on one side the arguments about the degree to which measures such as the ACLU vote actually measure ideology (Jackson and Kingdon 1992), we would make two observations about the data at hand. The first and least important is that the coefficient on the ideology variable declines as we move from visible to less visible votes. However there is a much more important point. If we compare the ACLU coefficient on the second and third votes there is not a great deal of difference between them. However, despite this, almost forty percent of the Senate changed its vote between one vote and the next. Looking only at the coefficients on the ideology scores would not enable us to predict or explain this major switch. While we would not deny that ideology has some effect on voting on gay issues, it seems clear to us that the degree of concealment is a more important explanation.

Conclusion

This study has provided important insights into the determinants of Senate voting on gay-related policies. As we hypothesized, voting on gay issues cannot be explained by a simple uni-dimensional spatial model. Instead a combination of variables designed to measure the senators personal belief system and constituency characteristics were needed on votes where it was evident that gays might benefit. We found little evidence of influence by the organized opposition, but some evidence to support the idea that organized gays have some influence on such votes. We also found evidence to support the idea that on visible votes senators pay considerable attention to the view of the majority in their constituency.

We also discovered that senators were profoundly affected by the degree of public accountability associated with their votes. Only a relative handful of senators were willing to publicly cast what was perceived to be a pro-gay vote. However, many more senators were willing to take pro-gay positions when their voters were not likely to discover they had taken

such a stance. Following Helms' speech against the Kennedy amendment, it is hard to imagine that any senators did not understand that they were voting to essentially reverse their preceding anti-gay vote. By rejecting Helms' motion to table the Kennedy amendment and later casting a voice vote in favor of the amendment, a large minority of senators indicated that their private position was far more favorable towards the gay community than their public one.

Two more general points can be drawn from our findings. One is that concealment may well be the best strategy for those supporting gays in the legislative area. Given the difference between the private and public positions of many legislators, gays should be more successful when bills seeking to realize their goals are couched in universalistic language that does not mention them explicitly.

The second point is a more general one. Institutional and tactical moves within legislatures which seek to conceal what is happening from the general public are often viewed with suspicion by those who seek policies in the public interest. It is often thought that once votes are removed from public scrutiny there are no safeguards to prevent legislation that benefits special interests and individuals at the expense of the public. This paper shows a different side to the concealment coin. On issues where the majority is wrong, or where it is easy to obfuscate the truth (eg taxes on the wealthy) concealment, far from harming the public, may actually benefit the commonweal.

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Reconceptualizing Social Solidarity in a World of 'Difference'

Assistant Professor Joseph M. Schwartz
Department of Political Science
Temple University
Philadelphia, Pa. 19122

(on leave '93-'94 on ACLS Fellowship at:

36 Creamery Road
P.O. Box 123
Slaterville Springs, New York 14881)

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#1. Preliminary Remarks: A Non-Totalizing Critique of Post-Modernism

In this paper I will explore whether postmodern theorists of a "politics of difference" advance a coherent vision of an emancipatory politics which transcends the need for a commitment to "Enlightenment" conceptions of equality and the universal rights of citizens. (I will take as paradigmatic works Iris Young's recent Justice and the Politics of Difference and the work of Ernesto Laclau and Chantal Mouffe). In addition, I will examine the claim made by both postmodern and anti-foundationalist "democratic pragmatists" (explicitly Richard Rorty, implicitly Benjamin Barber) that a rejection of a foundationalist epistemology (the belief that there are certain a priori truths given by the structure of human reason or experience) is central to a philosophical and political commitment to the open structure of democratic societies. I hope to develop two distinct, but related arguments. First, contrary to the claim of advocates of a "politics of difference" that they eschew any commitment to a universal conception of human interests, their belief that it is in the interest of subaltern groups to fight for greater control over their lives is predicated on a universal, democratic commitment to the equal moral worth of human beings. After all, why should we protest if one group has greater access to resources or life opportunities unless we believe that each member constituting the group is worthy of equal consideration to individuals who belong to other groups?[1] In short, I will hold that a commitment to a radical democratic pluralism is parasitic upon "Enlightenment" beliefs in individual rights and the equality of democratic citizenship. (How individual rights yield a commitment to group rights is an issue I will briefly explore in my comments on Iris Young's work.)

Secondly, I will argue that there is no coherent theoretical or empirical relationship between epistemological approaches to political theory and operative political conclusions.[2] That

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[1] This is not to say that advocates of a "politics of difference" have adequately grappled with the most radical implications of post-modern theory for the concept of group identity. If groups can share certain identities based on shared historical experiences then individual identity can't be as fractured and as decentered as the most radical advocates of post-modernism claim. If we can't even know who we are -- changing from subject-position to subject-position -- how can we identity with others as sharing our identity? The other danger, of course, is that group identity can essentialize individuals. To cite just one example, not all "people of color" (an essentializing identity if one ever "saw" one) conceive themselves to be "people of color" not do they all believe they share the same ethnic, racial, gender, linguistic, class, or sexual preference identity.

[2] A quick review of contemporary theory provides striking prima facie evidence against any claim of a coherent relationship between epistemological and political perspectives: Robert Nozick, John Rawls and Susan Okin all operate out of a post-Kantian tradition (Kant minus the metaphysics of the noumenal and phenomenal realms), but the first is a libertarian conservative, the second a liberal democrat, the third a feminist social democrat. Jurgen Habermas and Seyla Benhabib both merge aspects of Kantianism and pragmatism in their development of an ethics of "universal pragmatics", yet Benhabib offers a feminist critique of how Habermas draws the distinctions between public and private and between public interests and private moral norms. Finally, Michael Sandel, Leo Strauss and Alasdair MacIntrye all adhere to neo-Aristotleian conceptions of thee communal embeddedness of individual identities. Yet Sandel might loosely be described as a democratic communitarian and Strauss a conservative communitarian. MacIntyre is a nostalgic pre-modernist who claims to transcend left-right boundaries, contending that moral virtue can only be instantiated in small, non-instrumental communities. Feminist postmodernists such as Judith Butler or Jane Flax who assert that the epistemological skepticism

is, there have been and will always be Kantian and pragmatist democrats, skeptical and naturalist conservatives. Not that there isn't a coherent relationship between a theorist's (and a citizen's) belief in the capacity and potentiality of human beings and the type of political order and institutions which they assert best fulfills those capacities. These issues are at the heart of political theory and practice. But such conceptions can be founded upon either religious or ethical cosmologies or historicist or pragmatist observations about human practices. The theory of knowledge implicit in one's claims about the human condition does not appear to determine these beliefs about human potentiality and the proper structure of institutional life (the core beliefs of any political philosophy).

One might discern from my positions one and two that I would be sympathetic to the project of "universal pragmatics," which attempts to ground a politics of radical democratic pluralism in a commitment to the shared understandings of a democratic community. That tradition, which Seyla Benhabib's latest work, Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics, tries to open to the most reasoned insights of feminist, communitarian and post-modern thought, however, is also, at times, guilty of attempting to ground a politics in an epistemology. The ideal speech situation is a useful metaphor for the respect merited by each member of a democratic community (as are certain interpretations of "the original position"). But speech situations need not be mutual and democratic -- often they can be manipulative or reflect institutional or physical domination. Metaphors are useful for explaining what one means by the reciprocity and mutual respect of a democratic community. But such communities are only established through the political argument and political struggle of ordinary citizens -- and never solely by the theorist who offers the best heuristic or metaphor for describing the aims of such a community.

For those sympathetic to a post-modernist and/or feminist perspective on the issues discussed below, perhaps one final introductory note is needed. While I will argue that democratic advocates of a "politics of difference" end up -- if they maintain their commitment to democracy -- being more dependent upon universalist commitments to liberal tolerance and the equal moral worth of citizens then they care to admit. Yet there is no doubt that what Benhabib terms the "weaker" versions of post-modernist arguments have had a salutary influence upon theorists working out of a radical democratic and feminist tradition. These "weaker" versions of the "death of man", "death of history" and "death of metaphysics" correctly caution against the biases implicit in essentialist conceptions of human nature, teleological views of history which privilege one subject, and metaphysical conceptions of representation which claim to correspond to a world beyond history and change. But as Jane Flax's, Thinking Fragments: Psychoanalysis, Feminism and Postmodernism in the Contemporary West, demonstrates, a "strong" version of postmodern theory cannot be uncritically appropriated by those still committed to the possibility of democratic political transformation. An unrestrained Foucauldian analysis of how power/knowledge matrixes construct human subjects and truth so radically denudes the possibility of individual agency that it is hard to imagine how normative and political critiques of domination remain possible. If there is no "doer behind the deed" other than subject-positions constructed by discursive practices, then the possibility for democratic agency seem as pessimistic in post-modern thought as it did in the structuralist analysis which post-modernism critiqued as overly deterministic. That is, in its

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of a Nietzscheian perspectivism has emancipatory implications for women would heed well Seyla Benhabib's warning in Situating the Self that the Nietzscheian will-to-power not only has clear nihilist implications, but celebrates traditional male conceptions of imposing one's will on the world.

extreme form the smashing of the metaphysics of presence can be as disabling a meta-narrative as any teleology generated by the Enlightenment tradition. Perhaps it was a rejection of the most extreme readings of his work that led Foucault in his last writings and interviews began to speak more favorably of the spirit (if not the metaphysics) of the Enlightenment project and of the responsibility of truth to critique institutional power. (See the essays "What is Enlightenment and "Polemics, Politics and Problematizations" in The Foucault Reader, ed. Paul Rabinow.)

#2. Can an Epistemology Determine a Politics?

Many self-described postmodern and pragmatist political theorists contend that an anti-foundationalist epistemology hostile to any "meta-narratives" about human nature and history yield a sounder commitment to the openess of democratic practices than do Enlightenment "foundational" claims about the rational capacities of humans. Yet these claims as to either the decentered or communal constitution of the self pose, in their own fashion, a new meta-narrative: that anti-foundational epistemology best grounds a democratic politics. In response, we might pose two queries. First, can democratic societies function on the basis of non-universalist or decentered conceptions of the self or must a democratic culture share certain normative conception about the value of human agency and choice? Secondly, can the demands that particular groups make for respect of their identity succeed in the absence of cross-group alliances based on a universal, shared conception of the identity of democratic citizens?

In regards to the first inquiry, do not defenders of democracy (implicitly or explicitly) contend that human beings are of equal moral worth and are the best judges of their own interests? Now this claim could be grounded religiously, historically, or pragmatically (democracy may be the best of all imperfect political systems that our culture knows). But democratic practice involves a commitment to some narrative account of why democracy is in the interest of human beings, at least as compared to authoritarian regimes. That is, democracy cannot be agnostic as to its own moral worth. Moral commitments need not be grounded in grand meta-narratives about human rationality or "backed by noninferential, intrinsically credible elements in experience to justify claims about experience." (Cornel West, p. 269, in Andrew Ross,ed. Universal Abandon) But the practice of democracy involves ethically treating each individual in accord with their moral desert (of course, who counts as a full citizen and how to guarantee the exercise of full citizenship rights is an issue confronted daily by anti-racist and feminist movements.)

As to the second query, a rejection of an essentialist notion of human identity or even a conception of stable, permanent human identities does not deny the possibility of communication or alliances across these shifting identities (although it does imply that these groups share some common culture of communication). We need not argue how extensive that sphere may be, but even communitarian and post-modern theorists must believe they are writing for a heterogeneous, "multi-cultural" audience which shares sufficient cultural understandings to comprehend their arguments. While the shared interests and identities of a democratic polity are not ontologically given or epistemologically discoverable, they need to develop through concrete historical experience if that democratic society is to be capable of reproducing itself. If those experiences do not produce some sense of common interests and valued, shared democratic practices it is unlikely that the claims of marginal groups to be included will be heard. (One could make the claim that suburbanization and the emergence of a small, but significant African-American middle class may have marginalized inner city residents until the time when there is a resurgence of inner city political resistance and of the democratic sensibilities of citizens living outside the inner city.)

When and if an excluded group believes it cannot make any moral claims upon those members of at least a formally democratic polity who have previously excluded them, the excluded communities are likely to experience political alienation, apathetic disaffection or (less likely) revolutionary resistance. But if democratic political action -- or resistance -- aims to reshape the normative assumptions and exercise of power by others, then resisting groups must believe (supported by historical evidence) that mobilization and protest can make claims on the conscience (or at least behavior) of certain crucial members of the flawed democratic polity who have previously not responded to their demands. Thus, when advocates of the politics of difference advocate empowerment of excluded groups, unless they embrace the despairing abstentionism of the late Marcuse, they must believe that alliances can be constructed in imperfect democracies between the excluded and some of those who have greater influence over the distribution of cultural, economic and political resources. Otherwise, the politics of resistance is reduced to a politics of abstentionism, secessionism, revolutionary oppositionism -- or simply the self-affirming cultural protest (usually by self-appointed intellectual tribunes of those who can least afford to be excluded from the rights of democratic citizens.)

#3. Avoiding the False Polarity of Universality or Particularity

This alleged antinomy between universality and particularity is not only theoretically questionable, but it also fails to grasp one of the key problematics of that tenuous project known as democracy -- building community through the shared participation of diverse groups. Unity and particularity cannot be radically counterposed in a complex democratic, pluralist polity; rather democratic solidarity must be achieved through a shared public life among particular groups and interests. The excessively solidaristic project of virtuous communitarianism harks back to a restrictive, Aristotleian conception of the good which denies the plurality of modern conceptions of the good life. On the other hand, the postmodern celebration of fragmented, particular identities denies the reality that human emancipation can only occur in a democratic context in which diverse groups recognize the just claim of other constituencies upon those common public resources and practices necessary for the development of plural communities. The flourishing of difference on a terrain of structural inequality will only result in those communities possessing less economic, cultural and political resources having less opportunity to develop the human potential of their members.

The above analysis assumes, of course, that we can distinguish among systems of power as more or less democratic. An extreme Foucaldian reading of power/knowledge discourses denies that power can ever be redistributed in ways that lessen domination. To paraphrase Michael Walzer, all that the establishment of a new system of power/knowledge or discursive practices does is rearrange the bars on the iron cage of domination. If this be the case, however, why is it that movements for emancipation describe their histories in terms of social gains and losses, retreats and advances. Is this false consciousness on their part? Or wasn't part of the postmodernist rejection of crude Marxism a skepticism as to a simplistic doctrine of false consciousness which allowed radical intellectuals to impose their "correct" conception of interests upon subaltern constituencies?

Thus, if disempowered communities strive for more democratic distribution of life opportunities in a democratic polity they must make claims upon fellow citizens who do not fully share their racial, ethnic, sexual or class identity. Doing so successfully involves a dialectic process of asserting the dignity of that particular group while also demonstrating how the denial of

rights to that constituency threatens certain universal rights central to a pluralist democracy. For example, while the Congress of Industrial Organizations fought for the particular interests of industrial workers in the 1930's, it successfully contended that the absence of democracy in the workplace posed a threat to the dignity of all citizens. The civil rights movement grounded an assertion of African-American dignity through an appeal that the denial of African-American rights symbolized the failure of American democracy as a whole. The recalcitrant nature of racism and the paternalist practices of whites within the civil rights movement engendered a Black Power movement which contained elements of radical separatism. But even the mainstream of Black Power demanded those same opportunities for economic and political empowerment that other ethnic and immigrant groups had achieved through the interest group and machine politics of urban America (see Stokely Carmichael and Charles V. Hamilton, Black Power, 1965).

While the impasse of the left since the 1960's probably has more to do with the material and ideological circumstances described below, it is striking that while the labor movement of the 30's and the civil rights movement of the 50s and 60s served as functional surrogates for Marx's "universal class" (a particular class whose specific grievances speak to universal interests) the left since has been identified in the public consciousness with "special interests". The issues which the feminist movement has raised around broader social responsibility in child rearing have the potential for recreating a sense of shared interests across race and class lines. But whether any constituency identified with the left will be identified with broader universal interests remains an open question in this era of social fragmentation. As Todd Gitlin points out this is the first time im in modern history when the right (until just recently) has succeeded in casting itself as the defenders of the public interest, with the "entrepreneurial class" being the surrogate universal class.

The crisis of the politics of emancipation of oppressed constituencies is not only an ideological, discursive one, but also a material one. Conditions of stagnant economic restructuring lead not only advantaged groups, but also middle strata fearing downward social mobility, to reject the demands of the excluded for inclusion. Much of Reagan and Thatcher's political appeal centered on obfuscating their defense of the unrestricted prerogatives of capital by appealing to middle strata and working class resentment against means-tested welfare programs (less than 20 per cent of American welfare state expenditure and only five per cent in the U.K.) which disproportionately benefit the poor. Working class fear of downward social mobility, combined with an ideological belief that individual effort could avoid such fate, lay the material basis for a mean-spirited politics. With continued economic stagnation under conservative governments, it is now harder for the right to portray solidaristic social programs as handouts to the undeserving poor (universal health care and federally financed child care would radically decrease the twenty per cent of American social welfare expenditure that is means-tested). But the structural deficit created by Reagan-Bush, and Democratic fears of appearing weak and defense and overly aggressive in restoring progressive taxation certainly limit possibilities for social reform (as the likely punitive nature of Clinton's "welfare reform" may well demonstrate).

Absent a sustained depression which creates broad solidarity or a sustained period of rapid growth (the 60's) which facilitates the marginalized demanding to share in that prosperity, a politics empowering the disenfranchised is difficult. Perhaps this absence of concrete gains for excluded constituencies partly explains the striking renaissance in cultural celebrations of diversity. Undoubtedly, a cultural and intellectual renaissance can aid the revitalizing of social movements in crisis; but cultural -- disproportionately academic and middle strata -- celebrations of an African-American aesthetic or a feminist ethic of care will not reverse our polity's abandoning of inner cities or of abortion rights for indigent women.

Is this fragmentation of social life a sign of the emergence of a more fragmented,

decentered, post-industrial, post-modern society or is it, in reality, an extreme version of the fragmentation, alienation and commodification of all human relationships which Marx prefigured with the metaphor "all that is solid melts into air" in The Communist Manifesto. David Harvey has argued in The Condition of Post-Modernity that the fragmentation and decentering of the left may in part be due to the segmentation of the labor force of post-Fordist capitalism and the emergence of a capitalist marketing strategy which moves beyond the mass market to niche markets targeting specific regional, age and racial consumer sub-cultures. The centrifugal tendencies of the market and division of labor were not unanticipated by Marx; but he believed that common political action could transform a divided class-in-itself into a unified political class-for-itself. It may well be that the developments of post-Fordist capitalism make this political project more difficult; but does it make it less necessary? Can any particular oppressed constituency secure significant social gains without democratizing broader political, cultural and economic life? Or must the radical vision be pared down to a demand for equal representation based on race and gender within an anti-democratic hierarchical political and economic system? Again, the reconfiguration of a social constituency and program which can build majoritarian support remains a problematic that the "politics of difference" does not begin to address. A politics of resistance may be a necessity in periods of political reaction; but it never can bring concrete gains to a broad majority.

#4. Does the Abandonment of Enlightenment Metaphysics Necessitate the Abandonment of the Emancipatory Project?

Ernesto Laclau and Chantal Mouffe contend that the abandonment of the enlightenment's epistemological position that there are foundational truths supported by the nature of humanity, god, or reason need not necessitate the abandonment of the enlightenment project of radical democracy. That is, we can achieve the political goals of the Enlightenment minus its metaphysical trimmings. Group identity and interests can no longer be deduced, Laclau and Mouffe correctly argue, from assumptions about the structure of society or the telos of history. Instead they assert that the discursive self-constitution of groups (in discursive relationship to others) implied by a postmodern epistemology can rekindle faith in the emancipatory project of self-definition. In a sense, this is their new "meta-narrative" (though they would deny it this status) of "discursive" emancipation. (Whether institutions of social and economic power can be reduced to "discursive constructs" is a question I choose not to engage in here. But, intuitively, hunger and homelessness still strike me more as material realities -- obviously mediated by cultural expectations -- rather than primarily "discursive constructs.") The construction of democratic alliances among inter-textually, discursively constituted groups will, Laclau and Mouffe contend, depend on the construction of hegemonic democratic practices in as many spheres of human activity as possible. Yet, given that they admit that democracy is itself an indeterminate, contestible term, why is there any assurance that the democratic conceptions or interests of subaltern groups will coincide or that the multi-faceted identities of members of these supposedly non-essentialized groups will cohere into group action? Laclau and Mouffe might respond that the construction of a common practice of democracy can only occur through discursive interaction and contestation. But isn't a central part of that discourse an argument as to the mutual respect and shared interests citizens owe to one another across cultural and interest group lines?

The commitment to a purely "discursive" politics assumes both that there are infinite possibilities for political practice (and that subaltern groups share no common, essential interests --

say in fair economic distribution or democratic control over production) and that there will develop hegemonic alliances based on a dominant conception of democracy. But absent any theory of social structure and institutional practices, how can a group or theorist strategize about how best to constitute and unite divergent social groups? That is, without ascribing to social practices, institutions, and interests a meaning beyond the subjective interpretation of their participants, how would any political actor begin to construct a the concrete material and ideological basis for alliance politics? While this politics need not be rooted strictly in material needs, it is not surprising that the basic stuff of cross-cultural coalitions remains the bread-and-butter demands of economic justice (the necessary, but no means sufficient conditions for human emancipation). Witness Jesse Jackson's second, more inclusive 1988 "Rainbow Coalition" presidential campaign (not that it was a real coalition, more a plebiscitarian populism). Of course, democracy itself might be predicated as the moral basis for coalition, as Joshua Cohen and Joel Rogers contend in On Democracy. But this assumes that the democratic interests of differently situated groups can be mediated by some shared aspects of moral identity, if not material interest. Democracy as rhetoric does not specify any specific practices or institutions. But the Gramscian "discursive" alliance politics advocated by Laclau and Mouffe is akin to an ethical socialism, as Aronowitz argues in his chapter in Universal Abandon, which while perhaps not foundational in nature, certainly assumes a shared (if not a priori) common interest across sub-altern groups in increased democratic voice in determining the material and cultural conditions of their lives.

But how do we argue for such a democratic alliance politics except by appealing to certain shared assumptions about our culture -- practices that the interrogators must argue are central to achieving a dignified human life? Whether these standards be cross-cultural or not, foundationally defended or not, they certainly involve universal and critical appeals within our own particular mode of democratic discourse. That is, why should any group fight for emancipation unless they believe it is in their material and moral interest? A democratic ethical perspective need not be grounded in a foundational conception of human nature. The democratic pragmatist position is of long and valued standing. But even that tradition implicitly assumes that such claims will have a majoritarian, multi-cultural validity within our own society. That is, a politics of pure particularism cannot yield a democratic pluralist practice. Laclau and Mouffe cannot be both radical democrats and radical particularists; democracy demands a certain commitment to universal standards of rights and opportunities, even if those standards be discursively and historically constituted (a sociological truism of no particular import in regards to the bite of an argument for those standards. No successful argument made within a society can exist apart from that society. But how universal or particular in nature is the argument -- and that culture -- itself?)

Can advocates of a politics of difference speak of marginalized or excluded groups unless they offer an implicit conception of what it is to be included as a full member of a polity? That is, what are the normative standards by which an observer judges that a group is excluded from certain aspects of social life? And why should equal participation in political life and the garnering of equal respect from other groups in a society be of import to an excluded group? Absent ethical arguments as to why groups ought to have a voice in decisions that affect their lives there can be no coherent conceptions of domination and subordination, exclusion and inclusion. Thus, if the politics of difference strives to empower excluded groups then it implicitly is committed to universal conceptions of democratic practices and human rights. If not, why is exclusion or marginality to be opposed? In the absence of an appeal to universal conceptions of human dignity, what is wrong with some groups experiencing their "difference" as political, cultural and/or economic marginality.

Also, if politics of "new social movements" (not that the women's or peace movements

are so new, not to mention movements based on ethnicity as we replay World War I and II in the Balkans) transcend material issues and focus on questions of group identity and quality of life, on what basis are alliances possible across group identities? Most social movement theorists contend that alliances are constructed through discursive practices which transform the identities of divergent groups? But do they mean that identities are then homogenized -- or fractured into areas of overlapping interest with others? To avoid specifying the concrete shared interests or identity of alliance partners, social movement theorists often speak of a common moral interest in democratic empowerment. But democratic empowerment for divergent groups can yield political and economic demands that are quite divergent. Both within and among non-homogenous, differentiated group identities, democratic mobilization can often split constituencies.

#5. Can Postmodernism Ground a Radical Democratic Conception of Justice

A work which highlights the tension between the postmodern project of proliferation of discourses and subject positions and the emancipatory project of achieving a just social order which grants equal moral respect to each citizen is Iris Young's ambitious work Justice and the Politics of Difference. Young advances a trenchant critique of the inordinate focus of liberal theories of justice on the distribution of goods. Such theories, she argues, assume an atomistic, consumerist conception of the individual and fail to see how social goods are produced by decision-making institutions characterized by a structured division of labor. Young contends that a democratic theory of justice must analyze the structure of social institutions and the division of labor. She holds that justice as the overarching conception of a social order should be viewed as commensurate with both formal and substantive democratic political life.

The virtue of Young's work is that it offers a more concrete political and pluralist vision of Habermas' conception of communicative democracy and illustrates how institutional embodiment of the "ideal speech situation" would erode practices of domination and exploitation (defined as the absence of democratic voice in institutional life and absence of control over one's labor). Young is also more sensitive to the plural nature of group identity in late industrial societies than is Habermas. She locates much of the insurgent activity in favor of democracy in new social movements based on identities of marginality and oppression which fight not so much for distributional reform and incorporation, but for greater voice and respect for their particular identity within the polity. Her vision of a democratic community is not one of homogeneity and uniform rights of citizens, but rather of the heterogeneity and differentiated life styles of a modern, but just city. In her view, the diversity of urban life involves more the mutual toleration of diverse life styles than the demand for homogenous behavior on the part of equal citizens. Such a view of communal diversity mitigates against the tendency of traditional liberal and radical theories of justice to posit the autonomous and rational chooser of democratic society as a disembodied, gendered male voice of dispassionate reason and disinterestedness.

While Young's critique of the disembodied or uniform voice of Kantian theories of justice reiterates an ontological critique made by theorists as divergent as Sandel and Laclau and Mouffe, Young is too sensitive to the intolerant nature of parochial communities to opt for a parochial, traditional nature of community. She, like Seyla Benhabib, opts for a participatory, diverse conception of community rather than the uniform public of republican imagination (Barber, Sandel, MacIntyre). But, Young does not adequately deal with the challenge posed by Benhabib's sympathetic critique (and limited appropriation) of postmodernism. Certainly new social movement advocates offer a powerful critique of the homogenizing and anti-pluralist aspects of the liberal

and radical traditions. But in their metaphorical politics of Rainbow Coalitions or heterogenous, vibrant polities, they eschew the fundamental political (not just metaphysical or ontological) question of what unites these divergent groups' conception of emancipation. For example, why would the end to domination of gay men and lesbian women necessarily entail liberation for straight working class men and women or inner city African Americans? (Not that there isn't a relationship among these emancipatory projects, but it needs to be concretely articualted rather than simply asserted.)

Obviously, Young is sophisticated enough to abandon an essentialist conception of identity and to realize that many individuals experience multiple identities (and not all people shareing the ascribed characteristics of a marginalized group necessarily act upon or share that group identity). But if there are a proliferation of social groups mobilized around their particular identities, as well as many individuals who do not neatly identify with any politicized group, how does one construct a majoritarian democratic public that will support equal political and social rights for each of these groups? And what is it about these groups that necessarily means that their vision of basic needs and democratic procedures will be shared by others. (A quick example: while many gay and lesbian people are African-American, the dominant political and cultural institution in the African-American community -- the church -- has a tradition of homophobia.)

Young cannot avoid the reality that when one critiques the practices of any of these communities (a homogenous white working class community which excludes people of color) one is resorting to quasi-universalist values appealing to equal respect for persons. Now these claims need not be transcendentally defended -- one can appeal to the democratic and liberal traditions of our own contested, multi-cultural culture. But ultimately a democratic project that is going to appeal to the needs of non-essentialized members of the working class, people of color, gays and lesbians, environmental and peace activists would focus on an ideological conception of radical democracy which also has a concrete material program. It is no accident that when a "rainbow coalition" seriously attempts to become a multi-racial, cross-class coalition its demands usually center on those universal social and economic demands associated historically with social democracy. Given the growing cultural import of insurgent identities, a new aritculation of this tradition to be majoritarian will have to be less economistic, more culturally pluralistic and less reductionist about sexual and racial identities than were its predecessors. But what radical democratic pluralism must grapple with is whether it primarily celebrates diversity (which can easily become the next form of American commodified culture) or mediates that celebration by recognizing that fragmentation and narrow ethnic or identity politics threatens the very tolerant, democratic, egalitarian society upon which "postmodern" visions of emancipation implicitly rely. Once that conceptual bridge is crossed then the conception of civil and political liberties necessary to support radical democracy may look a lot more like a radicalized, gender-sensitive version of Rawls rather than the post-materialist, post-liberal "politics of difference."

#6. "Democracy and 'Difference'" -- or How Radically Pluralistic Can Democracy Be?

A further examination of Young's vision of the ideal city and her defense of affirmative action as redress for current, rather than past, oppression reveals the hidden "universalist underbelly" of any radical democratic politics of difference. Young advances no convincing reason as to why individuals who are not members of an oppressed group should support the empowerment of members of oppressed groups. Short of a cross-cultural belief that the treatment of oppressed individuals is unfair (according to certain shared understandings) it is unlikely that

members of non-oppressed groups will concede to demands for redistribution of power and life opportunities (which is essentially her defense of the justice of affirmative action, an issue I will return to in a moment). Young's vision of the ideal city is one of particular communities with distinct identities but which are tolerant of other communities and interact with members of these other communities ("strangers") in the public spaces characteristic of a healthy city. She rejects the tight solidarity of communal visions of "strong democracy" in favor of a radical pluralism where particular communities develop their different identities but also develop the capacity to act as sympathetic (if not empathetic) citizens. Young has a healthy mistrust of more communitarian and republican visions of democracy -- their conception of public life too often privileges one view of community over others. Or to avoid the dangers of parochial communalism these theorists invoke the virtues of community without specifying which virtues these communities defend.

Young is well aware of the parochialism and xenophobia of many traditional communities which frequently constitute the actual less-than-ideal cities of history. But she avoids the perplexing normative and political task of envisioning the basis upon which citizens from particular communities would construct shared bonds of citizenship with "strangers." This is a particularly pressing problem for Young, as her vision of "affirmative action" implies a much stronger sense of a shared vision of social justice than the indifference of city strangers permits. Young contends that the best way of defending affirmative action is to admit that such policies discriminate. Thus, she rejects the standard justification that such programs provide a slight edge for relatively equally "qualified" candidates who come from groups which have been historically discriminated against. Affirmative action, she claims, should not be defended as an amelioration for past injustice (as present citizens are unlikely to accept blame for injustices done by their predecessors), but as a mitigation of the influence of current, often unconscious and unacknowledged, biases. That is, affirmative action policies should openly admit that they are redistributing task-defining positions of power to groups that are presently underrepresented in these positions: "A politics of difference argues..that equality as the participation and inclusion of all groups sometimes requires different treatment of oppressed or disadvantaged groups." (Young, p. 157) But the critical argument Young fails to make is why should members of allegedly non-oppressed groups believe that positions of power should be distributed by openly discriminatory procedures in order to insure that no identifiable oppressed group is underrepresented? Such a viewpoint would either involve a radical reconceptualization of the criteria for distributing such positions (as outlined below), or a belief that all individuals have an equal right to decision-making power in society. Such a belief is not as much an affirmation of group difference as it is an ultra-democratic view that positions of influence in society should be randomly distributed (or distributed by some other undescribed democratic procedure).

Young points out that the liberal conception of affirmative action redressing imperfections in meritocratic procedures of "worthy" selection only creates continual resentment against affirmative action seemingly end-running these criteria. (She never explains why she appears to reject a better traditional defense of affirmative action -- that its broader selection criteria -- overcoming of adversity, willingness to serve underrepresented populations, the imprecision -- but not complete arbitrariness -- of standardized selection procedures -- more fairly identity those who will perform the task well.) Rather, she argues that "objective, neutral" criteria for distribution of office are as class and culturally biased as any other versions of liberal "neutrality". This may well be true, but Young fails to make any explicit arguments as to what alternative criteria of selection (other than the problematic, sole criteria of group representation) should be followed for positions for which there is an oversupply of applicants. She does begrudgingly admit that even in a democratic division of labor there would be a role for experts. But assuming that there is only a limited need for (a socially constructed and difficult to measure) expertise in the professions,

Young does not advance any alternative criteria for selection -- such as possessing the cultural and emotional sensitivity to perform well or being likely and willing to serve in underserved areas. That is, unless access to limited apprenticeships, uniform services, civil service and professional jobs is to be simply a result of a political powerplay (likely to be lost by the marginalized in the long run), then there has to be an operative majority in favor of certain criteria of selection which are deemed to be fair (though they by no means need to be standardized test scores). Though Young never advances any compelling alternatives to admittedly ideological conceptions of technical merit for her distribution of positions of professional and technical positions, she seems to implicitly agree with Michael Walzer's argument (see "In Defense of Equality") that as long as these positions convey inordinate access to privileges and wealth which are not intrinsic to their tasks, these positions should be open to people from diverse communities (particularly the disempowered since historically the "criteria" for these jobs have been biased towards the attributes of privileged communities). But Walzer implies that in the best of possible worlds, position involving scarce skills or surplus applicants would neither confer improper power or prestige upon their holders nor go to people who do not possess the socially-agreed upon criteria for access.

Young's discussion of affirmative action avoids two additional pressing problems that once again raise the specter of universalism. First, what are the agreed upon criteria for defining an excluded group? Wouldn't there need to be a universal social conceptions of fairness which when violated over time against an identifiable class of individuals qualifies as discrimination? And secondly, what constitutes an unjustly excluded group? Why shouldn't such opportunities be distributed randomly -- why should special preference be given to members of oppressed groups rather than to those who simply weren't chosen in the prior round of selection? Obviously, Young would either have to opt for an abolition of leadership or professional positions or for establishing a societal consensus as to what criteria merit such jobs and educational opportunities. And such criteria -- even if they be those of election or group representation -- need to be applied in some fair manner if a democratic community is to consider them to be just. Young mentions Jews in her extensive listing of oppressed groups, but does not appear to include white working class, ethnic (predominantly Catholic) Americans who have been excluded from the professions to a much greater degree than Jews (and also more than Asians from middle-class backgroundss; the class, national and ethnic diversity of Asian-Americans is grossly simplified by "essentialized" notions of "model minorities." There is a radical difference between the life opportunities open to a Filipino farm worker and his/her children or a recent Chinese immigrant working in an Amnerican sweatshop as compared to children of certain second or third generation Asian-American professionals.) Perhaps Young believes class background should be a major criteria for affirmative action (a position with which I would concur). But it hardly merits a mention in the book. (And would we want to get into a "comparative oppression analysis" as to which groups most merit consideration).

Totally divorcing the distribution of professional and technical positions from any agreed upon criteria of desert and judgments of past discrimination , and distributing these positions according to group claims of exclusion, is bound to set off competing claims of group oppression. This is not some neo-conservative pipedream, as Young implies, but a reality to which anyone who teaches white working class students can attest. Unless such students concur that the historic legacy of slavery and Jim Crow, combined with current discrimination, creates more severe barriers to African-American achievement than the barriers of class inequality it is likely that affirmative action will continue to be a wedge issue for Republicans. Not that one can't make a cogent argument that race is a more profound discriminatory barrier than gender or class. But it certainly helps anyone defending affirmative action among the white working class to contend that

while race is a valid criteria for affirmative action so should (perhaps to a lesser degree) class.

Young argues that affirmative action can only be strongly defended based on a citizenry's commitment not to some ephemeral conception of liberal meritocracy, but to a democratic division of labor. A community that is committed to eroding the division of labor between task-definition and task-execution will want to insure broad access to the more prestigious task defining professions (while also working to eliminate the hierarchical professionalization of most task-defining jobs). Only a community's commitment to democratic distribution of power, she implies, can sustain support for affirmative action and special political representation for historically excluded communities. While this radical democratic critique of meritocracy and the division of labor may be compelling to those committed to participatory democracy, such a shared commitment obviously necessitates a much greater commitment to shared identity and cultural values than does Young's idealization of the diverse, ethnic city. Her city of diversity, even in its best realization, is characterized by a politics of ethnic mobilization which may achieve a roughly just distribution of economic goods, but never yields a city-wide shared commitment to social justice.

In short, for Young's "different" communities to share a commitment to redistribution of social, political and economic power there will have to be stronger bonds of common values and experience across "different" communities than those of "strangers." The same is true for her argument that while local communities should have some control over administration of social goods, only regional metropolitan governments can insure the type of economic equity which would guarantee equal empowerment. Again, it is precisely a universalist commitment to social justice which would motivate suburbanites to share their tax levies with residents of the inner city. Such redistributive policies are not an affirmation of the politics of difference, but of a strong social solidarity (particularly if we are proposing class and racial integration of neighborhoods, workplaces and schools). How we move from a situation where the polity is a supracommunity of strangers drawn from different communities to a radical democratic pluralism where diverse communities also share a sufficiently strong sense of cross-communal civic solidarity to sustain a shared democratic citizenship is the issue to which this essay now turns.

#7. Towards a Politics of Democratic Difference and Democratic Solidarity

In a radical democratic society where institutional structures were constructed through participation open equally to all there would remain differences in democratic authority and power. That is, the decisions of a democratic decision-making process confer distinct social roles upon individuals. Such roles would be less permanently fixed in a society which consciously strove to transform the course of the working life and the division between work and leisure through sabbaticals, flex-time, and a reconceptualization of the working life and child-rearing. This democratic construction of social roles within public institutions would differ in two fundamental ways from the process of public decision-making under democratic capitalist pluralism. Within such societies the inequalities of power within allegedly voluntary institutions in civil society permeates the political arena. To paraphrase Michael Walzer, the sphere of money penetrates the sphere of liberal democratic politics whose practices are supposedly determined by persuasive argument among equals, not persuasive advertisements by those able to purchase the means of communication. In addition, liberal pluralism restricts the sphere of democratic deliberation to the formal institutions of representative democracy. By ideologically claiming that all economic relationships are voluntary exchanges in the market, democratic capitalism refuses to

admit what its own economic theory has had to confess -- firms are organized in hierarchial manners because authority is a more efficient manner of organizing production than is an iterative process of constant bargaining among individuals. But if firms are systems of authority where decisions are binding upon their members, then why shouldn't the structure of authority be subject to democratic deliberation? Such a practice need not mean that all share in management or that the role for experts or technicians be eliminated. But, as with the concept of "civil service", this division of labor would be subject to the democratic control of the members of the firm.

While participatory democratic theorists have written extensively on issues of workplace democracy, they have had less to say concretely as to issues of democratizing education, cultural life and sexuality. Despite the implications of the slogan "the personal is political", there has been a paucity of theorizing about the role of democratic politics within social relations of child rearing, companionship and sexuality. The predominant meaning of the slogan "the personal is the political" implies that human relations deemed to be most "personal" are actually socially constructed by economic, cultural and ideological practices that are shaped by political power. But affirming that public educational and cultural institutions should promote a vision of egalitarian rather than oppressive sexual relations does not necessarily mean that the community as a whole should intervene in particular sexual and childrearing relationships. A polity might choose to shape parenting attitudes by supporting high quality institutionalized daycare, childrearing by gay and lesbian couples, paid paternity and maternity leave (with incentives to insure that men use this leave as much as women). Obviously, the community may democratically decide to enforce certain rights for children and partners (e.g., against battering or corporeal punishment). But should it regulate the specific moral and cultural practices of those who are guardians of children? (When public schools act in locus parentis our democratic instincts are less shocked by talk of public imparting of values -- though usually pluralist democrats settle on the preeminence of imparting the value of thinking critically -- that is the dominant public ideology be self-reflexive). But what of those more "voluntaristic" institutions that are likely to remain the predominant mode of meaningful human activity (e.g., friendship, romantic love, sharing of avocational pursuits). And when can the universal norms of a democratic community prohibit the practices of undemocratic, but voluntary institutions? Let me raise a quandary about which I have mixed intuitions: should a radical democracy ban (or penalize by taking away tax exemptions, etc.) the practices of a voluntary religious association which is sexist and hierarchical (e.g., the institutional Catholic Church and much of orthodox Islam and orthodox Judaism)?

The probability is that a radical democratic pluralist society which reconceptualized the boundary between the personal and the political (the private and the public) might well still opt for preserving a sphere of social relations relatively free from political regulation by the entire community. But an unreflective endorsement of a politics of difference can in some ways reproduce the problems of liberal pluralism. If what sustains individual identity is rootedness in a particular ethnic, racial or sexual community then what common bonds and values exist to mediate conflict within and among those communities? And will sufficient social solidarity exist to sustain the equitable distribution of public resources which make the equal worth of liberty possible? An uncritical endorsement of "difference" eschews a fundamental challenge: what common moral values and social practices will glue together these distinct communities? And without such a "universal" commitment to shared citizenship and democratic practices might not "particular" communities pressure their members to take on an essentialized, homogenized identity in order to affirm their group claims? Nor does an affirmation of "difference" provide any norms for evaluating the practices of specific communities. Why might we argue that a racist or homophobic community is any less valid an expression of "difference" than the practices of a feminist or African-American organization. Obviously, the intuitive move is to assert that the first form of

"community" represses human individuality, while the second forms of "community" empower groups of people whose individuality has historically been suppressed. But over time would the identities formed out of (hopefully receding) oppression be altered? Thus, a commitment to diversity within a shared national or international polity, moves the pluralist democrat to defend universal values of tolerance if a war of all against all is to be precluded (Ironically, Julia Kristeva, a prominent post-modern critic of the oppressive nature of universalist conceptions of the self, has written a political pamphlet arguing that only tolerance -- a universal, liberal value -- can stop the virulent ethnic particularism engulfing Europe). Arguing that non-oppressive, particular expressions of national or ethnic or gendered communities should be sustained in a pluralist democracy is to proffer a universal political principle (liberty and non-coercive discourse) to defend a supposedly radically "pluralistic" vision. Perhaps this is why when we talk of a democratic pluralism we take the demos to consist of citizens who possess both specific identities (plural identities) and the shared sense of belonging to a common, but pluralistic demos.

#8. Teleological versus Anti-Foundationalist Conceptions of Politics

In these final three sections, I wish to examine another alternative to universalist and neo-Kantian conceptions of social justice. While there is only a loose elective affinity between post-modernism and pragmatism, I wish to show how the emancipatory and critical potential of both outlooks suffers from their unwillingness to embrace quasi-universalist conceptions of human rights and equality. Defenders of an anti-foundational, pragmatist conception of politics argue that the conception of a final end to history integral to teleological conceptions of human development is hostile to the openess of political freedom. Undoubtedly, the anti-political streak in the Kantian and Hegelian traditions derives, in part, from the view that human freedom will be instantiated in some final form -- whether it be the kingdom of ends, the universal reason of the rational state, or the self-determination of the working class. The search for an end to heteronomy and conflict served as an ideological justification for repression in supposedly Marxist regimes. If the emancipation of the proletariat was embodied in the rule of the vanguard party then any opponent of that regime was de facto an opponent of true freedom.

But it is glib to assert that teleological conceptions of morality are inherently anti-political whereas pragmatist, anti-foundational conceptions are inherently open and political. All conceptions of politics advance an implicit or explicit vision of what social order would be in accord with human potentiality (conservatives contend that traditional forms of behavior constitute the possible, whereas radicals contend that resistance to traditional hierarchy indicates a potential for greater freedom within human social arrangements). That is, even if pragmatists abjure an argument-ending, definitive proof "which goes all the way down" for their political beliefs, democratic pragmatists must believe that their convictions are in accord with what is desirable for their own defined community. And would they not contend for these values in any other community that might be somewhat culturally receptive to them?

Now the pragmatist might contend that they only engage in an immanent critique of their societies. Any criticism they make of an injustice within their society is grounded in a conception of justice implicit (or explicit) within their culture. That is, cultures consist of contradictory practices and hypocritical behavior. But why take one side of the conflict or condemn the behavior as violating the true values of the society? Implicit in any critique of a given social order is the belief that those practices criticized are less morally desirable than the status quo. That is, implicit to even the pragmatist choice is a belief that reasoned judgment can inform us as to which social

practice is more just.

The anti-foundationalist will claim that there is no ultimately just social arrangement; what is just is simply those practices conceived to be just by a community which shares cultural and discursive practices. But democratic anti-foundationalists, such as Michael Walzer, implicitly believe that only democratic communities can be judged to be freely self-constituting. His criteria for membership (the contribution of labor), his definition of political power as justly deriving from the voluntary consent of the governed, and his contention that in a just community money will not influence politics, all indicate that (contrary to his critics and sometimes his own view that justice is societally-relative) the only just community of plural goods and equal membership is a democratic community.

Walzer makes an empirical claim that moral values cannot be imposed from above or from without. There is no Archimedian point or external viewpoint from which observers can engage in effective social criticism. But that anthropological and historical observation often is conflated by Walzer's critics (and, it must be admitted, by Walzer himself at times) to argue in a Rortyian pragmatist manner that justice is simply equivalent to a society's definition of justice. But if that be the case then why does Walzer reject the majoritarian position in Germany and the United States that guest workers or undocumented workers should not have the full rights of citizens? Walzer's argument that those who contribute to the well-being of a society have the right to a political voice in that society is not a morally relativist argument, but rather a statement of universal democratic values. These values are undoubtedly a part of American culture; but a contested -- and, at the moment, minoritarian -- part. Thus, Benhabib is correct to argue that, at his best, Walzer's project is one of critical, normative hermeneutics rather than a strictly pragmatist explication of uncontested, shared beliefs.

Even if it be a truism of the sociology of knowledge that new ideas must already be somewhere present in a given culture, this truism does not deny the reality that practices of moral judgment and intellectual choice are inherent to even the most immanent of social critiques. And such a critique would not be engaged in unless the author believed that the new practices would promote greater freedom than the current practices. That is, the democratic pragmatist is a greater believer in Enlightenment conceptions of emancipation and critique than he or she cares to admit. Implicit in their own participation in democratic critique is a belief in the moral preferability of democratic life to authoritarian alternatives (and the serious imperfections of formally democratic regimes). Given the fragility and imperfections of nascent and "mature" democracies across the globe, the end of history and ideology is neither an option for democratic pragmatists or a democratic teleologist.

#9. How Anti-Foundational can the Philosophical Grounding of Democratic Politics Be?

Richard Rorty and Benjamin Barber both contend that an anti-foundationalist epistemology must underpin the political psychology of democratic societies. But is this nothing more than an "anti-foundational" foundationalist orthodoxy? Barber contends that democratic politics can only exist if society recognizes there is no one scientific or correct answer to a social choice. That is, democracy involves a polity deliberating upon and deciding questions of public policy that have no one correct answer. If they did have technical or scientific answers there would be no need for democratic deliberation -- an impartial observer (the Rawlsian deliberator of one) could make the correct decision for the entire polity. Barber does not take an explicitly relativist position. In his

political universe, there might be a role for scientific certitude in regards to the physical sciences or technology. But democratic politics must be the realm of uncertainty -- the only 'correct' decision is that made through democratic deliberation. And that decision can always be revisited, revised or overturned by the democratic process.

Rorty makes a much broader epistemological claim. For Rorty, the democratic temperament involves a recognition that all truths are relative to the shared meanings of a given cultural community. Democracy -- or any other human moral value -- cannot be conceived in universal terms (whereas Barber implies that the only free societies are democratic ones). In fact, the belief that there are transcendent or cross-cultural values that instantiate what it is to be truly human encourages the hubris of political vanguards which use their certitude as to "true human interests" to impose their particular conception of the good on others. Rorty is more the liberal pluralist than he is the democrat. What he really is interested in is the pursuit of private aesthetic concerns; the solidarity of the democratic community does not extend beyond the cultivation of a tolerant atmosphere that will allow the flowering of these private pursuits.

Of course, those skeptical of Rorty's skepticism might ask: why prefer one's own liberal democratic culture to a monolithic, authoritarian culture? Is it just the accident of being born into a community that values pluralism -- or is a liberal democratic community a freer society for any and all individuals fortunate enough to live within it? That is, why does Rorty value the values he holds -- is he purely a liberal democratic pragmatist by accident of birth?

Barber is more honest about his convictions. He contends that democratic societies best develop the human potential for collective deliberation and defends the democratic conception that in situations of social interdependence the only freedom possible is that of a democratic self-legislating community. Barber offers a (partially true) scarecrow caricature of liberalism as a society maximizing the pursuit of fortuitous (i.e., non-deliberatively formed) individual preferences. His dismissal of liberal rights as inherently atomizing reads dangerously like a standard Marxian dismissal of bourgeois rights as solely a defense of acquisitive individualism. Nevertheless, when challenged Barber admits (particularly in an American Prospect article) that political and civil rights are integral to the democratic commitment to the equal worth of each voice. So to Barber we might ask: does not a democratic polity reject an epistemological agnosticism in regards to one basic political question -- the value of democracy and of those rights necessary to guarantee the preservation of democracy? Should democratic polities have a right to constitutionally or culturally discourage (or ban) decisions that violate the principles of democracy itself? What of laws banning explicitly racist and undemocratic parties or of juridically overturning majoritarian votes in favor of dictatorship. (These are issues that civil libertarian Americans may easily decide -- but questions about which German democrats have radically different intuitions.) That is, while on specific policy questions a democratic politics needs to be agnostic and reject scientistic conceptions of political truth, is not a viable and sustainable democracy dependent upon a moral consensus as to the value of the democratic process itself?

Social democrats would argue that a strong democracy necessitates that the resources necessary for citizen education (and keeping together of basic body and soul) be equitably distributed. Or are the full conditions for democratic discourse --the freedom from economic necessity that provides time for deliberation and study -- to be limited to the tenured professoriat? (Here Barber's commitment to the economic basis for democracy seems ambivalent, at times taking an Arendtian approach to the social or economic policy debate as a debasement of free democratic discourse). It is curious how in the 1980s many strong democrats and communitarians wished to eschew traditional left/right ideological concerns as anachronistically "economistic"

(citizen virtue being the key concern) at the very moment that the limited gains of social democracy were being attacked, programs which expanded active membership in the polity beyond the middle class. Commenting upon an argument that Sheldon Wolin made in a seminar that the welfare/warfare state served to demobilize political participation by transforming citizens into consumers (a partial truth, which is profoundly wrong if taken as the total truth), Carole Pateman pointed out that the welfare (and thankfully in Australia not much of a warfare) state enabled someone from her working class background to become a university professor and participate in the academic critique of the welfare state as a barrier to democracy.

#10. Can the Defense of Democracy be Value Neutral?

A peculiar aspect to Barber's defense of an epistemologically "open" strong democracy is his implicit criticism of liberalism for being indifferent or relativist in regards to the comparative value of public versus private life. Echoing the critique of liberalism made by radical democrats such as C.B. Macpherson and Robert Paul Wolff, Barber implies that treating all human desires as equally valid denies the unique value of public communal deliberation. Liberalism has been traditionally criticized from both Aristotleian right and left (Straussian and communitarian) for being incapable of defending the value of liberal principles itself. That is, if liberalism is value-neutral, how can it defend its own worth against anti-liberal conceptions of the good society? William Galston, Charles Larmore and others have attempted to demonstrate that liberalism is not amoral; rather, liberalism advocates a way of life which promotes reasoned deliberation, public education, and the cultivation of the human faculties.

Just as principled liberals must elucidate the value of liberalism, principled radical democratic pluralists need to advance a moral defense of democracy. While democratic regimes may be agnostic as to specific public policy outcomes resulting from free and informed deliberation, they cannot be indifferent in regards to those social conditions which promote the very possibility of informed deliberation. Whether defended by foundationalist appeals to human potentiality or defended by culturally specific, historicized claims about the human benefits which result from free and open deliberation, democrats cannot be morally agnostic as to the value of democracy itself. That is, an ideal worth advocating is an ideal worth defending as a good, either for its consequences or as a good-in-itself. Beginning with John Stuart Mill, arguments for democracy have both cited the consequentialist benefits (human progress, informed policy, economic advancement) and the good-in-itself of a system of deliberation which respects the equal moral worth of individuals. Thus, in response to both anti-foundationalist pragmatists and post-modern advocates of a "politics of difference" who rest their defense of democracy on an epistemological -- and perhaps moral -- skepticism, democratic theorists skeptical of skepticism's ability to defend a democratic regime might retort: why is democracy better than any other regime?

UNDERSTANDING GENDER INEQUALITY:
THE RELATIVE INFLUENCE OF INSTITUTIONAL POWER AND GENDER CONSCIOUSNESS

Peregrine Schwartz-Shea
University of Utah

Robert Q. Herzberg
Utah State University

Randy T. Simmons
Utah State University

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Abstract

Game theorists and some feminist scholars would predict that individuals with asymmetric access to institutional power (such as an exit opportunity) should claim more resources than those without such access--regardless of the sex of the individual. Other feminist scholars, in contrast, emphasize the ways in which socialization and other mechanisms can produce gender-role internalization such that men and women of equal power behave differently. Based on this latter research, we would predict interactions between sex and institutional power.

To sort out these different arguments, we propose an experimental study of two-person prisoners' dilemma (PD) games in which an asymmetric exit opportunity is crossed with sex-of-subject. In some conditions, only men will have the exit opportunity while in others only women will have the exit opportunity. (We also plan same-sex conditions.) The sex of an individual's body, however, does not necessarily match the "sex" of his or her psyche (Bem, 1993). Thus, in order to understand individual differences among women (and among men) we will correlate behavior with measures of gender-role internalization (i.e., the "sex" of one's psyche) and "gender consciousness," i.e., beliefs about proper gender roles (Tolleson Rinehart, 1992).

The results of this study have implications for the broader policy question of how to lessen gender inequality. Can gender inequality be corrected by changing the balance of institutional power (in this case access to an exit option)? Or, are changes in the socialization process also necessary before equal outcomes can be expected?

Understanding Gender Inequality: The Relative Influence of Institutional Power and Gender Consciousness

Investigating inequality has not been a major thrust of game-theoretic research.[1] In this project, we begin to redress this significant oversight by focusing on differential institutional power and its relationship to a specific demographic characteristic that has historically been associated with inequality--gender. There are two general aspects of power relevant to the analysis of gender in a game-theoretic structure--the power to determine the structure of the game (i.e., institutional and political rules) or what Lipman-Blumen (1984) terms "macromanipulation" and the power of choice within a particular game, what she terms "micromanipulation." Crudely expressed, men hold most of the macropower within society and thereby limit women's power to the choices they can make within particular macro-determined structures from the work place to the family. According to this approach, then, gender inequality has an institutional basis and the comparison of different distributions of institutional power (symmetric and asymmetric exit options within a PD) can shed light on the behavior of the sexes in positions of comparable and unequal institutional power.

Many feminist scholars suggest that gender inequality goes beyond structural power differences to reflect basic behavioral differences between men and women that result from socialization patterns. From this perspective, the extent to which socialized gender differences produce gender inequality depends on the degree of gender-role internalization and on gender consciousness. Therefore, changes in the institutional power mix will be insufficient to fully correct gender inequality. Moreover, simply noting sex-of-subject may be inadequate for measuring gender differences in a game-theoretic structure.

We propose an experimental design that crosses institutional power asymmetries with sex-of-subject where sex-of-subject is correlated with measures of gender-role internalization and gender consciousness. Through this experimental analysis, we hope to contribute not only to a game-theoretic understanding of gender inequality but also to feminist scholarship. We believe that the tools of game theory can help us to understand both the macrogame responsible for gender inequality and the power available to women in particular microgames. Moreover, an experimental, game-theoretic approach can help to disentangle the complex set of factors that produce gender inequality, thus leading to the development of more successful policy approaches for correcting such inequalities.

The literature relevant to sex, gender, and power is extensive--though the experimental, PD research on gender is much more limited. In what follows we briefly review these literatures. Then we offer an experimental "analogue" (or institutional power structure) and give a game-theoretic analysis of how subjects ought to behave in that analogue. A detailed discussion of the design, subject populations, and experimental procedures follows.

Theoretical Background

Reflecting on a psychological, largely experimental body of research, Deaux and Major (1987) describe a troubling anomaly of gender research:

> Those who predict stable sex differences have had trouble accounting for the often limited ability of sex to predict behavior, and for a variability that sometimes appears random. Those who argue that there are no stable sex differences, on the

> other hand, have had difficulty explaining widespread male-female differences in the culture at large (Deaux and Major, 1987, p. 369).

This anomaly has been reproduced in the experimental literature that investigates the relationship between gender and PD behavior. Specifically, stable sex differences in behavior have not been found. Sometimes men cooperate more than women (e.g., Rappoport and Chammah, 1965; Kahn, Hottes, and Davis, 1971; Brown-Kruse and Hummel, 1990; Sell and Wilson, 1991); sometimes women cooperate more than men (e.g., Aranoff and Tedeschi, 1968; Jones, Steele, Gahagan, and Tedeschi, 1968; Meux, 1973; Stockard, van de Kragt, and Dodge, 1988); and sometimes no difference is found (e.g, Caldwell, 1976; Goehring and Kahan, 1976; Dawes, McTavish and Shaklee, 1977; Javine, 1986; Orbell, Dawes, Schwartz-Shea, and Elvin, 1993).

This apparently inconsistent pattern of results may be a function of complex interactions between sex-of-subject, behavior, and other variables. In two recent studies, for example, expectations played a crucial role. Kerr and MacCoun (1985) found that when subjects knew their partner was a man, both males and females were less cooperative. Orbell, Dawes, Schwartz-Shea, and Elvin (1993) found that subjects generally expected women to cooperate more than men but this general expectation did not translate into behavioral differences. Sex-of-subject may also interact with experimental parameters such as sex of the experimenter, sex composition of the group, and other experimental procedures and manipulations. For example, Sell and Wilson (1991) found that women contributed less than men when interaction was via computers rather than face-to-face and Sell, Griffith, and Wilson (forthcoming) found sex effects only when subjects were paid with a resource other than money.

Disentangling second and even third-order interactions is difficult, but a variety of clues regarding essential factors may be found in the extensive feminist and gender literature. For purposes of analysis, we divide the feminist and gender scholarship into two approaches--those that emphasize institutional structures as the basis of gender differences and those that emphasize socialization. Though dichotomizing the literature in this way serves the purpose of characterizing a complex, diverse literature in a concise way, we wish to emphasize that authors in both categories recognize the importance of both structural and social-psychological barriers to women's equality. Thus, classifying particular authors may be problematic.[2]

The theorists who emphasize the structural or institutional bases of women's inequality[3] argue that women's behavior can best be understood as being constrained by their situations. As Bem expresses it,

> The psychological implication of [this] perspective should be clear: change a woman's position in the social structure and her motivation and ability will quickly change as well. ...what needs to change is not the psyche--or even the socialization--of the individual; what needs to change is the androcentric social structure that operates systematically and in the here and now to preserve male power (1993, p. 135, emphasis added).

This position is completely consistent with the game-theoretic literature that suggests that institutions matter and that access to institutional position is a relevant factor in explaining power asymmetries. (See Shepsle, 1979; Ostrom 1986.) If men have been favored, it is because they have had access to greater institutional control than have women. The policy prescription is equally clear--change the institutional power mix to provide greater access for women and you will change the mix of outcomes as well. Thus, a structural approach

places the emphasis on the institutional rules rather than on any difference between men and women. Faced with the same institutional incentives, men and women can be expected to react exactly the same on average.

In contrast, the second group of theorists[4]--while acknowledging the importance of structural/institutional power--emphasizes the tenacity of enculturation. Years of socialization as children as well as cultural messages (Coward, 1985) and contemporary pressures on adults result in "role internalization" that is not easily cast off even in those cases where women and men have equal power.

The research on socialization and gender-role internalization challenges game-theoretic assumptions about the universality of the economic model of human behavior. For example, instead of being the "autonomous choosers" of game theory, women are viewed as "embedded" individuals (Hirschmann, 1989), embedded in a web of obligations to others.

The institutional and socialization approaches are both competing and complementary explanations of gender inequality. First, the "macrogame" is rigged because women have not historically participated in design of social institutions and as a result have had fewer options available to them (e.g., lack of the franchise, laws restricting divorce and labor force participation, etc). Second, as they confront those choices that are available to them in particular "microgames," they must cope with social expectations and internalized scripts about how women should behave. A careful experimental test in which sex-of-subject is crossed with institutional power should allow us to examine the independent effects of these explanations in a way that is virtually impossible in natural settings.

Exit as an institutional power resource

A prevalent theme in the game-theoretic literature over the last fifteen years is that institutions matter. (See, in particular, Plott and Levine, 1979; Shepsle, 1979; Denzau and MacKay, 1983; Ostrom, 1986; Shepsle, 1989; Ostrom, 1990). The presumption is that individuals with access to institutional power will use the rules in place to manipulate and change the expected social outcomes. We propose an extension of this analysis by focusing on a particular institutional power--the power to exit.

Although it has long been recognized that exit is a form of economic power as consumers exit from one firm in favor of another, Tiebout (1956) showed that exit is also a form of political power. He suggested that citizen mobility ("voting with one's feet") among competing local jurisdictions can result in an efficient allocation of resources to the local public sector. The theory of clubs (Buchanan, 1965) demonstrates how exit is a force against discrimination. Hirschman (1970) pointed out that "exit has been accorded an extraordinarily privileged position in American society" and suggested the following examples: pilgrims exited Europe and pioneers left the cities of the East; hippies in the sixties "turned on and dropped out;" many opposed to the Vietnam war went to Canada (1970, p. 106). Hippies and war avoiders combined their deviance and defiance in a way that exit became a form of political voice.

Exit as a power resource has not been modeled extensively in the PD literature. With the exceptions of Orbell, Schwartz-Shea and Simmons (1984), Orbell and Dawes (1991), and Vanberg and Congleton (1992), models of the PD have included only a binary choice between cooperate or defect, not the trinary choice that would include exit. In each of these analyses, the researchers found that exit changed the expected outcome of the game. Investigating the consequences of exit (using a one-shot, NPD, experimental

setting) Orbell, Schwartz-Shea, and Simmons (1984) found that the exit decision had the same moral implications for subjects as the cooperate/defect decision. Orbell and Dawes (1991) made a theoretical argument that the existence of an exit option across a series of two-person PD games produces a "cooperator's advantage" under select conditions. Vanberg and Congleton (1992) came to a similar conclusion using an evolutionary, simulation approach to exit decisions across a series of two-person PDs.

Though researchers recognize that exit costs often vary across individuals and situations, there has been no systematic, theoretical, much less empirical, research on this possibility. Instead, in the research reviewed above, conclusions are based on a model in which all decision makers are assumed to have equal access to an exit option. In this analysis, we propose to build on this literature to examine not only symmetric exit power but asymmetric distributions as well.

We propose to explore to what extent the effects of exit power are maintained or even expanded when it is possessed by only one player in the PD setting. To understand whether these institutional powers may be used differently by men and women, we consider how gender differences may interact with exit power to confound the simple institutional effects.

Socialized gender differences

Very briefly, socializing agents, particularly parents and teachers, train boys to be self-reliant and achievement oriented. They are taught that achievement is a function of direct action (Lipman-Blumen, 1983, pgs. 55-59). In contrast, girls are taught that achievement comes through relationships, in particular through relationships with a prominent male. Lipman-Blumen terms this "vicarious achievement" (1983, pgs. 59-64). To the extent that gender roles[5] are internalized, women are said to be more "expressive" whereas men are said to be more "instrumental." Some scholars also conclude that women value relationships more than men and men value competition more than women (Wilson, 1993, pgs. 23-4). Because gender roles are "diffuse" (i.e., influencing many aspects of a person's life), these differences imply significant gender differences in a wide variety of arenas.[6] Such differences obscure our ability to use a single model of the individual to explain outcomes in mixed-sex, experimental decision settings. If these gender roles are internalized, then we would expect women confronting similar choices to men to respond differently. This may be particularly important in negotiation settings where women and men interact strategically.[7]

When we examine gender-role internalization it becomes important to look beyond average performance to consider the range of possible socialized outcomes, i.e., individual differences in the degree of gender-role internalization. Within social psychology, early research focused on masculinity and femininity and it was implied that deviation from societal norms was "unhealthy." In the early 1970s, research by Spence and Helmreich (1978) and Bem (1974) revolutionized both the conceptual and the empirical approach to these concepts. Masculinity and femininity were no longer conceived of as bipolar opposites, but as personality traits which both sexes could incorporate into their identities to varying degrees.

Feminist scholars suggest that differences among women relate to the level of "consciousness" achieved by women. Though women (and men) may behave congruent with institutional power and social-psychological expectations on average, individual women throughout recorded history have recognized and, when feasible, objected to their status (cf., Lerner, 1993). Consciousness, then, is a quintessentially political concept, linking individual beliefs to action (or inaction) in the political sphere. Put another way,

consciousness implies the ability to question and even to change gender-role internalization. It also implies that the individual has preferences about how the "macrogame" should be organized--whether it be to change or preserve a particular society's gender roles.

Though use of the concept of consciousness is ubiquitous in feminist scholarship, empirical research has been much scarcer. Working with the American National Election Studies data, Gurin, Miller, and Gurin (1980), used particular questions to represent four theoretical dimensions of group consciousness: identification, discontent, withdrawal of legitimacy, and collective orientation. These researchers found notable group consciousness among ethnic and racial groups but comparatively little among women. (Additional work on feminist consciousness includes: Klein, 1984; Conover, 1988; Cook, 1989.)

Most recently, Tolleson Rinehart (1992) has taken a different theoretical approach; instead of trying to build from a general model that embraces all possible types of groups, she emphasizes the differences between ethnicity and gender; e.g., no Afro-Americans advocate a return to slavery whereas there are women who advocate a revitalization of traditional gender roles. Thus, she defines gender consciousness as "the recognition that one's relation to the political world is shaped in important ways by the physical fact of one's sex" (1992, p. 14), a definition that encompasses both feminists--who want to change gender relations fundamentally--and anti-feminists who want to preserve or return to a more traditional vision of gender relations. Such an approach is useful because it leaves space for legitimate disagreement over what ought to be the proper gender roles, a controversial topic even among feminists[8]--not to mention the contrast between feminists and anti-feminists.

Tolleson Rinehart's theoretical approach has produced quite different results from the earlier work. She finds that women's gender consciousness explains differences in women's policy preferences and political participation, differences often hidden in any simple contrast between men and women. And she argues that "given American's generally weak ideological constraint, gender consciousness may well rival or replace ideology as an underlying structure for political attitudes" (1992, 165).

One conclusion from this brief review of the socialization literature is that no researcher has directly investigated the relationship between personality correlates of gender socialization (i.e., femininity and masculinity) and the more political concept of gender consciousness.[9] We propose hypotheses to address this gap after specifying the experimental context and discussing the measures of these concepts in more detail.

The Experimental Analogue

Game theorists began testing their models in the laboratory decades ago, developing analogues to perfect markets, oligopolistic markets, the prisoners' dilemma, etc. The precise predictions generated by game theory (as well as its close attention to assumptions and parameters) make it well suited to experimental testing. For our purposes, game theory is also useful because, by definition, it focuses on individuals' choices in situations of interdependency. Despite this focus, Sapiro (1979) has observed that "the bulk of game and coalition literature displays little interest in [problems of inequality and oppression]" (p. 393).

Recently, however, Rose (1992) provided a loose game-theoretic explanation of gender inequality. Specifically, Rose connects the PD to a zero-sum bargaining game: If

two people must cooperate to obtain common benefits (the PD), how will the gains from cooperation be distributed between the two people (a zero-sum game)? Rose works through the implications of two possible assumptions: (1) women actually have a "taste" or "preference" for cooperation; (2) others simply believe that women have or should have this preference. If either of these assumptions holds, she argues, then women are at a bargaining disadvantage in the zero-sum game. They can still gain absolutely, but they gain less than men.

Rose's theoretical piece is intuitively compelling, but she does not develop a specific game-theoretic framework[10] and, as we show below, parameters and institutional structures are critical to assessing the micropower of women. The analysis proposed here begins to move us closer to a well-defined analytic structure that may be tested empirically. The game outlined in Table 1 attempts to capture the micro and macro aspects of power discussed by Lipman-Blumen and other feminists. In general terms, one macro aspect of male power involves having more alternatives; thus, the individual assuming the male role has three options -- cooperate, defect, and exit. The female player has only two options -- cooperate and defect. Thus, at the macro level the game is biased against the female player but at the micro level she retains some choice potential. We recognize that our selection of this particular rule configuration is somewhat arbitrary since any particular rule reflects only an example of the type of power asymmetries possible between men and women. However, we think that this is an appropriate starting place and results from this structural analysis should prove suggestive for a broader set of rule configurations.

The payoffs associated with defection by either or both players is set as in the standard PD. However, the specific distribution of payoffs associated with cooperation in this game depends on negotiations between the two players. (As in Rose's conceptualization, we propose a total payoff for cooperation of 4 that would be divided based on the outcome of a negotiation process). There are clearly joint gains from cooperation between the male and female players, but how those gains are to be distributed depends on how well each negotiates in the bargaining portion of the game. By allowing negotiation, we can evaluate to what extent the asymmetries in power between the players at the macro-level translate into asymmetries in their willingness to cooperate at the micro-level.

Game-theoretic analysis of the analogue

In this analysis, we retain the standard game-theoretic assumption that both males and females are rational, self-interested maximizers. As with the standard PD, this game has a dominant strategy when played as a single-shot game (defect, exit), resulting in the payoff (0,1) located in the bottom, right-hand cell. When played as an iterated game, cooperation can emerge as a dominant strategy if the probability of the players encountering each other in future rounds of play is high enough to offset the one-shot payoff obtained by defecting.[11] In this case, each player compares the expected, discounted payoff stream from cooperating against the payoff associated with defecting throughout. With a sufficiently high probability of continued play, a trigger strategy emerges in which each player cooperates as long as the other cooperates, but defects forever in response to the other player's use of the defect strategy. The income stream associated with continued cooperation exceeds the expected defection payoff as long as the discounted payoff from cooperation is greater than the immediate gain from defection followed by the discounted payoff from defection for all future rounds. In other words:

where c is the expected negotiated outcome from cooperation and d is the expected payoff if both players defect or exit.

This game presents an asymmetry in the risk the two players face in cooperating. Given the particular payoffs we consider here, the female player can expect an immediate gain of 5 from defection in the current round and then a return in each future round of 0 as the male player exercises his trigger strategy and "exits" from that point forward. Thus, the sum of discounted payoffs from future cooperative rounds must only exceed 5 in order for cooperation to be rational for the female player.

In contrast, the male player must forego the sure-thing payoff of 1 associated with exiting, in order to take advantage of the gains from cooperation and he risks the zero payoff of defection if the female player reneges. Thus, in order for cooperation to be rational, his expected gains must be greater than those required for cooperation by the player in the female role. This will be true whenever the male player has a higher expectation than the female that play will be repeated (he discounts the future less than the female player) or if his payoff from cooperation in every round is higher than the female player's payoff. If we assume that individuals perceive the probability of continued interaction equivalently, then we can incorporate this asymmetry in risk into the play of the game by allowing the players to negotiate the specific distribution of payoffs associated with a cooperative agreement.

At least two possibilities for how to play this game exist. (1) Players can negotiate a particular distribution of payoffs associated with cooperation and then proceed to make decisions regarding exit, cooperation, and defection. (2) Alternatively, players can decide a strategy regarding the PD and then negotiate the exact distribution for cooperative payoffs only if they select the cooperate, cooperate outcome. In this case, failure to agree on a given distribution after reaching the C,C cell results in a payoff of 0 to each player.

Under the first rules, any payoff distribution from (3,1) to (0,4) satisfies Nash equilibrium conditions, since a male player acting unilaterally can assure a payoff of only 1 and a female player can guarantee only 0 as her payoff. Under the second rules, male and female players face equivalent payoff scenarios since the male player no longer has the payoff option associated with exit. In this case any distribution from (0,4) to (4,0) is viable in a given stage. However, the male player's decision to play and cooperate rather than exit depends on his expectation of payoffs from this strategy. If he expected to receive a payoff less than 1 from cooperating, he would exit at the earlier juncture assuring himself of a payoff of 1. Moreover, with iterated play, he could enforce a distribution that grants him at least 1 by exercising his trigger if the female player refused to grant him at least 1 in the negotiation process.

For simplicity, we assume that the players negotiate a single distribution of payoffs associated with cooperation prior to play and that distribution holds for every stage in the iterated game. After negotiation, therefore, the game becomes a fixed PD without any potential for side-payments in future stages.

The particular distribution between (3,1) and (4,0) arrived at by the players depends on the rules of the bargaining process used in this preplay negotiation and the bargaining ability of each player, particularly his or her willingness to carry out a threat of defecting unless he/she receives the suggested amount. In this circumstance, each player will take the others' expectations regarding future payoffs into account to maximize personal payoff from the game. If the female player agrees to cooperate because of her

more limited options, then the negotiated payoff she would be willing to accept to forego defection should be lower than payoff the male player would require to continue play.

In this game, we might expect a payoff distribution of (1.5, 2.5) emerging as a way of equalizing the risk assumed by each player. If each player perceives at least a 70% chance that the game will be repeated, then the expected payoff from cooperating and receiving this distribution exceeds the payoff from defecting in the face of a threatened trigger strategy. At an egalitarian payoff distribution of (2,2) for the cooperative strategy, the male player will require at least an 80% chance of the game being repeated in order to make cooperation rational in the face of a threatened trigger strategy, while the female player requires only a 60% chance of repeat play. Thus, cooperation for the male player in this game requires a higher expected future payoff than the same strategy requires from the female player. All other things equal, the female player faced with fewer choices than the male will be more willing to cooperate in this iterated game setting.

Based on this theoretical structure and the literatures reviewed above we can derive a series of competing hypotheses. First, the null hypothesis is that neither sex of subject nor institutional power makes a difference in the decisions reached or the payoffs received. Hypotheses predicted by various literatures are shown graphically in Figures A through H. In Figure A we have represented average total earnings (from low to high) on the y-axis, sex-of-partner (female, male) on the x-axis, and power in the body of the graph (where power is defined in terms of the presence or absence of an exit alternative). Figure A represents the main effect hypothesis of game theorists and feminist, structural theorists, i.e., a main effect for institutional power and no sex-of-subject effects. In short, only power matters--with the caveat that we have operationalized structural or institutional power in quite a specific way.

Figures B and C show other possible main effects. In Figure B, the y-axis is the same (average total earnings from low to high), but the x-axis has been changed to contrast subjects with less and more power (again, where power is defined in terms of the absence or presence of an exit alternative). In the body of the graph, we represent average total earnings by sex-of-subject. In this case, we show a main effect for power and a main effect for sex-of-subject: the powerful earn more than the less powerful but men always earn more than women. Theoretically, such an outcome would provide strong support for the feminist scholars who argue for the tenacity of cultural expectations and socialization. Women--whatever their power position and no matter the sex of the interaction partner--are at a disadvantage in claiming resources.

In Figure C we have changed the graph labels yet again. In this case, we have represented average experimental earnings <u>of the powerful subjects</u> (from low to high) on the y-axis, sex-of-<u>less powerful partner</u> (female, male) on the x-axis, and earnings by sex-of-subject in the body of the graph. Assuming statistically non-significant differences between powerful males and females, this graph represents a main effect for the sex of the less powerful person. In other words, <u>both</u> powerful men and powerful women earn comparatively more when they play with a woman than with a man. Theoretically, this outcome is complex. On the one hand, it would support the feminist, structuralist argument that women are "oppressed" primarily because they lack power. But the differential treatment of men and women by women supports Lipman-Blumen's (1984) argument that women compete with other women for the attention of men. This outcome could also fit with Kanter's (1977) analysis of what happens to those few token women who gain power: they mimic men well and "sisterhood" be damned. As for powerful men's differential treatment of women, it would suggest a misogynist socialization.

Graphs D through H portray possible interactions using the same axis labels as in Figure C. In Figure D individuals compete with same-sex-partners in standard maximizing ways, but powerful women earn relatively less against male partners and powerful men earn relatively less against female partners. Theoretically, this pattern would be consistent with a crude sociobiological interpretation; i.e., both males and females are attempting to attract mates. Feminist scholars who emphasize the asymmetric nature of gender-role socialization (e.g., Lipman-Blumen, 1984) would not expect such "chivalrous" behavior from powerful males--though Wilson might if other societal institutions supported such behavior for males (1993, p. 10). Yet another interpretation is possible in the case of a powerful woman confronting a less powerful man; perhaps she is "placating" him based on her experience that less powerful men may be in that position only temporarily.

Figure E could be interpreted as the classic "war of the sexes" in which individuals with power attempt to "exploit" the opposite sex but are much less willing to act in a maximizing manner with a same-sex partner. Perhaps the powerful person is even "collaborating" with the less powerful partner, i.e., brotherhood or sisterhood. Such a pattern, if strong and systematic, would support an "ingroup/outgroup" interpretation of the relationship between the sexes. But this is not a pattern we would predict on the basis of gender scholarship (Tolleson Rinehart, 1992, p. 44).

Figure F possesses some theoretical similarities to Figure D. Unlike Figure D, powerful men behave in a maximizing manner regardless of the sex of their partner. But like Figure D powerful women confronting less powerful men earn relatively less than when they confront a less powerful woman. As discussed with Figure D, the crude sociobiological interpretation is that she may be attempting to win a mate. Or, again, perhaps she is "placating" him based on her experience that less powerful men may be in that position only temporarily. Still another possibility is that the man drives a harder bargain precisely because the individual in the powerful position is female. Such behavior could be interpreted solely in expectations terms, i.e., Rose's (1992) point that a general expectation that women are more cooperative than men lessens women's bargaining power. Or such behavior could be interpreted as Bem does, in Freudian psychological terms: "The risk of feeling emasculated--or neutered--is especially intense when a man has to acknowledge a woman who is more powerful or privileged (or even competent) than himself" (1993, p. 151).

Finally, Figures G and H represent two possible versions of the cultural feminist perspective on female behavior. By this interpretation females earn individually less regardless of the sex of their partner because they are not acting in an "exploitative" or "individually maximizing" way; instead, cultural feminists presume that women are naturally more nurturing, caring, and relationship-oriented than are men. Males, however, act either in a chivalrous or mate-attracting manner (Figure G) or in an misogynist manner (Figure H).

Figures A - H represent the logically possible experimental outcomes in "pure" form. Review of these possibilities is important because in popular discussions about gender relations, as well as the theoretical ones, people often are not clear about which pattern they see as predominant--even in a particular culture, historical time period, or situation. We do not necessarily expect, however, that the experimental outcome will be one of these clear extremes. First, there is the probable discrepancy between individuals' assigned power and status within the experiment and the power and status they bring with them to the laboratory. Indeed, that discrepancy is the basis for predicting interactions if one assumes, as does Sapiro (1979), that men and women carry their gender socialization into the laboratory. But, of course, our subjects bring other relevant experiences with them (e.g., based on other factors like class and race) and these factors may muddy the results.

For this reason we will gather additional demographic information in a questionnaire. A second key reason we would not expect to find so clear a pattern is that this representation assumes that the "sex" of the psyche (Bem, 1993) cleanly matches sex-of-subject. There is bound to be individual variation with respect to socialization and internalization of stereotypical gender roles, and gender consciousness on the part of women further complicates the possibilities.

Experimental Design

In the experimental analogue just described and analyzed above, we have modeled one aspect of gender inequality, a situation in which joint gains are possible but the distribution of those gains is a function of a macrosetting which--under the condition of prior negotiation--gives women less power a priori. A woman's share of the joint gains may equal or surpass that of the man but only if: (1) her bargaining ability exceeds his; (2) his perception that the game will be repeated is sufficiently greater than hers; and/or (3) he has an egalitarian ethos. These possibilities suggest that this analogue has face validity, that is, an overall "bias" against women but a bias that may not harm a particular woman depending on her own abilities and depending on the characteristics of the particular male she encounters.

The experimental analogue will most "mirror" the typical pattern in the social world when female subjects are placed in the role without an exit option and male subjects are placed in the role with an exit option. Of course, there are same sex pairings in the social world, in which women with more power interact with women with less power and men with more power interact with men with less power. And, occasionally, there are situations in which women with more power interact with men with less power. These three other situations can also be recreated in the laboratory but with the control that allows an equal incidence of cases across all four possibilities in order to test for the predicted interactions described above.

General design

The design crosses three factors: institutional structure (asymmetric versus symmetric exit), sex-of-subject pairings (male-male, female-female, male-female, and female-male), and gender salience (self-report measures administered before and after decision making). This produces 16 experimental conditions. But because only one different-sex pairing is necessary in the symmetric exit condition, that number reduces to 14 experimental conditions.

In all conditions, there will be two summary behavioral measures: (1) the negotiated distribution of the mutual cooperation payoff of 4; (2) total earnings from the repeated play after the negotiation. Other behavioral measures can be examined as well, including the bidding process and the pattern of cooperative, defecting, and exiting choices through the rounds.

Institutional structure will be varied by allowing either one (Table 1) or both subjects (Table 2) an exit option. In the asymmetric conditions, sex-of-powerful-subject will be counterbalanced with sex-of-less-powerful-subject to produce two same sex pairings (female-female and male-male) and two different-sex pairings (female with power/male with less power and male with power/female with less power). In the symmetric conditions, we will run the two same-sex pairings, but only one different-sex pairing because both subjects have the exit option.

As discussed above, a variety of other gender-related factors may confound this institutional relationship resulting in support of one of the hypotheses represented in

Figures B through H. Moreover, we might expect variation within each gender based on measures of gender-role internalization and/or gender consciousness. It is to measurement of these two concepts that we now turn.

Gender salience: Measures of gender-role internalization and gender consciousness

Deaux and Major (1987) have noted that it has been difficult to produce stable sex differences in the laboratory and that inconsistency has been replicated in the PD research on gender. Part of the problem may have been the failure of PD researchers, in particular, to measure the psychological correlates of sex-of-subject. But it may also be the case that gender is not always salient to subjects. Thus, we will combine these two concerns, directly manipulating gender salience by having subjects complete self-report measures and scales either before decision making (the salient condition) or after decision making (the non-salient condition). We will use the Bem Sex Role Inventory (BSRI) as a measure of gender-role internalization and the questions from the American National Election Studies used by Tolleson Rinehart (1992) to conduct her analysis of gender consciousness. The order of the two instruments will be counterbalanced in all conditions.

Bem Sex Role Inventory. The BSRI is the most widely used instrument for assessing "masculinity and femininity [and androgyny] in terms of the respondent's self-perceived possession of positive personality characteristics having sex-typed social desirability" (Lenney, 1991, p. 582). Lenney judges that the instrument has "excellent reliability" as well as validity that is "quite good" particularly when it is used in ways consistent with Bem's theoretical position. That position is summarized and developed in her 1993 book, in which she argues that her scale: (1) was developed to tap cultural--as opposed to biological--conceptions of masculinity and femininity; (2) treats masculinity and femininity as independent scales rather than bi-polar opposites; (3) contrasts traditionally "sex-typed" individuals with those who are androgynous.

American National Election Studies Questions. A questionnaire will be administered to all subjects. To be included are the questions used by Tolleson Rinehart in her analysis. Tolleson Rinehart conceives of gender consciousness as the intersection of two components: gender identification and gender role ideology. Tolleson Rinehart classifies responses to the gender identification question into two categories: "Individualists" are those women who did not identify themselves as "close" to the group, "women" in a list of some twenty possible groups. "Identified" are women who did identify themselves as "close" or "closest" For the 1988 National Election Survey Tolleson Rinehart reports 47.1% individualist and 53.9% egalitarian women (192, p. 54). Tolleson Rinehart also reports that "Men's 'gender identity' was exhaustively analyzed, and nothing systematic in it could be found; nor could it be found to explain anything about men's political behavior" (192, p. 54).

Tolleson Rinehart classifies responses to the gender role ideology question into three categories: women classified as "privatized" are those who--in a seven point Likert scale--responded that women's place is in the home (answers 5, 6, and 7); "ambiguous" answered 4 and "egalitarian" answered "equal role" (answers 1, 2, and 3). For 1988 the distribution across these categories was 15.2%, 15.5% and 69.3% respectively. Finally, she combines responses to these two questions to produce six-category measure of gender consciousness.[12]

The gender salience condition will test whether sex-of-subject effects only occur under conditions of salience. Some gender scholarship leads us to predict that salience will be necessary to obtain sex-of-subject effects (Deaux and Major, 1987) whereas other scholars find that quite subtle manipulations do produce effects (cf., Kerr and MacCoun,

1985). In addition, behavioral results will be correlated with the two self-report measures. Based on our reading of Bem (1993) and Tolleson Rinehart (1992) we predict:

(1) Identified women will "exploit" their female partners less than individualists. Privatized women will earn more in a position of power than egalitarian women.

(2) Androgynous individuals will interact in the way predicted by game heorists (represented in Figure A) whereas strongly-sex typed individuals will behave as in Figure B or Figure D.

(3) Strongly sex-typed individuals (as measured by the BSRI) will also be the privatized individualists (as measured by the Tolleson Rinehart questions).

Given these hypotheses and the use of self-report measures, subject pool selection becomes a matter of great significance.

Subject Population and Experimental Procedures

Beere reports that over sixty percent of gender role research uses college students as subjects (1990, p. 25). There are several disadvantages to the use of this particular subject population. First, to the extent that college attendance involves a self-selection process, this population is apt to have more liberal (or non-traditional) views of gender roles than the general population. Second, college men and women are likely to have quite similar attitudes, experiences, and expectations at this particular life stage. It is typically later, when decisions about marriage, career, and children must be made that gender roles (and gender role conflict) become more salient (Frieze, Sales, and Smith, 1991). Third, the climate on college campuses (what has been termed, "political correctness") may make self-report measures less useful than they once were; students know what answers "should" be given on issues of race, class, and gender.

To address some of these concerns we propose using two subject populations. Subjects will be recruited at two university campuses, Utah State University at Logan, Utah and Indiana University at Bloomington, Indiana.

The Utah site is useful precisely because its college population is not typical. Many, if not most, students are married and raising children so gender roles are salient. In addition, the student population at USU has over a seventy percent membership in the Church of the Latter Day Saints (LDS) or Mormon religion which stresses a traditional gender-role orientation. Thus, with regard to political correctness on issues of gender, we would expect this particular student population to be cross-pressured: students' traditional beliefs are being challenged by the college climate. The Utah subject population, then, will be useful because we expect greater variation on our measures than would be likely at another site.

The subject pool at Indiana University mirrors that of other colleges and is therefore prone to some of the disadvantages pointed out by Beere. But comparison with the Utah population will test the robustness of our findings. Moreover, the research on gender consciousness (as opposed to masculinity/femininity constructs of the BSRI) has been much more limited, so that replication with a college-age population will allow us to compare our findings to the research literature on the so-called "post feminist" generation of female college students (cf., Kennedy and Lenart , 1993).

Procedures

To preserve anonymity, eight individuals will be recruited to participate in a single session--though each subject will be playing with only one of the other seven subjects. Subjects will be told that they are "playing with one of the other [men] [women] in the room." This approach not only preserves anonymity but increases gender salience as well. Thus, even in those conditions where subjects answer the self-report measures after decision making (i.e., the non-salient conditions), there will still be this more subtle emphasis on gender.

Upon arrival at the laboratory, subjects will read and sign the informed consent forms. In the asymmetric-exit conditions, the eight subjects will take a ten-question general knowledge quiz in order to determine which subjects have "earned" the right to have the exit option. This quiz is necessary because Hoffman and Spitzer (1985) have shown that subjects will not view differential power as legitimate unless that power is earned. In other words, without this procedure subjects are not likely not to bargain effectively, but to simply split the mutual cooperation payoff of 4 equally. The quizzes will be pretested to assess any gender bias. In order to obtain the proper gender split across conditions, we will need to run experiments until the cells are filled.

The eight subjects will be seated at a desk with their identification letters. From this point on, their decisions will be recorded only in terms of these letters, the experimental condition, and experiment number. (In the gender-salient conditions, subjects will complete the self-report forms at this time.) Subjects will be presented with a payoff matrix (Table 1 or Table 2 according to the condition) and the consequences of subjects' choices will be explained using the matrix. Then, subjects' understanding of the matrix will be tested and the decision form will be explained.

For their first decision, subjects must negotiate the distribution of payoffs in the mutual cooperation cell. To negotiate subjects will submit written bids to the experimenter until agreement is reached. The experimenter will "pair" the bids correctly, but subjects will still not know with which other individual they are playing--though they will know the gender of that individual. Subjects will write the negotiated amounts on their matrices and then "play" will begin. After each round, subjects will be informed of the outcome and then play will continue depending on probability. For example, if play will continue with a 7/10 probability, the experimenter will draw from an urn containing seven black balls and three red balls. Play will continue until a red ball is drawn or time is up.

After making their decisions, subjects in the non-salient conditions will complete the self-report forms. When decision making and the forms are completed, subjects will then leave the experimental room one by one to go to the payoff room. At the payoff room each subject will be told the overall results of the experiment (i.e., the average outcome across the four pairs), will sign a receipt for the money, and will be paid.

Significance of Project

Investigation of inequality has not been a major thrust of game-theoretic research. In this project, we begin to redress this significant oversight by focusing on differential institutional power and its relationship to a specific demographic characteristic that has historically been associated with inequality--gender. We hope to contribute not only to a game-theoretic understanding of gender inequality, but also to feminist scholarship. We believe that the tools of game theory can help us to understand both the macrogame responsible for gender inequality and the power available to women in particular microgames.

The implications of such analyses for policy making is clear. If the game-theoretic hypotheses most closely reflect our empirical results then this would be strong support for concluding that changes in institutional power relationships in society--employment policies, marital laws, etc.--will be sufficient to produce the desired movement towards greater equality. But if the hypotheses that suggest interactive effects between gender and institutional power are supported, then a more complex mix of policies is warranted--a mix that recognizes the evolving nature of gender role socialization as well as the political debate over the desirability of traditional gender roles.

Endnotes

[1]Quite recently, rational choice sociologists have turned their attention to gender. See Heckathorn and Anthony, 1993 and Friedman and Diem, 1993.

[2] Ferguson (1984), for example, focuses on the ways in which power structures condition choice; those with less power are "feminized" and use "feminine" strategies of manipulation and flattery (i.e., a psychological aspect) as a "rational" response to their position of powerlessness. Yet we would still classify her as a structural or institutional theorist because she argues that the way in which powerlessness results in feminization is a general process which affects any body without power; e.g., bureaucrats (of either sex) are "feminized" by their subordinate position within hierarchy and therefore adapt strategies characteristic of dependent/powerless females.

[3]Scholars we place in this category include Epstein (1988), Eagly (1987), MacKinnon (1987), Ferguson (1984), Sapiro (1979), Kanter (1977), and Henley (1977).

[4]Theorists we classify as emphasizing the social-psychological aspects of gender inequality include Cott (1976), Chodorow (1978), Coward (1985), Fagot (1985), Pheterson (1986), and Whiting and Edwards (1988).

[5]In feminist sociology, the concept of "gender role" has been criticized. Unlike an occupation role, individuals cannot choose, nor take off, their gender. Instead, theorists like West and Zimmerman (1987) speaking of "doing gender," a concept which emphasizes the choices individuals make about how to display their gender to the social world. "Doing gender " is similar to the concept of "performativity" in the philosophical work of Butler (1990). Similarly, the "gender identity" produced via gender-role internalization has also been challenged because the concept(s) of identity/ self has changed significantly in both contemporary feminism and philosophy (c.f., Rosemblum and Turkle, 1989).

[6]There are dramatic differences in the degree to which different cultures and subcultures inculcate these gender norms in children, the degree to which deviance is tolerated, and the size of gender differences by culture and behavioral area (Hyde, 1990).

[7]Relevant literature on negotiation and gender includes: Kimmel, Pruit, Magenau, Konar-Goldband, and Carnevale, 1980; Stake, 1985; Wood 1987; King, Miles, and Kniska, 1991.

[8]There is vigorous debate over the desirability of traditional gender roles. Some feminists (cf., Sapiro, 1979; Pheterson, 1986) describe gender-role internalization as "internalized oppression" which implies self-hatred and self-doubt . In contrast, cultural feminists (cf., Gilligan, 1982; Donovan, 1985; Reuther, 1985; Tronto, 1987) argue that

characteristically "female behavior" has been devalued in our society though it offer a desirable alternative to stereotypically male behavior.

[9]Bem (1993), for example, argues that "gender polarization" (the socialization process that creates strongly sex-typed individuals) creates and sustains women's inequality. Moreover, those individuals who are "gender subversive" (i.e., gays and lesbians and androgynous heterosexuals) undermine gender polarization. But she does not directly address whether strongly sex-typed individuals can be feminists. Similarly, Tolleson Rinehart notes that "feminism challenges the notion that the primary allegiance should be to one's mate" (Tolleson Rinehart, 1992, p. 69). And she goes on to argue that "for heterosexual women to overcome the powerful ties of intimacy with men, especially when the whole culture has told them that these are the ties that matter most, is a quandary indeed" (1992, p. 70). But Tolleson Rinehart does not address how questions of sexuality (entwined, we would argue, with notions of femininity and masculinity) relate to the concept of gender consciousness.

[10]For example, sometimes Rose implies simultaneous negotiation over both the PD and zero-sum problems. Other times she implies a two-step process: that after the PD is solved, the benefits of the public good are distributed differently over men and women.

[11]This result, known as the folk theorem, allows a variety of ways in which a stream of future payoffs from iterated play shape the current choice. Kreps (1990), for example, suggests that players may use the average payoff across a series of stages, they may value the discounted sum of payoffs over the series of interactions, or they may value the expected value of a finite but indefinite series of interaction. Here, we will use the latter.

[12]In the 1988 survey, the 934 female respondents distributed themselves across the gender consciousness categories in the following manner: individualist/privatized--8.8%; identified/privatized--6.4%; individualist/ambivalent--8.2%; identified/ambivalent--7.3%; individualist/egalitarian--28.9%; identified/egalitarian--40.4%.

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		Male position* Cooperate	Defect	Exit
Female position	Cooperate	? , 4	-1 , ?	0 , 5
	Defect	5 , -1	0 , 0	0 , 1
	Exit	1 , 0	1 , 0	1 , 1

Table 1
Asymmetric Payoff Matrix

*The upper left-hand entry in each cell (except for the mutual cooperation cell as explained in the text) goes to the row player, in this case the individual in the female position.

		Male position Cooperate	Defect	Exit
Female position	Cooperate	? , 4	-1 , ?	0 , 5
	Defect	5 , -1	0 , 0	0 , 1
	Exit	1 , 0	1 , 0	1 , 1

Table 2
Symmetric Payoff Matrix

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Figure A

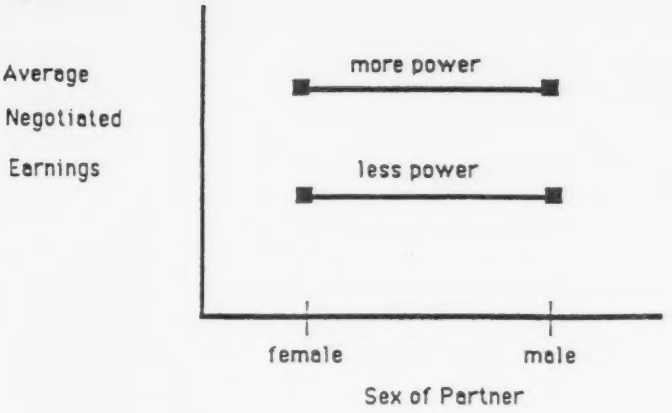


Figure B

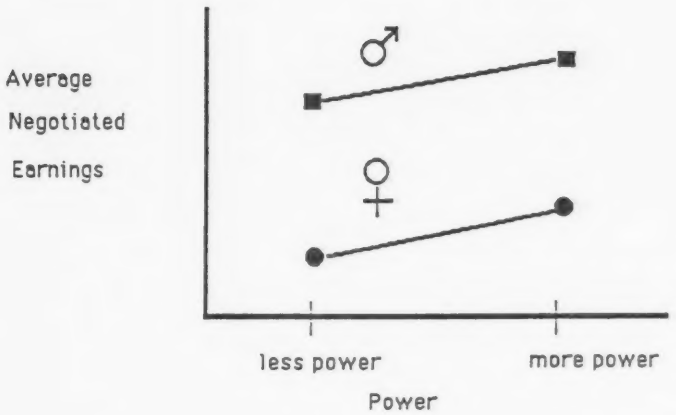


Figure C

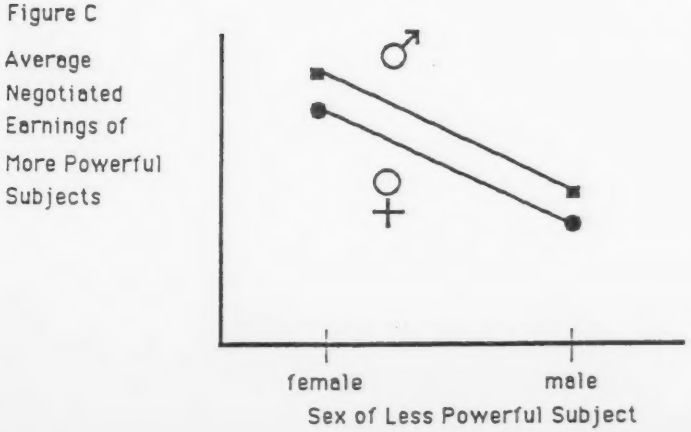


Figure D
Average Negotiated Earnings of More Powerful Subjects

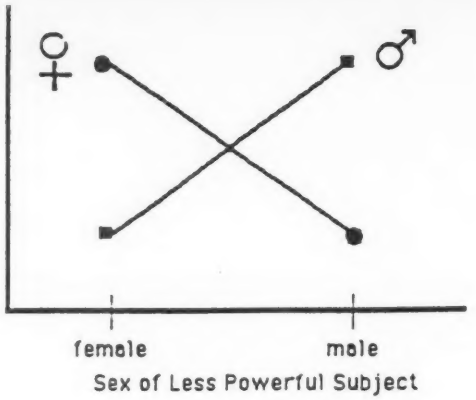


Figure E
Average Negotiated Earnings of More Powerful Subjects

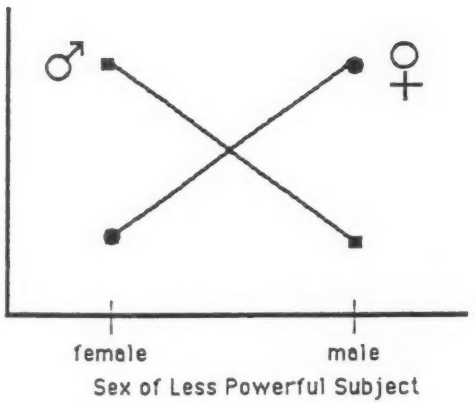


Figure F
Average Negotiated Earnings of More Powerful Subjects

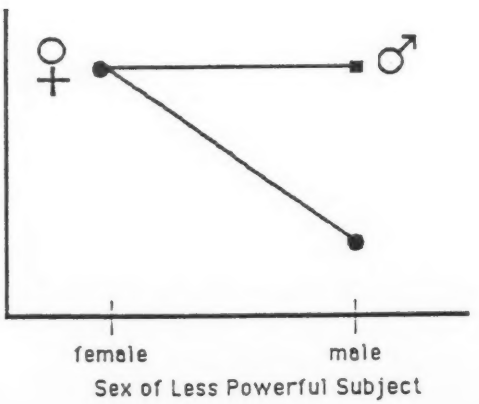


Figure G
Average
Negotiated
Earnings of
More Powerful
Subjects

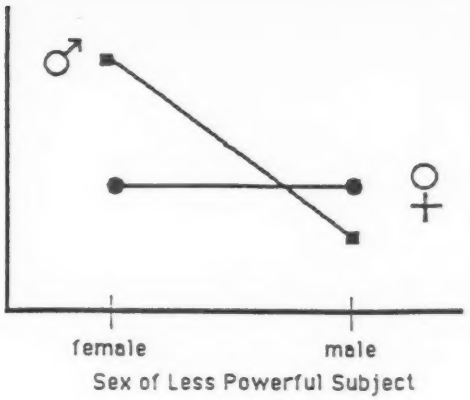
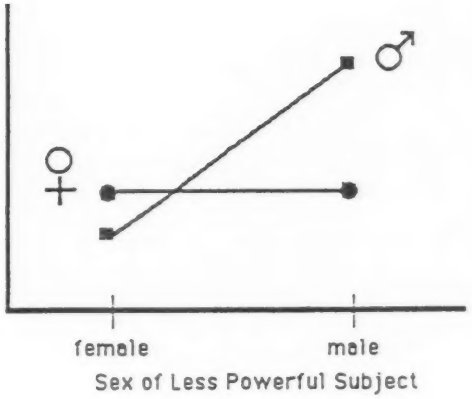


Figure H
Average
Negotiated
Earnings of
More Powerful
Subjects



Covenant, Kingdom, Culture and Constitution
An Analysis of Comparative Influence

Gregory M. Scott
University of Central Oklahoma

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Covenant, Kingdom, Culture and Constitution
An Analysis of Comparative Influence

Introduction

Purpose

What was the influence of the Bible upon the writing and content of the Constitution of the United States? This question is most frequently posed in the homilies of the religious right in an attempt to identify the continuing efficacy of the American polity with adherence to fundamental Christian values. But it has also been asked more frequently in recent years within the rapidly growing academic context of the Religion and Politics Section of the American Political Science Association. This paper will not attempt a definitive answer to this continually contested question. In light of the growing body of literature directed towards its resolution, however, the present inquiry will present an analytical process that suggests a plausible solution.

The contents and findings of this paper may be summarized as follows. The question of the influence of the Bible on the Constitution is relevant and important. If the Constitution is found to contain concepts similar to those in the Bible, and if those concepts were probably derived from a knowledge of the Bible on the part of the authors of the Constitution, then it is reasonable to conclude that the Bible influenced the Constitution. The specific manner in which the Constitution may have been influenced, however, remains a matter of interpretation. Resolving difficulties of interpretation may best be achieved through a comparative analysis of the three central political concepts of the Bible: "covenant, "kingdom" and "culture." The Bible provides several forms or definitions of each of these three concepts. The purpose of this paper is to show that a preliminary application of this construct suggests that "Biblical" definitions of "covenant," "kingdom," and "culture" are not directly expressed in the Constitution. Does the Constitution, then, significantly ***contain*** these Biblical values? No. Does the Constitution provide for free expression, in society, of Biblical values? Yes.

It is important to note that this paper represents only an outline of the application of the analytical construct (covenant, kingdom and culture) to the problem at hand (the influence of the Bible upon the Constitution). Each of the major points requires further documentation not possible in this format. This presentation does summarize, however, the content and direction of the author's current research.

Relevance

The issue of the influence of the Bible upon the writing and content of the Constitution, as previously mentioned, is most frequently posed by the leaders of the religious right, who contend that the continued vitality of the United States depends upon its willingness to adhere to the commands of God; to be, in some sense at least, a "Christian" nation. The Christian Right has not been alone in raising this issue, however. In a presentation to the American Historical Association in 1954, H. Richard Niebuhr asked: "To what extent did religion and

specifically Christian convictions influence the development of American democracy; and, to what extent can that democracy be maintained here, or be reproduced elsewhere, without the aid of such convictions?" (Niebuhr 1954, 126). The continued vitality of American democracy is of concern, of course, not only to theologians such as Niebuhr, but to political scientists as well. In *American Political Theology: Historical Perspective and Theoretical Analysis*, Charles Dunn writes:

> In origin, was America a secular state as liberals contend or a Christian nation as conservatives argue? . . . Regardless of the position taken, the issue is exceedingly important. If America is a Christian nation as conservatives argue, then we have removed ourselves far from the theological and religious precedents of the Founding, and in the process, we have created a government decidedly contrary to the Founders' intentions. If, on the other hand, America is a secular state as liberals contend, perhaps undue deference has been given to religious issues and too much protection to religious causes (Dunn 1984, 11).

Dunn has raised an interesting question. As a continuing matter of public policy, should we adhere more to the Founders' religious values, or should we give the concerns of religious causes less attention? The question "Is America a Christian Nation?" is different, however, from the question "What was the influence of the Bible upon the writing and content of the Constitution?" The former question will be set aside in this discussion, in favor of the latter, which is important in itself for three primary reasons.

First, the question of the influence of the Bible on the Constitution is important to understanding the political phenomenon known as the "Christian Right" or the American "Religious Right." If Biblical principles motivate a political movement, then it is necessary to know something about those principles. Secondly, a thorough understanding of the Constitution is possible only through understanding the values and principles it expresses, regardless of the source. Determining the extent to which Biblical traditions, values or ideas are expressed in the Constitution is helpful in understanding the Constitution itself. As Reichley says in *Religion in American Public Life*:

> The political values on which the Republic was based are embodied in the Constitution, composed in 1787, and its subsequent Bill of Rights, enacted in 1791. This charter has provided a legal framework for relations between church and state, which, though altered by interpretation, remains in force to the present day. To understand what the Founders had in mind, it is necessary to examine in some detail the values and beliefs upon which they drew when they formulated the fundamental law. (Reichley 1985, 53).

Finally, in answering the question "What was the influence of the Bible upon the writing and content of the Constitution of the United States?" it is possible to more clearly define and compare contemporary political values and practices. To inquire what values are expressed by the Constitution does not necessarily imply that any particular set of values should be adopted today. It provides, however, a helpful reference point from which to examine our own

ideas, and to ask "From where have we, as a nation, come?" and "Where are we going?"

Analytical Construct

In asking what influence the Bible has had on the Constitution, one must first define, for analytical purposes the "Constitution." The Constitution of the United States of America is a social contract which defines the structure and powers of government and the values of the political culture that the government is established to enhance, defend and preserve. In this definition, "social contract" is conceived broadly to include arrangements, formed by consent of the effected parties, that set rules for social order. The three essential defining subjects of the Constitution are social contract, government structure and process, and political culture. In order to examine the influence of the Bible on the Constitution, therefore, it is necessary to examine the expressions of these three phenomena as they appear in the Bible. In the Bible, these terms occur, in a loose or general sense, as "covenant" (social contract), "kingdom" (government), and ethnos, translated most broadly as "culture" (for purposes of political science: "political culture").

In other words, if one is to examine the influence of the Bible on the Constitution, one will most profitably (1) examine the Bible's expressions of covenant, kingdom and culture, and then (2) compare the findings with the Constitution's expression of social contract, government and political culture.

This implies that other criteria for determining the influence of the Bible are less important. Probably the most common alternate criterion is the general pattern of religious beliefs of the Founding Fathers, *per se.* The argument is that the Constitution will necessarily reflect the overall pattern of religious beliefs of those who wrote it: if the Constitution was written by Christians, it is a Christian document. The weakness of this approach is the difficulty inherent in classifying personal belief-statements. Analysis of these belief patterns is subject to exceptionally wide interpretation. "Christian" may mean many different combinations of beliefs. John Eidsmoe, for example, dedicates his study *Christianity and the Constitution: The Faith of Our Founding Fathers* to demonstrating that the Founding Fathers were predominantly Christian. His detailed account of the expressed beliefs of thirteen colonial leaders leads him to conclude that eight of them were at least reasonably strongly committed Christians, three more were "probably" Christians, and two (Jefferson and Franklin) were probably not Christians (Eidsmoe 1987). Mark Noll, however, in *Religion and American Politics from the Colonial Period to the 1980's*, confirming the work of other researchers, comes to a different conclusion:

> The Federal Constitution was, in short, the eighteenth-century equivalent of a secular humanist text. The delegates were not a very orthodox group of men in any doctrinal sense. The only born-again Christian among them was probably Richard Basset of Delaware, a Methodist who generously supported the labors of Francis Asbury and other missionaries but who said nothing at the convention . . . Quite possible not a single delegate accepted Calvinist orthodoxy on original sin--that man is irretrievably corrupted and damned unless redeemed from outside (Noll 1990, 31).

Both writers make the same mistake: declaring the Founders to be either "Christian" or "Secular Humanists," and then labeling the Constitution a "Christian or a "Secular Humanist" document. This assumes that particular political actions taken by the Founders will have particular ideological results. Other values (not necessarily Christian), however, may also affect their actions. There is substantial evidence (Noll, 1990), that whether they were Christians or not, the Founding Fathers held two superior (with respect to the Constitution) values: political pragmatism and religious pluralism. Political pragmatism in this case means that their first purpose was to find a political compromise that would hold the confederation of colonies firmly together. This paper accepts Noll's evidence and conclusion concerning the "one-and only one-basic objective" of the framers of the Constitution, "determining their work in and after the Constitutional Convention . . . to frame a government that was adequate to make the infant nation of recently liberated states viable" (Noll 1990, 81).

Religious pluralism meant that those who were strongly religious as well as those who were not both believed, if for different reasons, in the absolute necessity of freedom of religion, and *national* governmental noninterference in religious practice. Those at the Convention who held strong religious convictions were convinced that religious faith could only be imparted to a population free to accept or reject it. Those less religiously disposed were even more convinced that the errors of religious thought could only be combated through free discussion. In practical terms, then, there was no controversy between the two groups on this point. It must be remembered, however, that the religious-ideological spectrum at the Convention was not as wide as it is in America today. Reichley confirms these conclusions:

> Two broad generalizations emerge on the principal founders' beliefs about religion. All were convinced of the need for religion as an underpinning for republican government . . . Though convinced of the need, both spiritual and political, for religion, most of the founders had at the same time concluded that government, at least at the national level, should be kept largely secular. (Reichley 1985, 105-106).

Reichley contends that this separation of church and state was derived directly from an awareness of the fundamental contemporary political reality of religious pluralism. Further, both Reichley and Noll confirm the argument that the evidence for the expression in the Constitution of both of these values--pragmatism and pluralism-- is clear and direct, whereas the evidence for other either "Christian" or "Secular Humanist" beliefs is implied or more difficult to establish.

Having shown the weakness of the major alternative approach to the question of the influence of the Bible upon the Constitution, this paper now turns directly to its purpose: to examine the concepts of covenant, kingdom, and culture in the Bible, and to seek evidence for them in the Constitution.

Covenant

The Bible contains numerous covenants. A review of their circumstances and content makes it possible to discern among them two distinct and separate types. The first may be called the *old* covenant, the series of agreements made by God with Abraham, Noah, David, Moses and others, addressed to the *temporal* political and social practices of the *community* of Israel. The second may be referred to as the *new* covenant, predicted (in the Christian tradition) by the eight century Hebrew prophets, announced by Christ's apostles, and addressed to the *spiritual* relationship with God of *individuals* within the community of believers.

The Old Testament (Community) Covenant

In *Federal Models of (Civil) Authority* (1991) Daniel Elazar provides a viable definition for the political science discussion of Biblical covenant:

> A covenant is a morally-informed agreement or pact based upon voluntary consent, established by mutual oaths or promises and witnessed by the relevant higher authority, between peoples or parties having independent, though not necessarily equal status, that provided for joint action or obligation to achieve defined ends (limited or comprehensive) under conditions of mutual respect which protect the individual integrities of all the parties to it (Elazar 1991, 242).

In an earlier article, Elazar demonstrated that the covenant is the central idea of the Jewish political tradition (Elazar 1983). It is political, but goes beyond politics in its moral and theological implications. It is a legally binding arrangement which "creates a partnership based upon a firm, legally defined relationship delineating the authority, power and integrity of all the partners . . ." Contrary to contemporary legal practice, however, in which a contract binds the parties exclusively to matters specified in the contract, a covenant requires the signatories "to go beyond the legal definition to fully realize the relationship" (Elazar 1983, 22). Elazar continues by stating that in its full theological meaning, "a covenant community is a community of souls . . ." He provides the example of the covenant between David and Jonathan as expressed in I Samuel 18 in which they "made a covenant in their love for each other (which was) like the love of each for his own soul." (Elazar 1983, 22).

Much biblical scholarship has been devoted to demonstrating how the Biblical covenants were modeled after ancient Middle Eastern suzerainty treaties. The language, the ceremony and the implications of the two agreements are largely the same. Interpreting the meaning of the suzerainty treaty is made difficult, however, by the complexities of the treaties themselves (Hillers 1969). Scholarship is also divided upon the timing and manner in which the concept of covenant entered the canon. Julius Wellhausen's famous *Prolegomena zur Geschichte Israels* concluded that "covenant was a late development and came about as a result of the preaching of the great prophets (Nicholson 1986, 3)."

Elazar's study, however, points out the critical difference between the suzerainty treaty and the content and meaning of covenant in the Old Testament. Even though the Hebrew covenant resembles the ancient treaties, it "is utterly

transformed and infused with a new character . . ." Elazar describes the character of the transformation:

> In essence, the Israelites took the idea and techniques of covenant making from their neighbors but turned them on their head. Mesopotamian and West Semitic covenants were designed to limit previously independent entities by making them vassals, regulating their external behavior, but leaving their internal life alone. Israelite covenants function as liberating devices that call into existence new entities. God, by entering into a covenant with humans, accepts a limitation on the exercise of His omnipotence, thus endowing mankind with freedom, but its price is the acceptance of internal reform as well as external obligations. The covenant becomes the framework for mutual obligation and the basis of a new law and politics internally and externally (Elazar 1983, 23).

Gordon Freeman, in *The Rabbinic Understanding of the Covenant*, points out that one of the most important implications of this interpretation of the covenant is that it "emphasized the reciprocity of the relationship between the ruler and the ruled" (Freeman 1983, 59). For Freeman, the arrangement describes an organic communal unity, the substance of which is mutual respect and freedom.

Covenant is therefore the model for the Old Testament polity. Elazar notes that
"the Bible necessarily holds that the covenantal relationship is also the only proper basis for political organization . . ." (Elazar 1983, 24). He goes on to state, however, that a covenant doe not necessarily require one particular political regime. Elazar's view is that Jewish covenant polity is essentially republican, but may be aristocratic as much or more than democratic in its historical expression. But this view of covenant is a result of the fact that Elazar approaches covenant from an Old Testament perspective. The Old Testament covenant is temporal: it describes the acceptable bounds of earthly human social and political activity. It speaks to a community rather than to individuals. A second general form of Biblical covenant, found in the New Testament, has its roots in the Old. It is a spiritual covenant which, having strong implications for community, is addressed directly to individuals.

The New Testament (Individual) Covenant

The New Testament covenant is, in the Christian tradition, predicted by the eighth century prophets. Jeremiah proclaims:

> Behold, the days are coming, says the Lord, when I will make a new covenant with the house of Israel and the House of Judah, not like the covenant which I made with their fathers when I took them by the hand to bring them out of the land of Egypt, my covenant which they broke, though I was their husband, says the Lord. But this is the covenant which I will make with the House of Israel after these days, says the Lord: I will put My law within them, and I will write it upon their hearts; and I will be their God, and they shall be My people. And no longer shall each man teach his neighbor and teach his brother, saying, Know the Lord, for they

> shall know Me, from the least of them to the greatest, says the Lord; for I will forgive their iniquity, and I will remember their sin no more (Jeremiah 31: 31-34).

Abraham Heschel, in *The Prophets: An Introduction,* concludes that "the climax of Jeremiah's prophecy is the promise of a covenant which will mean not only complete forgiveness of sin (33:8;50:20), but also a complete transformation of Israel" (Heschel 1962, 129-130). Whereas the old covenant establishes a *differentiated relationship consisting of a promise* contingent upon specified social behavior of the people, the new covenant promises a relationship established by forgiveness of the people's inability to sustain the expected behavior. "What the prophets proclaim is God's innate relatedness to man" (Heschel 1962, 219). The promise of a new covenant is repeated in II Isaiah 59:21: ". . . this is My covenant with them, says the Lord: My spirit which is upon you, and My words which I have put in our mouth, shall not depart out of your mouth . . . says the Lord, from this time forth and for evermore."

Elazar clearly describes the transformation of the old covenant into the new: "Christianity reinterpreted the old biblical covenant that established the Jewish people as a polity into a covenant of grace between God and individual humans granted or mediated by Jesus" (Elazar 1991, 246). The old covenant binds the community of Israel to communal political and social arrangements that reflect the will of God. The new covenant establishes a direct spiritual relationship between each person and God. Whereas the old covenant is primarily political and communitarian, the new covenant is essentially spiritual and individualistic.

The Constitution as Covenant

To what extent does the Constitution reflect, first, the *old* covenant? For the purpose of answering this question, the old covenant may be viewed according to three primary aspects . The old covenant may be viewed as (1) an agreement between the people of Israel and God, (2) an expression of a human inclination to bind into "federal" communities in which mutual trust and respect may grow, and/or (3) as a divine format for human polity.

If viewed as an agreement between man and God, the Constitution is not a covenant. The Constitution does not mention God or divine purpose. The Constitution of the United States is an agreement among men (in practice, free male property holders). In this sense it is a thoroughly secular document. The Mayflower Compact, by clear contrast, was written for the express purpose of furthering the Kingdom of God on earth. Divine approval was its source of authority. The basis of authority of the Constitution, however, is nothing other than the consent of the ratifying states.

H. Richard Niebuhr and Daniel Elazar are among those who view the Constitution as a covenant in the second sense: an expression of a human inclination to bind into "federal" communities in which mutual trust and respect may grow. In this view, the Jewish tradition imparts to the world the legacy of covenant-thinking which carried itself all the way to the Constitution. Niebuhr declares that first of all "One of the great common patterns that guided men in the period when American democracy was formed ... was the pattern of the covenant or

of federal society" (Niebuhr 1954, 129). Niebuhr sees the Constitution as more than merely a social contract in the formal sense:

> Covenant meant that political society was neither purely natural nor merely contractual, based upon common interest. Covenant was the building together in one body politic of persons who assumed through unlimited promise responsibility to and for each other and for the common laws, under God (Niebuhr 1954, 133).

Elazar takes Niebuhr's analysis a step farther. For Elazar, a covenant may be defined broadly as one of the three major modes by which governments are established. "Since its beginnings, political science has identified three basic ways in which polities come into existence: conquest (force), organic development (accident), and covenant (choice)" (Elazar 1991, 232). "Covenantal politics are directed simultaneously toward linking men and communities as partners in common tasks and allowing them space in which to be free" (Elazar 1983, 25). The important element in this view of covenant is a desire to form a community with a common purpose, based upon mutual trust. This model is organic and communitarian. Elazar sees a spirit of covenant leading the Founding Fathers, and concludes that "The Constitutions of the United States in the founding era were perhaps the greatest products of the American covenant tradition" (Elazar 1980, 14).

It is at this point, however, that finding the Constitution to be a descendent of the old covenant encounters an important difficulty. The Preamble states the Constitution's purposes, which include the general welfare of the people. But this is not quite "covenant language" in the sense intended by Niebuhr and Elazar. A further question, then must be raised: "Is covenant implied in the language of the Preamble?" Perhaps. Perhaps not. The language itself is unclear as to whether its authors assumed that a covenantal relationship was necessary, or whether the Constitution was merely a legally binding limited social contract which implied far less mutual commitment. The conclusion that the Constitution is a covenant is therefore not demonstrated by explicit Biblical language, and rests upon demonstrating that the intent of the Founders was to implement the organic, communitarian model. Furthermore, there is certainly a viable alternative model to "Constitution as covenant": "Covenant as limited social contract." The Constitution my more accurately be described as a limited social contract which assumes a plurality of competing factions. This perspective, expressed most fully in Federalist 10, views as the essential drive of the Constitution not the "positive" motion towards communal unity, but instead the more "negative" desire to deter the violence of faction. It assumes conflict. It sees a plurality of cultures and expects the vitality of the nation to be maintained if there is as little opportunity as possible for a minority or a majority to oppress the whole. The social contract, therefore, is a document demanding minimal obligation, in the contemporary sense of contract. It binds the parties only to the limited expressed terms of the contract, and nothing more. Elazar himself explains the difference between covenant and contract:

> The idea of covenant is ambiguously related to the terms compact and contract . . . Both covenants and compacts differ from contracts . . . as

> expressions of private law, contracts tend to be interpreted as narrowly as possible so as to limit the obligation of the contracting parties to what is explicitly mandated by the contract itself . . . A covenant differs from a compact in that its morally binding dimension takes precedence over its legal dimension (Elazar 1991, 250-251).

Niebuhr makes the same point, and ironically describes the trap into which both he and Elazar may have fallen:

> On the other hand the covenant idea was confused with the idea of contract from which it had in part derived. But contract meant something rather different from covenant. ...Contract always implies limited, covenant unlimited commitment; contract is entered into for the sake of mutual advantages; covenant implies the presence of a cause to which all advantages may need to be sacrificed. The tendency of the covenant idea to degenerate into the limited contract idea is evident in all the later religious and social history (Niebuhr 1954, 134).

The question of the moment, then, is this: is the Constitution, in the terms described above, a covenant, or a contract? The answer may seem complicated, but is deceptively simple. The Constitution is neither necessarily a morally binding covenant nor a strictly limited contract in these terms. It is an agreement which may be interpreted as either. In fact, many arguments between North and South, strict constructionists and judicial activists, conservatives and liberals are the result of this fact. The Constitution's most conspicuous feature is that it is clearly open to interpretation. It demands no more than contract but provides a stable foundation on which a covenant community may be built. Those who wish to see it as a morally binding covenant are free, pointing to the *spirit of the law* in the tradition of John Marshall or Earl Warren, to press for a society which expresses the Constitution's undeniable covenant potential. Those who wish to see the Constitution as limited contract may cite Federalist 10, point to the *letter of the law*, and claim freedom from the communal bond to march to the beat of a different drummer.

Kingdom

Forms of Kingdom

The second question raised by the analytical construct is "What form of polity is to be found in the Bible?" Polity, in biblical terms, is found in a number of forms that, for the purposes of this paper, are placed together, under a Biblically-friendly umbrella called "kingdom." Kingdom is found in two basic forms in the Old Testament and in two other forms in the New Testament. This section will define the four Biblical forms of kingdom and compare each to the polity created by the Constitution in order to determine the similarity of the two documents on the subject of governance.

Old Testament political regimes may be readily divided into two types according to the extent of authority represented by community leaders. The first type is herein called theocracy. In this kind of regime God rules the people

directly. Leaders, whether prophets or judges, resolve disputes or deliver divine commands, but rule is directly from God to the people. The second type is called monarchy because a king intervenes between God and the people. Biblical monarchy began when Saul was called upon through Samuel. Samuel responded when the people, rejecting God, demanded a king. The king represents divine political authority in a more consolidated and potent form.

New Testament regimes may be differentiated into (1) existing temporal powers (exousia), such as the Sanhedrin and the Roman Empire, and (2) the alternative to politics, the primary mission of Jesus, the Kingdom of God.

Theocracy

Theocracy was rule by God. Patriarchs, prophets and judges held discretion in certain limited community decisions; not under divine grant of political authority, but as spiritual leaders. Their political leadership was only as effective as the perceived validity of the divine revelation they proclaimed. Their rule was marked by prayer rather than organization, by humility rather than rhetoric, by proclamation rather than by force. Abraham, Moses and Samuel lived in tension with politics rather than being fulfilled by it.

The Constitution in no significant respect ***necessarily*** creates a theocracy. While it may be said that the population hoped for divine guidance in political decisions, that guidance is not provided for anywhere in the body of the document. There is no position of chief priest. There are no days set aside for national prayer or fasting. On the other hand, if theocracy involves consists of a situation in which there is no authoritative intervention between God and the people, then *to the extent* that the people rule and are led in turn by God, the Constitution as an instrument of democracy creates the ultimate opportunity for theocracy. In terms of contemporary politics, then, the question "Does the Constitution create a theocracy?" is irrelevant. The question "Should American democracy, under the Constitution, become a theocracy?", however, is salient at least for the religious right.

Monarchy

> But the thing displeased Samuel when they said, "give us a king to judge us." So Samuel prayed to the Lord. And the Lord said to Samuel, "Heed the voice of the people in all that they say to you: for they have not rejected you, but they have rejected Me, that I should not reign over them." (I Samuel 8:6-7).

If theocracy is direct rule of the people by God, then monarchy is a rejection of theocracy. Elazar makes the case that the shift from judges to kings was purely practical politics. He concludes that the end of rule by the judges "was a result of external forces rather than weakness *per se*. "A non-centralized polity based upon a loose federation of tribes could not stand up to the assaults of the Philistines" (Elazar 1983, 28). But if the creation of monarchy was politically motivated, its theological implications are profound. The victories of Joshua had not required a king. The active participation of God was more than adequate to secure them. The walls of Jericho fell. Hailstorms consumed the enemy at the

critical moment. Vastly superior numbers were defeated time and time again. Why would anyone want a king when this type of support was available? It appears most likely that Israel's demand for a king demonstrated a profound lack of faith, and a certain and direct rejection of the rule of God. This was neither, of course, the first nor the last time that Israel would reject God. Hillers notes that "Once there was a king in Israel, there was no promising soil left for growth of the idea of a covenant of the people with Yahweh, family by family" (1969, 73). It is possible to conclude from this that the next covenant, the Davidic covenant, was very different from the theocratic covenant. Hillers suggests further that David needed a "theory of kingship" to support his authority, and that David drew on other Middle Eastern traditions to solidify his rule. Nicholson describes this process:

> The perception of the divine ordering of the world likewise informed the ideology of kingship in the ancient Near East. The king--whether as an incarnation of the creator god or as a 'son'--was the divinely appointed viceregent of the creator deity and as such was seen as the earthly guardian of the order of the things they willed; he was responsible through his actions and functions for the social and political well-being of the state, including the fertility of the land.(Nicholson 1986, 195).

Much more than merely temporal rule, then, may have been transferred from God to King in the minds of David's contemporaries. But perhaps this is what the people had in mind, for David was successful in replacing the order of the judges with the monarchy. He did this by describing his rule as a continuation of the regime of the judges. "David is thus presented as the ideal leader of the theocracy, the consummation of what a "judge" should be, while in the very act of substituting hereditary monarchy for theocracy (Hillers 1969, 111). Elazar even points out that the shift from the rule of the judges to monarchy was so important that a new covenant was necessary. (Elazar 1983). Even if monarchy placed an intermediary between God and the people, however, the legitimacy of the monarchy remained dependent upon God's will.

To what extent, then, is the Old Testament monarchy reflected in the Constitution? Less than the theocracy. The powers of the President and Congress are neither legitimated nor limited by God. Divine descent does not play a part in the selection of government officials. The comparatively unlimited powers of the monarch are not equivalent to the limited and shared prerogatives of the executive and legislative branches of American government.

Exousia

The New Testament is in substantial part the story of the conflict of the "kingdoms of this world" in opposition to the "kingdom of God." In Romans 13 Paul declares the duty of the Christian to obey the exousia, the temporal powers. For his listeners, that meant the Roman territorial governors and the local authorities. Roman jurisdiction may be characterized as authoritarian as opposed to totalitarian. It often left local affairs to the subject people as long as taxes were paid and order was not threatened. Roman regimes varied from imperial to republican. In Israel a council of ruling elders, the Sanhedrin, had placed itself

in succession of the monarchy and ruled within the tolerance of the Roman governor.

It is difficult to find structural parallels between the patriarchal priestly rule of the Sanhedrin and the Constitution. There were in the Hebrew scriptures provisions for limited deliberation and for criminal procedures. The Law prescribed strict requirements for religious life and observance, and it was the first duty of the local religious officials to be guardians of its integrity.

As for Roman rule, the accumulated republican traditions as related by Cicero and others were widely read and studied by the Founding Fathers. In fact, the similarity between Cicero's concept of "mixed government" and the combination of aristocratic and democratic features of the Constitution of the United States is no historical accident. From Machiavelli to Montesquieu, the merits of republican thinking had been discussed and evaluated.

But republican Rome is not discussed in the New Testament, nor are republican principles in general. The Constitution may well have been modeled upon certain Roman republican institutions, but the noble document of 1787 can hardly claim to draw its republican lineage from the Bible. The most that can be said is that the Bible does not discourage republican government, or that its spirit encourages it.

Kingdom of God

> Jesus answered, "My kingdom is not of this world. If my kingdom were of this world, My servants would fight, so that I should be delivered from the Jews; but now My kingdom is not from here. (John 18:36)

At the outset of his ministry Jesus declared his mission was to fulfill the prophecy of Isaiah by announcing the Kingdom of God. The largest part of his teaching was in the form of parables, and the largest part of the content of the parables was allegorical representation of the Kingdom of God. If politics is the struggle to see who gets what, when and how, then the best definition of the Kingdom of God is the absence of politics. The Kingdom of God is not the temporal kingship, the reestablished Davidic kingdom expected by the Zealots. The kingdom of God is a spiritual kingdom, at once present and yet to come. If the true meaning of theocracy is direct rule of the people by God, without an intermediary, then there is a way in which the Kingdom of God reinvents the Old Testament theocracy, placing it on an individual level for each person to see and feel. C.H. Dodd describes the character of the Kingdom of God as revealed in the parables of Jesus:

> First, God is King of His people Israel, and His kingly rule is effective in so far as Israel is obedient to the divine will as revealed in the Torah. ... In this sense 'The Kingdom of God' is a present fact. But in another sense 'The Kingdom of God' is something yet to be revealed....It is itself the eschaton, or 'ultimate,' with which 'eschatology' is concerned . . . it is neither an evolutionary process nor a catastrophic event in the near future, but a present crisis. It is not that the kingdom of God will shortly come, but that it is a present fact; and not a present fact in the sense that it is a tendency towards righteousness always present in the world, but in the

> sense that something has now happened which has never happened before (Dodd 1961, 22-23; 142-143).

If the kingdom is both present and future, it is also highly individual. Thomas Sheehan notes that the Kingdom of God broke down the strict differentiation of God and people that had been established in the Torah.

> This immediate presence of God as loving Father [Abba] is what Jesus meant by the "kingdom." . . . This entirely human orientation of the Father--the loving, incarnate presence of a heretofore distant Sovereign--marked the radical newness of Jesus' message of God's reign. . ... That is, Jesus destroyed the notion of "God-in-himself" and put in its place the experience of "God-with-mankind" (Sheehan 1986, 60).

The essence of the New Testament's Kingdom of God is, therefore, the transcendence of politics through a close individual relationship with God. When questioned about the propriety of paying taxes, Jesus's "render unto Caesar" implied that the things due to Caesar were necessarily of the relatively unimportant temporal realm. Jesus began no political program. His aim was anything but establishing political rule. His teaching had profound political implications, but that is only because it taught that the Kingdom of God meant turning away from the substance of politics: gaining a share of money and power.

In what sense, then, is the Kingdom of God reflected in the Constitution? Directly: not at all. The Constitution is a plan for distributing political power and for a controlled opening of participation in public policy. Indirectly, however, the Constitution allows the individual to transcend politics, to seek first the Kingdom of God, to remain apart from the political process and still retain fundamental rights and privileges. It creates a structure, in fact, in which the Kingdom may be pursued through a wide variety of traditions. To conclude, the Bible presents several forms of and responses to polity. The Constitution copies directly none of them. It does allow, however, for many aspects of them to flourish.

Culture

Biblical Culture

The final question is the extent to which the Constitution expresses the values of Biblical culture. The two cultures from which values might be imported to the Constitution are the communities of Old Testament Israel and New Testament Christianity. The two communities had similarities and differences, which shall be briefly explored in turn.

Both Hebrew and Christian communities existed, as sociologists would describe them, as preindustrial peasant, agricultural, fishing and commercial societies. In religious terms, both were holy and evangelical. Holy, in this case, means separate--set apart to the service of God. Both were evangelical in that their service to God was to be testimony of his person and will to surrounding communities.

Politically, their concern was achieving unity in community rather than expression of individuality. In this sense they share the preoccupation of ancient societies to regain a sense of unity which was lost when their differentiation from God first became conscious through God's revelation to Israel (Nicholson 1986). Only at the end of the middle ages did the primary political question change from "How can unity (in a chaotic community) be established?" to "How can distinct individual expression, within the ordered community, be secured?"

This is not to say, however, that both communities did not raise the inherent value of the individual to a prominence not previously historically evident. In the Old Testament the manner in which the individual orphans and widows were treated was the very symbol of obedience or nonobedience to the will of God. In the New Testament God appeared as a divine being who knows the number of hairs on every individual's head, and who leaves the flock to find the one lost sheep. The dignity and value of the individual was the strongest single political legacy of the Bible.

Another feature of Biblical political culture was a hierarchy of law. God's commandments superseded any temporal political regulation. The Greek and Roman concepts of natural law were immeasurably strengthened by a jealous God who would have no law before his own. The final continuous feature of Biblical political culture to be mentioned here is the necessary divine sanction of leadership. Prophets, priests, kings and apostles alike needed the divine imprimatur to assume rule.

For political culture, then, what were the important differences between the Testaments? The first was a sense of universality. Israelite and classical Athenian culture had both been parochial. The people of God were set apart for a special unity, a special mission, not experienced by rest of the world. The Delian league suffered under a not always benevolent Periclean patrimony. It was the Greek empire under Alexander first, but more importantly the Roman empire which brought a sense of universal citizenship to the political realm. The Old Testament parochiality dissolved in the universality of the New Testament community, led by Paul's commission to preach to the gentiles.

The second difference between the Testaments is the role of temporal politics. The Old Testament's messiah would come to restore the Davidic kingdom. Prosperity and self-rule would return to Israel. Politics, Hebrew style, would flourish. In the New Testament community, however, political wrangling among the apostles was a curse only overcome by revelation from God. The present kingdom of God was one of equality, service, giving up wealth to the poor, and directing civic matters in a prophetic or priestly rather than in a kingly mode. The coming kingdom would end politics in a new heaven and new earth in which the lion would lie down with the lamb.

The Constitution and Biblical Culture

What can be said, therefore, in comparing Biblical culture and the Constitution? The Constitution seems to reflect little of some aspects of Biblical culture. First, it mentions nothing of America as a holy nation, set aside to the service of God. This is not to disregard the fact that many Americans in 1787 may have, as a result of Puritan influence, viewed things this way. Reichley notes, quoting Sydney Ahlstrom, that "The single most influential cultural force at work

in the new nation was the combination of religious beliefs and social attitudes known as Puritanism." This influence was pervasive indeed, if we accept Ahlstrom's estimate that "At the time of the revolution, at least 75 percent of American citizens had grown up in families espousing some form of Puritanism" (Reichley 1985, 53). Mark Noll describes the effect that Puritan thinking had upon some in the new republic:

> In Puritan rhetoric the iron law of God's covenant explained all. This covenant, rather than the science of politics, determined the course of American history and represented the lens through which the nation-state was viewed. Obedience to God's covenant and His prophets was the sole criterion by which America would stand or fall (Noll 1990, 67).

By the middle of the eighteenth century, the idea that "America had a special place, as yet not revealed, in the architecture of God's intent was pervasive in the American colonies" (Wardle 1987, 19). For Puritan thinking, America was God's nation, and the Constitution was God's covenant through which to work out his purposes in history. As Reichley notes, however, Puritanism was not the only kind of thinking current at the time. "If Puritanism was the most important intellectual and cultural force shaping the American mind in the second half of the eighteenth century, the European Enlightenment was unquestionably the second" (Reichley 1985, 85). It was this Enlightenment thinking, rather than the rhetoric of Puritanism that shaped the writing of the Constitution. The Constitution itself reflects much more of the limited social contract and separation of powers concepts of Locke and Montesquieu than it does notions of a holy priesthood or sacred nation. It also rejects selecting political leadership upon a basis of divine annointment.

If the Constitution does not directly reflect Puritan ideas or God's special providence for America, does it reflect other aspects of Biblical political culture? Two Constitutional features are important in this respect. The first are the safeguards which directly imply the value of the dignity of each individual. The second is the provision for constitutional change, and regime change under the Constitution. A part of the Puritan tradition which carried forth into the Constitution was the right of revolution. Kenneth Wald has found that the Puritans interpreted their covenant with God to be superior to the covenants which form governments, in which the king has an obligation to purvey divine justice. The governmental covenant could be broken if it became destructive of divine ends. "The breaking of the covenant not only entitled the people to withdraw authority from a corrupt government, but, as the Declaration also emphasizes, authorized them to form a new system of rule"(Wald 1987 40).

At this point, however, is important to distinguish the Puritan tradition from the Bible. The Bible states directly no right of revolution. Nor are political rights anywhere to be found therein. In the Old Testament obedience to the king, right or wrong, was repeatedly emphasized. Moses, who undertook the chore reluctantly, brought God's charge to the pharaoh, in respect to the pharaoh's authority, three times, demanding, "let my (God's) people go!" Moses did not attempt to become pharoah. David refused to kill Saul when he had the opportunity, waiting instead for God to place him in temporal power.

In the New Testament the clearest statement on the subject of obedience to government, Romans 13, gives little support to the right of revolution. Further, the concept of rights is foreign to the New Testament. Jesus never tells the assembled masses that they have the right to the property of the wealthy, to a fair trial, or to anything else. He never tells the rich that the poor have a right to their possessions. Instead, responding to their questions about the Kingdom of God, Jesus points to the wealth of the rich and to the poor whose needs are not being met, and tells them that if the Kingdom of God is what they seek, they can find it by giving their wealth away. When confronted by Pontius Pilate, Jesus never alludes to rights, although he may properly have done so considering the development of the concept of rights in the Roman tradition. When Paul demands the privileges of Roman citizenship he does so as a matter of expedience, and not in a philosophical defense of civil rights.

The concluding point is that the political safeguards of the Constitution may in part be derived from the culture of the Roman empire, but not from the political culture of the Old or New Testaments, per se.

Conclusion

What was the influence of the Bible upon the writing and content of the Constitution of the United States? Directly, very little. There probably were some among the Founding Fathers who hoped for a community with the unity of spirit implied by Daniel Elazar's broad definition of covenant. If so, they did not directly express those sentiments in the document itself. Covenant may be "read in" or "read out" of the Constitution, according to the perspective of the reader. The Bible directly reflects neither the theocratic nor the monarchical "kingdoms" of the Old Testament. It follows the structures and processes of neither the exousia of the Sanhedrin or imperial Rome, nor the apolitical or antipolitical spirit of the Kingdom of God. The American Constitution much more closely reflects the political culture of fifth century Athens or the Roman Republic than it does holy nation of Israel or the Christian community led by the apostles.

The Constitution does directly provide protection for the individual and for his dignity. Its federal structure, as Daniel Elazar has taken great pains to show, allows a covenant community the opportunity to develop. But ultimately, Elazar teaches us more about the potential of the Constitution than its requirements. The division of power to impede the tyranny of the majority reflected in every article of the Constitution may well be viewed as an alternative model to covenant government. In fact, this model may express a fundamental distrust of the covenant model. The genius of the Constitution is that it *requires* no longing for covenant, no quest for holiness, no anticipation of Christian charity; but it opens a field in which may be grown all these and more.

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HANNAH ARENDT AND THE GERMAN SOCIAL SCIENCE EMIGRES ON AMERICAN LIBERAL DISCOURSE

Joanna Vecchiarelli Scott

Department of Political Science

Eastern Michigan University

Panel: "Politics as Dialogue: Communities of Intellect in America"

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ARENDT AND THE GERMAN SOCIAL SCIENCE EMIGRES ON AMERICAN LIBERAL DISCOURSE

The following is the introduction to a research project studying the impact of German social science emigres on the emergence of Cold War liberalism from the late 1930's through mid-50's. With a research team of graduate and undergraduate students, and working together with political science and linguistics faculty at EMU, I am reconstructing the mentalite of the sizeable German emigre community who wrote for the "little" journals of New York such as Social Research, Partisan Review, Commentary and Dissent, as well as for academic publications in their respective disciplines. A quantitative analysis of key terms in context for 19 emigres is in process (see Appendix) in order to map the terrain of discourse. The core of the study, however, is a two stage qualitative inquiry. The first stage, introduced below, looks into the interrelationships of language, norms and professional vantage points among the various sub-groups of emigres. The second stage will chart similarities and differences between their varied perspectives on the American consensus and that of their American intellectual counterparts in New York. (1)

I. Background

The emigre study has grown out of my research Hannah Arendt and her writings in Germany and America. (2) I have been reviewing the considerable holdings of her correspondence, as well as published and unpublished manuscript texts in the Library of Congress in the past few years for the purpose of publishing a critical edition of Arendt's doctoral dissertation on Saint Augustine. Following this academic bread crumb trail led me to speculate on broader connections between the life of her mind and that of her fellow emigres. It seemed more than coincidental that the first evidences of the strange death of American liberalism and its rebirth as "hard", "liberal anti-Stalinism" coincided with the appearance of the German emigres' writings on the origins of totalitarian ideology in liberal mass democracies.

My intent in developing and testing this hypothesis is to place Hannah Arendt's German phenomenological roots and later American political perspective in their most appropriate cultural setting--the German emigre social scientist community's distinctive perspective in, and on, America. The broader context for the emigre project, however, is the bracketing of "America" as an object of study and of celebration from the 1930's through 50's. The process of discovering liberal America characterized not only the emigres who had been "inserted" as "newcomers" (to borrow Arendt's terminology), but also the community of "New York Intellectuals" in the arts and social sciences. In the mid-1930's the latter had already begun to agonize over apparently irreconcilable, and European-inspired, ideological imperatives such as: "modernism", "radicalism", "social realism", "new criticism", "regionalism", "American liberalism", "realism", and "regionalism". It was in the process of mutually searching for critical vantage

points in this rapidly shifting terrain that the Germans and the New Yorkers came to terms with each other.

Townsend Ludington, the biographer of both the writer John Dos Passos and the artist Marsden Hartley, captures the period's obsession with defining, claiming and proscribing the nature of American life and the appropriate role of cultural elites in its representation.

> ...artists of the United States turned toward their country during the 1930's and 40's...to treat their native culture more specifically then ever they had done before.... Just how much the art was a case of the painter looking inward or outward--by which I mean how much they were governed by native instincts or by the examples of Europe -- is not a matter we can settle. We can agree, however, that there is an American art; that in the 30's and 40's much of it was related to the general issue of what it means to be an American and that the art is closely related to what was occurring in other forms of cultural expression. (1990, 278-79)

The emigres' overall perspective on what it meant to be an American did not remain encapsulated in their own community of discourse after arrival but was affected by, and in turn had an impact on, equivalent discussions on the meaning of the American experience among the New York intellectuals writing for important journals with an elite readership. From the partial but significant overlap of concerns and language emerged a shift in the "consensus" toward a hardening and narrowing of liberalism's parameters in America. Liberal anti-communism replaced the "dough-faced progressives" castigated by Arthur Schlesinger in his classic The Vital Center (1949).

The primary motivating force for this transformation was the looming presence of totalitarianism. Though the term was in common usage by the mid-1930's among German sociologists and economists of the New School it was made an American household word by Hannah Arendt in her instantly classic study, Origins of Totalitarianism (1951, 1958). By contrast Emil Lederer's comparable study , State of the Masses: The Threat of a Classless Society, (1940) was more typical of the genre of mass society critiques favored by the emigres but because of its academic mode of discourse its impact was more limited.

Unlike Arendt, Lederer's main focus was the phenomenon of the "mass" rather than its political expression in totalitarian ideology and state forms. The first chapter discussed "Masses and Classes" and broke the subject down into: Social Groups; The Psychology of Groups; Multitudes; Masses or Crowds; Mass-Action and Leadership; 'Abstract' Masses; The Totalitarian State: The Mass-State. His colleague, Hans Speier who had also written frequently on totalitarianism and the mass state in the 1930's, explains Lederer's central thesis that "the modern dictatorial state, the state of the masses...had no tradition" (Preface, Lederer, 10). So unprecedented was the Nazi State in Lederer's mind that, according to Speier, he believed it required nothing less that the

"revision of all our thinking on society, evolution, revolution and the transformation of the economic system" (10). Speier reminds his American audience that for Lederer revision meant abandoning the Marxist "myth" of a classless society. "Thus as a socialist and a valiant antifascist, the author discovers the social value of classes and differentiation in group life." (11) Totalitarianism as he observed it Europe from American exile was the catalyst for what Lederer's adoption of a "liberal" view of "pluralistic" democracy.

The points of convergence between the Lederer-Speier view and Arendt's in 1951 are as clear as their differences. Arendt, too, would celebrate pluralism, coining her own term -- "plurality". And like them she would view totalitarianism as evidence of a fundamental "break" in European history and the "tradition" of political thought. She and Lederer also agreed, at least initially, to exempt America from the developmental continuum moving inexorably from mass democracy to the totalitarian state. However, Arendt went beyond her colleagues and became a "covergirl" on the cover of Time as a result of her dramatic depiction of "radical evil" in the camps, the destruction of freedom by the relentless logic of ideology and the shared complicity of both Marxism and Fascism in the totalitarian phenomenon. Despite delays in finding a publisher which she finally overcame with the help of Alfred Kazin, Arendt's message had been well timed for maximum impact among the New York intellectuals. An emerging "hard liberal" audience, among whom was Arthur Schlesinger, was delighted.

Adopting a popular mode of discourse, Schlesinger's Cold War attack on left liberals and socialists in The Vital Center was an equally dramatic example of the "exeptionalist" genre of American Cold War polemics which appeared across the cultural spectrum by the end of the 1940's. Invoking Hawthorne and George Norris, La Follette and Eugene Debs against "totalitarian" and, by definition, foreign ideological influences, Schlesinger claimed an authentic American "center", named it liberalism and carefully circumscribed its limits. Radical intellectuals make poor liberals, Schlesinger insisted, but radical democratic politicians make great ones (164). Reformist politicians, whom he termed the new radicals, should model themselves on Andrew Jackson and Franklin Roosevelt and "regard liberalism as a practical program to be put into effect" within the constraints of centrist compromise. (159) The old radicals' dream of culture wars in the name of absolute social justice ignored the danger their ideologies posed to the fundamental and uniquely American values of liberty and constitutional government. Schlesinger warned that the old liberals and radical intellectuals of the 1930's had been duped by "Communism (which has) draped itself ... carefully in the cast-off clothes of a liberalism grown fat and complacent" (163).

An important benchmark of intellectual migration occurred as Schlesinger referenced (without footnotes) the work of a young immigrant from Germany, Hannah Arendt, who had become a new authority on the menace of totalitarianism. (See: 77, 87) The comment, in fact, predates the publication of Origins and must be based on her journal articles of the mid to late 1940's. Having

previously quoted Reinhold Niebuhr who was already the guru of anti-utopian liberalism, he goes on to include the "brilliant" Arendt.

> Fitzhugh's slave plantation was a relatively amiable mid-Victorian beau ideal of Communism. The image of twentieth-century totalitarianism is infinitely more bleak and hopeless; it is, as Hannah Arendt has brilliantly argued, the concentration camp. For the essential dynamism of totalitarianism is toward the unlimited domination and degradation and eventual obliteration of the individual and only in the concentration camp does this process achieve its evil perfection. (87)

Schlesinger castigates "Doughface wailers" who "under the cover of American liberal values have pursued their utopian visions of human historical progress and moral perfectibility rather than focusing on the slow process of pragmatic reform within existing political parties and institutions. Instead of adhering to truly American "realism" and "civic responsibility", they delight in "passing resolutions against Franco, monopoly or sin". (160) Schlesinger's polemic is significant as evidence of Arendt's strategic placement in the American debate on liberalism, but it also shows that her role may have been more instrumental that formative at that early date. Yet his praise set the tone for the way in which the New York intellectuals would think about Arendt, at least until she parted company with many of them in her report on "Eichmann in Jerusalem" (1961 in The New Yorker)

Another important background consideration is the variability in means of ascent within the New York intellectual community Ironically, though she was the only female among the gifted students of the German existenz who reached New York, Arendt may have been among the most entrepreneurial and least supported by a trans-Atlantic network. In 1940, after escaping from a French detention center and arriving in New York with her husband and mother, she began working in Jewish relief agencies and as an editor for Schocken Books. The option of immediately beginning an academic life with its associated protections and obligations was not available to her. The circumstance of being an academic outsider but an insider in the Jewish and general New York publishing world meant that she had to build her own broad network rapidly. Later, friendships with Mary McCarthy, Alfred Kazin and William Jovanovich added to her visibility and reputation. Academic affiliation was the effect and not the cause of her stature in the New York community.

However, her cohorts such as Adorno, Horkheimer, Marcuse, Neumann and Speier, Strauss and Tillich, were brought over earlier with the direct help of American foundations (Rockerfeller, Carneige) and American academic colleagues in New York in order to begin immediate teaching or research assignments. As a result, their works were first published in specialized journals of their disciplines and in Social Research, while Arendt's pieces on the holocaust and European politics began appearing first in Jewish

journals, including the first issue of Commentary, and then in Partisan Review, The Nation then academic political science journals such as The Review of Politics.

Most of the sociologists, economists and political scientists found academic sponsors in America based on their research "fit" in New York universities such as The New School, The Bureau of Applied Social Research at Columbia and at the reconstituted Frankfurt School's Institute For Social Research, also initially at Columbia. (Lazarsfeld, 1968, 270-337; Adorno, 1968, 338-370; Neumann, 1953, 4-26) Arendt wasn't given the option of "fitting" and thus had no choice but to become a "public intellectual". It is doubly ironic that although she thought of herself as an outsider and adopted a mode of discourse unlike that of American academic audiences, Origins of Totalitarianism was immediately compelling to a broad spectrum of informed Americans who were transfixed by her oddly passionate yet detached analyses of the "crisis" of modernity. Even after her celebrity status was achieved, however, Arendt maintained a deliberate critical distance from institutional constraints until she accepted formal affiliation with The New School late in her career.

There is a poignant parallel between Arendt's self-image and that of another major female cultural icon of her generation, Georgia O'Keefe. Wanda Corn, O'Keefe's biographer, reports that she was vehemently opposed to discussing the question of influences and dependencies --including feminist affiliation. (National Endowment for the Humanities lecture, UNC, Chapel Hill, July 27, 1993). O'Keefe, like Arendt, had made her way in a man's profession and in the male-dominated cultural world of New York. She would give no other person or group credit for that, including her husband. Appropriately, Arendt's term for herself was "feminini generis", that is, a self-made woman.

The emigre project is similar in general approach to current work being undertaken in art history and literary criticism. Notable recent examples are Erika Doss' Benton Pollock and the Politics of Modernism: From Regionalism to Abstract Expressionism (Univ. of Chicago, 1991) and Lawrence H. Schwartz's Creating Faulkner's Reputation: The Politics of Modern Literary Criticism (Univ. of Tennessee, 1988). These works contextualize the career paths of major cultural figures noting the ideological implications of terms such as "modernism" when interpreted by varied critical and popular audiences. Schwartz makes it clear in his introduction that the primary reason for the New York critics' re-discovery of Faulkner after World War II was " ...the Cold War confrontation between capitalism and communism" which had its cultural counterpart in a "new literary consensus" focused on "anti-Communism" and "repudiation of the socially conscious literary traditions of naturalism/realism". Faulkner was no longer seen as a reactionary Southern litterateur but instead as a classic American individualist, both in his view of the South and in his aesthetic sense.

Prior to the war Faulkner was deemed "hard to read, often macabre and too involved with style" by critics such as Malcolm Cowley. After the War he was re-baptized as "a literary genius and a serious moralist" by the same critics. (Schwartz, 3) The easier

strategy of connecting Faulkner's regional voice to "democracy" wouldn't do, Schwartz argues, because democracy had been the rallying cry of the radical writers in the 1930's and, as a result, was appeared tainted by a decade of communist flirtation. "It had to be done through an elitist aesthetic...that claimed important literature was remote, complex, iconoclastic, inaccessible and required interpretation." (5) Most importantly, a modernist stance "universalized" the capitalist value of "freedom of the individual" and thus, by association, an American "hegemony" in the Post-War world order. (3, 4) It also, not accidentally, guaranteed the ascendancy of the New York critical community whose imprimatur "made" culture.

Schwartz is looking for a vantage point beyond literary criticism from which to evaluate Cold War cultural change and its impact on the literary canon. Doss' work has the same intent but tackles a more ambitious sample of cases. Choosing Benton and his student Pollock is a strategy which provides her with a richly ironic canvas. Pollock's modernism is generally acknowledged to have emerged from the brow of Benton's ideological regionalism in a classic instance of generational shift. Nevertheless, Doss argues, "Pollock attempted to sustain certain aspects of Benton's aesthetic and political strategies" which were in the New Deal democratic reform tradition. They were both bound to "an art of social contract" (1991, 1). However, as with Faulkner's pre-War identification, regionalism in art was out of favor by the 1940's, especially because some of its more outspoken advocates, such as Grant Wood and the Southern literary authors of I'll Take My Stand (1934), began to sound alarmingly fascistic in their Volkish celebration of agricultural life corresponding denunciation of the teeming, immigrant cities of the East. As a result, neither Benton's nor Pollock's skepticism about American corporate culture made it through the new critical net which filtered cultural taste in the Cold War. She observes that,

> Perhaps the most important influence affecting the art of both Benton and Pollock was politics, not as party tactics or organization, but as a set of cultural beliefs. That Benton was definitively linked with the New Deal had an enormous impact on the positive reception of his work in the 1930's and was in large part responsible for the dismissal of regionalism in the 1940's. That Pollock attempted to maintain certain aspects of a social reform aesthetic was largely ignored for very particular political and sociocultural reasons, by liberal critics and others who sided with the ideology of consensus and anticommunism after World War II. (4)

Or, as Serge Guilbaut puts it succinctly in another Cold War cultural study which Doss cites (1983, How New York Stole Modernism...) modernism in the arts and literature was a "weapon against totalitarianism" (1983, 4) because it emphasized abstract, conceptualized expression inaccessible to the masses without critical intervention by New York intellectuals. Documentaries, whether photographic or social scientific, which had characterized

the 1930's and early 40's would give pride of cultural place to individualistic outcroppings of elite culture, while fortress America braced itself politically for the Cold War.

Thus, at issue in this study is not only the emigres' political language, translated from German to American and back again, but the interpenetration of their political experiences and academic training with those of the New York intellectuals at a crucial transitional period in the evolution of the liberal tradition in America. The strategic placement of these eminent new Americans gave them the vantage point for multiple points of influence as they moved between overlapping communities in academic social science departments, academic journals, publications of literary and art criticism, and policy-makers writing for and reading print media in New York. They were able to provide a "new" commentary for New York audiences on political culture in America and the collapse of democracy in Europe from the vantage point of their own personal experience and academic expertise.

The problem of defining a German voice and mutual influences among the various intellectual communities in New York is a point of contention not only in focused studies such as those of Doss and Schwartz, but also among general inquiries into the phenomenon of the New York intellectuals and their influence. For example, Dennis H. Wrong takes a very dim view of Alexander Bloom's Prodigal Sons: The New York Intellectuals and Their World (1987) for its 1960's vintage leftist analysis. He says Bloom was correct that anti-Stalinism "was the fundamental bond uniting all New York intellectuals", but incorrect to explain that bond negatively as a "desire to cleanse liberalism, fear of the Right, and guilt over past radicalism." Instead, it was "a principled outlook adopted in response to historical events and conditions". This contretemps is typical of current retrospective critiques and probably greatly overstated by Wrong. He does, however, correctly note an important sin of omission in Bloom's study due more to cultural perspective rather than ideology. Unfortunately, the German and other emigres are only briefly referenced as significant but not central to Bloom's narrativre because of their alien cultural and educational origins. In this case Wrong is right. Bloom's assertion does run "contrary to the belief of just about everyone else." Even though the emigres were not American, "it was (the Americans') association with major European writers and thinkers that helped elevate the New York intellectuals to the status of an elite." (Wrong, 1987, 106-07)

For the quantitative segment of the emigre study a linguistics analysis approach is currently being pre-tested. Nineteen emigres so far have been selected as a sample, (see Appendix) with all journal articles produced from point of entry until 1968 surveyed. New York-based periodicals are the main focus of the current wave of study because of the relative rapidity with which they are published, and hence the currency of political references and modes of discourse. However, essays books and secondary source references for the emigres will be reviewed to assist in constructing the contextual mosaic.

Crucial contextual variables for our purposes are: temporal sequencing of publications, type of publication, academic degree

and mentoring, religious and political affiliation. We are pre-testing a random sample of 84 articles for key terms, context and measures of "affect", to see if a reliable mosaic of the emigres and their world can be constructed. After further adjustments to the key-term and concept list, all articles will be scanned onto disk and a discourse analysis program utilized to provide a complete mapping of patterns of word usage related to particular political and academic contexts in selected time frames, before, during and after the paradigm Cold War years of 1947-54.

The rather "crunching" aspects of linguistic analysis are intended to provide a road map indicating points of interest along the way which merit a further in-depth qualitative visit. Simple patterns of usage and meaning are of little value, even when placed in linguistic context, unless the researcher brings to the project a familiarity with the broader cultural setting of political discourse and adjusts evaluative paradigms accordingly. For example, frequencies for the term "totalitarianism" do not clearly demonstrate much more than the evident footprint of the German emigres. Patterns of influence can only be established from sources other than the texts themselves.

Another important consideration is that the emigres themselves in <u>most</u> cases transferred sub-group affiliations to America. So that the university of their doctoral degree, the professors who mentored them, their collegial groups and correspondents, as well as religious and political affiliations, were all at least partially causative in their interrelationships in America. The Husserl-Heidegger-Jaspers-Bultmann students naturally clustered together as did those who had been, and continued to be, affiliated with the Institute For Social Research based in Frankfurt. However, these groups also overlapped somewhat and common academic background did not preclude substantial differences in political and methodological preferences.

Even so, Lederer's study crosses a number of these boundaries and is therefore useful as a typical example of the main points of consensus and differences among the emigres at least with respect to the meaning of totalitarianism. Arendt and some of the Heideggerian group were more comfortable with the term's drastic application as a blunt instrument with which to condemn Marxist socialism through guilt by association. This usage directly intersected the agenda of American intellectuals in the arts and sciences struggling to achieve a specifically American and therefore pragmatic "realism", rather than one linked to European ideologies. But among the other emigres in New York, and particularly New School, Frankfurt School and Bureau of Applied Social Research faculty, the term retained its original more complex, and less directly polemical usage as a "social" phenomenon. Many of them had been, and would implicitly remain, European Social Democrats and continued to view totalitarianism as primarily a function of cultural, economic and social stresses in Germany and Italy which had fundamentally destabilized liberal democracy.

Judging by frequency of usage, Horkheimer, Lederer, Kirhheimer and Speier preferred a term with more general analytic reach --"mass democracy". It formed a bridge from their critique

of modern political phenomena in Weimar Germany to an assessment of the cultural distance between New York intellectuals and "main street". In Adorno's radio music study for Lazarsfeld's Princeton Project, in subsequent studies of anti-semitism, as well as in the other emigres' studies of mass society, they argued that specifically American mass culture, especially when viewed from both Los Angeles and New York, demonstrated the leveling, conformist and parvenu tendencies its European counterpart -- but not necessarily its fascist institutional structures and ideology.

Looking back four years after returning to Germany, Horkheimer and Adorno's 1954 lectures on "Frankfurt contributions to Sociology" make explicit a theme from the 1930's linking mass democracy and conformist, aspects of American society. The subject of their commentary is the Lynds' study of "Middletown" which had been an American empirical verification of a phenomenological analysis already well advanced among the Germans in the 30's. Thus Horkheimer and Adorno warned that,

> Those towns of the American Middle West ... are frighteningly similar." Sociological analysis demonstrates psychic as well as behavioral patterns of "conformity, standardization, and desolation." (1956, 152)

Even Arendt had public second thoughts in a 1974 lament over the Executive Branch's corruption of the Founders' intent (1974, NYRB, "Home To Roost"). She speculated that the gap between America's past and its future might be determined by a home-grown bureaucratic statism and social conformity demonstrated by Watergate and the War in Vietnam.

II. Mind and Migration: The Frankfurt School

Despite the diversity of their disciplinary training and research interests, the emigres' articles and retrospectives converge thematically around the question of vantage point in the social sciences under conditions of cultural migration. At one level there is a repeated concern with the question of research design and the position of the observer with respect to the political values of the social group or national culture in question. At another deeper level the fact of emigration itself poses the question of whether the researcher can function effectively outside of the original cultural context. The emigres in New York, as well as members of the Frankfurt School group who continued on to Los Angeles, were acutely aware that their newcomer status presented an opportunity for critical distancing and a useful comparative perspective, on the one hand, and the possibly insurmountable challenge of gaining acceptance in America for their "conceptual" approaches to the social sciences, on the other. Accommodation to the new American environment presented them with a particularly acute dilemma precisely because they were "social" scientists whose professional lives required detailed knowledge of, if not cooptation by, their new cultural context.

Hans Speier presents a fairly positive view of intellectual migration in his contribution to a 1937 symposium on intellectual

exile sponsored, appropriately, by the New School's Social Research. "I have said much about the negative effects of nationalism upon the modern immigrant intellectual", he wrote, but these "regional" restraints can be overcome by achieving "the light of universal concepts" which can form the basis of communication between emigres and native intellectuals within and across national boundaries.

> From ancient times on we can indeed establish an affinity between an external detachment from local or historical values and a comprehension of the universality of the spirit. Detachment is necessary to recognize any truth; but it s a mental rather than a physical process...Emigration offers a chance to experience more vividly and therefore to rethink more easily the most precious truths. (1937, 327)

Surprisingly even Adorno, whose views on his American sojourn soured in retrospect, (See, 1951: Minima Moralia) would look back in 1968 and recall that,

> ...in America...I was constrained no longer to regard as natural the circumstances that had developed historically in Europe -- "not to take things for granted". My now departed friend Tillich once said that he was first de-provincialized in America; he probably had something similar in mind. In America I was liberated from a certain naive belief in culture and attained the capacity to see culture from the outside. (1968, 367)

In his memoir on the experience of exile, Franz Neumann began by observing that the "fundamental ambiguity of modern political theory is manifested by the ambiguous position of the intellectual" (1953, 9) He goes on to evaluate shifting political currents in Germany and the accommodations made by dissenting intellectuals. From his perspective, "inner emigration" is an unsatisfactory solution in most circumstances and particularly for "political Scholars" who, because they were "dealing with problems of state and society,...were-or should have been -- compelled to deal with the brutal facts of politics." Like the rest of the Frankfurt group in its early writings, Neumann understood the role of "homo politicus" to be that of an engaged scholar fighting "actively for a better, more decent system". But being forced into exile meant displacement from not only family and property, but also from the substance of scholarship and the context for engagement. (Neumann, 1953, 12-13)

His friend, Otto Kirchheimer wrote "an appreciation" for Neumann in Dissent (V4, no. 4,1957) and reminded his American audiences that the transition, though difficult, had been a successful one. At his death Neumann was "hors cadre" among political scientists. According to Kirchheimer, Neumann had always been fundamentally concerned with mass society and totalitarianism, though in recent years in America he shifted focus more to the legal and institutional phenomena rather than socio-economic and

psychological ones. Neumann was "not a mere student of politics. He remained a libertarian and increasingly skeptical socialist."

The challenge of "outside-inside" inherent in migration seemed a particularly demanding one for the German social scientists who did not accept the traditional dichotomy between the observer as scientist and as participant. An outside vantage point facilitated comparative analysis but did not address the need to engage the public policies of the new culture in order to become more effective citizens as well as researchers. Speier spoke of "universal" discourse but just as easily shifted language to defend the linkage of theoretical and applied methods. In his 1979 retrospective on Lederer's work, in fact, Speier adopted a combative tone in order to argue that "contrary to what American academics would have us believe... European social scientists...were more likely than not to be engaged --as social scientists--with projects of immediate policy relevance".(1984, 1) Lederer had been the first Dean of the Graduate Faculty of emigre scholars at the New School, as well as a much published scholar. Speier took particular umbrage at a remark made by Harold D. Lasswell,

> (who) at an early celebration of the University in Exile, in the year 1939, at which Charles Beard and Thomas Mann...gave speeches...startled the listeners with a remark about the quality of intellectual accomplishments in exile. He believed that technical proficiency was diminished by emigration and spoke of the danger of 'skill deterioration". (1984, 17)

German social scientists who achieved prominence in America had already been engaged in the positivism vs. metaphysics dispute in the German academy. Upon arrival they encountered a comparable argument in America between those who identified with empirical and behavioral methodologies in the social sciences and those favoring philosophical or "normative" approaches. At the same time, the aesthetics of modernism was in full sway in the arts. In the decades after World War II these divisions would be institutionalized in professional literature, hiring practices and policy linkages between academe and Washington. What the emigres found upon arrival in the 1930's were early skirmishes in what was to be a major academic war. It seemed clear to them, however, that the war in America had already been won by the "scientism". .

It was the beginning of a cultural shift which Schlesinger's later statement articulated in more dramatic, ideological prose. The American liberal consensus was to be reinforced by incremental reform and political coalition-building rather than threatened by revolutionary paradigms not grounded in "pragmatic" realism. Reconfiguring the American consensus was a policy actively pursued in the arts as well. In the 1940's scientism in the academy found a parallel mode in the critically acclaimed rise of the New York school of abstract expressionism in art and the modernist aesthetic in literature. Organizations such as the Congress for Cultural Freedom and its American counterpart gave public validation to the "American" consensus, as well as providing a

conduit for CIA funds. Individual expression in the production of art, literature and other cultural artifacts, group behavioral studies, and historical studies of America's past, were safer paths to the rediscovery of national unity than controversial depictions of gender, race and class. (See, for example, on the ideology of Federal Arts Projects in the New Deal, Melosh, 1991. Engendering Culture.)

In the 1920's and 30's German context, Fritz Stern's The Failure of Illiberalism, (1955) argues the point that German high culture during the Weimar years was pointedly apolitical and hostile to those pragmatic, technological and democratic values which were denigrated as "American". He cites Thomas Mann, another future emigre, who wrote in Bertrachtungen eines Unpolitischen that,

> ... the difference between spirit and politics subsumes the difference between culture and civilization, between soul and society, freedom and suffrage, art and literature; and culture, soul, freedom art -- that is Germanism; and not civilization, society, suffrage and literature. (Stern, 1955, 21-22)

But it was precisely over the need to have spirit inform politics, at least in the sense of grounding empiricism in a critical research paradigm, that the emigres were most united. Stern does not explore the phenomenon of intellectual emigration from Nazi Germany but prefers instead the imagery of "internal emigration", a "retirement within the self", which he says was the already well-established mode of German intellectuals during the Weimar years. He argues that intellectuals were so alienated by the "Americanization of German culture" (Stern, 25) that they turned their back on its parallel construction of democratic institutions. Stern concludes "a few were incarcerated, some emigrated, some joined the movement, many retired to the unpolitical sphere." (Stern, 24)

But whether Americanization through emigration was voluntary or forced by Jewish heritage, those who left did not exactly fit the passive profile of Stern's hidden intellectuals nor did they display a hostility to American culture in general. Their skepticism about social "scientism" originated in German academic debate. It's designation as American was an effect not a cause of their critical stance. In fact, those who actually migrated to America not only changed territorial and cultural venues but understood that they were simultaneously engaged in an intellectual "sea change" which would reorient their previous professional and personal lives. In New York the emigres encountered their own alien natures reflected in the mirror a closed intellectual community. This distancing effect was compounded by the New Yorkers' own posture of "radical", "elitist" alienation from the "Middletown" of American culture so minutely analyzed and caricatured by the art of the day.

Translated to an academic idiom, the emigre social scientists experienced first-hand the problem of whether their conceptualized "science" of experience -- "critical theory", the "existenz" -- could be authenticated in America. Horkheimer's Institute for

Social Research was already in methodological transition two years before it was moved to New York. The shift, however, was not in the "American" direction. In his 1931 inaugural address as Director in Germany, Horkheimer had announced that he would expand the Institute's agenda to include "social philosophy" (later called "critical theory"). Adorno, Marcuse and Neumann intended their new approach as a dialectical solution to the problem of dualism in the social sciences. Neither "Scientism" nor "Metaphysics" were the appropriate approaches to social research. Instead dialectical theory would "integrate the empirical constituents into structures of experience..." (Critical Theory, 161-62)

In subsequent essays written in America during the'30's and 40's Horkheimer elaborated upon his foundational theme, but to a select audience of academic social scientists in Europe and America. Important essays, such as "The Latest Attack on Metaphysics", and "Traditional and Critical Theory" were available primarily in Zeitschrift fur Sozialforschung in the 30's and later, in English, in Studies in Philosophy and Social Science. Unlike the Social Research group of emigres, or even their own colleagues Kirchheimer, Neumann and Marcuse who easily entered the mainstream of American academic disciplines, Horkheimer and Adorno's audiences were more specialized. Adorno would be first known in America for his work with Karl Lazarsfeld. Later he published another influential collaborative study, The Authoritarian Personality, in 1950 just after he and Horkheimer returned to Germany. (Critical Theory, p. xii; Bottomore, 1984, 1-25; Gross, 1979; Hughes, 1975, 134-188; Hughes, 1983, 11-122)

But even though Horkheimer's 1930's essays were not aimed at general intellectual audiences they are useful in establishing the scope and limits of intellectual migration. Though the theory-practice debate was very much in the air on both sides of the Atlantic, Horkheimer and his colleagues would couch their critique of crude empiricism in the cloaking device of a retrospective inquiry into the origins of totalitarianism -- a generally designated evil. Accordingly, Horkheimer does credit modern positivism in Germany with an early attack on "organicist theories of state and society" and acknowledges its attractiveness in Europe and America for those opposed to fascism.

> ...the younger generation, searching for intellectual weapons against the totalitarian frenzy, attaches itself to the glorious past of this philosophy (empiricism), especially in the universities, where it has established itself as the most thorough-going antimetaphysical school. And yet this philosophy in its present form is as securely bound as metaphysics to the established order. Though its relation to the existence of the authoritarian state may not seem obvious as first, nevertheless it can be discovered easily. Neoromantic metaphysics and radical positivism alike have their roots in the present sad state of the middle class (which has) ...thrown itself into the arms of the economic leaders of the bourgeoisie. (Critical Theory, 1986, 139)

Anti-bourgeois modes of discourse were as indigenous to the American intellectual community of the 1930's as to the European Left. (Webster, 1979, 225-32) However, New York partisan lines were reforming around the perceived threat of "anti-democratic" European influences and produced, in reaction, a reaffirmation of the classical liberal democratic ethos of the American Founding era. After her arrival, Arendt found a way to maintain her hostility to bourgeois culture while celebrating the republican spirit of the Federalist "founders". She urged her "radical" American colleagues, notably Irving Howe, to do the same.

The Frankfurt group reiterated its central theme of mass culture as the degenerative form of liberal democracy and a precursor of totalitarianism. They suggested that empirical techniques in the social sciences had the effect of removing liberal institutions from the field of inquiry by assuming them to be foundational. That an unreflective social science might inadvertently facilitate the rise of totalitarian social and political institutions by ignoring real social problems was the central subtext of the group's methodological preoccupations, though references to America were rarely direct. For example, in the formal manifesto of the Frankfurt group, written by Horkheimer in 1937 ("Traditional and Critical Theory") he reiterated that critical thinking,

> is motivated today by the effort really to transcend the tension (between facts and concepts) and to abolish the difference between the individual's purposefulness, spontaneity and rationality, and those work-process relationships on which society is built. (Critical, 210)

At the same time his American counterparts in literary circles struggled with an equivalent debate over realistic (socialist or regionalist) art and modernist expressions. One result among the community of the "little journals" was a formal break between the Partisan Review and the Communist Party in 1937 over the issue of the autonomy of literary and artistic aesthetics. The Americans chose conceptual art, by and large, and tried to Americanize it for domestic consumption. (Cooney, 1986)

The Germans appeared on the scene in media res with their social "philosophy". Whether or not Wrong is right about this rupture being "the act of foundation ... that brought into being the new York intellectuals as a distinctive cultural and social formation", (Wrong, 1987) the fact of parallel but not identical critical stances in the American cultural debate is decisive for establishing the context and resonance of the German approach in America. Looking backward at German influence in a less than enthusiastic mood in 1989, Daniel Bell discusses the danger to "civil society" which was posed by the "scarlet thread" of romanticism running through German thought. "In the social sciences it has given us the simplicities of the Gemeinschaft/Gesellschaft dichotomy." Even worse, "in philosophy and politics it has given us the view, embodied in Martin Heidegger's allegiance to the Nazis of a heroic Volkstrum and Statstrum" set against bourgeois society. (Bell, 1989, 56)

This assessment was borrowed later on by Thomas Pangle in his direct attack on what he deemed Arendt's un-American existenz. (see below) Clearly, working in the midst of an emerging "American" ideology, the challenge to emigre social scientists was to find common ground between descriptive, data-based studies of the American experience, "historical" celebrations of American exceptionalism and existential or other paradigms designed by and for Europeans. A marriage of appropriate form and substance might, from the German perspective, raise the general conceptual quality of American research while helping the emigres to insert themselves usefully into the mainstream of American culture. It might also provide the vocabulary and perspective with which to buttress an American romantic rediscovery of its founding tradition.

In the early years, both Adorno and Horkheimer toned down their overt critiques of middle class culture (See for evaluations of the Institute in America : Hughes, 1975; Jay, 1985; Jackman and Borden, 1983; Heilbut, 1983) The rightward drift of their vantage point became even more pronounced, in fact, upon their return to Germany. Speier defended the policy relevance of emigre research but did not discuss actual political engagement in America. Indeed, while critical theory proposed abolishing the artificial distinction between the social scientist as detached observer and as active citizen the actual record of Adorno's and Horkheimer's role in America would seem to reinforce rather than challenge the American pattern of liberal consensus. Martin Jay, in The Dialectical Imagination (1973, 294), calls the Frankfurt emigres "mandarins" who reproduced in America a style of cultural elitism already noted in Germany by Fritz Ringer (1969) in The Decline of The German Mandarins. Tom Bottomore's study of the Frankfurt School makes the same argument, noting the irony of the fact that despite their accusation that "scientism" in America was associated with political conservatism or, at best, indifference to political life, "...with the exception of Marcuse no leading member of the Frankfurt School took any active part in or gave support to a radical political movement." (1984,34).

Their major American study, The Authoritarian Personality, did become a classic of its kind and provoked a respectful though critical book of commentary by American "empiricist" critics. (See: R. Christie et. al., 1954. Studies in the Scope and Methods of the "Authoritarian Personality") However, even though the sample was American and the findings indicated a distinct "fascist potential" (975), its conclusions were confined to "psychological totalitarianism" (632). The Institute and Berkeley teams combined survey research methodology with a conceptual framework centering on social-psychological typologies of democratic and authoritarian tendencies. ("F Scale") The focus was almost exclusively "ethnocentrism", understood as anti-Semitism, and their conclusion explicitly limited itself to the level of individual therapeutical issues. On the one hand they noted that proto-fascist personalities are produced by the "total organization of society" and will only change when it does. On the other hand, Adorno says that even if psychologists participate in the "councils or round tables" where social scientists have input to national

policy-making the efficacy of laws in altering behavior is probably minimal.

> The problem is one which requires the efforts of all social scientists. All that we would insist upon is that in the councils or round tables where the problem is considered and action planned the psychologist should have a voice. We believe that the scientific understanding of society must include an understanding of what it does to people and that it is possible to have social reforms...which though desirable in their own right would not necessarily change the structure of the prejudiced personality. (Adorno, 1950, 975)

In The Sea Change (1975), H. Stuart Hughes argues that the Authoritarian Personality was marred by an incomplete merging of American and German modes of discourse. The juxtaposition of "democratic" as the antithesis to "fascist" was a American. Germans "would more likely have spoken of 'socialist' or 'revolutionary'" as the opposing principles. Hughes also speculates that Horkheimer's transition from German to English may have had the unanticipated effect of toning down the polemical force of his prose. (153)

Then, too, there may also have been some intentional modification of his 1947 essay, "Eclipse of Reason" based on lectures at Columbia three years earlier. Fielding a mild critique of liberal culture, Horkheimer invoked the popular theme of liberalism's fatal inability to defend itself. He took aim at the weakness of liberalism in "determining the desirability of any goal" and included a critique of pragmatism as the indigenous variant of positivism. (cited in Hughes, 154) Dewey's ideas, though well-intentioned in the American democratic context, had the effect of elevating science to a 'censorial power" and were the intellectual counterpart of "modern industrialism". Hokheimer argued that the defense of a free society required open-mindedness. Without it liberalism was in danger of "tilt(ing) over into fascism". (154)

Not all the Frankfurt refugees followed a similar pattern. Marcuse and Neumann diverged significantly, especially once the Institute's prime movers decamped to Los Angeles. Franz Neumann's Behemoth was another highly visible emigre product and remained so even though its interpretation of fascism as the highest state of capitalist development was certainly not a mainstream thesis for general American audiences. However, Neumann was not engaged in the analysis of a specifically American evolution toward mass phenomena, as his use of the term "Behemoth" made clear to academic political scientists. When discussing American culture in lectures, later published posthumously as The Democratic and Authoritarian State (1957), Neumann carefully referenced the problem of conformity but always placed American-style constitutionalism and individual rights at the foreground. As the Frankfurt school itself evolved toward cultural critique, their colleague Neumann was in transit from Behemoth's more directly Marxist methodology to one that focused on political and psychological structures as well as economic laws. Moving from

base to superstructure, from social realism to aesthetic consciousness, they encountered their American intellectual counterparts en route.

However, the impact of migration on critical vantage point was exacerbated for many of the exiles by continental drift. A second diaspora occurred as the Frankfurt group left the cosmopolitan haven of New York for Berkeley and Los Angeles in the 1940's and officially moved institutional addresses. Marcuse and Neumann went to Washington to work for the O.S.S and never re-established their previous close connections with the Frankfurt School's remaining members. Mike Davis' devastating study of Los Angeles, City of Quartz, alludes briefly to the sentiment of suspension between worlds and between cities which beset the LA emigres (including in his analysis the other eminent emigres literature and the arts), which this study is attempting to capture in the context of New York.

> ...the relationship between the city and the community of anti-fascist exiles deserves separate consideration. It was a potent common moment in the cultural histories of Southern California and Europe .... The exile sense of Los Angeles was unremittingly pessimistic. Here was the ultimate city of capital, lustrous and superficial, negating eery classical value of European urbanity. Driven by one epochal defeat of the Enlightenment to the shores of Santa Monica Bay, the most unhappy of the exiles thought they discerned a second defeat in Los Angeles as the 'shape of things to come', a mirror of capitalism's future. (Davis, 21)

Long after returning to Germany, Adorno struggled to come to terms with his social scientific endeavors and cultural adjustment in Los Angeles. In "Scientific Experiences of A European Scholar in America" in 1968 (Perspectives in American History, V.2, 338-370) Adorno revisits the terrain of contextual displacement and intellectual change. America had done him the favor of bringing the importance of "culture" to the forefront of his research rather than allowing it to remain in the background as an assumed subtext. "In America I was liberated from a certain naive belief in culture and attained the capacity to see culture from the outside." Adorno realized that,

> In spite of all the social criticism and all consciousness of the primacy of economic factors, the fundamental importance of the mind - Geist - was a quasi-dogma self-evident to me from the very beginning. The fact that this was not a foregone conclusion I learned in America where no reverential silence in the presence of everything intellectual prevailed as it did in Central and Western Europe. (Adorno, 367)

One of Adorno's retrospective looks at America, (much more positive than Minima Moralia.) returns to the problem of the intellectual in both American popular culture and academic methodology. "Obviously", he wrote, it is "very difficult" in America to understand that "anything intellectual" is objective. "The intellect is unconditionally equated with the subject who

bears it", and not with the "independence and autonomy" of its thought products. Citing Max Weber, he discusses the "opposition between the expert technician and the European 'intellectual', the 'gebildete Mensch'" (350). However, Adorno's analyses of the sociology of music and American culture were not based on Weberian ideal types juxtaposed to social chaos. A number of the German emigres were influenced by Weber but, as Speier noted in his eulogy for Lederer in 1984, they "took exception to Max Weber's notion of the world as devoid of a unifying meaning." To Lederer in Germany in 1925, that path led straight from idealism to nihilism. (Speier, 1984, 3)

In fact, Adorno's observations on "society" and its dangers to both individual consciousness and collective culture took the opposite view from Weber's and sounded a theme common to a number of the emigres, regardless of their academic mentoring. The problem was the elimination of complexity in civil society and the substitution of totalizing, intrusive institutions. There was considerable debate as to whether these totalitarian trends originated in State or civil society but the consensus was, as Adorno articulated it, that "in contemporary society the objective institutions and trends of development have achieved a dominance over individuals". (See also: Lederer, 1940; Salomon, 1946; Kelsen, 1948; Strauss, 1949; Kirchheimer, 1957; Jonas, 1959; Morganthau, 1971). That the intellectual in America had no assured place in public discourse or in social status is a theme noted repeatedly by the emigres. Their emphases on "plurality", "stratification" and other terms for multiple social roles and identifications were intended to counter the inherent totalitarianism. Key terms which the emigres employed to evoke the danger were: "the threat of conformism", (Arendt, 1954), "patternization" (Tillich, 1957) "epistemological totalitarianism." (Kelsen, 1948).

About the dangers of social conformism Arendt was in total agreement. But even in the 1960's Arendt could still write in glowing terms about American "freedom" at the Founding from the "necessity" of socioeconomic laws and the Republic's continuing "tradition" of political equality and social diversity. Her approach, reminiscent of Strauss', looked to the novus ordo saeculorum as a particularly fortunate exercise in foundation because it occurred in the absence of class conflict and thus, unlike the French and Russian revolutions, was an entirely political phenomenon.

> What were absent from the American scene were misery and want rather than poverty...the laborious in America were poor but not miserable...they were not driven by want and the revolution was not overwhelmed by them. The problem they posed was not social but political, it concerned not the order of society but the form of government. (1963, 63)

America's modernity was exceptional, argued Arendt, because it avoided not only Europe's "social question" but also the radical theories of revolution which had opened the pandora's box of "necessity". Robespierre attempted to found a republic but his

effort was "stillborn". The existence of abject poverty in France, and in 20th century Russia, placed the founding of public spheres "under the absolute dictate" of the need to achieve a modicum of material happiness. Arendt would argue the absolute separation of "freedom", defined as public action, from "happiness" understood as fulfilling the material needs of the multitude. The "transformation of the Rights of man into the rights of the Sans-Culottes" reduced political freedom to social justice in Europe. America, by her standards, was the only authentically political revolution because it avoided the degeneration of political consciousness -- even though the American Revolution was the least appreciated by Europeans. (1963. 15-18)

The Frankfurt perspective was not, in this respect, her own. Indeed, Arendt had little sympathy for the Institute for Social Research or its team of exiles on both coasts and was a lifelong critic of the "social sciences" in any guise whether in America or in Europe. In her essay "Tradition and the Modern Age", Arendt railed at "socialized men" and the "ubiquitous functionalization of modern society" which had reduced the capacity to "wonder at that which is as it is" to a calculation of social values (1961, Between Past and Future, 39-40) Unlike her colleagues, however, Arendt equated all social science methodology as practiced in the academy with crude empiricism. She heaped abuse on the "profound nonsense of the new 'value-free' science which was soon to degenerate into 'scientism'". (1961, 34)

Arendt also had no interest in endorsing critical theory as a viable approach to the crisis of modernity and was, in fact, hostile to both its progenitors and its substance. (Young-Bruehl, 1982, 80) She did not discuss critical theory directly in her works but instead dismissed the movement's progenitors, Hegel and Marx, as flawed "radicals" who tried to totalize theory and practice, and ended by devaluing both. (1968, 22-40) In addition, Arendt had personal reasons for disliking Adorno and Horkheimer. Adorno, while still in Frankfurt, had negatively critiqued her first husband's doctoral thesis on the philosophy of music. She also believed for many years that the Frankfurt group's delay in obtaining a visa for her close friend Walter Benjamin had contributed to his suicide. She never abandoned the grievance that they had not published some of his best work quickly enough. (Heilbut, 405-406) Arendt's less than sympathetic attitude to another emigre community than her own might best be captured through Georg Lukacs' stinging observations that,

> ...many of the leading German intellectuals, including Adorno, have installed themselves in this "Grand Hotel Abyss" which I have described elsewhere in connection with Schopenhauer: "It is a hotel provided with every modern comfort, but resting on the edge of the abyss, of nothingness, of the absurd. The daily contemplation of the abyss, in between excellent meals and artistic entertainments, can only enhance the residents' enjoyment of this superlative comfort." (cited in Bottomore, 1984, 34)

The canvas upon which the emigres painted their self-portraits was the broad American terrain of social science's "everyman" as well as the elite sub-culture of urban intellectuals in literary journals and universities. Though American cultural histories such as those by Davis, Schwartz and Doss, provide texture and nuance specific to particular contexts, such as Los Angeles or New York, they miss the complexity of the American-emigre interpenetration. For example, Davis' applies Marxist sociology to his theme of economic class and cultural stratification in the non-city of Los Angeles. Moreover, his methodology is one which many of the emigres themselves modified or discarded as a result of their frustration with the resistance of American politics and society to either Marxist analysis or transformation. Of course for Davis the social sciences in general, and the exiles in particular, are not at the center of his noir snapshot of American culture in the 30's and 40's. Just as political discourse is the context but not the central dialogue in the Doss and Schwartz studies of the ideological use of American culture.

II. Heidegger's Fifth Column

Another overlapping circle of emigres, including among others Arendt, Kirchheimer, Marcuse, Jonas and Kristeller, were all students of Martin Heidegger from the middle to late 1920's Arendt, Kristeller and Jonas were among the few Jews in Bultmann's classes on Christian philosophy and Heidegger's on the new phenomenology of Being. They attended the lectures which became Sein Und Zeit, and all wrote doctoral dissertations on religious philosophy. Though they disagreed with each other on a number of political and methodological issues, they also shared a fascination with the role and nature of religious "tradition" in conditions of modernity. In their mature writings secularized forms of theological disputation appeared as attempts to overcome the opposition between experience and cognition, public opinion and the role of the intellectual, historical events and the "crisis" of Western tradition. At this juncture the Heidegger cohort overlapped that of the Frankfurt and Social Democratic emigrés.

In a tribute to Arendt written for Political Theory, Feb., 1976) her admirer and fellow emigre, Hans Morgenthau, wondered "from what philosophic and political point of view did Hannah Arendt approached the disparate topics of her investigations?" Indeed, the question of point of reference was always at issue both for her and for the others who seemed to write from a position well within, but not quite "of" the worlds of American academic and literary discourse. His question was mostly rhetorical and he answered it himself by immediately eliminating the obvious. He felt certain that although she had studied with Heidegger and Jaspers, "one would have to search very carefully for direct influences traceable to these two giants..."

Yet for others the debt to Heidegger was damning. Thomas Pangle is intent upon disconnecting one eminent emigre from another --that is, Strauss whom he venerates from Arendt whom he castigates (though the former proposed marriage to the latter). Writing from the perspective of the "Straussian" school of political thought in

The Spirit of Modern Republicanism (1988), Thomas Pangle attacks Arendt as a Heideggerean mole sent to undermine the tradition of political thought with the corrosive effects of German nihilism. She was one of the "many thoughtful men and women" of her time who were disturbed by "the growth of 'individualism' (and) the feebleness of civic pride..." (48), writes Pangle. But she and her mentors reacted with an equally dangerous "nostalgic pining for a heroic, communitarian ancestry" which "encouraged a moral rebellion" against the "bourgeois liberalism" which, Pangle argues, "defines" the Western republican tradition. Pangle ascribes a mesmerizing effect to Arendt's intellectual presence, which has made her,

> perhaps the most serious intellectual source of these longings. J.G.A. Pocock and his students make it clear that while some of their key methodological assumptions may derive from Wittgenstein, Kuhn or Geertz, the animating moral inspiration for their writings comes from Arendt.

Pangle fears that Pocock, John Diggins and others on both sides of the Atlantic have missed the eminence noire cleverly concealed behind her celebrations of the "lost treasure" of polis life. In truth, says Pangle, "Arendt was the popularizer in America of Heidegger's political broodings." (49) Her intention from the beginning of her career was to "effect a rupture with the entire Western tradition", especially the "relation between reason and action". (49) As a Heideggerean fellow traveler, Arendt pursued an "esoteric" methodology of concealed meanings.

> She rarely conveyed her enormous debt to Heidegger, and her humanity compelled her to shrink back, in understandable inconsistency and wavering obfuscation, from the most radical implications of her mentor's new thinking. But she in effect endowed a watered-down version of Heideggerian political thought with an allure that it previously lacked altogether in the Anglo-American world. (49)

And Heidegger was not the only bad company she kept. Arendt is also accused of a penchant for Machiavelli, Robespierre and Lenin as evidenced by her enthusiasm for "resoluteness" and "decision".

Pangle's Heideggerean, proto-fascist, vision of Arendt is a late Cold War polemic with a not-so-esoteric agenda of its own. It raises the issue of academic culture clash and compounds its effect by the overt charge of un-American philosophical activities. Finally, it is clearly wrong. If one makes the effort to penetrate any of Arendt's works it is hard to avoid her critiques of Rousseau, Nietzsche, Hegel and Marx -- and even Heidegger. A more accurate, but opposite commentary on the German emigre community in exile is John Gunnell's. In Between Philosophy and Politics: The Alienation of Political Theory (1986: Amherst: Univ. of Mass.) Gunnell takes the Heidegger-emigre linkage as a given, but ascribes to it a rather different effect --though no less negative from Gunnell's perspective.

Gunnell lumps the emigres together in a uniform crisis mentalite. Rather than being guilty of defending "moral relativism" and "nihilism", Gunnell argues that Arendt and the German academics, including Leo Strauss, defended the morality of political life and the possibility of "normative" political thought by rejecting actual politics.

> Although Arendt does not place as much pointed emphasis on the dilemma of relativism and the need to recover absolute values as Strauss and Voegelin do, relativism is a principal aspect of her analysis of world alienation ... Modern philosophy and modern science are, Arendt claims, founded on 'Cartesian doubt' and have contributed to 'modern nihilism'. (111)

Presenting the exact obverse of Pangle's analysis, Gunnell cites Arendt's lament over the decline of the ability "to think in universal, absolute terms" because the idea of a "transcendent world disappears". Instead of "Being we now find the concept of process." The life of the mind loses its "for its own sake" status and becomes instrumental to other ends on "the assumption that life, and not the world, is the highest good of man." (cited in Gunnell, pp. 99-118).

What is missing from Pangel's and Gunnell's versions of the "Grand Hotel Abyss", is Arendt's paradigm of the vita activa which was characteristic of many of the emigres' efforts to close, rather than widen, the gap between history and thought. Not a single emigre in the sample celebrated totality as a normative model for State or civil society. With the exception of Strauss and Voegelin, even critiques of "scientism" were not undertaken in the interests of thoroughgoing anti-modernism. Jewish religious affiliation or ideological commitment to liberalism were less important factors than their pragmatic interest in making the public world safe for themselves and other "radical" intellectuals. That America was, in constitutional theory at least, a safe haven for personal rights as well as democratic values was compelling cause for emigration and efforts to become engaged in American culture.

Arendt resisted all attempts to cast her in Pangle's stereotype, including charges by Henry Fairlie (New York Times, Dec. 31, 1973) that the emigres had undermined native American "trust in the common people." This time her bad company was identified as not only other "Weimar intellectuals" but also the political science community. The latter stood accused of shifting focus from the "opportunities and the promise of self-government" to legitimating "elites that would stand in opposition to the 'authoritarian personality' of the 'masses'. The latter references were aimed directly at the emigres who, by implication, exerted their baleful influence on the discipline and also on the "political mind of America". The main "fiction" for which Arendt and her cohort stood accused was, in fact, the idea of mass society as the precursor to totalitarianism.

> The ordinary people, we have been told, are only an amorphous mass of depersonalized units with no personal individuality and no public character. This fiction was imported into the United States by a number of brilliant refugees from the Weimar Republic, including Hannah Arendt and Eric Fromm, Emil Lederer and Herbert Marcuse.

In private correspondence to a friend who alerted her to the article and asked her reaction, Arendt responded with a characteristic step away from her colleagues and from the equation of European and American masses.

> Mr. Fairlie puts me together with people with whom I have hardly anything in common except our origin (the Frankfurt School, etc.) My use of the word "masses" is strictly limited by distinguishing it from "the people"...on the one side and the "mob" on the other. In my studies of totalitarianism the masses are the result of the disintegration of the class system; Hence, I'm talking about a historical phenomenon which is unknown in the United States. It is true that I also occasionally use the term modern masses in a much more general way, and use it for America only as something which made its appearance with "mass emigration"...If I may quote from my own writings which quite obviously are unknown to Mr. Fairlie; "Theoretically, the most relevant and most pernicious among certain theories is the equation of "people" and "masses." (Library of Congress-#004672; Letter to George Ackerman, Feb. 21, 1974)

America appeared in Arendt's exitenz as the second coming of the Athenian polis. This phenomenological approach to history was distinctively Arendtian but had occasional echoes among the rest of the Heideggerean circle. For Arendt more than the others, however, the public realm of agonal political discourse was the secret to Western civilization. It was the "lost treasure" which totalitarianism had destroyed where it took hold, even before the treasure's existence was fully rediscovered. While her focus was precisely on this political realm and how it might be protected from the social realm of necessity writ large, in order to do so she had to define the pre-condition for public life as social "plurality" .

If social difference is maintained, a la Tocqueville, then the uniformity of mass democracy is forestalled. Free will in individuals is expressed in the collective public realm as the "natality" of freely willed, contingent acts of word and deed. As Arendt said in the last public speech of her life, in 1975, when she accepted the Sonning Prize for contributions to European civilization in 1975, she had become a United States citizen voluntarily,

> ...because the Republic was indeed a government of laws and not men. What I learned in these first crucial years between immigration and naturalization amounted roughly to a self-taught course in the political philosophy of

> the Founding Fathers...the freedom of becoming a citizen without having to pay the price of assimilation. I am as you know a Jew, feminini generis, as you can see...
> (Library of Congress--#013979-80; 1975)

The problem was that, like the Franfkfurt model of integrative critical theory, the "world" so constituted existed most perfectly in the consciousness of its theorists.

Pangle, Gunnell and other observers of the emigres are too often warriors in the same academic conflict over the relationship between philosophy and public life which divided and united the emigres. (See other emigres on the subject: Morgenthau, 1940, 71; Voegelin, 1945; Kelsen, 1948; Jonas, 1959.) From their vantage points on the right and left of the political science spectrum, they nonetheless agree on the significant impact of the German emigre community on American political culture. Gunnell's own agenda is to challenge the "tradition" of polarity between normative political thought and empirical political science. The suspects in his game of academic "clue" are the German emigres with their alien angst and illusions of philosophic efficacy. Like Pangle, though for very different reasons, the prime suspect is the most widely read of Heidegger's students, Hannah Arendt, even though he agrees that the record of the emigres' American works shows that common patterns of concern and vantage points, if not specific research hypotheses, bound them all.

Morgenthau, an ardent admirer and Heidegger student himself, as well as Pangle and Gunnell who are ardent critics agree that if Arendt's debt to Heidegger is considerable it is nonetheless well veiled. Other German intellectuals on the Left, such as Alfons Sollner, have taken up the cause of compiling evidence of residual proto-Nazi "decisionism" in the works of Neumann, Kirchheimer and Marcuse because they studied either with Heidegger or Carl Schmitt. (1984). Looking for ways to disparage the evidently powerful linkage between German and American modes of political discourse in the era of the Cold War students of "American" political ideas such as Pangel and Gunnell have decided they made the academy unsafe for liberalism. Even if this is true, which seems unlikely, it is ironic that their effect outside the academy may have been just the reverse.

IV. Conclusion:

Despite the divergence in their ethnic, religious, regional and disciplinary background, emigre writings beginning in the 1930's also display common themes and modes of discourse when the role of the intellectual in mass society, the question of America's exceptional status, and the relationship between empirical and normative methodologies are the direct or indirect political points of reference. A whole generation of phenomenologists, sociologists, economists, legal historians and political scientists developed evaluative paradigms for "liberal mass democracy" and for their role in its critique, both positive and negative. When transplanted into the political debate and cultural experiences of New Deal America, their "critical" perspectives stimulated the

evolution of new perspectives on the scope and nature of the American liberal consensus.

In the context of their times neither Arendt exclusively, nor the Heideggerean community broadly defined, nor the German sociologists and Frankfurt School Freudians and Marxists, nor German political scientists, can be isolated as prime movers. But, taken together, they all had a major and lasting impact on the discourse of American liberalism and were in turn transformed by it.

ENDNOTES

1. I began this project at EMU in Fall, of 1991 working initially with Karen Schaumann, then my Honors undergraduate research assistant. Today, the Emigre project consists of a number of extremely talented faculty and students: Prof. Adrian Lottie, Department of Political Science; Helen Aristar-Dry, Linguistics Section, Department of English; graduate students Karen Schaumann, Project Coordinator, and Miles McNiff; undergraduate students Claudia Dahlerus and Ann Gaynier.

2. Rediscovering Hannah Arendt: Love and Saint Augustine (with Judith Stark, Dept. of Philosophy, Seton Hall Univ.) Forthcoming from Harcourt Brace Jovanovich. I discovered the unpublished, much annotated and amended English translation of Arendt's dissertation in the Library of Congress several years ago. Close examination of her handwritten annotations and retypings, compared with the dates of her contract for publication with Crowell publishers in 1963, clearly indicated that the major revisions occurred from the late 1950's (probably 1958) through the early 1960'a (probably until 1961) when the Eichmann affair began. The revisions are directly linked to her other works in progress at the time, The Human Condition, the essays in Between Past and Future, essays in Men In Dark Times, the "Ideology and Terror" chapter in Origins of Totalitarianism, and On Revolution.

It was the vivid experience of cross-referencing concepts between the explicitly political language of her later works and the apparently theological discourse of the dissertation which convinced me of the necessity of contextual analysis. By this I mean not only the reconstruction of discourse context in order to link words and meanings across texts but also the search for "communities of intellect" among the German emigres themselves and between them and their American counterparts in the formative decades of the 1930's through 50's. As Arendt coined her canonic terms, "natality", "foundation", "plurality", "public realm" and "totalitarianism" she was reflecting and in turn influencing an intense conversation in New York. It took place across disciplines and journals and joined the New York intellectuals with their peers in Chicago, Berkeley and Washington D.C. At issue were the rights and responsibilities of the cultural elite in democratic politics and, as they saw it then, the future of Western civilization.

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APPENDIX

EMIGRE SOCIAL SCIENTISTS
(Excerpts From the Project Code Book)

Adler, Max
Adorno, Theodor
Arendt, Hannah
Deutsch, Karl W.
Horkheimer, max
Jonas, Hans
Kelsen, Hans
Kirchheimer, Paul
Lederer, Emil
Marcuse, Herbert
Morgenthau, Hans J.
Neumann, Franz
Oppenheim, Felix E.
Salomon, Albert
Speirer, Hans
Strauss, Leo
Tillich, Paul
Voegelin, Eric

JOURNALS

American Political Science Review
American Behavioral Scientist
American Journal of International Law
American Journal of Sociology
American Scholar
American Sociological Review
Annals of the American Academy...
Behavioral Science
Berkeley Journal of Sociology
Canadian Journal of Political and Social Theory
Center Magazine
China Quarterly
Church History
Commonweal
Comparative Studies in Society and History
Critica-Sociologica
Dissent
Economic Development and Cultural Change
Economy and Society
Ethics
Foreign Affairs
Homme
International Affairs
International Social Science Journal of Common Market Studies

Journal of Conflict Resolution
Journal of International Affairs
Journal of Politics
Journal of the History of Ideas
Medieval and Renaissance Series
Modern Age
New German critique
New World Order
Pacific Affairs
Parliamentary Affairs
Partisan Review
Perspectives in American History
Political Quarterly
Political Science Quarterly
Problems of Communism
PROD
Public Opinion Quarterly
Of Ideology
Quarterly Journal of World Affairs
Renaissance Quarterly
Research in Social Problems in Public Policy
Review of Politics
Social Casework
Social Research
Studies in the Renaissance
Telos
Town and Country
Western Political Quarterly
World Politics

KEY CONCEPTS AS RELATED TO: THEORY/PRACTICE &
NEGATIVE STANCE/ABSENCE OF CATEGORY/POSITIVE STANCE/
PRESENCE OF CATEGORY

America
Anti-Communism Capitalism
Communism
Conservatism
Democracy
Economics
Europe
Fascism
Germany
Liberal Anti-Communism
Liberalism
Mass society/man
Methodology
Modernity
Neo-Conservatism
Philosophy
Politics
Radical
Rights

Socialism
Sociocultural
Technology
Theology
Totalitarianism

OTHER VARIABLES

Academic Affiliation (at time of authorship)
Religious identification
Political identification
Journal type: academic/general intellectual/general audience
Time frame: 1930-45/1947-54/1955-89

Derrida On Rousseau: Exemplars, Epochs, and the History of Political Thought

John T. Scott
Dartmouth College

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Jacques Derrida's work has exerted an enormous influence on literary criticism for some time, and more recently it has entered the discourse of legal and political theory. Derridean deconstruction may initially appear to be a method of reading texts, and as students of the texts of political thought it would warrant our attention. Deconstruction appears in this light as a strange hybrid of close textual analysis and unconstrained play. However, to understand Derrida's project in this way would be at best limited, and is in fact incorrect. Derrida's reading of philosophy is intended to be subversive. He problematizes the primary concepts of (Western) philosophy, including the arguably founding dichotomy of nature and law, physis and nomos, a dichotomy proper to political philosophy. Those of us who study political thought are challenged by Derrida to reassess our understanding of the subject and the way we study it.

Derrida's reading of Rousseau in Of Grammatology presents an opportunity to begin to assess the bearing of his project on the study of political theory. This work constitutes Derrida's most ambitious attempt to explicate his "theoretical matrix" and apply it to an "example," namely Rousseau and his "age" or "epoch."[1] This work is also a rare instance of sustained attention to a major political thinker on Derrida's part, or at least an instance which includes attention to specifically political thought.[2] The fact that political thought narrowly defined does not figure prominently in Derrida's work should not be taken as a sign of his lack of interest in politics and political theory, however, for he proclaims that his readings constitute "particular political and institutional interventions that transform contexts."[3] As an interpretation of an exemplary figure and text, Of Grammatology is itself Derrida's attempt to produce a novel exemplar, or perhaps an exemplary novel. Derridean deconstruction represents a mode of political action that is well worth investigating.[4] Nonetheless, I wish to focus here on questions pertinent to us as students of the history of political thought.

In this paper I propose to concentrate on Derrida's periodization of the history of philosophy and his treatment of Rousseau and his epoch in particular. Derrida views the course of Western thought as a grand "epoch" the "closure" of which he claims to glimpse. Despite his reservations about periodization of any sort, Derrida not only characterizes the entirety of Western thought from the pre-Socratics to Heidegger and our own time as a definable epoch, but identifies several sub-epochs within that whole. I examine the continuity and discontinuities Derrida sees in the history of philosophy. Derrida chooses Rousseau as an exemplar of both the entire epoch of Western thought and a particular epoch within it. Through a more detailed examination of Derrida's reading of Rousseau I raise questions about his characterization of philosophy and the epochs within its history. Finally, out of my examination of these subjects I isolate the different levels on which Derrida's

project might influence the study of political thought and then attempt to assess how opening these different questions might affect our understanding and study of the subject.

Derrida and the Problems of Periodization

Categorizations or periodizations of any phenomena are always problematic to some extent. They are dependent to some extent upon the assumptions and the parameters of the analysis itself, yet never perfectly match what they try to grasp. Derrida is well aware that the study of philosophy requires some sort of historical and disciplinary schema, as his own periodizations show, and he is also aware of the perils of periodization. The problems Derrida raises concerning the continuities and discontinuities within the history of philosophy are, however, more interesting. "Deconstructive discourses have sufficiently questioned, among other things, the classical assurances of history, the genealogical narrative, and periodizations of all sorts, and we can no longer ingenuously propose a tableau or a history of deconstruction."[5] Deconstruction operates as a meta-critique on the principle that it uncovers the fundamental discontinuities within any continuity. Deconstruction is implicit within philosophy throughout its "history," indeed implicit within the human condition, so any history of philosophy or of deconstruction is problematic as such.

Derrida's tries to reconcile the recognition of both fundamental continuity and discontinuities within the "history" of philosophy. The discontinuities are perhaps more obvious. Philosophy is not a developing history in the sense of a progression. "We must avoid the temptation of supposing that what occurs today somehow pre-existed in a latent form, waiting to be unfolded or explicated. Such thinking also conceives history as an evolutionary development and excludes the crucial notions of rupture and mutation in history."[6] The ruptures and mutations in history show that philosophy is not a simple unfolding of meaning.

Derrida challenges Hegel's dialectical philosophy of history and the history of philosophy, or any similar theory. However, Derrida also affirms a certain continuity within the history of the West and Western philosophy based upon a certain structural or "economical" basis of Western thought that Derrida views as a more general form of Hegelianism, decisively modified by the phenomenology of Husserl and Heidegger and by structuralism, within which Hegel operates as a restricted example.[7]

The discontinuities within the course of philosophy, both apparently gradual changes and ruptures, represent movements among alternatives within the structure or economy of Western philosophy as a whole. Derrida therefore claims that what appears very new "has in fact an essential connection with something extremely old which has been covered over (archi-disimulé). So that the new is not so much what occurs for the first time but that 'very ancient' dimension which recurs in the 'very modern'; and which has been signified repetitively throughout our historical tradition, in Greece and Rome, in Plato and in Descartes and in Kant, etc."[8]

There is a phenomenon of "repetition" in philosophy and Derrida's reading of Western thought is an attempt to define the principle of that repetition as a sign of both continuity and rupture.

> On the one hand we affirm the existence of ruptures in history, and on the other we affirm that these ruptures produce gaps or faults (failles) in which the most hidden and forgotten archives can emerge and constantly recur and work through history. One must surmount the categorical oppositions of philosophical logic out of fidelity to these conflicting positions of historical discontinuity (rupture) and continuity

> (repetition), which are neither a pure break with the past nor a pure unfolding or explication of it.[9]

In an essay on Rousseau Derrida similarly pronounces himself "concerned, rather, with discerning the repetition or permanence, at a profound level of discourse, of certain fundamental schemes and of certain directive concepts." He also states in this question that his concern is to open "certain questions too about a certain closure of concepts."[10] His reasons for examining one epoch and exemplar within the history of philosophy in Of Grammatology, and the stakes of that reading, make sense only within the context of his conception of the continuity of those fundamental schemes.

Continuity: Phonocentrism and Logocentrism

Derrida pursues and mines an extraordinary range of texts, philosophical as well literary, but his ultimate quarry is the entirety of Western thought. He claims that all discourses or texts, and he takes these terms both narrowly and very broadly, have a similar feature that gives them their structure as well as allows that structure to be deconstructed: they all exhibit a logocentrism particular to Western metaphysics and a broader phonocentrism. Logocentric phonocentrism provides the principle of continuity within Western philosophy. Because he knows its ways, Derrida is always ahead of his quarry, waiting to snare and undermine it.

Derrida's attention is concentrated on philosophy in an important respect, despite his rejection of the distinction between philosophical and non-philosophical texts. Even so-called non-philosophical works "still belong to Western culture and so are never totally free from the marks of philosophic language"[11] and "whoever alleges that philosophical discourse belongs to the closure of a language must still proceed within this language and with the oppositions it furnishes."[12] Philosophy is the primary locus, if not source, of the language Derrida means to deconstruct. His project involves attending to the tracks of philosophic language while at the same time seeking to move beyond them. "My central question is: from what site or non-site (non-lieu) can philosophy as such appear to itself as other than itself, so that it can interrogate and reflect upon itself in an original manner?"[13] The phonocentric foundation of logocentric philosophy serves as the Archimedean point from which Derrida will deconstruct philosophy.[14]

Phonocentrism

Phonocentrism involves a privileging of the "phonè" or voice as the immediate expression of meaning. "The ideal of perfect self-presence, of the immediate possession of meaning, is what is expressed by the phonocentric necessity." Through voice speaker and listener are supposed to be immediately present to one another, a relationship subverted by writing.[15] Speech involves the production of signs. These signs are viewed as having an immediate relationship with the voice and through the voice to what is signified. Writing in this system appears as supplementary, conventional, or even arbitrary sign of a sign, and a falling away from immediate meaning. Derrida cites Aristotle as the classical exemplar in the logocentric version of this phonocentrism: "spoken words (ta en tê phonê) are symbols of mental experience (pathêmata tes [sic] psychês) and written words are the symbols of spoken words" (p. 11).[16]

The privileging of the voice, Derrida explains, "does not depend upon a choice that could have been avoided" (p. 7). He appears to view phonocentrism as essential to humans as speaking beings. Man is not the zôon logon echon, as Aristotle argued, but the zôon phonên

echon.[17] How Derrida understands the relationship between phoné as passionate expression, which Aristotle says man has in common with the animals, and logos as intentional, significant speech with respect to human beings is unclear.[18] In any case, Derrida's understanding of what might be called the linguistic condition of man underlies his theory as a whole and his deconstruction of Western metaphysics.

Derrida's deconstruction of language and its concepts involves undermining the supposedly immediate and univocal relationship of sign and signifier. He notes that "the phonic element, the term, the plenitude that is called sensible, would not appear as such without the difference or opposition which gives them form" (p. 62). Linguistic systems rely upon a process of differentiation or articulation. The term "articulation" is seized upon by Derrida because of its double connotation: referring to articulation in speech and the associated process of discrimination it involves. Language inscribes differences as it attempts to articulate the world. "By definition, difference is never in itself a sensible plenitude. Therefore, its necessity contradicts the allegation of a naturally phonic essence of language" (p. 53). Voice already contains articulation; univocity is compromised not as a loss of presence, but from the outset. Phonocentric economies deconstruct themselves or are deconstructable because the articulations within them are always unstable, even violent. Derrida defines "writing" as "all that gives rise to an inscription in general" (p. 9). This is the sense, then, in which we are to understand his paradoxical claim that writing precedes speaking and his use of "grammatology" as the global science.[19]

Phonocentrism produces a linguistic structure or "economy" that is already a falling away from the supposed source of meaning in presence, that is already "writing" in being articulated and in assuming the absence of the (speaking) subject. Phonocentrism necessarily "responds to a moment of economy"— "le système de s'entendre-parler" (pp. 7–8; Fr., p. 17). Norris explains that "s'entendre-parler might thus be translated: 'hearing oneself speak and immediately grasping the sense of one's own utterance."[20] Hence the visualization of Derrida's double-entendre in Spivak's translation: "hearing (understanding)-oneself-speak."

Derrida's use of the terms "economy" to describe phonocentrism, as well as logocentrism, is significant. He argues, especially in his critical analysis of Husserlian phenomenology in Speech and Phenomena, that voice always assumes an "other" (or "another") in addition to "one's self" (or "oneself"). The phonocentric "economy" or "system" is a structure that produces the subject, others, and the world and our understanding of them. "Difference" is the necessary byproduct of the attempt to secure presence as what is present here, or as the principle of identity and non-identity. The attempt to "defer" absence, especially the absence of death (see p. 69) and secure what is present now is similarly central. The spatio-temporal exigencies of our existence result in what Derrida terms "differance"(différance), a neologism combining the senses of both "difference" and "deferring."[21] "This economic aspect of differance . . . confirms that the subject, and first of all the conscious and speaking subject, depends upon the system of differences and the movement of differance, that the subject is constituted only in being divided from itself, in becoming space, in temporizing, in deferral."[22] More strongly: "This movement of differance is not something that happens to a transcendental subject; it produces a subject."[23] Differance actually produces our spatio-temporal experience (p. 65), including the spatio-temporal text. Derrida thus produces what he calls the "axial proposition" of Of Grammatology: "There is nothing outside of the text"— "Il n'y a pas de hors-texte" (pp. 158, 163).

Differance is "an economical concept designating the production of differing/deferring." As "arche-writing" differance in some sense precedes all (vocal) language, but is not to be

thought of as itself an originary or transcendental concept: "Differance by itself would be more 'originary,' but one would no longer be able to call it 'origin' or 'ground,' those notions belonging essentially to the history of onto-theology, to the system functioning as the effacement of differance" (p. 23; see p. 56). Despite a system's attempt to efface differance within its particular economy, the arche-writing of differance leaves its "trace" or a chain of "supplements" to which Derrida attends in his deconstructive readings of texts so infected by phonocentrism as well as logocentrism. The movement of differance or the trace is both the condition of (articulated, differentiated) meaning and its subversion. "It permits the articulation of speech and writing— in the colloquial sense— as it founds the metaphysical opposition between the sensible and the intelligible, then between the signifier and the signified, expression and content, etc. If language were not already, in that sense, a writing, . . . the classical problem of relationships between speech and writing could not arise" (p. 63). No economy or structure within the controlling phonocentrism, or logocentrism, can dominate or exhaust the possibilities of phonocentrism because of the differance that produces as well as disrupts the structure.

Derrida does not conceive deconstruction simply as a challenge from without, but as a "dislocation" necessarily befalling the text— texts of philosophy or otherwise, texts narrowly or very broadly understood— from within because of its structural character. Since deconstruction befalls texts themselves, Derrida does not view his reading as a "method," for it is in essence a challenge to the idea of method (itself a logocentric concept). He does however recognize the tendency of his theory like others to sediment and be used as a doctrinaire method of "deconstructionism."[24] The phrase "deconstruction of Western metaphysics" should therefore be read with the double meaning of the genitive in mind.

Since phonocentrism appears to be endemic to the human condition, the deconstruction that accompanies its structural character allows for a general cultural critique, of which Derrida's deconstruction of Western logocentrism is one species. "Every culture and society requires an internal critique or deconstruction as an essential part of its development. A priori, we can presume that non-European cultures operate some sort of autocritique of their own linguistic concepts and foundational institutions. Every culture needs an element of self-interrogation and of distance from itself, if it is to transform itself. No culture is closed in on itself."[25]

In the West, phonocentrism merged with a logocentrism as one possible economy: a "heritage of that logocentrism which is also a phonocentrism: absolute proximity of voice and being, of voice and the meaning of being, of voice and the ideality of meaning" (pp. 11–12). Logocentrism is "inextricably linked to the Greek and European tradition" and is "a uniquely European phenomenon." That structure must be deconstructed as well: "what we call the deconstruction of our own Western culture is aided and abetted by the fact that Europe has always registered the impact of heterogenous, non-European influences. Because it has always been thus exposed to, and shadowed by, its 'other,' it has been compelled to question itself."[26] The very globalization of European culture leads to its desedimentation, reveals Derrida (see pp. 3-10, 52), in a curious inversion of Husserl.[27] The globalization of science means the dominance of a logocentric structure based upon a particular mode of articulating speech and meaning, on a particular "writing" in Derrida's usage. Rather than being the local science of a devalued, supplementary institution, grammatology is the science of the possibility of science (pp. 27–8, 74). However, since grammatology in Derrida's hands undermines logo-centrism, the possibility of "grammato-logy" is at the same time its closure.

Logocentric Metaphysics

Derrida's deconstruction of philosophy is focused in an important respect on metaphysics. He claims that a certain conception of being, meaning, and truth has dominated the West throughout its history. Derrida's enterprise is derivative of Heidegger in this and many other important respects.[28] A few words to justify or at least render intelligible Derrida's reinterpretation of the Western experience in terms of its metaphysics are necessary before outlining his understanding of that metaphysics.

Derrida's focus on metaphysics may seem eccentric or even perverse, the arcane language he uses may seem obscurantist or at least forbidding. However, also like Heidegger, Derrida claims that our very way of thinking about the world and acting within it derives from a prior position articulated best by philosophy and in metaphysical terms. The way in which we are disposed toward Being for Heidegger or the manner in which we comprehend being for Derrida shapes our approach to the world and out attempts to understand it. Since our "theoretical" attitude on these two levels affects our "practice," our metaphysical stance shapes the world as well.[29] Thus, Derrida claims that "all of our political codes and terminologies still remain fundamentally metaphysical, regardless of whether they originate from the right or left."[30] Similarly, various "techniques"— scientific, military, political, and so on— can be understood only as they derive from a prior metaphysical understanding (pp. 8–9). Our metaphysical conception is actually the presupposition of science itself, or the sciences.[31] "Philosophy, as logocentrism, is present in every scientific discipline" as a "subtext." For example, he explains that the primary concepts used in political economy— "property," "work," "value"— "are all 'philosophemes,' concepts inaugurated by a philosophical discourse." Derridean deconstruction is designed in part to bring these "subtextual premises" to consciousness or to interrogate "unspoken political interests or traditional values."[32] Granted the primacy of metaphysics, then, deconstruction must operate within the discipline of philosophy and its language while at the same time disrupting it from within. As with Heidegger, this requirement leads Derrida to develop a vocabulary that is deliberately marginal, skirting the edges of philosophical discourse and thus common discourse.

Derrida finds a common thread through various philosophical conceptions from at least Plato to our time in the metaphysics of presence, or a position that understands "the meaning of being in general as <u>presence</u>" (p. 12). Logocentric metaphysics has "always assigned the origin of truth in general to logos" (p. 3). Derrida's use of the term "logocentrism" alludes to the double sense of <u>logos</u> in Greek as both "speech" and "reason." What is somehow "present" to us, especially through speech, is what <u>is</u>, what is real, what is true, and so on. Presence is privileged as being, reason, truth, legitimacy. On the other hand, within this logocentric system what is "absent" is characterized as non-being, negativity, non-presence as death. What is somehow "other" or different from what is somehow present is determined as non-being, irrationality, falsity, illegitimacy. There is a certain differentiation, hierarchalization, and even violence and mastery endemic to logocentrism. "Logocentrism" thus also alludes to the kindred verbal sense of "choosing" or "discriminating." We glimpse the outlines of the political implications of Derridean deconstruction as a critique.

Writing as the implicit or explicit absence of the (speaking) subject is the archetypal case for Derrida of a fall or distancing from presence. Writing as the production of signs and the classical determination of signification "presupposes that the sign (which defers presence) is conceivable only <u>on the basis of</u> the presence that it defers and <u>in view of</u> the deferred presence one intends to reappropriate."[33] The "only" in Derrida's statement contains the crux of his entire argument.

Logocentrism involves the search for a source of truth and meaning that somehow transcends our spatio-temporal existence, that represses differance: a "transcendental signified" (p. 49). That transcendental source can be understood in a variety of ways. It may be a pristine origin or culminating end; nature or history; the object of the intellect or evidence of the self-conscious. All of these positions are recognizable in the history of Western philosophy. In addition, since he speaks of a "narrower epoch of Christian creationism and infinitism when these appropriate the resources of Greek conceptuality" (p. 13), Derrida uses the terms "metaphysico-theological" or "onto-theological" as synonyms for "metaphysical," for example when he speaks of the notions of "origin" or "ground" as belonging to "the history of onto-theology" (p. 23).[34] Derrida treats as analytically similar both theories concerned with origins and those directed toward ends, teleological or eschatological theories. A "fall" from an origin, whether in the Bible or Rousseau, thus becomes analytically similar to a "crisis" on the way to realizing a telos, as in Husserl. "As always, this archeology is also a teleology and an eschatology; the dream of a full and immediate presence closing history, the transparence and indivision of a parousia, the suppression of contradiction and difference" (p. 115). Similarly, he writes: "History and knowledge, istoria and epistémè, have always been determined . . . as detours for the purpose of the reappropriation of presence" (p. 10).

A powerful aspect of Derrida's treatment of the Western experience is his analyze apparently divergent theories in terms of a common schema and the set of possibilities within it. His understanding of logocentric metaphysics, as well as his deconstruction of it is dependent upon his characterization of the structural impulse of phonocentrism. Indeed, he views philosophy itself as essentially structural: "it would not be difficult to show that a certain structuralism has always been philosophy's most spontaneous gesture."[35] In an essay on Rousseau and Lévi-Strauss, the structural anthropologist, Derrida asks of the constraints of structuralism: "Is it not a question of both Rousseau's project and modern linguistics belonging in common to a determined and finite system of conceptual possibilities, to a common language, to a common reserve of oppositions of signs (signifiers/concepts) which first of all is none other than the most ancient fund of Western metaphysics?" He also explains in this context that this "fund" of concepts "is articulated, in its diverse epochs, according to schemes of implication."[36] I shall turn to this latter point shortly.

While his treatment of philosophy is indebted to structuralism, the way in which he deconstructs structures pushes him beyond his intellectual forebearers, hence the label "post-structuralism for Derrida's thought among others. He discusses perhaps the two most important structuralist theorists in the first part of Of Grammatology: Saussure and Lévi-Strauss. He analyzes the primary structural oppositions these theorists propose— "signified" and "signifier" in Saussure and "nature" and "culture" in Lévi-Strauss— and undermines them. He argues that terms that delineate these structures are not simple, univocal, and opposed concepts that define a differential scale and constitute a closed structure. Rather, each of the opposites actually already contain the other imbedded within them, so that on further analysis the terms can be maintained only through a certain repression.

Perhaps the best example of Derrida's argument is to be found in his analysis of Lévi-Strauss' treatment of the incest prohibition. On the one hand, the anthropologist argues that the prohibition is universal and therefore natural. On the other hand, he admits that the prohibition is a form of law and thus cultural. The incest prohibition is paradoxically the natural imbedded within the cultural and the cultural imbedded within the natural. The opposition between nature and culture posited by Lévi-Strauss as the fundamental concept of structural anthropology cannot be sustained according to Derrida's analysis (see esp. pp. 103–5).

Derrida's deconstruction of Lévi-Strauss and the opposition between nature and culture central to his thought is intended to be exemplary. His treatment of the opposition between nature and culture is of particular importance in Of Grammatology and of particular interest for assessing his impact on the study of political thought. The discovery of the concept of nature, including its relationship to that of law, is of seminal importance for philosophy in general and political thought in particular. Derrida also views this development as "fundamental," speaking of the opposition of physis to its others — nomos, technê— which opened the entire series of oppositions nature/law, nature/convention, nature/art, nature/society, nature/freedom, nature/history, nature/mind, nature/culture, etc." and saying that it has "governed, throughout the "'history' of its modifications, the entire thinking and language of the philosophy of science up to the twentieth century."[37] Attention to this particular dichotomy will both flesh out Derrida's conception of philosophy and its deconstruction and prepare an assessment of his analysis of Rousseau.

The nature/culture opposition is part of a "system of oppositions" characteristic of logocentrism and produced within the structure or economy of differance. This opposition and others are derived from the opposition of the "irreducible absence within the presence of the trace" (p. 47). The trace must be thought before such oppositions (p. 70). Derrida therefore claims that "it suffices to accredit absolutely, here and there, the oppositions nature/convention, nature/arbitrary, animal/human, or the concepts of the sign (signified/signifier), or of representation (representer/represented) for the totality of the discourse to be affected systematically. The effects of such an opposition— which we know goes back further than Plato— can occasion an infinite analysis from which no element of the text escapes."[38] Within philosophy there is an "entire system of differences between physis and its other (the series of its 'others': art, technology, law, institution, society, immotivation, arbitrariness, etc.), and in all the conceptuality disposed within it" (p. 103).

Derrida claims that grammatology deconstructs this set of oppositions by showing, as with his reading of Lévi-Strauss, that "the completely other" is not actually other. "Let us now persist in using this opposition of nature and institution, of physis and nomos (which also means, of course, a distribution and division regulated in fact by law)," he explains, an opposition "which a meditation on writing should disturb although it functions everywhere as self-evident" (pp. 44–5). Derrida's analysis of writing as it has been treated in relation to the nature/culture opposition through the metaphor of the Book of Nature provides an example of paramount importance for his work.

Phonocentrism devalues writing as a mediated form of expression, a fall from the unmediated presence of voice, and logocentrism further devalues writing as a loss of meaning or truth. In order to reappropriate presence, we must turn from what is written and return to the original, unmediated expression (logos). Despite its pretensions, Derrida contends that philosophy cannot make this return without turning to a metaphor that reinscribes what it would proscribe. For example, he notes that Socrates in the Phaedrus devalues writing for the "writing in the soul" (p. 15), an analysis he extends in his reading of that dialogue in Dissemination. Similarly, in the Middle Ages and later one speaks of the "Book of Nature," a metaphor Rousseau uses as well. Derrida's interpretation of the metaphor is similar to his analysis of the relationship between "nature" and "culture" in Lévi-Strauss.

> The paradox to which attention must be paid is this: natural and universal writing, intelligible and nontemporal writing, is thus named by metaphor. A writing that is sensible, finite, and so on, is designated by writing in the literal sense; it thus thought on the side of culture, technique, and artifice. . . . It is not, therefore, a matter of inverting the literal meaning and the figurative meaning but of determining the 'literal' meaning of writing as metaphoricity itself. (p. 15)

Derrida's attention to metaphor in philosophy in order to show how philosophy deconstructs itself has gained him the reputation of sophistry. Such metaphors appear from a more traditional point of view as insignificant or at worst unfortunate, so that his attention to them appears at best trifling. Derrida nonetheless insists upon their revelatory importance. His insistence is premised upon his conception of phonocentrism and logocentrism. The articulations within the system— words, signs, concepts— are not univocal and self-identical, or "literal," but metaphorical on some level, tropes pointing beyond themselves.[39]

Anyone familiar with the history of philosophy or political thought might object that the relationship between nature and law, or similar concepts, has been so variously conceived throughout that history so as to make Derrida's deconstructive meditation on writing at best only locally disruptive. Even granting that a strict opposition between nature and culture, such as in Lévi-Strauss as Derrida presents him, is susceptible to something like Derrida's reading, how could deconstruction apply to the whole of philosophy? For example, is the natural law tradition, where the terms are not simply in opposition, susceptible to such a reading? Or the historical schools? Derrida nonetheless claims that all these positions are deconstructable as heirs to a logocentric metaphysics that is merely structuring such oppositions in differing ways or producing different economies. "All dualisms, all theories of the immortality of the soul or of the spirit, as well as all monisms, spiritualist or materialist, dialectical or vulgar, are the unique theme of a metaphysics whose entire history was compelled to strive toward the reduction of the trace." All of these conceptual systems have in common an exclusion of the "other," or schematically, "the exclusion of writing" (p. 71). He insists that the apparent discontinuities within the philosophical tradition rest upon the continuity provided by its phonocentric and logocentric foundation.

Discontinuity: The Epoch of Western Metaphysics and its Epochs

Derrida speaks of "the great epoch covered by the history of metaphysics" (p. 13). He reveals the phenomenological source of his concept of the epoch and his departure from that tradition when he refers to Husserl's concept of "epoché." Since that logocentric epoch privileges presence as meaning, it is the epoch of meaning. "The transgression of meaning is not an access to the immediate and indeterminate identity of a nonmeaning, nor is it an access of maintaining nonmeaning," for that would but invert the logocentric concept of meaning as maintenance of identity. "Rather, we would have to speak of an epoché of the epoch of meaning . . . : the opposite of a phenomenological epoché, for this latter is carried out in the name of and in sight of meaning."[40] The epoch of Western metaphysics comes to sight at its closure. That "epoch" is both a historical category, a period of time, and a specific understanding of transcendent meaning controlling and producing that epoch.

Within the overarching epoch of logocentric metaphysics in which being is determined as presence are found "all the subdeterminations which depend on this general form and which organize within it their system and their historical sequence" (p. 12). These subdeterminations can be analyzed as sub-systems or sub-economies within the more general logocentric economy or as historical periods in their sequence. Derrida presents the following sequence in a fashion that contains both criteria: "presence to the thing to the sight as eidos, presence as substance/essence/existence [ousia], temporal presence as point [stigmè] of the now or of the moment [nun], the self-presence of the cogito, consciousness, subjectivity, the co-presence of the other and of the self, intersubjectivity as the intentional phenomenon of the ego, and so forth" (p. 12). At another point he speaks of "the instance of the logos or of a reason thought within the lineage of the logos," with "instance" recalling instantiation and lineage a sequence: "in the pre-Socratic or the philosophical sense, in the sense of God's infinite understanding or in the anthropological sense, in the pre-Hegelian or the post-Hegelian sense" (pp. 10–11).

The history of metaphysics runs from the pre-Socratics to Heidegger, or more narrowly from Plato to Hegel (p. 3). Derrida equivocates because in his view Hegel "undoubtedly summed up the entire philosophy of the logos" in a way still dominant today (pp. 24–5). Furthermore, Derrida appears to argue that when one removes eschatology, or the Absolute, Hegel "is also the thinker of irreducible difference" (p. 26), and his influence on later thought is thus seen even more clearly.[41]

Although he speaks of the logocentric epoch beginning with the pre-Socratics, unlike Heidegger, Derrida resists viewing the epoch of the history of metaphysics as a developing history with a definite beginning and less definite end, or a destiny. The Greeks had no special proximity to a logos, from which we have fallen, he says, and warns that "the fascination with the pre-Socratics to which we have been provoked by Nietzsche, then by Heidegger and several others, would carry with it a share of mystification whose historico-philosophical motivations remain to be examined."[42] Derrida does identify logocentrism with the West and sketch its history, and so he must view its source and development as historical to that extent. However, he is interested more in the way in which the metaphysics of presence is specifically enunciated within this general structure, or the "general economy" of concepts as it is variously articulated. "Between the overture and the philosophical accomplishment of phonologism (or logocentrism), the motif of presence was decisively articulated." Derrida appears to use "articulated" here in its dual sense. This usage is strange considering his association of the term with phonocentrism and logocentrism and it marks the tension in his periodization of Western thought.

Derrida maintains that "the most decisive separation" within the general epoch of metaphysics occurs with Descartes. The metaphysics of presence "underwent an internal modification whose most conspicuous index was the moment of certitude in the Cartesian cogito" (p. 97). Descartes reads the "great book of nature" from a new perspective where "the determination of absolute presence is constituted as self-presence, as subjectivity" (p. 16). The Cartesian turn involves locating presence subjectively, not somehow objectively in the ideas, or God, or other previous determinations. After Descartes, "this objectivity takes the form of representation, of the idea as the modification of a self-present substance conscious and certain of itself at the moment of its relationship to itself." Although God is no longer the objective source of ideality after Descartes, according to Derrida the divinity remains as a principle that secures subjective certainty. "God is the name and the element of that which makes possible an absolutely pure and absolutely self-present self-knowledge. From Descartes to Hegel and in spite of all the differences that separate the different places and moments in the structure of that epoch, God's infinite understanding is the other name for the logos as self-presence" (pp. 97–8).[43] Derrida's characterization of this epoch will direct him in his reading of Rousseau as well.

Derrida claims that objectivity after Descartes takes the form of "representation." Objective ideas or concepts are modifications of the subjective source of being and certainty and are re-presentations of it.[44] Such representations have the danger of being false or inaccurate representations. The political aspect of representation and its dilemmas comes out in Derrida's interpretation of Rousseau. Since he will even venture to say that "representation" is the "essence of modernity" entirely (p. 296), his interpretation of Rousseau on this point is revelatory of his conception of modern politics and political theory more generally.

Derrida makes his claim about the defining character of "modernity" despite his reticence he expresses about the term elsewhere. "I have never been very happy with the term 'modernity.' Of course, I feel that what is happening in the world today is something unique and singular. As soon, however, as we give it the label of 'modernity,' we inscribe it in a

certain historical system of evolution or progress (a notion derived from Enlightenment rationalism) which tends to blind us to the fact that what confronts us today is also something ancient and hidden in history."[45] This is the occasion for his remarks quoted above about the continuity and discontinuity of history. His explanation reveals two points. First, he does not so much object to the historical periodization producing a notion of "modernity" as the equation of that notion with a whole set of beliefs about progress and history. Second, he accepts such a periodization as long as one recognizes that behind it lies a determination within the system of metaphysics that reveals both the continuity and discontinuities within its epoch. His interpretation of Rousseau as an exemplar of that epoch is dedicated to this dual recognition of continuity and discontinuity.

Discontinuity, Continued: Rousseau and His Epoch

Derrida Reading Rousseau

Derrida treats Rousseau as exemplary of the epoch running from Descartes to Hegel and a decisive moment within it. At the same time, however, he takes Rousseau to be exemplary of an important phenomenon in epoch of metaphysics as a whole. Within the age of metaphysics from Descartes to Hegel, "Rousseau is undoubtedly the only one of the first one to make a theme or a system of the reduction of writing profoundly implied by the entire age. He repeats the inaugural movement of the Phaedrus and De interpretatione but starts from a new model of presence: the subject's self-presence within consciousness or feeling [sentiment]" (p. 98; Fr. p. 147).[46]

Derrida chooses Rousseau's Essay on the Origin of Languages, a little-known text before Derrida, as the primary text he will read in Of Grammatology. The Essay contains a discussion of the origin and progress of languages (and music), a related argument about the detrimental effects of writing, and a concluding section on the relationship of languages (and writing) to government.[47] Rousseau's discussion of the relationship between speech and writing in the Essay provides Derrida with a convenient exemplar for his purposes. Further, the way in which Rousseau relates his more narrow subject in that work to the themes of nature, history, and politics allows Derrida to develop a more general interpretation of Rousseau.

Derrida admits that his choice of the Essay as the exemplar of Rousseau and his epoch may appear "exorbitant." His choice may appear exorbitant because Rousseau's argument in the work that languages are passionate or figurative in origin, not rational, makes him "distinctly a maverick in Western thought about language." Nonetheless, his argument about the passionate origin of language appeals to a metaphysics of presence in Derrida's sense, and "From this perspective Rousseau is in the mainstream" and "[h]is difference from Plato or Descartes or Hume concerns the sort of thing or experience whose unmediated presence provides the foundation of what we mean, what we express, when we speak."[48] In Derrida's terms, then, the Essay represents the classical devaluation of writing on a new model of the metaphysics of presence.

Derrida's analysis of Rousseau's discussion of writing (in the normal sense) in the Essay is interesting, but his treatment of one sort of "writing" (in his sense) is more revelatory of his project and interesting as an interpretation of Rousseau. This more interesting treatment can be seen from his explanation of the exemplarity of the "Rousseauist moment" near the beginning of Of Grammatology:

> Rousseau repeats the Platonic gesture by referring to another model of presence: self-presence in the senses, in the sensible cogito, which simultaneously carries in itself

> the inscription of divine law. On the one hand, representative, fallen, secondary, instituted writing, writing in the literal and strict sense, is condemned in the Essay on the Origin of Languages. . . . On the other hand, on the face of the same proposition, writing in the metaphoric sense, natural, divine, and living writing is venerated; it is equal in dignity to the origin of value, to the conscience as divine law, to the heart, to sentiment, and so forth. (p. 17)

Derrida claims that Rousseau's model of presence in the sensible cogito, or sentiment, or conscience "carries within it the inscription of divine law." His primary example in Of Grammatology will be Rousseau's treatment of pity.

The subject of pity is important in the Essay in part because of the widely-held position that the Essay contradicts Rousseau's other works on the natural status of pity. In brief, Rousseau's discussion of pity in the Essay (and in similar passages in Emile) is said to contradict his account in the Second Discourse: in the Second Discourse Rousseau implies that pity is initially active and thus natural while in the Essay he states it only develops later.[49] The choice of the Essay would be exorbitant, too easy, for Derrida's purposes if the contradiction remained after scrutiny. In this interpretation, Derrida would have seized on the ambiguous role of pity as either natural or developed, or both, unfairly, allowing him to cite pity as an example of the way in which Rousseau is unable to keep the opposed terms of his structure— the natural and the civil— in strict opposition. This is indeed Derrida's argument about Rousseau. However, what is interesting about his interpretation is that he argues rightly that there is no substantial contradiction concerning pity in the Essay and Rousseau's other works (pp. 171–94) and that he is correct about the ambiguous role of pity in Rousseau's thought. The question is what this ambiguity suggests.

Derrida's strategy of deconstructive reading at least in the case of Rousseau involves a charitable premise. He accepts that Rousseau's thought is consistent in all important respects and that apparent inconsistencies, such as the one concerning pity, can be explained after a close textual analysis. Derrida thus respects Rousseau's own statements about the consistency of his writings. Derrida's principle of charity and method of close reading has indeed been a point of attack of some who like the deconstructive aspect of his readings but view his methods as an unfortunate textual fetishism left over from a bygone epoch.[50]

Despite Derrida's acknowledgment of Rousseau's consistency, it is not clear whether one could say Derrida finds him coherent. In one sense Derrida accepts that Rousseau's thought is coherent given his consistent intention, but in another sense it does not cohere but instead displays ruptures despite Rousseau's intentions. For example, Derrida argues that in spite of Rousseau's declared intention to locate the simple, natural origin of language he cannot exclude what appears supplementary to that origin from that origin, for example writing as articulation and thus as convention. "His declared intention is not annulled by this but rather inscribed within a system which it no longer dominates" (p. 243; see pp. 149–50). Rousseau "says what he does not want to say, describes what he does not want to conclude. . . . Rousseau is not alone in being caught in the graphic of supplementarity. All meaning and therefore all discourse is caught there, particularly and by a singular turn, the discourse of the metaphysics within which Rousseau's concepts move." Rousseau represents but one manifestation of a meta-text, a world of discourse understood as a text, and he himself is not properly in control of that discourse and thus an author in that sense. Derrida is led to conclude from this that "[t]here is not, strictly speaking, a text whose author or subject is Jean-Jacques Rousseau" (p. 246). Derrida's principle of charity is ultimately uncharitable. Derrida's tactics in analyzing a more limited example of a concept that breaks down under scrutiny, and I will concentrate on his treatment of pity in Rousseau, will help make sense of his general strategy of deconstructive reading and the claims he makes.

The Economy of Pity in Rousseau

Rousseau's argument about the role of pity is well-known. In the Second Discourse he argues in explicit response to Hobbes that self-love alone is incapable of explaining human behavior. Hobbes did not notice "another principle" that softens "under certain circumstances, the ferocity of his amour-propre or the desire for self-preservation before the birth of amour-propre— tempers the ardor he has for his own well-being by an innate repugnance to see his fellow-man [semblable] suffer." Although man is not naturally social according to Rousseau, natural pity provides a pre-social basis for the social passions and virtues that arise later: "from this quality alone flow all the social virtues." Finally, he concludes with a statement which will be of great interest to Derrida: "pity is a natural sentiment which, moderating in each individual the activity of love of oneself, contributes to the mutual preservation of the entire species . . . in the state of nature, it takes the place of laws, morals, and virtue, with the advantage that no one is tempted to disobey its gentle voice."[51]

Rousseau's discussion of pity in the Second Discourse appears to affirm its wholly natural and innate character, but he quietly admits that "commiseration is only a sentiment that puts us in the position of him who suffers— a sentiment that is obscure and strong in savage man, developed but weak in civilized man."[52] This admission contains the ambiguity of his position on pity. Pity only develops fully in civilized man, as he admits in the Essay: "Pity, although natural to the heart of man, would remain eternally inactive without the imagination which puts it into play. How do we let ourselves be moved to pity? By transporting ourselves outsides of ourselves; by identifying ourselves with the suffering being. . . . Consider how much this transport presupposes acquired knowledge!"[53] In addition, since pity is a sentiment that puts us in the place of another, in some sense it is a modification of self-love, as Rousseau indicates in the Emile when he states that "all the passions" derive from self-love.[54] Pity is "the first relative sentiment which touches the human heart according to the order of nature."[55] Rousseau therefore always qualifies his discussion of the naturalness of pity. He either explicitly notes that pity has a natural basis but requires developed faculties and passions to develop it fully or quietly attenuates his more direct statements about its naturalness, as in the Second Discourse, where he perhaps exaggerates the role of pity for rhetorical purposes. There is no fundamental contradiction between the Second Discourse and Essay (or Emile). Derrida makes essentially the same argument presented here about Rousseau's treatment of pity (see pp. 182–92).

For Derrida Rousseau's apparent equivocation on pity reveals a deeper rupture running through his thought, and, as an exemplar of Western metaphysics as a whole, through the whole logocentric epoch. Derrida's argument about the revelatory significance of pity in Rousseau's thought refers once again to the nature/convention opposition he finds throughout logocentric philosophy. What interests Derrida about Rousseau's discussion of pity is the inbetweenness of the sentiment: its place between nature and culture and its role as a supplement to each.

Derrida suggests that the inbetweens in Rousseau's thought— pity, perfectibility (or "potentiality" as Derrida recharacterizes it), and so on— are essential to his thought, and revelatory of logocentrism more generally. "What Rousseau thus reveals is the neutral origin of all ethico-political conceptuality, its field of objectivity, and its axiological system. All the oppositions that follow in the wake of the classical philosophy of history, culture, and society must therefore be neutralized" (pp. 188–9). Rousseau can affirm contradictory values at the same time (p. 189). Or, similarly, two interpretations, for example concerning pity or perfectibility, are possible at the same time in his thought not because of his inconsistency,

but because of the structure of supplementarity within which he writes but cannot control (pp. 178–9).

Derrida fastens on the inbetweenness of pity to suggest a fundamental structure of supplementarity in Rousseau's thought. He argues that despite his intention to find a pristine natural origin— for speech, for man, and so on, Rousseau must inscribe what is supplemental into what is supposed to be original, as with law being inscribed in natural pity. He claims that he can show that "comprehended by the entire system of oppositions that it sustains, the concept of natural pity is fundamental" (p. 181). He describes two series of opposed terms that work themselves out in Rousseau's thought: "(1) animality, need, interest, gesture, sensibility, understanding, reason, etc. (2) humanity, passion, imagination, speech, liberty, perfectibility, etc." These series "always relate to each other according to the structure of supplementarity" (p. 183). For example, Rousseau says that man is by nature an animal, but on the other hand his possession of language and perfectibility, which are closely related, differentiate him from the animals, a point he makes at the outset of the Essay. Language and perfectibility both rely upon imagination to be put into play, as does pity. "Imagination is the becoming-human of pity." Pity, as well as language and perfectibility, are "virtual" faculties: in between passivity and activity, animality and humanity, asking us to thin, of nature in Rousseau "not as a given, as a real presence, but as a reserve" (p. 185).

Derrida argues that Rousseau cannot keep nature and civilization apart, as he seems to want to do in the Second Discourse, where pity seems less ambiguously on the side of nature. Pity is the archetypal case of the breakdown of the supposed oppositions in Rousseau's economy. This breakdown becomes manifest in the Essay where Rousseau's subject makes him attend more to the continuity of developments from nature to civilization than he had to in the Second Discourse, as Derrida acutely notes. Pity in the Essay: "As always, it is the ungraspable limit of the almost. Neither nature nor society, but almost society. Society in the process of birth." Rousseau cannot but show "the becoming-culture of nature" through pity and other terms of his thought (p. 253).[56]

The ambiguities of Rousseau's position have indeed raised questions about his thought. For example, if "perfectibility" is the distinguishing characteristic of man, then in what sense can the progress in our passions and faculties on the level of both the species and the individual be said to be unnatural or accidental? Is unperfected or perfected man more "natural"? Rousseau definitely says the former, but what prevents us from interpreting him otherwise? A flock of interpreters influenced by Kant or Marx, thinkers themselves influenced by Rousseau, have so interpreted Rousseau. These are certainly obstacles to understanding Rousseau's thought, but it is their status in his thought and what they reveal that is in question. A closer look at Derrida's reading of Rousseau's treatment of pity is necessary.

Derrida deconstructs Rousseau's treatment of pity in the same manner as his broader deconstruction of the opposition of nature and its other in the Western logocentric tradition as he reads it. That no one dare "disobey" the "soft voice" of pity indicates that this sentiment operates as a law, according to Derrida. Pity takes the place of— supplements— instituted law. When (natural) pity is overcome by developed self-love and no longer restrains us, laws must be instituted: convention must supplement nature. Derrida analyzes this progress as a chain of supplements. "The order of pity 'takes the place of law,' it supplements law, that is to say instituted law. But as institutional law is also the supplement of natural law when the latter is lacking, it is clear that only the concept of the supplement allows us to think the relationship between nature and law here. These two terms have no meaning except within the structure of supplementarity" (p. 173; emphasis supplied).

Derrida's reading of Rousseau is persuasive to a point, for he redirects our attention to an interesting paradox in Rousseau's thought and tries to resolve it in an provocative fashion. Nonetheless, is Derrida's interpretation convincing? Is Rousseau's text only comprehensible, does it have no meaning except, through Derrida's understanding of supplementarity and his critique of logocentric metaphysics more generally? Does Derrida really uncover a paradox in Rousseau? Or is it Rousseau himself who self-consciously examines pity in this fashion, with Derrida ignoring Rousseau's paradoxical insight only to claim it for himself? Is Derrida's understanding of Rousseau's conception of pity correct in the first place?

Derrida rightly notes that Rousseau says that by nature no one will "disobey" the voice of pity. He then claims that pity is metaphorically a law and, based on his conception of the essential metaphoricity of philosophy, builds the expected interpretation where he finds law inscribed in what is supposed to be a univocal concept of nature, despite Rousseau's intentions. He makes a global claim about logocentric philosophy, of which Rousseau is exemplary, that all articulation or distribution is in fact legal or prescriptive: "There is much to say about the fact that the native unity of the voice and writing is prescriptive. Arche-speech is writing because it is law" (p. 17). However, how metaphorical is Rousseau's remark about no one disobeying pity? This is not meant to be a quibble over Derrida's claims about metaphoricity or covert attack on it, for one could argue that it is incumbent upon Derrida to exhaust the obvious interpretations as they arise out of the text. In this case, Rousseau's own statements about the character of pity are essential for understanding what he means. If pity is a natural passion that moves us, however strongly, before reflection, then how could one "disobey" it in any real sense? Is law the proper metaphor here, or is it rather natural necessity? If the latter, then in what sense could one disobey a law of nature. In this case, "obedience" to pity is similar to "obedience" to the dictates of self-love, self-preservation., or natural right. How likely is it that one will "disobey" such a dictate, or is the legal metaphor ultimately and intentionally misleading?[57]

Derrida's assimilation of pity to natural law is especially troubling considering Rousseau's argument in the Second Discourse as a whole. As has been noted by several scholars,[58] Derrida ignores the fact that this work contains an argument against the concept of natural law altogether. In the Preface to the Second Discourse Rousseau states concerning natural law: "All that we can see very clearly concerning this law is that, for it to be law, not only must the will of him who is bound by it be able to submit to it with knowledge; but also, for it to be natural, it must speak directly by nature's voice."[59] Since Rousseau argues that man does not by nature possess the reason or knowledge requisite for natural law to be a law in this sense, his argument is in fact an attack on the concept of natural law. In addition, as one of the two principles anterior to reason, and perhaps reducible to the other, pity does indeed speak directly by nature's voice, but as passion, not as law. Rousseau intentionally blurs his position on natural law.

Nonetheless, Derrida does present evidence that Rousseau conceives of pity, and especially conscience, as a natural law in a more traditional sense. He cites the "Profession of Faith of the Savoyard Vicar" in the Emile: "'The more I retreat into myself, the more I consult myself, the more plainly do I read these words written in my soul: by just and you will be happy. . . . [...] I find them in the depths of my heart written by nature in characters which nothing can efface'" (p. 17). These characters, Derrida contends, are supposed by Rousseau to have been written by God's hand. The Vicar's doctrine of conscience is based on a dualist metaphysics and assimilated to the tradition of natural law. His teaching is indeed relatively traditional if not quite orthodox (and Derrida does note therefore that the doctrine revolves around a non-traditional notion of the self-evidence of a "sensible cogito" rather than a rational soul). However, the Vicar is not Rousseau and a careful analysis of the "Profession" has to be read with Rousseau's rhetorical motives in mind. Namely, Rousseau

presents the "Profession" as a useful moral teaching rather than as essentially true. Rousseau's intentions are indicated in a number of ways. Aside from internal evidence gained from attention to the novelistic presentation of the Emile in general and "Profession" in particular, and apart from and the evidence generated after a patient comparison of the "Profession" and what Rousseau says in his own name in the Emile and elsewhere (especially what he says about pity and conscience), perhaps the most revealing piece of evidence can be found in the Reveries. Rousseau admits in that work that he sometimes lies for the good of others and he connects that admission to the "Profession."[60] Derrida is usually quite alert to the rhetorical strategies of an author, but he ignores Rousseau's own self-conscious rhetorical ploys in the case of natural law, conscience, and pity.[61]

Rousseau intentionally gives pity and perfectibility an ambiguous place between nature and culture. This ambiguity may reveal not the supplementary character of his thought or of Western thought, but a profound and difficult articulation of a problem confronted by the entirety of the Western philosophic tradition and an articulation that was of immense consequence within that tradition. His discussion of natural law is similarly ambiguous, not because he unconsciously heeds the edicts of supplementarity and resurrects the trace despite himself, but because his own conception of the relationship of nature to convention and law is intentionally innovative, and that innovation affects his treatment of "natural law." What is striking about Derrida's interpretation is the way in which he seems to ignore Rousseau's own insights into the problematic relationship of nature and culture in order to claim the insight as his own.

If Rousseau's articulation of the relationship between nature and culture or civilization is indeed of epochal significance, then Derrida's characterization of Rousseau as exemplary of an epoch stretching from Descartes to Hegel would be questionable and we might have to periodize the course of philosophy somewhat differently. For example, many interpreters have suggested that Rousseau introduced or at least made prominent the concept of history and the historicity of human nature into philosophy when he proclaimed that the lesson of the Second Discourse was that "the human race of one age" was not "the human race of another."[62] His statement is premised on his conception of what might be called the dialectical relationship among human needs, passions, and reason, a conception meant to challenge previous understandings of human nature: "Whatever the moralists may say about it, human understanding owes much to the passions , which by common agreement also owe much to it. It is by their activity that our reason is perfected."[63] The role of history in Rousseau's thought and his dialectical psychology are both central to his understanding of the relationship between natural man and civil man.

Given all this, the relationship posited by Derrida between Rousseau and both his predecessors and successors would have to be reassessed. As for the former, Rousseau's novel articulation of the relationship between nature and society and his introduction of history into philosophy might mark a decisive break from Descartes, and perhaps more importantly Hobbes and Locke, that would force us to reconsider Derrida's periodization. As for the latter, Rousseau's discussion of history and quasi-dialectical conception of human development might be said to have decisively influenced his successors, notably Hegel but also Nietzsche (for Rousseau might be said not to have proclaimed the historical nature of man, but the historicity of human nature), thus forcing us to reassess Derrida's periodization of philosophy in another way. This reassessment might not involve only a reperiodization of the history of philosophy, for we can admit with Derrida the problematic character of periodization, but also a very different understanding of the exemplary status of Rousseau, an understanding that would call into question Derrida's understanding of Western thought and Rousseau's place within it.

Conclusion

What is Derrida's significance for the study of the history of political thought? I believe that the foregoing discussion suggests different answers on two levels. On one level we have to assess the premises of Derrida's deconstructive reading of the texts of that tradition and on another level we have to assess his periodization of that tradition and treatment of certain figures, here Rousseau, as exemplary within it.

Derrida's reading of the entirety of the Western philosophical tradition rests upon the premise that its continuity is based on a certain logocentric metaphysics which in turn is based on an endemic phonocentrism. Derrida's claim needs to be investigated. At least in the case of his reading of Rousseau, however, that premise does not flow from his analysis but directs his reading from the outset: that is, his premise about logocentrism and phonocentrism is precisely a premise. Derrida's premise is provocative and merits inquiry, but I suggest that such an inquiry must take place within the confines of philosophy and otherwise risks degenerating into an orthodox method, as Derrida himself points out. In sum, Derrida's characterization of Western philosophy requires an analysis on one level. The results of that analysis could have an immense bearing on our understanding and study of the texts of political thought.

Derrida's periodization of the history of philosophy and choice of exemplars within it are self-admittedly problematic, and I have suggested problems with them. In the final analysis, however, Derrida's periodizations are not particularly surprising, and are even mundane. Divorced from the premises of his reading of philosophy as a whole, his treatment of epochs and exemplars within this history is relatively uninteresting and does not itself have much promise for students of political thought.

The usefulness of Derrida's reading of philosophy for the study of political thought lies at the point of contact between the two levels of analysis I have suggested. Based on my investigation to this point, I would maintain a suspicious agnosticism about the first level of Derrida's project and, on the second level, find myself able to pursue a dialogue with Derrida and others, though on that level alone that dialogue seems to me to be of uncertain interest. I find Derrida's attention to the main problems within the tradition of philosophy, notably the relationship between nature and law, what is of particular interest in his reading. While I do not find his own conception of the meaning of those problems convincing, the fact that he focuses or refocuses our attention on those problems is itself important. The study of political thought must not be sedimentized, political thought itself must not be ossified. Derrida's reading of Rousseau and others can serve as a catalyst to revivify political thought, but further research is necessary in order to determine whether his project of deconstruction is ultimately constructive.

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[1] Jacques Derrida, Of Grammatology, trans. Gayatri Chakravorty Spivak (Baltimore: Johns Hopkins University Press, 1974), Preface, pp. lxxxix–xc. Further references to this work will be in the text. Citations in French (Fr.) are to the original edition, De la grammatologie (Paris: Les éditions de minuit, 1967). All emphases, unless otherwise noted, are Derrida's.

[2] Derrida offers a lengthy consideration of Plato in his Dissemination, trans. Barbara Johnson (Chicago: University of Chicago Press. 1981), pp. 61–171. However, he concentrates on a dialogue which is not specifically political in content, the Phaedrus, and does not address the Republic, for example, at length. Other books and essays by Derrida on

Hegel, Nietzsche, Heidegger, and Levinas, among others, also bear on specifically political thought. A complete study of Derrida's relationship to political thought would have to take these works and others into consideration, which is beyond the scope of the present paper.

[3] Derrida, "Critical Response," trans. Peggy Kamuf, Critical Inquiry 13 (1986), p. 168.

[4] See, e.g., Catherine Zuckert, "The Politics of Derridean Deconstruction," Polity 23 (1991), pp. 335–56. Also see the essays collected in Drucilla Cornell, Michel Rosenfield, and David Gray Carlson, eds., Deconstruction and the Possibility of Justice (New York: Routledge, Chapman, and Hall, 1992), including the title lecture given by Derrida (pp. 3–67). For examples of readings of politics and political thought influenced by Derrida, see the essays by Michael Ryan and Spivak in Mark Krupnick, ed., Displacement: Derrida and After (Bloomington: Indiana University Press, 1983).

[5] Derrida, Memoires for Paul de Man, trans. Cecile Lindsay, Jonathan Culler, Eduardo Cadava, and Peggy Kamuf, revised edition (New York: Columbia University Press, 1989), p. 15. As the acknowledged paterfamilias of deconstruction on at least two continents, Derrida often has been called upon to give an account of his theoretical offspring, to reconcile kin and ken. His statement about a history of deconstruction is made by way of explaining why he will not speak about deconstruction in America as suggested by his hosts. On the same principle he warns: "Similarly, no matter what their interest or their necessity maybe today, the social sciences . . . cannot, as such, claim to "objectify" a movement which, essentially, questions the philosophic, scientific, and institutional axiomatics of those same social sciences" (ibid.). The attempt to objectively periodize deconstruction and its own problematic periodizations is untenable, at least on deconstruction's own terms.

[6] Derrida, "Interview with Jacques Derrida," in Richard Kearney, Dialogues with Contemporary Continental Thinkers: The Phenomenological Heritage (Manchester: Manchester University Press, 1984), pp. 105–26; p. 107.

[7] See Derrida's essay on Hegel via a reading of Bataille, "From Restricted to General Economy: A Hegelianism Without Reserve" in Writing and Difference, trans. Allan Bass (Chicago: Chicago University Press, 1978), pp. 251–77. For a searching critique of Derrida's reading of Hegel and debt to him, see Gillian Rose, The Dialectic of Nihilism: Post-Structuralism and Law (London: Basil Blackwell), chap. 8. Referring to the above-mentioned essay by Derrida, she concludes: "It is Derrida's writing which produces a restricted economy within the more 'general economy' of Hegelianism" (p. 162). See also Robert B. Pippin, Modernism as a Philosophical Problem: On the Dissatisfactions of High European Culture (Cambridge: Basil Blackwell, 1991), pp. 162–4.

[8] Ibid, pp. 112–13.

[9] Ibid., p. 113.

[10] Derrida, "The Linguistic Circle of Geneva," in Margins of Philosophy, trans. Allan Bass (Chicago: University of Chicago Press, 1982), pp. 137–53; p. 153.

[11] Derrida, "Interview," in Kearney, p. 109. For a discussion of Derrida's view of philosophical and literary works, see Christopher Norris, Derrida (Cambridge: Harvard University Press, 1987), chap. 2.

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[12] Derrida, "The Supplement of Copula: Philosophy Before Linguistics," in Margins of Philosophy, pp. 175–205; p. 177.

[13] Derrida, "Interview," in Kearney, p. 108.

[14] My use of the term "Archimedean point" alludes to the debate over whether phonocentrism and differance serve Derrida as transcendental principles and make him a transcendental philosopher of sorts despite his apparent statements to the contrary. See, e.g., Norris, Derrida; Pippin, Modernism as a Philosophical Problem, pp. 160–62; Richard Rorty, "Is Derrida a Transcendental Philosopher?" in Essays on Heidegger and Others: Philosophical Papers, Volume 2 (Cambridge: Cambridge University Press, 1991), pp. 119–28; Rose, Dialectics of Nihilism, chap. 8, esp. p. 139, where she reveals Derrida's "dilemma": "For differance, defined as 'productive,' is either the old transcendental enigma. . . ; or, if it is knowable, differance must fall into some kind of presence— the only knowability acknowledged and spurned by Derrida."

[15] Derrida, "Interview," in Kearney, pp. 115–16.

[16] Derrida cites Aristotle, De Interpretatione, 1, 16a 3. However, as James B. Murphy first pointed out to me, Derrida's translation is incorrect, using "symbols" to translate both semeia and symbola. The correct translation should be: spoken words are signs of mental experience and wrtten words are the symbols of spoken words." This is also noted by Newton Garver, "Derrida on Rousseau on Writing," Journal of Philosophy 74 (1977): 663–73; p. 671. Derrida fails to note how for Aristotle the human soul stands in relation to being and beings on the one hand and speech on the other does not stand in an immediate relation of "presence," as he claims. Stanley Rosen makes a similar criticism of Derrida on Plato in his profound study of Derrida, "Platonic Reconstruction," in Hermeneutics as Politics (Oxford: Oxford University Press, 1987), pp. 50–86.

[17] Aristotle, Politics I.2, 1253a7–18. Aristotle explicitly relates his definition of man as the being possessing reason to his characterization of him as the "political animal" (ibid., 1252b27–34). Derrida's understanding of the logocentrist phonocentrism of the West would bear on his understanding of the political thougth and politics of that tradition as well. See "Violence and Metaphysics: An Essay on the Thought of Emmanuel Levinas," in Writing and Difference, pp. 136–8.

[18] Zuckert raises a similar problem while noting Derrida's implicit rejection of Aristotle, "Politics of Derridean Deconstruction," pp. 353–4. See also her discussion of Heidegger's relation to Aristotle on this issue, "Martin Heidegger: His Philosophy and His Politics," Political Theory 18 (1990): 51–79; pp. 59–61.

[19] As Norris notes, Derrida thus draws out the radical implications of structuralism, and specifically Saussurean linguistics: "if language is always and everywhere a system of differential signs— if meaning subsists in various structures of relationship and not in some ideal correspondence between sound and sense—then the classical definition of writing would apply to every form of language whatsoever" (Derrida, p. 85).

[20] Ibid., p. 71.

[21] See Derrida, Speech and Phenomena and Other Essays on Husserl's Theory of Signs, trans. David B. Allison (Evanston: Northwestern University Press, 1973), pp. 82–104; "Differance," ibid., pp. 129–60.

[22] Derrida, Positions, p. 29, as cited by Rose, Dialectic of Nihilism, p. 165.

[23] Derrida, Speech and Phenomena, p. 82.

[24] See Derrida, "Some Statements and Truisms About Neo-logisms, Newisms, Postisms, Parasitisms, and Other Small Seismisms," in David Carroll, ed., The States of "Theory": History, Art, and Critical Discourse (New York: Columbia University Press, 1990), pp. 63–94.

[25] Derrida, "Interview," in Kearney, p. 116.

[26] Derrida, "Interview," in Kearney, pp. 115–16.

[27] Edmund Husserl, "Philosophy and the Crisis of European Man," in Phenomenology and the Crisis of European Man, trans. Quentin Lauer (New York: Harper and Row), pp. 149–92. Derrida touches critically on Husserl's view of the ideal of European science in his first work, Edmund Husserl's "Origin of Geometry": An Introduction, trans. John P. Leavey, Jr. (Lincoln: University of Nebraska Press, 1989 [1962]).

[28] See Martin Heidegger, An Introduction to Metaphysics, trans. Ralph Mannheim (New Haven: Yale University Press), esp. chap. 1. Derrida declares that Heidegger exercizes "the most constant influence" on his work ("Interview," in Kearney, p. 109). In any early work, Derrida avers that "no one before has better escaped" the grasp of classical metaphysics and ontology (Speech and Phenomena, pp. 25–6 n.). In Of Grammatology Derrida accentuates the more critical aspect of this judgment: "logocentrism is not totally absent from Heidegger's thought," though he excuses Heidegger— and himself— by saying that "one does not leave the epoch whose closure one can outline" (p. 12). Derrida objects to Heidegger's nostalgia for Being as a ground and his position that "the word 'being' . . . is, with some others, an 'originary word' (Urwort), the transcendental word assuring the possibility of being-word to all other words" (p. 21). He denies that being escapes the movement of differance he outlines in Of Grammatology and elsewhere. Derrida understands his project in some sense as a completion of Heidegger's. His position with regard to Heidegger is thus similar to Heidegger's with regard to Nietzsche. For the relationship between Heidegger and Derrida, see, e.g., Paul De Man, Blindness and Insight: Essays in the Rhetoric of Contemporary Criticism (New York: Oxford University Press, 1971), p. 138. For a revealing discussion of Derrida's debt to Heidegger with attention to their political positions, see Zuckert, "The Politics of Derridean Deconstruction."

[29] For Derrida's discussion of the false understanding of the relationship between theory and practice, especially as codified in the university, see "The Principle of Reason: The University in the Eyes of its Pupils," Diacritics 19 (1983), 3–20.

[30] Derrida, "Interview," in Kearney, p. 120.

[31] See Heidegger, The Question Concerning Technology and Other Essays, trans. William Lovitt (New York: Harper and Row, 1977).

[32] Derrida, "Interview," in Kearney, pp. 114–15. Deconstruction thus coheres with the historical or historicist critical enterprises of Marx, Nietzsche, Freud, and Foucault, among others.

[33] Derrida, "Differance," in Speech and Phenomena, p. 138.

[34] See also Derrida, "Interview," in Kearney, p. 116. Following Nietzsche, Derrida even claims that the metaphysical epoch is "essentially theological," so that even atheism is viewed as a form of theist thinking (p. 4 and n. 3; p. 14).

[35] Derrida, "'Genesis and Structure' and Phenomenology," in Writing and Difference, pp. 154–68; p. 159. Derrida makes this statement within a discussion of Husserl. Derrida's project might be seen as a combination of the structural and phenomenological enterprises (see Norris, Derrida, pp. 224–8). Derrida finds Husserlian phenomenology rigorous but still controlled by the metaphysics of presence (see Speech and Phenomena, esp. pp. 4–5). Husserl's attempt to join origins and ends, the ideal origin of science or philosophy that points to its telos, shows a structural tendency in combination with a phenomenological reduction, a combination Derrida views as one of tension. The very rigor of Husserl's thought makes the limitations of Western philosophy as a whole particularly revealing for Derrida

[36] Derrida, "Linguistic Circle of Geneva," p. 140.

[37] Derrida, "Linguistic Circle of Geneva," p. 152.

[38] Derrida, "Linguistic Circle of Geneva," p. 151.

[39] For Derrida's argument about metaphor and philosophy, see "White Mythology: Metaphor in the Text of Philosophy," in Margins of Philosophy, pp. 207–73. Elsewhere Derrida gives what might be viewed as a more Nietzschean reading of the metaphoricity of philosophy: "I have always tried to expose the way in which philosophy is literary, not so much because it is metaphor but because it is catachresis. The term metaphor generally implies a relation to an original 'property' of meaning, a 'proper' sense to which it indirectly or equivocally refers, whereas catachresis is a violent production of meaning, an abuse which refers to no anterior or proper name" ("Interview," in Kearney, p. 123).

[40] Derrida, "From Restricted to General Economy," p. 268. For Husserl's conception of "epoché," see 000

[41] See Derrida, "From Restricted to General Economy."

[42] Derrida, "Cogito and the History of Madness," in Writing and Difference, pp. 31–63; pp. 39–40.

[43] Derrida's characterization of Descartes and Hegel presupposes a rather orthodox reading of these philosophers. As noted above, in her Dialectic of Nihilism Rose challenges

Derrida's reading of Hegel as the philosopher of the Absolute by claiming that he is mistaken and does not draw out the radical aspects of Hegel's thought, rather reserving to himself the credit for those aspects. Derrida's reading of Descartes' argument about God could be similarly challenged. For example, a less orthodox or superficial reading of Descartes' argument in Part Four of the Discourse on Method, or the parallel discussion in the Mediations, could have him conclude, "Je pense, donc Dieu est," significantly altering the usual understanding of the role of the divinity in his project. For a insightful reading of Descartes along these lines, consider Michael Davis, Ancient Tragedy and the Origins of Modern Science (Carbondale, Illinois: Southern Illinois University Press, 1988), chaps. 3–4.

[44] Derrida builds on Heidegger's similar characterization of Descartes and modernity more generally. See Heidegger, "The Question Concerning Technology" and "The Age of the World Picture," in The Question Concerning Technology. Derrida's views on continuity and discontinuity within the epoch of metaphysics generally follows Heidegger as well.

[45] Derrida, "Interview," in Kearney, p. 112.

[46] The movement from Descartes' cogito to Rousseau's sentiment is perhaps authorized by Descartes himself since he relates cogitare and sentire in the Second Meditation of the Meditations on First Philosophy (Meditationes de prima philosophia, ed. George Heffernan [Notre Dame: University of Notre Dame Press, 1990], p. 104).

[47] Jean-Jacques Rousseau, Essay on the Origin of Languages, in Essay on the Origin of Languages and Theoretical Writings on Music, trans. and ed. John T. Scott, vol. 7 of Collected Writings of Rousseau, ed. Roger D. Masters and Christopher Kelly (Hanover: University Press of New England, forthcoming 1995); Essai sur l'origine des langues, ed. Jean Starobinski (Paris: Gallimard, 1990).

[48] Newton Garver, "Derrida on Rousseau on Writing," Journal of Philosophy 74 (1977): 663–73; pp. 669–70.

[49] See Rousseau, Discourse on the Origin and Foundations of Inequality Among Men (Second Discourse), in The First and Second Discourses, trans. Roger D. and Judith R. Masters, ed. Roger D. Masters (New York: St. Martin's, 1964), pp. 130–34; Emile; or, On Education, trans. and ed. Allan Bloom (New York: Basic Books, 1979), pp. 505–6. For accounts of the debate over this issue, see Antonio Verri, Origine delle lingue e civilità in Rousseau (Ravenna: A. Longo, Biblioteca di lettere e arti, vol. 28 1970), pp. 13–23; Robert Wokler, The Social Thought of J. J. Rousseau (New York: Garland, 1987), pp. 301-26. Derrida responds most directly to Jean Starobinski's argument that there is a contradiction between the Essay and Second Discourse (Jean-Jacques Rousseau: Transparency and Obstruction, trans. Arthur Goldhammer [Chicago: University of Chicago Press, 1988], pp. 000–000).

[50] E.g., Richard Rorty, "Deconstruction and Circumvention," in Essays on Heidegger and Others, pp. 85–106.

[51] Rousseau, Second Discourse, pp. 130–3; trans. altered.

[52] Rousseau, Second Discourse, p. 132.

[53] Rousseau, Essay, chap. IX, beginning.

[54] Rousseau, Emile, p. 000; emphasis supplied See also pp. 221 ("Pity is sweet because, in putting ourselves in the place of the one who suffers, we nevertheless feel the pleasure of not suffering as he does") and p. 235 n. ("it is in order not to suffer that I do not want him to suffer. I am interested in him for love of myself").

[55] Rousseau, Emile, p. 222.

[56] Derrida also makes much of the metaphor of "culture" used by Rousseau in the Emile to describe the education of humans relative to those of plants, claiming Rousseau seeks to understand the "natural causes of culture" (p. 223). "It is then seen how the concept of culture, in a very rare usage, unites nature and society by virtue of its metaphoricity" (p. 221). This metaphoricity points according to Derrida to a structure of supplementarity in Rousseau's text. However, Rousseau's usage is very rare indeed. What Derrida does not reveal is that the term "culture" as used here by Rousseau points to a transformation in the history of philosophy. Rousseau's analysis of the uneasy relationship between nature and civilization, with culture or cultures being civilized structures influenced in some important way by nature as it develops over history, decisively influenced later thought, from Kant through Herder to the German Romantics. Derrida's most frequently chosen dichotomy between nature and culture, as opposed to one of nature's other "others," may be revelatory of that influence as well.

[57] Cf. Locke's argument about natural law and natural right regarding suicide at the outset of the Second Treatise, in Two Treatises of Government, ed. Peter Laslett (Cambridge: Cambridge University Press, Cambridge Texts in the History of Political Thought, 1988).

[58] See esp. De Man, "Blindness and Insight," p. 120; Rose, Dialectic of Nihilism, pp. 134, 145–6.

[59] Rousseau, Second Discourse, p. 95.

[60] Rousseau, The Reveries of the Solitary Walker, trans. and ed. Charles E. Butterworth (New York: Harper, 1982), Fourth Walk. Rousseau suggests the continuity of the Fourth Walk, concerning lying, and the Third Walk, concerning his religious opinions and the composition of the "Profession," by repeating the maxim which serves as an epigraph of the Third Walk at the end of the Fouth (pp. 27, 59).

[61] De Man makes a related point in "Blindness and Insight," esp. pp. 135–6. See also Harvey, "Doubling the Space of Existence," esp. pp. 63–7, who notes Rousseau's discussion of writing in the Reveries but not his admission to deceit there.

[62] Rousseau, Second Disacourse, p. 178.

[63] Ibid., pp. 115–16.

The Impact of Gubernatorial Leadership on Abortion Legislation: The Cases of Idaho, Louisiana, and Utah

by

H.E. Scruggs

Brigham Young University

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I would appreciate receiving any comments, suggestions, or criticisms.

H.E. Scruggs
745 SWKT
Brigham Young University
Provo, Utah 84602

(801) 378-5363

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Abstract

In the three years between the Webster *and* Casey *decisions, American elected officials who had for decades labeled themselves "pro-life" were forced to confront the stickier abortion related question of whether or not they were also "pro-legislation." Perhaps more than any other class of affected public officials, governors of states with legislatures inclined to pass laws limiting access to abortion felt the intense heat of controversy as they became the focus of fierce political pressure. A governor's management of this stress impacted not only the outcome of the legislative process but the substantive content of the legislative product.*

While many state legislatures addressed the abortion issue, Idaho, Louisiana, and Utah passed the strictest anti-abortion measures during this period. All three states had "pro-life" governors, all three states began with very similar legislative proposals, and the same interest groups and tactics were at work in all three states. Yet all three states experienced different legislative outcomes.

In 1990, Idaho's very restrictive bill was vetoed by the governor and the issue has not been revisited there since. After dodging the issue in 1990, Utah's more moderate 1991 legislation was quickly passed and signed into law. In 1990, the Louisiana legislature made two attempts to outlaw most abortions only to see both measures successfully vetoed. State history was made the following year when the Louisiana legislature pushed its tough law into the statute books by means of an unprecedented veto override.

The dispositive factors in determining the fate of abortion restricting legislation in these three case studies appear to have been the timing and efficacy of gubernatorial leadership influenced by whether or not the governor was of the same political party controlling the legislature.

The Impact of Gubernatorial Leadership on Abortion Legislation:

The Cases of Idaho, Louisiana, and Utah*

by
H.E. Scruggs[1]

Few events in modern history have reinvigorated American federalism--if only briefly--more than the announcement of *Webster v. Reproductive Health Services*. The battleground over abortion rights shifted instantly from national political institutions and organizations to those at the state level. While few states were untouched by the recharged abortion controversy, three--Idaho, Louisiana, and Utah--were especially hard hit.[2]

Much has been written about the politics of abortion in the post-*Webster* era, but little attention has been given to the role of governors in shaping or stopping the legislation which could have sharply restricted abortion rights and possibly precipitated a reversal of *Roe v. Wade*. In the three frenzied years between *Webster* and *Planned Parenthood of Southeastern Pennsylvania v. Casey* when many in the pro-life and pro-choice camps believed that the overturn or abandonment of *Roe* was just one or two test cases away, the leadership--or the lack thereof--provided by governors may well have been the determining factor in the battle over abortion rights.

The purpose of this paper is to explore the impact the governors of Idaho, Louisiana, and Utah had on the crafting and enactment of legislation restricting abortion. Because of the conservative tendencies, religious traditions, and the pro-life[3] reputations of their lawmakers and citizenry, all three states were natural targets for national pro-life organizations--especially the National Right to Life Committee--seeking to implement legislation designed to push the Court away from *Roe*. As Tatalovich and Daynes point out, the strength of the pro-life movement has always been in religious organizations and right-to-life committees (1981, 155). It is little wonder then that national pro-life groups descended on legislatures in three states with strong religious factions.

All three states began with very similar legislation recommended by the National Right to Life Committee. In all three states, a handful of legislators were the driving force behind the legislation, serving under the direction of the National Right to Life Committee. Many have noted the role that factors such as political culture, public opinion, and interest-group activity can play in abortion policy making (Halva-Neubauer 1989; Cohen and Barrilleaux 1992; and Tatalovich and Daynes 1981). But in Idaho, Louisiana, and Utah it was the governors' activity which helps account for the different legislative outcomes. All three governors were self-described as pro-life, and their legislatures appeared to have solid pro-life majorities. The same organizations were at work with a few activists serving as resources in all three states. However, Idaho, Louisiana, and Utah ended up with very different legislative results.

Methodology

The data for this paper were collected principally from five sources: interviews (most in person, a few over the phone), government documents and files (bills, bill drafts, legislative proceedings, letters, official messages and statements, speeches, and press releases), newspaper clippings, academic literature, and the author's first hand observations. To encourage candor, the interviews were not taped but contemporaneous notes were taken. All three states were visited, and all three governors were interviewed in person. Most of the lead sponsors of relevant legislation were interviewed as well as many of the key opponents.

Special efforts were made to interview reporters assigned to cover the state capitol since in many cases they provided institutional memory and tended to be more objective than participants about the events surrounding abortion legislation. In almost every case, any claim made in an interview or in a non-public document was confirmed in other interviews or in published media accounts.

A few of the similarities between these three states which are treated unevenly in the body of the paper, deserve some attention by way of introduction. Idaho, Utah, and Louisiana each experience reluctant leadership by their governors, the presence of legislative champions, and, at least when compared to the pro-life forces, weak pro-choice opposition.

Reluctant Leadership

When interviewed, all three governors were quick to point out that not only had they been pro-life throughout their political careers, they had actually been more hard-line than the legislation examined here. Governor Bangerter (R-UT) expresses pride in having signed legislation, but admits he would have preferred not to have been at the forefront of the abortion battle. Governor Andrus (D-ID) still claims he would have liked the legislature to pass a bill he could have signed (Andrus 1993). However, his actions, as detailed in this paper, tend to contradict that claim. Governor Roemer (D/R-LA), who was dogged by serious credibility problems during most of his single term, appeared to be the most candid in discussing the difference between his long-held pro-life position and the challenge of deciding whether or not he was also pro-legislation--"I had just never had to think it through" (Roemer 1992).

These three politicians spent most of their career in the post-*Roe* era. This was a period when it was easy to be pro-life. Those in the pro-choice camp were fairly tolerant, especially if you were of their partisan persuasion, because it was understood that the Court had placed the issue off limits. A public official could speak at pro-life rallies in the most strident terms--usually berating the Court and *Roe*--in order to win the support of anti-abortion rights activists without raising any expectations that she or he actually intended to do something about it. Pro-choicers were likely to see such rhetorical excesses as aggravating, but harmless.

In an instant, *Webster* changed all that. These three governors were unwillingly drawn into one of the great moral debates of our time. Never before had they been required to deal with the political consequences of a protracted abortion battle. They found themselves at the forefront only because they occupied positions of leadership at an inopportune time, not because any of them would have ever singled out the abortion issue for emphasis of their own accord. In fact, none of these governors had ever used the issue as a theme in any of their campaigns--including those races which immediately followed their involvement with the legislation inspired by *Webster*.

Legislative Champions

Glen Halva-Neubauer has explored the importance of representatives and senators who are committed to doing more than simply signing on to someone else's proposal.

> Legislative champions, those members willing to aggressively advocate for a proposal may be convinced to do this by interest groups or may choose to be an advocate in the legislature due to personal interest in the issue. Securing a legislative champion, rather than a person who will merely sponsor the legislation, may assist in obtaining more attention for anti-abortion legislation (Halva-Neubauer 1989, 22).

Halva-Neubauer explains that in Pennsylvania, for example, "the position abortion enjoys on the agenda . . . is directly related to the aggressive advocacy of . . . two legislators" (Halva-Neubauer 1989, 33).

In the three states under consideration, legislative champions played a crucial role in pushing abortion onto the agenda and through both chambers. They were all assisted--even instructed--by experts and activists from well-organized pro-life interest groups. Without these legislators' willingness to take the lead, it is doubtful the bills would have ever made it out of committee. In nearly every interview conducted for this study the question was asked, "What percentage of legislators would you say were committed to passing legislation restricting access to abortion?" With very few exceptions, the estimate did not exceed 15 to 20 percent. Clearly, most legislators were as reluctant as their governors to confront the new regulatory spin which *Webster* was interpreted to have on an old moral issue.

Weak Pro-Choice Opposition

For a number of demographic and historical-strategic reasons, pro-life organizations, especially local chapters of groups like the National Right to Life Committee, have long had the advantage over their pro-choice counterparts at the sub-national level (Craig and O'Brien 1993, 59-62; Rubin 1991, 245-246). This was certainly the case in the states reviewed here. In Utah and Louisiana especially, pro-choice groups were simply overwhelmed by the experience, contacts, size, and velocity of their opposition. The group Freedom Means

Choice in Idaho waged the most visible counter attack. In the end, the use and acceptance of the veto in Idaho suggests they may well have made a difference in shaping the governor's and the public's attitudes about access to abortion, but they had little observable impact on the legislative process.

The absence of emphasis in this paper on pro-choice tactics and reactions is due to the fact they were barely in the game in the subject states. Even in Idaho, the local leaders complained bitterly that national pro-choice organizations showed no interest whatsoever in the Idaho legislation until it was virtually on the governor's desk. "They weren't interested in us until the national media heated up. We had appealed for financial support but received none until the very end when the media came in. . . . They just took advantage of the national media" (Trott 1993).

Explaining the Different Results

In 1990, the Republican Idaho legislature passed a strict bill with few exemptions only to have it vetoed by the Democratic governor. In 1991, the Republican Utah legislature passed a watered-down bill which was immediately signed by the governor of the same party. Louisiana experienced a little of everything. In 1990, two bills were passed by the overwhelmingly Democratic Louisiana legislature: one which allowed abortions only to save the life of the mother and another which exempted rape and incest as well as the life of the mother. Both were vetoed by the then Democratic governor. In 1991, the legislature passed another strict anti-abortion bill and went on to override the veto by the same governor who by then had become the "only sitting governor in the twentieth century to switch from being a Democrat to a Republican" (Renwick 1992a, 49). Appendix A provides a side by side comparison of the laws passed by each of the states considered by this study.

During a two-year period, a governor of the opposite party as his legislature successfully vetoed anti-abortion legislation; a governor of the same party as his legislature signed anti-abortion legislation into law; and a governor who switched parties had his vetoes sustained when he was of the same party and overridden after he changed parties. It is the thesis of this paper that the three different results--a veto, a signed bill, and a veto overridden--can be explained largely by the leadership style and party affiliation of the governor involved.

July 3, 1989: The Post-*Webster* Era Begins

Even though government agencies were scheduled to be open, Monday, July 3, 1989 was not a day most state officials planned on working. Sandwiched between a summer weekend and Independence Day, it was a perfect opportunity for senior state employees to use a little leave time to patch together a four day vacation. But for policy makers in many states, whatever rest and relaxation the holiday might have promised was interrupted by the news that the United States Supreme Court had issued its ruling on *Webster v. Reproductive*

Health Services. Though some were not even aware that *Webster* was under consideration by the Court, before the day was through they would come to understand that a majority of the justices had issued what amounted to an invitation to state legislatures to present statutes regulating abortion to the Court for review (Wilkins 1991; Wardle 1989; Bopp 1989).

Pro-life and pro-choice activists went to work immediately in states thought likely to support restrictive anti-abortion laws. There were news conferences, requests for special sessions, demonstrations and counter-demonstrations. Legal and policy staffers scrambled to get copies of the *Webster* decision while elected officials issued non-committal responses to questions from the news media and interest groups.

By the time the Court handed down its decision in *Webster* the legislatures in many states had already adjourned for the year and in those states where they were still in session there was little enthusiasm for rushing into the abortion controversy. In addition to the lack of progress in the passage of test case legislation, 1989 also handed pro-life groups bitter gubernatorial defeats in Virginia and New Jersey.

The races in Virginia and New Jersey focused a great deal of attention on the abortion issue. Pro-choice advocates were successful in recasting the issue in terms of "who decides, you or the government?" The two pro-choice candidates won and the word spread throughout the national political community that being pro-life could cost you critical votes in a close election. With *Webster* less than six months old, momentum appeared to be shifting away from the pro-life interest groups (Craig and O'Brien 1993, 297; Rubin 1991, 249). All this served to increase pressure on the legislatures as they prepared for the 1990 session. Pro-lifers needed to shift public and media attention away from the quasi-libertarian angle of "who decides" used so effectively by pro-choicers to more favorable rhetorical grounds. They needed a win.

Idaho: The Silent Governor

By December of 1989, Right to Life of Idaho (RTLI) had, with the assistance of experts sent out by the national organization, drafted legislation that would make all "birth-control abortions" illegal. By referring to nearly all abortions not required to save the life of the mother as "birth-control abortions," pro-lifers hoped to shift national attention away from the issue of personal freedom and towards their contention that most abortions were for personal convenience rather than necessity (Sharpe 1990, B1). RTLI leaders met with supportive legislators, recruited sponsors and were well on the way to setting the agenda for the upcoming legislative session.

Kerry Uhlenkott, legislative coordinator for RTLI, mailed a copy of the proposed legislation to Governor Cecil Andrus (D) for his review and comments. In reply she received a letter that was to characterize Andrus's stance on the issue for the entire legislative session. Governor Andrus declared that he had always personally opposed abortion except in cases of

rape, incest, or threat to the life of the mother and that he had not changed. However, in commenting on *Webster* and the legislature's likely response, he left himself a lot of room.

> It is clear that the court's recent decision has given states more flexibility to tighten restrictions on abortion. I have no idea how the Idaho Legislature will react to this new situation. If and when the Legislature takes action, I will carefully consider the issues and make a decision on any change in Idaho law. I will not, however, attempt to prejudge the Legislature's actions. (Andrus 1989)

Numerous interviews and an extensive search of Idaho newspaper files not only indicate that Andrus never compromised his silent wait-and-see approach, but that those involved--activists and legislators on both sides of the issue as well as the news media--made little effort to pin Andrus down. According to several long-time Andrus observers, while the governor could be quite aggressive when it came to securing passage of bills which made up his legislative package, it was not at all unusual for him to sit quietly on the sidelines while the legislature fought over controversial matters (Montgomery 1993; Popkey 1993; Fick 1993). "I'll make up my mind when it reaches my desk," was a familiar phrase to legislators and reporters.

Karl Brooks, a pro-choice Democrat who as a member of the Idaho State Senate in 1990 helped lead the opposition to pro-life legislation, was told by aids to the governor that Andrus was studying the issue closely but did not know what he would do. They made it clear that neither the governor nor his staff would critique or otherwise participate in the drafting of pro-life legislation. Brooks was told not to "presume anything." As Brooks recalled it, "The governor knew there was going to be legislation and that it would be hot and controversial. He knew the Republicans would try to win on the issue politically, but he thought the Democrats would come out okay. He studiously steered clear" (Brooks 1993). As one Boise reporter put it, "It was vintage Andrus to let things work to his or his party's advantage" (Fick 1993). Not only did Andrus refrain from entangling himself in the drafting of abortion legislation, he made no attempt to convince legislative leadership not to deal with the issue during the 1990 session (e.g. Montgomery 1993; Popkey 1993).

Andrus's legislative preferences might have been unknown, but never in his political career did he equivocate on the issue itself. Since his election to the Idaho State Senate in 1960, Cecil Andrus has been consistently and firmly pro-life, opposing what he referred to as "abortion on demand" except in cases of rape, incest, and to save the life of the mother was well-known (Andrus 1993). The fact that serious fetal deformity was never included on his list of circumstances for which abortion should be legal combined with his activism on behalf of children with disabilities made some wonder whether or not he would sign a bill which included such an exception. While abortion had never been a major issue in any of his campaigns--in 1990 he was serving his third term as governor--Andrus acknowledges that due to his pro-life orientation "the pro-choice element" had never been of much help to him politically (Andrus 1993).

Pro-life forces interpreted his frequent re-affirmation of his opposition to abortion and his silence about their proposed bill as support. "We sent model legislation to Andrus and there was never any indication that he had a problem, never any rumblings of discontent. We expected the governor, since he was pro-life, to tell us if there was a problem," remembered Debi Roper who served on the board of RTLI at the time and was actively involved in lobbying the legislature. As a result, pro-life activists made little effort to lobby the Governor and had no direct contact with him or his office prior to or during the 1990 legislative session (Roper 1993). The same is true of the Republican legislators who were the lead sponsors of restrictive legislation. Republican Gary L. Montgomery, who served as Majority Leader in the Idaho House of Representatives and has since retired from public office, directed pro-life efforts in his chamber but never met with the governor to discuss abortion. He "couldn't recall any communication from the governor, his staff or Democratic legislators who were close to Andrus. It was clearly a hands-off approach" (Montgomery 1993).

The same was true for Representative Pam Bengson Ahrens who chaired the important State Affairs Committee which handled all abortion-related bills introduced during the 1990 session. She considers herself a moderate, pro-life Republican even though she voted against the Idaho legislation. When she learned all abortion bills would be assigned to her committee, Representative Ahrens "tried to talk to as many people as possible," including the governor's staff. In response to inquiries as to where the governor stood, she was told "he would not give any information to legislators about his position, but would wait to make his decision when it was on his desk." She recalls that "all we knew was that the Governor was in the pro-life camp from his record and his rhetoric over the years. That led a lot of people to assume that the governor would sign the bill" (Ahrens 1993).

There was a lot of assuming that session. Pro-life legislators and activists were not alarmed by the governor's avoidance and were encouraged by rumors that he had no problem with their proposed legislation. Even though several Democrats who were long-time friends of the governor actively supported pro-life legislation, no one I interviewed could or would name anyone who had explicitly discussed the bill with Andrus and received first hand feedback as to his position. According to the veteran Associated Press reporter who covers the state capitol, pro-lifers ignored Andrus (Fick 1993). This neglect would turn out to be a costly tactical error.

The near certitude by pro-lifers that the governor was in their camp was not without foundation. In addition to unwavering public statements in opposition to abortion, in 1973 Governor Andrus signed what was potentially the strictest anti-abortion law in the United States--the Idaho "trigger statute." The legislature passed a law that would be triggered by a Supreme Court reversal of *Roe v. Wade*. According to this statute, upon the proclamation of the governor that *Roe* had been overturned, abortion would be prohibited in Idaho except in cases where the life of the mother was in danger. Doctors performing non-life-saving abortions *and* the women upon whom they were performed would be subject to up to five years imprisonment (Idaho Code, §§18-613--18-615). The interplay between this statute and

the proposed legislation of 1990 was to provide an irony as bitter to pro-life Idahoans as it was sweet to pro-choicers.

Pro-life forces were not the only ones to assume Governor Andrus would sign a restrictive bill. Former Senator Karl Brooks remembers the governor's signals being "so murky and equivocal" that Brooks "had no sense of what he would sign" (Brooks 1993). It wasn't murky to another pro-choice Democrat, Senate Minority Leader Bruce Sweeney, who predicted "if any pro-life bill comes out of the House, [the Senate] will pass it and the governor will sign it" (Popkey 1990a, A1). The leader of an Idaho grassroots organization known as Freedom Means Choice which sprung up in 1990 as a reaction to the pro-life legislative activities in Idaho "had no contact with the governor's office because he had declared on numerous occasions that he was pro-life. We believed we knew where he stood on the issue. He was no ally" (Trott 1993). Similarly, Jack VanValkenburgh of the Idaho American Civil Liberties Union (ACLU) office made no attempt to meet with the governor until after the legislation had passed the House of Representatives. Instead, the group prepared to file a lawsuit in case a bill was signed into law (VanValkenburgh 1993).

That neither side of the issue mounted a focused campaign to flush Andrus out on the issue reflects an amazing ability by the governor to convince the media and those opposed to legislation restricting access to abortion that he truly was going to wait and decide upon the bill when it reached his desk, all without disturbing the confidence held by the pro-life forces that he would sign a bill if they could get it passed.

The governor made only brief mention of abortion in his 1990 State of the State address. His only specific recommendation was the repeal of the trigger statute he had signed into law nearly twenty years earlier.

> In light of the action by the United States Supreme Court, you undoubtedly will undertake discussions in the days ahead on the issue of abortion.
>
> I hope the discussions are conducted in an atmosphere of calm, reasoned deliberation. I also hope that you will revisit the issue of the so called "trigger" law, passed by the Legislature and signed by me in 1973. It is my recommendation that the section of Idaho law proscribing [sic] sentences be repealed. I offer that suggestion, hoping that it will contribute to the development of legislative consensus on this issue. (Andrus 1990a)

Other than this call for "calm" and "reasoned deliberation," there is no public record, nor is there any recollection by those involved in the Idaho abortion battle, of any utterance by Governor Andrus which might be considered leadership. His expression of hope for a "legislative consensus" on the abortion issue allowed pro-life activists to believe he would sign the results of such a consensus while pro-choice activists were left guessing. No one knew for sure what the governor would do, and no one seemed to care enough to press. As a result, legislators were on their own. For all they knew, whatever passed would go into law. The only limits were their policy preferences, their judgment as to how far the Supreme

Court would go, and the need to attract enough support from their colleagues to pass a bill. The result was House Bill 625.

HB 625

The Idaho legislature received early notice of *Webster*. The Idaho Attorney General had filed an amicus curiæ brief in support of the restrictions passed by the State of Missouri which were at issue in *Webster*. When the 1989 Idaho legislature convened, pro-choice legislators challenged the Attorney General's authority to do so without legislative approval. That March, the legislature passed an after-the-fact resolution in support of the Attorney General's action (Brooks 1993). Shortly after the decision was handed down in July, National Right to Life sent an expert to Idaho to provide legal and strategic assistance to the local chapter. By the end of the year RTLI and five legislators held a press conference to announce that a bill had been drafted for introduction in the 1990 session (Montgomery 1993).

Republican leadership organized early in an effort to keep the process under control, or in one legislator's words, "to avoid a three ring circus." Guidelines for legislation on abortion issues were published and circulated to all legislators. Since Republicans had an overwhelming (63 to 21) majority in the House and only a slim edge (23 to 19) in the Senate, all bills dealing with abortion were required to be introduced in the House where there was little chance of losing a close vote in committee (Trillhaase 1990a, A5). All abortion bills were to be introduced no later than February 12, 1990 and assigned to the House State Affairs Committee. Joint public hearings were held which drew large audiences and heavy media coverage. A committee hearing was then held where only the chief proponents and opponents were allowed to present concluding arguments (Russell 1990, B1).

Governor Andrus made no attempt to influence the legislative management of the abortion issue. He sent his staff to the hearings to gather information, not to provide any input. The hearing process was central to the strategy of pro-choice activists. They tried to communicate with the governor through the hearings since they knew his staff would be in attendance (Trott 1993). One senator described the hearings as "the parade of the law professors" (Brooks 1993) since a great deal of attention was placed on how strict a bill would be approved the Supreme Court.

The House State Affairs Committee voted to send out HB 625, an amended version of the bill drafted by RTLI, and HB 536, the repeal of the trigger statute. It was understood by most legislators that the two bills would be dealt with as a package. After all, if they were going to send a statute to the Supreme Court designed to push the justices as far as they would go in the hopes they would use it as an opportunity to reverse *Roe*, then it didn't make sense to leave the more restrictive trigger law on the books which upon the reversal of *Roe* would automatically supersede the very law the Court had been asked to uphold.

Furthermore, all the pro-choice legislators and all but the most strident pro-lifers were uncomfortable with the draconian provisions of the trigger law (Villeneuve 1990b, A1).

HB 625 prohibited all abortions "being used or sought as a method of birth control." By definition, the only abortions considered for reasons other than birth control were in cases where two physicians (one of which could not be benefitted by the fee paid for the abortion) believed that the procedure was necessary to save the life of the mother or to prevent "severe and long-lasting physical health damage" to the mother, in cases of rape "if the incident is reported within seven days," in cases of incest so long as the incident and perpetrator were "reported to a valid law enforcement agency prior to the abortion," or in situations where two physicians agreed that "the child would be born with profound and irremediable physical or mental disabilities." Criminal penalties were deleted in favor of civil penalties not to exceed $10,000. HB 625 had no penalties for women who received an abortion regardless of the reasons for which it was performed.

HB 625 was reported out of committee at the end of February and passed (47 to 36, 1 absent) a little over a week later on March 9, 1990. After a brief hearing in the Senate State Affairs Committee, the bill was passed (25 to 17) without amendment in the Senate on March 22, 1990. Minutes later, with virtually no debate, HB 536 repealing the trigger law was overwhelmingly approved by the Senate (32 to 8, 2 absent). Just the day before, HB 536 had easily passed the House (54 to 28) with very little discussion after sailing through the House State Affairs Committee (Popkey 1990c, A1; Warbis 1990).

The Idaho legislators did a remarkable job of managing the controversy and debate which always seems to attend the issue of abortion. The two public hearings held in mid-February at the Boise State University Student Union Building each attracted capacity audiences of 750 people. Over 80 people testified at the first meeting and 142 at the second. No applause, placards or demonstrations were allowed. All media reports indicate that the crowds and speakers were orderly and polite even though the rhetoric was often emotionally charged. (Trillhaase 1990b, A1; LeMay 1990, A1). Pro-life attenders and speakers were estimated to have solidly outnumbered pro-choice supporters at both hearings as well as at public rallies (Villeneuve 1990a).

Even though the legislative process was extraordinarily cordial, Idaho legislators were put on notice as to the level and intensity of local interest as early as November 12, 1989, when over 2,000 pro-choice activists marched in Boise to the State Capitol (Stuebner 1989, A1). However, the legislature had no idea how much national attention they would receive before the issue had run its course. The willingness of the fellow legislators, activists and their constituents to submit so politely to a confrontation-minimizing format may have led legislative leaders and pro-life sponsors to underestimate the firestorm they were about to unleash. Whether or not Governor Andrus foresaw the controversy that was about to engulf his state as well as his administration is unknown. His refusal to get involved appears to have been based more on instinct than on strategic calculation. With great politicians, there is often little difference between the two. Even after it had passed the House and just two days

before it passed the Senate, Andrus still refused to state his intentions. Instead, he announced his decision to run for a fourth term (Trillhaase and Loftus 1990, A1). In response to questions at his campaign kick-off press conference, Andrus was only willing to restate what was by then his well known position.

> I have always opposed legalized abortion except in cases of rape, incest and threats to the life of the mother. My views haven't changed. To speak to House Bill 625 before it reaches my desk would break a tradition long held--that I don't comment on legislation until it reaches my desk. When it arrives, I will make the proper determination at that time, but let there be no doubt in anyone's mind as to Cecil Andrus's position on abortion. (Popkey 1990b)

Around this same time the national media began to focus on Idaho. They came down in a swarm (Flag, 1990). By March 23, 1990, the day after the Idaho Senate passed HB 625, Idaho lawmakers were stunned by what they had activated. "None of us realized what a brutal experience we were in for," recalls Gary Montgomery who served as the chief House sponsor. "After twelve years in the House, I never saw an issue that approached abortion" (Montgomery 1993). Representative Pam Bengson Ahrens, who so successfully designed the process to keep the in-state controversy under control, believes legislators simply "didn't realize the unbelievable reaction" to the bill. They had "no idea it would create the environment it did. It galvanized people who had never before been a cohesive factor" (Ahrens 1993).

This was one of the perils of being the first state to fully respond to the *Webster* "invitation" for legislation. In addition to the attention Idaho received on the national evening news (and perhaps, in part, because of it), nightly pro-choice vigils at the state capitol and counter pro-life demonstrations intensified. No one in Idaho had ever seen anything like it. Then came the potato boycott. Most, including the governor, attempted to dismiss it. But Idahoans still talk about that threat with a twinge of pain. For many, it crystallized the nature of the negative national image they had created for themselves by rushing into the abortion battle.

The timing of the Senate's passage of HB 625 and the legislature's decision to adjourn *sine die* on March 30 contributed to the quick resolution of the abortion issue in Idaho. Under Idaho law, the governor has ten days to review a bill passed by the legislature. Unlike many state legislatures which have the ability to call themselves back into session if one of their bills is vetoed, Idaho's lawmakers can only be reconvened by the governor once they make the decision to go home. Therefore, if legislators really want to put pressure on a governor they can pass a bill more than ten days before they adjourn or simply wait ten days after they pass a bill to see what the governor intends to do.

In 1990, the legislature took its time getting the bill to the governor. The ten-day time limit does not start running until the bill is actually on his desk. Even though the Senate passed the bill on March 22, it did not get an engrossed copy to the governor until the

morning of March 27 (Andrus 1990). Three days later, just minutes after the legislature called an end to the 1990 session, Andrus vetoed the bill.

The coincidental if not cooperative nature of the timing mooted any talk of an override, though nearly everyone concedes that the votes were not there to do so in any case. If the Idaho legislature was really intent on passing a bill designed to challenge *Roe*, why didn't they wait to hear from the governor in order to know what kind of bill would win his signature? One is left guessing whether it was collusion, incompetence, or gross overconfidence which left HB 625 so vulnerable. In attempting to explain why so little thought was given to preserving the opportunity to override, one state senator quipped, "both sides had their own reasons for being happy" (Brooks 1993).

RTLI leaders claim they never even considered the timing of passage and adjournment an issue because they really believed they had the governor's support and because they got the bill passed as quickly as they could. The sponsors of HB 625 are convinced the governor really didn't want a pro-life bill, but they were unable to explain why they did not try to impact the timing of adjournment--especially since they had enjoyed the full cooperation of legislative leadership throughout the entire 1990 session. Former Senator Brooks suspects that by the time the national media hit Idaho, and certainly by the veto, the Republicans realized they had made a serious mistake by tying themselves and their political fortunes so tightly to the abortion issue (Brooks 1993). Governor Andrus agrees, "They were home free. Some accused me of waiting until they adjourned to veto the bill, but they couldn't get out of town fast enough. They're the ones who held it upstairs--held it to the last" (Andrus 1993).

Pro-choicers were also surprised. Jack VanValkenburgh of the Idaho ACLU went to the press conference with two news releases--one condemning Governor Andrus for not using the veto, the other praising him for his courage in using it. He happily used the latter (VanValkenburgh 1993).

On Friday afternoon, March 30, 1990, Governor Andrus vetoed HB 625. The same day, he signed HB 536 which repealed the trigger law. After controlling the agenda for the entire 82 days of legislative session, Idaho pro-lifers now not only found themselves without the statute they had hoped to take all the way to the Supreme Court, but also without the law they had long anticipated would someday kick in at *Roe*'s reversal. It was a devastating net loss.

Pro-life forces felt shocked and betrayed.

Why the Veto?

After the veto, both the governor and the sponsors of HB 625 claimed they were always willing to work with each other. Andrus asserts that the Republican dominated legislature always knew exactly where he was and what kind of bill he would sign, but that

they decided to push far beyond this comfort zone because they didn't think he would have the guts to use the veto (Andrus 1993). The legislators, on the other hand, claim that they were always willing to craft the bill to the governor's wishes. They say they knew they didn't have the votes in the Senate to override a veto so they would have been forced to follow his lead (Madsen 1993; Montgomery 1993). The fact is that neither the governor nor the legislators made any serious effort to communicate with each other during the session.

It would appear that the difference in party affiliation may account for this lack of cooperation. In addition to believing deeply in the pro-life cause, the Republican leaders and sponsors in the legislature may have been under the belief that the abortion issue was a winner with Idaho voters. Polling on abortion, always vulnerable to even benign question changes, produced mixed results throughout the Idaho experience. Again, one of the perils of being the first state involved was lack of exposure and understanding by lawmakers to the subtle distinction between pro-life voters and pro-legislation voters. Right to Life advocates continually emphasized that Idaho was pro-life. Pro-choice activists pushed data during the session indicating that a plurality opposed restrictive legislation. Polling results suggest that both were correct: the public was pro-life and anti-legislation (Associated Press 1990, A1; Miller 1990, B1).

There seems little question but that Governor Andrus could have had an impact on moderating HB 625 had he been willing to get involved early in the process, even though the claims by its sponsors that they would have shaped it to please him seem overstated. Both Senator Madsen and Representative Montgomery expressed frustration over the dominance exercised by RTLI during the session. Attempts by Montgomery to amend the bill were rebuffed by RTLI leaders (Montgomery 1993). Ironically, one of the reasons they gave was their belief that if the bill got any more liberal, the governor would veto it. RTLI's inflexibility and single-mindedness befuddled "a political system that operates best on the basis of consensus and compromise of divergent interests" (Tatalovich and Daynes 1981, 161). RTLI had difficulty keeping their coalition assembled. "We expended as much energy fighting other pro-lifers as we did fighting the pro-abortion forces," recalled one of the RTLI leaders (Roper 1993). Indeed, this seems to be the case, for as strict as HB 625 was (most experts estimated that it would outlaw over 90 percent of the abortions performed in Idaho), three pro-life groups petitioned Governor Andrus to veto the bill because the exceptions were too broad (Waters 1990).

Three years after this episode, four theories continue to float around the Idaho experience after *Webster*.

First, all individuals interviewed from the news media and several from the legislature believe that Governor Andrus never expected a bill to reach his desk. It is not unusual for such issues to take two or three years to make it through the process. It may have been that had the bill stalled, Idaho would have observed the firestorms which descended on Louisiana and Utah and thought better of taking on the issue. One problem with this theory is the very successful track record of RTLI in years past. In previous sessions, they had secured passage

of several pro-life measures--first and foremost the trigger law--on the first try. Hence, notwithstanding RTLI's difficulty in maintaining the pro-life consensus, history should have led Andrus to suspect that derailment was wishful thinking. However, RTLI's heavy-handedness and the controversial nature of the issue made many in the legislature more ambivalent than their votes might have indicated.

> I got the impression the governor and every other policy maker in the state wanted it to go away. No one had any idea how deep-seated people's opinions were. This thing took on a life of its own. Everyone realized they could not win. (Ahrens 1993)

Second, it may have been the case that Republican lawmakers were simply reckless and the Democratic governor was more than happy to let them reap the consequences. "The GOP went out on a limb," mused the ACLU's VanValkenburgh, "and the governor sawed it off" (1993). Governor Andrus is widely regarded for his political skills and many observers believe Andrus "doesn't do anything [for which] he doesn't calculate the political ramifications" (Fick 1993). Former Representative and HB 625 sponsor Montgomery credits Andrus with being a "very savvy, astute politician," though his praise was not unqualified. "Cecil Andrus professed on the surface to be pro-life. Perhaps he is, but politics was more important. He did not want to deal with abortion exclusively on the basis of what it would do to his political career" (Montgomery 1993).

It is impossible to know whether Andrus's veto was politically motivated and in conflict with his pro-life beliefs, or whether it was driven by a principled unwillingness to sign a bad bill. That the veto just happened to be coincidental to his and his party's best interest was borne out in the results of the next election. In 1990, Democrats pulled even in the state Senate (21 to 21), picked up seats in the House, and won the Attorney General's office. Most significantly, in a state that had two years earlier given George Bush a 62 percent victory, Governor Andrus easily won re-election with 68 percent of the vote (Barone and Ujifusa 1991, 340).

The third theory used to explain the veto is that it was just typical Andrus to keep options open. It was in his interest and in the state's interest for him to make his decision with the most information possible. He had the advantage of observing the storm that swamped the state after the Senate voted; the legislators did not. Even though Representative Ahrens initially believed the governor would sign a bill, she saw a decline in his resolve "as things evolved, as the governor saw what would happen to the state--the boycott, the economic impact, the cost of litigation--there was so much opposition, so many legal questions" (Ahrens 1993).

Dan Popkey, who covers the State Capitol beat for *The Idaho Statesman* is even more charitable.

> Andrus realized he had to do what he thought was best for the state. It was a hard thing for . . . a guy who has been so much of a crusader--school funding, land use planning, river protection, environmental issues. He has been a very aggressive advocate. He didn't want this one. (Popkey 1993)

Finally, Andrus may have vetoed HB 625 because he truly believed it to be a bad bill. Andrus acknowledges that he agonized over the decision to veto (Andrus 1993). It was very unusual for him to hold a controversial bill for as long as he did (Fick 1993). Even though the legislature was slow in getting him the engrossed copy, Andrus took over eight days to wrestle with the issue. While part of the delay may have been inspired by the desire to deal with the bill after the legislature had adjourned (he vetoed it just 30 minutes after lawmakers went home for the year (Associated Press 1991)), some believe that he wanted to take some time to prepare Idahoans for the veto. Each day a front page news story would come out about an additional concern Andrus had about the bill. Each day the heat on the state was turned up by vigils, protests, boycotts and national attention. And each day, as one Democratic senator observed, it became a little more clear to the Republicans that "they had not done a smart thing" (Brooks 1993).

Even seasoned political observers hedged their bets just before the veto announcement:

> Conventional political wisdom suggests Go. Cecil Andrus will sign the pro-life bill passed by the Senate on Thursday. And that view is probably correct.
>
> But Andrus has kept his options open -- and he sometimes fools the pundits who try to read his Tarot cards.
>
> Andrus, who has long been pro-life, is a gifted, thoughtful and complex politician who knows full well that pro-choice backers have been infinitely more loyal to him than pro-life supporters.
>
> The Democrat has refused to hint at his action, simply reiterating his pro-life position and saying he'll make up his mind after the bill reaches his desk. (Popkey 1990c, A1)

To this day Andrus claims he "would have been willing to sign a bill" restricting access to abortion. "I knew I would be characterized as the greatest baby killer. I would have liked them to pass a bill along my lines. I would have been prepared to sign one. I told the pro-choicers I would sign one if they passed one that agreed with my position" (Andrus 1993).

Pro-life activists offer a very different perspective. Senator Madsen reflects:

> I was brand new, I thought we were safe. Andrus never gave any indication of what he wanted. . . .
>
> It's not all his fault. We should have met with him in December. We made a mistake in assuming we had his support. And we did have his support until the

pressure got too great. It turned out his feelings on abortion were not as strong as we thought, but the pressure was much stronger. We should have had it pinned down. We thought we did. (Madsen 1993)

RTLI leader Kerry Uhlenkott is even more pointed.

Why did he remain silent? We tried to meet with him. If protecting unborn life was so important, why didn't he get involved? He was completely silent until he vetoed it.

If we hadn't felt confident [Andrus would sign] we would have made more of an effort to see him or not tried at all. (Uhlenkott 1993)

Her associate, Debi Roper, adds:

He didn't give us a clue until he started acting bizarre and distant as it became clear it was going to pass. . . . We thought the governor was satisfied with the way it was. It was too late to change, it barely made it through the way it was. (Roper 1993)

Debi Roper is not the only one to conclude that "Cecil Andrus had no intention of being the first governor to sign a bill" restricting access to abortion. If this is true--and governor Andrus is unwilling to admit it is--he could not have employed a more successful strategy. The State of Idaho healed quickly from the controversy and Andrus along with many of his Democratic colleagues went on to easily win the 1990 election. The pro-life forces were decimated in number and in spirit. The trigger law had been repealed, and they had nothing to show for their effort.

Notwithstanding the governor's post-veto offer to work with sponsors in the next session (Popkey 1990e), by 1991 no one in the legislature had any appetite for bringing the issue up again. After observing the political damage done to Republicans as a result of the Idaho abortion battle, former Representative Gary Montgomery--seen by many as "one of the primary architects" of H.B. 625--made the following observation: "I think the message is quite clear, that while a majority of Idahoans are pro-life in their personal views, they do not want to see government regulation in this area. They want that to be left as a private matter" (Associated Press 1991, 4B).

Whether or not this lesson would be lost on other states remained to be seen.

Utah: Controversy Postponed

While neither Utahns nor Idahoans like to admit it, the two states have much in common. Beyond the more obvious regional and geographic similarities, both states harken back to the same pioneer past and western spirit. The commonality is most pronounced in southeastern Idaho with its concentration of Mormons. Political phenomena hitting one state

ultimately occur in the other. As a result, whichever state experiences the trend second has the opportunity to observe and learn from the state affected first. This was partially the case in the abortion controversy.

In nearly all significant ways, the early post-*Webster* activities in Utah were indistinguishable from those in Idaho--the immediate call for legislation by activists, the influx of out-of-state experts and proposals, and the high pressure placed on legislators. Twenty-three Republican Utah representatives and senators organized "Utah Legislators for Life" and worked under the direction of the National Right To Life Committee. The content and title of the bill, *Preventing Abortion as a Method of Birth Control*, was indicative of the national organization's influence. It was virtually the same as the legislation introduced in Idaho (Sherlock 1991).

Republican Governor Norman H. Bangerter signaled his preferences well before the Court rendered its decision in *Webster*. During a March 1989 press conference, shortly after the Supreme Court heard oral arguments in *Webster*, Bangerter was asked what he would do if *Roe* was modified or reversed. After emphasizing his long-held pro-life belief, he explained that he did not intend to focus on abortion laws until after the Court issued its ruling. "This is not a special session [item]. It's something that we should handle in the normal course of business, with a full dialogue and full public scrutiny" (Bates 1989).

By mid-November 1989 the pro-life lobby and their legislative champions were circulating draft legislation prohibiting "birth control abortions." In response, Governor Bangerter attempted to slow the momentum by expressing his belief that current Utah law prohibiting the use of public money for abortions, requiring parental and spousal consent (with a judicial bypass), providing for partial informed consent, and including a general statement effectively banning abortions of viable fetuses was already as restrictive as *Webster* would allow (Rolly 1989, B5). He called for prudence. "We don't need an abortion debate right now. It is an issue that now is shedding more heat than light. I would caution that we not rush in to see how fast we can write a bill" (Rolly 1989).

In early January 1990 just prior to the start of the annual 45-day session, Governor Bangerter met separately with the legislative leadership of both parties. He explained he was not inclined to see the abortion issue handled during the session and asked for their help. The Democratic and Republican leaders indicated that they too would like to put the issue off, but feared any anti-abortion bill which made it to the floor would pass quickly. Everyone was feeling the pressure from a well organized, but relatively small, pro-life community and second guessing how the issue would play with the largely Mormon constituency.

The Mormon Factor

Utah is the most religiously homogeneous state in the nation with the predominant faith being the Church of Jesus Christ of Latter-day Saints, often known as Mormons. Roughly 70 percent of the state's population are members of this church, and Mormons have

constituted between 67 and 75 percent of the vote in Utah since 1982. Utah Mormons tend to be predominately Republican (Magleby 1989). In 1992, 86 percent of Republican voters indicated they were Mormon compared to 41 percent of Democrats (Magleby and Scruggs 1993).

Utah's unique demographics figured into Governor Bangerter's reluctance to tackle the abortion issue.

> My preference was to not have Utah be the test case because of the obvious religious overtones. I knew and many knew we would get challenged for allowing the predominant religion to dictate policy. I didn't want to be first. I hoped some other state would come forward. (Bangerter 1993)

Tatalovich and Daynes have noted that the Mormon Church has "become the most important of the non-Catholic denominations [in the pro-life movement] due . . . to their membership concentrations in sparsely populated states" (1981, 158). Witt and Moncrief have concluded:

> Given the expressed strong opposition of the Mormon church to abortion and the generally high levels of attendance and salience of religion to the LDS community, they may represent a significant deviation from the rest of the Protestant community. In fact, there is evidence that the LDS religion represents a distinct political cultural component unique from other Protestant religions. (Witt and Moncrief 1993, 143)

While the Mormon Church hierarchy made no official or unofficial pronouncements as to what course legislatures ought to follow as a result of *Webster*, their opposition to abortion was well known. On January 11, 1990 the Church's public communications office issued a statement reminding legislators and activists that "The Church of Jesus Christ of Latter-day Saints as an institution has not favored or opposed specific legislative proposals or public demonstrations concerning abortion." The same release included a restatement of the church's official position.

> The Church recognizes that there may be rare cases in which abortion may be justified--cases involving pregnancy by incest or rape; when the life or health of the woman is adjudged by competent medical authority to be in serious jeopardy; or when the fetus is known by competent medical authority to have severe defects that will not allow the baby to survive beyond birth. But these are not automatic reasons for abortion. Even in these cases, the couple should consider an abortion only after consulting with each other, and their bishop, and receiving divine confirmation through prayer. The practice of elective abortion is fundamentally contrary to the . . . commandments of the Lord. (Church of Jesus Christ of Latter-day Saints 1990)

The Mormon Church's position puts legislators in a bit of an awkward posture. The condemnation of "elective abortion" suggests that something ought to be done to curb access

to such abortions. However, even when factoring in the potentially narrowing impact of the guidance a couple might receive through prayer and consultation with a bishop (a local lay person who presides over a small congregation), any student of the abortion controversy would have to categorize the Mormon policy as constituting the far left-wing of the pro-life camp. For any exception other than to save the life of the mother is considered liberal by most of the Evangelicals and conservative Catholics who make up the leadership of the pro-life movement. In other words, the "Mormon position" is clearly pro-life, but much less clearly pro-legislation. However, Utah elected officials found themselves vulnerable to pro-life groups because they did not want to risk being branded "pro-abortion" to their constituency.

In 1990, the Utah legislature was controlled by Republicans (48-27 in the House, 22-7 in the Senate) and dominated by Mormons (Craig and O'Brien 1993, 295). The "Mormon factor" may have been part of the reason one Democratic legislative leader declared the issue a vote of conscience after predicting his party would be split on the issue "just about 50-50" (Rolly 1989).

The governor convinced legislative leadership "they were not prepared to deal with the issue since no hearings or research had been conducted" (Bangerter 1993). They agreed to hold all abortion bills in the rules committees. A threatened teachers' strike provoked by the legislature's passage of a tax cut kept both public attention and public officials focused on issues other than abortion. Sponsors of the "limiting birth control abortions" legislation were delayed from even introducing their bills (HB 446 and SB 270) until February 7, 1990. With the session limited to 45 calendar days by the Utah State Constitution, time was running out. The legislature would adjourn on February 22, 1990.

The Great Debate

Frustrated at their inability to move the legislation, the lead sponsors--Senator LeRay McAllister and Representative Pat Nix--threatened to call for a vote in each of their respective chambers to bring the bill out of the rules committees. This was no hollow threat since leadership feared that even a procedural vote cast as pro-life versus pro-choice would get away from them. An interesting twist developed on February 12. Representative Larry Lunt, a new but well-respected Republican with close ties to the governor, organized a private debate to be held in the faculty conference room of the Brigham Young University Law School. The audience was limited to a few of the sponsors of HB 466/SB 270, a couple of more moderate legislators, and members of the governor's staff. Former U.S. Assistant Solicitor General Richard Wilkins, a pro-life professor at the law school whose help had been recruited by the governor, faced off with the general counsel for the National Right to Life Committee, James Bopp, who had been flown in from Indiana especially for the meeting. By the end of the evening neither side was convinced of the other's arguments, but Wilkins[4] had managed to raise enough questions about the viability of the legislation that the next day sponsors agreed to abandon their bills in return for a joint resolution (HJR 39) expressing the sense of the legislature that abortion should "be regulated to the full extent permitted by the

United States Constitution" and established a task force to "take testimony from experts and examine the ramifications of limiting abortions."

At the end of February 1990, the Utah legislature went home having postponed the state's entry into the abortion battle. Utahns watched with interest as Idaho jumped into the fray.

Throughout 1990 the interim committee created by HJR 39, which came to be known as the abortion task force, held a series of meetings across the state taking testimony from experts and the general public. By the end of the year they had drafted a bill that was nearly as restrictive as the "birth control abortions" bill they had pushed in the previous session.

The 1991 Session

Just prior to the convening of the 1991 legislative session, Governor Bangerter, who had just announced he would not seek a third term, met once again with legislative leadership. The leaders of both parties informed the governor that due to the work of the abortion task force dominated by those who had organized themselves as Legislators for Life the year before, they could not guarantee that the legislation drafted by the task force could be held in committee. Governor Bangerter summarized the meeting as follows:

> Many of the leaders were sympathetic to my position that Utah should not be point on this issue, but they were unwilling to tackle the sponsors. They didn't want a tough bill without any room for exceptions, but they were unwilling to buck the Right to Life movement who wanted a tough bill. (Bangerter 1993)

Bangerter then met with the chief sponsors of the restrictive bill. Upon asking them if they were willing to broaden some the exceptions, he was told that they were going to introduce their bill as it was and that he could have his amendments introduced on the floor and voted up or down. The governor was not encouraged by their hardened position.

> After all those hearings they came up with a bill with practically no exceptions. They were in the driver's seat, and they could beat us on the floor. They had a non-negotiable position. They thought they could get their bill through, and so did I. We just couldn't get the sponsors to move. (Bangerter 1993)

The State of the State: A Threatened Veto

That evening in his State of the State speech, Governor Bangerter did something he had never done before as governor--he threatened a veto. As a former Speaker of the House Bangerter had always avoided coming across as a bully to his long-time friends in the legislature, many of whom had played a key role in his gubernatorial campaigns. Furthermore, he liked to keep his options open rather than boxing himself in by threatening a veto every time he was unhappy with the content of a bill. It wasn't that he never used the

veto, he just felt legislators factored that possibility into their decision-making process when they negotiated with him. Bangerter had an excellent track record getting his legislative packages enacted, and his vetoes sustained.

On January 14, 1991, Governor Bangerter spent nearly 25 percent of his State of the State address on the issue of abortion. After declaring it a matter of "deep national shame that America [was] one of the few countries in the world [that did] not recognize, to any meaningful degree, the rights of the unborn," he asked legislators to temper their zeal with two considerations. First, that the bill must contain adequate exceptions for the hard cases; and, second, that the bill be crafted in such a way as to give it a decent chance to be upheld by the Supreme Court.

He spelled out five circumstances in which women needed to have the option of an abortion--grave threat to the life of the mother, grave threat to the health of the mother, rape, incest, and serious fetal deformity. He then spelled out the need to avoid making such exceptions overly narrow.

> I realize that some will abuse these exceptions, but any system that allows for the reasonable exercise of moral agency is subject to some abuse. . . . One of the founding principles of our republic is that we do not punish those who in good faith and in good conscience make the very best decision they can. . . .
>
> There is . . . no indication that the Court is willing to accept the kind of wholesale restriction of abortion most of us would like to see. Let me spell it out -- if we pass a bill that is ruled unconstitutional, we have not saved one child, not one. (Bangerter 1991)

Before closing his remarks on abortion with an exhortation for civility, he broke his own tradition of cordiality by spelling out his readiness to use the veto.

> I am now going to something I have never before done as Governor, and I do not do it lightly. But, I must now tell you that if you pass any bill that does not meet these criteria for exceptions and requires us to advance an indefensible legal position, I will veto it. (Bangerter 1991)

At this point in the speech, the Utah legislature erupted to give the governor one of the biggest ovations of the evening. Based on their reaction, the vast majority of representatives and senators were much more comfortable with their pro-life positions than they were with the legislation they sensed was about to be forced upon them. They seemed overjoyed with Bangerter's willingness to weigh in on the issue. Legislators for Life were visibly distraught and disoriented. The very colleagues they had counted on to defeat any amendments which might be requested by the governor were on their feet applauding his straightforward attack on the abortion task force bill.

Bangerter's decision to use the threat of a veto was based in large part on his confidence that without his involvement, an overly strict bill would pass, and he would then find himself in a very uncomfortable position.

> If I would have stayed out of it, I would have received a bill that was unacceptable, but since I am pro-life it would be difficult for me to veto a piece of legislation with which I was sympathetic, though my veto threat would have made that easier. Utah was going to pass a bill; I wanted a bill I was comfortable defending. People are entitled to know where the governor stands.
>
> I told them what I wanted, and they gave it to me. (Bangerter 1993)

It was not quite that easy. But international events were about to give Governor Bangerter an edge he had not anticipated.

Under Cover of War

Forty-eight hours after his State of the State, while the stunned hard core pro-life legislators were still trying to re-assemble their coalition and decide whether or not to call the governor's bluff, the United States began the air war against Iraq (Barron 1991, A1). The next morning a delegation of the pro-life champions requested an emergency meeting with the governor. The legislators believed that by dealing with abortion under the cover of war, Utah could avoid the kind of national attention which had so tormented Idaho the year before. They had come back to the table to present a novel proposition--a "two-tier" bill.

They made the argument that since the governor's primary objection to their more stringent bill was his belief that it would not pass Supreme Court muster, the best compromise was to construct legislation in two parts. The first part or "tier" would be the National Right to Life Committee version which provided exceptions for the life of the mother, incest and rape (if promptly reported), and profound and irremediable health threats to the mother or the fetus. The second part or tier would be determined by the governor but would only go into effect if the Supreme Court struck down the first tier.

This device was thought to give Utah two bites at the Supreme Court apple. If the Court rejected the stricter approach, an experimental "savings clause" would allow them to then review the second tier. The staunch pro-lifers saw this as a huge compromise since they believed the Court would be more likely to strike down their version if the Justices could see a more moderate set of restrictions already in place as a statutory backup.

It was at this point that all the negotiating advantages appeared to be shifting in Bangerter's direction. First, as a lame duck he had much more modest political concerns than most of the legislators. This is not to say he was politically carefree. Due to public anger over a tax increase he had requested during his first term, Bangerter had won re-election in a three-way race with just over 40 percent of the vote. In 1988 his popularity hit rock bottom.

Even though he would not be seeking any office in 1992, he did want to regain his standing with the public in order to leave office on a high note.

Bangerter's second advantage was that he had witnessed the Idaho experience. His friend and fellow pro-life governor Cecil Andrus had vetoed a bill which had been portrayed as extreme and had not only escaped any dire political consequences, both he and his political party appeared to have flourished after the veto.

The third advantage was that both the National Right to Life staffers and their cooperative Utah legislators were also intimately aware of the Idaho experience.

The fourth advantage was that the sponsors wanted something to happen quickly while the national attention was still riveted on Desert Storm. By so doing, they could minimize the political risk to themselves and their supporters. Yet they could only accomplish this with Bangerter's cooperation. Central to Andrus's escape was his willingness to uncharacteristically delay signing the bill for eight days while the legislation sizzled under the national media's magnifying glass. The sponsor's war-time strategy could only work if Bangerter would sign immediately.

Finally, Bangerter's veto threat had stiffened the resolve of moderate Republicans and pro-life Democrats. They had confidence that if an overly restrictive bill passed, the governor's veto would not leave them as vulnerable to "pro-abortion" perceptions and attacks.

All this added up to a vivid realization by Legislators for Life that they could very well come away from the 1991 session empty-handed. Again looking to Idaho they could see that after a controversial bill had been vetoed there, even the strongest pro-life legislators--those who had not been defeated in 1990--were unwilling to raise the abortion issue in any way, shape or form (Associated Press 1991). It appeared that 1991 might not only be their best chance at passing something, but their only chance.

SB 23

In a little over a week SB 23, the bill drafted in part by the National Right to Life Committee and in part by the governor's office, was the subject of two public hearings and then passed quickly in the Senate (23 to 4, 2 absent). When it reached the House, Bangerter encouraged moderate Republicans and pro-life Democrats to strip the entire first tier out of the bill, leaving only the less restrictive portion to be returned to the Senate for concurrence. The pro-life lobbyists were outraged, but by then they had lost control of the process. The following day, over the objections of the bill's chief sponsor, this considerably more liberal version quickly passed. The bill was signed by the governor later that day.

With over two-thirds of the 1991 legislative session remaining, the governor and legislature had pushed through an abortion bill. Even though the Scud and Patriot missiles

were still flying when the legislature moved on to other issues, Utah still took a national beating for leading the way. The haste with which the process was handled exacerbated the negative publicity--six technical corrections were necessary during a special session called for that purpose.

This bill was quickly pegged as the most restrictive abortion law in America. Just as quickly, the legislation was repudiated by the National Right to Life Committee.

> . . . [U]nder the amendments adopted to this law just before its final passage, which were strenuously opposed by Right to Life of Utah, abortion is legal whenever an abortionist says that it would avert "grave damage to the pregnant woman's medical health." The intent of the new language was explicitly to include "mental health" reasons for an abortion, and those who perform abortions have long openly claimed that having any "unwanted child" would pose grave damage to a mother's mental health.
>
> Thus, the language is subject to abuse. Therefore, we will oppose enactment of such language in any other state. (National Right to Life Committee 1991)

The fact that both sides condemned the Utah legislation may give some validity to Governor Bangerter's claim that the legislation was a "mainstream attempt to protect the sanctity of life without trampling on the legitimate liberty interests of women" and that it had "virtually nothing in common with the highly publicized attempts to restrict abortion in" Idaho and Louisiana (Bangerter 1991).[5]

Louisiana: Overriding Concerns

Nothing is better than a trip to Louisiana to make a pro-lifer from Idaho or Utah feel progressive. By nearly every measurement--political culture (Elazar 1966), demographic make up of the legislature and general population (Day 1992), existence of a civil law tradition, and legislative experience with abortion--no state in America was more pro-life or more pro-legislation.

While this combination may make gubernatorial leadership on the issue nearly impossible, it also makes it absolutely critical. Perhaps more than any other governor in the nation, Charles Elson "Buddy" Roemer III struggled not only with his legislature, but also with his own personal beliefs on the abortion issue. Given the "uncertain sounds" coming from the governor's office, it is no wonder that those who might have worked to moderate Louisiana's response to *Webster* were singularly unprepared for the battle.

Just days after the Court announced *Webster*, the Louisiana legislature called for the immediate enforcement of its pre-*Roe* laws. Legal impediments prevented that action from ever having any practical effect, but the first shot had been fired. Everyone who followed the issue was aware of what was ahead. Former Governor Roemer recalls:

> The were dark clouds on the western horizon, I knew we were going to have a storm. A couple of legislators came to see me saying, "we could be the first." I told them the same thing I told everybody, "I've got to do some study." They wanted me to use a special session. I told them I was not willing to move that fast, being right was more important that being first. If any issue needed time to cure it was this one. (Roemer 1992)

Like Andrus and Bangerter, Roemer had a long pro-life political record. As a Member of Congress, he consistently opposed federal funding for abortion and favored a constitutional ban of abortions (Shogan 1990, A16). Abortion had never been an issue in any of his congressional campaigns nor in his darkhorse defeat of the previous governor Edwin Edwards. By his own admission, he had "never had to think [the issue of abortion] through" prior to the announcement of *Webster* (Roemer 1993).

Without detracting from Louisiana's unique contribution to the American political landscape that chroniclers of the state's government and politics delight in highlighting (Barone and Ujifusa 1991, 500; Day 1992; Renwick 1992), it should be pointed out that Louisiana's participation in the post-*Webster* controversy had much in common with that experienced by Idaho and Utah. In addition to the presence of a self-described pro-life governor, Louisiana also had strong religious factions (Catholic and Fundamentalist Christian), significant involvement by the National Right to Life Committee, and a legislature dominated by one party--the Democrats controlled the Senate 33 to 6, and the House 86 to 18 plus 1 independent (Barone and Ujifusa 1991, 507). While all of these dynamics had a distinctive Louisiana flavor, the most pronounced variation of the shared characteristics was the degree to which pro-choice groups were routed by pro-life forces both in and out of the legislature. One media account summarized the situation by describing "pro-choice lobbyists either voluntarily retreating in the face of overwhelming odds, or being deliberately hampered by state officials" (Ruth in Day 1992, 6).

1990: Two Roemer Vetoes Hold

In an excellent account and analysis of the post-*Webster* Louisiana abortion episode, Professor Christine L. Day found:

> Many Louisiana legislators themselves, in a legislature that is half Catholic and over one-third fundamentalist Protestant, are committed advocates of anti-abortion legislation. Legislative champions of the anti-abortion bills have been highly visible and vocal. The major conflict with the legislature is not over whether to pass anti-abortion legislation, but whether to include exceptions for rape and incest. (1992, 7)

This dispute was certainly at the center of 1990 legislative activities. The legislature passed two very restrictive bills that year, both of which were vetoed by Governor Roemer. The first, HB 1637, was barely over a page long and criminalized all abortions except those necessary to save the life a mother. It passed the House 78 to 27, and the Senate 24 to 15. In

his veto message Governor Roemer declared that while for most of his political career the only exception he had supported was saving the life of the mother, after years of struggle he had become aware "of the need to except those instances where conception occurred because of rape or incest." He told the legislature that prior to the session, he had indicated that he would not allow any legislation to go into law which did not contain these exceptions.

This is a matter of some dispute. The chief sponsor of HB 1637, Representative Woody Jenkins, had been a close friend of Roemer's, he had endorsed him in his 1987 gubernatorial campaign and served on the transition team. Jenkins claims that Roemer would not talk to him during the session (Jenkins 1992). Former Senator Allen R. Bares recalls "there was always a little confusion at to where he stood on the issue" (Bares 1992). Those who followed the issue for the news media tend to back up claims that Roemer did not reveal his policy preferences or requirements. Jack Wardlaw, a veteran Baton Rouge reporter, recalls that the governor "never would make his policy position clear to either side" (1992).

Regardless of whether or not Roemer had explicitly staked out his position prior to the 1990 session, he admits he had changed his mind by the end of the session.

> I told them I needed three exceptions--rape, incest, and life of the mother--and that I would watch the debate and learn from it if it was honest. I told them I would observe and report any changes. [After watching] I was getting further away on the issue, less comfortable with legislation. (Roemer 1992)

It is not evident that Roemer ever shared his growing ambivalence with anyone in the legislature. "He had a habit," observed his former ally Allen Bares, "of changing his mind without conveying it" (Bares 1992). This habit would lead to charges of deception discussed later.

Roemer's Refusal to Lobby

The most startling manifestation of Roemer's ambivalence was his unwillingness to either publicly rally support or privately lobby legislators in defense of his veto. This passive strategy was to become the trademark of his leadership on the issue. An attempt to override Roemer's veto of HB 1637 failed in the Senate by six votes, but succeeded in the House. It was the first time in the twentieth century that either house had voted to override the governor in a state where 50 to 60 bills a year are usually vetoed (Roemer 1992; Jenkins 1992).

The President of the Senate, Sammy Nunez, appears to have played a key role in sustaining the veto even though he was not considered part of the Roemer team. Senator Nunez, a strong support of the previous governor Edwin Edwards, had been ousted as President of the Senate by another senator backed by Governor Roemer, Allen Bares (Nunez 1992; Renwick 1992, 11-13). Roemer's popularity began to dip, in part a result of a controversial fiscal package which had been largely rejected by Louisiana voters in the 1989

election. His control of the legislature began to slip as well. Senator Nunez defeated Bares when the Senate reorganized for the 1990 session (Renwick 1992, 11; Crum 1991, 102). In spite of the enmity between Nunez and Roemer, the President of the Senate managed to exercise some party discipline on the Governor's behalf--five senators who had voted for HB 1637 switched their votes to sustain the veto.

With time running out in the session, legislators scrambled to find a way to get the governor an anti-abortion bill he could sign. In two days they gutted a bill, HB 1331--which had originally been introduced to discourage flag burning--and substituted in its place language restricting abortions except in cases of rape, incest, and to save the life of the mother. It passed the Senate (32 to 7) and the House (83 to 22) just in time to adjourn.

Roemer vetoed the bill on the grounds that the exception for rape was too narrowly drawn, the criminal liability sloppily drafted and that the two-day harried process used to graft the measure on to a flag burning bill was an affront the legislative process. He reiterated his willingness *not* to veto a bill that broadly excepted rape, incest and for the life of the mother. He sent out his veto message and went fishing in Wyoming.

The Louisiana legislature can call themselves back into session to override a veto exercised after adjournment if members mail in enough written ballots indicating their desire to do so. Consistent with his surprisingly aloof approach to the issue, even though HB 1331 had passed with "veto proof" majorities in the Senate and the House, Roemer made no effort to convince legislators to reverse their votes and sustain his veto. Before he left town he recalls telling legislators, "You have a chance [to override me]. I'm out of town, don't call me" (Roemer 1992). However unconventional, the strategy worked--an insufficient number of ballots were mailed in to reconvene. The 1990 legislature officially drew to a close without successfully passing abortion legislation. Other than his veto stamp, Roemer appears to have reached this result without using any other tool of legislative leadership.

In reflecting upon his experience with abortion legislation shortly after the 1990 session, Governor Roemer began to publicly wonder whether federalism was an appropriate means of dealing with the abortion issue. "This may be one of those issues that are best served not locality by locality but on a national basis" (Shogan 1990, A16). By the end of the 1991 session Roemer's feelings on this subject had no doubt solidified.

1991: The Historic Override

Pressure to pass a strict law limiting abortions was mounting. Right to Life leaders, Catholic Bishops, and fundamentalist preachers pressed legislators to get the job done. Even though the Louisiana Legislature has an unusually high percentage of members willing to go to the mat for the pro-life cause, nearly every interview suggested that only about 20 percent of the legislators truly wanted to deal with the issue. Senator Nunez, who had arguably done more than any other legislator to prevent passage of pro-life bills in 1990, was feeling the heat. "Many legislators leaned pro-choice but felt like they had to vote for [pro-life bills]

because of heavy Catholic or Evangelical support" (Nunez 1992). Senator Nunez knew what he was talking about; during the interim 87 percent of those living in his home parish--including his mother--signed a petition in favor of pro-life legislation (Bartlett 1992).

In late December 1990, Roemer met with the Louisiana Catholic Bishops to tell them he wanted to "honor women as well as protect the unborn" (Roemer 1992). The Bishops left the meeting with the understanding they had received Roemer's commitment to support a strict pro-life bill (Theriot 1992). He then met with fundamentalist leaders. Roemer recalls asking them if there was any way they could avoid a "knock down, drag out fight that [he] might win?" Roemer was told such a battle could not be avoided in 1991 (Roemer 1992).

Roemer Changes His Party and His Mind

Priests and preachers were not the only ones who worried about Governor Roemer's soul in the weeks and months preceding the 1991 legislative session. Many legislators also believed Roemer had just committed two political cardinal sins: he switched parties (in March of 1991 (Barone and Ujifusa 1993, 531)), and (so they say) he lied.

While it is not my purpose to try to explain Roemer's decision to change political parties, it is sufficient to note that his reformist programs had met with such limited support, and his leadership style had aggravated so many in the legislature and the Democratic party generally, that he might have felt that his political base had eroded to the point he was better off running against it than with it. Some have suggested that he might have also had his eye on national political office where the Republican tag suited him better (Nunez 1992; Theriot 1992). Whether the political motivations were local or national, many legislators were beginning to suspect that Roemer had decided to run against the legislature and was not above using, among other issues, a veto of abortion legislation to draw attention to his campaign themes (Nunez 1992; Theriot 1992). Whatever the political strategy behind the switch, it did not help him mitigate the approaching abortion controversy. Clearly, it further undercut his already sinking credibility.

According to one media observer, Roemer developed the reputation early in his administration for "broken promises, inflated claims, and even lies . . . he often tells people what they want to hear and then forgets about it. In recounting his achievements, he frequently overstates them" (Kelso in Renwick 1992, 14). With the exception of the word "lies," a variation of the just quoted description has been used at one time or another to describe every elected official in America. But as rough and tumble as contemporary politics has become, accusing an opponent of lying is still a serious matter. Nevertheless, legislators interviewed for this paper were unabashed in their references to Governor Buddy Roemer as a liar (Nunez 1992; Jenkins 1992; Theriot 1992). Sponsors of HB 112 were especially aggravated with what they believed was Roemer's intentional deception regarding his willingness to let any piece of restrictive abortion legislation pass into law.

HB 112

When the Louisiana Legislature reconvened in 1991 abortion was at the top of the agenda. HB 112, a bill very similar to the second anti-abortion bill passed the previous year (narrow exceptions for rape, incest, and life of the mother), had been pre-filed by two long-time Roemer allies, Senator Allen Bares and Representative Sam Theriot. Together, with the active support of Senate President Nunez, they managed to hold off a fundamentalist Christian backed effort to a push through a stricter version which included only the life-of-the-mother exception. Demonstrating the limits of contemporary political labeling, those backing the stricter bill held a press conference to attack HB 112 as a "pro-choice" bill (Redman 1991, B11).

Representative Theriot sent a draft of HB 112 to the National Right to Life Committee and received word back that the group had given its approval of the proposed language (Theriot 1992). In addition to holding off what they referred to as the "ultra pro-life" wing of the legislature, Theriot and Bares put together a coalition of Catholics, local Right to Life leaders, and legislators to support a bill with the three exceptions (Anderson 1991a, B6). While a number of their colleagues simply wanted to see something pass so the issue would go away, many in the coalition would have preferred the stricter bill. Their willingness to hold their noses and support what Theriot called "the ultimate compromise bill" was based on two strategic considerations. First, the coalition believed that Governor Roemer would definitely veto a bill without all three exceptions; and, second, the single exception bill had not received a veto-proof victory margin in 1990. They were convinced the multiple exceptions approach was the only way to either avoid a veto or override one (Bares 1992; Theriot 1992).

In an effort to gain Buddy Roemer's support, Bares and Theriot went to great lengths to communicate with the governor and to receive his input (1992). The contents of HB 112 were provided to Roemer and his staff prior to the commencement of the legislative session. Roemer allegedly refused to tell the legislators what he would or wouldn't sign (Redman 1991, B11; Bares 1992). At a May press conference Roemer hedged by saying he was encouraged by the direction the Bares/Theriot bill was heading, but was waiting to study the details even though entire bill had been available for review for over a month (Myers 1991a, 1B; Anderson 1991, A1). Interestingly, while Bares expressed frustration with Roemer's silence, Theriot was convinced Roemer was actively supporting the bill through his close friend and ally, then Speaker of the House Jimmy Dimos.

> In August of 1990 I was invited to meet with Speaker Dimos [where] I was asked to handle the exceptions bill. I was told it was backed by leadership and the governor. After the bill was reviewed by National Right to Life, I gave the bill to Dimos. He told me the governor approved and that he wanted me to handle it. (Theriot 1992)

On May 13, HB 112 passed the House (72 to 31) and less than one month later, it passed the Senate (29 to 9). It was not until the bill was on the senate floor that Roemer made any effort to suggest improvements through his floor leader Senator Sydney Nelson--exceptions for tubal pregnancies, grave fetal deformity, extended periods for examination and reporting of rape victims, and serious threats to the physical and mental health of the mother (Bares 1992; Theriot 1992; Myers 1991b, A1; Myers 1991c, A1). All of his requests were soundly defeated (Suro 1991a, A9). Either by design or by default, Governor Roemer had waited far too long to weigh in on the issue.

After reviewing the bill for two weeks, Governor Roemer used his veto power once again. He defended his veto on much the same basis he had a year earlier, but instead of criticizing the legislature for rushing it through at the last minute, he complained that they had not been receptive of his proffered amendments, most of which he had not raised earlier in the process (Aynesworth 1991, A4). On June 18, 1991, the day the veto message was read in both chambers, it was immediately overridden. The House, which had always been the more resolute on the issue, overrode with six votes to spare (76 to 25) and the Senate did likewise with a three vote margin (29 to 9) (Suro 1991b, A1). Several have suggested that at least part of the motivation for the override was political--a chance to take a jab at a party-switching, mind-changing governor on the political ropes whose use of the veto had prolonged the abortion controversy by one whole year (Gomez 1992; Nunez 1992; Wardlaw 1992; Theriot 1992).

It was the first veto override in Louisiana during the twentieth century, and possibly in the history of the state (Wardlaw 1991, B5; Suro 1991b, A1; Renwick 1992a, 12). Louisiana was the proud parent of the strictest abortion law in America.

Passive Resistance

Sponsors Theriot and Bares, as well as President Nunez, believed that if the governor would have really gone to work early in the session, there would have been a chance he could have blocked the legislation (1992). Governor Roemer never made much of an effort (Nicholas and Anderson 1991, A1). He told Senator Bares, "I'll do my job the best I can, if you override me, no hard feelings" (Bares 1992). One pro-choice lobbyist recalls his passive role.

> Roemer refused to lobby on this issue--but then he refused to lobby on any issue. He'd abdicated his role as a power broker/legislative leader. . . . He didn't want the anti-choice bill on his conscience, but he did very little to sustain his veto. (Brylski 1992).

Terri Bartlett, director of the New Orleans Planned Parenthood office and active lobbyist against the pro-life measure, remembers Roemer making a few phone calls, but "when he announced he wasn't going to give out any [government] projects, we knew it was unraveling" (1992).

Governor Roemer was not at all inclined to deal.

> It was an issue of moral judgment, not a member came to trade votes. [I was] open to talk to anyone, but no trading. It came down to my personal opinion, what if I'm wrong. I might have done some trading on an appropriations bill--that's just money--these [the unborn] are people. I told them, do what you think is right, you have to live with it. (Roemer 1992)

Political Impact

Governor Roemer dismissed the political consequences of the override, "This is not about votes. This is about unborn babies. This is about women who have been brutalized by rape. This is about a country that is trying to get it right. We still don't have it right" (Suro 1991a, A9; Hill 1991).

Even though it is extremely difficult to think of any political upside to Governor Roemer's management of the abortion controversy, only the most strident pro-lifers attempt to tie Roemer's third place finish in the gubernatorial primary--he finished behind Edwin Edwards and David Duke--directly to the veto. Most involved either as participants in or observers of Louisiana politics believe that the abortion controversy was mostly symbolic of Roemer's major political liability--failed leadership (Renwick 1992a, 12; Renwick 1992b).

The United States Supreme Court declined to consider Louisiana's appeal from the ruling of the Fifth Circuit Court of Appeals that HB 112 was unconstitutional.

Conclusion

The claims of this paper are modest. These three case studies reveal that in the high pressure arena of abortion politics, gubernatorial leadership matters.

Studies of governors' use of the veto have produced little in the way of generally applicable predictive or explicative patterns--the content of the bill in question and the position of the governor on that bill in relation to the legislature are the key determinants. Vetoes are anomalies (Herzik and Wiggins 1989, 855-856).

Similarly, the abortion issue itself depends upon so many state-based variables that each case produces conclusions which can only be gingerly applied elsewhere. For example, partisanship was significant in predicting legislative voting behavior in Idaho (Witt and Moncrief 1993, 145), of only marginal use in Utah (Rolly 1989, B5; Sherlock 1991, 87), and not at all important in Louisiana (Day 1992, 12). Legislative reaction to abortion bills is also anomalous (Witt and Moncrief 1993, 141).

Hence, this study, this collection of anomalies--the veto, abortion legislation, states, and governors--is necessarily limited in general application. However, a few lessons about gubernatorial management of high controversy issues on which governors profess to agree with the legislature seem to take shape when the experiences of the three states are looked at side by side by side.

Idaho suggests that when the governor is of a different party than the legislature, strength and silence make an effective combination. Reminding the legislature and the general public that the decision on a controversial measure will be made when it hits the governor's desk, keeps the pressure on the legislature to produce a defensible work product.

Utah suggests that when the governor is of the same party as the legislature, there is safety in strength and articulation. Through speaking out early--by exercising leadership--the governor minimizes the chances of being held responsible for a reckless legislative decision.

Louisiana demonstrates the danger of weak and inarticulate leadership by a governor who has allowed a hostile relationship to develop with the legislature. There is no safety in attacking an institution for which a governor has some presumptive leadership responsibility.

One of the most interesting spectacles found in these case studies was the education governors received on the difference between professing a pro-life position and actually enacting laws that would codify and enforce that position. *Webster* required governors, legislators and voters to decide if they were sufficiently pro-life to be pro-legislation. Gubernatorial leadership was all that separated overwhelmed state legislatures from the equally overwhelmed courts. The meager results of that leadership--at least in Louisiana's case and perhaps in Utah's as well--might explain why the Court in *Casey* decided three years of federalism on the issue of abortion was enough. Complaints from governors and legislators about *Casey* closing the post-*Webster* era have been scarce.

Finally, while much has been written about the "post-*Webster*" era, few have taken notice of its end. The *Casey* decision reaffirmed the Court's commitment to *Roe* in terms that may have been ambiguous to a few activists, but not to state legislatures which seem to have clearly understood that any attempt to regulate abortion beyond relatively minor procedural requirements will be struck down as unduly burdensome. Most pro-life groups have little interest in pushing for such modest restrictions and even fewer legislators will want to consider proposals likely to result in costly litigation and controversial national attention. Even states like Idaho, Utah, and Louisiana have gotten the message.

The election of Bill Clinton to the presidency followed by the appointment of pro-choice Judge Ruth Bader Ginsberg to the Supreme Court punctuates the conclusion of the federalist interlude wherein states were led to believe that the reversal of *Roe* was just one restrictive statute away. The three year period between July 3, 1989 and June 29, 1992--which, in the interest of accuracy, ought now be referred to as the post-*Webster*/pre-*Casey* era until some snappier title is devised--exposed the governors and legislators of Idaho, Louisiana, and Utah to unprecedented pressure and controversy. Perhaps that is why they appear to be among the happiest that this era is over.

Endnotes

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1. Prior to coming to Brigham Young University in 1991 as a visiting member of the political science faculty, I served as Chief of Staff to the governor of Utah. Much of the information about the Utah legislation is based on first-hand observations.

2. In 1991, the North Dakota legislature passed a bill very similar to Idaho's which was quickly vetoed by the governor. The governor of Florida called a special session to deal with abortion restricting legislation but went away empty handed. The Pennsylvania legislation which lead to *Casey*, dealt with procedural obstacles--informed consent, notification, and waiting periods--rather than the stricter approach of defining reasons for which an abortion would be allowed. In 1990, the territory of Guam passed very restrictive legislation which was later ruled unconstitutional by the federal courts. One study reported that in the first year after *Webster*, state legislatures introduced 507 bills addressing abortion rights of which 431 were pro-life, and that in the second year after *Webster* 184 out of 241 bills introduced were pro-life (Price 1991 A3). Another report indicated that in 1991 more "than 200 bills [were] introduced in 45 legislatures" (Schwartz 1991, A4).

3. While it is doubtful that anyone reading this paper is unaware of the connotations of the words "pro-life" and "pro-choice," there appears to be a tradition of tedious endnotes disclaiming usage of these very common terms. These are the labels used by the groups to identify themselves and by the news media. Those who quibble about titles on this subject tend to do so for political rather than editorial reasons.

In researching this paper it has been my experience that the majority of activists in the pro-life movement favor the prohibition of all abortions except to save the life of the mother. Additional exceptions for cases of rape, incest, serious fatal deformity and grave but not life-threatening injury to the health of the mother appear only to be tolerated to the degree necessary to build political support. On the other hand, pro-choice activists oppose any restriction on access to abortion, including economic. The legislative activity of both sides since *Webster* suggests that these absolutist positions are true policy preferences rather than merely beginning postures from which negotiation can begin.

This may be the logical place to qualify one other term used commonly in this paper and in the relevant literature--"strict." Given their ideological moorings and resultant policy preferences, the word strict often loses its meaning when used by either side in the abortion debate. To most politically active pro-lifers, no legislation with exceptions beyond saving the life of the mother would ever be considered strict. Yet statutes which require only informed

consent and a waiting period while making no restrictions on the timing or motivation for the abortion are routinely referred to as strict by pro-choice activists and the media. The words "strict" and "restrictive" in this paper are used to indicate the degree to which a woman's reason for seeking the abortion impact her ability to legally have one.

4. Interestingly, Richard Wilkins was also to become a central figure in the Idaho legislation. At the completion of the Utah legislative session, Governor Bangerter called Governor Andrus to recommend Wilkins as a possible resource. Andrus declined, telling Bangerter, "No thanks, I'm going to sit this one out" (Bangerter 1993). Wilkins was contacted by pro-choice legislators in Idaho and became one of the lead witnesses against the Idaho bill. Andrus contacted Wilkins when the bill reached his desk and cited his advice as one of the reasons for vetoing the bill (Popkey 1990d; Miller 1990, 3A). Ironically, Wilkins--the pro-life law professor who as U.S. Assistant Solicitor General wrote the appellate brief for the Missouri legislature in *Webster*--ended up as a key player in the veto of the Idaho legislation and the derailing of the 1990 effort in Utah. In 1991 he was the architect of the legislation which passed the legislature and was signed by the governor.

5. Upon signing SB 23, Governor Bangerter indicated that the State would cooperate with an injunction preventing the law's enforcement until it had been reviewed and upheld by the United States Supreme Court. Eighteen months later, shortly after *Casey* was handed down, the governor announced the state would drop its defense in U.S. District Court of the proposed ban on what came to be called "elective abortions."

Appendix A: State by state comparison of abortion legislation

	Louisiana	Idaho	Utah
Findings/ legislative intent	Compelling interest to protect life from conception; life begins at conception	Abortion is often used as birth control.	Unborn children have inalienable rights to be balanced against the woman's liberty interest
Criminal penalties--doctor	1 - 10 years; $1,000 - 10,000	none	to 5 years; to $5,000
Criminal penalties--woman/other	none	none	none
Civil penalties--doctor	none	to $10,000 (1st offense), $30,000 (2nd), $50,000 (additional offenses); 3 x damages sustained + punitive	none
Civil penalties--woman	none	none	none
Rape exemption	yes	yes	yes
Rape--reporting requirements	exam within 5 days; report crime within 7 days	report crime within 7 days	report crime prior to abortion
Incest exemption	yes	yes	yes
Incest--reporting requirements	reported w/in 13 weeks	reported prior to abortion (including offending relative)	reported prior to abortion
Mother's health exemption	none	yes, for physical health only	yes, for "grave damage to medical health," including mental health
Health exemption determined by	n/a	attending physician and other non-interested physician	attending physician
Mother's life exemption	yes	yes	yes
Life exemption determined by	attending physician	attending physician and other non-interested physician	attending physician
Fetal deformity exemption	only for dead unborn child	yes, with agreement of attending and second physician for profound and irremediable defects	yes, for grave defects
Waiting period	none	24 hours	none
Timing restrictions	not allowed if fetus is viable	within 13 weeks for rape and incest	within 20 weeks for rape; in hospital if 90 days after conception

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Domain Specificity in the Effects of Political Events On Preadult Socialization[1]

David O. Sears

Nicholas A. Valentino

Rick Kosterman

University of California, Los Angeles

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Abstract

The goal of this study was to test the domain-specificity of the politically-socializing effects of major political events. The basic hypothesis was that preadult children would show increases in the affective strength of their predispositions (as indexed by the consistency, stability, and power of those attitudes) only with respect to the attitude objects most central to the public communication about the event. The data came from a panel study of preadults and adults during and after the 1980 presidential campaign. That campaign generated substantial increases in the crystallization of preadults' candidate evaluations and party identification, presumably the domains most emphasized in campaign communication. Lesser gains were observed, and more uniformly across adults and children, and across the pre- and post-campaign phases, in ideology and the central issues of the campaign; the implication is that the campaign played little socializing role in these domains. Attitudes regarding issues not discussed much in the campaign did not change. The main implication is that political socialization proceeds by fits and starts rather than incrementally, and political events play a major role in stimulating the communication that provides the "start," but only toward the most salient attitude objects (i.e., in the domains bearing most communication about the event).

Empirically-based theory on mass political behavior has been marked by a continuing debate between those influenced by neoclassical economics and those who are more psychologically oriented. The debate revolves most centrally around the extent to which homo politicus makes political choices "rationally" on the basis of available information, or is subject to a wide variety of distorting psychological influences. It is a central issue in democratic theory, which rests heavily on presuppositions about human nature.

One major empirical dispute concerns the long-term stability and impact of basic political predispositions. Highly stable predispositions are, presumably, relatively impervious to the realities of the contemporary environment, and if they dominate political choices, they present an obstacle to fully "rational" decisions based on the merits of currently available alternatives.

This dispute has generated three empirical literatures. Early theories of voting behavior (e.g., Campbell, et al., 1960) argued that party identification, acquired early in life and highly stable thereafter, played the single most important role in voting behavior. In contrast, Downs (1957) argued that voters responded more rationally to economic realities, and Key (1966), to evaluations of current political performance.

Extensive literatures on political socialization and racial prejudice developed on the premise that preadult attitude acquisition left highly stable, and powerful, residues well into adulthood (see Harding et al., 1969; Hyman, 1959; Renshon, 1977; Sears, 1975). These precipitated a backlash, arguing that preadult political attitudes were inconsequential and transitory "non-attitudes" (Vaillancourt, 1973; Searing, et al., 1976; see Sears, 1989, for a recent review).

Nevertheless, The American Voter's presumably early-socialized party identification remained the dominant "unmoved mover" in theories of voting behavior well into the 1980's. That was challenged by "revisionists," who contended that party identification was adjusted in some rational fashion to ongoing events, such as poor government performance (Fiorina, 1981), newly emerging issues (Franklin, 1984; Markus, 1979), candidates (Markus, 1982), or campaign events (Allsop & Weisberg, 1988), and that these changes had important effects on aggregate distributions of party identification (MacKuen et al., 1989). In return, counter-revisionists have argued that party identification is in fact almost perfectly stable over time, adjusting for measurement error (Green & Palmquist, 1990), and that it continues to dominate voting

behavior (Miller, 1991).[1]

These debates are of unquestioned importance for an understanding of presidential voting behavior in the United States. And they begin to help us develop a general theory about the human element in democratic governance, as well. But for that purpose they fail to address three important questions.

One concerns the role of exogenous events in influencing adult individuals' predispositions. The "revisionists'" empirical evidence is almost entirely anecdotal, rarely attempting general principles about which ones will have an impact and which ones will not. Some issues and campaign events seem to generate change in party identification and others do not, but there has to date been little effort to develop general principles from which such variations could be explained.

A second concerns the many other predispositions that are known to influence public opinion and voting behavior. Party identification is just one of a wide number of political predispositions that have important political impact. Many observers believe that racial attitudes represent the most difficult pivot point for American politics, that nationalism or ethnic rivalries dominate the politics of many other nations, that loyalty to highly personal leaders like Peron or Saddam Hussein or Mao or Castro dominate others, or that attitudes toward the symbols of the state are crucial bulwarks of a stable political system. The current debate ignores these other predispositions.

The third concerns the life course of major political predispositions. Their stability could be interrupted at any of three distinct points in the life cycle. Early acquisition may be weaker than the original political socialization enthusiasts believed; basic predispositions may not be as persistent across the life cycle as originally claimed; or, adult information-processing may weigh current information more heavily, and standing preferences less heavily, than originally thought.

The Socializing Role of Political Events

The persistence of political attitudes varies greatly across attitude objects. Party identification is highly stable across considerable lengths of time, while at the other extreme, most people seem to respond to some policy issues as if they were flipping coins (Converse, 1970; Converse & Markus, 1979; Sears,

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[1] Even the "revisionists" concede that "rational" individual changes in party identification, in response to politically meaningful events, are not usually very dramatic (see Franklin, 1992; Weisberg & Allsop, 1988).

1983).[2] Such differences might be due to any of the three stage-linked processes cited above (acquisition, persistence, or incentives for rational choice). In this paper we will focus only on the first -- the original acquisition process.

Different attitudes are likely to have quite different growth curves, as Hyman (1959, p. 61) observed early on. As a result, attitudes toward different attitude objects are likely to reach adult-like intrinsic strength at different life stages. It might be, for example, that basic religious and racial attitudes are learned quite early, and esoteric political preferences much later.

To account for such differences across attitude objects, we have presented a model revolving around the external circumstances that generate differences in attitude stability (Sears, 1983). The key mediating variable is strength of affective learning, governing the resistance to change of any given attitude to either systematic influence attempts or random oscillation. Strong affective learning depends on (1) affective mass, in terms of the volume of affectively-toned information upon which the attitude is based (see Anderson's, 1971, integration theory, or Converse, 1962); especially when it is (2) one-sided communication, i.e., when the individual is primarily exposed to one point of view (as in "de facto selective exposure;" see Sears, 1968); and (3) overt practice, i.e., the more the person has practiced an overt response based on the attitude, the more stable it should be (see Campbell et al, 1960, on the strengthening of party identification through repeated voting).[3]

Political events enter the equation by influencing the affective mass, one-sidedness of communication, and overt practice associated with any given attitude object. For example, the greatest affective mass should be generated by the objects that evoke the most communication. That in turn depends partly on frequent recurrence of the object on the public agenda, and its high salience when on the agenda. For example, a regular electoral cycle places partisan divisions before the public, and would obviously contribute to the stability of party identification; interruptions, or changes in the party system, would lessen it (Converse, 1969). But an American election campaign will rarely

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[2] Krosnick (1991) has suggested that such differences are mostly due to differential measurement unreliability across domains. Without going into detail here, this position seems to us exaggerated, attributing much genuine attitude instability to measurement unreliability.

[3]. This model bears some considerable resemblence to that developed and tested in more detail by Zaller (1992). In this paper we will not attempt to compare the two approaches.

focus on a distant country like Nigeria, or groups like Greek-Americans, or very specialized issues like appropriations for basic science. So it would be unlikely to stabilize attitudes toward such objects.

Similarly, the one-sidedness of communication varies across events. Election campaigns might stimulate one-sided interpersonal communication because family and peer groups tend to be homogeneous in partisanship. The Clarence Thomas confirmation hearings, on the other hand, might not, since mixed-sex work and family groups might be more heterogeneous with respect to gender issues.[4]

The theoretical analysis just presented suggests that the strongest attitudes will be socialized when communication on the issue is plentiful and affectively consistent. This implies that events in the political arena triggering massive and one-sided communication in the individual's microenvironment will be most helpful. Political socialization of strong attitudes should therefore proceed in fits and starts, since those events are likely to be episodic, and thus the opportunities for socialization will likely be periodic rather than continuous. To understand the socializing effects of events, then, we need to look at them as occasions for political communication, and at the specific attitude objects attracting that communication.

Presidential Campaigns as Socializing Events

In this study we have three broad concerns. First, we are focusing on the presidential campaign as an occasion for political socialization. Second, we focus on life-stage effects; we expect more evidence of socialization in early adolescence than in late adolescence or adulthood.[5] And third, we focus on differences across attitude objects.

Presidential campaigns are among the most evocative of political events. The mass media give them great publicity over a long period of time, in both the primary and general election seasons. The contests also provide the occasion for considerable

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[4] Of these three factors, overt practice is probably the least relevant, in general, for object differences in the stability of political attitudes in children. But a regular electoral cycle does demand repeated voting acts, and extensive discussion of electoral choices, both of which should stabilize partisan preferences.

[5] An earlier report (Sears & Weber, 1988) presented preliminary analyses on this point.

interpersonal communication; people often talk to each other about their candidate preferences, their evaluations of the candidates, the events of the campaign, and its issues. For children, presidential campaigns provide both unusually frequent and rather one-sided political information flows. Parents typically share candidate and partisan preferences, and (less predictably but also usually) the child's peer environment is likely to be supportive as well. Children are less likely to be exposed to the more balanced treatement of the campaign in the mass media than are adults (see Comstock et al, 1978). And, given the four-year cycle of presidential campaigns, children in early adolescence are more likely to be experiencing their first campaign than are those in late adolescence. So a presidential campaign ought to be a prime occasion for the socialization of strong partisan attitudes.

We would expect these campaign-driven gains to be more marked for attitudes toward the candidates and parties than for attitudes about issues. The dominant content of campaign communication focuses on the candidates themselves, as indicated by the evidence on the "horserace" character of media coverage (e.g., Patterson & McClure, 1976; Orren & Polsby, 1987). There is inevitably some secondary communication about the parties, since the two major clusterings of pre-convention candidates are categorized into the two parties, and the parties ultimately select one each for the final contest. Issues usually play a secondary role to the candidate focus, even those most intensely debated by the candidates. And in every political campaign, some important issues simply do not surface at all.

How do we index gains in political socialization? There are usually two criteria for successful socialization (see Sears, 1975). One is the acceptance of desired norms, whether those of the family, the social group, or the broader society; e.g., a Republican family may wish to instill Republican loyalties in its children. Alternatively, successful socialization may be manifested by a strong and coherent set of political values and attitudes, whatever their particular content. This latter criterion forms the basis of our study.

Specifically, we focus on three indicators of attitude crystallization: the consistency of an attitude across related content areas (as in the consistency across alternative measures of the attitude, or related contents, as in Converse's, 1964, notion of issue constraint); stability over time; and power to influence other attitudes (as in the power of party identification to influence candidate evaluations). This notion has been developed elsewhere (see Sears, 1975).

Specific Predictions

Our study involves a three-wave panel, with interviews at the beginning of the 1980 presidential campaign, at its conclusion, and

then again a year later.[6] The interviews were conducted with children from age 10 to age 17, along with one parent for each child as an adult comparison point (we do not here exploit the parent-child pairing). The survey was a probability sample of Wisconsin families, interviewed by telephone. A total of 620 adults-child pairs were interviewed, of which 366 were interviewed in all three waves.

Our expectation would be that:

(1) Preadults should, on the average, have had relatively uncrystallized attitudes prior to the campaign. As a result, partisan attitudes would show sizable gains in the first time interval, which the post-election year would simply stabilize.

(2) These socialization gains would be most marked among the youngest children, since they would have had fewer prior experiences with presidential campaigns.

(3) They should be greatest in domains most directly the focus of campaign-linked communication; specifically, candidate evaluations and party identification.

(4) Typically, the issues of a campaign are less salient than candidate and party. But not all issues are equally obscure. The 1980 challenge by Ronald Reagan to the incumbent Carter administration revolved particularly around basic ideological differences and conventional partisan economic issues (Carter as a "tax-and-spend liberal"). Because of their lesser salience during the campaign, these domains should have yielded more modest socialization gains among preadult children.

(5) Some issues are likely to be hardly visible at all in any given campaign. In 1980, racial issues were not a visible part of the campaign dialogue, Reagan anxious not to get painted as a "racist," and Carter, to avoid being portrayed as too closely allied to blacks' interests. And civil liberties issues virtually did not appear at all. So we would expect no socialization gains on these issues.

Analytic Strategy

Our basic analytic strategy tests the effects of the campaign by comparing wave 1, conducted at the outset of the campaign, with wave 2, conducted at its conclusion. If the campaign were

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[6] The research reported in this paper was supported by a National Science Foundation grant. We wish to express our deepest appreciation to Steven H. Chaffee and Jack Dennis, who shared responsibility for the data collection with the first author.

uccessful in socializing strong predispositions, our several indicators of attitude strength should increase between the two waves. If the campaign is the primary socializing influence, no comparable gains should be observable between wave 2 and wave 3, conducted a year later. On the other hand, if any gains result from the simple passage of time and maturation, comparable gains should be observed from wave 2 to wave 3.[7]

As statistical tests, we mainly present bivariate correlations. For attitude consistency, that typically represents alpha coefficients for the items within a domain; for stability, correlations of scale scores for a domain at one time point with those at the next; and for the power of one predisposition over another attitude, correlations of scale scores within one domain (e.g., party identification) with those in another (e.g., candidate evaluations). We have made the conventional assumptions about causal order; namely, that party identification is a more powerful causal force than either issue preferences or candidate evaluations.

To test the statistical significance of differences, we constructed scores for each individual for each dimension of attitude strength. For example, the stability of an individual's party identification from wave 1 to wave 2 would be indexed by the absolute difference between his/her party identification scale score in wave 1 and that score in wave 2. We then used analyses of variance to ascertain age and wave main effects, and their interaction. For testing the socialization effects of the campaign, the interaction is the critical term: the greatest gains should occur for the youngest preadults, and in the interval between waves 1 and 2 of the study.

Central Content of the Campaign

As indicated earlier, the most obvious and central content of any presidential campaign should concern the candidates and the parties. Therefore we expect the clearest socialization gains on those two dimensions.

Candidate evaluations

Our starting point is early in the 1980 presidential campaign, approximately at the time of the New Hampshire primary. At that point, preadult were deficient by all our indicators. They were less informed about the campaign, and had weaker and less stable partisan attitudes than were adults.

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[7] It should be noted that this comparison is somewhat conservative in that it predicts larger changes in the first time period, which spans only nine months, than in the second, which spanned twelve.

The information scores are shown in Table 1. The candidate information scale consists of the mean percent identifying the party affiliations of the major candidates (Reagan, Bush, Carter, Kennedy, and Connolly). At the beginning of the campaign, the preadults could, on the average, identify the correct party of about half the candidates, whereas 82% of the parents did so.

[Insert Table 1 about here]

The preadults' ability to identify the candidates' parties was dramatically increased by the campaign, as shown in Table 1. The average child was able to match party and candidate for 67% of the candidates by the end of the campaign, up from 49%. In contrast, information for adults was quite stable. This pattern, then, is what we would expect if the campaign had a politically socializing effect for children but had relatively little effect on the parents.[8] This reflects a socializing impact of the campaign, and a major one. Their political socialization had proceeded a significant distance, by this criterion: they had about halved their informational shortfall. But their socialization was still substantially incomplete; a significant age difference remained.

The consistency coefficients for candidate evaluations are shown in Table 2. These index the extent to which respondents took consistently partisan views of Carter, Kennedy, Reagan, and Bush. The preadults' candidate evaluations had, on average, no partisan consistency whatever prior to the campaign (alpha=.00, -.17). But by the end of the campaign, consistency had improved markedly (to .33). Improvement continued in the year following, but not to the same extent. The adults' evaluations were considerably more consistent to begin with, and they too improved during the campaign, but rather little afterwards. So on this dimension, the preadults show considerable campaign-induced socialization, with continuing post-campaign effects, while the adults' gains are limited to the campaign period.[9]

[Insert Table 2 about here]

Similar evidence of a socializing effect of the campaign is shown by stability coefficients in Table 3. The candidate evaluation scale is based on evaluations of four candidates

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[8] All the effects are statistically significant: parents had more information than children ($F=293.10$, 1/365 df, $p<.0001$), information increased over waves ($F=92.89$, 2/730 df, $p<.0001$), and age and wave significantly interacted, reflected in the diminished age gap over time ($F=41.21$, 2/730 df, $p<.0001$).

[9] Both age ($F=16.56$, 1/278 df, $p<.0001$) and wave ($F=35.17$, 2/556, $p<.0001$) effects were significant, although their interaction was not ($F=0.59$).

(Carter, Kennedy, Reagan, and Bush). The preadults show a dramatic increase in the stability of their evaluations across time; for the youngest group, stability increases from .32 over the first time period (the span of the campaign) to .65 over the second (the year following the campaign). The implication is that their initial candidate evaluations, prior to the campaign, were weak and unstable, whereas their evaluations at the end of the campaign were much stronger and more stable.[10]

[Insert Table 3 about here]

To summarize, at the beginning of the campaign, children were much less able than adults to match candidates with their parties, did not have consistently partisan attitudes toward the candidates, and had much less stable candidate evaluations than did adults. By the end of the campaign, their partisan attitudes had improved in all three respects, though still well short of adult levels. Only slight continued socialization effects were observable in the year following the campaign. The presidential campaign succeeded, then, in socializing reasonably strongly partisan candidate evaluations for preadults, though still not bringing them to adult levels.

Party identification

The basic information scale about the parties asked respondents to indicate whether Democrats, or Republicans, or neither was more closely associated with fourteen symbols traditionally associated with the two parties (such as elephant or donkey, liberal, poor people, Richard Nixon, business, etc.). As can be seen in Table 1, both children and adults showed more accuracy in interpreting these symbols over time, with preadults improving more than did adults.[11]

The basic party identification scale was based on four items: the standard Michigan party identification item (per Campbell et al., 1960), the Dennis revision that asks respondents separately for their preference between the two parties and for their self-identification as "Independents," and two items (combined into a composite) on trust of Democrats vs. trust of Republicans.

The stability of party identification shows the pattern of

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[10] The age difference was statistically significant ($F=26.92$, 1/265 df, $p<.0001$) as was the wave difference ($F=34.90$, 1/265 df, $p<.0001$). In the analysis of variance, the interaction was not significant.

[11] The age ($F=382.52$, 1/364 df, $p<.0001$), wave ($F=63.53$, 2/728 df, $p<.0001$) and interaction ($F=11.77$, 2/728 df, $p<.0001$) effects were all significant.

campaign-induced socialization gains among the young, as indicated in Table 3. Stability is much lower for the preadults than for the adults over the course of the campaign (r=.49 and .58, as opposed to .86 and .90). But it increases substantially more for the preadults in the post-campaign period, as would be expected if the campaign strengthened the preadults' party identification (to .65 and .73, as opposed to .85 and .88).[12]

The one set of data that do not fit this portrait is the party consistency data, shown in Table 2. All age groups had rather high levels of partisan consistency, even at the start of the campaign. To be sure, the youngest age group is initially the least consistent, and shows the biggest gains. And its biggest gains do occur over the course of the campaign. But the differences are small (only the wave effect is significant: F=4.29, 2/726 df, p<.02).

In short, party identification, by and large, shows the same pattern as candidate evaluations. Relative to adults, the preadults are considerably less knowledgeable, and have less consistent and less stable partisan attitudes, at the outset of the campaign. The campaign provides more partisan information to them, and strengthens their party identification. The year following the campaign continues to strengthen attitudes, but not to the same degree. The one set of anomalous data concerns the consistency of party identification, which was relatively high in all groups even at the start of the campaign. But aside from that, the data are fairly clear in showing campaign-induced socialization gains in the preadults' partisan attitudes on both candidate evaluations and party identification.

Subtler Campaign Content

We anticipated that children would show some, but less impressive socialization gains on the two dimensions that reflected the manifest issue content of the campaign -- basic economic issues and general ideology. Plainly Reagan intended to introduce a "Reagan Revolution," and was clear about it from the outset. His conservative positions differed sharply from those of the liberal incumbent, Carter. And he was clear about being an ideological conservative.

But the campaign (perhaps like almost all campaigns) often focused on other matters, such as the criticism of Carter's handling of the Iranian hostage crisis, the characterological

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[12] Again all three effects are significant (age: F=83.60, 1/362 df, p<.0001; wave: F=5.16, 1.362 df, p<.03; interaction: F=6.53, 1/362 df, p<.02).

critiques of Carter during the primary and general election seasons, the distractions of the Anderson candidacy, and the attacks on Reagan as trigger-happy or too old for the job. Because of this perhaps typical diffusion of focus, we would expect that the socializing effects of the campaign would not be as evident in general ideology and attitudes toward specific partisan issues as in the candidate and party domains just discussed.

Ideology

The general ideology scale was composed of three items: self-reported ideology, and trust of liberals and trust of conservatives. As with party identification, parents initially had much more crystallized general political ideology than did the children. As can be seen in Table 4, ideology was considerably more tightly associated with party identification among the adults than among the preadults. And Table 5 shows that prior to the campaign, adults' ideologies were considerably more internally consistent and tightly correlated with candidate evaluations than were preadults'.

[Insert Tables 4 and 5 about here]

There was little evidence of any special socialization occurring for preadults as a consequence of the campaign. Rather, the small changes over the course of the campaign were equivalent for all age groups. Table 5 shows that neither consistency nor the power of ideology over candidate evaluations increased much among the preadults over the course of the campaign. In all of the analyses of variance relevant to ideology for the dimensions shown in Tables 4 and 5 there is a significant age main effect, but in no case is there a significant age X wave interaction.[13]

There are two exceptions. One is that the youngest group showed a marked increase in stability, reducing dramatically the gap between themselves and the somewhat older adolescents. The stability of their ideologies was only .15 through the campaign, but .47 through the year after it, almost up to the level achieved by the older adolescents (.53). And, in terms of attitude consistency, there is evidence of continued ideological crystallization in that group following the campaign: the alpha coefficient rises from .19 to .49 (see Table 5 for both findings). But these stand out as exceptions.

Instead, there is some evidence of a modest general increase in the crystallization of ideology across the entire period

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[13] The F's for the age effects were 14.09, $p<.0001$, for party power over ideology; 10.61, $p<.001$, for ideological consistency; $F=21.14$, $p<.0001$, for ideological power over candidate evaluations; and $F=9.57$, $p<.002$ for stability.

(including the first year of the Reagan Administration), for all age groups. The wave main effect attains statistical significance only in the cases of ideological consistency ($F=2.89$, 2/340 df, $p<.06$) and ideological power over candidate evaluations ($F=4.48$, 2/544 df, $p<.02$), but the trend is visible in the linkage between party and ideology (Table 4) as well, and in stability of ideological preference, though this limited to the youngest preadults (Table 5).

As a result, the levels of ideological crystallization by the end of 1981 tended to be considerably higher than they were at the outset of the campaign, in all age groups. And among the youngest preadults, in particular, there is a major jump in the consistency and stability of ideology (see Table 5). But such increases cannot be attributed very directly to the campaign itself, since they tend to occur more generally across the entire period of the study.

Economic issue partisanship

On the basis of factor analyses of a variety of issue positions, carried out on the adults only, we created a scale for economic issue partisanship. It included items on the respondent's positions toward defense spending, health and education spending, environmental protection, nuclear power, and preferential access of women to jobs. The scale thus arrayed respondents in terms of the overall liberalism or conservatism of their issue positions.

As with partisan attitudes and ideology, large age differences existed on all dimensions of the strength of issue partisanship prior to the campaign. Table 6 shows that the consistency of issue attitudes across issues was quite low among the preadults relative to the adults (alphas of about .10 and .45, respectively), and the correlations of the issue partisanship scale with candidate evaluations were similarly considerably lower (.12 for the older adolescents compared to .35, or so, the adults). As a result, issue partisanship attitudes were less stable across the course of the campaign for preadults than for their parents (about .38 vs. about .68).[14]

[Insert Table 6 about here]

Age differences in the linkage of these partisan issues to partisan politics were somewhat less marked, initially, interestingly enough. Many children proved to be reasonably knowledgeable about party differences in these issue positions, as shown in Table 1 (although the age difference was also

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[14] These age differences were all statistically significant in the analyses of variance. For consistency, $F=71.51$, $p<.0001$; for power over candidate evaluations, $F=20.76$, $p<.0001$; and for stability, $F=54.63$, $p<.0001$).

statistically significant; F=22.92, 1/364 df, p<.0001). And the linkage between party and issue partisanship was significant, though not large, as shown in Table 4 (F=5.92, p<.02).

The dominant finding is that all age groups, parents and children alike, developed stronger issue partisanship over the course of the study. That is, the effects of this era on issue partisanship were not specific to the campaign or to young preadults. As can be seen in Table 1, knowledge of party differences on issues continued to develop throughout, for both children and parents (F=63.53, 2/728 df, p<.0001). The linkage of issue partisanship to both party identification (shown in Table 4) and candidate evaluations (shown in Table 5) both increased somewhat with time (yielding significant, though quite modest, wave main effects: F=6.97, p<.001; F=4.48, p<.02).

As might be expected, these general increases in the crystallization of issue partisanship were less marked on the two indicators of intrinsic attitude strength than on linkages to campaign partisanship. Table 6 shows that both consistency and stability increased hardly at all, either during or after the campaign (though the wave effect is in fact significant for consistency; F=858, p<.0001).

But was there any evidence, more specifically, of socialization gains for the preadults during the campaign? They participated in the general gains with respect to the linkage of issues to partisanship, but neither uniquely (relative to adults) nor specifically during the campaign. Table 1 shows that they gained in familiarity with party issue positions equally both before and after the election, and about in equal measure as did the adults. Table 4 shows that the very modest gains in linkage between party and issue preferences occurred again in similar fashion across ages and waves. And the same is apparent for issue consistency, power over candidate evaluations, and stability, as shown in Table 6. The only significant age X wave interactions seem to be due to actual, if very small, losses by preadults during the campaign (regarding the linkage of party and issues, shown in Table 4, F= 7.72, 2/698 df, p<.0001; and consistency, shown in Table 6; F=4.43, 2/698 df, p<.02).

And there is clear evidence that the campaign did not help the preadults' issue positions themselves to become more crystallized. Table 6 shows that both consistency and stability changed hardly at all for either the younger or older preadults.

To sum up, the data on issue partisanship, like that on ideology, indicates modest gains among both preadults and adults, but primarily in the linkages of issue partisanship to candidate evaluations and party identification, and not specific to the campaign itself. There is no evidence that ideology or issue positions themselves became more crystallized during the campaign.

Issues Peripheral to the Campaign

We expected no socialization gains on issues that were quite peripheral to the campaign. As indicated earlier, two domains measured in this study fit this category: racial attitudes, on which Reagan attempted to avoid far-right positions that would allow him to be denounced as a racist, and civil liberties issues, in this case, freedom of speech for racists and Communists.

The racial tolerance scale contained six items, on giving black people special treatment for jobs; perceiving blacks as having gotten more than they deserve; affect toward racists; and support for allowing a racist to run for president, make a speech, or teach in high school. The civil liberties tolerance scale contained these last three items, and three others paralleling them on civil liberties for Communists.[15]

To make a long story short, there was very little evidence of socialization gains resulting from the campaign on these two dimensions. Table 7 shows that children's racial tolerance attitudes did become more consistent during the campaign, but not thereafter, and adults' did not. But the effects are modest in size. The consistency of children's civil liberties' tolerance was significantly lower ($F=6.64$, 1/302 df, $p<.01$) than were their parents', as also shown in Table 7, but neither of the other effects was significant.

[Insert Table 7 about here]

The data for stability are shown in Table 8. They show remarkably little change either during or after the campaign. Both sets of attitudes, by this criterion, seem to have been rather crystallized among both children and adults, and the campaign did little to alter this situation.

[Insert Table 8 about here]

The final criterion for attitude strength is power, in this case over candidate evaluations. In fact the correlations between both scales and our candidate evaluation scale were uniformly quite

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[15] As can be seen in Table 7, these scales had reasonable, though not overwhelming, reliabilities. The racial tolerance scale yielded an alpha prior to the campaign, among the older adults, of .59; the civil liberties scale, .83 (larger in part, no doubt, because the items and response alternatives were very similar, and placed contiguously in the interview).

low, so we do not bother to present them. For racial tolerance, only three of the twelve correlations exceeded .09, and the median was .06. None of the effects in the analysis of variance was significant. For civil liberties tolerance, only two exceeded .05, and the median was .01.

To summarize, we have investigated the two domains that we regard as having been peripheral to the 1980 presidential campaign, racial and civil liberties tolerance. In neither case do we find any evidence of socialization gains on any of our three indicators of attitude strength.

Discussion

The phenomenon we address is the acquisition of stable political predispositions during preadult political socialization. Our hypothesis is that they often are acquired and strengthened through intensive exposure to political events. Such socializing events tend to be periodic rather than continuous. As a result, political socialization may not occur incrementally from the steady, gradual accretion of experience, but proceed in bursts, in fits and starts, as political events make particular attitude objects salient.

We have taken American presidential campaigns as prototypical cases of such socializing political events. While initiated by political elites, such events provide an occasion for mass political socialization. They stimulate intensive communication in the individual's microenvironment, which in turn provides many opportunities for influence, and the acquisition of longstanding predispositions.

We have earlier examined a presidential campaign as a politically socializing event, suggesting that it significantly strengthened, on a lasting basis, preadults' partisan predispositions (Sears & Weber, 1988). This paper extends that analysis, testing a domain-specificity hypothesis about precisely which predispositions will be strengthened by such an event. The key notion is that socializing events selectively make certain attitude objects more salient, while others lie dormant. The resulting communication then strengthen predispositions toward attitude objects in the domains directly addressed, but has only negligible effects in other domains.

The present study assessed the effects of an American presidential campaign upon the crystallization of preadults' political predispositions, in terms of their affective consistency, stability, and power over other attitudes. The hypothesis was that preadults would show significant socialization gains regarding attitude objects bearing most of the campaign communication -- the candidates and political parties -- and relatively little

concerning the less publicized aspects of the campaign, such as campaign issues, ideology, or issues not given much attention in the campaign.

There were four main findings:

(1) As might be expected, preadults' attitudes were significantly less crystallized than adults' prior to the campaign, in all domains tested.

(2) The strongest socialization impact of the campaign, in terms of preadults' attitude crystallization, occurred in the domains most centrally relevant to the campaign: candidate evaluations and party identification. In both domains, preadults showed greater information gains and stability of partisan attitudes as a result of the campaign, and in the former, more consistent attitudes as well.

(3) Political ideology and central campaign issues have been shown in prior studies to receive considerably less media attention than the candidates and parties. Accordingly, the campaign had little socializing impact in these domains. There was less change, usually adults gained as much as did the preadults, and changes as often occurred after as during the campaign. In these domains, the campaign did not play a distinctive socializing role, and did not narrow the gap between themselves and adults.

(4) There was no evidence of any socialization in domains essentially bypassed by the campaign: namely, racial and civil liberties tolerance.

Implications

The general implication is that such political events stimulate a wide variety of commmunications throughout the body politic, and thus provide an occasion for preadult socialization. in the domains bearing most communication about the event. The specific content of the event constrains the communication, however; some attitude objects receive a great deal of communication, and others do not. As a result, the socializing effects of the event are quite uneven (though still predictable) across domains.

We have used the presidential campaign as a prototypical case of a major political event, rather than with any particular goal of understanding presidential elections per se. But the findings of the study do help to understand long-established observations about adults' electoral behavior. Among adults, party identification and candidate evaluations are generally more stable, consistent, and powerful than are ideological or issue positions (Campbell et al., 1960; Converse, 1964; Converse & Markus, 1979; Sears, 1983). And our findings certainly support such generalizations. Among the

older adults, party identification was more consistent (.87) prior to the campaign than either ideology (.57) or issue partisanship (.46). It was also more stable over time (.90 vs. .78 or .70). And it was more closely correlated with candidate evaluations at the conclusion of the campaign (.72 vs. .53 or .39). Such differences also held before the campaign among the younger children: party identification was more consistent (.77) than ideology (.31) or issues (.11). And it was more stable (.49, compared to .15 and .29).

But the campaign enlarged such differences between domains among the youngest preadults; during that period, their party identification crystallized still further (Tables 2 and 3), while, if anything, their ideology and issue partisanship weakened (Tables 5 and 6). The oldest adults showed no systematic change on the three indicators of attitude crystallization in any of these three domains. This finding suggests that the well-known advantage to party identification (and to candidate evaluations, though that has been investigated less) is in part of the lasting socializing impact of a regular partisan electoral cycle.

In some ways the domain-specific socializing process we have described for political events is analogous to the "agenda-setting" described for mass communication impact among adults. For example, Iyengar and Kinder (1987) have shown that communicating heavily about one particular issue area leads viewers to center their judgments of the president's performance on that area. Similarly, Krosnick and Kinder (1990) showed that the eruption of the Iran-Contra scandal in 1986 led voters to base their evaluations of President Reagan increasingly on their attitudes toward American intervention in Nicaragua. Sears and Huddy (1993) showed that defining bilingual education as a vehicle for the maintenance of foreign cultures led non-Hispanic Americans to evaluate it more in terms of nationalistic attitudes.

The present approach makes an analogous argument: elites can focus the public's attention on certain attitude objects, which triggers a broader process of communication and socialization. This not only elicits certain attitudes and not others (as in the other studies just cited), but can produce longer-lasting strengthening of basic predispositions.

These effects of political events can also help us to understand the development of "generational units," as elaborated by Mannheim (1952). Major events, like presidential campaigns, can greatly strengthen preadults' attitudes toward the objects they make salient. A prime example is the postwar history of racial conflict in the United States. From the mid-1950's to the mid-1960's this focused on the struggle against the remnants of Jim Crow segregationism in the South, a highly publicized effort whose egalitarian basis attracted great support among Northern white Americans. As a result, the socialization of young adults in that

domain and in that era was highly favorable to racial egalitarianism, and each new cohort of white Americans was more racially liberal than the last (Schuman, Steeh, and Bobo, 1985).

The same racial domain continued to receive much publicity during the 1970's, but focused on bitter court battles over "forced busing" and affirmative action, much of which drew strong opposition from white Americans. There is evidence that young white Americans have not been socialized to more liberal positions in the racial domain in the more recent era (Davis, 1991). That is, if events focus heavily on attitude objects on which the dominant norms are liberal, such as equal access to public accommodations, then they will tend to socialize youthful cohorts to more liberal views. But if the events focus attention on attitude objects toward which the dominant norms are more conservative, such as busing or affirmative action, youthful cohorts may grow up more conservative.

Analogously, it appears that the searing experiences of young Croats and Serbs during World War II left them with longstanding enmities that are getting played out today; one can only spculate on the long-term consequences of the current hostilities on now-youthful cohorts in the former Yugoslavia. Any longstanding religious, national, or tribal enmities should contribute to stable preferences, whether those in Northern Ireland, Yugoslavia, or the Caucasus.

Finally, what if major events do leave strongly crystallized attitudinal residues in young adults? What are the implications for the debate between political psychological and rational choice theories alluded to at the outset? It would enhance the weight that such longstanding predispositions are given in adult decision-making. If these predispositions originate in socialization events that are long past, such as those these preadults experienced in the 1980 presidential campaign, they may not fully reflect the realities of the choice alternatives with which they are confronted in later adulthood. However, the existence of such longstanding affectively-driven biases represents just one of the challenges the more comprehensive view of human nature presented by political psychology offers to the relatively narrowly focused view presented by rational choice theories.

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TABLE 1

Partisan Information
(by Age and Wage)

A) Identification of candidate's parties (five items)

	Wave			Interval	
	1	2	3	1 to 2	2 to 3
Age 10-17	49	67	66	+18	-1
Age 28 +	82	87	85	+5	-2

B) Knowledge of party symbols (fourteen items)

	Wave			Interval	
	1	2	3	1 to 2	2 to 3
Age 10-17	39	44	50	+5	+6
Age 28 +	69	72	73	+3	+1

C) Knowledge of parties' issue positions

	Wave			Interval	
	1	2	3	1 to 2	2 to 3
Age 10-17	41	52	64	+11	+12
Age 28 +	48	61	71	+13	+10

Note: Entries are, respectively, the mean percent of the five candidates correctly matched with party, of fourteen party symbols correctly assigned to party, and of correctly defined party differences on four issues.

TABLE 2

Consistency of Partisan Attitudes
(by Age and Wave)

A) Candidate evaluations (four items)

	Wave			Interval	
	1	2	3	1 to 2	2 to 3
Age 10-13	.00	.33	.53	+.33	+.20
Age 14-17	-.17	.33	.42	+.50	+.09
Age 28-40	.30	.61	.64	+.31	+.03
Age 41+	.33	.50	.58	+.17	+.08

B) Party identification

	Wave			Interval	
	1	2	3	1 to 2	2 to 3
Age 10-13	.77	.84	.86	+.07	+.02
Age 14-17	.81	.85	.87	+.04	+.02
Age 28-40	.85	.86	.87	+.01	+.01
Age 41+	.87	.87	.88	.00	+.01

C) Candidate evaluations X Party identification (correlation between scales)

	Wave			Interval	
	1	2	3	1 to 2	2 to 3
Age 10-13	.12	.48	.56	+.36	+.08
Age 14-17	.28	.56	.59	+.28	+.03
Age 28-40	.62	.64	.69	+.02	+.05
Age 41+	.64	.72	.69	+.08	-.03

Note: The entries are the alpha coefficients for part A and part B, based on four candidate evaluations and four party identification items. The entries in part C are the pearson correlations between the two scales for each wave. The number of cases ranges from 146 to 165, 181 to 189, 148 to 155, and 197 to 205, for the four age groups, respectively.

TABLE 3

Stability of Partisan Attitudes Over Time
(by Age)

A) Candidate evaluations

	Wave 1 X Wave 2	Wave 2 X Wave 3	Increase
Age 10-13	.32	.65	+.33
Age 14-17	.47	.60	+.13
Age 28-40	.64	.80	+.16
Age 41+	.70	.78	+.08

B) Party identification

	Wave 1 X Wave 2	Wave 2 X Wave 3	Increase
Age 10-13	.49	.65	+.16
Age 14-17	.58	.73	+.15
Age 28-40	.86	.85	-.01
Age 41+	.90	.88	-.02

Note: Entries are pearson r's for the candidate evaluation scale (based on four candidates) across waves, and the party identification scale (based on four items) across waves.

TABLE 4

Ideology and Issue Positions
(by Age and Wave)

A) Ideology

	Wave			Interval	
	1	2	3	1 to 2	2 to 3
Age 10-13	-.12	.14	.18	+.26	+.04
Age 14-17	.19	.28	.31	+.09	+.03
Age 28-40	.44	.29	.56	-.15	+.27
Age 41+	.47	.59	.75	+.12	+.16

B) Economic issue partisanship

	Wave			Interval	
	1	2	3	1 to 2	2 to 3
Age 10-13	..07	.14	.18	+.07	+.04
Age 14-17	.19	.12	.21	-.07	+.09
Age 28-40	.22	.29	.35	+.07	+.06
Age 41+	.29	.35	.45	+.06	+.10

Note: Entries are alpha coefficients. Economic issue partisanship consistis is a scale consisting of agree disagree items involving statements about government spending on health care, defense, equal rights, nuclear power, and the environment.

TABLE 5

The Strength of General Political Ideology
(By Age and Wave)

A) Consistency: alpha coefficients

	Wave			Interval	
	1	2	3	1 to 2	2 to 3
Age 10-13	.31	.19	.49	-.12	+.30
Age 14-17	.44	.39	.52	-.05	.13
Age 28-40	.60	.58	.48	-.02	-.10
Age 41+	.57	.62	.65	+.05	+.03

B) Power: Correlations with candidate evaluations

	Wave			Interval	
	1	2	3	1 to 2	2 to 3
Age 10-13	.08	.06	.07	-.02	+.01
Age 14-17	.05	.18	.25	+.13	+.07
Age 28-40	.47	.34	.55	-.13	+.19
Age 41+	.46	.53	.62	+.07	+.09

C)Stability: Cross-wave correlations

	Wave 1 X Wave 2	Wave 2 X Wave 3	Increase
Age 10-13	.15	.47	+.32
Age 14-17	.58	.53	-.05
Age 28-40	.71	.71	.00
Age 41+	.78	.75	-.03

Note: Entries in part C are pearson correlations.

TABLE 6

The Strength of Economic Issue Partisanship
(By Age and Wave)

A) Consistency: alpha coefficients

	Wave			Interval	
	1	2	3	1 to 2	2 to 3
Age 10-13	.11	00	-.01	-.11	-.01
Age 14-17	.10	.14	.08	+.04	_.06
Age 28-40	.45	.53	.43	+.08	-.10
Age 41+	.46	.54	.57	+.08	+.03

B) Power: Correlations with candidate evaluations

	Wave			Interval	
	1	2	3	1 to 2	2 to 3
Age 10-13	.03	.12	.11	+.09	-.01
Age 14-17	.12	.26	.26	+.14	.00
Age 28-40	.38	.33	.38	-.05	+.05
Age 41+	.33	.39	.38	+.06	-.01

C)Stability: Cross-wave correlations

	Wave 1 X Wave 2	Wave 2 X Wave 3	Increase
Age 10-13	.29	.28	-.01
Age 14-17	.47	.52	+.05
Age 28-40	.66	.62	-.04
Age 41+	.70	.70	.00

Note: Entries are pearson correlations.

TABLE 7

Consistency of Attitudes Peripheral to Campaign
(By Age and Wave)

A) Racial tolerance (6 item scale)

	Wave			Interval	
	1	2	3	1 to 2	2 to 3
Age 10-13	.55	.61	.60	+.06	-.01
Age 14-17	.43	.53	.57	+.10	+.04
Age 28-40	.58	.54	.59	-.04	+.05
Age 41+	.59	.55	.57	-.04	+.02

B) Civil liberties tolerance (6 item scale)

	Wave			Interval	
	1	2	3	1 to 2	2 to 3
Age 10-13	.70	.68	.79	-.02	+.11
Age 14-17	.69	.77	.83	+.08	+.06
Age 28-40	.84	.86	.88	+.02	+.02
Age 41+	.83	.83	.87	.00	+.04

Note: Entries are alpha coefficients.

TABLE 8

Stability of Attitudes Peripheral to Campaign
(By Age and Wave)

A) Racial tolerance

	Wave 1 X Wave 2	Wave 2 X Wave 3	Increase
Age 10-13	.41	.40	-.01
Age 14-17	.48	.50	+.02
Age 28-40	.37	.50	+.13
Age 41+	.54	.45	-.09

B) Civil liberties tolerance

	Wave 1 X Wave 2	Wave 2 X Wave 3	Increase
Age 10-13	.46	.40	-.06
Age 14-17	.54	.57	+.03
Age 28-40	.42	.44	+.02
Age 41+	.56	.53	-.03

Note: Entries are pearson correlations for the same scales between waves.

A RATIONAL ACTOR MODEL OF SUPREME COURT DECISIONS TO ACCEPT CASES FOR REVIEW

Jeffrey A. Segal
SUNY Stony Brook

Donald R. Songer
University of South Carolina

Charles M. Cameron
Columbia University

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A Rational Actor Model of Supreme Court Decisions to Accept Cases for Review

The decision to grant certiorari[1] is perhaps the best studied area of Supreme Court behavior. Scholars have no doubt been attracted by the substantive importance of agenda setting, the game-theoretic context in which cert voting takes place, and the unusual richness (for Supreme Court scholars, at least) of available data.

The major premise (though not the only one) behind much of the early work on certiorari and some of the more recent work is the assumption that the Supreme Court, as an explicitly political institution, tends to hear cases it wishes to reverse (Brenner, 1979; Caldeira and Wright, 1988; Palmer, 1982; Schubert, 1959; Songer, 1979; Ulmer, 1972, 1984). More recently, though, scholars have argued that error correction is a minor part of the cert process. Rather,the decision over which cases to hear is substantially or largely legalistic in nature (Perry 1991a, 1991b; Provine 1980). The most compelling explanations of the Court's behavior in decisions on the merits, opinion assignments, and opinion coalitions center around political and/or attitudinal factors. It is only at the agenda-setting stage that legal realism remains in dispute.

While the attitudinal model has provided considerable insight into the decisions of the Supreme Court, it is only the starting point for the explanation of the dynamics of the interactions among the Supreme Court and other courts in the federal system. We have argued elsewhere (Songer, Segal & Cameron, 1992; Cameron, Segal & Songer, 1993) that these interactions are best understood from the perspective of a principal-agent model which assumes that the litigants engage in rational calculations when deciding whether or not to appeal an adverse decision. In the present paper we test some of the implications of these models for the decision of the Supreme Court to review the decisions of the United States Courts of Appeals.

The finding that the Supreme Court reverses the majority of the cases it accepts for review is well established (e.g., Segal and Spaeth, 1993, p. 195). Nevertheless, we cannot determine whether the Supreme Court follows a reversal strategy simply by

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[1] Much of the literature is not clear about whether what is being studied are cert petitions per se or the larger category of attempts to secure Supreme Court review through either certiorari or appeal. For convenience, we refer to the subject of all such studies as "certiorari" unless the study explicitly states that it also includes appeals. Our own analysis is based on all attempts to secure review. We do not separately analyze only certiorari petitions.

examining cases the Court chooses to hear. If litigants are rational a substantial percentage of cases appealed to the Court will conflict with contemporary Court preferences (Cameron, Segal, and Songer, 1993). Thus even if the Court were indifferent to error correction strategies we might find the Court reversing a majority of the cases it decided. The only way to answer whether the Court follows an error correction strategy is to compare the Court's preferences on cases it chooses to hear to its preferences on cases it chooses not to hear.

The principal-agent perspective reminds us that subordinates (lower court judges) will take actions that their principal cannot fully see; that is, lower court judges will always have some information that the Supreme Court does not. The Supreme Court may suspect, on the basis of cert petitions, etc., that it doesn't like what a lower court did, but it can't be sure unless it actually hears the case. Given this problem of incomplete information, what reviewing strategy should the principal pursue ? If the Supreme Court is rational, it will adopt a probabilistic strategy which utilizes every signal and cue that is readily available from the necessarily less than complete information it possesses.

In deciding whether to review a case, we hypothesize that the Court will base its decision on two types of information: the probability that the policy implications of the lower court decision are inconsistent with Supreme Court preferences and the ideological composition of the lower court. That is, although a rational policy oriented Supreme Court will want to reverse attempts by the lower court to change policy to better fit lower court policy preferences (i.e., to shirk), this objective will not be best achieved by a simple error correcting strategy. Given its limited resources, the Court cannot reverse every decision which is not perfectly congruent with its policy preferences. Instead, it will want to "correct" (reverse) those decisions that imply significant attempts to change the basic policy rather than those that merely apply existing policy incorrectly. The further the decision appears to be from the Court's policy, the more likely it represents an actual change in policy rather than a mistaken application. Thus, in choosing for review cases based on the magnitude of the perceived departure from current policy, the pattern of review decisions will resemble an error correction policy. But rational justices will be more suspicious of lower court judges who they perceive to be ideologically distant. Therefore, they will be more likely to review decisions with a given probability of "error" if the decision came from a lower court whose judges were ideologically distant from the preferences of the Supreme Court.

Error Correction and the Decision to Review

No previous studies have attempted to apply the perspectives of principal-agent theory to the Supreme Court's review decisions. However, one of the key components of that perspective, the extent to which the Court follows an error correcting strategy has been

the subject of some study. The literature on the relevance of error correcting strategies for certiorari decisions may roughly be divided into two types of analysis: individual-level studies examining the votes of justices for and against cert and aggregate--level studies examining the vote of the Court for and against cert. The first person to actually examine the votes of the justices on cert was S. Sidney Ulmer (1972). Ulmer proposed a simple reversal strategy for the justices: justices who voted for cert will support the applicant on the merits; justices who voted against cert will not support the applicant on the merits. Ulmer found a significant relationship between cert vote and merits vote for 8 of 11 justices, but the correlations were quite low, ranging from .00 to .157. We believe this is largely because simply voting to grant based on one's position on the merits is too ineffective a strategy for strategic politicians to follow.

More sophisticated analyses by Brenner (1979) and Brenner and Krol (1989) examine subtler reversal strategies. Brenner finds, for instance, that when there are only four votes for cert, i.e., when each justice's vote for cert matters, justices who vote for cert and want the Court to affirm will have a higher success rate than those who vote for cert and want the Court to reverse. In other words, justices who want to affirm don't provide the fourth vote for cert unless they are virtually certain that they will prevail on the merits (but see Provine, 1980; and Krol and Brenner, 1990).

The second strand in the literature concerns itself with the Court's aggregate decision whether or not to accept cases for review. The number of studies that examine the Court's (putative) preferences on cases that are appealed to it are few in number and inconclusive in results. The first study along these lines found that in periods of rapid change in the ideological center of the Court, the proportion of liberal versus conservative decisions below accepted changed decisively (Songer 1979). For example, following the "switch in time" the Supreme Court was more likely to hear conservative lower court economic decisions than liberal ones. Similarly, Armstrong and Johnson (1982) found that the Burger Court was more likely to grant cert in civil liberties cases when the decision below was liberal than when it opposed individual rights. These studies, though suggestive of what we hope to demonstrate, treat all economics and all civil liberties decisions as an undifferentiated mass. Whether disagreement with particular decisions leads to cert cannot be determined from these studies.

The case-by-case approach taken by Caldeira and Wright does have the potential to answer our question. Using judgments made by the staff of the New York University Law Review, they categorized cases as to whether they contained conflict or not. Unfortunately, their "Conflict" variable combines cases where the conflict was between circuits (and thus a legalistic concern) and cases where the conflict was between the lower court and the Supreme Court (and thus, presumably, a political concern). A second conflict variable, based on claims made by petitioners, also

fails to distinguish what for our purposes are two distinct types of cases.

The only works that focus specifically on conflict with Supreme Court precedent as a reason for granting certiorari are 1983 and 1984 articles by Ulmer. Initially, he notes that counsel for appellants apparently believe that conflict with Supreme Court precedents will encourage the Court to grant cert because such conflict is claimed in more than half of all petitions (and six or more conflicts were claimed in over 10% of the petitions). But since he notes that attorneys may "pad" their claims that the decision below conflicts with precedent, Ulmer proceeds to classify his sample of cases into those that contain real conflict with Supreme Court precedents and those that do not. Using this distinction between actual and alleged conflict with precedent, he finds that actual conflict is the most important variable for understanding grants of certiorari, explaining a higher proportion of the variance than the economic case or civil liberties case cues identified by Tanenhaus, et.al.,(1963) or the presence of the federal government as the petitioning party. While Ulmer's findings are impressive on their face, we believe the question of conflict has not been closed by his work.

In stark contrast to the findings of Ulmer, Perry's interviews with five of the justices on the Supreme Court and a large number of Court clerks leads him to declare flatly that the justices do not use an error correction strategy in cert decisions. He quotes Chief Justice Vinson as saying that the Supreme Court "is not, and never has been, primarily concerned with the correction of errors in lower court decisions" (1991b:36). Perry is emphatic on this point, which he apparently believes will come as a surprise to many of his readers. In commenting on the Vinson statement quoted above, Perry says, "Note the statement that the purpose of cert. is not error correction. Time and again my informants - justices and clerks - stated that the Supreme Court was not there to insure justice. Even for the most sophisticated Court observers, hearing this stated so bluntly is disconcerting..." (1991b:36).

Though Ulmer's work flies in the face of the nearly unanimous position of the justices and clerks interviewed by Perry, we are typically more likely to believe revealed preferences (i.e., information on how they actually vote) to stated preferences (e.g., potentially self-serving answers to interview questions). Unfortunately, there are enough flaws in Ulmer's methodology to prevent closure of the question. His operational definition of conflict is whether he believed the case conflicted with Supreme Court precedent. He provides no guidelines for how he determined that an actual conflict existed. His judgments appear to be highly subjective and not amenable to replication. Moreover, despite the innumerable problems making such inferences (Feeney, 1975), there are no reliability checks. Certainly, there is room for a more objective and replicable test of the proposition.

Further, although Ulmer is not explicit on this point, it appears that his measure of actual conflict is static. That is, he

apparently conceives of a given ruling as being inherently in conflict or not in conflict with precedent without taking into account either the changing nature of precedent over time or the changing preferences of the Supreme Court. For example, a decision announced by an appeals court at a given time (t) might be in conflict with both the existing precedent and real preferences of the Supreme Court. Two years later (t + 2), after personnel change on the Court the same decision might be consistent with the preferences of the current majority even if there had been no formal alteration of precedent. Still later (e.g., t + 5) that same decision might be consistent with a new precedent which reflected the preferences of the new majority. A measure of conflict is needed which is more sensitive to the inherently changing nature of "conflict."

Finally, there is no consideration of nuance. While Feeney classified cases along a four-point continuum ranging from most to least conflict, Ulmer dichotomizes. In spite of the inevitable uncertainty of the measure, Ulmer reduces his measure of conflict to two categories: genuine conflict and no genuine conflict. But a substantial body of literature on the impact of Supreme Court decisions suggests that such a dichotomy misses much of the dynamic of the response of lower courts to Supreme Court precedent. Lower courts may fail to support the basic policy of the Supreme Court to varying degrees without being overtly noncompliant (Wasby, 1970; Songer, 1987; Beatty, 1972). Therefore, it is more appropriate to conceptualize conflict between appeals court decisions and Supreme Court precedent as a continuous function.

In summary, there are two strands to the literature on the use by the Supreme Court of an error correction strategy in its decisions on which cases to accept for review. On the one hand, several studies suggest that the Court accepts for review those cases that were decided "incorrectly" from an ideological perpspective. Other studies suggest that the Court is inclined to accept those cases whose decisions conflict with legal precedent. Both of these propositions concerning error correction are firmly disputed by the justices and their clerks. In order to assess the utility of a principal-agent perspective, we first develop a measure of the extent to which the Court pursues an error correction strategy. We do not investigate the effect of conflicts which can be defined narrowly as being either purely legalistic or solely ideological. Instead, we categorize the decisions below according to the <u>degree</u> to which they are consistent with current Supreme Court <u>policy</u>, which we understand as the summation of the preferences of the justices. Recent work (e.g., George and Epstein, 1992; Songer and Haire, 1992; Richardson and Vines, 1970) suggests that those policy preferences reflect the justices' views about precedent as those views are filtered through their ideological values.

Determining whether the Supreme Court is more likely to vote to review cases in conflict with its policy requires a well--specified model of judicial decision making. We cannot know if

the Supreme Court prefers to review (and ultimately reverse) cases opposed to its current doctrine unless we can assess how the Court would vote on the cases the Court does and does not hear. Answering this question requires that we control for the facts of the case. We will do so by collecting data on a sample of the search and seizure decisions of the courts of appeals from 1962 through 1990.

With the data we have collected, we can objectively test the role that conflict with current Supreme Court doctrine plays in the granting of certiorari. For each search and seizure case that is appealed to the Supreme Court, we can use the logit equation for the Supreme Court's search and seizure cases and the logistic probability function to determine the probability that the contemporary Supreme Court would uphold the decision at hand. That probability becomes one of the independent variables of interest in our prediction equation for the granting of certiorari. We will add to that equation variables representing the ideological distance between the courts, dissent on the appeals court, appeals court reversal of a lower court, and whether the United States petitions for review.

Data and Methods

To evaluate whether a principal-agent perspective provides a satisfactory model of the Court's review decisions, we need to be able to asses two critical factors: 1) the degree of distance between the ideological preferences of the Supreme Court and each appeals court panel whose decision has been appealed and 2) the probability that a given decision of the courts of appeals was decided "incorrectly;" that is, if the Supreme Court reviewed the decision, what is the probability that the appeals court decision will be reversed ? We know of no satisfactory prior attempts to operationalize the concept of the ideological distance between the Supreme Court and a lower court. The most obvious measure, the percentage of liberal decisions by each court, is not satisfactory because it is unreasonable to assume that the nature of the cases heard by the different courts is similar. We started from the assumption that judges on the two courts are selected from roughly the same pool of political elites in the country. In addition, we note that essentially the same set of actors is involved in selecting judges for both levels and that in making selections for each court evaluations of the policy views of the potential nominees are considered. Therefore, we conclude that the range of policy positions on the two courts over time will be roughly the same. Therefore, we construct an index of the liberalism of each court (separately) which ranges from zero (most liberal) to one (most conservative). The appeals court index score represents the relative liberalism of each panel compared to all other appeals court panels in the thirty year period studied. Similarly, the score for each Supreme Court represents its liberalism relative to other Supreme Courts over the same thirty year period. The absolute value of the difference between these two scores is used

as the operational definition of ideological distance between the two courts.

The second element of our principal-agent model, a measure of error correction, requires that we be able to assess the strength of the legal arguments in the appeals court opinion as those arguments are likely to be evaluated through the filter of the attitudinal predispositions of the current Supreme Court majority. Such an assessment requires careful attention to the facts of their particular case, an understanding of the importance attached to each of those facts by the Supreme Court, and knowledge of the attitudinal perspectives of members of the Court. Therefore, we need a model of Supreme Court decision making that takes into account both the most important case facts and the changing attitudes on the Court.

To satisfy that requirement, we choose the search and seizure cases and the fact-pattern models developed therefrom by Segal (1984, 1985). We choose the search and seizure cases for our analysis for two reasons. First, our work requires a well-specified model of Supreme Court decision making. A number of recent studies suggest that such specification requires a model which includes both case fact patterns derived from Court doctrine as well as indicators of judicial values (Segal and Spaeth, 1993; Segal, 1984; George and Epstein, 1992; Songer and Haire, 1992; Hagle, 1991; Wolpert, 1991). To our knowledge, no fact-pattern analyses have performed as well as the search and seizure models. Second, to determine whether cert decisions reflect changing Supreme Court doctrine and preferences , we need a substantive area that has seen a fair amount of change in the Supreme Court's doctrine. In few areas have there been as much change as in the Supreme Court's Fourth Amendment adjudication (Blasi, 1983; Funston, 1977; Kamisar, 1984)

Segal's model combines an examination of the place of the intrusion (e.g., home, business, car), the extent of the intrusion (full search vs. lesser intrusion), the prior justification (warrant and probable cause), and various exceptions to the warrant requirement (e.g., searches incident to arrest) with a measure of the attitudinal preferences of the Court majority. Using data that add all search and seizure cases decided by the Supreme Court through the end of its 1990 term) to the data analyzed in Segal's earlier (1984) work, a logit model of the Court's decision making categorized 78% of the cases correctly with a reduction in error of 41%.

Any assessment of Supreme Court preferences over time must consider whether those preferences have changed and how they have done so. Most systematic attempts to measure change on the Supreme Court or among individual justices have measured the percent of cases decided in a liberal or conservative direction over time (e.g., Brenner and Arrington, 1983; Ulmer, 1973, 1979). Such designs have much to tell scholars, but they attribute all change to the justices and none to the changing nature of the cases (see Baum, 1988 for a notable exception). Fortunately, we already can

control for case characteristics (see above). To measure change explicitly we tested a variety of models of how the Court's decisions have changed in search and seizure after controlling for the facts of the case. We concluded that the model suggesting that the Court has become increasingly conservative with each passing term since the advent of the Burger Court is superior to plausible alternatives.[2] The parameter estimate for the term variable, .0919, suggests that a search that had a 50% chance of being upheld in the 1968 term would have an 89% chance of being upheld in the 1990 term. Our model therefore includes a measure of changing Supreme Court policy orientation which takes the value of 68 during the Warren Court years and increases by one for each successive year beginning with the advent of the Burger Court.

Our data for this analysis consist of a stratified random sample of the decisions of the United States Courts of Appeals in search and seizure cases decided with opinions (including per curiams) published in the Federal Reporter from calendar year 1961 through 1990. The sample is stratified by year and by whether or not the decision was reviewed by the Supreme Court. While a completely random sample of appeals court decisions might be preferable, it was not practical to draw and code a large enough sample of appeals court decisions which would include enough cases accepted by the Supreme Court for review to make analysis meaningful. Our original sample of over 1100 published appeals court decisions contained only 18 cases reviewed by the Supreme Court. Therefore, we combined a stratified random sample of all published appeals court search and seizure cases in the 30 year period chosen for analysis with all other appeals court search and seizure cases reviewed by the Supreme Court.[3] This procedure

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[2] Like Segal (1985), we find that models involving changing constants are superior to models involving changing parameter values of the independent variables. Of the models with changing constants, the one hypothesizing increasing conservatism with each term outperformed models hypothesizing (a) different constants for the Warren, Burger, and Rehnquist Courts, and (b) models suggesting increased conservatism for each replacement of a Warren Court justice with a Nixon, Ford, Reagan, or Bush appointee. The chi-squared for the term model was appropriately lower (177.71 for the term model versus 179.81 for the appointment model and 178.63 for the chief justice model), the percent predicted correctly was higher (77.95 versus 76.41 and 76.92) and the significance level of the change variable was lower (.0017 versus .0040 and .0029).

[3] To draw a stratified random sample by year, we first determined the population of appeals court search and seizure cases by searching Westlaw for all cases with the topic "searches and seizures," all Fourth Amendment cases, criminal law topics 219, 226, 364, 365, 394 and 207, plus several relevant combinations of keywords. The list of cases generated by these searches were put in a file, from which we took a stratified random sample of 40

resulted in 497 cases for analysis; 136 in which the Supreme Court granted review and 361 in which review was denied. The unit of analysis was the search. In those few opinions which discussed the validity of several unrelated searches, each search was coded separately. The coding rules employed by Segal (1984) were adopted for the coding of each of the case facts in the model described above.[4] Like Segal, we coded our dependent variable as 1 if the court either found the challenged search to be reasonable or allowed the evidence obtained from the search to be used; if not the dependent variable was coded 0.

The first step in our analysis was to determine, for each case in our sample of appeals court cases, the probability that the search at issue in the court of appeals would be upheld if the appeals court decision was reviewed by the Supreme Court. This probability (that the search would be upheld by the Supreme Court) was computed using the parameter values from the Supreme Court model. The log of the odds ratio of the probability that the search will be upheld (P_i) can be expressed by an equations of the form:

$$\log\left(\frac{P_i}{1-P_i}\right) = \alpha + \sum \beta_i X_i + \epsilon$$

where each of the "X's" are the case fact and attitudinal variables from the Supreme Court search and seizure model and the betas are the logit coefficients from that model. Substituting the actual values from the Supreme Court model, the following equation was used to generate the log of the odds ratio of the probability that each appeals court search would be upheld if reviewed by the Supreme Court:

where the first three variables indicate whether the search was incident to or after a lawful or unlawful search; the next two variables indicate whether the trial court determined that there

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cases per year. Any case from our sample that turned out not to be a search and seizure case was replaced with the next listed case. For years in which fewer than 40 search and seizure cases were published, all published cases were included in the sample. From this sample, we selected for analysis all decisions in which the losing party petitioned the Supreme Court for review.

[4] It should be noted that like Segal we accepted the decision of the lower court as to whether or not subjectively determined facts, (e.g., whether or not there was probable cause) were present. That is, we coded case facts from the perspective of their status prior to the decision of the appeals courts.

$$\log\left(\frac{P_i}{1-P_i}\right) = -6.019 + 3.256\ incident + 1.049\ afterlaw$$
$$+ -.06\ unlawful + -0.234\ probcaus + 1.928\ warrant + -3.25\ home$$
$$+ -2.054 person + -2.733\ business + -2.243\ car + 1.411\ except$$
$$+ -1.766\ extent + 0.878\ US + 0.121\ term$$

was either probable cause for the search or that the search was conducted pursuant to a warrant; the next four variables indicate the location of the search (a home, person, business or car compared to the reference category of a location without a recognized expectation of privacy); the next variable (extent) indicates whether or not it was a full or limited search; the next variable indicates whether or not the United States was the government defending the validity of the search; and the last variable (term) is an indicator of the changing liberalism of the Supreme Court. Solving the equation for the value of P_i (i.e., P_i= antilog P_i / 1 + antilog P_i) yields an estimate of the probability that the search at issue in the court of appeals would be upheld if reviewed by the Supreme Court.

From this estimate we create an operational measure (CONFLICT) of whether the appeals court decision conflicts with Supreme Court policy. If the appeals court declared that evidence from the search was inadmissible, then CONFLICT is equal to the probability that the Supreme Court would uphold the search. Likewise, if the appeals court upheld the search, CONFLICT is equal to one minus the probability that the Supreme Court would uphold the search. Our measure of conflict with Supreme Court policy thus is a continuous variable with values from zero to one. If the Court utilizes an error correcting strategy, CONFLICT should be positively related to the dependent variable, the decision to review.

This estimate, along with our measure of ideological distance between the two courts, was then used in the construction of a model of Supreme Court decisions to grant review. All appeals court cases in our sample in which the losing litigant sought review were included in analysis (N=492). Since our dependent variable is dichotomous (1=review granted, 0= review denied) we utilized logit rather than regression to estimate our model. Our primary interest is the impact on the decision to review of two factors: 1) the ideological distance between the two courts and 2) the probability that the appeals court decision conflicts with Supreme Court policy preferences. Controls are added to the model for other variables that the literature on cert suggests are strongly related to the decision to review. As noted above, one of the most firmly established propositions from research on certiorari is that the United States is far more successful than any other litigants who seek Supreme Court review (Tanenhaus, et.al.,1963; Songer, 1979; Caldeira and Wright, 1988; Perry, 1991b). Since previous work also establishes that conflict (both on a given court or between different levels of the courts) is strongly related to the likelihood that the Supreme Court will

grant petitions for certiorari (Tanenhaus, et.al., 1963), it might be expected that the Court is more likely to grant review when there is either dissent on the courts of appeals or when the appeals court reverses the decision below. Thus, the model includes whether the United States is the party seeking review (if yes, US=1, otherwise US=0), whether the appeals court decision was unanimous (if no, DISSENT=1, otherwise DISSENT=0), and whether the appeals court affirmed or reversed the decision of the trial court (REVERSE=1 and REVERSE=0).

Findings

The coefficients in Tables 1 & 2 show the change in the log of the odds ratio for a Supreme Court decision on review. Since this coefficient is not readily interpretable, we provide under the column labelled "impact" the estimated increase or decrease in the probability that review will be granted when the variable in question is present. The impact estimate assumes otherwise there is a 50-50 chance of seeking review.[5]

Table 1 about here

As a partial check of whether the Supreme Court views petitions for review in search and seizure cases differently from those in other types of cases, we first ran a model that only contained variables that previous studies found to be significantly related to cert decisions. From Table 1 it is apparent that the factors which prior studies of broad based samples of cert petitions (i.e., those not limited to a particular issue area) found to be substantially related to the Court's decisions have similar effect in our sample of search and seizure cases. As predicted, the coefficients for both the United States as the petitioner and the presence of dissent in the courts of appeals are positive, strong, and statistically significant. A case which would have a 50% chance of being reviewed with some other petitioner will have a 88% chance of acceptance if the United States asks for review. Similarly, a unanimous decision with a 50% chance for review would see its chances increase to 85% if the appeals court panel rendered a split decision. As expected, reversal has a somewhat more modest impact, but one that is still positive and statistically significant. In sum, variables consistently found to play an important role in cert decisions in past studies appear to have similar effects on decisions to review search and seizure cases. These parallel findings give one some confidence that the significance of conflict for review decisions in search and seizure cases is not fundamentally different from its role in most other types of cases.

Overall, the model of Supreme Court review decisions performs

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[5] At any other value, the estimated impact depends on whether the coefficient is positive or negative. Only at .50 is it symmetrical, and thus, nonarbitrary.

quite well. The model correctly predicts 80% of the decisions, achieves a reduction in error of 28%, and is significant at the .0001 level.

We next moved to the main focus of this study, the impact of the extent of policy conflict and ideological distance on whether the Court accepts the case for review. For this purpose we added the variables measuring conflict between appeals court decisions and Supreme Court policy, and ideological distance between the courts to the control variables included in the model in Table 1. In this revised model, displayed in Table 2, conflict is strongly related to the decision to review while the control variables continue to have effects similar to those noted above. The clear implication of Table 2 is that the extent of this conflict has a major bearing on whether the Supreme Court will review the decision. The coefficient for conflict is positive, robust, and significant at the .001 level. Similarly, the ideological distance between the appeals court panel and the Supreme Court is positively related to the likelihood of review to a statistically significant degree. Moreover, the addition of these measures of conflict and distance substantially improve the performance of the model, increasing the reduction in error from 28% to over 46%.

Table 2 about here

We display in Table 3 an example of how increases in the ideological distance between courts and the probability of conflict increase the likelihood of review by the Surpeme Court. The table displays, for cases with different combinations of the values of the variables in the model, the estimated probability that the case will be accepted for review. To make the presentation easier to interpret, the values of each of the other variables are held constant while the values of conflict and ideological distance are allowed to vary. As the data indicate, the probability of review increases steadily and sharply as both the measure of distance and the measure of conflict increase.

Table 3 about here

Another way to get a better intuitive feel of the significance of conflict for Supreme Court decisions to review is to examine the average degrees of conflict for cases reviewed and those not reviewed. For cases in which the Supreme Court turns down a petition for review, the mean probability that the decision of the court of appeals conflicts with Supreme Court policy is .187 with a standard deviation of .22. Since this mean value is 1.45 standard deviations below a conflict score of 50%, it means that in 92% of all cases denied review there is less than a 50-50 chance that the appeals court decision left undisturbed conflicts with Supreme Court policy. In contrast, for cases accepted for review, the mean probability of conflict is .563.

Discussion

Previous studies of the influence of conflict on cert decisions (Ulmer, 1983, 1984; Calderia and Wright, 1988; Armstrong

and Johnson, 1982; Songer, 1979) have consistently conceptualized conflict as a dichotomous variable: either there is or is not "real" conflict (with precedent or the values of judges or among circuits). In addition, previous studies (Ulmer, 1984; Caldeira and Wright, 1988) frequently assign cases to their dichotomous categories on the basis of subjective judgments that are not replicable. But we believe that the reality of the choice facing the justices is frequently less clear cut. Decisions below more frequently narrow or expand, to varying degrees, the preferred policies of the justices rather than directly "conflict" with them. And even when they are "objectively" in conflict, it is presumably difficult for a justice or clerk to determine with certainty whether a given decision is inconsistent with either Court doctrine or the policy preferences of the justice before the case is briefed and argued before the Court. Previous work, therefore, does not capture adequately the nature of the choice that justices must make (continually) when deciding which (if any) of several decisions below, all of which probably, but not certainly, conflict in part (to varying degrees) with their decisions, they should review. In contrast to the earlier works, the present study suggests that conflict should be conceptualized as a continuous variable and that it is possible to operationalize the conflict variable in an objective manner that can be replicated in future studies of search and seizure cases and easily adapted for analysis of other types of cases.

This paper demonstrates that both the degree of conflict between the appeals court decision and Supreme Court policy and the ideological distance between the two courts are strongly related to a decision to accept the case for review. The probability that a given decision below conflicts with Supreme Court policy clearly is strongly related to whether or not the decision is reviewed. But the same decision coming out of two lower courts may be interpreted quite differently by the Supreme Court, depending on who made the decision. If the lower court is ideologically close to the Supreme Court, even a decision that appears likely to be in conflict may escape review. Conversely, if the lower court is ideologically distant, then a less disparate decision may trigger a review. Such aggregate analysis tells us nothing directly about the perceptions or motivations of the justices. But the results suggest that the actions of the justices are very similar to what they would be if they were rational, policy oriented activists who were engaged in a struggle over doctrine within a hierarchy with hidden information, signaling, and monitoring as suggested by a principal-agent perspective. Of course, the strong evidence presented above of the political effects in review decisions does not mean that one can discount the possibility that legalistic concerns may also influence the Court's decisions. For example, we were not able to measure the degree of inter-circuit conflict and thus cannot say how much of the unexplained variance could be explained by that factor.

Prior studies created a puzzle: how to explain the apparent contradiction between findings which suggested the use of an error

correction strategy and the emphatic denial by the justices and their clerks that such a strategy is employed. Our findings suggest that both perspectives miss at least part of the dynamic of what is actually going on. The evidence is strong that the apparent degree of conflict between the decision below and Court policy affects the review decision in spite of the insistence of the justices and clerks that more legalistic concerns usually are determinative. If the conflict is great enough, the decision has a very high probability of being reviewed. But on the other hand, the Court does not appear to follow a straightforward error correction strategy. If it did, the same "mistaken" decision coming out of either a liberal or conservative panel should have the same probability of review. In contrast, the chances of review are substantially higher for decisions coming from panels that are ideologically distant from the High Court. But if what is going on is a signaling/auditing game under incomplete information, with the point being the creation or shaping of judicial policy, then the finding that both conflict and the ideological make-up of the panel below matter makes sense.

Our results are limited in that we only examine one issue area, search and seizure cases. We know of no reason to believe that access decisions for other types of cases are influenced by substantially different factors, and this confidence is bolstered somewhat by the parallelism of the findings in Table 1 and those of studies which were not limited by type of case. Nevertheless, one must be cautious in generalizing from a single case type. At a minimum, the results suggest that it may be fruitful to investigate the utility of a principal-agent perspective to access decisions in other issue areas (e.g., death penalty cases and obscenity) in which fact pattern analysis has been applied to develop well specified models of Supreme Court decision making.

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TABLE 1

Logit Analysis of the Impact of Selected Variables on the Likelihood of Supreme Court Decisions to Accept Cases for Review

Independent Variables	MLE	SE	Impact[a]
US	2.03***	0.33	.38
Dissent	1.72***	0.27	.35
Reverse	0.83	0.31	.19
Intercept	-2.06	0.23	--

% categorized correctly = 80.5%
(false positive rate=24.7%; false negative rate=18.6%)
Reduction in error = 28.6%
-2 X LLR = 432.43
Model chi square = 155.70, df = 3, P < .0001
N = 497; mean of dependent variable = .274

[a]Impact = change in the probability of accepting a case for review when variable is present for a case which otherwise has a 50% chance of being reviewed
* significant at .05
** significant at .01
*** significant at .001

TABLE 2

Logit Analysis of the Impact of Selected Variables on the Likelihood of Supreme Court Decisions to Accept Cases for Review

Independent Variables	MLE	SE	Impact[a]
Conflict	3.34***	0.50	.46
Ideol Distance	2.19*	1.16	.40
US	1.15**	0.38	.25
Dissent	1.74***	0.29	.35
Reverse	0.30	0.35	.08
Intercept	-3.37	0.35	--

% categorized correctly = 85.1%
(false positive rate=18.8%; false negative rate=13.8%)
Reduction in error = 46.3%
-2 X LLR = 375.65
Model chi square = 203.81, df = 5, P < .0001
N = 491; mean of dependent variable = .276

[a]Impact = change in the probability of accepting a case for review when variable is present for a case which otherwise has a 50% chance of being reviewed
* significant at .05
** significant at .01
*** significant at .001

TABLE 3

Estimated Probabilities That the Supreme Court Will Accept For Review Search and Seizure Decisions with Variable Probabilities of Conflict with Supreme Court Policy

Values of Independent Variables					
US	Dissent	Reverse	Ideol Distance	Conflict	Estimated Probability of Review
0	0	1	.25	.2	.13
0	0	1	.75	.2	.32
0	0	1	.25	.5	.30
0	0	1	.75	.5	.64
0	0	1	.25	.8	.54
0	0	1	.75	.8	.78

WHITHER SOCIALISM IN LATIN AMERICA AND THE CARIBBEAN: THE CONTINUING RELEVANCE OF NON-REVOLUTIONARY PROGRESSIVE POLITICS

Eric Selbin
Department of Political Science
Southwestern University
Georgetown, TX 78627-0770
e-mail: eselbin@ralph.txswu.edu

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"Capitalism," we are repeatedly assured, has triumphed, thereby bringing us to "the end of history."[1] "Socialism," "communism," "revolution," and other such terms related to non-capitalist alternatives and attacks on the status quo have all been consigned to the margins of history, mere footnotes in capitalism's victorious march since supplanting feudalism. Only a very few and very recalcitrant hardliners--Cuba's Castro, North Korea's Kim Il Sung, and some assorted Islamic fundamentalists--dare resist the inevitable tide of neo-liberalism that is sweeping across the world.[2] "Communism" as practiced by the former Soviet Union and its allies has collapsed, China has embraced the "free market," and the socialist experiments on the African continent seem largely abandoned. "Neo-liberalism" holds sway in Latin America and the Caribbean; proof for some that the region historically partnered with North America is finally mature enough, sophisticated enough, to truly be partners.

The contentions here are simple: we are nowhere near "the end of history"[3]--in any meaningful sense--and despite the triumphant proclamations of conservatives and their liberal/neo-liberal and right-wing allies and the apprehension of progressives, the non-revolutionary progressive politics in Latin America and the Caribbean retains great appeal for the majority of people in the region. This is not surprising since the "neo-liberal reforms" introduced throughout the region have done little or nothing to promote the social welfare of profoundly impoverished populations: more people in Latin America and the Caribbean live in poverty today than did ten years ago.[4] Moreover, in practice these "reforms" may well undercut the very democratic processes we are told that they portend. The leftists, progressives, and socialists of Latin America and the Caribbean offer the region's destitute and dispossessed--the immense majority of people--the greatest, perhaps only hope for a better future for themselves and their children.

Progressive politics in Latin America and the Caribbean is more powerfully positioned than ever before in its history. The current glorification by the popular press and many academics of the experiments in the region with "free market reforms," eerily reminiscent of previous premature

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[1]F. Fukuyama, "The End of History," *The National Interest*, vol. 16 (Summer 1989). Fukuyama's "end of history" is denoted by "the triumph of liberal democracy, rule of law, and free-market principals...." T. Rosenberg, "Latin America's Magical Realism," *Wilson Quarterly* (Autumn 1992).

[2]Some conservatives include the current U.S. Administration among these. See, J. Gray, "The Left's Last Utopia: Amerika (sic) the Beautiful," *National Review*, vol. 45 no. 14 (19 July 1993).

[3]This is neatly summed up by Osorio, who argues that "the collapse of the socialist experiences did not put an end to history. For enormous social contingents, for the millions of poor and exploited, history has not even begun." J. Osorio, "Liberalism, Democracy, and Socialism," *Social Justice*, vol. 19, no. 4 (1992). Castañeda advances the peculiar notion that "the collapse of socialism has meant the loss of a paradigm" with the result that while history has not ended, the "idea of the future" has, leaving Latin America without a future. "The only thing left to fight for is a future that is simply the present, plus more of the same." J. Castañeda, "The Decline of Communism and the Latin American Left," *Problems of Communism*, vol. 41, no. 1-2 (January-April 1992), pp. 186-7.

[4]A. Lowenthal, "Latin America: Ready For Partnership," *Foreign Affairs*, vol. 72, no. 1 (1992/1993), p. 85. Along these lines, see, Castañeda, p. 183; C. Vilas, "What Future for Socialism?," *NACLA Report on the Americas*, vol. 25, no. 5 (May 1992), p. 14; and C. Vilas, "Latin America: Socialist Perspectives in Times of Cholera (Preliminary Notes for a Necessary Debate)," *Social Justice*, vol. 19, no. 4 (1992), p. 76. This point is developed further in the next section of this paper.

celebrations heralding the permanent arrival of democracy, obscures the prominence of the region's left.[5] Over the last ten years leftists, progressives, and socialists have availed themselves of that most radical method of change, the ballot box, to come to power, share power, or position themselves as the significant and loyal opposition in Argentina, Bolivia, Brazil, Chile, Colombia, the Dominican Republic, Ecuador, Guyana, Jamaica, Mexico, Nicaragua, Peru, Uruguay, and Venezuela.[6]

There is not some monolithic force of leftists, progressives, and socialists cutting a swath across the region. The diversity of the progressive forces which have emerged with the return of the military to the barracks and the arrival of democratic procedures is impressive, representing strategies from a renewal of traditional left politics in the region to a complete break with that past. Despite their often dramatic differences, the characteristic shared by political forces such as the Radical Party in Argentina, the Worker's Party in Brazil (PT), both the Socialist Party and the Party for Democracy in Chile, Colombia's M-19, the FMLN in El Salvador, Mexico's Democratic Revolutionary Party (PRD), Nicaragua's Sandinistas, the Broad Front in Uruguay, and both the Movement to Socialism and the Radical Cause in Venezuela, is the one which has defined progressive politics since the Industrial Revolution--a commitment to social justice.

In later stages the project which this paper is the precursor to will explicitly explore the differences and distinctions among the various progressive forces in the region--i.e., *which* left--and wrestle with the question of *which* of these forces seem to be on the rise--such as Brazil's PT--while others--Mexico's PRD, for example--are on the wane.[7] These critical and intriguing questions are, however, beyond the scope of this paper. The focus in this preliminary effort is on space; more specifically, on why in this triumphant heyday of neo-liberalism there is not only an opening for the progressive forces of Latin America and the Caribbean, but a veritable vacuum into which they might step.

It is important not to exaggerate. Just as the advent of "neo-liberalism" may well have been driven by the paucity of credible alternatives for solving the wide-spread economic failures which had become endemic to Latin America and the Caribbean, so too may the current strength of the region's progressives be predicated on the dearth of good alternatives for confronting the

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[5]Latin America has witnessed several waves of democracy since independence. There are some circumstances that make this round of enchantment with democracy different than the previous cycles through. A thoughtful explication of these may be found in M. Seligson, "Democratization in Latin America: The Current Cycle," in J. Malloy and M. Seligson, eds., *Authoritarians and Democrats: Regime Transitions in Latin America* (Pittsburgh: University of Pittsburgh Press, 1987). I remain hesitant to join the chorus proclaiming that democracy is here to stay.

[6]In 1992, Lowenthal points out, there have been electoral gains for "the Worker's Party and Social Democratic Party in Brazil, the Movement to Socialism and the Radical Cause in Venezuela, the Broad Front in Uruguay, the M-19 in Colombia and the Radical Party in Argentina." Lowenthal, p. 79. To this list could be added the election of Dr. Cheddi Jagan, a Marxist, in Guyana.

[7]One of the first opportunities to make such an assessment may be in December's Venezuelan presidential election. Venezuela's left has what Rosen describes as "an historic opportunity to assert itself on the national scene--if it has a credible program." Yet as Rosen goes on to point out, Venezuelans will have to choose between two distinct progressive forces, the Movement Toward Socialism (MAS) and Causa Radical. They represent, he contends, "two different styles of organizing and two distinct models of social transformation." F. Rosen, "Which Left for Venezuela?" *NACLA Report on the Americas*, vol. 26, no. 4 (February 1993), p. 3.

monumental social debacle that is commonplace throughout the region.[8] As a result, it would be premature to read the electoral successes enjoyed by progressive forces in the region as constituting or even presaging a profound socio-political transformation for the region.

Nonetheless, captivation with the notion that progressive forces in Latin American and Caribbean have somehow been, as one scholar puts it, "defeated" by "the fall of communism in Eastern Europe and the Soviet Union,"[9] ignores reality. Leftists, progressives, and socialists in Latin America and the Caribbean challenged and survived the brutal and relentless campaign of ideological cleansing led by the region's militaries.[10] As a result of their stamina and their suffering, they retained and often broadened their pre-dictatorship base and emerged scathed but with a set of important and significant credentials to many people in the region.

Progressive politics in Latin America and the Caribbean undoubtedly requires reevaluation and rethinking--perhaps even a "rebirth."[11] Despite its apparent disarray, however, it is nonetheless progressive politics in its various forms and guises that would appear to be well placed to solve the monumental problems that confront the region. If that is the case, than non-revolutionary[12] progressive politics in Latin America and the Caribbean is neither in decline nor

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[8]Some have even suggested that the advent of democracy in the region has less to do with the intrinsic merits of democracy than a sort of satisficing wherein all sides were "forced to conclude that they would do better by settling for a 'second-best' outcome"--democracy. L. Whitehead, "Alternatives to Liberal Democracy: a Latin American Perspective," *Political Studies*, vol. 40, Special Issue (1992), p. 148.

[9]Castañeda, p. 182. A particularly insightful response to analyses such as Castañeda's is C. Vilas, "Soviet Collapse Not So Relevant," *NACLA Report on the Americas*, vol. 25, no. 5 (May 1992), p. 15.

[10]The widely remarked upon staying power of the region's progressive forces is neatly summed up by Hagopian, who notes that "throughout the Southern Cone of Latin America, the populists and socialists whom the military regimes had hoped to banish from the political scene survived military rule and resurfaced with significant constituencies." F. Hagopian, "After Regime Change: Authoritarian Legacies, Political Future, and the Democratic Future of South America," *World Politics*, vol. 45, no. 3 (April 1993), p. 464. While progressive forces were not the only ones to have challenged the repressive dictatorships, it merits mention here that the attacks on progressive forces were invariably aided and abetted by the right and conservatives in each country, as well as the U.S. embassy, and in some cases by moderates and centrists.

[11]The need for reevaluation and rethinking is briefly limned out in I. Roxborough, "Neo-Liberalism in Latin America: Limits and Alternatives," *Third World Quarterly*, vol. 13, no. 3 (1992), p. 431. More thorough analyses can be found in *NACLA Report on the Americas* issue entitled "The Latin American Left: A Painful Rebirth," *NACLA Report on the Americas*, vol. 25, no. 5 (May 1992). See, in particular, C. Vilas, "What Future for Socialism?;" J.C. Portantiero, "Foundations of a New Politics," *NACLA Report on the Americas*, vol. 25, no. 5 (May 1992); and J. Arico, "Rethink Everything (Maybe It's Always Been This Way), *NACLA Report on the Americas*, vol. 25, no. 5 (May 1992). A very interesting analysis of some of these notions in practice is M. Keck, "Brazil's PT: Socialism as Radical Democracy," *NACLA Report on the Americas*, vol. 25, no. 5 (May 1992). The influence of Brazil's PT on the revitalized Latin American left is outlined in W. Robinson, "The São Paulo Forum: Is There a New Latin American Left?," *Monthly Review*, vol. 44, no. 7 (December 1992).

[12]While armed revolution has declined for the moment, or so says the conventional wisdom, those who are prepared to sound the death knell for either the concept of revolution or the region's revolutionaries seem awfully premature. This view is echoed, from a slightly different perspective, in a recent *Latin American Weekly Report* article, "Are Guerilla Insurgencies on the Wane?," *Latin American Weekly Report* WR-93-23 (17 June

(continued...)

in crisis and remains a valuable and relevant reference point.[13]

The remainder of this paper will focus primarily on the increasingly apparent contradictions of neo-liberalist policies and their abject failure to speak to either the pressing social conditions of scarcity and privation or to insure meaningful consolidation of democracy in the region. The associated issue of the relationship between progressive politics and democracy in Latin America and the Caribbean--what it has been and what it has to offer--will also be considered. A very brief final section will suggest some possible case studies.

Neo-Liberalism: Economic Failure and The Frailty of Democracy

Prodigious positive publicity has been accorded to the adoption over the last decade of "neo-liberal" economic policies in Latin America and the Caribbean. These neo-liberal policies have been succinctly described as "extreme versions of free-market economics."[14] The result, ironically, is that "neo-liberalism" is "often characterized by a crude economic determinism of the type we used to associate with vulgar Marxism."[15] To date, the "free-market" has not proved the promised panacea; in fact, so far the solution would appear to be worse than the cure. With one or two notable exceptions, the 1980s found the economies of Latin America and the Caribbean in shambles. .The chosen solution--heavily promoted by the U.S., albeit with varying effects[16]--was "neo-liberalism." Such free-market policies were hardly new, the regions military dictatorships had tried them throughout the 1960s and 1970s with little or no success.[17] Nonetheless, the "Chilean economic miracle" was trotted out to be the proof of the possibilities, despite serious

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[12](...continued)
1993), p. 270. It strikes me as extremely unlikely that the current lull (in relative terms) in what might be considered revolutionary activity will last out the century. Although very uncomfortable with the deterministic undertones, I am reminded of Thomas Jefferson's dictum that revolutions are as inevitable in the political world as storms in the natural.

[13]"Decline" is the description of Castañeda; "crisis" that of R. Harris, *Marxism, Socialism, and Democracy in Latin America* (Boulder: Westview, 1992), p. 194.

[14]I. Roxborough, "Latin America: Still in Trouble: The Triumph of Neo-Liberalism," *Dissent* (Fall 1992), p. 486.

[15]Whitehead, "Alternatives to Liberal Democracy: a Latin American Perspective," p. 152.

[16]The Reagan administration, Rosenberg contends, "had little direct influence on Latin American policy-makers. Despite the claims of administration officials that their conservative thinking helped sway the Latins, their relations with most Latin advocates were sop poor that advice from Washington was almost enough to guarantee that its recipients would run in the opposite direction." Rosenberg, p. 69.

[17]Rosenberg points out that "free-market policies" have been tried before and failed; she cites Argentina 1976-1983, Brazil 1969-1973, and Chile 1975-1983. Rosenberg, "Latin America's Magical Liberalism," pp. 72. This point is echoed in Roxborough, "Latin America," p. 486.

questions about whether it was either particularly miraculous or replicable.[18] Chile's success in its second go round with neo-liberal policies, Rosenberg contends, had less to do with neo-realism and more to do with favorable commodity prices, a huge World Bank loan, and "what Chilean economists consider just as important...*more government regulation.*"[19] The "free market" was touted as the solution to the various and asundry ills that disparage Latin America and the Caribbean. In particular, "free-markets" would overcome economic adversity and instantiate liberal democratic practices.

Although the numbers may be debated along the margins, the number of people living in poverty in Latin America and the Caribbean is staggering. Anywhere from just under one-half up to two-thirds of the people in the region[20]--somewhere between 200 and 300 million people[21]--live in poverty and do not enjoy "stable access to food, employment, health, and education."[22] Just in Latin America, according to conservative estimates, more people live in poverty today than did in 1980;[23] in 1990, 71 million more Latin Americans were living under the official poverty line than had been in 1970.[24]

The gap between the wealthy and the poor is worsening and various divisions--social, economic, and ethnic--are widening.[25] Mandated by the "neo-liberal reforms," drastic spending

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[18]As Rosenberg points out, the "economic miracle of Chile" proves what many in Latin America believe, that the benefits of neo-liberal policies "will go to society's elites while the poor bear the cost." Rosenberg, p. 70. One interesting back and forth on this debate can be found by reading J. Kandell, "Prosperity Born of Pain," *The New York Times Magazine* (7 July 1993), pp. 14-18, 33, 35 and the response/critique by J. Petras and S. Vieux, "Jon Kandell and the Chilean Miracle," *Lies of Our Times* (September 1991), pp. 19-20. Petras and Vieux extend their critique more broadly in "Latin America's Free Markets," *Monthly Review*, vol. 44, no. 1 (May 1992).

[19]Rosenberg, p. 73. Emphasis added.

[20]The U.N. Economic Commission on Latin America estimates that 44 percent of Latin Americans live at poverty levels. See Petras and Vieux, "Latin America's Free Markets," p. 9 or Lowenthal p. 85. The figure of roughly one-half is commonly encountered; Castañeda (p. 183), for example, puts the figure at 240 million. Vilas cites the United Nations Development Project estimate that two-thirds of the total population of Latin America live in poverty (Vilas, "Latin America: Socialist Perspectives in Times of Cholera," p. 76).

[21]These numbers are derived from the World Banks population estimates for the region. For reasons that are not clear to me, the 1993 World Bank *World Development Report: Investing in Health* (New York: Oxford) lists five different population figures for Latin America and the Caribbean. On p. 199 the 1991 estimate is put at 455 million; on p. 201 the 1990 estimate is put at 444 million; on p. 212 a "mid-1990" estimate is for 444,297,000; on p. 239 the "mid-1991" figure is 445,300,000; finally, on p. 289, the 1991 estimate has mysteriously dropped 10 million to 445 million. Which ever number one chooses to use, a huge number of these people live their lives under miserable conditions.

[22]Vilas, "Latin America," p. 79.

[23]3 percent more, according to Lowenthal, p. 85.

[24]Vilas, "What Future for Socialism," p. 14.

[25]Lowenthal, p. 79. Examples of these gaps can be found below.

cuts have come in the areas of "education, health, housing, and assistance to the poor."[26] As the reforms benefit the economic elite, the cost is borne by the poor, whose impoverishment increases apace. Latin America's distribution of income is "more unequal than in any other major region of the world."[27] Over 180 million people "survive without basic necessities...; many of these subsist in extreme poverty, unable to maintain the minimum caloric intake required for human health."[28] The overall number of those in extreme poverty overall may be "nearly half;"[29] in some Latin American countries over 75 percent of the population live in extreme poverty.[30]

Specific cases can be illuminating. In Chile, the widely touted "miracle," the government's own statistics showed that from 1979 to 1989 the "the proportion of national wealth owned by the top 20 percent of the population rose from 51 to 60 percent" and that by 1988 "the buying power of a worker was 25 percent less than it was in 1970."[31] Perhaps more shocking, drastic cuts in health care--from a high of US$29 per capita in 1973, the last year of the Allende government, to US$11 per capita in 1988--have shown up in the appearance of diseases typically associated with poverty such as typhoid and viral hepatitis.[32] Across the region there has been a direct correlation between neo-liberal programs that have slashed spending on health care and related items--sewage treatment, clean water, etc--and the return of diseases previously thought to have been eradicated--cholera has swept the continent in step with neo-liberalism.

Other instances abound. In Argentina, Minister of Health Julio Cesar Araoz "admitted that one-third of the population lives in poverty."[33] In 1980, according to UNICEF figures cited by Vilas, "the poorest 10% of Guatemala's population received 2.4% of the national income; today that 10% earns only 0.5%. That means that each of these nearly 900,000 Guatemalans earns an average of *four dollars* a month."[34] In Mexico socioeconomic conditions are as bleak as the political conditions, and there are reliable reports of nascent revolutionary movements in the south, and, according to World Bank figures cited by Castañeda, "life expectancy for the poorest 10 percent of the population was 20 years less than for the richest 10 percent."[35] 50 per cent of

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[26]Castañeda, p. 183.

[27]Petras and Vieux, "Latin America's Free Markets," p. 11. This same point is made by S. Fidler, "Lands Where Rich and Poor are Farthest Apart: Poverty in Latin America," *Financial Times* (26 March 1993), p. 8.

[28]Ibid.

[29]Vilas, "What Future for Socialism," p. 14.

[30]R. Millet, "Is Latin American Democracy Sustainable?" *North-South Issues*, vol. 2, no. 3 (1993), p. 2.

[31]Rosenberg, p. 70.

[32]Petras and Vieux, "Latin America's Free Markets," p. 13.

[33]K. Silverstein, "Marketing Misery in Latin America: Tropical Thatcherism," *The Nation* (21 December 1992), p. 769.

[34]Vilas, "What Future for Socialism," p. 14. Emphasis in original.

[35]Castañeda, p. 183.

Venezuelans have "only enough money to eat once a day."[36] It is thus not surprising that Venezuelans frustrated with "sacrifice at the bottom and corruption at the top" have widely supported several coup attempts and will likely support another.[37]

Brazil, with one of the world's largest economies, is a striking example. According to the World Bank, Brazil has the highest per capita income in Latin America--not surprising for one of the world's 10 largest economies--but they also point out that Brazil has the "most unfair income distribution of any major nation in the world. The top 20 percent of Brazil's population earns 26 times what the bottom 20 percent earn. In the US the disparity is 9 to 1; in India it is 5 to 1."[38] In Brazil, 53 percent of the national wealth is held by 1 percent of the population.[39]

The result, as one scholar points out, is that the advances Brazil "made in reducing poverty during the previous 20 years...were virtually erased. Between 1960 and 1981, the number of poor in Brazil dropped from 36 million to 24 million, and more strikingly, from 50 percent of the population to 19 percent. However, by 1987, there were 33 million individuals, or 25 percent of the country's inhabitants, living beneath the official poverty line."[40] In 1993 President Itmar Franco declared that Brazil was in a "state of social emergency" and that "starvation and misery will become the government's main problems."[41] Brazil is not unique in this--Mexico, Peru, and even Argentina have announced similar anti-poverty drives[42]--and it is no accident that the polls for the next presidential election are led by the Lula da Silva, the leader of the Worker's Party.[43]

The best illustration and summation, Rosenberg suggests, may be found in Bolivia. Drastic cuts in government spending, currency devaluations, freeing interest rates, liberalizing tariffs, and removing subsidies--"in other words, following the liberal model being promoted throughout the

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[36]Silverstein, p. 769.

[37]Rosenberg, p. 70.

[38]J. Brooke, "Inflation Saps Brazilians Faith in Democracy," *New York Times* (25 July 1993), p. A6. Lowenthal (p. 85) makes a similar point, noting that in "Brazil, Peru, and Ecuador the wealthiest 20 percent of families today earn more than 30 times what the poorest 20 percent earn, compared with a differential of less than ten times in the United States." For Latin America as a whole, "in the past ten years the top 25 percent has maintained or raised its absolute income while income has fallen for the bottom 75 percent." Petras and Vieux, "Latin America;s Free Markets," p. 11.

[39]H. de Souza, "Who Sows Misery Reaps Violence," *Latin American News Update*, vol. 8, no. 4, p. 28.

[40]Castañeda, p. 183.

[41]"Franco Declares Starvation, Misery Government's Main Problems," FBIS-LAT-93-053 (22 March 1993), p. 24.

[42]"Menem Joins the Throng and Announces A Massive Anti-poverty Drive," *Latin American Weekly Report* WR-93-03 (21 January 1993), p. 25. The article notes that only a few months before Menem had branded "those who dwelt on the spread of poverty in Argentina as 'liars'."

[43]Lula led handily in polls in March 1993 and in June 1993. The March poll is reported in "Data FOLHA Poll Shows Lula Most Popular Politician," FBIS-LAT-93-056 (25 March 1993), p. 34. The June data is reported in "Cardoso's 'Non-Plan' Could Become Stepping-Stone to the Presidency," *Latin American Weekly Report*, WR-93-25 (1 July 1993), p. 289.

world by such 'shock therapy' gurus as Harvard's Jeffrey Sachs"--has dramatically reduced inflation and produced minimal per-capita growth of 1 percent or less a year.[44] Yet, as Rosenberg points out, "Bolivia remains the poorest country in South America and living standards for the great majority have not improved....If Bolivia is an example of success, what is a failure?"[45]

Democracy--specifically Western democratic procedures--have been far more successful in Latin America and the Caribbean this go round. Democracy is wider--if not necessarily deeper--than after World War II, in the 1920s, or in any of the previous cycles. During the 1980s the trend toward democracy was strong and steady and almost every country in the region has had a free, open, and fair election in the last few years. While one election does not a democracy make, many of these countries have had more than one election and even witnessed the peaceful transfer of power between opposing parties. These are no small feats in a region notoriously cool toward democratic procedures and the relinquishment of office. Equally striking has been the attention to, if not necessarily respect for, human rights and dignity and some of the tangible efforts made in these areas.

But since 1990 it has been clear that all is not well. Many of these democracies are not entirely inclusive, often based on elite pacts and the continued marginalization of the region's indigenous population, and there have been notable setbacks--The *autogolpe*, dubbed a "Fujicoup," in Peru, the coup in Haiti, the popularly supported coup attempts in Venezuela and popular calls for a coup in Panama, the role of Guatemala's military in first supporting than destroying a recent effort to emulate the "Fujicoup" with a *Serranazo*, and recent ominous noises from the military and its partisans in both Brazil and Chile. As for human rights, while the generals are back in their barracks, they have left their legacy and retain their minions. A palpable sense of justice has not yet taken hold in much of the region and death squads remain active in a number of countries, most notably in El Salvador, Peru, Guatemala, and Brazil; street children seem to be a particular target in these latter two.

There are a wide and impressive array of obstacles confronting the instantiation of Western democratic practices in Latin America and the Caribbean.[46] Three stand out: (1) despite the delight in the very real trappings of liberal democracy, many people of all types remain highly suspect of democratic procedures; (2) neo-liberal economic policies undercut democratic political practices; and (3) Western conceptions of democracy lack a social component that is critical for a region such as Latin America and the Caribbean. The suspicion of democracy will be dealt with here only briefly; it merits much greater consideration than can be devoted here. The problems inherent in the pursuit of neo-liberal policies will be addressed here. The absence of a social component from Western conceptions of democracy will be addressed at length in the next section of the paper.

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[44]Rosenberg, p. 70.

[45]Rosenberg, p. 70. According to the U.N.'s International Fund for Agricultural Development (IFAD), Bolivia has the highest percentage of rural poor in the world--97 percent of Bolivians live under the poverty line. IPS "Latin America: 76 Million Poor in Rural Areas, IFAD Says," Inter Press Service (26 November 1992), p. 1.

[46]Five "points of strain and tension" suggested by Roxborough are "the arrogation of power to the presidency, popular explosions of outrage, the erosion of corporatist mechanisms of conflict resolution, and labour conflict." Roxborough, "Neo-Liberalism in Latin America: Limits and Alternatives," p. 427.

Suspicions of Democratic Procedures

The suspicions of democracy cut across a wide array of people and are probably to be expected in a region where the experiences with democracy have been so convoluted. Elites in the region have long viewed democracy as a threat to their "natural" position of power; they have seen relatively little to gain by expanding the inclusiveness of their respective political systems. For many of these people, the utility of democracy is limited to what it buys them in the perception of the rest of the world and most importantly the United States.

For many of the poor, democracy is a term that has long been associated with a formality dictators have used to placate foreign powers or soothe their own conscience;[47] it has rarely if ever had any tangible meaning to their daily existence. While almost everyone in the region can now vote in the regularly scheduled and largely democratic elections, on a daily basis the immense majority of people are confronted daily "with societies whose basis is power, not law."[48] The bureaucracy and the courts remain privileged provinces of the powerful, ever upholding the control of the wealthy and powerful over society.

This general distrust of democracy, for reasons that will be explored in the next section, has even spread to those who have most enthusiastically embraced it, the middle class and technocrats. In the economic arena, these people are challenged by byzantine bureaucracies and business relations that are more like family relations.[49] Politically, those who at least initially seemed most enthusiastic about democracy and neo-liberalism--and largely remain committed to the neo-liberalist project--are increasingly wary of the repercussions of allowing the majority of the population to express their will. This is a conundrum with profound implications for the instantiation of democracy in the region.

The tradition of electoral democracy in Latin America and the Caribbean has been fragile and ambivalent outside of a few notable and oft invoked exceptions such as Chile, Costa Rica, and Uruguay. Pollsters increasingly find that "most people still favor democracy as a form of

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[47]In Nicaragua, for example, "Somoza had frequently called elections and, thus, had legitimized his dictatorship, if only in the eyes of the United States, by winning all of them with huge majorities. So 'election' for most people in the crowd was a word which meant trickery. 'No election' was a promise to them of no trickery." G. Greene, *Getting to Know the General* (New York: Simon and Schuster, 1984), p. 187. The Somoza family's cynical manipulation of elections staged for their benefactors in the U.S. was hardly original, but rendered elections for most Nicaraguans "little more than automatic ratification of candidates chosen by the incumbent party and the U.S. government." LASA, "The Electoral Process in Nicaragua: Domestic and International Influences," Report of the Latin American Studies Association Delegation to Observe the Nicaraguan General Election of November 4, 1984. Austin: LASA (1984), p. 4. Following in the footsteps of his father and brother, the elections of the final member of the Somoza "dynasty," Anastasio Somoza Debayle, "featured translucent ballots, the buying of votes, intimidation, and, when all else failed, stuffed ballot boxes." LASA, "Electoral Democracy Under International Pressure." The Report of the Latin America Studies Association Commission to Observe the 1990 Election. Pittsburgh: LASA (1990), p. 7.

[48]Rosenberg, p. 62.

[49]Rosenberg argues that "most Latin countries that have the formal attributes of democracies and free-market economics operate just below the surface, like the *anciens régimes* of premodern Europe." Rosenberg, p. 62.

government but are increasingly skeptical of all democratic political institutions."[50] Successful *golpes d'estado* in Peru and Haiti and popular support for such efforts in Venezuela and Panama serve as powerful reminders of the frailty of democracy.

Neo-liberal Economic Policies-vs-Democratic Political Practices

The problem, in short, is that the demands of an impatient and increasingly impoverished electorate inevitably clash with the demands of the economic elite. The proclivity of people in the U.S. to view democratic practices and open, or at least relatively open, markets as dialectically related runs aground in the context of Latin America and the Caribbean.[51] Lowenthal argues that, "in Latin America's circumstances, as in those of eastern Europe and east Asia, the claims from impatient electorates and the demands of economic elites are not easily reconciled. Careful management of this tension is needed, rather than blind ideological faith that the market's hidden hand will produce positive results."[52]

That "blind ideological faith" in the free market is exactly what is being used, according to one scholar of democracy in the region, to "to shape strategies of democratization."[53] From the neo-liberalist perspective, their "economic reforms--monetary stabilization, privatization, the enhancement of private property rights, and 'openness'--will also in due course provide the social foundations for consolidated liberal democracy."[54]

While this might happen, neo-liberalist assumptions about the connection between free markets and participatory democracy rest on a very shaky foundation. While this will be explored further below, it merits note in Chile, the case most commonly invoked to prove the suitability and prowess of neo-liberal theories, democracy has yet to be consolidated. Moreover, the degree to which Chile has been successful in this regard owes more to the country's 150 year tradition of healthy democracy that was interrupted in 1973 by a brutal military dictatorship and its "civil society, social consensus, rule of law, well-run public institutions, and strong, legitimate state."[55]

Internal tensions "between the imperatives of political and economic liberalization, between the opening of democratic politics and of market economies" are real.[56] One obvious tension, discussed above, is between the haves and the have-nots. There are other tensions which merit mention here as well and are suggested in the work of Lowenthal and Whitehead: (a) the old elite-vs-the new elite; (b) the use of undemocratic methods to secure democracy; and (c) the role of the state in a developing society.

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[50]Lowenthal, p. 83.

[51]As Lowenthal puts it, "for reasons of national experience and ideology, people in the United States like to think of these processes as not only compatible but as necessarily related--as two sides of the same coin, united by the element of free choice." Lowenthal, p. 87.

[52]Lowenthal, p. 87.

[53]Whitehead, p. 153.

[54]Ibid.

[55]Rosenberg, p. 74.

[56]Lowenthal, p. 87.

The Old Elite-vs-The New Elite. There are naturally those who have profited in the past who are opposed to the neo-liberal reforms; they may be powerful and they may be willing to fight. These are the wealthy who have benefitted from the old system: the protection of the state, state subsidies, patronage, high tariffs, controlled prices, etc. These are the people Rosenberg refers to with her term "magical liberalism," which invokes the Latin American literary style of "magical realism" to denote "a highly fanciful semblance" to liberalism.[57] Such Latin American liberalism has endured, she argues, due to a decided lack of substance. They have been, in this sense, *liberales de fachada*, facade liberals, highly dependent on the region's states to take care of them.[58]

Undemocratic Methods in Pursuit of Democracy. In explaining the overthrow of the democratically elected Guatemalan government in 1954, U.S. Secretary of State John Foster Dulles offered the immortal explanation that some times you must destroy democracy to save democracy. In the effort to attain a consolidated liberal-democratic state, neo-liberalism commonly--perhaps even by definition--involves decidedly non-liberal, non-democratic behavior. The problem arises when those who realize little or no gain or fare worse from the reforms exercise their democratic rights to oppose the reforms proposed by the neo-liberal policy-makers. This is exacerbated when, in an effort to "depoliticize" the economy, "policy-makers are insulated from social feedback, if media criticism is restrained, and if the resistance to new patterns of property ownership is met with the full force of bourgeois (not necessarily democratic) law."[59]

> The slippery slope here--and potential for great tragedy--is clearly that, once neo-liberal theorists have condoned such *means* to achieve their allegedly democratic rule *ends*, the old, old question arises as to how, if at all, they are to eventually free themselves from the instruments that they have used. The ideological and intolerant *style* of neo-liberal policy-making is well illustrated by the fact that whenever the observable results fall short of what was promised by the theory, the typical response has not been to reconsider the doctrine but to proscribe a stronger dose of the same medicine.[60]

Just as Stalinists might once have bemoaned the "false consciousness" of subject populations, so now the neo-liberals find the flaws in the people not the program.

The Role of the State. If neo-liberal policies are successful, what will the ensuing democracy look like? In particular, what would the role of the state be? *Participatory* democracy, as Whitehead points out, "tends to clash with the ideal of a 'depoliticized' market system, and far from advancing such causes as women's rights, racial equality or a social rights conception of

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[57]Rosenberg, p. 60.

[58]This is, obviously, a reference to *democracias de fachada*, facade democracies. On such democracies see Solorzano Martinez 1983 and E. Herman and F. Brodhead, eds., *Demonstration Elections: U.S. Staged Elections in the Dominican Republic, Vietnam, and El Salvador* (Boston: South End Press, 1984). Whitehead also refers to facade demos and the Portuguese phrase "*para os ingleses ver*, which refers to the old habit of holding elections 'for the English to look at'." Whitehead, p. 150. Whitehead than goes on to make the interesting argument that facades can become real. While attention to propping up the facade may well lead to some positive changes--changes not to be discounted--no facade to date seems to have made the transition.

[59]Whitehead, p. 153.

[60]Ibid. Emphasis in the original.

citizenship, the neo-liberal model tends to dismantle whatever protections may previously have existed."[61]

Neo-liberal policy-makers are--in yet another odd echo of Marxism--committed to the dismantling if not destruction of the state: "streamlining...and ridding them of excess functions and personnel."[62] At the same time, there is the obvious need to provide critical public services and equitably distribute the national wealth. Lowenthal goes so far as to argue that "a central task" for many Latin American countries in the 1990s is "building effective state capacity--rather than further cutting back the state."[63]

In sum, the complications, contradictions and possibilities are many. While there may be some successes that neo-liberalism can point to, it is far from clear that economic development can be sustained or democracy consolidated. The guaranteed economic success of neo-liberal policies in Latin America and the Caribbean does not seem to be materializing and the success stories to date are certainly not at the rates or with the breadth or depth that were promised.[64] More countries in the region, including Argentina, Brazil, Mexico, and Peru, are announcing the adoption of "anti-poverty" programs in an effort to close the incredible gap between the rich and the poor.

This is, sadly, true not just in economic terms, but in political terms as well. Neo-liberal policies have presented the region's democracies with the paradox of accepting what Whitehead calls "a stunted version of liberal democracy" that "would seem to exclude many of the features commonly associated with full liberal democracy (high participation, authentic political choice, extensive citizenship rights)" or "a generous version of social democracy" that can not be consolidated.[65] It is to this latter point, the question of whether or not a more authentically democratic practice can be consolidated in the region, that we turn to.

Democracy and Socialism in Latin America and the Caribbean

In the next three years there will be at least twenty major elections in Latin America and the Caribbean; given the parliamentary systems common throughout the Eastern Caribbean there will likely be more. In all of these elections progressive forces stand a good chance of coming to power; in some of the cases which will be most closely watched--Brazil and Venezuela--

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[61]Whitehead, pp. 153-4. "In what sense," Whitehead wonders, "would it be democratic at all?" Whitehead, p. 153. Whitehead here cites Mcpherson to the effect that "unfortunately, liberal democracy can mean either...freedom of the stronger to do down the weaker by following market rules; or it can mean equal effective freedom to use and develop their capacities. The latter freedom is inconsistent with the former." CB Mcpherson, *The Life and Times of Liberal Democracy* (Oxford: Oxford University Press, 1979), p. 1.

[62]Lowenthal, p. 88.

[63]Ibid.

[64]Even those who have been most sympathetic to neo-liberal policies seem to recognize this. See, for example, N. Nash, "Argentines Escape an Economic Mire: A Success Story, Yes, but No Miracle," *New York Times* (25 July 1993), p. A6. It merits mention that Nash chooses to ignore Menem's announcement of a massive anti-poverty program. See, "Menem Joins the Throng and Announces A Massive Anti-poverty Drive," *Latin American Weekly Report* WR-93-03 (21 January 1993), p. 25.

[65]Whitehead, p. 154.

progressives currently are in first or second in the public opinion polls.[66]

The question of *which* progressive forces offering *which* program is, as mentioned previously, beyond the scope of this paper and will be the focus of the next part of this project. What does merit our attention at this stage is the tension between the nondemocratic practices that define the daily lives of most people in Latin America and the Caribbean and the periodic exercises of democratic procedures. Which brings us to the nature of the relationship between democracy and socialism in Latin America and the Caribbean.

Western conceptions of democracy, often referred to as "bourgeois" or "liberal" democracy, have traditionally focused on "respect for rights and the rule of law, freedom of speech, institutionalizing of electoral procedure and separation of powers, checks and balances, etc."[67] This is, broadly, the brand of democracy which has been associated with the current wave of democratization/redemocratization in Latin America and the Caribbean. This limitation to narrowly political democracy--principally indicated by/predicated upon the election of representatives through relatively free electoral procedures--is significant. Significant, yet flawed. The specific liberal democratic model that has been trumpeted in Latin America and the Caribbean has its roots in the U.S. and as such lacks a social dimension that would speak to the profound social ills that bedevil most of the people of the region.

There are clearly affinities among the various and assorted versions of "actually existing" or "real" democracy; broadly these "rules of the game" would appear to include universal suffrage, formal recognition of equal political rights, the regular election of representatives, and some notion of human rights. It is equally clearly that there is no democratic paradigm, no one model of democracy that is in place across either time or space. The notion of "liberal democracy" itself is relatively new and is contested.[68]

People in the U.S. have come to associate democratic practices and liberal economic policies--defined largely by free, or at least relatively free-markets--as profoundly and ineluctably related. As Lowenthal puts it, "for reasons of national experience and ideology, people in the United States like to think of these processes as not only compatible but as necessarily related--as

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[66]In Chile the progressives have largely thrown in their lot with the Christian Democrats in the Coalition of Parties of Democracy (CPPS), the center-left coalition that has governed the country since the election. Chile's socialists clearly remain the country's second strongest party. See, e.g., "Chile: Unity Still Eludes Opposition," *Latin American Weekly Report*, WR-93-22 (10 June 1993), p. 254 or "Smaller Parties in Coalition Losing Ground," FBIS-LAT-93-055 (24 March 1993), p. 35. One poll found that Socialist Party leader Ricardo Lagos would win a first round election if he were the candidate of the CPPS. "Poll Shows PDC Frei as Favorite Presidential Candidate," FBIS-LAT-93-055 (24 March 1993), p. 35. Senator Riccardo Núñez, one of the leaders of Chile's Socialist Party has said that "socialism is not dead, but it is ever stronger in the conscience of the exploited and the humiliated and of those who, despite the obstacles, are striving for a better world." *Latin American Regional Report: Southern Cone Report* RS-91-10 (25 December 1991), p. 3.

[67]S. Amin, "The Issue of Democracy in the Contemporary Third World," *Socialism and Democracy*, no. 12 (1991), p. 95. Amin also notes that "Western democracy has no social dimension."

[68]As Gills and Rocamora note, "democracy is a contested term. Like so many terms employed in modern political discourse, its meaning varies with the context in which it is being used." They also astutely point out that while "everyone applauds democracy, those who in practice oppose it applaud most loudly." B. Gills and Joel Rocamora, "Low Intensity Democracy," *Third World Quarterly*, vol. 13, no. 3 (1992), p. 503.

two sides of the same coin, united by the element of free choice."[69] That is not necessarily intuitive.

In the 1820s when most of Latin America got its independence (much of the Caribbean would have to wait another 140 years) the terms liberalism and democracy represented ideals in conflict. While liberalism was driven by a focus on economic freedoms democracy was largely denoted by the search for equality. By the middle of the 19th century, however, liberalism and democracy had been joined, with liberals accepting the political concept of wide-spread suffrage and democrats conceding economic and social concerns to the liberals. Under the rubric "liberal democracy," democratic political practices are acceptable as long as they do not interfere in the economic freedoms which are conceived of as the driving force. The resulting paradox is of "peoples who vote and elect, and vote and elect again, yet never achieve any influence over substantive questions that would improve the conditions of their lives."[70]

There are variations within liberal democracy.[71] One of these is *limited liberal democracy*, where democratic practices and social benefits are largely limited to a society's wealthy and powerful except on those occasions when they extend the franchise to the general population; what is central is the protection and extension of capitalism. This is the type of liberal democracy historically encountered in Latin America.

Another variant is *procedural liberal democracy* which places a higher premium on the benefits of democratic procedures and therefore is more amenable to meeting the inevitable social needs of the majority, presuming that there is a way for them to affect policy, while maintaining a strong focus on the role of capital. The U.S. is probably a good example of this sort of liberal democracy. In both *limited liberal democracy* and *procedural liberal democracy* the term democracy connotes the defense of "liberty with the accent on economic freedom."[72]

A third variant, and the one most important for our later discussion, is *progressive liberal democracy* (or, more commonly, social democracy). In this form, democratic practices are construed beyond narrow political terms to the economic and social arenas as well and socialist or quasi-socialist management techniques are used to mitigate the economic realities of capitalism. This variety is most commonly identified with the modern social welfare states of Northern Europe. In this case, democracy denotes the defense "of liberty with emphasis on equality."[73] It also represents the nexus of democracy and socialism.

Despite efforts to instantiate *procedural liberal democracy* in the region, it would appear that representative democracy is not being successfully consolidated in most of Latin America and the Caribbean. Rather there seems to be, depending on the country, the introduction, continuation, or resurrection of *limited liberal democracy*. The result is the reinforcement of "what has been

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[69]Lowenthal, p. 87.

[70]Osorio, "Liberalism, Democracy, and Socialism," p. 26.

[71]These are based on three suggested by Osorio, p. 26.

[72]Ibid., 25.

[73]Osorio, p. 25. Osorio opines that former U.S. President George Bush's support for "Latin America's advances in terms of economic freedom and democracy" are closer to the first two variants discussed here "while the democratic demands of 'Lula" in Brazil or the FMLN in El Salvador are identified more" with the third variant considered here.

called 'democracy by default,' 'delegative democracy' or 'low-intensity democracy.'[74] The institutions most commonly associated with democratic political procedures--political parties, legislatures, courts, and interest groups--find themselves frozen out.

The antifreeze may be *progressive liberal democracy*. The conditions extant in Latin America and the Caribbean today--huge disparities across the board between the wealthy few and the enormous number of poor who live in grinding poverty--makes the construction of meaningful *procedural liberal democracy* unlikely. Even if this could be achieved, such narrowly conceived notions of political democracy fail to speak to the realities of the region. This is where the link between *progressive liberal democracy's* commitment to a substantive social agenda and non-revolutionary socialism as it has evolved in Latin America and the Caribbean becomes critical.

In practice non-revolutionary socialism in Latin American and Caribbean has never been akin to the doctrinaire socialism of Eastern Europe or the former Soviet Union. It would be disingenuous to deny that "actually existing socialism" was a reference point, but the survival and growth of progressive forces in Latin America and the Caribbean "demonstrate that it is not, as has been widely assumed, dependent on foreign models and assistance."[75] Rather, the commitment of Latin American and Caribbean socialists has been to ending poverty and building social justice.

Internationally, Vilas points out, "socialism is the name that has been given, since the 19th century, to popular aspirations for a life of dignity, justice, and liberty."[76] In Latin America and the Caribbean, socialism has largely been denoted by the attention to the social concerns of the population and the redistribution of wealth. Efforts to gain power have been via the ballot box when such opportunities were available; open democratic electoral systems have been scrupulously respected by the region's progressives.[77] Latin American and Caribbean socialism, in this sense, may be best understood as an effort to provide the social component absent from both *limited liberal democracy* and *procedural liberal democracy*. Socialism and democracy thus have been profoundly linked in the region.

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[74]Lowenthal, p. 82. On the topic of "low-intensity democracy"--a phrase obviously invoked to evoke U.S. counter-insurgency strategies--see Gills and Rocamora, "Low Intensity Democracy."

[75]S. Ellner, "Introduction: The Changing Status of the Latin American Left in the Recent Past," in B. Carr and S. Ellner, eds., *The Latin American Left: From the Fall of Allende to Perestroika* (Boulder: Westview Press, 1993), p. 19.

[76]Vilas, "Latin America," p. 82.

[77]Ironically, efforts to distort and/or destroy democracy have come in large part from the world's self-appointed guardian of democracy, the United States. The litany is a long and familiar one, ranging from low-level influence in the Costa Rican civil war in 1948 to far more direct economic and/or military intervention in Guatemala, the Dominican Republic, Chile, and Jamaica. This perspective is perhaps most neatly summed up in the response of Henry Kissinger, National Security Advisor to (and later Secretary of State for) U.S. President Richard Nixon, after the 1970 election of long-time Chilean Senate leader and three-time presidential candidate Salvador Allende: "I don't see why we need to stand by and watch a country go Communist due to the irresponsibility of its own people" (this remark is cited in a number of places, most recently M. McClintock, *Instruments of Terror: U.S. Guerrilla Warfare, Counter-Insurgency, Counter-Terrorism* (New York: Pantheon, 1992), p. 419). U.S. efforts to instigate a coup d'etat in Chile have been well documented, see, e.g., W. Blum, *The CIA: A Forgotten History, U.S. Global Interventions Since World War 2* (London: Zed, 1986), pp. 232-43; S. Hersh, *The Price of Power* (New York: Summit, 1983), pp. 258-96; and J. Prados, *President's Secret Wars* (New York: William Morrow and Company, Inc., 1986), pp. 315-22.

The important point is that in Latin America the commitment to opportunity and a vision of the future retains great appeal, especially when contrasted to the "liberation" offered by market economies. The obligation to end poverty, feed people, and improve health and educational opportunities remains inherent in the regional conception of socialism. It is this legacy which may enable the instantiation of *progressive liberal democracy* in Latin America and the Caribbean.

The potential for social democracy in Latin America and the Caribbean seems enormous. The region's progressive forces are the best hope for the immense majority of the population; in the other direction lies madness--a return to the repressive military dictatorships of the past. What is not clear is whether progressives in Latin America and the Caribbean can move beyond simply representing the next default position and forge a meaningful and functional alternative to neo-liberalism.

There are a wide range of reasons for this, not least of them the question (yet again) of *which* progressive forces offering *which* program. Regardless of the program, however, the most daunting issue is the array of structural forces to be confronted. The foreign debt, domestic economic crises, the lack of meaningful democratic institutions--the lack, for that matter, of a meaningful civil society--and the profound social catastrophe conspire to render most social democratic/progressive liberal democratic projects entirely problematic.

It is clear that neo-liberalism is failing; current governments find themselves talking less about how to manage the debt and more about managing the crisis of neo-liberalism. The progressive forces of Latin America and the Caribbean would seem to have a large audience waiting for them. The World Bank has argued that "raising all the poor in the continent to just above the poverty line would cost only 0.7 per cent of regional GDP--the approximate equivalent of a 2 per cent income tax on the wealthiest fifth of the population."[78] This helps explain why the socialist legacy in Chile remains a vibrant element of the effort to reconstruct democracy despite the best efforts of the Pinochet dictatorship to eradicate memories of the socialist's short time in office.

The Jamaican's reelection of Michael Manley, a Vice-President of the Socialist International, says a great deal about the continuing power and promise of the democratic socialist vision in the region. While Manley abandoned his high-profile if mild confrontations with the U.S.[79] and the International Monetary Fund, he remained committed to the gains made and maintained through almost a decade of opposition rule. According to Manley, "We sowed the seeds of social revolution....We altered class relations. Household helpers now enter by the front door, and poor Jamaicans have an unconscious reflex assumption about their rights. The poor used to say 'Do I have rights?' Now they know they do, and he who has rights forgets the time when he didn't have them."[80]

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[78]1990 *World Development Report*

[79]The U.S. efforts to economically destabilize the government of Michael Manley in Jamaica are well documented, see, e.g., Blum, *The CIA*, pp. 299-304. Sklar, among others, has referred to 1980 election as an "electoral coup" staged with the help of the U.S. H. Sklar, *Washington's War on Nicaragua* (Boston: South End, 1988), pp. 390-1.

[80]R. Borosage and S. Landau, "Lonely Manley," *Mother Jones* (1991), p. 29.

Whither Socialism in Latin America and the Caribbean:
The Utility of Radical Politics as an Analytical Lens

The question, finally, is whether progressive politics remains a fruitful reference point for social science investigations of socio-political change in Latin America and the Caribbean. This paper contends that it will. Several possible investigations would include exploring a case where socialists have been elected to office (such as Guyana), a case where socialists share power (such as Chile), or a case where progressives appear to be waiting in the wings (such as Brazil). The plethora of elections in Latin America and the Caribbean over the next 30 months offer a veritable smorgasbord of cases to be watched and considered. Another interesting case is the role of former revolutionaries, from Uruguay's former urban guerrillas, the Tupamaros, to the FSLN in Nicaragua, M-19 in Colombia, and the FMLN in El Salvador.

Progressive politics in Latin America and the Caribbean, as noted early on, is more powerfully positioned than ever before in its history. Historically progressive politics has represented the commitment to the creation of a just and equitable society in which wealth and power are not the prerequisites for food and justice. The immiseration of Latin America and the Caribbean proceeds apace; more neo-liberal policies and/or the return to the failures of the past seem cruel jokes. Whether the progressive forces of the region are able to step into the vacuum that confronts them remains to be seen. It hardly seems possible that they could do any worse.

INTELLECTUAL PROPERTY PROTECTION AND ANTITRUST:

CRISIS, COERCION, AND CHOICE

Susan K. Sell
Department of Political Science
George Washington University
Washington, D.C. 20052
e-mail: sellskgw@gwuvm.bitnet

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In recent years the nations of the developing world have made a dramatic turn toward market-oriented policies. As recently as 1981, developing countries were pressing for a New International Economic Order (NIEO) based on economic nationalism and the rejection of global liberalism. Advocates of the NIEO called for a massive transfer of resources from North to South and preferential treatment for developing countries. In the 1970s and early 1980s, intense negotiations between industrialized and developing countries produced fundamental clashes over the appropriate role of the state in economic policy. Industrialized countries pressed for market-based policies, while developing countries sought global affirmation of a leading role for the state in economic policy. Yet today even the most ardent former champions of extensive state intervention in the economy and discrimination against foreign investors have adopted policies that emphasize private sector initiative, nondiscrimination, and economic openness. What accounts for this change in policy? That is the question addressed here, with specific reference to intellectual property protection and antitrust policy.

Since the mid-1980s developing countries have been adopting laws and policies for the protection of intellectual property based on a conception common to the industrialized world -

namely, intellectual property as private property. Intellectual property protection is important for both international investment and trade. Investors are reluctant to build plants or issue licenses in countries where their technology and know-how are not protected. Exporters of products or processes based on intellectual property seek to recover costs of developing the property and to prevent counterfeiting and piracy. In the past, many developing countries refused to issue patents to foreign inventors because patent protection provides a temporary monopoly and raises the prices of protected property. In other developing countries, protection was offered, but on a relatively limited basis. Indeed, during the NIEO era developing countries argued that intellectual property should be regarded as the "common heritage of mankind," and therefore freely available to all. More recently, developing countries have begun to adopt laws and policies to protect intellectual property. Because the effective protection of private property rights is a cornerstone of a liberal economic order, these new policies reflect the developing countries' shift toward a market economy.

Similarly, in the area of antitrust developing countries are beginning to adopt laws and policies that resemble those of the industrialized world. In the past, the few developing countries that had antitrust laws exclusively targeted local subsidiaries of foreign-based multinational corporations in the service of economic nationalism. Instead of using antitrust policies to promote domestic market competition, these countries had employed

them to control foreign enterprises' activities. More recently developing countries have come to perceive antitrust policies as relevant for their own domestic enterprises, and are designing these policies to break up domestic public monopolies that are a legacy of previous eras of economic nationalism. This is particularly apparent in the areas of trade liberalization and the privatization of public sector enterprises. The adoption of antitrust legislation and policies, and the creation of domestic institutions to monitor and enforce such policies will become increasingly important as these countries continue opening their markets and stimulating private sector activity.

To what extent are these policy changes the result of external pressure? To what extent are they the result of internal developments? In both issue areas, the economic crisis of the early 1980s prompted developing countries to adopt policies that promote their integration into the global economy.

Two schools of thought explain these changes in different ways: neorealism emphasizes the role of power; neoliberalism emphasizes the role of learning and institutions. Neorealist explanations based on hegemonic power and coercion can account for the substance and timing of the policy changes in intellectual property protection. In intellectual property protection, the U.S. has pursued a "get tough" policy with selected developing countries in its quest for immediate results. On the surface this appears to have been very successful. Neoliberal explanations based on voluntarism, learning and

international institutions are more compelling in the antitrust case. Institutional mechanisms for consultation and technical assistance, established in 1980 within the U.N. Conference on Trade and Development (UNCTAD) have played a central role in expediting the adoption of antitrust policies in developing countries. Since 1989 developing countries have been flocking to UNCTAD to learn more about the operation of antitrust policies, and have sought and received assistance in drafting laws and training antitrust officials. The antitrust case reveals a process that has been more gradual, circuitous, and more dependent on domestic circumstances within developing countries.

Comparing the intellectual property and antitrust cases sheds light on the relative efficacy of different ways to induce policy change in targeted states. These cases also demonstrate the relative explanatory power of neorealism and neoliberalism in accounting for different aspects of policy change - changes in perceptions of interests, the timing, substance, adoption, implementation, and enforcement of new policies. Finally, examining the adoption and implementation of these policies reveals different implications for the sustainability of these policies, and holds lessons for U.S. policymakers.

The first section of this paper provides a brief discussion of the NIEO negotiations in intellectual property protection and antitrust. The second section addresses the impact of economic shocks, and presents two alternative approaches to explaining the change. The third section traces the evolution in developing

countries' intellectual property and antitrust policies over the past decade.

NIEO NEGOTIATIONS

The NIEO negotiations of the mid-1970s through the early 1980s in intellectual property and antitrust were part of a broader effort of developing countries to assert greater control over their economic destinies. Dissatisfied with the postwar liberal economic order, they sought to reduce their dependence on the industrialized world. Argentina, Brazil, Mexico, the Andean Pact countries (Bolivia, Colombia, Ecuador, Peru and Venezuela), and India, which took the lead in the NIEO movement - had passed national and regional laws and adopted policies that reflected their view that the market-based economic order did not address their development needs.[1] In the early 1970s these countries institutionalized their dissatisfaction with the prevailing system and placed significant restrictions on foreign investment (especially from transnational corporations) and technology transfer. In each of these countries state agencies screened contracts and limited the share of foreign ownership and access to local capital, and trade barriers were used to protect fledgling domestic industries. All of these measures discriminated against foreign investors and strengthened national controls over economic development.

The leaders of the NIEO movement saw themselves as outsiders in the international economy, at a distinct disadvantage under

the prevailing international market bias. Instead of embracing the dominant norm of economic liberalism, they sought an international economic order based on economic nationalism that they hoped would sharply reduce global inequality. Their critique of liberalism, which emphasized the exploitation of developing countries, fostered unity in the struggle between the "haves" and "have-nots." According to Krasner, "it provided a subjective identity that welded the Third World into an effective political bloc. This subjective self-identity was a critical complement to the objective international and domestic weaknesses that provided the basic motivation for Third World demands."[2] The developing countries' dissatisfaction with the postwar economic order found its most forceful and coherent expression in the call for an NIEO and the Charter of Economic Rights and Duties of States, which were adopted by the United Nations General Assembly in 1974.

The 1970s witnessed a heightened emphasis on multilateralism, fueled by OPEC's successes in wielding commodity power in 1973 and again in 1979. The fear generated by these successes led industrialized countries to send negotiators to United Nations forums in Geneva to placate an angry South. This era of conference diplomacy created opportunities for the developing countries to press their demands and be taken seriously. The negotiations on intellectual property and antitrust reflect this emphasis on multilateralism. The Diplomatic Conference for the Revision of the Paris Convention

for the Protection of Industrial Property,[3] held under the auspices of the World Intellectual Property Organization (WIPO), began in 1980 and ended in March 1984. Negotiations on a Code of Conduct for the Control of Restrictive Business Practices (antitrust), hosted by the United Nations Conference on Trade and Development (UNCTAD), began in 1975 and ended in December 1980. Each set of negotiations will be discussed in turn.

THE INTELLECTUAL PROPERTY NEGOTIATIONS

The Paris Convention sets the international standard for the minimum acceptable levels of patent protection. Parties to the Paris Convention are free to pass national laws of their own design, provided that the minimum standards of protection are maintained. The Paris Convention embodies three main principles, which are consistent with economic liberalism. These are: 1) non-discrimination -- that there should be no barriers to entry of foreign patentees in a member state's national market; 2) national treatment -- that once a foreign patentee has entered a member state's national market, he or she should be treated no differently than nationals; and 3) the right of priority -- that the patentee should be protected from unauthorized use of his or her invention for a designated time period.

The leaders of the NIEO movement challenged these principles. According to an Indian patent expert, "... a patent not only provides a right for a person to use this knowledge but also excludes others from using it... This double-edged

provision has caused patents to be put to several abuses."[4] Developing countries argued that the patents they granted are overwhelmingly held by foreigners (usually transnational corporations); that patents become substitutes for foreign investment as a means of capturing developing countries' markets; that patents are often used by foreigners to acquire local enterprises; and that patents serve to restrict the flow of technology from North to South. In short, they argued that monopoly privileges bestowed by the patent system led to higher prices for imports and less favorable terms of trade for developing countries. As such, the patent system was seen as a mechanism by which the rich exploited the poor.

The Andean Pact countries, India, Mexico, Brazil, and Argentina had all institutionalized their dissatisfaction and had passed laws that violated the Convention's principles. For example, while the Paris Convention holds that a patent may confer an exclusive right of importation, the Andean Pact's law provided that "a patent may not confer an exclusive right to import the patented product or a product manufactured by the patented process."[5] All of these laws pledged to keep patent-free any technologies or products deemed vital to a nation's development, including such items as foodstuffs and pharmaceuticals. These laws further discriminated against foreigners by mandating the issuance of exclusive compulsory licenses to domestic producers in cases in which the patentees failed to commercially exploit their patents in the developing

country. In effect, exclusive compulsory licenses challenge the right of priority insofar as they effectively transfer the patent rights to local hands; "when an exclusive license is granted, the patent owner is excluded from using his own patented invention."[6] These activist countries sought to relax the Paris Convention's standards along the lines embodied in their own laws. They wanted the international system of patent protection to incorporate notions of public interest to balance the private interests given paramount importance in the Paris Convention's provisions.

The industrialized countries entered the Paris Convention negotiations determined to prohibit any weakening of the patent system. Because of this fundamental divergence in perspectives, the negotiations ended in deadlock, with no revisions, in March 1984. Thus the developing countries were ultimately unsuccessful in their efforts to weaken the patent system.

THE ANTITRUST NEGOTIATIONS

In December 1980, the UN General Assembly unanimously adopted the "Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices" (hereafter referred to as the Set). Unlike the Paris Convention efforts, the impetus for these negotiations came from the industrialized countries - particularly the U.S. However, the developing countries used the opportunity to press their NIEO demands in this forum as well.

Restrictive business practices (RBPs) are business practices deemed to be detrimental to economic competition and international trade. The guiding spirit behind the industrialized countries' approach to RBPs is belief in a liberal international economic order.[7] That order requires the lowering of tariffs, the elimination of non-tariff barriers to trade and investment, the recognition of reciprocity in transactions, national treatment, nondiscrimination, and the creation of rules that establish standards of fair international competition.

The NIEO program also incorporated developing countries' interest in controlling RBPs, but the spirit of their approach presented a marked contrast to liberal conceptions of antitrust. Specifically, developing countries' sought to: 1) gain greater access to Northern markets for their exports; 2) curb restrictive practices of transnational corporations; and 3) curb restrictive practices between parent corporations and their subsidiaries (intra-enterprise transactions). They sought the elimination of detrimental practices by transnational corporations in host countries and hoped to reorient the transnationals toward business practices that would have beneficial spillover effects on the local economies.

Developing countries' positions on restrictive practices reflected their perception that they had been exploited economically, and that "...any practice which has the effect of limiting their trade and development should be condemned as a restrictive practice."[8] Rejecting the concept of national

treatment, they sought on one hand to gain international approval for host country discrimination against transnational corporations, and on the other to gain approval for preferential treatment of local enterprises in developing countries. While many of these countries had RBP laws, they were aimed, in practice, at foreign corporations and the purpose of these laws was to increase host country control over the activities of such corporations.

When, in December 1980, the UN General Assembly adopted the Set of Principles and Rules it teemed with vague language and barely papered-over differences, and substantially embraced the industrialized world's conception of antitrust. While both sides declared victory, notions such as the redistribution of wealth or preferential treatment for developing countries were absent in the final formulation. In a joint letter dated November 9, 1981, the U.S. Departments of State and Justice announced to the American business community that the Set was consistent with U.S. antitrust laws and policies, U.S. trade policy, and "procompetitive, free market concepts."[9]

By contrast, as soon as the ink was dry on the final document the developing countries realized that their interpretation was not the prevailing one and they felt they had been duped into endorsing the Set. They soon discovered: 1) that the Set had no "teeth"; 2) that the developmental aspects of the Set would be ignored; and 3) that industrialized countries would

reject the link between restrictive business practices and international trade.

Under the terms of the Set, an Intergovernmental Group of Experts (IGE) is charged with implementing and interpreting the Set's provisions. States can formally complain to the IGE if they believe that another country's enterprise is engaging in restrictive business practices. Then the accused country is to submit a report about its enterprise's activities. However, the IGE has no power to pass judgement on enterprise activities; rather it is supposed to "... devote itself primarily to discussions of national and legislative enforcement experience, rather than attempt to turn the Principles and Rules into international law or transform UNCTAD into an antitrust enforcement agency."[10]

The Set also called for the implementation by UNCTAD of technical assistance, advisory, and training programs for developing countries. While emphasizing that the most important contribution to eliminating RBPs internationally would be the widespread adoption of national laws on RBPs in line with the Set, UNCTAD was to coordinate technical assistance programs, and the IGE was to provide a forum for discussion and consultation. What is striking is that developing countries did not begin utilizing this machinery until the late 1980s, nearly a decade after the adoption of the Set.

Developing countries had interpreted the Code as being consistent with their practices of targeting multinational

corporations, and protecting local enterprises and infant industries. They perceived that in the aftermath of the Set's adoption the industrialized countries deliberately ignored or downplayed the developmental aspects of the Set, for example by rejecting the Set's link to international trade. The industrialized countries, contending that they can control only what goes on "at home," interpreted the Set's provisions to refer only to domestic market competition. These divergent interpretations of the Set became apparent as recently as 1985 at the first conference to review the Set, which was characterized by acrimonious debate.

In an unforseen turnaround, however, beginning in the late 1980s, UNCTAD was suddenly inundated with developing country requests for technical assistance in designing, drafting, and implementing domestic antitrust legislation and policies. This constituted a marked change from the 1980-85 period, which was characterized by developing countries' suspicion and distrust about the merits of antitrust policies. What explains this policy change?

EXPLAINING POLICY CHANGE: CRISIS, COERCION AND CHOICE

The developing countries' quest to establish an NIEO in intellectual property protection and antitrust failed. Since the mid-1980s, developing countries have been abandoning economic nationalism in favor of market-based, liberal economic policies in both intellectual property protection and antitrust. To

understand this shift it is vital to take the economic crisis of the early 1980s into account. But that crisis provided a context for the policy shift, not a cause of it. In assessing the causes of the shift, we must consider two alternative explanations -- one based on coercion (neorealist analyses), the other based on choice (neoliberal analyses).

Power differentials between the industrialized and developing countries were heightened by the economic downturn that began in the late 1970s and progressively worsened in the 1980s, and the consensus that had been so crucial to the developing countries' multilateral agenda was shattered. Bank lending to developing countries dropped sharply, as did foreign investment. Between 1981 and 1986 inflows of foreign direct investment declined by nearly 25%.[11] In addition, many developing countries were saddled with huge foreign debts. The situation was exacerbated by a resurgence in protectionist trade policies and a drop in commodity prices. Developing countries were far more vulnerable to these economic shocks than were the industrialized countries. For example, Mexico went so far as to declare bankruptcy in 1982.

These economic shocks profoundly altered the behavior of developing countries -- but, as we shall see, with quite different effects on intellectual property protection and antitrust policy. To be sure, in both cases developing countries adopted policies that embraced economic liberalism. But what were the more proximate causes for these policy changes? And in

what ways did these proximate causes reflect the underlying causes? Why, for example, did they wait nearly a decade to use the institutional machinery established for antitrust to facilitate the adoption of new policies? By what mechanisms did these changes come about? What were the sources of these new policies? In short, the economic crisis of the early 1980s provides a backdrop for understanding policy change. Yet it is insufficient for understanding the precise timing of the changes, the sources of the substance of the new policies, and the mechanisms through which these changes came about. We need to look elsewhere to understand why the effects of the crisis played out as they did. According to Ikenberry and Kupchan, "At the domestic level, crisis creates an environment in which elites seek alternatives to existing norms that have been discredited by events and in which new norms offer opportunities for political gains and coalitional realignment."[12]

Where do these new norms come from? Both neorealism and neoliberal institutionalism offer hypotheses about the effects of crises. Neorealism emphasizes hegemony and coercion, whereas neoliberal institutionalism emphasizes learning and redefinitions of interest, sometimes facilitated by international institutions. In both accounts crises are seen as amplifying the effects of the focal variables.

A neorealist, power-based argument portrays crises as expanding the hegemon's opportunities to exercise coercive power. Furthermore, elites in secondary states who are looking for ways

to alleviate the crisis may be susceptible to the influence of a hegemon that is actively trying to promote its vision of the international order.

Examining the hegemon's ability to impose its will on secondary states brings us closer to proximate causes of policy change. Even a casual observer of current trends in developing countries must be struck by the extent to which their policies have come to resemble the wishes of the United States. Throughout the NIEO era the U.S. consistently argued that the road to development is paved by the free play of market forces, and repeatedly urged the developing world to adopt liberal economic policies. Thus, to the extent that developing countries are opening their markets, liberalizing trade and investment, adopting stronger policies to protect intellectual property rights, privatizing public sector enterprises, and embracing market mechanisms, they are "doing the right thing" from the vantage point of the U.S. The link between U.S. hegemony and the move toward the market by developing countries is the U.S.'s ability to manipulate material incentives to induce secondary states to comply with its wishes. The U.S. possesses considerable market power, and access to that market is critical for many developing countries. An obvious example of the U.S.'s efforts to wield its market power is its use of Section 301 of the Trade Act, which allows the U.S. threaten trade retaliation to induce policy changes in targeted states. Another example has been the U.S.'s linking of the Generalized System of Preferences

benefits for developing countries to the effective protection of intellectual property.

By contrast, neoliberal institutionalism offers an explanation based on learning and international institutions. Learning, of course, means altering beliefs or practices based on new information or experience.[13] It can occur as a result of the "demonstration effect" of observing others[14], deliberate influence or teaching by others[15], or consideration of one's own past responses in comparable circumstances[16].

Whereas neorealist analyses focus on hegemonic coercion, neoliberal analyses emphasize the role of international institutions in the socialization process. For example, Keohane argues that the existence of the postwar international economic regimes in the Bretton Woods system has facilitated the member states' shared commitment to economic liberalism and multilateralism.[17] These institutions have helped to spread norms and values that promote cooperation despite hegemonic decline. Ikenberry and Kupchan refer to this mechanism as "normative persuasion," which is based not on threats but rather on " transnational learning through various forms of direct contact via diplomatic channels, cultural exchanges, and foreign study."[18]

To summarize the distinction between these two types of explanations for policy changes in secondary states, the neorealist variant explains policy change as a result of duress and direct hegemonic pressure, whereas the neoliberal variant

explains policy change as a result of learning and the facilitating role played by international institutions. In the coercive hegemon scenario, the substance of new policies comes from external sources, but in the neoliberal scenario it is the result of choice. The source of the substance of new policies, whether coercion or choice, almost certainly has important implications for the sustainability of the liberal direction in developing countries.

INTELLECTUAL PROPERTY PROTECTION AND COERCIVE HEGEMONY

The most important development in the recent spread of intellectual property protection policies has been a change of strategy by the United States. The U.S. now can swiftly retaliate with trade sanctions in the event that targeted countries fail to adequately protect its intellectual property. The U.S. has consistently sought to strengthen intellectual property protection abroad. However, throughout the 1960s and 1970s its efforts at exhortation in various multilateral forums, including the World Intellectual Property Organization and UNCTAD, produced paltry results. Beginning in the early 1980s the U.S. began to pursue a more vigorous campaign to secure greater intellectual property protection abroad.

As early as 1982, the U.S. government engaged in numerous bilateral patent, trademark, and copyright consultations with countries such as Hungary, South Korea, Mexico, Singapore, and Taiwan. This bilateral approach was effective: Hungary,

Singapore, South Korea, and Taiwan took steps and enacted laws to ensure greater protection, and only Mexico resisted this bilateral pressure, issuing a pharmaceutical decree that expressed a disinclination to extend intellectual property protection in this area.

Through these early successes the U.S. government realized that exhortation alone was ineffective, but that linking trade and intellectual property protection could yield the desired results. As the former Assistant General Counsel to the Office of the U.S. Trade Representative (USTR) argued:

> When U.S. trade officials participated in bilateral consultations on intellectual property they talked to trade officials from other governments. In most developing countries, trade officials are high-ranking policy makers while intellectual property officials are administrators. Before laws can be changed in those countries, the policy must change and intellectual property administrators seldom change policy. Trade officials often can.[19]

In 1984 the U.S. Congress took the lead in fashioning a comprehensive approach to intellectual property. Two trade initiatives, the amendment of Section 301 of the Trade and Tariff Act of 1974 and the revision of the terms for the extension of the Generalized System of Preferences (GSP) for developing countries, strengthened the hand of U.S. delegations by explicitly linking intellectual property to trade sanctions.

Section 301 of the Trade Act of 1974 gives the President power to enforce U.S. rights under trade agreements or to eliminate policies and practices that discriminate or impose unjustifiable burdens on U.S. commerce. The Act also permits industries, trade associations, and individual companies to petition the United States Trade Representative (USTR) to investigate actions of foreign governments. If the USTR decides to investigate, the first step is consultation with the foreign government to try to resolve the problem. If these efforts fail, within a year (in all but subsidies cases, for which a shorter time period is mandated) the Trade Representative recommends appropriate action to the President. "Appropriate action" often consists of the threat of retaliation via trade sanctions.

Innovations in 1984 included an amendment that gives the USTR authority to initiate cases (thereby minimizing the prospect of foreign retaliation against industries that initiate investigations), and the explicit mention of failure to protect intellectual property as actionable. In 1988 the link between intellectual property and trade was further strengthened by the enactment of the Omnibus Trade and Competitiveness Act. The 1988 amendments effectively transferred authority from the President to the USTR to determine whether foreign practices are unfair and to take action, and also strengthened the intellectual property components that were originally incorporated in 1984.

The 1988 amendments indicated that the U.S. would continue to pursue the carrot-and-stick approach in trade policy and

fortified the connection between intellectual property protection and international trade. Section 301 had been greatly strengthened and the message was clear: retaliation would be swift.

In a second major initiative in intellectual property, the U.S. revised the conditions for granting benefits to developing countries under the Generalized System of Preferences (GSP). The GSP program waives tariffs on selected imported products from developing countries designated as beneficiaries. The GSP helps developing countries earn foreign exchange for debt servicing and for the purchase of U.S. exports.

The 1984 Trade and Tariff Act extended the GSP program until July 4, 1993, but added new conditions. Item 9 of the statement of purpose indicates that GSP " will encourage developing countries ... 'to provide effective means under which foreign nationals may secure, exercise, and enforce exclusive intellectual property rights.'"[20] Furthermore, the extension explicitly designates patents, trademarks, and copyrights as "property" that may not be expropriated, and requires that the President "give 'great weight' to intellectual property protection in making other decisions about the benefits a developing country receives under the program."[21]

The U.S. approach to intellectual property protection reflects the sentiments of U.S. businesses whose technology and intellectual property constitute valuable assets. As the Chairman of Standard Oil remarked:

> The misguided credo that intellectual property is the common heritage of mankind assaults the basic morality of good business. What I invented I own. I certainly don't mean this as a threat, but I am simply not going to license a process or build a plant in a country which turns around and steals my technology.[22]

As Ikenberry and Kupchan suggest, one way for hegemons to secure compliance with their wishes is to manipulate material incentives by inducements and threats. This strategy aptly characterizes U.S. efforts to secure greater protection for U.S.-generated intellectual property. By exerting pressure on developing countries via Section 301 of the Trade and Tariff Act, GSP benefits, and bilateral consultations with trade officials, the U.S. has linked the protection of intellectual property to continued market access. Has the U.S. been successful in its quest? Have developing countries responded to this pressure?

The short answer is "yes." In response to the economic crisis of the early 1980s, developing countries have increasingly tipped the balance away from import-substituting industrialization toward export-led strategies. The debt crisis, the perceived exhaustion of models of import-substituting industrialization, and the success of the East Asian countries have all contributed to this export-led shift. Therefore, access to northern markets has become more important. Table 1 demonstrates the sharp increase in the value of developing countries' exports in the past decade. By the mid-1980s the U.S.

market absorbed more than half of Latin American exports and one-third of exports from East Asia. This combination of factors gave the United States powerful leverage over these countries. In this context "large countries... often have considerable coercive power, because their economies represent a considerable percentage of the world market for many goods and services. If access to the U.S. market is restricted, the target nation cannot readily make up the losses by redirecting its exports."[23]

[Table 1 goes about here]

In a comprehensive analysis of the U.S. record in Section 301 actions, Sykes found that "Section 301 is fairly successful in inducing foreign governments to modify their practices when they are accused of violating U.S. legal rights; ... success is more likely with a GSP beneficiary."[24] Table 2 provides a summary of the Section 301 cases in which intellectual property issues were at stake. In all eight cases, the targeted governments agreed to improve intellectual property protection along the lines desired by the U.S. Furthermore, the timing of the changes demonstrates the strong link between this exercise of U.S. leverage and the changes in targeted states. In short, both the <u>substance</u> and the <u>timing</u> of these policies can be explained as a product of coercive hegemony. However, as the following cases demonstrate, from the standpoint of U.S. goals the issue of implementation is far more problematic. While developing countries have acquiesced in a formal sense by adopting new laws and policies, they have resisted implementing and enforcing these

policies. This discrepancy between policy adoption and implementation is consistent with neorealist explanations. It underscores the fact that developing countries are acting under duress, and are not "converts". Thereby it points to both the operation of hegemonic coercion and the limits of the coercive strategy.

[Table 2 goes about here]

A detailed examination of a number of Section 301 cases against developing countries follows, in order to illustrate the relationship between the substance and timing of policy change in targeted states, on the one hand, and the exercise of hegemonic coercion on the other. The Brazilian Informatics case resulted in the Brazilian government's pledge to improve copyright protection for computer software. In the 1985 Korean Intellectual Property Rights case the Korean government acquiesced in 1986 by enacting product patent protection for pharmaceuticals and improved enforcement procedures. According to the President of the U.S.-based Pharmaceuticals Manufacturing Association, "The Korean case was a major step forward and set an important example of what could be accomplished using trade instruments to achieve intellectual property objectives."[25]

The Korean case is listed as open because the private actors who have been monitoring Korean compliance - the International Intellectual Property Alliance and the Pharmaceutical Manufacturers Association - have been disappointed in Korea's performance. Pharmaceutical manufacturers Squibb and Bristol-

Meyers charged Korean companies with piracy and in 1989 filed new Section 301 complaints with USTR.[26] As a result, Korea has remained on the USTR's watchlists of intellectual property violators.

The U.S. Business Software Alliance (a Washington-based lobbying group formed in 1988 to represent U.S. software producers to battle piracy) and the International Intellectual Property Alliance have also closely monitored Korea's performance. In July 1992 the Business Software Alliance estimated that 86% of the personal computer software used in Korea was pirated, accounting for more than $300 million in losses.[27] Despite the passage of the Computer Program Protection Act (CPAA) in Korea in July 1987, penalties for piracy in Korea are still relatively low; the maximum fine for piracy is 3,000,000 Won (about $4,000).[28] The BSA continues to press for amendments to the CPAA to raise penalties against piracy, and the International Intellectual Property Alliance has recommended that Korea remain on the 301 watchlist.

The 1987 PMA-initiated case against Brazil for its lack of patent protection for pharmaceutical products is noteworthy because it is the only case that resulted in trade retaliation by the U.S. under the 301 provisions. After Brazil refused to alter its policy the U.S. placed a $39 million tariff on imports of Brazilian pharmaceuticals. Brazil filed a complaint with GATT about U.S. trade retaliation, but it "withdrew its complaint when the sanctions were dropped [in summer 1990] in exchange for

Brazil's patent commitments."[29] Former Brazilian President Collor proposed patent legislation that would protect pharmaceutical products and process patents for the first time. On February 21, 1991 Brazil formally revoked its Normative Acts covering patents, trademarks and technology and drastically reduced the interference of the Brazilian government in technology transfer transactions. The patent reform package presented to the Brazilian legislature " denies protection to drugs that are not made in Brazil, a provision intended to force patent holders to manufacture or license them locally."[30] Therefore the PMA will not be satisfied and will continue to monitor Brazil's approach. In the words of one TNC executive, "Brazil is looking for something to get it off the hook with the US Trade Representative. But I'm not really optimistic."[31] The PMA recommended that Brazil remain on the USTR watchlist in 1992. In the wake of the political scandals of the Collor administration, intellectual property protection has been put on hold by the Brazilian legislature.

In 1988 the PMA filed a petition against Argentina. In consultations between the U.S. and Argentine governments the U.S. secured a commitment from Argentina to strengthen patent protection for pharmaceuticals by 1992. The PMA subsequently agreed to withdraw its 301 petition. The Argentine Congress was considering various proposals for strengthened pharmaceutical protection which reflected the U.S. demands. However, consultations have continued and Argentina was included on the

1992 watchlist. In early 1993 Argentina was ranked as the top Latin American violator of pharmaceutical patents "due to a powerful group of firms dedicated to copying patents and selling pirated drugs throughout Latin America."[32] Reform proposals are likely to be watered down in Congress due to strong domestic opposition.

Similarly, Thailand agreed to improve its intellectual property protection in response to the 1990 301 filing over its lax copyright enforcement. Thailand has been repeatedly cited on USTR's priority watchlist, and in the 1991 patent protection case Thailand indicated that it would consider compliance and "is looking to the results of the GATT negotiations for possible guidance."[33] Therefore the case is still open. Intellectual property protection has placed Thai leaders in a difficult position. In 1987 Prime Minister Prem Tinsulanond's administration was ousted in a no-confidence motion after attempting to strengthen Thailand's copyright laws. Intellectual property protection is controversial in Thailand because piracy has become a lucrative business there. The domestic political stakes are obviously high so, "Bangkok's approach has been to compromise when necessary then fail to put the newly negotiated regulations in place."[34] Thai Commerce Minister Subin said, "...it wasn't possible for US officials to help draft Thai legislation, discreetly indicating it was a breach of sovereignty."[35] Washington has continued to pressure Thailand and has kept Thailand on its priority watchlist as an

intellectual property violator through 1992. While a strengthened law for the protection of pharmaceuticals was submitted in late 1991 to a special committee of Thailand's National Assembly, concerned parties in the U.S. expressed continuing pessimism because the "committee lacks a visible champion for greater patent protection."[36]

The 1991 Indian intellectual property case is still open. The U.S. decided to delay trade retaliation due to progress in U.S.-Indian negotiations over patent protection. "India has taken steps to meet foreign concerns about enforcement of intellectual property rights under existing laws."[37] Beginning in 1991 Prime Minister Rao implemented a liberal economic reform package substantially relaxing conditions for foreign investment. India softened its position against the inclusion of intellectual property rights on the GATT agenda. India has taken steps to strengthen protection for computer software, videos, and films, and has also improved its enforcement efforts. The Business Software Alliance has extended its activities to India and is keeping close tabs on developments there, particularly regarding enforcement. Despite India's moves in the desired U.S. direction, it has remained on USTR's watchlist.

The last 301 case listed in Table 2 covers intellectual property rights in the People's Republic of China. Initiated in 1991, this case has been the subject of intense negotiations. The PRC is not a GSP beneficiary, so that form of leverage is not available to the U.S. However, trade linkage has ultimately

proven effective in this case as well. The PRC enacted its first patent legislation in 1984, but this legislation was deemed inadequate by interested parties in the U.S. The 301 U.S.-Chinese consultations in August 1991 proved frustrating, but the PRC promised to resume discussions over copyright and patent protection in October of that same year. The value of the PRC's exports to the U.S. is an estimated $700 million[38], so the threat of trade sanctions is palpable. After repeatedly threatening the imposition of sanctions, the USTR formally withdrew its Special 301 investigation in January 1992. As a result of the negotiations, the PRC agreed to enact new laws and regulations to expand the scope of protection, and to join two international copyright conventions by the summer of 1993.[39] Undoubtedly progress on these issues will be closely monitored, but the U.S. succeeded in getting the commitments that it sought.

Another noteworthy case was the PMA's filing of a 301 petition against Chile for failure to protect pharmaceutical patents. The PMA withdrew its petition after consultations with the Chilean government, which promised to enact a pharmaceutical patent law by late 1989. Subsequently, several patent laws were proposed but the PMA rejected them as inadequate. After continued bilateral discussions, Chile's new patent law went into effect in September 1991, for the first time extending patent protection to pharmaceutical products. The law guarantees protection for 15 years; the U.S. had requested a 20-25 year

guarantee but agreed that Chile was moving in the right direction.

These Section 301 cases demonstrate that the U.S. strategy has been largely successful in securing compliance on paper. The timing and substance of the new policies can be explained by a neorealist approach that emphasizes coercion. Furthermore, in nearly every case the targeted countries have engaged in foot dragging and have resisted implementing and enforcing the new policies. This suggests that while these countries have changed their policies, they have not changed their minds about the merits of intellectual property protection.

In its quest to secure more extensive guarantees of intellectual property protection, the U.S. has also threatened a target country's status as a GSP beneficiary. The 1974 Trade and Tariff Act included intellectual property protection as a new criterion for extending and/or maintaining GSP benefits. In two instances, one involving Mexico and the other Thailand, GSP benefits were denied for failure to enact adequate patent protection. In 1987 Mexico continued its refusal to pass pharmaceutical product protection, and lost $500 million in GSP benefits.[40] The USTR cited Mexico again in 1989 under Section 301, but dropped Mexico from the list due to evidence that Mexico was considering major changes in intellectual property legislation in 1990. In 1989 the PMA filed a complaint against Thailand, and when Thailand failed to acquiesce it was denied its duty-free benefits under GSP in the amount of $165 million. In

both cases the targeted government faced strong domestic opposition to greater intellectual property protection from powerful local drug manufacturers, and was concerned that extending pharmaceutical product protection would lead to higher consumer prices. These cases illustrate that countries can choose to resist external pressure and may do so even at substantial cost to themselves. These cases suggest both the operation of hegemonic coercion as well as its limits.

An especially sharp reversal from past policies of economic nationalism is currently underway in Mexico. Many factors are at work, including: the Mexican decision to join the GATT in 1986; the change in leadership that brought President Salinas to power in December 1988; Mexico's placement on USTR's priority watchlist; and Mexico's eagerness to participate in the North American Free Trade Agreement. In January 1990 the Mexican government enacted new legislation for technology transfer, which superseded the economic nationalism provisions of the 1972 and 1982 laws. In a nutshell, the 1990 provisions "... eliminated the 'babysitting' spirit of the [previous] law[s] and previous regulations, offering a framework of juridical and technical security by allowing the parties to negotiate without the intervention and ultimate decision of the government."[41]

The Mexican government also issued a Program of Modernization of Industry and Foreign Trade 1990-1994 that explicitly stated its commitment to stronger intellectual property protection. The connection between the 301 pressure and

the Mexican response was clear, as the U.S. immediately took Mexico off the priority watchlist. On June 28, 1991 Mexico enacted a new industrial property law that represented a marked reversal of past policies. The new Mexican law for the first time extended patent protection to chemical, pharmaceutical, agrichemical, and biotechnology products. The law also included provisions for the protection of trade secrets (which had not previously been protected by Mexican law), stipulated that the importation of patented goods would constitute "working" the invention, and virtually eliminated the grounds for granting compulsory licenses.[42] According to the public affairs director for Pfizer Inc., a U.S.-based pharmaceutical enterprise, "The Mexicans gave us everything we wanted."[43]

Even the Andean Pact countries have gotten on the intellectual property protection bandwagon. All of the member nations, except Bolivia, have been placed on USTR watchlists for intellectual property protection violations. Under pressure from the USTR, industry representatives, and transnational enterprises, the Andean Pact countries in February 1992, approved Decision 313 which "... reverses the trade group's traditional hostility to tough intellectual property protection and provides a uniform legal framework with a range of rules related to licensing, patents and trademarks."[44] Venezuela was the first country to formally enact its provisions in August 1992, but Colombia, Ecuador, and Peru have all taken steps toward formal enactment. Colombia and Venezuela are still being closely

monitored by U.S. patent owners, especially those in the Pharmaceutical Manufacturer's Association. U.S. pressure on these countries continues.

In sum, the concept of hegemonic leverage goes a long way in accounting for both the substance and timing of changes in developing countries' intellectual property protection policies. Indeed, even though most analysts argue that neoliberal explanations are superior in accounting for the content of policies, in this case the neorealist analysis appears to be sufficient. The policies have been the result of direct pressure from industry representatives via the USTR, who have been instrumental in shaping the substance of the new policies through consultations with targeted governments. However, the continued monitoring and repeated threats of renewed 301 action in the absence of satisfactory enforcement of the new policies suggest that the trend toward greater protection of intellectual property is not being as ardently embraced as the U.S. would wish. The patterns of compliance and resistance are precisely what one might expect from coercive hegemony. The targeted states acquiesce on paper, and do just enough to get the U.S. off their backs but no more. At this stage in their development they do not see intellectual property protection as being in their interests. These cases suggest the importance of interests and capabilities, and support the neorealist perspective.

ANTITRUST AS A CHOICE: INTERNATIONAL INSTITUTIONS AND CHANGE

By contrast to the intellectual property protection case, the adoption of antitrust policies in developing countries has been based on choice rather than coercion. These policies have been adopted voluntarily, and the international institutional machinery established in 1980 under the RBP Set has played an increasingly important role since the late 1980s. As with intellectual property rights, the economic crisis of the early 1980s is critical to the understanding of the shift toward antitrust policies in developing countries. However, the effects of the crisis were different in this case; in the antitrust context, hegemonic coercion and threats from industrialized countries have been absent.

The switch toward export-led industrialization and attendant economic liberalization have raised a host of economic issues that did not seem salient to developing countries during the NIEO era. Deregulation, privatization, and the liberalization of trade and investment climates pose new challenges for developing countries. For example, by removing governmental regulations over economic sectors, states need to ensure that these regulations are not replaced by private sector anti-competitive behavior, such as market allocation or price fixing. As states privatize formerly state-owned enterprises, they need to ensure that private sector owners do not abuse their positions and replicate the inefficiencies of the former state sector. By breaking up former state monopolies, states seek to ensure that the new entities do not engage in restrictive business practices.

In addition, by liberalizing trade and investment climates, developing countries are abandoning their former stance of discriminating against foreign-based multinational corporations.

Thus, an economic logic is at work insofar as a country eventually gains an interest in promoting competition in its domestic market as a consequence of liberalization. Yet this is an insufficient explanation for developing countries' sudden intense interest in antitrust issues. For this, a dual focus on the role of international institutions as purveyors of ideas and on the element of choice or voluntarism is more illuminating.

Undeniably, certain coercive elements have been at work, for economic policy changes have been in part driven by structural adjustment programs through the IMF and the World Bank.[45] Economic liberalization is a core component of IMF conditions for loans to developing countries.

Even so, what distinguishes this case from that of intellectual property protection is that an international regime, established in 1980 through the adoption of the RBP Set, has played a significant role in spreading the industrialized countries' conceptions of antitrust and competition policy. The institutional mechanisms established under the terms of the Set provide a forum for education, the drafting of legislation, and the training of officials in implementation and enforcement of antitrust laws and policies. Policymakers in developing countries are recognizing the connections between liberalization and antitrust policies, and are taking the initiative and

actively requesting the help and advice of the Intergovernmental Group of Experts (IGE). In other words, even though the adoption of national competition legislation may be a component of reforms under IMF conditionality, particularly in the case of African countries, the more proximate explanation suggests a significant role for international institutions and choice. The voluntarism in this case represents a sharp contrast to the transparent coercive hegemony of the intellectual property case.

A decade after the adoption of the Set, the President of the Second Conference to Review the Set opened the Conference by noting that:

> The world was now quite different from what it had been 10 years ago when the Set of Principles and Rules had been adopted, or even 5 years ago when the first Review Conference had been held. The past year, in particular, had seen very rapid changes in the international economy and there was now a greater and more widespread appreciation of the benefits of the free market and competition.[46]

Indeed, the UNCTAD secretariat had received an unprecedented number of requests for technical assistance under the terms of the RBP Code from both developing and Central European countries beginning in 1989.

Many different types of assistance have been requested, including regional seminars or workshops, national seminars, drafting legislation, and training RBP officials. Table 3 lists the countries that have requested assistance and the nature of

the requested assistance. In addition to these countries listed in Table 3, Argentina, India, the Philippines, South Korea, and Venezuela have all adopted antitrust laws and have cited both the Set and assistance coordinated by UNCTAD as influential factors in the design of their laws. UNCTAD initially provided assistance in the form of regional workshops to introduce interested countries to the operation of antitrust and the control of restrictive business practices. Due to the huge demand in this area, it has expanded its activities to include national seminars, advisory missions, training workshops, and on-the-job training internships.[47]

[Table 3 goes about here]

The first country to adopt RBP laws after the UNCTAD negotiations was the Republic of Korea. A spokesman for the Korean government that his country "...responded immediately after the adoption of the Set by introducing the Act for Monopoly Regulation and Fair Trade and had started a systematic control of anti-competitive and unfair business conduct."[48] In drafting the Korean legislation, the government modelled its law after those of Japan and Germany yet has added uniquely Korean elements. For example, violators of the law have been required to issue public apologies. The staff of the Fair Trade Office judges this remedy to be, "... perhaps even more powerful than monetary remedies."[49]

Korea has targeted the chaebol, or <u>domestic</u> industrial conglomerates; in 1981 the 30 Korean chaebol comprised less than

1% of corporations, yet accounted for 39.7% of sales in mining and manufacturing.[50] Over time there has been increasing domestic consumer demand to restrain the power of the chaebol. Once viewed as engines of development, in the popular mind they are now perceived as corrupt and inefficient. With the recent democratization of Korea, public pressure against the chaebol has accelerated. According to Koo Suk-moo, vice president of the Korea Economic Research Institute, "The general public has linked business activities with personal wealth accumulation.... They now look at them [the chaebol] as entities of destructive power and influence."[51] In response to this negative assessment, in April 1993 the Chairman of the Fair Trade Commission, Han Lee-hun, announced that the new government of President Kim Young-sam "... will use anti-trust laws as its main weapon to curb the economic power of the chaebol.... Han explained that ... their dominance of the domestic economy prevented the growth of small and medium businesses."[52] Specifically, the Republic of Korea amended its Fair Trade Act in November 1992, "... to strengthen restrictions on cross-ownership and capital investment limits for large business groupings"[53]; this was the strongest legislative measure yet to curb chaebol power.

Another key difference between Korea's antitrust policies and intellectual property protection is that Korea is implementing and enforcing antitrust policies. Between 1981 and 1985, "in every case involving a major chaebol, violations of the statute were found, and the subsequent corrective orders indicate

that the chaebol were treated no less harshly than other defendants."[54] In this case there is no discrepancy between the adoption of the policies and their implementation; Korea's National Assembly both supports and approves of the activities of the Fair Trade Office.[55]

Looking back on Korea's decade-long experience in the RBP field, the Korean spokesman noted that:

> ... technical co-operation from international organizations such as UNCTAD and from developed countries had been very useful. During the past 10 years, the various international meetings on antitrust or RBP control, including the IGE meetings and seminars held by UNCTAD, had provided his country with good advice which had been instrumental in the efficient enforcement and improvement of fair trade policy in Korea.[56]

Thus, by contrast to the Korean efforts to strengthen intellectual property protection, the Korean implementation of antitrust policy has been influenced by UNCTAD activities, has been undertaken for domestic reasons, and has the support of the populace.

While Korea was the post-Set "pioneer" in a sense, a number of other developing countries have also adopted antitrust legislation and policies to control RBPs. In Latin America the Andean Pact countries had participated in UNCTAD regional seminars and each requested national level workshops. As the Colombian spokesman said:

> The liberalization of markets had revealed a series of imperfections that were incompatible with the general principle of competition. As economies were liberalized the Set of Principles and Rules had shown its usefulness, but at the same time its shortcomings had become apparent. In this context, the dismantling of quantitative restrictions in Colombia had led to the adoption of antidumping and countervailing duty statutes, and the beginning of revision of antimonopoly legislation.[57]

In 1989 the Andean Pact countries decided to renegotiate Decision 230 dealing with restrictive and unfair trade practices within the region in order to promote free competition to consolidate the Andean market. Both the Chilean and Ecuadorian spokespersons underscored that the Set had been an important, albeit insufficient, reference in redrafting Decision 230.

Peru and Venezuela have also adopted antitrust policies. Peru participated in regional and national seminars conducted by UNCTAD, and has requested further UNCTAD assistance in training antitrust officials to implement and enforce these policies. In November 1991 the legislature passed over 126 laws, many of them designed to stimulate private sector activity, and radically reoriented the country's formerly statist economic policies. As part of this sweeping change Peru eliminated state monopolies in telecommunications, postal and railway services and utilities.[58] Venezuela hosted the UNCTAD regional seminar in September 1990. Venezuela's new antimonopoly law established an Anti-Monopoly

Superintendency to implement its policies. A 1992 test case before the Superintendency suggested that the new law would be applied stringently. Venezuelan Sugar Distributor Co. (DVA) contracted with domestic sugar mills to be the exclusive distributor of sugar to the mills and asserted its right to set prices. Superintendent Ana Julia Jatar has challenged these contracts and, "... says the firm must negotiate contracts without exclusive clauses in order to open the way for competition. Observers say Jatar could be testing the water with 'small fry' before confronting the powerful cartels that have traditionally dominated Venezuela's distribution system."[59] It is noteworthy that the Venezuelan law is targeting domestic monopolies; this is a clear departure from the Andean countries' earlier antitrust approach of targeting transnational enterprises.

Chile began liberalizing its economy most recently in 1985.[60] After returning to democracy in March 1990 the Chilean government strengthened the institutions responsible for promoting and implementing liberalization and free competition. In 1990 Chile revised its former Anti-monopoly Law (Decree 211 of 1973) to expand the responsibilities of the National Economic Tribunal (Fiscalia Nacional), which has extensive investigative powers, to include the control of price distortions with respect to imports (Law 18.525).[61] Chile also participated in UNCTAD's regional RBP seminar in Caracas in September 1990, and discussed

its experience in the control of RBPs. The Chilean delegate to the Second Review Conference stated that:

> ... his country was keen on constantly improving its legislation with the objective of promoting free competition. It was also worth mentioning that a World Bank loan has enabled the Anti-monopoly Commission to computerize its data base. All these developments were fully in line with the Set of Principles and Rules. Moreover, Chile was willing to share its experience with other countries wishing to adopt and implement competition legislation.[62]

By organizing and conducting the seminars and meetings, UNCTAD has created a forum in which developing countries can compare notes with each other as they begin adopting and implementing these new policies.

India has fundamentally changed its treatment of foreign investors, and since 1989 has relaxed barriers to entry. The Monopolies and Restrictive Trade Practices Act (MRTP) of 1969 had been used to limit the entry of foreign multinationals into the Indian market. However, a senior executive of a large Indian enterprise (the Tata Group) pointed out that, "the way the law is being applied now 'has the effect of keeping the legislation in tact while dismantling, in practice, the entire edifice of regulatory controls built up in the 1970s.'"[63]

Relaxing the former stringent criteria for industrial licenses, the Indian government has approved numerous joint

ventures between Indian firms and foreign multinationals such as 3M and Honeywell. In late 1988 the government approved of a major collaboration between Tata Iron & Steel Co Ltd (TISCO) and U.S.-based Timken Co. to produce bearings. "The controversial project won government permits despite vocal opposition from existing manufacturers - on the very grounds that likely would have led to its rejection a few years ago."[64] Other Indian bearing manufacturers argued that the Tata-Timken venture would flood the market and hurt local producers. The government's Monopolies Commission rejected their arguments and defended the venture on the grounds that: 1) it would result in product upgrading due to access to superior technology; and 2) the venture would not seize the dominant market share, but would create a countervailing force[65] and stimulate domestic competition. Thus India is easing its discrimination against foreign multinationals, and at times is even defending the merits of foreign multinationals' investment against local opposition.

In 1987 Sri Lanka adopted legislation and linked the importance of these policies to its efforts at liberalization, privatization, and industrial promotion. A government spokesman expressed concern that in a newly open economic environment,

> ...market forces could lead to concentration of market power. There was a need therefore for a legal framework to ensure that market forces would not contrive their own destruction. These objectives were to be achieved through the creation of the Fair Trading Commission of Sri Lanka,

which applied the principles laid down in the Set of Principles and Rules.[66]

Sri Lanka also received assistance from UNCTAD in a regional seminar, and a program to train RBP officials.

Similarly, the Philippine government introduced Bill No. 996 in 1989 to address antitrust and RBP issues. This bill proposed to establish an independent Anti-Trust Commission and various features of the bill were inspired by the RBP Code, U.S. laws and court decisions, and European models or experience. Speaking on behalf of the Group of 77 (developing countries), the Philippine delegate emphasized that "In the 10 years since the adoption of the Set, the functions of the Intergovernmental Group of Experts had assumed greater importance as Governments made competition policy a priority."[67] In November 1992 at the IGE meeting, the spokesman for the Philippine government indicated that UNCTAD had provided generous technical support for the development and institutionalization of Philippine competition policies.[68]

Many African countries, such as Ghana, Kenya, Nigeria, and Zambia, have also actively sought UNCTAD assistance in designing policies to control restrictive business practices. For example, Ghana availed itself of UNCTAD's services by: participating in a national seminar in February 1991; hosting an UNCTAD consultant and UNCTAD RBP staff member for a working visit for advice in drafting legislation; meeting with UNCTAD RBP experts in London in May 1992 and visiting London's Office of Fair Trading; and

returning to Geneva to discuss Ghana's RBP program with the RBP Unit of UNCTAD.[69]

In the African cases the structural adjustment policies of the IMF and World Bank have played an important role in promoting market-based economic policies. However, the Kenyan antitrust law recently came under severe criticism from the U.S. Agency for International Development (AID) as being far too sophisticated for such an underdeveloped market. And in March 1993 Kenya reversed its economic reforms; Kenyan President Daniel Moi announced that, "as a sovereign state, Kenya will no longer accept any form of economic arm-twisting from any quarter".[70]

The institutional mechanisms established in 1980 have come to serve a number of important functions. Multilateral assistance in the form of UNCTAD's regional seminars has introduced large groups of government officials to basic RBP control principles. The IGE has become a forum for informal consultations that "... served in the past to identify problems that developing countries ... faced in RBP control, had provided a forum for discussions of possible solutions to such problems and had served to establish important contacts between experts of developed and developing countries."[71] UNCTAD also has compiled and distributed a list of RBP control authorities in numerous countries, complete with phone numbers, addresses and fax numbers, and a standardized checklist for information requests and for steps that countries take in preparing a case and requesting consultation.[72] In this sense it is reducing

transaction costs for interested states, and thereby providing important benefits to participants.

Beyond reducing transaction costs, the IGE has become a source of detailed, substantive information about the rationale for and operation of the control of RBPs. During each session of the IGE, states are encouraged to engage in multilateral and bilateral consultations on RBPs, address specific problems, and establish contacts with experts. Participants have praised these consultations as helpful and informative, and in response to the IGE's request the UNCTAD secretariat has pledged to continue to provide facilities for these consultations. UNCTAD has encouraged States to present seminars on specific substantive topics at these meetings. For example:

> ... member countries of the OECD have suggested the following two topics for multilateral consultations: (a) "Deregulatory issues, including the appropriate regulation of natural monopolies"; (b) "The rights of defendants in competition investigations and proceedings." The United States has volunteered to make a presentation on the first topic and France on the second. Other States are invited to make presentations on these or other subjects they may wish to discuss during the session.[73]

This is precisely the type of exchange that the industrialized countries had originally envisioned for the IGE in 1980.

By contrast to the acrimonious First Conference to Review the Set in 1985, the Second Conference in 1990 was characterized

by a high degree of consensus on the merits of both the Set and the activities of UNCTAD in this area. At UNCTAD VIII, which took place in Cartagena in February 1992, member States agreed that:

> UNCTAD should pursue, through the Intergovernmental Group of Experts on Restrictive Business Practices, its work with regard to policies and rules for the control of restrictive business practices to encourage competition, to promote the proper functioning of markets and efficient resource allocation, and to bring about further liberalization of international trade.[74]

The NIEO focus on economic exploitation is absent from this formulation. As the spokesman for the industrialized countries noted, "... an increasing number of developing and eastern European countries were following the Set's principles in developing their own RBP legislation.... The Set ... had stood the test of time better than could have been imagined in 1980."[75]

The case of developing countries' antitrust policies is best explained by the neoliberal concepts of learning, voluntarism, and the role of international institutions. Clearly the RBP regime established in 1980 has played an important role in providing information, facilitating transnational learning, and getting developing countries on the RBP control bandwagon. In Ikenberry and Kupchan's terms, this is a case of "normative persuasion" in which the participating countries have learned

more about and accepted the idea of RBP control prior to adopting policies.[76] By actively approaching UNCTAD for help in the design of these policies and for consultations to improve their functioning, developing countries have been volunteers rather than coerced targets of hegemonic manipulation.

Developing countries have redefined their interests and this regime has made a difference. The institutional mechanisms provided by UNCTAD have expedited the adoption of new antitrust policies. Furthermore, UNCTAD has provided an arena in which developing countries can choose from an array of approaches to RBPs, design and adopt RBP control policies for their own reasons, learn from each other as well as from industrialized countries' experts, and do so in such a way that does not compromise domestic legitimacy.

CONCLUSION

Comparison of intellectual property protection and antitrust policies in the developing world provides numerous insights into the process of economic liberalization currently underway in developing countries. While the economic crisis of the early 1980s was a critical factor in the shift away from the NIEO program toward export-led, market-oriented policies, the process of economic reform has been quite different in intellectual property and antitrust. In the intellectual property protection case the exogenous shock of economic crisis amplified the effects of hegemonic coercion; this is consistent with a neorealist

explanation based on the power of the hegemon. By contrast, the economic crisis helped to resuscitate the moribund RBP regime a decade after its establishment, consistent with the neoliberal emphasis on choice, learning, and international institutions as purveyors of norms.

In the intellectual property protection case, a neorealist explanation based on coercive hegemony acounts for the substance of the new policies, and the timing of their adoption. The lack of implementation and enforcement also highlights the fact that these policies were adopted under duress. The targeted states have succumbed to the direct pressure of the hegemon, but have yet to embrace the norm of intellectual property protection. In the antitrust case, a neoliberal explanation based on learning, voluntarism, and the role of international institutions accounts for the substance, adoption, implementation and enforcement of the new policies. In practice, the implementation and enforcement of these policies reveals a redefinition of interests; the new policies are being directed at <u>domestic</u> enterprises, and in the case of India, reverse the NIEO hostility toward multinational corporations. The fact that there is no discrepancy between adoption and implementation in the antitrust case suggests that developing countries have redefined their interests and embraced the idea of antitrust.

The specific cases examined here demonstrate two different ways in which hegemonic norms come to be adopted in targeted states. In both cases developing countries have come to adopt

policies that the hegemon has long desired. The case of intellectual property protection demonstrates the mechanism of hegemonic coercion via manipulation of material incentives and use of threats. The case of control of restrictive business practices and antitrust policies illustrates the mechanisms of learning, voluntarism, and international institutions. Even though both types of policy change embrace a market orientation and integration into the global economy, the different mechanisms by which they have been adopted matter and suggest different prospects for the sustainability of these new policies.

In intellectual property protection the U.S. strategy was successful insofar as developing countries adopted new policies that reflected the hegemon's norms and value orientations. This case is an example of what Ikenberry and Kupchan refer to as socialization through external inducement, or, "'acts before beliefs'. The causal chain is as follows: external inducement ---- policy change (cooperation through coercion) ---- norm change (cooperation through legitimate domination)."[77]

The process of normative change is still underway, and is therefore still reversible. The distance between adopting policies on paper and believing in their intrinsic merits is significant. The fact that developing countries have not vigorously enforced these new policies suggests that domestic opposition is still robust. Interested private parties in the U.S., such as the Pharmaceutical Manufacturers Association, the International Alliance for Intellectual Property, the Business

Software Alliance, and the Semiconductor Industry Association, know that there is a great distance between formal policies and actual commitment to the value of heightened standards of protection and their enforcement. Thus they are continuing to monitor the implementation of these policies and to threaten 301 action.

To an important degree the depth and sustainability of these recent policy reforms in intellectual property protection will depend on the emergence of politically influential indigenous interests committed to this direction. In any significant policy shift there are bound to be winners and losers. The U.S.'s 301 strategy has helped to mobilize developing countries' domestic opposition, particularly among local pharmaceutical manufacturers and others who profit from piracy. It has also put elites in developing countries in a difficult position. If they buckle under U.S. pressure, they are subject to criticisms of selling out their sovereignty to foreign interests; this has been particularly acute in Thailand but has arisen in other countries as well.

The new policies' legitimacy has been challenged, and 301 is becoming a powerful symbol of foreign interference in domestic affairs. This coercive strategy might well backfire. In extreme cases, such as in Thailand, caving in to foreign pressure could upset the delicate balance that keeps reformers in power, and lead to a nationalist backlash and the ouster of market reformers.

By contrast, the prognosis for the control of RBPs appears to be more positive. Developing countries are moving in the same market-led direction by adopting these policies. They are moving more slowly than is the case with intellectual property protection, but they are tailoring these policies to fit their particular situations with the help of UNCTAD. They are also voluntarily making use of the resources provided by the RBP regime. These policies will be more politically palatable and will be perceived as more legitimate because they cannot be construed as the result of buckling under crude foreign pressure. In this case persuasion has helped these countries re-evaluate where their material interests lie.

Based on the contrasts between the two cases, it would seem that the U.S. might be better off by concentrating on education and persuasion in intellectual property protection. As more developing countries' domestic industries suffer from a lack of adequate intellectual property protection and as their high value-added export products that incorporate intellectual property come to be pirated, these industries will support stronger enforcement. For example, Taiwanese computer exports have already been pirated in Southeast Asia, England, and the PRC, and Taiwanese toy manufacturers have also been the victims of piracy. Large, well-established export industries in Taiwan have lobbied for policy changes to curb piracy and counterfeiting of Taiwanese goods.[78] Video and record producers in Brazil, Mexico, Korea, the Philippines, and Singapore, computer

associations in Thailand and Malaysia, and some drug manufacturers in India have all demonstrated an interest in stronger standards of intellectual property protection.

The U.S. should pursue links with indigenous developing countries' industries that would benefit from stronger intellectual property protection. These policies will be effectively implemented only when these countries embrace them for their own reasons, and by backing off on the 301 approach the U.S. will not be creating untenable political situations abroad.

Finally, by adopting a more constructive approach and pointing out how developing countries' material interests would be better served by vigorous enforcement the U.S. can reduce the costs of maintaining the economic order. If the U.S. can be patient it will not need to use coercion. 301 is a cumbersome diplomatic tool; it is time- and energy-consuming and it generates ill will in targeted states. Getting more developing countries on the intellectual property protection bandwagon will help the U.S. in its quest to secure a multilateral instrument through the GATT. If the U.S. succeeds in this quest, it will not need to pursue the 301 route to guarantee intellectual property protection. Forging transnational links between private parties will become increasingly important as a way to marshal lasting support for maintaining an open international economic order.

TABLE 1

Value of Exports of Goods and Non-Factor Services

in U.S. $ Millions

	1980	1987	1988	1989	1990	1991
Argentina	9,893	8,134	11,067	11,759	14,727	14,834
Brazil	21,857	28,073	35,650	36,394	33,239	33,817
Chile	5,968	6,306	8,267	9,617	10,152	11,190
China	20,085	43,823	51,753	56,287	66,219	75,734
Colombia	5,747	6,394	6,674	7,269	8,678	9,254
India	11,281	16,215	18,218	20,913	22,685	21,950
Indonesia	22,122	18,271	20,878	24,849	28,715	33,224
ROK	21,921	55,041	69,312	71,734	74,294	n.a.
Malaysia	14,098	20,149	23,359	27,680	33,011	39,053
Mexico	20,752	27,500	29,100	32,865	38,389	n.a.
Thailand	7,939	14,665	20,428	25,291	29,230	35,502

Source: World Bank, Trends in Developing Economies 1992 (Washington, D.C.: International Bank for Reconstruction and Development, 1992)

TABLE 2:

U.S. Experience Under Section 301

Case	Filed	Terminated/ or Suspended	GSP Beneficiary	Elimination of Practice
301-49 Brazil Informatics	1985	1989	yes	yes
301-52 South Korea Intellectual Property Rts.	1985	open	yes	yes
301-61 Brazil Pharmaceutical Patents	1987	open	yes	yes
301-68 Argentina Pharmaceutical Patents	1988	1989	yes	yes
301-82 Thailand Copyright Enforcement	1990	1991	yes	yes
301-84 Thailand Patent Protection	1991	open	yes	open
301-85 India Intellectual Property Protection	1991	open	yes	open
301-86 FRC Intellectual Property Protection	1991	1992	no	yes

Source: adapted from Sykes, (1992)

TABLE 3: STATUS OF RBP TECHNICAL ASSISTANCE PROGRAMS

Requesting Country	Regional Seminar	National Seminar	Drafting Legislation	Training RBP Officials
Albania	R	R	-	-
Argentina	X	X	*	P
Bangladesh	X	-	-	-
Botswana	X	-	-	-
Bolivia	X	-	-	-
Brazil	X	NA	*	R
Brunei	X	R	-	-
Bulgaria	R	R	-	-
Cameroon	X	R	R	-
Chile	X	X	*	X
China	X	X	R	R
Colombia	X	R	++	-
Costa Rica	X	R	-	-
Cuba	X	X	-	-
Democratic People's Republic of Korea	X	R	-	-
Dubai	R	R	-	-
Ecuador	X	R	-	-
Egypt	X	R	-	-
Ethiopia	X	-	-	-
El Salvador	X	-	-	-
Fiji	X	-	-	-
Gambia	X	-	-	-
Ghana	X	X	++	P
Guatemala	X	-	-	-
Guinea	X	X	R	-
Honduras	X	-	-	-
Indonesia	X	X	R	R
India	X	-	*	-
Iran	X	-	-	-
Kenya	X	X	*	X
Lesotho	X	-	-	-
Liberia	X	-	-	-
Madagascar	NA	R	-	-
Mexico	X	R	-	-
Mongolia	X	R	-	-
Morocco	X	R	-	-
Myanmar	X	R	-	-
Nepal	X	-	-	-
Nicaragua	X	-	-	-
Nigeria	X	P	P	P
Oman	-	R	-	-
Pakistan	X	-	*	-

Table 3 Cont'd

Requesting Country	Regional Seminar	National Seminar	Drafting Legislation	Training RBP Officials
Peru	X	X	*	R
Poland	R	R	*	-
Philippines	X	X	++	-
Republic of Korea	X	-	*	-
Romania	R	R	-	-
Russian Federation	X	R	*	-
Somalia	X	-	-	-
Sri Lanka	X	R	*	X
Swaziland	X	-	-	-
Thailand	X	X	*	-
Trinidad and Tobago	X	R	-	-
Tunisia	X	-	*	R
Uruguay	X	-	-	-
Viet Nam	X	P	-	-
Venezuela	X	-	*	-
Zambia	X	X	P	P
Zimbabwe	X	-	++	-

Key to Symbols: X = Action has taken place; R = Action has been requested; P = Action is planned; * = Country has a law; ++ = Drafting of legislation in progress; - = No action presently planned; NA = Not applicable.

Source: adapted from, UNCTAD, "Activities Relating to Specific Provisions of the Set: Technical Assistance, Advisory and Training Programs on Restrictive Business Practices", TD/B/RBP/83 (6 August 1991), p. 5, para. 20; and TD/B/RBP/90 (28 July 1992), pp. 11-12.

1. Andean Pact, Decision 24 (1970), Resolution 85 (1974); Argentina, Law Number 19,231 (1971), Law Number 20,794 (1973); Brazil, Ordinance 15, "Normative Act" (1975); Mexico, Law Governing the Registry for the Transfer of Technology and the Use and

Exploitation of Patents and Trademarks (1972), Contracts and Agreements Law (1973); India, Patents Act Number 39 (1970).

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American Election News in Comparative Perspective

Holli A. Semetko

Center for Political Studies, Room 4034
Institute for Social Research
University of Michigan
426 Thompson
Ann Arbor, MI 48109

Tels: (313) 936-1777 (office)
(313) 764-3341 (fax)
Email: USERGDXV@UM.CC.UMICH.EDU or
USERGDXV@UMICHUM

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Abstract

American Election News in Comparative Perspective

Holli A. Semetko

This paper describes an ongoing cross-national study of the role and influence of the media in national election campaigns involving several countries -- Germany in 1990, the U.S. and Britain in 1992, and Spain in 1993 -- and presents key findings based on data from the first three. Television news, one of the most credible sources of information at election time, is the focus of the paper.

This paper has two general aims. One is show how television news covered the U.S. 1992 presidential campaign and determine whether this has changed in important ways since the early 1980s. Comparisons over time are based on identical content analyses of the 1984 and 1992 campaigns. This study also shows how campaigning on television in the 1990s compares across three Western democracies. In each of these countries, main evening flagship news programs were content analyzed, using comparable codebooks and variables. Television news producers and editors were also interviewed and newsroom observation studies were conducted during the campaigns in each country at "NBC Nightly News" in New York, ITN's "News at Ten" in Britain, ZDF's "heute" in Germany.

How important are election campaigns in TV news? What opportunities does TV news afford politicians to communicate to citizens? How do reporters influence news content? Are reporters' comments about the candidates exceedingly critical or unusually obsequious? How much attention is given to the real issues and problems facing the country in comparison with the spectacle of campaign events and the 'horse race'?

The over time comparisons of U.S. election news suggest that 1992 represented a retreat from a preoccupation with opinion poll reporting, which was down significantly from the previous decade despite the added excitement of a competitive three-way race. The substantive issues were given considerably more attention in the bulletins. TV reporters in 1992 nevertheless exercised

considerable discretion over the news agenda by initiating the main topics of stories, by including numerous non-party actors such as voters, experts and the journalists themselves in most stories, and by often offering evaluative comments about the candidates.

In a cross-national comparative context, however, despite the increased emphasis on the substantive issues in 1992, the U.S. is at the low end of the continuum on issue coverage. Germany was at the high end, given the unprecedented problems surrounding unification and developments in the East. Britain was also much closer to Germany than the U.S. with respect to the amount of issue coverage. U.S. news continued to be more preoccupied with the events of the campaign and the personal qualities of the candidates than TV news in other countries. Germany was at the low end of the continuum with respect to campaign coverage, with Britain closer to the U.S. at the high end.

On the relative power of politicians and the media to initiate TV news, Germany was most open to politicians' inputs and reporters rarely initiated news stories. In the U.S., by contrast, the media initiated considerably more news than the candidates or parties, and British news appeared more like the U.S. in this respect. The high visibility of politicians in election news in Britain, however, runs counter to this and suggests that British news, like German news, was in fact far more open than U.S. news to featuring politicians in stories. German and British reporters were also much more likely to simply describe the activities of politicians in a neutral fashion, rather than offer an evaluation (reinforcing or deflating the message of the politicians), whereas U.S. reporters' comments were more often evaluative.

U.S. reporters are thus unusual in the extent to which they shape the television news agenda. This is evident in the comparatively high proportion of evaluative comments made about candidates, the comparatively low visibility of candidates and parties versus non-party actors, and the comparatively high

proportion of media initiated news stories. The fact that Britain's commercial program (ITV) often appears more like U.S. news than its BBC public service competitor, is probably reflective of the more competitive television marketplace that has developed in that country over the past decade. BBC and ITN news in the 1983 general election, in many respects, was more similar than different (Semetko et al. 1991).

German TV news is unusual in the comparatively little attention paid to the campaign, the advantage given to the incumbent parties of government in terms of their ability to initiate the news as well as their visibility as actors in news stories, and the remarkable lack of directional commentary by reporters about politicians. Unlike Britain where the television programs are virtually saturated with campaign news, the German 1990 national election campaign, during its "hot phase," was only occasionally visible in the TV news media.

Previous studies have identified a number of system-level factors which may influence the content of campaign news on television. Based on newsroom observation in each national setting during the campaigns several additional factors which may influence the content of election news are identified here: news values and how they are applied the selection of stories; television journalists perceptions of their roles; the mission of the news program; and the perception of the campaign as important and significant, and deserving of coverage in the program.

American Election News in Comparative Perspective

In the expanding field of political communication research, until fairly recently, comparative studies have been noticeably absent even in the form of single country case studies. 1 The existing literature on comparative electoral behavior has been accomplished largely through secondary analysis of surveys that have been independently conducted, with little or no attention paid to campaign communication. 2 Yet, as Kaase (1987) argues, even individual voting behavior can only be explained with an understanding of the "institutional, organizational and local contexts" in which citizens are imbedded.

Comparative analysis provides an opportunity to "escape from ethnocentrism" so common to most research (Dogan and Pelassy 1984). It permits us to learn whether theories developed in one national context hold in other national contexts (Przeworski and Tune 1970). Without variation in institutional contexts, it is simply not possible to establish how the particular configuration of media and political institutions in one country influences the information environment and, potentially, public opinion. Comparative analysis allows us to examine how those involved in the political communication process -- citizens, political parties, and the media -- behave when operating under different institutional constraints and to elaborate the consequences of this for democratic politics.

This paper presents some key findings from a cross-national study of the role and influence of the media in national election campaigns involving several countries -- Germany in 1990, the U.S. and Britain in 1992 and Spain in 1993. The project builds and expands upon an earlier cross-national comparative study of media content and the news production process in previous U.S. and British elections (Semetko et al 1991). It will draw on three comparable sources of data collected during the national election campaigns in each country: interviews with and observation of television journalists and editors at work in TV newsrooms; analysis of media content during the campaign; and

national surveys to ascertain possible media effects on public opinion about the parties, leaders and issues, as well as vote choice. 3 Both the press and television were important vehicles for information in each of these election campaigns. Television news, one of the most credible sources of information at election time, is the focus of this paper. Since the data from each country are at various stages of analysis, results from the newsroom observation and media content analyses in the U.S., Britain and Germany are presented here.

The Cross-National Comparative Project on Media and Elections

Political scientists have traditionally thought about election campaigns in terms of short-term and long-term influences on the vote. In recent years, short-term factors have come to play a greater role in electoral choice as the pool of potential floating voters has increased in most Western democracies (Dalton 1988). There has been a general trend toward greater issue voting in the past twenty years and in almost every country this has been accompanied by a decline in the influence of social class, religion and other social characteristics on vote choice (Baker, Dalton and Hidebrandt 1980; Miller et al 1991).

In parallel with these developments, mass media have come to play an increasing role in election campaigns, both as a primary battleground for politicians and as a primary source of information for electors. Broadcast and print media are nowadays the predominant sources of election campaign information for citizens in virtually all Western democracies. As a source of campaign information, mass media are also more important than direct contact via canvassing, attendance at political rallies, or political discussions.

Private television channels have come into existence only fairly recently in Germany and Spain. As a result, the audience ratings for the public broadcasting channels which once held a monopoly have declined markedly. The 1990 German national

election and the 1993 Spanish national election were the first campaigns fought under the circumstances of this new media environment, in which broadcast news audiences had access to multiple information sources and were broadly dispersed among public and private channels. Politicians had a larger number of outlets at which to aim their campaign activities than ever before and electors had a wider range of choice in obtaining information about the campaigns. In Britain, the main evening news programs on the BBC, the public service channel, and on ITN, on the commercial ITV channel, continue to be the flagship programs, and in 1992 a new satellite commercial channel, SKY News, also covered the campaign (Semetko forthcoming).

The project addresses two general questions. The first concerns the relative influence of politicians and the media in the shaping of the campaign agenda. Although agenda-setting studies have been among the most prominent and significant contributions to political communication research over the past decade, the literature has generally failed to question and examine the presumed discretionary power of the media in the agenda-setting process (Shaw and McCombs 1977; Weaver et al. 1981; Iyengar and Kinder 1987). In this study, the concept of agenda-setting is extended to include the contributions of potentially powerful news sources. The central question here is: How is the campaign agenda formed and what are the relative contributions of the media and the candidates/parties to this process?

The second question addressed by this project concerns the impact of campaign news coverage on electors: What influence does campaign media coverage have on citizens' attitudes and responses to the campaign? More than a decade of research on mass media effects in the U.S., Britain and Germany suggests that, under certain circumstances, media use is related to recognition and recall of candidates, gains in knowledge about party policies and issues, and increases in issue salience (Blumler and Semetko 1987; Schoenbach 1987; Kaase 1986; Noelle-Neumann and Mathes 1987; Graber 1989). Election coverage also

has been found to influence turnout and voting behavior, under certain circumstances (cf. Norpoth and Baker 1980; Baker and Norpoth 1981; Blumler 1983; Neuman 1986). The public's reliance on a wider range of broadcast news sources suggests a potentially greater role for the media than in previous campaigns.

Two points regarding the bases for cross-national comparisons deserve mention here, before turning to the factors which may influence the content of election news. One is the length of the campaign in each country and another concerns the media compared here.

The length of the election campaigns varies from country to country and for purposes of comparison, the "official" campaign period is used. In the U.S., this runs from Labour Day in early September to Election Day in early November. The British campaign is shorter, running from three-and-a-half to four weeks, between the time Parliament is dissolved and the election is held. In Germany, the two months prior to Election Day constitute what has been called the "hot phase" of the campaign, when political advertising is aired and politicians are actively campaigning for re-election. In Spain, the "official" campaign runs approximately two weeks prior to Election Day and in 1993 this was from May 20 to June 8, during which time the parties' ads are aired on television and news is closely monitored by the political parties. But the parties began campaigning in mid-April, when Parliament was dissolved and elections were called.

In each country, the national main evening news programs are a central source of information for electors during the campaigns and are the focus of politicians' daily campaigning activities. Although a number of other political magazine programs are offered in Germany and Britain during election time, and far more than in the U.S., the viewership of the main evening news is the most widespread and the politicians in each country attach the greatest importance to it for reaching electors during the campaign.

Influences on Television News Coverage of Election Campaigns

There were significant differences between Britain and the U.S. in the coverage of election campaigns in the early 1980s and in the extent to which politicians were able to influence that coverage (Semetko et al 1991). The similarities and differences in the campaign information environments in these two countries were explained by a number of system-level factors, among which were differences in the media systems. The public service broadcasting system in Britain and the commercial system in the U.S. had important consequences for the content of campaign news. A country's media system was also identified as a key variable in shaping the campaign information environment in a earlier studies comparing legislative races in a cross-national context (Blumler and Semetko 1987; Schoenbach 1987). Another recent study comparing how broadcasting systems are financed also shows that this has important consequences for both the range and quality of news and information programming (Blumler and Nossiter 1991).

Over the course of the 1980s, there were a number of changes in the broadcasting systems in these countries which may have an important influence on the amount and substance of election news on television. One common trend in all three countries has been a move toward more channels and more competitive broadcasting systems (Becker and Schoenbach, 1989; Blumler and Nossiter, 1991). The public service broadcasting channels in Germany - ARD and ZDF - were the predominant sources of news for most viewers until the mid-1980s when two private channels - RTL+ and SAT1 - became available. Audiences are now distributed across all four channels (and two more recent ones - Pro7 and Tele5), although the two public service channels remain the most prestigious. In Spain, the news on Antena 3 has recently become the main commercial competitor to the news on the two public service channels TVE-1 and TVE-2, but there is also now news available on two other commercial channels -- Tele 5 and Canal Plus -- which are attracting increasing audiences. In Britain, the BBC and the commercial Independent Television News (ITN), its

main competitor since the 1950s, now face increasing competition from new companies, as the broadcasting system has become more fragmented and competitive. In the 1992 general election campaign, although BBC and ITN continued to be the news programs most watched, they faced competition from Channel 4 News as well as SKY News. In the U.S., the three main networks -- ABC, CBS, and NBC -- also face increasing competition from local cable markets as well as a CNN, which came into prominence in the 1980s and is now described as the "fourth network."

The degree of competition in the broadcasting systems, and the extent to which the public service channels occupy a predominant position, may thus have important consequences for the contribution of election news to the campaign information environment in these countries. If a public service broadcasting organization continues to occupy a predominant position in the television news market, then the competing commercial channels may be inclined to use the public service channel's news program as a model on which to base decisions about their own offerings. In Germany, for example, the private channels originally aimed to provide something quite different from the public service channels' news programs and opted for the up-beat style more common to U.S. news programs (Mathes and Semetko, 1991). Now, however, they have more or less returned to the "serious" tone of the public service channels. In Britain in 1992, ITN's advertising constraints meant that there was much less time to provide the detailed kind of election coverage found on the extended BBC bulletin and new story formats were devised with the aim of providing the most important information in an interesting fashion. These included analysis pieces by leading political correspondents in London as well as live coverage from the campaign trail with reporters travelling with the party leaders around the country. ITN and BBC nevertheless paid close attention to one another's program content.

Another potentially important influence on the content of election news is the degree to which the broadcasting organizations are autonomous from political control or influence.

Public service broadcasting organizations may be less autonomous than commercial organizations, and this may also have consequences for the content of election news. In Germany the political parties play a significant role in overseeing the public service television channels, and there is a premium placed on partisan sympathies in the promotion and hiring of television journalists. This may have very important consequences for what emerges in the bulletin as news about the campaign. In contrast to Britain and the U.S. where reporters describe themselves as politically neutral, German television reporters rely on "leftist" and "rightist" terminology to describe themselves and one another. Balance in the newsroom is viewed in terms of the numbers of "red" (SPD) or "black" (CDU) newspeople. In Spain, the popular assumption is that the news on the public service channels (TVE-1 and TVE-2) is pro-Government, or pro-Socialist, while the news on the main commercial competitor (Antena 3) is more pro-Conservative (or opposition), and this will be the first of this assumption with content analysis. Nevertheless, Spanish television news reporters for the most part refuse to claim allegiance to any political party.

A third, related, factor concerns the traditions or rules governing election news and election broadcasting generally. These range, on the one hand, from the rules about the availability of political advertising on television, to the traditions governing campaign coverage in the news bulletins. In Britain, where political advertising time may not be purchased but is instead made available to the parties free of charge, these two go hand-in-hand: the broadcasting organizations have used the ratio by which party election broadcasts (PEBs) are allocated as a guideline for measuring balance in election campaign news coverage (Semetko, 1991). So, for example, in 1992 when the Conservatives and Labour each received five PEBs and the Liberal-Democrats received four, the main news programs aimed at a ratio of 5:5:4 in the coverage of the political parties during the campaign. Both BBC and ITN kept a running tally of the amount of time the parties were seen in the bulletins during the

campaign, although ITN claimed to have moved away from letting "stopwatching" govern the selection of news in each program. Britain is exceptional in this respect. In Germany, balance in election coverage is assumed to be attained over the range of programs, and broadcasters do not necessarily strive for balance within a single program. In the U.S., as in Spain, there is little in the way of guidelines concerning balance in election news, other than an obligation to provide impartial coverage of political affairs generally. In past U.S. elections, at least, the amount of coverage of the political parties and the candidates has tended to be balanced (Semetko et al., 1991).

In comparing influences on the television news agenda, it is also important to note another trend common in all four countries: politicians' sophisticated campaigning styles. Politicians in all countries aim to stage events for the cameras during election time. The increasingly sophisticated campaigning styles may encourage television news reporters to respond to what they perceive to be staged events. This was already apparent in the U.S. and Britain in the early 1980s, where, though then still somewhat rare, "disdaining" comments were made by reporters covering the political leaders on the campaign trail to alert viewers to the manipulative efforts behind the parties' and candidates' activities (Semetko et al, 1991). In the 1990s, this perspective might be already woven into the fabric of election news coverage. British reporters in fact described this has having already been the case in the coverage of the 1987 campaign.

Network News Coverage of the 1992 U.S. Presidential Campaign

NBC news was content analyzed from September 1 to November 2, 1992. 4 Every story in each broadcast was included in the study, though stories which did not mention any U.S. politicians were only coded for their main subject, length and placement in the program. There were 548 stories on NBC network news during

this period. Of these, 219 or 40 percent, mentioned U.S. politicians while 60 percent concerned other non-political domestic news such as crime or sports, or foreign news. Of the stories mentioning U.S. politicians, 82 percent (N=179) also mentioned the presidential campaign. Taking all news (N=548) on NBC during this period then, the campaign was mentioned in 33 percent of stories. Four variables -- story topic, the initiation of story topic, the visibility of political actors, and reporters' evaluations of political actors -- are discussed here with regard to stories mentioning U.S. politicians. Non-political and foreign news is excluded.

What were the topics of political coverage during this period? Up to six topics were coded for each story, in order of predominance. As Table 1 shows, of the stories mentioning U.S. politicians, the top five main topics were: the candidates, the campaign, the economy, social policy, and the programs or records of the parties/candidates. As the first and third columns in Table 1 indicate, the rank order of topics is almost identical, whether one takes the number of stories as the base or the number of topics. The second column in Table 1 is an indication of the visibility of topics in stories, and shows that the campaign was a topic in 70 percent of stories, the candidates in 68 percent, the economy in 36 percent, social policy in 30 percent, and parties/candidates' programs/records in 22 percent. The campaign and the candidates thus surfaced as a topic in more than two-thirds of domestic political stories during this period, and the economy and social welfare issues in about one-third.

Table 1 about here

Looking at column one, substantive issues -- the economy, social policy, defense, education etc. -- were the main topics of one-third of news stories. Stories which had the campaign as their main topic included 10 percent about campaign strategy, tactics and organization; 10 percent on the presidential debates,

their analysis, voters' reactions, and the debate over the debate format; and only 5 percent on opinion polls. Stories which had the candidates as their main topic included 8 percent on the candidates activities on the campaign trial, 2 percent on the media treatment of the candidates, and 12 percent on normative character themes such as the draft issue for Clinton, Perot's judgment, and Bush on Iran-Contra.

A comparison with coverage of previous elections would probably reveal that news about the substantive issues was not only more apparent in 1992 but also ranked higher on the media agenda. In this respect, NBC's agenda initially seems more issue-oriented than the networks' agendas in the 1972 and 1976 presidential election campaigns reported by Patterson and McClure (1976) and Patterson (1980), the 1980 campaign reported by Robinson and Sheehan (1984), as well as the 1984 and 1988 campaigns (cf. Semetko et al. 1991). News about the horse race, despite the added uncertainty and excitement provided by the dark horse Ross Perot, did not dominate campaign coverage in 1992. One reason for this may be the networks' reactions to the 1988 campaign. Interviews with editors, producers and reporters at NBC Nightly News in New York over one week in October 1992 revealed that as a consequence of a post-election internal debriefing as well as the public criticism of the news coverage of 1988, NBC made a special effort to move away from what they described as the 'tarmac TV news' of that campaign, a reference to reporters' eagerness to cover every landing and take-off on the campaign trail at the expense of the substantive issues. 5 Lisa Meyers, who NBC assigned to Ross Perot during the campaign, in fact never left Washington to interview Perot or cover any of his limited campaign appearances during the two month period.

The degree to which candidates were successful in initiating the subjects of news stories was assessed. Story topics were classified as either candidate/party initiated, media initiated, or other initiated, others included non-party actors. Candidate/Party initiated topics were those stemming from politicians' planned public statements or activities. This

included, for example, speeches or statements made by candidates and party leaders at rallies and on the campaign trail. Media initiated topics were those which stemmed from reporters' activities, such as questions to politicians during press conferences or on the campaign trail. They were also present in investigative reports, poll reports, and stories taking elements from different time periods.

In 1992, story topics were far more often initiated by the media than the candidates. Taking the main topic of the story, the media initiated 63 percent and the three candidates/parties 29 percent, while others initiated 8 percent. Taking all topics in a story, the figures are nearly identical -- 64 percent media and 29 percent candidate initiated.

How visible were the candidates and other actors in political coverage? Up to four actors were coded for each story. Actors included all politicians as well as government officials, and other non-partisan or non-political actors. Table 2 shows that there was a slight incumbency advantage for George Bush, who appeared as the main actor in 13 percent of stories compared with 8 percent for Clinton. Because stories sometimes concerned both candidates equally, it is useful compare columns two and three and these continue to show that Bush was more visible than Clinton.

Table 2 about here

But the most remarkable finding in Table 2 is the extent to which non-partisan or non-political actors dominated the coverage of domestic politics during this period. A full two-thirds of stories had non-political actors as the main actor in the story, such as representatives of interest groups, state and local officials, voters, and journalists as experts. Journalists accounted for the majority of these non-political actors. This may have been unusually high on NBC because of the regularity of stories featuring the three reporters covering the candidates -- Andrea Mitchell, John Cocoran, and Lisa Meyers -- in a 'cross-

talk' format, in which they commented as 'experts' on the events of the day. Nevertheless, the amount of news devoted to non-political actors reactions to the campaign was substantial. This may be an indicator of the network's efforts to move away from having the candidates' travel activities set the agenda, though in 1984 it was already apparent that U.S. politicians, in comparison with their British counterparts at least, have less opportunity to influence the news agenda and get their messages across in their own words (Semetko et al. 1991).

How did reporters evaluate politicians? Stories including the activities of the top candidates were analyzed for reporters' comments, and up to five comments were coded for each story. A comment consisted of the reporter's statement, preceding or following 'soundbites' or actualities from politicians. Most stories contained fewer than five comments. This variable takes account of the voice-over only. What, then, did reporters themselves add to the coverage of the candidates? Did they 'reinforce' the message of the candidate, did they 'deflate' it, did they offer 'mixed' comments (ie. both reinforcing and deflating) or were their comments predominantly 'straight/neutral/descriptive'?

Eighty-four percent of stories mentioning politicians were analyzed for reporters' comments, and this amounts to 33 percent of all NBC news coverage when non-political domestic and foreign news is included (N=548). Table 3 shows that of the 186 stories containing reporters' comments, 'straight' or neutral remarks were the most common, followed by 'deflating' comments, 'reinforcing' comments, and 'mixed' comments. When offering directional remarks, reporters were thus more apt to criticize or 'deflate' the message of the candidate than 'reinforce' it.

Table 3 about here

Table 3 also shows how these remarks were distributed across the candidates. This reveals that although George Bush held an advantage in terms of visibility in the news, this was not one in

terms of the tone of the stories. Bush was by far more often the target of 'deflating' comments than the other candidates, whereas Clinton was most often the target of 'reinforcing' comments. The 'deflating' comments on the Bush/Quayle campaign were not solely pertaining to the economy. One-quarter were in campaign stories, 25 percent were in candidate stories (where Iran-Contra was a character issue), and 21 percent were in stories about the economy.

This preliminary look at the network coverage of the 1992 presidential campaign was intended to provide some of the most interesting details from a campaign that was unusual in many respects. Opinion poll coverage, on NBC at least, was down substantially from what it had been in 1984 when it had ranked third on NBC's agenda (following campaign news, and candidate news). In 1984 it amounted to nearly 16 percent of all topics in NBC news, compared with 4 percent of all topics in 1992. In 1984, the total number of topics on NBC (N=587) was also comparable to 1992 (N=581) (Semetko et al. 1991:139). In 1992, in fact, opinion polls surfaced as one among many topics in no more than 11 percent of stories. This is despite the fact that 1992 was a heated and competitive race, as well as a three-horse race, whereas during the Fall of 1984 Walter Mondale never came within ten percentage points of Ronald Reagan in the published polls.

The visibility of the candidates in comparison with non-political actors such as experts, business and union representatives, or other media, has also apparently shifted since 1984 quite dramatically toward the latter. Whereas in 1984 these non-political actors accounted for approximately 21 percent of actors in comparison with the presidential and vice-presidential candidates who accounted for about 52 percent, with the rest as other main party actors, in 1992 the figures were 60 percent non-political versus 26 percent for the candidates (cf. Semetko et al. 1991:127). Broadcasters in 1992 therefore appear to have moved well away from the 'tarmac', instead inclined to

take or 'make' the news from people on the street as well the 'experts' among them.

The initiation of story topics is another indicator of broadcasters enhanced agenda-setting role. Taking all networks in 1984, 41 percent of stories were initiated by the two candidates/parties, and 59 percent by the media (Semetko et al. 1991:125). This compares with approximately 29 percent and 63 percent respectively in 1992, with 8 percent initiated by others. Over the past decade TV news reporters have come to exercise even greater discretion in reporting the campaign and now play an even more substantial role in shaping the news agenda. These preliminary comparisons over time are for the most part reliable since the 1992 study used many of the identical variables as in 1984.

Is American coverage of elections -- in terms of the subject matter, the initiation of topics, visibility of political actors and reporters' evaluations of politicians -- the norm in other democracies? Was U.S. network news remarkable for the visibility it gave to the 1992 campaign or does the U.S. campaign appear less predominant when compared with that in other countries? Only a comparative approach can address these questions.

TV News in a Comparative Context

Two recent elections are used as the basis for comparison with U.S. network news -- Germany's 1990 December national election to the Bundestag which was preceded by a two month campaign, and Britain's 1992 April parliamentary election which was preceded by a one month campaign. Main evening network news on Germany's four Western channels (ARD, ZDF, RTLplus and SAT1) and on Britain's flagship main evening channels (BBC1 and ITV) were content analyzed using comparable codebooks and variables, by local teams of trained coders under the supervision of the author. 6 All stories mentioning politicians in each country are the basis for the comparisons.

Table 4 presents the main topic of stories mentioning politicians during the recent election campaigns in these countries. The campaign (including coverage of the candidates activities and personal qualities) was most important in the U.S. and least important in Germany, where it accounted for only 15 percent of stories. It is worth noting that most (10 of the 15 percent) of the German news concerned the Landtag (state level parliamentary) elections which took place in the new Eastern states as well as Bavaria and Berlin on October 14th. News about the campaign for the Bundestag was far less visible, and news about the parties' platforms or records almost non-existent. In Britain, there was substantially more coverage of the campaign and party leaders on the commercial program which, in this respect, appeared more like U.S. network news in its emphasis on the campaign trail than traditional British broadcasting. In addition, ITN gave substantially more space to coverage of the opinion polls than the BBC.

Table 4 about here

The substantive issues -- the economy, social welfare, and a number of related and country-specific issues -- on the other hand, were most important in Germany and least important, though not insubstantial, in the U.S. The issues and problems facing the country accounted for approximately 70 percent of stories in Germany, 40 percent in the U.S., and between 66 percent (BBC) and 49 percent (ITN) in Britain. Although U.S. network news was more concerned with the substantive issues than in had been in previous elections, its emphasis on what Patterson (1980) called the 'electoral game' nevertheless remains high when considered in a cross-national context.

What opportunities did the political parties have to initiate the topics of news stories? Table 5 presents the initiators of the main topic of news stories mentioning politicians in each country. Media initiation is highest in the U.S. (63 percent of stories) and lowest in Germany (16 percent),

with Britain much closer to the U.S. side of the continuum (50 percent on the BBC and 58 percent on ITN were media initiated). Reporters in the U.S. and Britain exert far more influence over the news agenda than their German counterparts. Germany is also unusual in the lack of balance in the initiation of news between the main contenders for power. The incumbent parties (CDU/CSU FDP) initiated substantially more stories than the opposition (SPD, Green, PDS). The Government and non-party sources also initiated more news in Germany than in either of the other countries.

Table 5 about here

If not successful at initiating the news, then how visible were the candidates and party spokespersons in the news in each country? Three findings in Table 6 are most notable. One is that in most cases, the incumbent held a slight visibility advantage over the main opposition candidate, though in Germany this the was the most extreme. The Chancellor featured as the main actor in six times as many stories as the SPD leader. Secondly, once we move away from the top candidates to consider lower-level party spokespersons, this visibility advantage was greatly diminished and sometimes non-existent except in Germany, where CDU/CSU or FDP party spokespersons appeared as the main actor in substantially more stories than the Opposition. Finally, U.S. news was unique in the emphasis placed upon other (non-party) actors, and this is largely a reflection of the fact that many stories featured voters or reporters themselves as experts or commentators. In comparison with their counterparts in other countries, U.S. politicians were the least visible despite the fact that the U.S. carried the most news about the campaign.

Table 6 about here

Finally, visibility is no longer an advantage if it results in negative news. How did reporters comment upon or evaluate the

activities of politicians? Up to five comments were coded in each story. Table 7 reveals that Germany ranked highest and the U.S. lowest on a continuum ranging from straight/neutral to directional: 96 percent of reporters' comments were straight or descriptive in Germany compared with 47 percent in the U.S. When reporters offered directional evaluations of politicians, they were slightly more likely to be 'deflating' than 'reinforcing' in the U.S., whereas the reverse was true for Britain.

Table 7 about here

Discussion

The over time comparisons of U.S. election news suggest that, on NBC at least, 1992 represented a retreat from a preoccupation with opinion poll reporting, which was down significantly from the previous decade despite the added excitement in 1992 of a competitive three-way race. The substantive issues were given considerably more attention in the bulletins. TV reporters in 1992 nevertheless exercised considerable discretion over the news agenda by initiating the main topics of stories, by including numerous non-party actors such as voters, experts and the journalists themselves in most stories, and by often offering evaluative comments about the candidates.

In a cross-national comparative context, however, despite the increased emphasis on the substantive issues in 1992, the U.S. is at the low end of the continuum on issue coverage. Germany was at the high end, given the unprecedented problems surrounding unification and developments in the East. Britain was also much closer to Germany than the U.S. with respect to the amount of issue coverage. U.S. news continued to be more preoccupied with the events of the campaign and the personal qualities of the candidates than TV news in other countries. Germany was at the low end of the continuum with respect to campaign coverage, with Britain closer to the U.S. at the high end.

On the relative power of politicians and the media to initiate TV news, Germany was most open to politicians' inputs and reporters rarely initiated news stories. In the U.S., by contrast, the media initiated considerably more news than the candidates or parties, and British news appeared more like the U.S. in this respect. The high visiblility of politicians in election news in Britain, however, runs counter to this and suggests that British news, like German news, was in fact far more open than U.S. news to featuring politicians in stories. German and British reporters were also much more likely to simply describe the activities of politicians in a neutral fashion, rather than offer an evaluation (reinforcing or deflating the message of the politicians), whereas U.S. reporters' comments were more often evaluative.

U.S. reporters are thus unusual in the extent to which they shape the television news agenda. This is evident in the comparatively high proportion of evaluative comments made about candidates, the comparatively low visibility of candidates and parties versus non-party actors such as voters, experts, or journalists themselves, and the comparatively high proportion of media initiated news stories. The fact that Britain's commercial program (ITV) often appears more like U.S. news than its BBC public service competitor, is probably reflective of the more competitive television marketplace that has developed in that country over the past decade. BBC and ITN news in the 1983 general election, in many respects, was more similar than different (Semetko et al. 1991).

German TV news is unusual in the comparatively little attention paid to the campaign, the advantage given to the incumbent parties of government in terms of their ability to initiate the news as well as their visibility as actors in news stories, and the remarkable lack of directional commentary by reporters about politicians. Unlike Britain where the television programs are virtually saturated with campaign news, the German 1990 national election campaign, during its "hot phase," was only occasionally visible in the TV news media.

Although the political parties regularly held rallies and the chancellor candidates were often campaigning in towns and cities, these activities were rarely reported in Germany's main evening television news programs. This general lack of emphasis on the campaign in the main evening news bulletins appears to be at least in part a consequence of editorial decisions, with newscasters assuming that stories merely about campaign events are not "hard news" and do not deserve coverage in the main evening news program. Those involved producing ZDF's main evening news program "heute," for example, who were interviewed as part of this study, believed the program should cover the issues of the campaign when they were "newsworthy", but the program should not serve as the transmitter of staged campaign events or "party propaganda". Cameras were rarely sent to the campaign rallies held by the chancellor candidates because nothing "new" was likely to emerge from the set speeches.

The German television news producer's response to the politicians' campaigning activities is thus unlike that of the British or the U.S. television news producer. ITN and the BBC, for example, in 1992 as in previous elections, sent camera crews and reporters along with the party leaders every day and to all the party rallies. Film from these events was broadcast almost every day of the campaign. And U.S. network news is very concerned with having colorful visuals which are often provided by the politicians' rallies and speeches on the campaign trail. Camera crews are sent with the candidates and are at all the campaign rallies. The German television news producer, however, is less preoccupied with having colorful visuals and more concerned with the substance of the story.

German television news about the campaign is thus quite different from the U.S. or Britain (cf. Mathes and Semetko 1991). Although incumbents in the U.S. and Britain also have the advantage of being seen "governing" during election campaigns, an effort is made by the news media to depict the incumbent or the incumbent party as a contender for power during the final stages of an election campaign, and most news about the President or

Prime Minister is often matched by a similar amount of coverage of the opposition parties or candidates. In Germany, however, this was not the case in 1990 -- a major hindrance to the opposition party's ability to communicate to voters via TV news. Whereas in the U.S. and Britain, campaign events provide an important opportunity for generating coverage in the news media, in Germany these are largely not covered by television news programs. They are also ignored by many of the current affairs programs which often take the form of panel discussions or issue-specific investigative reports.

Earlier a number of possible influences on the coverage of election campaigns in television news were discussed. Based on the study of the German 1990 campaign, in addition to those mentioned at the outset of this paper might be added four:

- news values and how they are applied the selection of stories,
- television journalists perceptions of their roles,
- the mission of the news program, and
- the perception of the campaign as important and significant, and deserving of coverage in the program.

With respect to the first of these, it is interesting to note that in German television news visuals do not appear to be as important a factor in the selection of a story for inclusion in the bulletin, in comparison with Britain and the U.S. Many German news stories are told by the anchor alone with a backdrop graphic in a blue box. In the U.S. and Britain, by contrast, if colorful visuals are not available the story may not be included in the program. News values in Germany, then, place greater importance on the substance of the story than on the content of the visuals.

With respect to the second point above, German television newspeople are not afraid to say that they are setting the agenda, but setting the agenda takes on different forms in comparison with Britain and the U.S. (Semetko, 1991b). In

Germany, it appears to involve preventing news from being aired rather than taking up and reporting on politicians' activities on the campaign trail or initiating stories about the issues or the horserace. To take one example, during the first observation day, the CDU launched its manifesto at a press conference. This merited only a 22 second anchor-in-studio item with no footage from the press conference. The item came very late in the bulletin. One editor's explanation was that the press conference contained "nothing new" and "therefore we thought about not including anything at all, but we decided to include something finally". In Britain, by contrast, reporters are more reluctant to claim an agenda-setting role though they are very interested in initiating news about the issues and the party platforms (Blumler et al. 1989). When the parties launched their manifestoes in 1992, both BBC and ITN contained lengthy pieces on party policy, including graphics as well as film from the party press conferences.

With respect to the third point, ZDF's concept of "Heute" as a hard news program designed to provide a concise summary of the most important events of the day, also restricts the amount of campaign news in the bulletin. There are a number of other political discussion programs on offer during prime time, dealing specifically with the election and fronting politicians in a discussion format. Moreover, the later program, "Heute Journal", much like BBC's "Newsnight," contains longer more analytical pieces concerning the campaign. Nevertheless, the largest audiences are those for the main evening television news programs. Audiences for political discussion programs and "Heute Journal" tend to be those who are already strongly interested in politics and the campaign.

Moreover, the campaign itself is not something the German news organization accounts for in budgetary terms. There is no separate budget for covering the events of the election campaign. Instead, it is covered as any other news story. One consequence of this is that cameras are not sent to all the political

rallies, so the material may not even be available from the pool of items for possible inclusion in the program.

Finally, in Germany, election campaigns are viewed as something manipulative, and are generally looked down upon by electors and newspeople. Adopting a paternalistic stance, television newspeople aim to sort out the truly newsworthy ("something new") from the "same old thing" (attacks, or reiterations of party policy), and many times decide not to bring any news of the campaign into the program. To protect viewers from the manipulative efforts of politicians then, the news more often than not contains no coverage of the campaign rather than critical coverage of the campaign. One could also argue, however, that this is also a consequence of the extent of political control in the public service broadcasting advisory councils and concern about possible criticism or negative repercussions from airing a critical story.

German television newspeople exert an important influence over the campaign agenda as presented on television news but the result of this is simply very little campaign news in the bulletins. German politicians, therefore, and particularly the opposition parties, are at a greater disadvantage in attempting to reach publics via television news during election campaigns than their U.S. or British counterparts. Whereas in Britain the campaign story is almost always aired with neutral voice-over comments by reporters, and in the U.S. the story is aired with pretty pictures often accompanied by evaluative voice-over commentary, in Germany the campaign story rarely even makes it into the bulletin.

Notes

1 Paletz's (1987) volume on Political Communication Research is an early notable exception that includes single-country case studies, as well two other volumes currently in progress (Beck, Gunther and Mughan, forthcoming; Kaid and Holz-Bacha,

forthcoming). Patterson and Donsbach's (1993) project on "Media and Democracy" is a genuinely cross-national comparative study of journalists in a number of democracies launched in the late 1980s.

2 There are two recent exceptions. Semetko, Blumler, Gurevitch and Weaver's (1991) work on party and media influences on media agendas in U.S. and British election campaigns one cross-national comparative study. Beck, Dalton and Huckfeldt's (1993) and Semetko and Roberts' (1993) work on the media and the 1992 U.S. presidential campaign is also part of a larger cross-national comparative project on the intermediation process in recent national elections, involving national teams of election researchers in Germany (1990), Britain (1992), the U.S. (1992), Spain (1993) and Japan (1993). Beck, Dalton and Huckfeldt received National Science Foundation support for their U.S. election study. In addition, the recent proposal by Steve Rosenstone, Donald Kinder and Warren Miller to the NSF entitled "Long-Term Support for the National Election Studies, 1994-1998" includes a justification and proposal for the comparative study of electoral systems, though this does not contain any request for support to study the role or use of the media in election campaigns in a comparative fashion.

3 In three of the four countries -- Germany, Britain and Spain -- panel studies were conducted of representative national samples of the electorates. The German study is the first for which the media effects analyses have been completed (see Semetko and Schoenbach, forthcoming). Semetko is grateful for the support Research Fellowship from the German Marshall Fund of the United States (1990-91) which provided partial support for the German election study. In the U.S. a single post-election survey was conducted due to the budget constraints (cf. Beck, Dalton and Huckfeldt 1993).

4 Two days in September and one in October are not included here for NBC. All news on all three main networks will be included in the final project. The content analysis of U.S. network TV news was supported by a grant from the Joyce Foundatoin.

5 I am grateful for the access to NBC Nightly News during the week of October 19th, and especially to Don Browne, Bill Wheatley, Tom Brokaw, Lisa Meyers, Steve Friedman, Jeff Zucker, and the many others on the staff who agreed to be interviewed and to work under observation.

6 An extensive analysis of the coverage in the German campaign, as well as its effects on public opinion, is provided in Semetko and Schoenbach, forthcoming. I would like to especially thank Klaus Bresser and Klaus Peter Siegloch at ZDF, as well as the many who agreed to be interviewed during my observation week at ZDF's "heute" main evening news program in October 1990. I am also grateful for access to ITN's "News at Ten" for thirteen days during the British 1992 campaign, and especially to Glyn Mathias and the many others who agreed to be interviewed. A detailed analysis of the British data can be found in Semetko, Nossiter and Scammell, forthcoming.

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Table 1: Main Story Topics in NBC News Coverage of U.S. Politics Sept. 1 - Nov. 2, 1992			
	Main Topic	All Topics (up to six)	
	(% of stories)	(% of stories)	(% of topics)
Candidates	27 %	68 %	26 %
Campaign Strategy 10 Polls 5 Debates 10	25	70	27
Economy/Budget	14	36	14
Social Policy	11	30	11
Candidate Programs/Records	8	22	8
Political Institutions	4	8	3
Foreign Affairs	4	10	4
Area Profiles	3	7	3
Defense	1	1	1
Environment	1	2	1
Education	1	5	2
Legal Issues	1	3	1
Infrastructure	*	1	*
Total	100 %	NA	100 %
N	(219)	(219)	(580)

* less than .5 %.

Table 2: Visibility of Political Actors in NBC News Coverage of U.S. Politics Sept. 1 - Nov. 2, 1992			
	Main Actor	All Actors (up to four)	
	(% of stories)	(% of stories)	(% of actors)
Bush	13 %	31 %	12 %
Clinton	8	26	10
Perot	5	9	4
Other Reps	4	13	5
Other Dems	4	19	7
Other Perot	--	2	*
Government	2	8	3
Non-Partisan**	64	158	59
Total	100 %	NA	100 %
N	(219)	(219)	(579)

* less than .5 %

** Includes state and local government officials not identified by party; business, professional, union, church, civil rights, and women's associations; voters; and journalists or other media actors as experts. The majority of actors in this category were journalists as experts.

Table 3: Reporters' Comments about Politicians on NBC News Coverage 1992 U.S. Presidential Campaign				
	(up to five comments per story)			
	(% of stories)		(% of comments)	
Reinforcing		58 %		20 %
Bush	19		7	
Clinton	29		10	
Perot	10		3	
Mixed		25		8
Bush	10		3	
Clinton	8		3	
Perot	7		2	
Deflating		72		24
Bush	41		14	
Clinton	15		5	
Perot	16		6	
Straight/ Neutral		137		47
Bush	59		20	
Clinton	49		17	
Perot	29		10	
Total	NA	NA	100 %	100 %
N	(186)		(539)	

Table 4: Story Topics in U.S., British and German Main Evening TV News During Recent National Election Campaigns				
	U.S.	Britain		Germany
	NBC	BBC	ITV	ARD, ZDF, RTLplus, SAT.1
Campaign/ Candidates	52 %	34 %	51 %	15 %
Party Programs/ Records	8	10	7	*
Social Welfare/ Related Issues	11	15	10	2
Economy	14	19	15	3
Foreign Affairs	4	1	--	28
Environment	1	2	2	2
Other**	10	19	15	50
Total	100 %	100 %	100 %	100 %
N	(219)	(191)	(136)	(1514)

* less than .5 %.

** In U.S.: area profiles, legal issues. In Britain: devolution, Scotland and electoral reform. In Germany: East German developments and issues (21 %), West German domestic non-campaign events such as the assasination attempt and recovery of Minister Schäuble (15 %), unification (8 %), immigration (1 %), other (5 %).

Table 5: Initiators of Main Story Topic in Main Evening TV News in Recent U.S., British and German Election Campaigns				
	U.S.	Britain		Germany
Parties	NBC	BBC	ITV	ARD, ZDF, RTLplus, SAT.1
Right-wing	12 %	14 %	7 %	29 %
Left-wing	10	7	7	17
Center	5	10	5	--
Other	1	8	4	2
Mixture of Parties	1	4	10	--
Media	63	50	58	16
Government	5	2	5	12*
Non-Party	3	5	4	24
Total	100 %	100 %	100 %	100 %
N	(219)	(184)	(135)	(1514)

* includes the Bundestag (5 %) and Bundesrat (2 %).

Table 6: Main Actor in Main Evening TV News Coverage in Recent U.S., British and German Election Campaigns				
	U.S.	Britain		Germany
	NBC	BBC	ITV	ARD, ZDF, RTLplus, SAT.1
Incumbent	13 %	7 %	12 %	12 %
Main Opponent	8	6	9	2
Other Right-wing*	4	26	27	42
Other Left-wing**	4	25	27	29
Other Political***	5	22	18	--
Government	2	2	3	8
Other	64	12	4	7
Total	100 %	100 %	100 %	100 %
N	(218)	(190)	(135)	(1514)

* In U.S.: Republican. Britain: Conservative. Germany: CDU/CSU and FDP.
** In U.S.: Democrat. Britain: Labor. Germany: SPD, Green, PDS
*** In U.S.: Perot and his campaign. Britain: Liberal and other small parties. German Liberals (FDP) have been classified as Right-wing because of their position in the CDU/CSU ruling coalition.

Table 7: Reporters' Comments About Politicians on Main Evening TV News Coverage of Recent U.S., British and German Election Campaigns				
	(up to five comments per story) (% of comments)			
	U.S.	Britain		Germany
	NBC	BBC	ITV	ARD, ZDF, RTLplus, SAT.1
Reinforcing	20 %	16 %	14 %	1 %
Mixed	8	4	11	*
Deflating	24	6	12	2
Straight/Neutral	47	74	64	96
Total	100 %	100 %	100 %	100 %
N	(539)	(224)	(172)	(2858)

* less than .5 %.

MEDIA USE AND INTEREST AMONG EAST AND WEST GERMANS

Holli A. Semetko

Center for Political Studies, Room 4034
Institute for Social Research
University of Michigan
426 Thompson
Ann Arbor, MI 48109

Tels: (313) 936-1777 (office)
(313) 764-3341 (fax)
Email: USERGDXV@UM.CC.UMICH.EDU or
USERGDXV@UMICHUM

Klaus Schoenbach

Institute for Journalism and Mass Communication Research
Academy for Musik and Theater
Hohenzollernstr. 47
30161 Hannover
Germany
tel: 011 49 511 3100 280
fax: 011 49 511 66 12 98

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Abstract

This preliminary report concerning waves one and two of an ongoing three-wave panel study among East and West Germans shows that levels of exposure to news media are high and have remained so over the past year in both parts of Germany, but generally higher for mainstream media (radio news, television news, and local newspapers) in the East than in the West. Secondly, interest in political reporting in the press and on television has declined slightly in the East over the past year while increasing slightly in the West.

The results from a first attempt to assess whether exposure to and interest in media coverage influenced strength of political efficacy suggests that media do exert an influence, though the sources and direction of effects were not uniform in both parts of the country.

MEDIA USE AND INTEREST AMONG EAST AND WEST GERMANS

Holli A. Semetko and Klaus Schoenbach

The celebrations over the unification of Germany in October 1990 were extended by the Bundestag election campaign until December 2nd of that year, when citizens in both parts of the country voted to return the incumbent CDU/CSU-FDP ruling coalition. Since that time, the economy has worsened, inflation has risen and, for a time, acts of violence against foreigners and asylum seekers were almost an everyday occurrence in one or another part of the country. Opinion about the parties of government shifted dramatically soon after the election, initially because of broken campaign promises on tax increases, and has continued to worsen. Recent polls indicate that if an election were held tomorrow, the coalition as currently configured would not retain a majority in the Bundestag. The most dramatic opinion shifts occurred in the Eastern part of the country, where citizens in large numbers voted for the CDU, but have since become increasingly supportive of the SPD while at the same time dissatisfied with both main parties.

The December 1990 national election was the first time citizens in both parts of the country voted in free elections for a joint federal parliament in over fifty years. It marked the beginning of a transition to democracy in the East. This brief report outlines some preliminary

findings from an ongoing three-wave face-to-face panel study of nationally representative samples of East and West Germans, which began in 1992 and will be completed in 1994. The study involved comparable surveys of publics in both parts of Germany, to assess political and social attitudes during this important and unprecedented time of transition.

The first waves were fielded in late February and March 1992, with 2,531 respondents in the West and 2,329 respondents in the East. The second waves were fielded in March 1993, with 1,652 respondents in the West and 1,515 in the East. This represents a panel retention rate of 65 percent in both parts of the country. The third waves will be fielded in spring 1994. 1

This paper addresses two general questions: How does media exposure and interest in political news compare among East and West Germans? Is there a relationship between media use and political efficacy among East and West Germans?

The media were an important source of information for electors in both parts of the country during the 1990 national election campaign, and particularly in the East where citizens displayed a greater 'need for orientation' (cf. Semetko and Schoenbach, forthcoming). Over an eight week period during the 'hot phase' of the campaign -- when the political parties' campaigning activities were well underway with billboards and posters on display, regular rallies, and numerous print and television ads, and

politicians featured regularly in the news media -- a number of short-term effects were caused by being exposed to campaign information or being interested in it (ibid). These included effects on issue salience, sympathy with the political parties and the top candidates, and knowledge about leading politicians and the parties' stands on the issues.

Exposure to Media and Interest in Political News

Almond and Verba (1964) described West Germans as well informed about politics and interested in following politics actively in the mass media. Baker, Dalton and Hildebrandt (1980) show how television became a major source of information and basis for the politicization of the German public over the course of the 1960s. Because of the Germans' extensive reliance on the media for news and information and because of the effects observed over the short eight week 1990 national election campaign, a number of media exposure and interest questions were included in the long-term panel study of East and West Germans. The routine reliance on the media for news and information was assessed with questions about how often (every day, almost every day, most days in the week, once a week, less, never) one reads newspapers, watches television news, or listens to radio news. Respondents were asked specifically how often

they read: the Bild, a national tabloid newspaper with regional inserts now available in both parts of the country; a local newspaper that reports about events in the city or town; and a national newspaper such as the FAZ, WELT, taz, the Sueddeutsche Zeitung or the Frankfurter Rundschau. These national newspapers are available around the country and vary in their political leanings with the FAZ and WELT on the right, and the Sueddeutsche center left, and the others on the left. Respondents were also asked about how interested they were in political reports in newspapers, and on television news (very strongly, strongly, somewhat, little, not at all).

Television news is the source of information relied upon by the largest proportion of the publics in both parts of the country. Between 89 and 92 percent watch TV news every day or almost every day. Regional newspapers are almost as important, between 78 and 86 percent read them regularly, closely followed by radio news which between 75 and 83 percent of publics turn to regularly. The 'prestige' or national newspapers are read by less than ten percent of the publics in both parts of the country. The Bild is a more important source of information in the West, where it is read by about 19 percent of the public, than in the East, where only about 6 percent read it regularly. Figure 1 displays the panelists' responses to the exposure questions.

Figure 1 shows that routine media use, as one would expect, hardly changed over the past year, in either part of

the country. Citizens in the East are more avid TV viewers, radio listeners, and local newspaper readers than citizens in the West, though three-quarters or more of West Germans regularly turn to these news media. The German public, therefore, is potentially a very well informed public. To put these findings in perspective, it is worth noting that when a representative national sample of the U.S. public was asked how often they read a newspaper or watch television news, only 47 percent and 44 percent said they did so regularly -- between 5-7 days in the past week (Semetko 1993).

Figure 1 about here

East Germans, in addition to being more often exposed to local newspapers and television news, are substantially more interested in the political coverage in these media than West Germans, despite the fact that interest has declined slightly since 1992 in the East while it has increased slightly in the West. In 1993, 45 percent of East Germans and 40 percent of West Germans were 'very strongly' or 'strongly' interested in political reports in newspapers, and 63 percent of East Germans compared with 53 percent of West Germans were interested in political coverage in TV news programs, as is shown in Figure 2.

Figure 2 about here

Media Influences on Political Efficacy

Four questions in the survey were combined into a single five point index to assess citizens' feelings of political efficacy, in other words, how much they personally feel they can influence the system. These items are listed in Figure 3.

Figure 3 about here

The five point political efficacy index ranged from very weak to very strong.

From the outset, the German public in both parts of the country was generally weak on the political efficacy scale. No more than 22 percent of the public ranked 'very strongly' or 'strongly' in both years, and this was as low as 15 percent, as can be seen from Figure 4. Political efficacy has also declined in both parts of the country over the past year.

Media exposure and interest measures were used as independent variables in a simultaneous multiple regression equation predicting strength of political efficacy in 1993. Exposure to radio news, television news, the Bild, national newspapers, and local newspapers in 1993 were the independent media exposure variables. Interest in political coverage in the press and on television news in 1993 were

also included as independent variables. 2 The dependent variable was lagged by including the political efficacy measure in 1992 as an independent variable in the equation (cf. Achen 1982:55).

Separate equations were run for the East and for the West. The results are in Table 1.

Table 1 about here

For East Germans, the following variables emerged as significant, in order of importance: efficacy in 1992, exposure to 'prestige' national newspapers, exposure to television news and exposure to radio news. Strength of political efficacy in 1992 was significantly correlated with the dependent variable in 1993 (beta .23). There was a considerable amount of change, though, suggesting that political efficacy is more of a state than a trait. It is likely to be influenced by new impressions of politics. Reading a national 'prestige' newspaper enhanced political efficacy (beta .15), as did listening to radio news (beta .07). Viewing television news, however, diminished political efficacy (-.07). This is not because television news viewers were particularly unefficacious from the outset -- the inclusion of our wave one measure of efficacy controls for this. Interest in newspaper coverage of politics was nearly significant at the .05 level (beta .07),

and positively associated with strength of political efficacy.

In the West, however, different media measures emerged as having a significant impact on West Germans' feelings of political efficacy. Again, political efficacy at the first wave was the strongest predictor (beta .24). In contrast to the East, exposure to radio and television news were not significant influences on West Germans' feelings of political efficacy. Reading a 'prestige' national newspaper, however, as in the East, was positively correlated with political efficacy (beta .17). Exposure to the daily tabloid Bild, though, was negatively correlated with the dependent variable, indicating that reading the Bild diminished political efficacy (beta -.12). Finally, as interest in political coverage in the press (beta .13) and on television news (beta .10) increased, so did strength of political efficacy.

Conclusions

Several general conclusions can be drawn from this preliminary report concerning waves one and two of an ongoing three-wave panel study among East and West Germans. One is that levels of exposure to news media are high and have remained so over the past year in both parts of Germany, but generally higher for mainstream media (radio news, television news, and local newspapers) in the East

than in the West. Secondly, interest in political reporting in the press and on television has declined slightly in the East over the past year while increasing slightly in the West. Thirdly, political efficacy -- measured by a four item index or scale -- was relatively weak in both parts of the country in 1992 and became weaker over the past year.

Finally, the results from a first attempt to assess whether exposure to and interest in media coverage influenced feelings of political efficacy suggests that media do exert an influence, though this was not uniform in both parts of the country. While exposure to television news served to diminish political efficacy among East Germans, it was not a significant influence in the West. In the West, however, exposure to the Bild, a national daily tabloid, diminished political efficacy. At the same time, other sources of information enhanced strength of political efficacy -- exposure to radio news and 'prestige' newspapers in the East, and exposure to the latter in the West. Being interested in political coverage in newspapers and in television news also enhanced political efficacy in the West though it was not significant in the East. All of these media effects on political efficacy in 1993, it should be remembered, emerged while controlling for political efficacy in 1992. This suggests that use of and interest in some media over the past year had important consequences for one's feelings of political efficacy.

Although we have no formal content analysis of the media coverage in these outlets over the past year, as media users we can offer some general comments which may help to explain these findings. The 'prestige' national newspapers are not sensationalist in their coverage of politics and the government. Their coverage might be described as generally "staatstragend." Exposure to the 'prestige' press strengthened feelings of political efficacy among readers in both parts of the country. The national tabloid Bild, however, is often quite critical of politicians generally and in a sensationalist way. Exposure to the Bild weakened political efficacy among West Germans. In the East, exposure to television news diminished political efficacy and one might speculate that this could be related to East Germans' greater reliance on private television channels for news. These news programs are competing with the public service channels for audiences with a more upbeat and entertainment-oriented reporting style. If news on the private channels is the television equivalent of the Bild, then it is not surprising that it diminishes feelings of political efficacy. Finally, being interested in political coverage (not just simply exposed to it) may make citizens more aware of the intricacies of politics and the difficulties of finding solutions to complex problems. Interest in political coverage in the press and on television emerged as significantly and positively associated with strength of political efficacy in the West.

A next step in the analysis will be to look more closely at the relationship between interest and political efficacy (cf. Baker et al. 1980), to establish whether these exposure effects remain when interest is used as a contingent condition.

Notes

1 The study was conducted by **ipos** in Mannheim, in collaboration with the author and representatives from the organizations which supported the study -- the Bundespresseamt, the Konrad Adenauer Stiftung and the Friedrich Naumann Stiftung. See **ipos** 1992a, 1992b, 1993a, 1993b.

2 Traditional demographic indicators such as education, gender and age are excluded from this analysis because we take account of the dependent variable at the first wave and are interested in the effects of media on the change in the dependent variable at the second wave.

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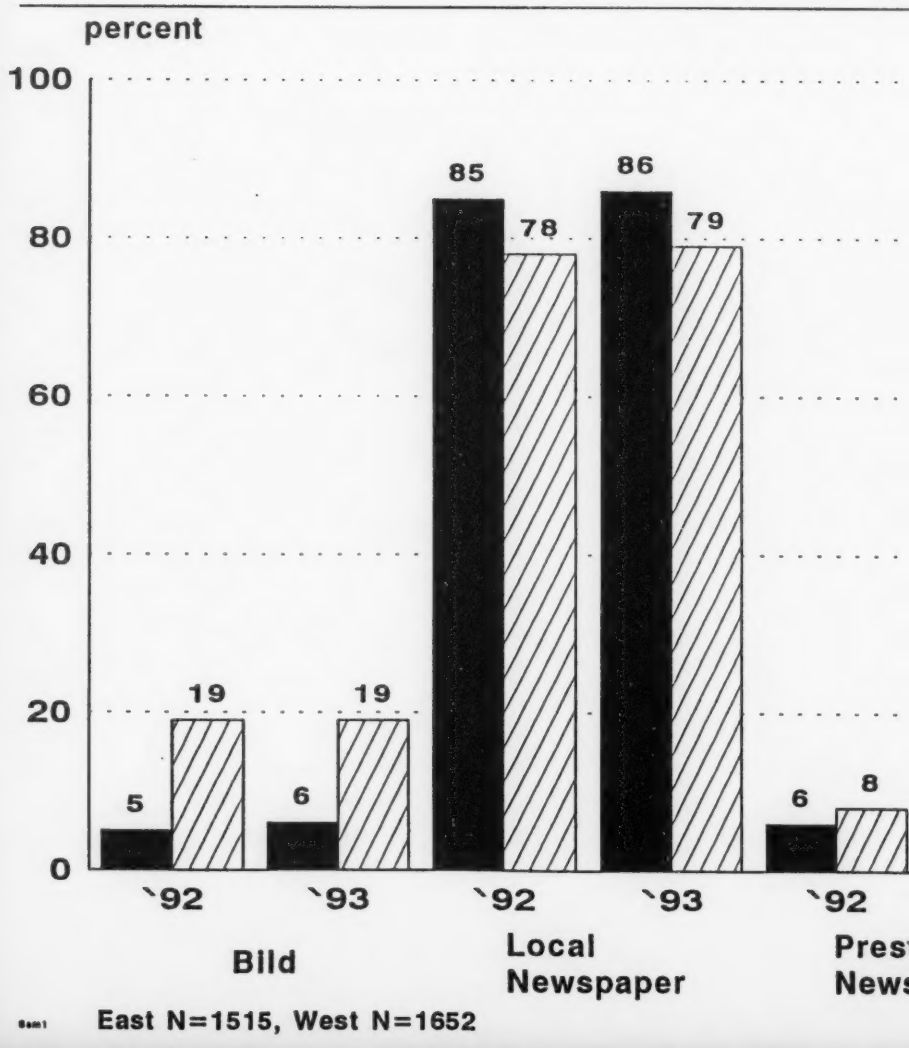
Figure

Media Use Among Eas

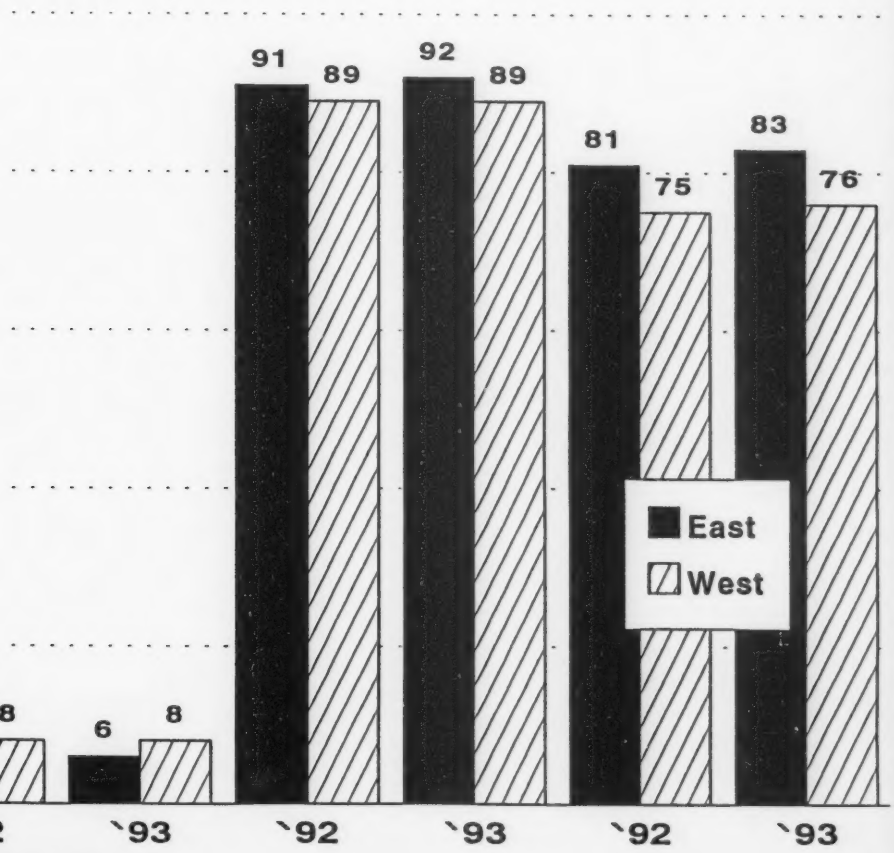
"Every day or almo



ure 1

ast and West Germans

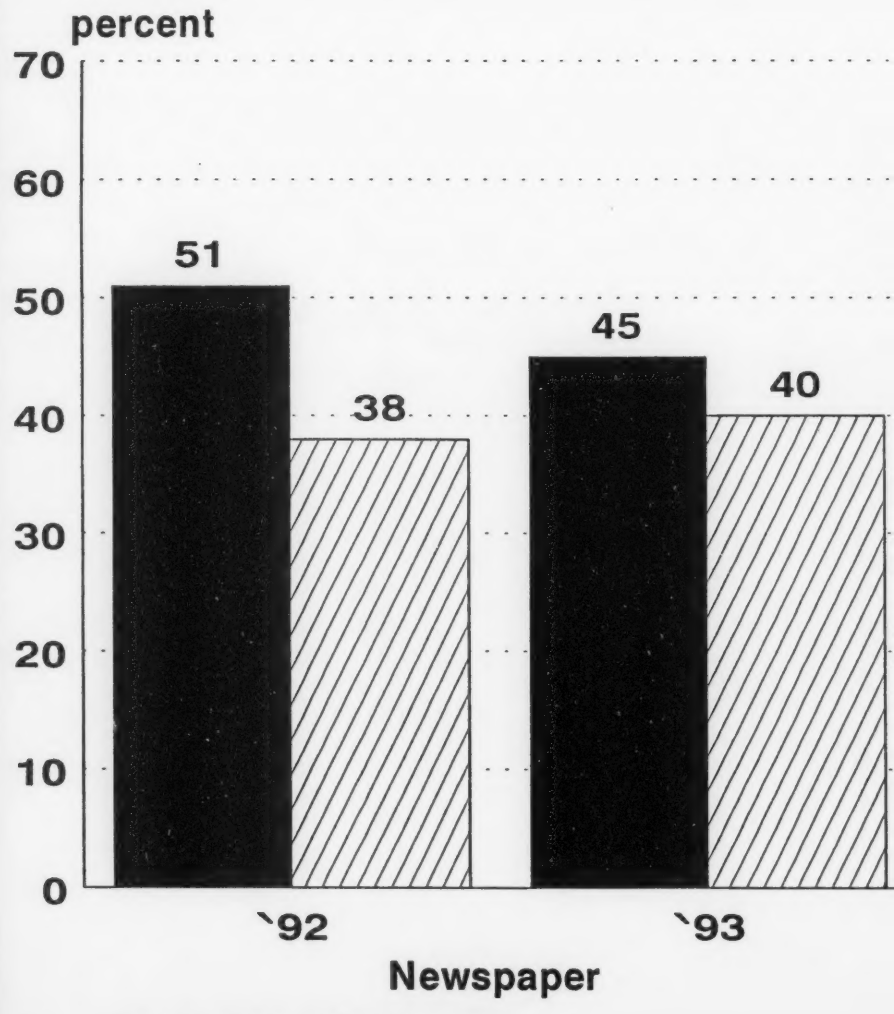
most every day..."



Figur

Interest in Political News amc

"Strong/ver



East N=1515, West N=1652

gure 2

nong East and West Germans

very strong"

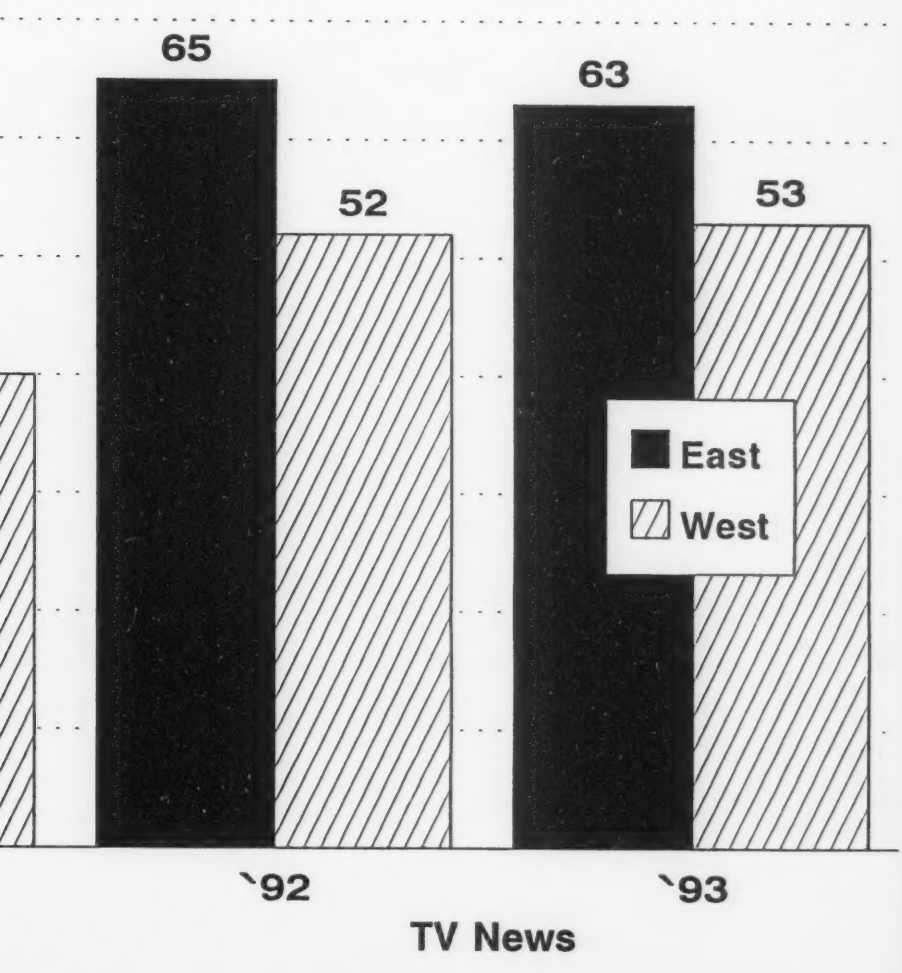


FIGURE 3

Political Efficacy Questions

Waves 1 and 2

East and West German Panel Study 1992-1993

1. Die Politiker kuemmern sich nicht viel darum, was Leute wie ich denken
(Politicians don't really care about what people like me think)

2. Manchmal ist die ganze Politik so kompliziert, dass jemand wie ich gar nicht versteht, was vorgeht.
(Sometimes politics is so complicated that someone like me just can't understand what is going on)

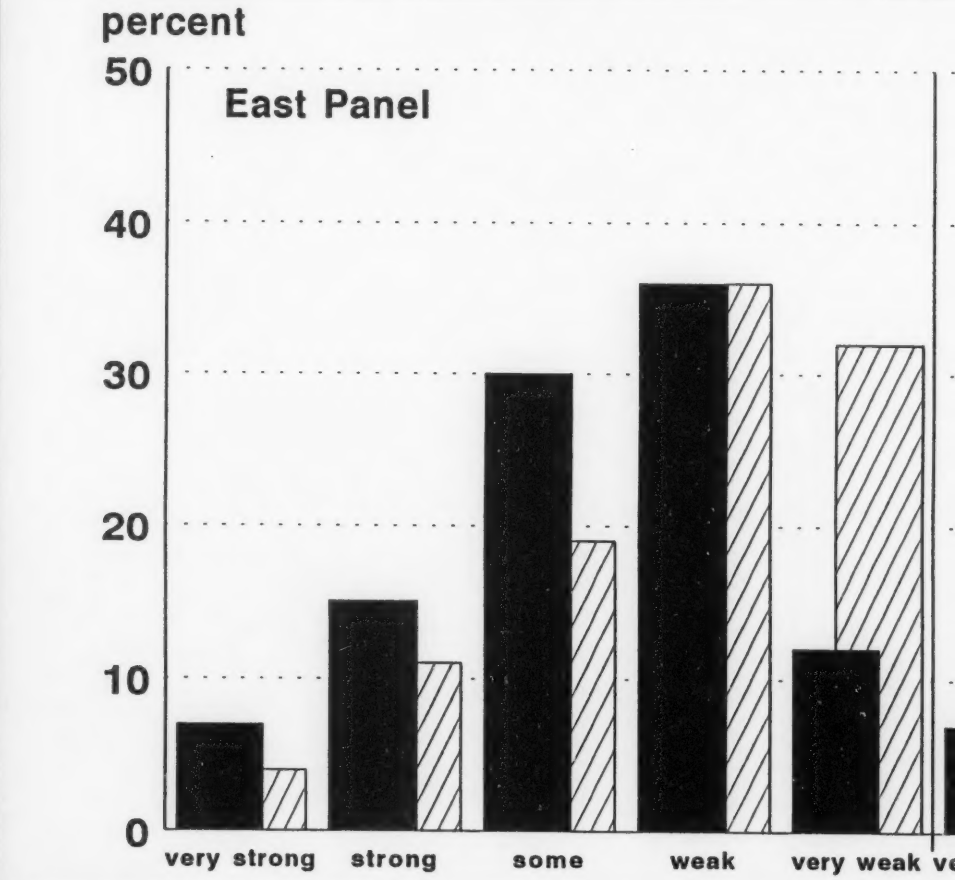
3. Leute wie ich haben so oder so keinen Einfluss darauf, was die Regierung tut.
(People like me have little or no influence on what the government does)

4. Bei Wahlen gehen so viele Leute waehlen, dass es egal ist, ob ich zur Wahl gehe oder nicht.
(So many people vote that it doesn't matter whether or not I vote)

Figure 4

Political Efficacy Among Ea

(4 item ind



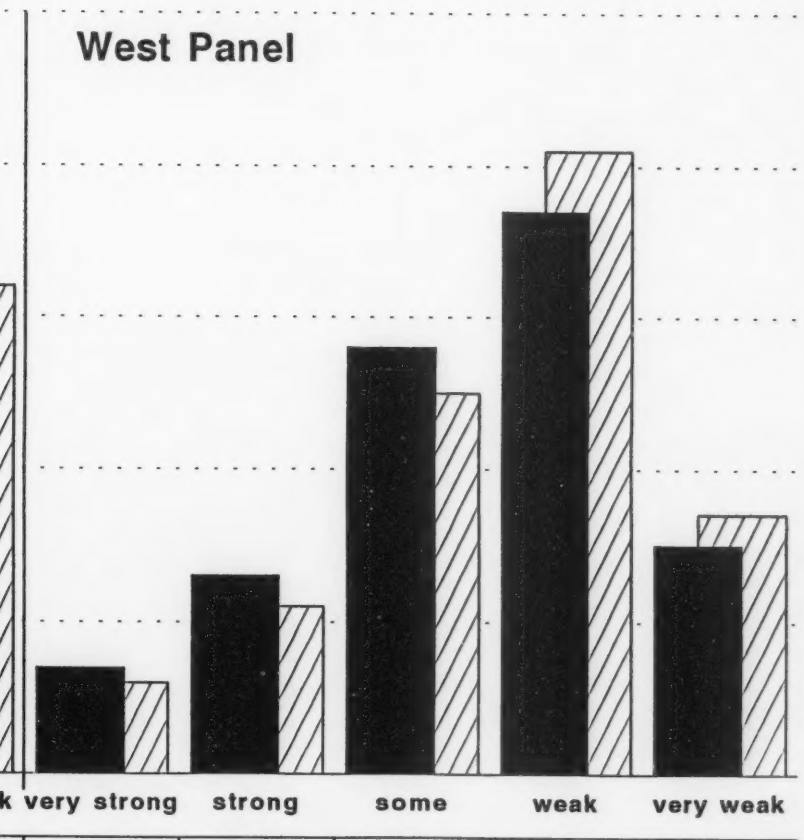
1992 ■	7	15	30	36	12	
1993 ▨	4	11	19	36	32	

1992 N=1499, 1993 N=1496

e 4

East and West Germans

ndex)



	7	13	28	37	15
	6	11	25	41	17

1992 N=1544, 1993 N=1639

Table 1

The Influence of Media Use and Interest on Strength of Political Efficacy

Two-Wave Panel Study 1992-1993

Dependent Variable: Efficacy (1993)

	East Germans (N=1467)	West Germans (N=1616)
	R^2 .12	R^2 .22
Independent Variables	**Beta**	**Beta**
Efficacy (1992)	.23***	.24***
Radio News	.07*	.03
TV News	-.07*	.02
Bild	-.00	-.12***
Regional Newspapers	-.01	-.02
National 'Prestige' Press	.15***	.17***
Interest in Press News	.07	.13***
Interest in TV News	.05	.10***

Unstandardized regression coefficients.
* $p < .05$
** $p < .01$
*** $p < .001$

SURROGATE MOTHERHOOD AND THE IDENTITY OF WOMAN

Loretta A. Sernekos
Department of Political Science
Rutgers University
New Brunswick, NJ 08903

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INTRODUCTION

There can be no doubt that the practice of surrogate motherhood raises profound questions about motherhood more generally. Women becoming simultaneously grandmothers and mothers of children (Gruson 1993, Schweitzer 1992), writers asking when a mother is not a mother (Pollitt 1990) and a surrogate mother joking that she should hang a sign on her chest that says, "I'm not the mother" ("Baby Craving", 38) are just a few examples of the kind of confusion and ambiguity generated by the practice of surrogate motherhood. Five years ago, the questions focused on whether a surrogate, who was the genetic mother, had the right to claim the child as her own (e.g., the Baby M case). More recently, the practice of gestational surrogacy[1] has forced the legal system to decide who the "natural" mother is when there are apparently at least two "natural" mothers: the woman whose ovum was fertilized and the woman who gave birth.

I want to argue in this paper that for all the apparent destabilization of motherhood, the discourse of surrogate motherhood found in legal and medical texts, popular culture and elsewhere produces a symbolic Mother that is stable and knowable, grounded immutably in nature/biology and thus,

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[1]Gestational surrogacy is the practice whereby a fertilized ovum is implanted in the womb of a woman who has no genetic relationship to the future child.

seemingly certain.[2] That is, rather than viewing surrogacy as the annihilation of motherhood, as some feminists do, I view it as productive of motherhood; the discourse of surrogacy is a discourse of motherhood. But at the same time the mother is produced, the practice of surrogacy and contradictions within the discourse of surrogacy threaten to reveal that very production and the discursive construction of maternal stability and certainty. It becomes obvious that motherhood was always a construction, with a history and a future. In other words, motherhood as a specifically located social relation becomes apparent. More fundamentally, any certainty about what motherhood "is" that is based on biology-as-bedrock is revealed as questionable. But I do not want to argue that surrogate motherhood suddenly makes motherhood unstable and uncertain and that the discourse must then repair the damage to that certainty

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[2]"Discourse" and "production" are social terms of analysis. Their use signals a fundamental skepticism about anything called "nature" or "natural". Analyzing surrogate motherhood as a discourse on motherhood that produces the Mother allows us to think about motherhood as a discursive, social construction and as a shifting category that has a history. If it has a history, we can think about what the dominant discourses of motherhood have been in the past, but we can also think about its future. Thinking about surrogacy in this manner also makes it easier to see how motherhood has been naturalized into a "biological fact", as well as a cultural ideal. Because the practice of surrogate motherhood (and related reproductive technologies) can sometimes seem extreme (almost science-fiction), it can starkly lay bare the extent to which motherhood has been constructed. But because surrogacy is about both biological and social processes, it can also allow us to think about the position of the Mother, on the boundary of nature and culture, and thus, to think about what is at stake in symbolic constructions of the Mother.

(although it brings to our attention certain scientific innovations that create new possibilities in human reproduction). Rather, the discourse of surrogacy reveals that the figure of the mother was never as certain as we might like to believe.

Among many feminists, there is a desire to cling to the physical maternal body as a sort of theoretical *terra firma*. One would get little argument from most feminists that the institution of motherhood is a social idea, but there is a tendency among disparate feminists for theorizing to stop at the boundary of the body, as though it remains the one biological referent that we can depend on, inaccessible to representation; it is the "real" woman, coded biologically female, as opposed to the cultural construction Woman. In this view, the body remains the one thing that is real about all women, outside discourse and belonging solely to women. The visible maternal body assures women of the certainty of motherhood. But I would argue that a comfortable reliance on the idea of a prediscursive maternal body is a dangerous position for feminists to take. It may unintentionally support attempts to locate women more firmly than ever within biology and it may prevent us from seeing not only the dangers of surrogacy and other reproductive technologies, but the possibilities as well.

Drawing on the work of Simone de Beauvoir and others, Judith Butler makes the argument that the body is not knowable outside of discourse, arguing that our experience of our own bodies is inextricably embedded in cultural expressions of gender; there

is no "pure" body (1986, 39). Instead, Butler argues, the body "is a material reality which has already been located and defined within a social context.... [It] is a field of interpretive possibilities, the locus of a dialectical process of interpreting anew a historical set of interpretations that have become imprinted in the flesh" (45, emphasis in original). Social conceptions of the body and gender cannot be neatly unlinked to distill an essence of the body. In other words, to talk about Woman, the cultural construction of bodies coded biologically female, is to talk about the body, for Woman and the female body can never be completely distinct. This view of the body does not mean that we cannot discuss the materiality of the body, nor the idea that women can be oppressed and/or exploited through their bodies, nor women's physical experience of pregnancy and childbirth. Indeed, I would argue that politically, it is crucial for feminists to continue to criticize and publicize the kinds of physical oppression women endure in the process of surrogate motherhood, infertility treatments, etc. We need to discuss what we may see as the dangers of surrogate motherhood, and we have every reason to be worried about reproductive technologies that threaten to dehumanize women and deny us our subjectivity. But the view of the body I want to work with insists that we cannot somehow reclaim or recover a pure body. It acknowledges the

historicity of our concepts of the body.[3]

Although giving up the idea of the body as the assurance of the certainty of motherhood is difficult for feminists, this is precisely the work we must do, if we are to seize the possibilities presented by surrogate motherhood (and related reproductive technologies). Surrogacy, with its confusion of just who is a mother, socially and biologically speaking, erases the certainty of and begins to unhinge the identity Woman:Mother. That is, by confusing what Mother means, it confuses what Woman means. Feminists have a stake in this confusion: to disconnect Woman from Mother holds a radical promise, not only in the ways we think about Woman and women,[4] but in how we think about reproduction and the body itself. The identification of Woman with Mother is firmly linked with social ideas about reproduction and the physical maternal body. In fact, the discourse of surrogacy can at times lay bare the connection between Woman and the physical body in stark terms: Dr. Lee Salk described surrogate mother Mary Beth Whitehead as a "surrogate uterus" (Chesler 1988, 14). It is the tension of a discourse which simultaneously reveals and reveils

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[3]See Laqueur (1990) for an excellent account of the ways in which conceptions of the sexed body and gender have changed over time. Foucault (1978) also insists on the historicity of the body and the idea that it is not a biological referent.

[4]To oversimplify, every woman is seen either as a mother or a potential mother. Ideas of women's subjectivity and of what it means to be a woman are inextricably bound up in the idea of woman-as-mother. This also means that the meanings of woman-as-citizen or woman-as-worker are linked with motherhood.

the constructedness of the Mother which feminists must work with in approaching the subject of surrogacy, and it is this tension which presents opportunities for feminist theorizing. But if we regard the maternal body as the last bastion of the real woman, a biological referent, those opportunities can be lost. In fact, feminists may end up performing some of the work of the discourse of surrogacy so many of them oppose. It is very easy to slide from ideas of the body-as-theoretical-bottom-line to ideas of the body-as-destiny.

SURROGACY AND THE CYBORG

I do not wish to imply from the above discussion that I am uncritical of the practice of surrogacy. Indeed, surrogacy has a double-edged quality to it: it provides a radical moment and a wedge with which feminists can begin to ask critically important questions about motherhood. But it can also function, with its reliance on ideas of maternal instinct and biological bedrock, to "fix" Woman in motherhood more firmly than ever. My task in this paper is not to take up a position "pro" or "anti" surrogacy and defend that position. I have argued elsewhere (1992) that feminists have engaged in a sort of gridlocked debate over surrogate motherhood, with neither side being persuaded of the validity of the other side's approach. Rather, my approach is based on my understanding of Donna Haraway's (1989) image of the cyborg as a way out of that sort of pro/anti debate.

It is the very double-edged quality of surrogate motherhood,

as well as its potential to reveal the constructedness of motherhood, that led me to the work of Haraway. The trope of the cyborg, as she develops it, can be a useful way for feminists to think about surrogate motherhood. The cyborg is neither completely natural nor artificial. Its existence disturbs comfortable dualisms that have been available to Western epistemology. But Haraway is well aware of the double edge of the cyborg: while it has the potential to give us a new way to think about the body, nature, identity and politics, at the same time there is the possibility that cyborgian technology could impose a "grid of control" on our world and indeed, destroy our world.

In her article, "A Manifesto for Cyborgs: Science, Technology and Socialist Feminism in the 1980s" Haraway explored the idea of the cyborg, "a hybrid of machine and organism, a creature of social reality as well as a creature of fiction" (174). Throughout the essay, Haraway maintains a tension between the potentially awful aspects of the cyborg and its potentially subversive, transformational aspects. Her disgust with and fear of the kind of "star wars" technologies and attitudes that spawned the cyborg is apparent, but she also urges feminists to take pleasure in the confusion of boundaries the cyborg engenders, as well as to take responsibility for the construction of those boundaries:

> From one perspective, a cyborg world is about the final imposition of a grid of control on the planet, about the final abstraction embodied in a Star War apocalypse waged in the name of defense, about the final appropriation of women's bodies in a masculinist orgy of war. From another perspective, a cyborg world might

> be about lived social and bodily realities in which people are not afraid of their joint kinship with animals and machines, not afraid of permanently partial identities and contradictory standpoints. The political struggle is to see from both perspectives at once because each reveals both dominations and possibilities unimaginable from the other vantage point. (179)

The task for feminists is not to demonize the technology that spawned the cyborg, but to understand and utilize the cyborg's dangers and possibilities. Once the cyborg is created, it has the potential to escape the boundaries constructed for it by its fathers, despite efforts to contain it. It might be "exceedingly unfaithful" (176) to its origins.

According to Haraway, because it is part organism, part machine, the cyborg introduces uncertainty into some old dualisms: human/animal, organism/machine and physical/non-physical. In short, the cyborg results in fractured identities. But fractured identities can provide a kind of affinity politics, rather than a politics based on a totalizing, unitary identity which excludes many. The simultaneity of breakdowns of clear distinctions "cracks the matrices of domination and opens geometric possibilities" (197). The biggest problem in the age of the cyborg is communications breakdown: the "grid of control" is subject to interference by noise. It is this noise-making and simultaneity of breakdowns that represent at least part of the possibilities of the cyborg feminists can seize.

Surrogacy is cyborgian, I would argue, because it threatens to explode existing discourses about motherhood. It has the potential to lay bare the cultural construction of motherhood

and contribute toward the feminist task of deconstructing Woman. It raises questions about the "naturalness" of the maternal body by creating competing claims to sole ownership of the status of the "natural" mother. In so doing, it provides a wedge with which feminists can ask critical questions about the meanings of motherhood. But at the same time, it threatens to reinscribe existing discourses of motherhood more firmly than ever. This is one of the dangers of the cyborg: "Technologies and scientific discourses can be partially understood as formalizations, i.e., as frozen moments, of the fluid social interactions constituting them, but they should also be viewed as instruments for enforcing meanings" (Haraway 1989, 187). One of the tasks of the discourse of surrogacy is to rein in the threatening possibilities and reinforce the existing code of motherhood as well as rewrite that code. By "reinforce and rewrite", I mean that the discourse of motherhood has recurring themes such as maternal instinct, maternal love, biological impulses, etc. which are reconstituted by the particular social conditions of the time. In other words, motherhood is a fluid and historical concept that is made to appear timeless and static by the invocation of certain ideas. This apparent stasis masks the constructedness of motherhood. For example, maternal sacrifice and selflessness is one of the ideals invoked by the practice of surrogacy. But less than 150 years ago, actual physical suffering during labor and delivery were seen as a crucial element of maternal sacrifice; such suffering <u>made</u> one a

mother.[5] Today, we do not speak of motherhood in terms that involve precisely the same suffering, and yet the ideal of maternal sacrifice lives on in new ways. For example, infertile women suffer psychologically and physically in the process of trying to become pregnant and more importantly, are <u>expected</u> to suffer.[6]

Policing the discourse of motherhood is a risky undertaking. As Haraway describes them, cyborgian boundaries can be leaky and, I would add, filled with contradictions. So as the constructedness of motherhood is veiled by the practice of surrogacy, that same practice constantly threatens to reveal the construction. As boundaries are shored up, boundaries are confused. Here is where feminists can seize the possibilities engendered by such a cyborgian practice. In addition to the "ah hah! Now we've got you!" kinds of revelations (which are not unimportant), feminists potentially can use the cyborg called surrogacy to reveal the construction of motherhood and thus, deconstruct the discourse of motherhood and Woman. The

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[5]See Poovey (1988) for an interesting discussion of the ways that notions of maternal suffering came into play in the debate over the use of chloroform in labor and delivery in mid-Victorian England. The use of chloroform was opposed by some because it relieved the woman's suffering, which had been decreed by God.

[6]For example, see the cover story on actress Deidre Hall and the surrogate mother of her child in the September 28, 1992 issue of <u>People</u> magazine (Levitt & Benet 1992). Ms. Hall's attempts to become pregnant are told in self-sacrificing terms that can only be described as martyr-like. Her suffering is made to seem inevitable and, in fact, a requirement for the end "product", a child.

political implications of disrupting the Woman:Mother identity are large and would force a rethinking of women's status as subjects, as citizens, etc., as well as a shift in the way the category of motherhood is conceptualized. This, of course, is the optimistic version of the cyborg. The darker version, and the version which Haraway keeps in tension, is that there is always the danger of a backlash against any threats the cyborg is perceived to present. By this I mean that the cyborgian practice and the discourse of the cyborg may threaten to reveal or undermine the foundation on which the cyborgian practice rests. If surrogacy appears to threaten the cultural meanings of motherhood, there will likely be further attempts to reinscribe those meanings. That is one reason why feminists need to resist talking about the body in ways which feed into such reinscriptions.

THE DISCOURSE OF SURROGACY AND THE CERTAIN MOTHER

As I stated in the introduction to this paper, the discourse of surrogacy constructs an image of certain, stable motherhood, grounded in seemingly immutable biology - nature, in other words.[7] But at the same time that the discourse of surrogacy

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[7]The discourse of surrogacy also constructs the mother as heterosexual and white, which I have discussed in an earlier paper (1992). For this paper, I will confine my analysis to the construction of the mother as "natural" and embedded in nature, in order to make clearer the connection between that construction and attempts to assure the mother's certainty through a reliance on the idea of a prediscursive maternal body.

produces the mother, that production is constantly threatened by contradictory discourses within and supporting surrogacy (i.e., related discourses of infertility[8] and other reproductive technologies), as well as leaks in the boundaries of surrogacy and attempts to plug those leaks. Haraway says the cyborg undermines what counts as nature (177), or perhaps more correctly, the natural. The concepts of nature and the natural, divorced from social meaning, are absolutely crucial to the ideology of motherhood and thus, the discourse of surrogacy. Maternal instinct and maternal love, both of which are discursively constructed as springing from biology, are supposed to be the "natural" bedrock of motherhood.

For example, the infertile woman, whose infertility results in the "need" for a surrogate, is portrayed as a slave to her "biological clock" which she must "race" against.[9] As Sherman J. Silber, M.D., an infertility specialist, has stated:

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[8]The discourse of infertility is integral to the discourse of surrogate motherhood. It is that discourse which constructs the image of the Infertile Woman who "needs" surrogacy as a "solution" to her infertility, which drives her to "desperate" measures to obtain the child her body is clamoring for.

[9]The "biological clock" is a crucial discursive construction supporting the discourse of infertility and surrogacy (as well as other reproductive technologies). This concept, borrowed from the idea of 24-hour circadian rhythms (e.g., sleep patterns) is a metaphor that describes women's reproductive life cycle from menarche to menopause. In the last 20 years, the ticking biological clock has discursively attained the status of the real and biologically concrete, to the point that McKaughan asserts: "[The biological clock] controls the life cycle of our reproductive system" (1987, 111; from a chapter titled "Our Real Biological Clocks").

"[The infertile woman's] biological clock is ticking and she's going to run out of fertilizable eggs fairly soon" (1991, 17). This emphasis on time and the "biological clock" serves to locate reproduction and thus, women, in nature and natural rhythms from which they cannot escape. But at the same time, this move is constantly undermined by technology which makes time seem more and more meaningless. Recent instances of post-menopausal women being impregnated and delivering children (e.g., Gruson 1993) contradict the concept of the biological clock. But rather than reject the concept, the discourse retains it and describes the biological clock as "beatable" ("Beating the Clock") or as "turned back" (Rosen & Moneysmith 1990). Maternity is reinscribed in the realm of nature, instincts and drives. If women have a biological clock, then they are obviously driven by nature to reproduce, and on a schedule at that. Magazine articles confirm this: In a cover story in For Women First on women over 40 having babies, a sub-headline read, "It must be instinct" ("Beating the Clock", 7). The cover of a Ladies Home Journal declared that a special report inside was "The Need to be a Mom" (Casey 1992). The summary of the article inside, in large type, declared, "Married and single, young and not so young, women are once again deciding to have babies simply because they want them - even if it's not convenient, even at risk to their careers, health or relationships" (100). Women driven by their biological clock will sacrifice anything to become a mother.

We are to believe that the call of nature, with its clock

ticking inexorably, will get even the most determined women. For example, Time ran a cover article on February 22, 1982 with a picture of actress Jaclyn Smith holding her swollen abdomen. The headline read: "The New Baby Bloom." Inside, the story detailed a supposed "astonishing" rise in the birth rate of women in the 30-44-year-old age bracket. (The article gives no time parameters in which such a rise took place.) While acknowledging the large size of the cohort of baby-boom women contributing to the overall birth rate, the article goes on to give a quite mythological account of the increase in the numbers[10] of older women having children:

> But sheer numbers hardly explain this flowering of fecundity. For many women, the biological clock of fertility is running near its end. Menopause will strike at midnight. The ancient Pleistocene call of the moon, of salt in the blood, and genetic encoding buried deep in the chromosomes back there beneath the layers of culture - and counterculture - are making successful businesswomen, professionals and even the mothers of grown children stop and reconsider. ("The New Baby Bloom", 52)

The startling language of this passage reveals a notion of motherhood that is embedded in nature, but somehow has become layered in culture. Yesterday's hippies who have become today's yuppies apparently have come to their senses and realized that they want neither peace nor money; they want a child.[11] Once

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[10]Many articles on infertility and the birth rate, such as the Time article being discussed, use the terms (percentage) "rate" and (discrete) "number" interchangeably, depending on the emphasis desired.

[11]I am indebted to Linda Zerilli for this analysis.

the layers of culture and counterculture are peeled off, the moon, salt in the blood and genetic encoding make the call of motherhood irresistible; the body is the point at which culture ceases to operate. This is precisely the type of argument about motherhood that I want to challenge and one which feminists may appear to be embracing when they conceptualize the maternal body as beyond theory and discourse. The notion that we can somehow remove the layers of the social that have been heaped on top of the "natural" female body and discover the "natural core" of motherhood implies that no matter how much we analyze motherhood, no matter how much practices change, there is always and ultimately some eternal biological truth beyond which we can go no further.

Such dependence on concepts of the natural serve to conceal the construction of motherhood both as ideology and social practice. Of course, one is immediately struck by a contradiction: the extent to which medicine intervenes in the "natural" processes of motherhood, particularly in treatments for infertility, brings the "naturalness" of that process into question. Further, if the natural basis of motherhood and maternal love spring from biology, why would a surrogate ever give up the child? In response to this, the surrogate is routinely portrayed as wanting (in a rather saintly way) to give the gift of a child to another couple so that they may experience the kind of maternal love she understands so

well.[12] Alternatively, the surrogate may deny that the child is hers at all, and say that she is simply nurturing it for someone else.[13] As can be seen, the attempts to shore up notions of natural maternal instinct based on biology are immediately undermined by the practice of surrogacy itself. These are the kinds of insights feminists can make and exploit if we view surrogacy with the kind of dual edge I am urging.

Anna Johnson and Crispina Calvert: Will the Real "Natural" Mother Please Stand Up?

Concepts of the natural are also undermined in an interesting way in gestational surrogacy. The gestational surrogate, as the name implies, is implanted with another woman's ovum (or multiple ova) that has (have) been fertilized in vitro. There was a time when the act of giving birth legally defined one as a mother, or so it seemed. The legal doctrine was stated as, "*mater est quam gestatio demonstrat*" ("the mother is demonstrated by gestation"; quoted in U.S. Congress, Office of Technology Assessment 1988, 282). That is, the visible pregnant woman's body signified her maternity; no further discussion was required. But in legal cases surrounding gestational surrogacy, the courts have had to find a "more natural" basis of motherhood than gestation.

In a case in California, a gestational surrogate, Anna

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[12]See the People magazine article about Deidre Hall and the surrogate, Robin B. referenced in fn. 6.

[13]See Corea (1985, 222) for a discussion of surrogates who refer to themselves as "incubators" and "nest watchers".

Johnson, made the claim that she, too, was the mother of the child, although she had no genetic relationship to him. Johnson was a nurse's aid employed in the same hospital as Crispina Calvert, who was unable to bear children due to a hysterectomy, but whose ovaries remained intact. Johnson and Crispina and Mark Calvert entered into a contract whereby Anna agreed to be implanted with Crispina's fertilized ovum, carry the child and deliver it to the Calverts for $10,000. Late in her pregnancy, Johnson said she had bonded with the child and besides, the genetic parents had been unkind to her when she became ill during the latter part of her pregnancy.[14] (Presumably this point was raised to show that the genetic parents would not be loving social parents.) She demanded to be named the child's mother and given custody or at least visitation rights. But a child with two mothers was a situation "ripe for crazy-making" (Annas 1991, 35) the trial court said, and so it set about finding the elusive "more natural" basis of motherhood.

Ultimately, the search for this "more natural" motherhood settled on genetics. Johnson did not dispute the fact that she

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[14]Johnson was also quite distressed due to her economic situation. She had gone into premature labor and was unable to work for the last two months of her pregnancy. At the same time, her landlady announced that Johnson and her daughter would have to vacate their rented house because it was being sold. In a letter, Johnson pressed the Calverts for an expedited payment schedule because she could not afford the advance rent and security deposit on another home. (This letter was reproduced in full in Anna J. v. Mark C., 286 Cal.Rptr. at 372.) The Calverts responded by filing a lawsuit to be declared the legal parents of the unborn child; Johnson countersued to be declared the legal mother.

was not the genetic mother of the child, but tests were performed to prove, and thus certify, that she could not be the "natural" mother and that the Calverts were the "natural" mother and father with a 99.99% probability. In support of his opinion that Crispina Calvert was the sole "natural" mother, Richard N. Parslow, Jr., the trial court judge, described Johnson's role as a "host" whose role was "analogous to that of a foster parent providing care, protection and nurture during the period of time that the natural mother, Crispina Calvert, was unable to care for the child [i.e., in utero]" (Johnson v. Calvert, Reporter's Transcript, p. 5).[15] Judge Parslow was persuaded by testimony that genetics play a much more decisive role in who a person is than the "gestational environment" (8). Judge Parslow's opinion was upheld by a California appellate court[16] and very recently by the California Supreme Court.

I would argue that this search for a "more natural" basis of motherhood than giving birth, rather than fixing the certainty of the natural mother (as it attempts to do), reveals the tenuousness and fragility of the notion of a natural basis of motherhood that is devoid of any social meaning. It also reveals that any conception of motherhood which is based unproblematically on the visible maternal body was also always a

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[15]I am very grateful to Anne L. Goodwin, Esq. of St. Louis, MO for making a copy of this Transcript available to me.

[16]See Anna J. v. Mark C., 286 Cal.Rptr. 369 (Cal.App. 4 Dist. 1991).

construction. The Johnson decision seems to represent a kind of search for the "lost" maternal body, "found" in the genes. For the moment, at least, we find that it is genetics that provides the "real" basis for "natural" motherhood. (In his opinion, Judge Parslow consistently referred to the genetic mother as the "natural mother.") If the child has your genes, you must be the mother.[17] We begin to see why gestational surrogacy might be seen as preferable to classic surrogacy, in which the birth mother is artificially inseminated with the sperm of the contracting father. The genetic arguments would not have worked against Mary Beth Whitehead; she was Baby M's genetic mother. But if genes are today's basis for "real, natural" motherhood, what might be tomorrow's basis?[18] Asking this question makes it apparent that "real, natural" motherhood is and has been discursively constructed.

The Johnson case also made clear that surrogacy challenges

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[17]This "solution" to the some of the "problems" of surrogacy is, of course, indebted to decades of genetic research which occurred in tandem with, but not necessarily intentionally connected to, research in reproductive technologies. This genetic research is then framed and/or used as needed by the discourse of surrogacy.

[18]The idea of genes being the basis for motherhood is contradicted by the current practice of egg "donation". In this practice, young women donate ova to women who can gestate a child, but who have no ova or who have a very small chance of becoming pregnant with their own ovum. The egg donors are required to sign away their rights to the child, and so in this case, it is the gestational mother who claims motherhood, not the genetic mother. As Jyl Josephson pointed out to me, in each case it is the woman who "belongs" to the man/father who is given the title "mother."

the singularity of motherhood. By this I mean the idea that there is always an identifiable true mother who is the mother. With surrogacy, however, there seems to be a biological basis for at least two mothers: the process of gestation and birthing, and the giving of the ovum/genes. Giving birth seems to have been put in a category of less-natural, or perhaps pre-genetic by the Johnson decision. A subtitle in a New York Times article on the decision said, "In a debate over nature versus nurture, the winner is nature" (Mydans 1990). Anna Johnson's giving birth was apparently "nurture", rather than "nature." Such semantic acrobatics reveal the move toward fixing the certainty of the mother. We have to ask: what is so scary about having two mothers, anyway? Why can't the gestational surrogate make and sustain a claim for motherhood? The answer may lie in the idea that if there could be more than one mother, perhaps no one is the mother. Perhaps an endless number of people could have a claim to be the mother of that child.[19] Perhaps the idea of motherhood has been constructed, after all. We begin to see how important it is to the discourse of surrogacy to maintain the idea that there is one, certain mother or risk collapsing the concept of the mother. Surrogacy may unintentionally reveal the production of the certainty of the mother in the very process of producing her.

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[19]As one of my students once said in class, "What's next? Will the lab technician who mixes the sperm and the egg be able to claim she is the mother?"

UNCERTAIN PATERNITY AND CERTAIN MATERNITY

Again and again in reading commentary on surrogate motherhood, reproductive technologies and motherhood more generally, one is struck by a recurring theme: paternity may be uncertain, but motherhood is most definitely certain. Consider the following two quotations, one by a feminist theorist, the other by Judge Parslow:

> No uncertainty can exist about knowledge of maternity. A woman who gives birth is a mother and a woman cannot help but know that she has given birth; maternity is a natural and a social fact. But a considerable gap in time separates any act of coitus from the birth of a child; what then is the connection between the role of the man in sexual intercourse and childbirth? Paternity has to be discovered or invented. Unlike maternity, paternity is merely a social fact, a human invention. (Pateman 1988, 35)

> One of the reasons why we had a presumption that the person from whom the child emerged was the mother is it made that side of the transaction clear at birth. Paternity was always a matter of opinion, but you could always establish who delivered the child. (Johnson v. Calvert, Reporter's Transcript, 18)

One hears in those quotations echoes of Freud's statement that the mother is certain, while the father is always uncertain.[20] What is most striking is the diversity of persons expressing the idea that maternity is certain; from

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[20] "When presently the child comes to know the difference in the parts played by fathers and mothers in their sexual relations, and realizes that *'pater semper incertus est'* while the mother is *'certissima'*, the family romance undergoes a curious curtailment: it contents itself with exalting the child's father, but no longer casts any doubts on his maternal origin, which is regarded as something unalterable" (Freud 1909, 239).

judges to doctors to feminists opposed to and in favor of surrogacy, there appears to be unanimity on this one point. Even among feminists who are quite willing to discuss motherhood as a social institution with a history, there remains a longing to hold onto something that is immutable and knowable: the maternal body, which speaks its certainty through its very visibility. Maternity does not need to be "discovered" or "invented," Pateman seems to be saying. Only paternity must be discovered or invented.

It has always been uncertain paternity that caused anxieties, we have been told. Mary O'Brien (1981) has argued that men's anxiety about their uncertain paternity and their discontinuous relation to reproduction results in their making artificial modes of continuity by creating physical things and appropriating life processes to the extent possible (i.e., eliminating uncertainty about their role as creator). Pateman takes issue with O'Brien's assumption that men try to make paternity socially equivalent to maternity by eliminating uncertainty and argues that patriarchal fatherhood depends on the differing meanings of paternity and maternity (1988, 35). Still, she wants to maintain the distinction between uncertain paternity and certain maternity and to make the claim that maternity reveals its certainty by virtue of women's physical, visible participation in childbirth.

So much intellectual energy is invested by so many in declaring the certainty of motherhood, one begins to suspect that it is uncertainty about the figure of the mother that is

the real anxiety-causer. I would like to explore the idea of certain maternity a bit further and pose a question: Why are we so certain that maternity is certain? (In other words, what cultural work does that certainty do?) Why not consider what it would mean if that certainty were actually culturally produced? I want to argue that for feminists, it may actually be dangerous to draw the theoretical barricades around the uterus. In fact, such a position among feminists may do the very cultural work of the discourse of surrogacy that is very anti-feminist. We might find ourselves on the theoretical side of those who would fix women in the "Pleistocene call of the moon", the "salt in the blood" and "genetic encoding".

Mary Ann Doane has argued that the mother has been coded as certain because she "guarantees, at one level, the possibility of certitude in historical knowledge. Without her, the story of origins vacillates, narrative vacillates. It is as though the association with a body were the only way to stabilize reproduction" (1990, 175, emphasis added). In other words, without the figure of the mother, the subject is unanchored in history and knowledge. According to Doane, reproductive technologies "threaten to put into crisis the very possibility of the question of origins, the Oedipal dilemma and the relation between subjectivity and knowledge that it supports" (169). Doane's observations are supported by a statement in Judge Parslow's opinion in the Johnson v. Calvert case. In defense of his decision that the genetic mother was the only "natural" mother, Judge Parslow said, "We want to know who came before us

and who's coming after. It's a long line, and I see nothing inhumane or inhuman about wanting to have that feeling" (Reporter's Transcript, 22). By explicitly linking genetics and the history of the individual, Parslow is saying that we want certainty about our history, and it is the mother who provides the anchor. Certainty about our genetic lineage is served by finding that genetics is the controlling factor in determining who is the "natural" mother.

Beyond the subject's desire for historical knowledge, feminist theorizing around the certainty of maternity may perform other functions. There is a fear among some feminists that motherhood and the maternal body are the last unique things left for women that men haven't somehow stolen or sullied. In other words, there is a desire to maintain the prediscursive status of the mother so that there remains <u>something</u> that is beyond masculinist representation. Consider the words of Robyn Rowland:

> It is that life force in women which men have always sought to control. How powerful we have always seemed; we who can bleed regularly and not die; we who can grow another human being inside our own bodies.... For many women it is the <u>only</u> experience of power they will ever have. And men have coveted that last of powers.... Now with the possibilities offered by technology they are storming the last bastion and taking control of conception, foetal development, and birth.
>
> ....
>
> We have to ask, if that last power is taken and controlled by men, what role is envisaged for women in the new world? Will women become obsolete? (1989, 363 and 368.)

The fear expressed here seems to be that women will somehow be erased by male reproductive technology and <u>disappear</u>, as noted

by the ominous reference to the Nazi "final solution" in the title of Rowland's article.[21] Once the maternal role is usurped, women will become superfluous. Male-controlled surrogacy, in this view, threatens to annihilate motherhood[22] and in the process, women themselves. Rowland makes this link clearer when she states that the capacity to give birth "is part of the group identity of women" (1992, 13). The political impact of this statement is important to note, because it implies that without the ownership of the capacity to give birth, biologically coded females and thus, women (the social and political group) will disappear. The idea of women losing something that is perceived to bind them together as a group is, of course, a source of anxiety for many feminists.

The issue of power inhering in women's uteruses is not exclusive to feminists who are opposed to surrogacy. Christine Sistare acknowledges that "women have often been manipulated and oppressed because of and through their reproductive capacities"

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[21]Andrea Dworkin (1983, 188) paints an equally dark future for women in her chapter "The Coming Gynocide," arguing that once men have control over women for both sex and reproduction, there will be a "new kind of holocaust, as unimaginable now as the Nazi one was before it happened".

[22]The term "annihilation" in connection with motherhood is specifically employed by Morgan (1989, 75), who says that various reproductive technologies and practices have led to the "twisted annihilation of the reality of biological motherhood". Morgan worries that the division of motherhood into various parts (ova extraction, <u>in vitro</u> fertilization, the gestation of fetuses by comatose women, etc.) will make live, whole women less preferable than "women who are yet to be born and women who are dead" (<u>Ibid</u>).

(1988, 228), but she sees surrogacy as potentially empowering women. It might be an improvement over many of the boring, unfulfilling jobs available to women, she says and argues that there is quite a measure of self-determination involved in "renting out one's reproductive capacity" (234). Sistare also argues that surrogacy will put a value on women's reproduction in a way that has not been acknowledged previously:

> Consider... how much the traditional panegyrics to Motherhood have really meant: seldom has any human social role been more honored in speeches and less rewarded in fact.... [T]he acceptance and practice of surrogacy would reveal a meaningful respect for maternity. It would do so in the capitalist mode of paying well for what is deemed rare and precious. (238)

Here and elsewhere, Sistare seems to be telling feminists opposed to surrogacy, Look, you complain that women's reproductive capacities are exploited and controlled by men. Why not seize the power and <u>make them pay</u> for that which they desire? It is here that Sistare's argument intersects with those of feminists who oppose surrogacy. She, too, sees women's power located in their wombs. For Sistare and others, something essential and powerful lies in the maternal body and women have to stake a claim to that power. But in doing so, they may unintentionally pave the way for essentialist views that see women as <u>nothing more than</u> their uteruses.

Rowland acknowledges that the power to give birth isn't really much of a power at all in terms of women's access to political power (1992, 265). But by locating at least part of women's identity in their capacity to bear children, she and other feminists leave open the question: what happens when that

capacity is regarded as non-functioning? What happens to the identity of infertile women? Many infertile women express a sense of losing their identity, of feeling like non-women, even non-existent. The identity Woman:Mother (or Potential Mother) is so firmly embedded in our culture that the inability to become a mother in the biological sense threatens some women's very identity as women. As one infertile woman said, "Every morning I measured my temperature before getting up, every day I had the feeling of failing as a woman" (Klein 1989, 13). Another wrote, "[O]ne of the worst times for me was when I felt terrible about myself as a woman. I felt that I wasn't complete. This was not because I hadn't given birth to a baby, but because... I couldn't have a baby" (Ibid, 23).

Some women express this loss of identity as death of the self, as a nonexistence. The metaphor of the barren desert is employed by an infertile woman (speaking of herself in the third person) to express this loss:

> Infertile. She doesn't like the word. It is too smooth, too objective, too much connected with fertility. She prefers the biblical language. Barren. Arid, dry, empty, hollow, void, fruitless, wasted. She is an emptiness, a nothingness, a no one (Ibid, 68).

Another woman uses the striking image of a cemetery in conjunction with barrenness:

> For I am sterile: sterile as a hospital, white, tiled, shining and and clean, smelling of disinfectant. Not a speck of dust, nothing living.... Sterile just like me. Or in plain English: unfruitful. Like a drought-ridden field with thick, cracked clods of earth where nothing grows, nothing flourishes.... Sterility, that is a "cemetery belly", a a woman friend once said to me. A cemetery belly, in

> which countless possible but defunct children, never to be awakened to life, are buried (Ibid, 30).

Focusing on the body and women's capacity to give birth as both a source of power and women's group identity may inadvertently strengthen some infertile women's sense of a lost identity. In fact, relying on a seemingly neutral term such as "capacity" in itself reveals a reliance of the body as "the ultimate constraint on speculation or theorization, the place where the empirical finally and always makes itself felt" (Doane 1990, 163). In other words, if nothing else is real, women can always take comfort in the reality of their capacity to reproduce. But I would argue that it is precisely that theoretically coming to rest on the body that feminists must resist if we are to see and seize the possibilities presented by surrogacy (as well as fight its dangers); if we are to see, in other words, surrogacy through the trope of the cyborg. As Monique Wittig has argued, holding onto the idea that the capacity to give birth is what defines a woman naturalizes history and assumes "that there is a 'natural' division between women and men" and that "'men' and 'women' have always existed and will always exist" (1992, 10-11). If the crucial feminist task of deconstructing and disrupting the code of Woman is to be carried further, we cannot afford to stake our claims on certain motherhood and a body that is theorized as outside of discourse. Recognizing how inextricably linked the construction of the Mother is to the construction of Woman means resisting the urge to rely on the body as the one thing that remains uniquely female and beyond male cultural representation. We

need to think of the cyborg called surrogacy in ways that might lead it to be "exceeding unfaithful" to its origins.

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The Changing Shape of Congressional Parties: Ideological Policy Cohesion and Polarization in the U.S. Congress, 1953-1990

by

George Serra
University of Miami

Neil Pinney
Western Michigan University

Albert D. Cover
State University of New York, Stony Brook

Jim Twombly
State University of New York, Buffalo

Abstract

The literature on the diminished role of party as a voting cue for the electorate and the concomitant growth of the incumbency advantage in congressional elections leads us to expect congressional parties to become less cohesive and polarized over time. An examination of roll call votes during the period 1953-1990, however, does not support the expectation of increasingly irrelevant congressional parties. Party policy cohesion and polarization do not appear to decay; instead they vary with a discernible pattern. Dynamic models, which include factors within the institution of Congress and its external environment, are presented to account for the variation in policy cohesion within parties and polarization between parties. Cohesion and polarization models perform quite well in creating order out of 'patternless' shifts that systematically reflect these various institutional and external factors.

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Although robust, responsible congressional parties are a part of the American political experience, recent electoral changes suggest that the long-term revival of congressional parties is quite unlikely. The diminished role of party as a voting cue within the electorate and the concomitant growth of the incumbency advantage do not bode well for vigorous parties within Congress. Furthermore, characteristics of Congress itself, in particular the lack of discretionary control over some important resources by party leaders, weighs against the development of robust congressional parties.

These various factors lead us to expect that decomposition, not revival, is the lot of congressional parties. The decomposition presumably would reveal itself in two straightforward forms: an increased policy variability within parties and a decreased policy difference between the parties. This study probes these two dimensions of congressional parties in the House of Representatives and the Senate during the period 1953-1990; it discerns more explicitly whether external and institutional factors are indeed associated with weakened internal party organization in Congress.

External Environment And Resource Allocations

We are reminded from time to time that the death of party (and particularly the demise of party identification as a voting cue in the electorate) may not be nearly as imminent as some believe (Cox and McCubbins 1991; Miller 1991). Nonetheless, party-based voting for Congress has diminished while incumbent-based voting has climbed (Cover and Mayhew 1977; Erikson 1971, 1972; Gelman and King 1990; Mayhew 1974; Nie, Verba, Petrocik 1979; Norpoth and Rusk 1982). By the 1970s, three-quarters of all party defections in contested House elections with an incumbent running were defections favoring the

incumbent (Cover 1977). Subsequent work records an even higher imbalance in pro-incumbent versus anti-incumbent defections by partisans (Mann and Wolfinger 1980). This environment makes it difficult for mass parties or parties in government to thrive.

The literature on home styles reinforces the point that incumbents have a large measure of control in shaping their own electoral coalitions and that incumbents have in fact managed to create a large personal vote for themselves (Cain, Ferejohn, and Fiorina 1987; Fenno 1978). Appropriate home styles permit incumbents to undertake a wide variety of activities to contact constituents, to do favors for constituents, and to put themselves in a positive light (Fenno 1978; Fiorina 1989; Mayhew 1974). An additional payoff for incumbents who develop a successful home style is the ability too raise election funds from individuals and PACs (Jacobson 1980, 1983). While parties are hardly irrelevant in the electoral setting, they are not viewed typically as central players either.

A further burden on congressional parties lies in the way in which valuable resources are distributed within Congress. In focusing on the impact that institutional attributes have on congressional parties, the central question concerns the extent to which at any given time resources are centrally controlled. If they are subject to manipulation by the leadership in the chamber, then clearly the members have an incentive to trade their votes (explicitly or implicitly) in exchange for the resources party leaders can provide. The party unity elicited by the post-Civil War "czars" in the House provides an obvious example of a situation in which leaders endowed with ample institutional resources can encourage party unity (e.g., Speaker Cannon). To be sure, this has not been the normal situation in Congress; it has typically had relatively brief periods of centralized control punctuated with

longer periods when resources were relatively dispersed (Dodd 1977; Sinclair 1992).

The overall trend has been toward the proliferation of rules that automatically allocate resources rather than leave decisions in the hands of leaders (Polsby 1968). The development of the seniority system (Polsby, Gallagher, and Rundquist 1969) and the rules governing floor debate (Oleszek 1989) are classic examples of reliance on automatic criteria. Regarding the former, incumbents are not wholly immune from party leaders, especially if they wish assignments on key committees in which the leadership takes a special interest (Rohde and Shepsle 1973). Nonetheless, the opportunities for leadership involvement are rather limited.

The opportunities for the leadership to control the parliamentary situation during floor debates are also relatively infrequent (Oleszek 1989). Although the Senate floor has traditionally been easier to seize than the House floor, Senate leadership discretion on recognizing members and entertaining motions is much weaker than it has been in the past. In discussing the prevalence of automatic as opposed to discretionary decision-making in the Congress, we might also note the potentially important question of appointing the members of conference committees is a matter largely taken out of leadership control (Oleszek 1989). The widespread expectation that those from the committee and subcommittees responsible for legislation should be appointed conferees and the expectation that a cross-section of members, not just senior members, should be considered, significantly constrains the choices open to leaders who formally hold the power of appointing conferees.

The prevalence of non-discretionary resource allocations extends beyond the bounds of Congress itself to encompass resources with more obvious electoral aspects. Automatic

criteria govern the distribution of office perquisites such as staff, supplies, and such, thus reducing the reliance of incumbents on political parties and leaders as they pursue their official/electoral activities. Incumbents who perform casework on behalf of constituents (Serra and Cover 1992), mail "baby books" to new parents (Cover and Brumberg 1982), and travel back to their districts (Parker 1980) frequently derive (or at least attempt to derive) electoral benefits without having to curry favor with those controlling the distribution of the many perquisites available to incumbents. In a sense then, we have come full circle with the internal attributes of the institution influencing the electoral environment which, in turn, helps shape the institution itself.

Trends in Party Policy Cohesion and Polarization

The lack of an institutional or electoral basis that would encourage representatives and senators to co-operate with congressional parties and leaders creates a severe handicap for the development of robust parties. Without control over internal or external resources valued by their members, party leaders must rely on the willingness of members to support party positions on legislation (Fiorina 1989; Schattschneider 1960). This is turn depends upon the extent to which the policy interests and goals of individual members coincide with those of the party as a whole and the party leadership acting to further general goals (Kingdon 1989; Parker 1989). As a result the potential for parties to generate dependable coalitions for collective action remains quite problematical (Brady, Cooper, and Hurley 1979; Decard and Stanley 1974; Sinclair 1977).

To be sure, party is still the best single predictor of voting behavior in the Congress (Epstein 1986; Matthews 1960; Marwell 1967; Truman 1959; Turner 1951, Turner and

Schneier 1970), but this is in a context in which members display considerable policy independence (Kingdon 1989). From the perceptive of their individual interests, they are largely policy entrepreneurs who may occasionally find it useful to accommodate their interests to those of the party, but in general will find the party a rather weak constraint on their voting decisions.

Given all this, the previous literature leads us to expect member independence to be on the rise, and we expect to see this manifested in two obvious ways. First, we would expect to find *less* policy cohesion within parties over time as members build locally appealing policy positions. It is not so much that we expect members to reject party positions and leaders as it is that we anticipate they will find the party as an increasingly irrelevant factor of interest to them and to their constituents. Second, we would expect a *convergence* of the parties as members lay aside party considerations in their quest for votes. To some degree, of course, we would expect differences between the parties to remain if for no other reason than that districts that send Republicans to Congress are by and large different from districts that send Democrats (Davidson and Oleszek 1981). Nonetheless, the polarization of the parties should decline if demographics alone remain as the underpinning for Republicans and Democrats to vote differently.

Congressional party policy cohesion and polarization can be gauged by a number of roll call measures; an appropriate one has been created by the Americans for Democratic Action (ADA). This interest group is one of the many groups that closely observe congressional voting and publish ratings of members of Congress each year. ADA ratings offer a good summary measure of the representatives' support for liberal policies on a wide

range of issues and allow us to examine intrinsic policy differences or distance between legislators. Policy ratings represent the number of "correct" votes, that is, the number of times a legislator voted with the stated positions of the group divided by the total number of salient group issues. ADA ratings are highly correlated with rankings issued by the Americans for Constitutional Action (ACA) and Conservative Coalition (CC) support scores (Poole and Rosenthal 1985; Kau and Rubin 1982). Thus, to simplify the analyses, we can focus exclusively on ADA scores.

Contrary to the expectations of decreased policy cohesion within parties and polarization between parties, an inspection of House and Senate roll votes during the period 1953 through 1990 reveals no obvious trend over time in the ideological cohesion within each party (see Table 1) or the polarization between parties (see Table 2).[1] These results are also graphically represented in Figure 1 (House cohesion), Figure 2 (Senate cohesion), Figure 3 (House polarization) and Figure 4 (Senate polarization). Results indicate, as we would expect, Democrats are consistently less cohesive than Republicans; this reflects the recurring regional split within the Democratic party (for a discussion of changing factionalism within the Democratic party see Rohde 1991). Additionally, Table 2 indicates that party policy polarization in the House and Senate are similar in the 1950s, but House polarization subsequently remains higher than in the Senate.

The data suggest that shifts in House and Senate party policy cohesion and polarization are rather similar but by no means identical. Calculated Pearson correlation coefficients reinforce these impressions. The correlation coefficient between Republican mean ADA scores in the House and the Senate is 0.345 ($p < .04$); the correlation coefficients

between Democratic mean ADA scores in the House and the Senate is 0.558 ($p < .001$); the correlation coefficient for the level of policy conflict between the parties in both chambers is 0.516 ($p < .001$). These correlations coupled with the findings above suggest that similar forces are affecting policy cohesion within parties and polarization between parties in each chamber. Differences between House and Senate scores may be the result of institutional differences between the chambers as well as measurement error, i.e., ADA scores for each house are based on different sets of bills.

Explanation For Party Policy Cohesion And Polarization Shifts in Congress

What then, accounts for the apparently patternless shifts of party policy cohesion and polarization over this time period? To answer this question, we examine the institutional environment and external environment of Congress; shifts in policy cohesion within parties and polarization between parties are likely the result of various combinations of forces that are part of the institutional environment in each chamber as well as the external environment.

Institutional Environment

Presumably, one of the most important institutional influences on party policy cohesion and polarization in the Congress is party leadership. The political skills and abilities of party leaders are potentially critical factors affecting party organization (Polsby 1986). We must first look to the party leadership as a determinant of policy cohesion within parties and polarization between parties. The drift of reforms in this century has been to weaken the ability of party leaders to ride roughshod over the opposition both within and outside their parties. Note, however, that there has been a countervailing strain toward

more active leadership in recent years (for a general discussion on cycles of centralized versus decentralized leadership see Dodd 1977; on the subject of revived party leadership see Sinclair 1992). Accordingly, one would expect a significant difference in the leadership styles among the most notable leaders of the House (e.g., Speakers Cannon, Reed, Rayburn, and O'Neill) and the Senate (e.g., Johnson and Baker), but more importantly for our purposes a difference in leadership success. Strong leaders are still possible in an era of individualistic members.

To the extent that congressional parties have sufficient common preferences on issues, party leaders act as agents in pursuing their party's legislative agenda (Clausen 1973; Kingdon 1989; Matthews and Stimson 1975; Norpoth 1976; Rohde 1991; Shaffer 1982). This perspective acknowledges that "such leaders do not command or control the mass of the membership (although they may seek to do so to marginal individuals who can make the difference between winning and losing)," but use authority delegated to them by members to accomplish common goals (Rohde 1991: 35). Members of Congress "sacrifice a limited amount of their independence to the leaders, because the commonality of preferences ensures that most members would only rarely be pressured to take an action they do not prefer" (Rohde 1991: 35).

Following this line of thought, the strength of the party leadership as a voting cue rests with its ability to provide fairly clear and unified signals to rank and file members on party agenda votes. No doubt, "the party leadership will vary in the degree to which it is united and in the degree to which it communicates its united intent to its followers" (Cox and McCubbins 1991: 553). Thus, it seems intuitive to expect differences in the ability of

the House and the Senate leadership to unify the party and in the degree of polarization they (implicitly or explicitly) encourage.

Two other institutional factors that are likely to affect party policy cohesion and polarization are the percent of new members in the Congress and the number of recorded votes in the chamber. The first factor - percent of new members in the House and Senate - taps the relationship between voting behavior and elections. Research on congressional voting suggests that freshmen legislators vote the party line more often than their senior counterparts (Truman 1959; Weinbaum and Judd 1970). As compared to more senior legislators, freshmen rely more heavily on party because they are not yet socialized to such cues as state delegations and committees (Weinbaum and Judd 1970). Additionally, previous work suggests a connection between new members, partisan voting, and policy changes (Brady, Cooper, and Hurley 1979; Brady and Naomi 1973). Hence, we should expect a positive relationship between the percent of new members in each chamber and policy cohesion within parties and policy polarization between parties.

The second factor - number of recorded votes - taps the relationship between voting behavior and decision heuristics. Procedural reforms (especially in the House - see Oleszek 1989) and a decentralization of power in the House and Senate have expanded the opportunity for recorded votes; additionally, pressure for such votes by interest groups and other actors anxious for members to be put on record have increased the drift toward recorded votes over time (Orstein, Mann, and Malbin 1990, 1992). Thus, given the time constraints on representatives' decisions and the possibility of input overload (Kingdon 1989), legislators will find it necessary to utilize short cuts in voting decisions. Party cues

are readily at hand as the decisional burden from recorded voting increases.

Differences in the margin of seats between the majority party and the minority party in the House and Senate may have an impact on party policy cohesion and polarization. Party leaders may be more willing to permit members to stray from party positions when the party holds a considerable majority of the seats in the chamber. On the other hand, if the margin of seats between the parties diminishes, factors such as party leadership and party competitiveness may act as a catalyst to increase party policy cohesion and polarization.

Finally, the degree of partisan conflict in the chamber (i.e., party policy polarization) is likely to affect the degree of party policy cohesion. Partisan conflict taps the "degree of ideological conflict between the parties as electoral coalitions"; thus the greater the difference between the parties, the greater the level of policy cohesion within parties (Brady, Cooper, and Hurley 1979: 338). As congressional parties become more polarized on salient legislative issues, party leadership may be less understanding toward members straying from the party fold.

External Environment

The preceding analysis suggests that institutional factors may affect policy cohesion within parties and polarization between parties in Congress. This analysis is clearly incomplete, however, in that it has yet to examine factors that are external to the House and Senate, which may affect party policy cohesion and polarization.

Two important external factors are whether the president and the chamber majority are of the same party and presidential administration. The first factor - correspondence

between the president's party and that of the chamber majority - may have an impact on party policy cohesion and polarization. When the president and the majority in the House or Senate share the same party affiliation, party policy cohesion and polarization in the chamber is likely to rise (Brady, Cooper, and Hurley 1979). Presidents in general attempt to set a legislative agenda for the majority party, and with the backing of the administration, the majority leadership can mount pressure on members to lend their support and thus unify the party (Davidson and Oleszek 1981; Brady, Cooper, and Hurley 1979; Polsby 1986). In addition, the opposition party may unite against the president and thus contribute to higher levels of cohesion within parties and polarization between the parties. The current budget votes in Congress succinctly illustrate the point; the Democrats lusted to have their President succeed and the Republicans unified in opposition.

The second factor - presidential administration - taps the impact of the ideological preferences of presidents on party policy cohesion and polarization. Revisions in the rules by which political parties nominate presidential candidates have strengthened the role of splinter groups within parties and increased the necessity for ideological appeals by presidential nominees (Polsby 1983, 1986). The net effect of nomination changes was to undermine the role of party leaders (including members of the House and Senate) and "to increase the probability that presidential nominees would be more doctrinaire," that is, either more liberal or conservative than the overall party membership (Polsby 1986: 193).

Hence, a president emerging from the party nomination system whose ideological preference is out of phase with his party, is less likely to spur party policy cohesion than is a president closer to his party's ideological preference. The expectation that cohesion within

the inparty should produce cohesion within the outparty suggests that both parties would be more cohesive the closer the president is to his party's center; we would expect polarization to increase as the president's ideological preferences approach the mean of his party.

Another factor in the external environment that may affect congressional parties is the general level of partisanship in the electorate. The more partisan the environment in which congressional parties operate the more likely they are to act in a partisan fashion. Hence, as the proportion of Independents in the electorate increases, congressional parties should become less cohesive and less polarized (Downs 1957; Enelow, and Hinich 1984).

Finally, the health of the national economy is likely to affect the polarization between the parties. One indicator of economic well-being is the unemployment rate (Tufte 1978). The ideology and platform of the Republican party and the Democratic party differ on macroeconomic policy. The Republican party typically favors trading greater unemployment for less inflation. In contrast, the Democratic party will accept increased rates of inflation in order to reduce unemployment. Such differences between the parties on unemployment policy contributes to greater party policy polarization in Congress. Polarization is presumably a function of the extremity of unemployment; when unemployment is a salient pocketbook issue, the Democrats are likely to be spurred into action and Republicans are likely to resist (see Bibby 1992: 247).

Legislative Policymaking: Strategy and Method

The strategy for analyses is two fold. First, we will model the effects of the institutional variables (I) and external variables (E) along with a stochastic error term on

Democratic and Republican party policy cohesion in each chamber. In more formal terms:

$$Y_{cohesion} = B_0 + B_I + B_E + error.$$

Second, we will model the impact of a similar set of institutional and external variables, including a measure of unemployment on party policy polarization.

Institutional Variables

Among the institutional variables, PARTY LEADERSHIP STRENGTH is measured as the proportion of times legislators of the same party voted with their floor leader and chief whip on party agenda votes in a given year. A party agenda vote is defined as a roll call in which the party leadership of one party - the floor leader and the chief whip - vote on the same side and in which the party leadership of the other party do not also vote on this side (Cox and McCubbins 1991: 547-570). Note that the cohesion and polarization models will have different leadership measures. The leadership measure in the cohesion model will be party specific (i.e., the proportion of times legislators of the same party vote with their leadership). In the polarization model, the leadership variable will measure a more general level of leadership strength regardless of party (i.e., the proportion of times Republicans and Democrats collectively voted with their party's leadership on party agenda votes).

The variable, PERCENT NEW MEMBERS in the chamber for the cohesion model is measured as the percentage of chamber freshmen in each party. In the polarization model, this variable is measured as the overall percentage of freshmen in the chamber. The institutional variable, RECORDED VOTES, is measured simply as the number of recorded floor votes in each session of the House and Senate.

The variable reflecting differences in the margin of seats between the majority party and the minority party (MARGIN) is measured as the absolute difference between the number of seats held by the Democratic party and those held by the Republican party in each chamber. Finally, PARTY POLICY POLARIZATION is included in the cohesion model to tap the impact of the degree of ideological conflict between the parties; it is measured as the difference between the mean party ADA scores.

External Variables

Turning next to the external variables, the ideological preferences of presidents is measured by a straightforward method suggested by Mark Zupan (1992: 351-361). By matching the ADA position on selected issues with roll call votes on which, according to Congressional Quarterly, the president took a stand, an annual ADA rating for U.S. presidents over the period 1953-1990 can be developed. In the polarization model, this variable (PRESIDENTIAL ADMINISTRATION) is measured as the absolute value of the difference between a president's ADA score and the mean ADA score of his party; this measure is *aggregated* for each presidential administration by year.

In the cohesion model, we examine presidential ideological preferences somewhat differently; we utilize a *set* of presidential administration variables. For example, in the model estimating the effects of presidential administration on Democratic cohesion, the absolute differences between individual Democratic presidents (KENNEDY, JOHNSON, and CARTER) and the mean ADA score of their party, relative to the time period, are included in the model. A measure for the impact of presidential administrations of the opposite party (e.g., Republicans) is the aggregated measure of the difference between the

ADA scores of Republican presidents and the mean ADA scores of their party. This variable (OPPOSING PRESIDENTIAL ADMINISTRATION) is also included in the model.

It is important to note that due to collinearity problems in the cohesion equation, we were unable to include the dichotomous measure of presidential-chamber congruence discussed earlier. Fortuitously, chamber-presidential congruence is related to the set of presidential administration variables included in the cohesion model. Because the presidential administration variables are measured for each individual president of the party relevant to a given model and all opposing presidents, it taps much of what we sought to measure with congruence.

In the polarization model, the congruence between the president's party and the chamber majority is measured as a simple dichotomous variable (CONGRUENCE). When the president's party and the chamber majority are the same, the variable has a value of 1; when they are different, the variable has a value of 0.

The external variable, percent of Independents in the electorate (PERCENT OF INDEPENDENTS), is measured by aggregating responses to the party identification question in the Survey Research Center National Election Studies. All Independent categories - Independents, Independent Republicans, Independent Democrats - are added together to create a variable consisting of the percentage of Independents in the electorate. Finally, the variable - unemployment rate (UNEMPLOYMENT RATE) - is measured by the annual unemployment rate reported by the Department of Labor.

Estimation Technique

Ordinary Least Squares (OLS) is not an appropriate estimation technique. Time-series data often violate the basic assumptions of the OLS model (Gujarati 1988; Judge et al. 1980). As with most time-series data, there are theoretical reasons here to suspect that resulting error terms are likely to be related to previous observations; error terms are related from one year to the next (AR1) and, every two years (AR2), especially in the House electoral cycle. Consequently, the expected values of the error terms are not independent. While parameter estimates remain unbiased, they are less likely to be efficient.

Various methods allow us to detect autocorrelation and correct for its effects. When dealing with dynamic models, "it may be superior simply not to test for serial correlation, but instead to proceed as if it were present" and apply corrective measures (Hanushek and Jackson 1977: 174). The unconditional least squares (UCLS) method, which is used to generate the results below, is an appropriate estimation technique[2]. This technique specifies and controls for autocorrelated error terms.

Results and Discussion

Party Policy Cohesion

Results from the party policy cohesion model are listed in Table 3 and Table 4.[3] Among the institutional variables, party leadership strength is significant and in the predicted direction for both parties in the House, but only for Senate Democrats. These findings lend support to the hypothesis that when the party leaders are united and clearly communicate their united intent to rank and file members, strong leadership is still possible,

even in an era of individualistic members.

The variable measuring percent new freshman provides conflicting support for our hypothesis. Among Senate Republicans, electoral turnover (i.e., greater percentages of new members) increases party policy cohesion. Conversely, electoral turnover among House Democrats decreases party policy cohesion. Taken together these findings might suggest that new House Democrats appear to be more closely tied to their districts than Senate Republicans.

For House Democrats and Senate Republicans the coefficient for recorded votes is significant and in the predicted direction. Given a more frantic pace of voting, party becomes a more important decision heuristic. The variable measuring the margin of seats between the majority party and the minority party in the chamber is negative and significant for House and Senate Republicans. This provides support for the hypothesis that the smaller the difference in the margin of seats between the parties, the greater party policy cohesion - at least for Republicans. The Democrats in the House and Senate seem less concerned with the level of competition than are Republicans, which seems intuitive since Democrats have generally enjoyed majority status in Congress.

Finally, the variable measuring partisan conflict or polarization between the parties (i.e., the difference between mean ADA scores for Democrats and Republicans) is significant and in the predicted direction in every case. Higher levels of partisan conflict increases policy cohesion within parties.

Turning to the external variables, House and Senate Democrats appear to pay little attention to presidents of their own party with respect to their own cohesiveness. However,

House Democrats tend to become more cohesive as Republican presidents differ more from the mean ADA of House Republicans. On the other side of the aisle, House and Senate Republicans are affected by Republican presidents, but the effect is chamber specific; Senate Republicans became *less* ideologically cohesive as Nixon, Ford, and Reagan departed from the mean ADA score for Senate Republicans. These findings are consistent with our hypothesis. House Republicans, however, grew *more* cohesive as Ford departed from the mean ADA score for House Republicans; this positive substantive linkage is unexpected. Since this relationship is isolated to the short tenure of the Ford administration, one plausible explanation is that House Republicans, facing eminent elections, may have moved to assert their independence from the Administration in the wake of Watergate and the Nixon pardon.

Finally, policy cohesion among congressional Democrats is more sensitive to levels of partisanship in the electorate than is cohesion among Republicans, whose cohesion does not respond as much to changes in the environment. Furthermore, there is a difference between House and Senate Democrats. The coefficient for the percent of Independents in the electorate is negative and significant for House Democrats; the coefficient for the level of Independents is positive and significant for Senate Democrats. The former is consistent with the hypothesized relationship between the level of Independents in the general electorate and policy cohesion; the more diverse the electorate (i.e., more Independents), the less incentive House Democrats have to behave cohesively. The latter relationship is inconsistent with the hypothesis and is likely to be a spurious one, reflecting relatively high Senate Democratic cohesion in a period of rising Independents (i.e., increased cohesion over

time tracks general increases in the proportion of Independents in the electorate). The positive substantive linkage that the coefficient indicates is unexpected.

Policy Polarization

Results from the policy polarization model are presented in Table 5. Turning first to the institutional variables, party leadership strength is again significant and in the predicted direction for both parties and in each chamber. Clear and unified signals from the party leadership on party agenda votes are associated with greater differences between the parties.

The coefficient for the variable measuring electoral turnover is negative and significant for the Senate; the more new members in the chamber, the less policy polarization between parties. These relationships are opposite those hypothesized, yet consistent with those reported in the policy cohesion model.

The margin of seats between the majority and minority party in the House and Senate has an impact on party polarization in the latter; the greater the margin of seats in the Senate, the greater the polarization between the parties. One plausible reason that the margin of seats does not play a larger role in the House is that the Democratic party has enjoyed a more comfortable seat margin in the House compared to the Senate.

Turning next to the external variables, the difference between the ADA score for the president and the mean ADA score of his party is negative and significant for the Senate. When compared to their House counterparts, senators are less isolated from ideological evaluations (Abramowitz and Segal 1992; Kuklinski and West 1981), and would, therefore, be more sensitive to shifts in presidential ideological preferences. Ideologically extreme

presidents reduce the level of party policy polarization in the Senate, and as a result allow members to position themselves as more moderate.

The coefficient for the percent of Independents in the electorate is positive and significant for the Senate; as noted earlier, this relationship is likely to be spurious. This result is consistent with the finding for Senate Democrats in the party policy cohesion model.

Finally, policy polarization between parties in the House and Senate is indeed a function of the extremity of unemployment. As unemployment increases and becomes a salient issue, differences in remedial measures between the parties drives them further apart.

Conclusion

At the beginning of this paper, we discussed the diminished role of congressional parties that one would expect given the reduced role of partisanship in the electorate and, in recent years, the increased role of incumbency as a voting cue in congressional elections. These broad patterns led us to sketch a scenario in which congressional parties should have become less cohesive and less polarized over time. A straightforward examination of the data, however, does not support the expectation of the increasingly irrelevant congressional parties. They have, rather remarkably, at least maintained their role in relatively difficult circumstances.

Further, we would argue that the lack of a broad pattern of congressional change does not mean that changes in party policy cohesion and polarization in Congress are altogether lacking structure. A variety of both institutional and external factors have been at work affecting parties in Congress. The models presented in this paper permit us to

begin disentangling the apparently patternless shifts of party policy cohesion and polarization over time. Clearly the factors influencing cohesion and polarization are quite complex, but even at this point we can discern some broad patterns.

The most important point to emphasize is the potentially powerful role played by party leadership in shaping both cohesion and polarization. The key role of leaders did not vanish with the Czars of old; leaders are still central to understanding party policy cohesion and polarization. This finding meshes nicely with the argument by Cox and McCubbins (1991) stressing that many previous studies may have inadvertently underestimated the impact of party leadership and other measures of organizational strength.

Shifting our focus to the various models developed to explain cohesion and polarization, a few general points should be emphasized amidst the welter of coefficients. First, the models are very successful in explaining the variation in cohesion and polarization. For the former, the explained variance always exceeds sixty percent, (House Republicans) and runs up to nearly ninety percent in the best case (House Democrats). In general, as far as cohesion is concerned, Democrats are easier to explain than are Republicans. Across the board, for Republicans and Democrats in both chambers, the extent of party polarization has a significant impact on the degree of party cohesion. With respect to polarization, the model is also quite successful, explaining about seventy percent and sixty percent of the variance for both the House and Senate respectively. Interestingly, the House model is marginally more successful in this regard even though the Senate model is superior in terms of the number of individual factors that are significant and in the predicted direction. Overall, the cohesion and polarization models perform quite well in creating order out of

'patternless' shifts. They do not represent the end of the story but, we feel, a quite solid beginning.

Figure 1

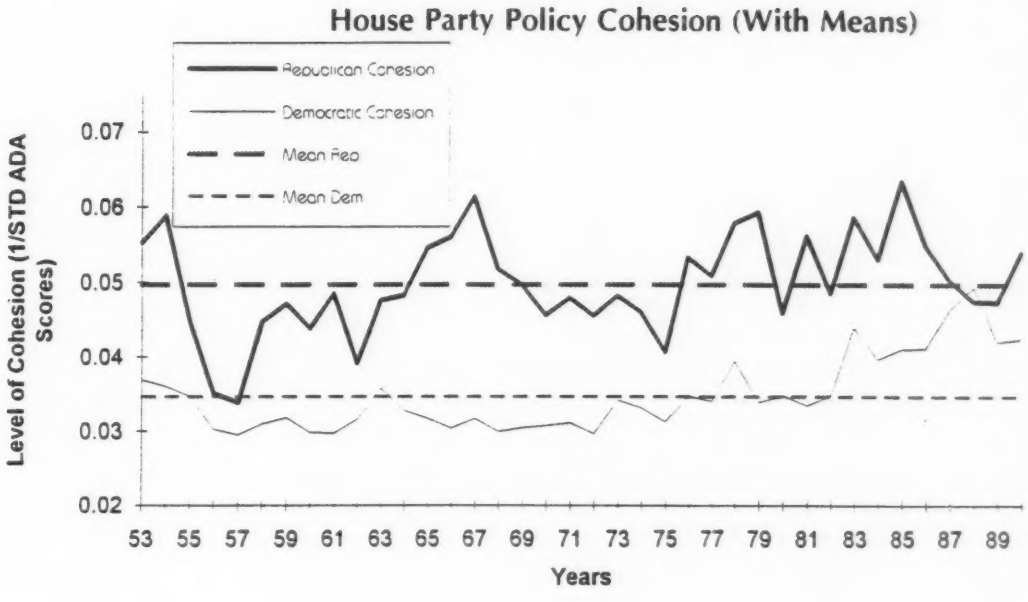

Figure 2

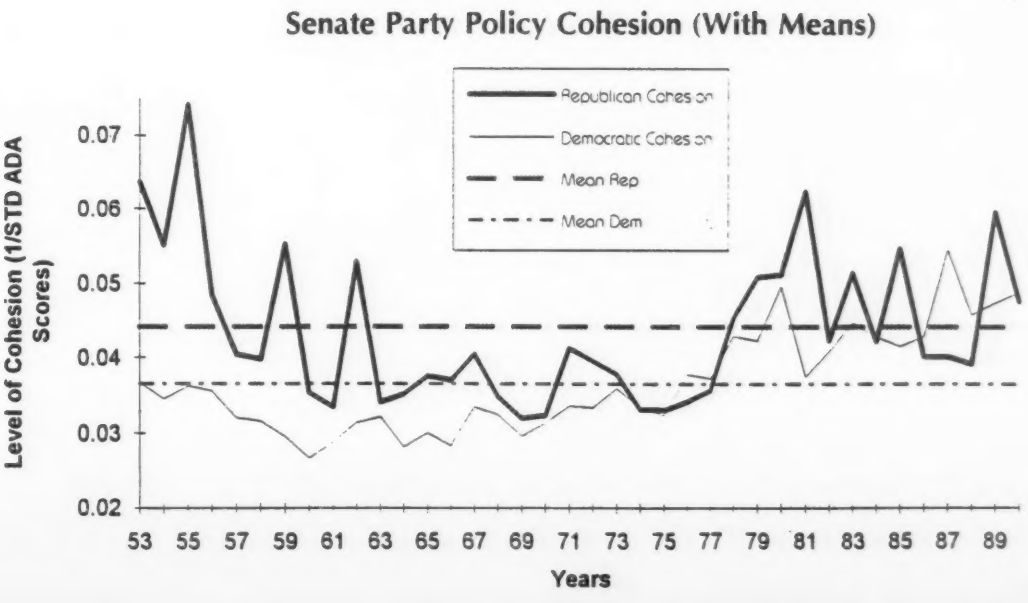

Figure 3

House Party Policy Polarization

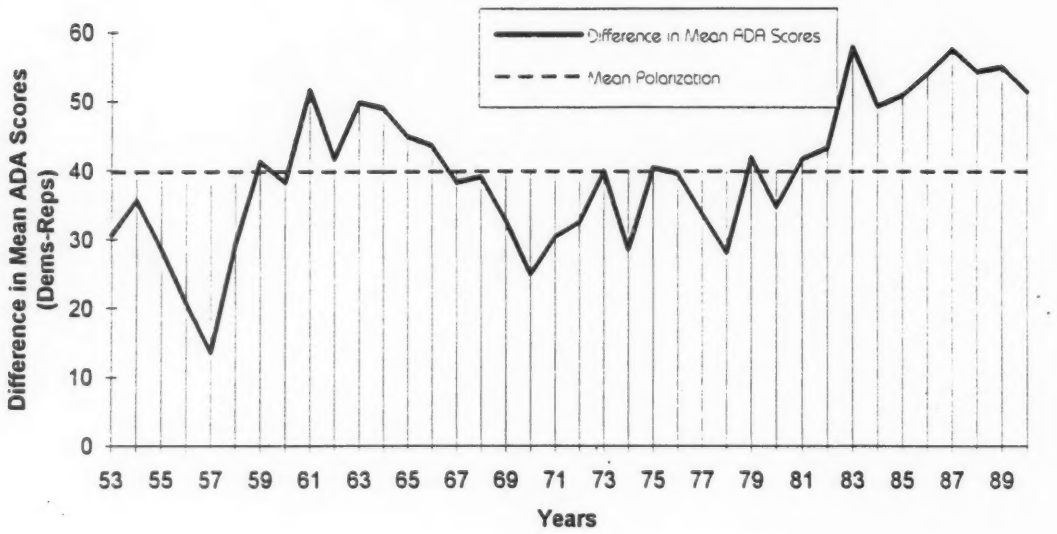

Figure 4

Senate Party Policy Polarization

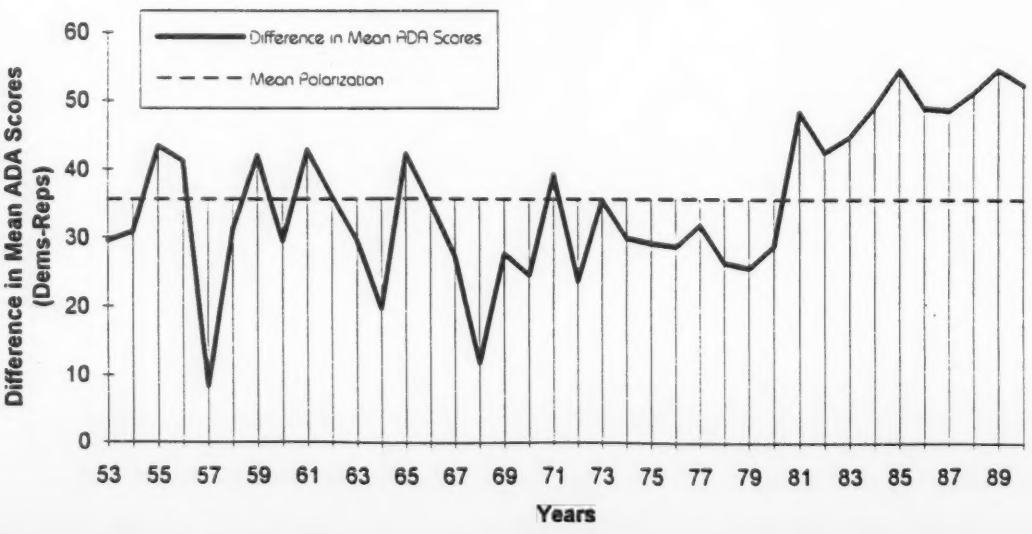

Table 1 - Party Policy Cohesion

YEAR	HOUSE Republicans	Democrats	SENATE Republicans	Democrats
49	0.052489	0.036188	0.046885	0.034477
50	0.047906	0.033511	0.048269	0.035096
51	0.049122	0.031414	0.046430	0.033682
52	0.039752	0.029256	0.047567	0.034266
53	0.055272	0.036901	0.063664	0.036686
54	0.058832	0.036039	0.055068	0.034578
55	0.044714	0.034671	0.074076	0.036245
56	0.035035	0.030254	0.048466	0.035524
57	0.033807	0.029537	0.040372	0.032093
58	0.044735	0.030942	0.039698	0.031628
59	0.047198	0.031826	0.055312	0.029590
Mean - 1950s	0.045637	0.032435	0.051892	0.033939
60	0.043873	0.029820	0.035341	0.026760
61	0.048571	0.029708	0.033457	0.028872
62	0.039170	0.031558	0.052842	0.031463
63	0.047643	0.035758	0.034080	0.032161
64	0.048340	0.032797	0.035177	0.028268
65	0.054641	0.031662	0.037539	0.030092
66	0.056046	0.030351	0.036971	0.028392
67	0.061344	0.031675	0.040480	0.033543
68	0.051788	0.029953	0.034931	0.032476
69	0.049679	0.030463	0.031959	0.029611
Mean - 1960s	0.050109	0.031374	0.037278	0.030164
70	0.045646	0.030724	0.032435	0.031371
71	0.048010	0.031136	0.041268	0.033624
72	0.045574	0.029625	0.039525	0.033444
73	0.048289	0.034202	0.037754	0.035926
74	0.046018	0.033148	0.033223	0.033523
75	0.040638	0.031264	0.033087	0.032446
76	0.053312	0.034683	0.034241	0.037734
77	0.050805	0.034015	0.035736	0.037226
78	0.057824	0.039462	0.045347	0.042886
79	0.059297	0.033860	0.050804	0.042311
Mean - 1970s	0.049541	0.033212	0.038342	0.036049
80	0.045937	0.034725	0.051210	0.049567
81	0.056156	0.033440	0.062400	0.037464
82	0.048540	0.034785	0.042309	0.040836
83	0.058645	0.043993	0.051431	0.044677
84	0.053039	0.039690	0.042167	0.042822
85	0.063426	0.041051	0.054679	0.041547
86	0.054780	0.041149	0.040076	0.042903
87	0.050278	0.046364	0.040111	0.054556
88	0.047493	0.049367	0.039110	0.045778
89	0.047296	0.041969	0.059574	0.047410
Mean - 1980s	0.052559	0.040653	0.048307	0.044756
90	0.053942	0.042405	0.047635	0.048895
Overall Mean	0.049641	0.034651	0.044112	0.036487
Standard Dev.	0.00673	0.00511	0.00983	0.00686

Table 2 - Party Policy Polarization

Year	Difference in Mean ADA Scores (House)	Difference in Mean ADA Scores (Senate)
49	55.1527	44.19
50	38.1937	26.6085
51	33.9029	42.0275
52	26.7553	37.3991
53	30.7107	29.5539
54	35.6691	30.9184
55	28.5192	43.3478
56	20.6316	41.167
57	13.5369	8.2786
58	29.2308	31.1762
59	41.2379	42.0175
Mean - 1950s	29.8388	33.2494
60	38.2512	29.4733
61	51.5861	42.7861
62	41.5669	36.0769
63	49.727	29.5313
64	48.8307	19.6029
65	44.7813	42.2463
66	43.4077	35.0969
67	38.2487	27.1632
68	39.0409	11.8968
69	32.7599	27.6854
Mean - 1960s	42.8200	30.1559
70	24.8695	24.5124
71	30.3367	39.2465
72	32.5395	23.6667
73	39.8474	35.5345
74	28.5376	29.9084
75	40.3041	29.1053
76	39.4934	28.6163
77	33.7336	31.761
78	28.0732	26.3048
79	41.7754	25.549
Mean - 1970s	33.9511	29.4205
80	34.7679	28.7846
81	41.5867	48.3139
82	43.2134	42.5878
83	57.8218	44.8054
84	49.1555	49.1616
85	50.8639	54.6327
86	53.8545	48.9634
87	57.4622	48.6167
88	54.1865	51.248
89	54.9092	54.6869
Mean- 1980s	49.7821	47.1801
90	51.3604	52.3515
Overall Mean	39.7722	35.6334
Standard Dev.	10.6299	11.3941

Table 3: House Party Policy Cohesion
Unconditional Least Squares Estimates
Autoregressive parameters assumed

Variable	Democrats	Republicans
Institutional Variables:		
Party Leadership Strength	0.032829371 * (0.01784)	0.092409248 ** (0.03125)
Percent New Members	-0.000165842 * (0.000081)	-0.000220940 (0.00026)
Recorded Votes	0.0000229279 ** (0.000054)	-0.000004375 (0.000016)
Margin	-0.000086937 (0.000018)	-0.000086394 * (0.000051)
Party Policy Polarization	0.000230285 ** (0.000061)	0.000238026 * (0.00013)
External Variables:		
Presidential Administration:		
Eisenhower	-----	0.000124691 (0.00017)
Kennedy	-0.000041644 (0.000051)	-----
Johnson	0.0000438149 (0.000039)	-----
Nixon	-----	0.000210492 (0.00027)
Ford	-----	0.001127712 ** (0.00030)
Carter	0.0000637014 (0.000066)	-----
Reagan	-----	0.000267165 (0.00020)
Bush	-----	0.0000445805 (0.00045)
Opposing Presidential Administration	0.000225691 ** (0.000066)	0.0000467108 (0.00010)
Percent of Independents	-0.000584548 ** (0.00023)	0.000859456 (0.00087)
Intercept	0.003227500 (0.01464)	-0.040582985 (0.03123
Adjusted R^2	0.8872	0.6003
AR(1)	+	- **
AR(2)	+ **	+ **

* Significant at the .05 level or better in a one tailed test.
** Significant at the .01 level or better in a one tailed test.

Table 4: Senate Party Policy Cohesion
Unconditional Least Squares Estimates
Autoregressive parameters assumed

Variable	Democrats	Republicans
Institutional Variables:		
Party Leadership Strength	0.062646779 ** (0.01922)	0.020415352 (0.04313)
Percent New Members	-0.000021676 (0.00019)	0.000216677 * (0.00011)
Recorded Votes	-0.00001149 (0.000009)	0.0000373827 ** (0.000013)
Margin	-0.000132784 (0.00011)	-0.000769867 ** (0.00021)
Party Policy Polarization	0.000335108 ** (0.000054)	0.000687507 ** (0.00016)
External Variables:		
Presidential Administration:		
Eisenhower	-----	-0.000077288 (0.00019)
Kennedy	0.000054597 (0.000068)	-----
Johnson	0.000119072 (0.000088)	-----
Nixon	-----	-0.001221335 ** (0.00025)
Ford	-----	-0.000766032 ** (0.00026)
Carter	0.000223420 (0.00014)	-----
Reagan	-----	-0.000900017 ** (0.00026)
Bush	-----	-0.000368167 (0.00038)
Opposing Presidential Administration	-0.000027273 (0.000096)	0.000116485 (0.0001)
Percent of Independents	0.001018780 ** (0.00040)	-0.001032938 (0.00063)
Intercept	-0.040675198 * (0.01848)	0.028753071 (0.04157)
Adjusted R^2	0.8035	0.7363
AR(1)	+ *	+ **
AR(2)	+ *	+ *

* Significant at the .05 level or better in a one tailed test.
** Significant at the .01 level or better in a one tailed test.

Table 5: Party Policy Polarization
Unconditional Least Squares Estimates
Autoregressive parameters assumed

Variable	House	Senate
Institutional Variables:		
Party Leadership Strength	92.3233386 * (40.634)	230.876902 ** (55.838)
Percent New Members	0.4645239 (0.326)	-0.162847 ** (0.[illegible]3)
Recorded Votes	-0.0127565 (0.017)	-0.036301171 (0.022)
Margin	0.0146843 (0.044)	0.196917 * (0.160)
External Variables:		
Presidential Administration	0.0395896 (0.114)	-0.243464 * (0.117)
Congruence (between President's Party & chamber majority)	1.7344497 (3.259)	-2.811377 (2.875)
Percent of Independents	0.3795853 (0.674)	1.254384 ** (0.493)
Unemployment	2.1427967 * (1.068)	3.594901 ** (1.031)
Intercept	-64.8169488 (42.948)	-182.203275 (41.940)
Adjusted R^2	0.7272	0.6218
AR(1)	- **	+
AR(2)	-	+ **

* Significant at the .05 level or better in a one tailed test.
** Significant at the .01 level or better in a one tailed test.

Endnotes

1. Ideological cohesion within parties for each chamber is measured here as one over the standard deviation of mean party ADA scores within each year. This measure is consistent with the conceptual notion of policy cohesion within the literature (i.e., larger ADA values indicate greater ideological cohesion). Ideological polarization is measured as the policy difference or distance between mean party ADA scores for each chamber (see Poole and Rosenthal 1985).

2. Due to the concern for small sample properties of various methods of time-series analyses, several methods, including the Yule-Walker method and maximum likelihood method, were examined to test the reliability of our results (Harvey 1981; Judge et. al. 1980). The results of these models produced very similar coefficients and significance levels.

3. While many of the coefficients for the party policy cohesion model appear to be rather small, they are best interpreted in the context of the scale measuring cohesion (see Table 1 for means and standard deviations of cohesion values). For example, holding all other factors constant a 10 percent increase in the scale measuring leadership strength for House Democrats is associated with nearly a 20 percent increase in cohesion - a difference of 3.36 ADA points.

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SOUTHERN GRASSROOTS PARTY ACTIVISTS:

MOTIVATIONAL INCENTIVES AND STYLISTIC ORIENTATIONS

Stephen D. Shaffer

David A. Breaux

Mississippi State University

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A time-honored concern of scholars of political parties has been what motivates people to support the party organization and its candidates. One branch of this research tradition has focused on whether people become active in organizations to acquire material benefits, enjoy social and interpersonal relations, or to shape public policy, as well as whether party workers' motivations change over time in response to their environment or maturation. Another branch has examined party members' motivations in supporting political candidates, and whether they are primarily concerned with backing an electable candidate or one who mirrors their own ideological views. Our paper shall combine both of these avenues pertaining to party workers' motivations, using a random sample of county chairs and county committee members in the contemporary South.

The South is a particularly intriguing region to focus on, given the significant partisan realignment that has been transforming the region from a one-party Democratic bastion into a competitive two-party system (Swansbrough and Brodsky, 1988; Lamis, 1990). Especially in presidential elections, voters in recent decades have clearly responded to the events, issues, and candidates who have contested the races, rather than relied solely on a partisan tradition grounded in the institutions of racial segregation and civil war. While such developments may suggest a prominent role for ideologically-motivated party activists in the South, others have pointed out that such political transformations as ideological realignment in the Congress and party sorting at the grassroots levels have resulted in southern political orientations that resemble national patterns (Steed, Moreland, and Baker, 1990).

LITERATURE REVIEW

Motivational Incentives for Activism

For three decades, researchers have generally classified party workers' motivations for becoming and remaining active in party organizations into three categories (quotations are from Clark and Wilson, 1961). Material incentives are tangible rewards that "have a monetary value or can easily be translated into ones that have." Workers' dependency on such tangible rewards minimizes conflict within the organization and provides for highly flexible tactics and activities. Solidary incentives are basically intangible, have no monetary value, and are divorced from the ends of association, but instead derive from the act of associating. Clark and Wilson consider "socializing, congeniality, the sense of group membership and identification, the status resulting from membership, fun and conviviality, [and] the maintenance of social distinctions" as solidary incentives. Purposive incentives are intangible, "derive in the main from the stated ends of the association," and are based in the overall goals of the organization such as its demands for enactment of various public policies.

Clark and Wilson (1961) point out that the incentives relied on by an organization such as a political party can change because of changes in the environment or in the membership's motivations. Hence, limited access to material rewards and limited success with purposive goals may lead the organization's leaders to stress the solidary benefits of group membership, though such shifts in incentives threaten a possible exodus by those induced to join the organization for other reasons. Clark and Wilson suggest that motivational incentives may operate independently of stylistic orientations

toward politics. They point out that solidary groups may adopt a democratic style oriented towards issues to attract middle-class, college-educated members, or a political machine "clubhouse politics" orientation that excludes various non-traditional groups. As monetary incentives have become less available or important to party workers, many organizations are being staffed by amateurs "impelled by the enjoyment of politics or by the good purposes" of the party.

In a comparative case study of precinct chairs in two counties in Illinois and Maryland, Conway and Feigert (1968) found that "impersonal" motivations such as civic duty and a desire to influence government policy were most frequently cited as motivations for becoming politically active as well as for seeking the precinct chair position. However, motivations changed over the years with social contacts and "other personal satisfactions" such as material goals being cited as most likely to be missed if precinct leaders resigned their positions. This "evolution away from purposive motivations" was especially evident in the more affluent county, where such motivations for initial activity were especially strong. Conway and Feigert also found that majority party activists showed greater current satisfaction with purposive incentives compared to the minority party. Relating reason for accepting precinct post to type of group support, they also concluded that those motivated by a sense of civic duty were "somewhat less likely to report the influence of party faction than those... seeking the post for other reasons."

In an analysis of grassroots party officials (precinct or ward chairs) in five communities in North Carolina and Massachusetts, Bowman, Ippolito, and Donaldson (1969) found that officials most liked the personal satisfactions and rewards of their jobs, and most disliked any conflicts within the organization. When asked why they were involved in politics, party officials cited purposive

incentives as most important, followed by solidary reasons, with material incentives rated as least important. Suggesting that material incentives were largely unavailable in the modern party organization and that purposive goals were difficult to achieve, the authors speculated that activists planning to continue in their party posts were socialized to accept solidary incentives. In addition to being more likely than anticipated quitters to characterize their party position as "personally important," officials planning to remain in office were more likely to cite a strong sense of party loyalty as a very important reason for being politically active. For the first time, candidates also appeared to play some role in sustaining activity, as quitters were more likely to cite personal friendship with one or more candidates as a very important incentive, suggesting a sporadic pattern of activity on the part of some activists inspired by a favorite candidate to become politically active, but who then opt out of the organization after their favorite leaves the political scene.

Dennis Ippolito' examination of county executive committeemen in Nassau County, New York classified incentives for activism into personal and impersonal groupings with the former generally including material and solidary reasons and the latter purposive incentives. He found that activists were amateur-oriented in the sense of being primarily motivated by impersonal incentives, and that when comparing their responses on separate questions asking why they had "become involved in party work" and why they were "doing party work now" their motivations tended to stay the same. Ippolito speculated that organizational level may have contributed to stability in purposive incentives for activism--high level county officials may have been better able to shape the incentives that the organization provided than were lower-level activists. As in most studies of incentives for activism, some validity concerns arise over the

classification of separate incentives into broader categories. Ippolito classifies party attachment as an impersonal or purposive incentive, while Clark and Wilson conceptually define it as a solidary motive.

Returning to precinct chairs in two counties in Illinois and Maryland, Conway and Feigert (1974) moved beyond the literature's customary focus on incentives alone and examined their relevance for party activities and communication patterns within the organization. They found that the socio-political environment interacted with and conditioned the relationship between sustaining motivations and activities, as those having purposive motivations appeared to pursue their goals in different ways depending on the environment. Among a higher socioeconomic status population having a higher turnout, activists motivated by purposive incentives stressed communicating principles as their most important party task, while in a lower socioeconomic status environment such activists asserted the primacy of generating voting turnout. The difficulty of obtaining policy goals in actuality through party work may help account for activists motivated by purposive incentives being more likely than other activists to report devoting no time to party work in non-election times and expecting to devote less time in the future to party work in general, but a contrary finding was a reported greater number of organizational activities performed during election times by purposively-motivated activists. Regarding intra-party communications, activists motivated by material incentives were most likely to report frequent meetings with state party leaders, though patterns were less clear for communications with county and other precinct party leaders.

Moving to the national level of the parties, Roback (1980) examined initial and continuing motives among delegates to the 1972 and 1976 national Republican conventions. When asked "who was most responsible for getting you interested in

politics," Reagan delegates were more likely to cite issues and events and claim that they were self-recruited, while Ford and Nixon delegates cited "more traditional patterns" of activism such as their family. Motivating reasons for why one first became active in the party appeared to be shaped by the interaction of agent of recruitment (external agent or self-recruited) and candidate supported in 1976. Among externally recruited delegates, solidary and material incentives tended to predict support for Ford rather than Reagan, while among self-recruited activists, purposive incentives (as well as a candidate's campaign) tended to predict support for Reagan. Purposive incentives were rated as most important for remaining active in the organization by all three candidate groupings, while material incentives were regarded as least important. Purposive reasons were most important to Reagan supporters, while solidary and material incentives were relatively more important among Nixon and Ford partisans. Estimating motivational continuity over time was problematic given different lists of items used to determine initial and sustaining incentives, but Reagan delegates did appear to exhibit greater purposive continuity than did other delegates.

Examining 22 state party conventions in 1980, Abramowitz, McGlennon, and Rapoport's (1983) factor analysis of why delegates became actively involved in the presidential campaign produced a personal benefits dimension that included material and solidary reasons and a purposive dimension of issues and candidates, with party loyalty and civic duty items failing to scale on either factor. Purposive incentives were rated most important by both party's delegates, but the party loyalty item was a close second. Arguing that delegates are motivated by partisanship as well as purposive goals, the authors find that party identification intensity and organizational activity measures (years active in

party, regularity of campaign involvement, organizational and electoral experience) are correlated with the purposive motivational scale as well as the partisan motivation indicator, though in each instance they are more highly correlated with the partisan indicator. The persisting importance of party loyalty was also reflected in a situation of cross-pressure, as intensely partisan motivations reduced support for Kennedy among very liberal delegates as well as those most motivated by purposive incentives. However, ideological self-identification continued to remain a more important predictor of candidate support than partisan intensity (or magnitude of purposive motivations).

Hedges (1984) extends the motivational analysis to a new group of activists--campaign contributors-- by focusing on those who contributed at least $100 to the 1972 presidential candidates. Contributors rated purposive motivations of influencing policy, community obligation, and affecting elections as most important incentives, while material incentives such as business contacts were of little importance. McGovern contributors were even more likely to be motivated by purposive incentives than were Nixon supporters. Hedges finds considerable motivational stability, reflected in high correlations in the importance of each incentive as an initial and current reason for being active in politics. While his factor analysis produces the standard three incentives, further analysis permits subdivision of the solidary dimension into a "specific solidary" subgroup that includes the politics as a way of life and party attachment items.

Miller, Jewell, and Sigelman (1987) extend the motivational analysis to campaign workers, focusing on the 1979 and 1983 Kentucky Democratic gubernatorial primary campaigns. The overriding incentive in the primary campaign was a candidate motivation--"to support a particular candidate I believe in".

Regarding the three motivational types, purposive incentives were most important while material incentives were least important. The authors found considerable continuity in each of the three motivational scales between the two election years, though as in most of these studies the previous years' reports constitute recall data. Finally, purposive, solidary, and material scale scores were largely unrelated to each other, suggesting empirically as well as conceptually separate motivational dimensions.

Stylistic Orientation towards Politics

A related though distinct tradition has been activists' stylistic orientation towards politics, whose central focus has been on how people behave rather than on whether they will participate at all. "Professionals" are generally regarded as being willing to compromise their principles in order to maintain party unity and win the general election. "Amateurs" or "purists" are generally viewed as being more committed to internal party democracy, maximizing popular participation in the organization, and substantial policy goals instead of electoral victory.

Soule and Clarke's (1970) classic study of the 1968 Democratic convention found that amateurs tended to be younger than professionals and were more likely to have initially become interested in politics because of events or their adult peer group, while professionals were socialized more by their family. Professionals had been active in the party longer than amateurs, had attended more national conventions, were more likely to be appointive rather than elected delegates, and felt more responsible to the local party organization (rather than state or national). However, these patterns may have been affected by the

amateur-professional scale itself, which included an item on whether people worked for the party "year after year" or "only when there is a particularly worthwhile candidate or issue." Since the key differences between amateurs and professionals were procedural and stylistic, the two groups of delegates did not significantly differ on policy or ideological lines. Yet stylistic orientation along with ideological self-identification did make an independent contribution to candidate preference, as liberal amateurs were most supportive of dovish Eugene McCarthy, while conservative professionals were most favorable to Vice President Hubert Humphrey.

In a replication of this study for the 1972 Democratic convention, Soule and McGrath (1975) found a significant increase in the presence of amateurs, part of which may be attributed to the increased numbers of women and those under 30 years of age, groups more likely to be amateurs than men and older delegates. This trend was counteracted by the increased numbers of blacks, a group more likely than whites to be professionals. Since women and the young were also more politically liberal than men and the elderly, their increased presence may also help account for the increased liberalism of the 1972 convention. Once again both stylistic orientation as well as ideology were related to candidate preference, as liberal amateurs tended to favor McGovern, conservative amateurs backed Wallace, and conservative professionals tended to favor Humphrey and Henry Jackson.

Roback (1975) extended the amateur-professionalism investigation to the Republican party by examining the 1972 Republican convention. While demographic traits were only weakly related to stylistic orientation, like the Democrats women and young adults were more likely than other groups to be amateurs, though unlike the Democratic pattern higher rather than lower income delegates were more

likely to be professionals. Agents of initial interest in politics tended to be the family for professionals and events and experiences for amateurs. Amateurs were more likely to be self-recruited than professionals, who were more likely to have been asked to initially become active in the party by a party official or member. Compared to amateurs, professionals had been active a longer time in the party, had attended more conventions, were appointed as delegates rather than elected, and felt more responsible to the state delegation leader or President Nixon rather than to the people in the district or state. Professionals rated material and solidary incentives as more important than amateurs and purposive incentives as less important reasons for remaining active in the party, though no apparent validity tests were performed on the assignments of specific incentive items to each scale. Issue preferences and ideology are largely unrelated to stylistic orientation, perhaps partly because of the absence of a viable "ideological" challenger to the incumbent president. Stylistic differences did emerge in expressed likes and dislikes about Nixon, as professionals were very critical of Nixon's failure to support Republican candidates for other offices (though some approved of his own statesmanlike campaign), while amateurs were more likely than professionals to cite policy reasons as both likes and dislikes.

Hitlin and Jackson (1977) studied the 1974 Democratic Mid-Term Conference, finding that younger and more educated delegates were more likely to be amateurs, though sex and race were statistically insignificant. Years of party service, holding party office, and delegate selection at the state rather than district levels were related to professional orientations, while the insignificance of holding public office suggested that amateurs had begun to move into positions of power. Within a liberal party nationally, amateurs tended to consider

themselves "liberals" while professionals favored self-identification as "moderates."

Jackson, Brown, and Brown's (1978) examination of the 1976 Democratic convention revealed a presidential nominee in the ideological middle with broad-based support among numerous demographic groups. Hence, Carter delegates did not differ significantly from other delegates on four items measuring amateur-professional orientations, though Carter delegates were slightly more likely to choose party unification as an important function of the convention. The two most important functions cited by party delegates were putting together a "winning team" and adopting "correct issue positions," suggesting that the amateur and professional orientations are not necessarily mutually exclusive.

Stone and Abramowitz (1983) draw a distinction between stylistic orientation in attitudes and in behavior. While state party convention delegates in both parties in 1980 said they preferred ideological purity over concentration on electoral victory, their perceptions of the electability of presidential hopefuls exerted a greater impact on their candidate preferences than did their perceived ideological proximity to the candidates. Furthermore, the primacy of electability concerns over ideological views was evident among delegates most highly "amateur" in orientation as well as among professionals and mixed motive delegates. While some rationalization did occur, as delegates tended to perceive the candidate closest to them ideologically as a more electable candidate, the direct effect of electability on candidate preferences remained more important than the total (direct and indirect in path analytic terms) effect of ideological proximity.

Clarke, Elliott, and Roback (1991) find that amateurs and professionals at the 1980 Republican national convention possess the same kind of belief system.

Both groups structure their policy views in terms of two dimensions--economic and social issues. Differences did emerge in terms of extremism, however, as Republican amateurs were more conservative than professionals on both of these issue dimensions. The authors define the amateur and professional groups by combining separate dimensions of amateurism and professionalism--separate dimensions that may be artifacts of an agreement response bias and the direction of the question wordings.

Hofstetter's (1971) analysis of stylistic orientation among members of a liberal reform organization and both parties' ward leaders in Columbus, Ohio produced two dimensions as well, which he labelled as party procedure-accountability and issue-participation factors, though again it is interesting to note that all six items in the latter dimension were worded in an amateur direction (the other factors' items varied in their wording direction). This extensive study of the validity of the amateur-professional scales is characterized by low correlation coefficients, however. There is a slight tendency for those older in age, blacks, and men to be more professional than young white females, and for long-time residents in the community, those being more concerned with local than national politics, and those who have worked for the party for a longer time and for more hours per week to be more professional than their opposites. Regarding motives for remaining active in politics and what shapes one's evaluations of candidates, solidary incentives (especially party loyalty) predicted professionalism on the procedural dimension while purposive incentives predicted amateurism on the other dimension. On both dimensions, ward leaders of the regular party organization had more professional orientations than did members of the insurgent organization, and liberals had more amateurist orientations than did non-liberals.

Using the same dataset and adding a behavioral indicator of stylistic orientation as the dependent variable, Hofstetter (1973) defines amateurs as members of the liberal reform group and professionals as both parties' ward leaders. He finds that those who are younger, less integrated into the community, of a higher socioeconomic status, having amateur-oriented role perceptions, and a liberal self-identification are more likely than their group opposites to be members of the amateur organization (the last relationship is an artifact of the absence of data from a conservative reform group). Regarding the importance of incentives in remaining active in politics, those stressing solidary motives were more likely to be conservatives, while those stressing purposive motives tended to be liberals.

Browder and Ippolito (1972) found that an "amateur" orientation which they defined using motivational incentives alone predominated within both party organizations in a suburban county of Georgia. They found that impersonal incentives such as the desire to affect government policy were the most important reasons for becoming and remaining active in the party, thereby showing significant durability. Activists also stressed impersonal incentives when trying to recruit others to become active in the party. While party members rated such solidary incentives as helping in a friend's campaign and "excitement" as opportunities that were more available than purposive incentives, they recognized that parties were better able to provide impersonal rewards such as influencing government policy than were other organizations.

SURVEY DESIGN

A mail survey of all Democratic and Republican county chairs and a random

sample of each party's county executive committee members throughout the South was the data source for this paper.[1] Three mailings were sent beginning in January and ending in April of 1991, and the response rate averaged 50% and ranged from 40% for Louisiana Democrats to 68% for North Carolina Republicans with Republicans generally having a slightly higher response rate. One or more political scientists, based at a university in each state, was responsible for collecting the data from that state. This Southern Grassroots Party Activists Project was led and coordinated by Charles D. Hadley and Lewis Bowman.[2]

FINDINGS AND INTERPRETATIONS

Importance of Motivations for Activism and Stylistic Orientations towards Politics

Purposive incentives appeared most important in motivating southern grassroots activists to accept their positions as county committee members or chairs. The most important motivation cited by both Democrats and Republicans was a concern with public issues (table 1). Two other motivations that appeared in the top five were also purposive in nature--perceiving campaigns and party work as ways of influencing politics and government. Yet we should recognize that non-purposive incentives also played an important role in motivating party workers to seek their current positions. The second most important incentive (out of a list of sixteen items) was to support a candidate that one believed in, illustrating the centrality of the modern candidate-centered style of campaigning and governing that has displaced the primacy of the party bosses as parties have declined in influence throughout the century. Yet while partisanship may be a

less central force than in previous decades, it remains an important motivator, as being strongly attached to a party psychologically is one of the top five incentives of each party's activists. Our study also confirms the relative unimportance of material motivations, as business contacts, building a personal political position, and gaining community recognition were the three items cited least frequently by both parties.

More direct comparisons between the two parties provide some interesting insights into the nature of the party organizations in the contemporary South. Democrats appear to be more motivated than Republicans by a diverse range of factors--solidary motives such as friendships and social contacts, the excitement of the campaign, family political history, as well as other motives such as community obligation and recognition and being close to important people (table 1). Republicans were more motivated than Democrats by purposive incentives--public issues and a desire to influence government. These party differences may be related to the historical position of the Democrats as the majority party in the South with the most competitive primaries, thereby providing more opportunities for activists to make friends and serve their community. The more ideologically cohesive, minority Republican party often gained adherents by capitalizing on popular discontent with the increasingly liberal nature of the majority party.

When asked their single most important reason for occupying their current party position, a concern over issues was again the number one motivation of both parties (table 2). Partisan attachment, candidate support, and using party work to influence government also remained among the most important goals. When forced to prioritize the incentives, other motivations emerge as important motivations--a feeling of obligation to the community, and seeing politics as a

way of life. Apparently contemporary southern activists are motivated by a diversity of concerns, not simply purposive goals. Such material incentives as business contacts and being recognition by the community remain among the lowest priorities within both parties. Regarding inter-party differences, once again Republicans are more motivated by a concern over public issues and a desire to influence government, while Democrats place a higher priority on their partisan attachments and the obligation of serving their community.

Turning to what motivated party members to first become active in politics, we find the operation of a similar diversity of incentives. A concern with issues was the top priority in both parties, while candidate support, influencing government, party attachment, and a sense of community obligation were other high priorities of both Democrats and Republicans (table 3). Republicans were significantly more motivated than Democrats by purposive incentives such as public issues and a desire to influence government, while Democrats were somewhat more motivated by party attachments and a sense of obligation to the community.

A direct comparison between what motivated party workers to first become active in politics and to then occupy a position in the party organization sheds some light on whether motivations tend to shift from purposive to solidary orientations, or whether they tend to remain stable over time. While individual reasons may become more or less important over the years, the broader motivational types remain remarkably unchanging in the aggregate. Regarding purposive incentives, activists were slightly less motivated by public issues, but somewhat more motivated by using party work as a tool to influence government (table 4). In terms of solidary goals, reflecting aging and the natural maturation effect of growing apart from one's parents, party workers became somewhat less motivated by their family's partisan involvement. On the other

hand, their strong attachments to the party as well as their coming to view politics as a way of life became increasingly important motivators. A final factor that changes in priority is candidate support, which becomes a weaker motivation over time, reflecting the departure from the political scene of an inspiring candidate who first motivated people to become highly active in politics, as well as the absence of equally inspiring successors.

Our study provides some evidential support for both of the conficting traditions regarding whether motivations shift over time. In response to a changing political environment, the opportunities that it provides in actuality, and changing personal needs, an activist's specific motivations will indeed tend to shift somewhat. However, their more general motivations toward political activity tend to remain the same, focusing toward purposive and/or solidary orientations. The aggregate stability of general motivations is reflected when one combines separate items into the three scales detailed in tables 8 and 9. Depending on whether or not one includes the politics as a way of life item as a solidary one and the candidate support item as a purposive one, preference for purposive motives ranged from 39 to 52% as an initiating incentive and 40 to 49% as a sustaining incentive, while support for solidary motives ranged from 21-25% initially to 18-27% as sustaining incentives. Material motives also remained very stable at 3% at both time points. Yet we do not want to overemphasize the stability of motivations, and we caution the reader that both initiating and sustaining motivations require that party workers recall what motivated them in previous years, and that the initiating motivation requires even greater recall facilities than the sustaining motivation.

Identical patterns of shifting motivations in response to environmental changes within a framework of stable overall basic orientations emerge within

each party. A slight decline in the importance of issues generally is counteracted by the increased recognition that active involvement in party work may help one influence politics and government (tables 5-6). Grassroots activists within both parties also appear less motivated by family and candidate factors and more highly motivated by party attachment, viewing politics as a way of life, and among Democrats a perceived obligation to the community. At no time are material incentives of much importance for either party, motivating less than five percent of grassroots activists. While the proportions of activists of each party falling into broad purposive, solidary, and material motivational categories remain relatively constant over time, at each time point purposive incentives motivated more Republicans than Democrats. Among Republicans, purposive incentives outnumbered solidary motives by about a three-to-one margin, while among Democrats the margin was approximately a one-and-a-half to one edge.

Not only does diversity characterize motivations toward activism, but it also reflects grassroots party workers' stylistic orientations toward politics. On only one of five statements designed to measure the extent of support for an amateur or professional orientation do party workers exhibit a consensus--about 90% of both parties agree that candidates shouldn't compromise their values even if necessary to win an election (table 7). The other four statements are worded in such a manner that agreement with them constitutes a more "professional" orientation. Those statements are favored by only 39% to 50% of party activists, figures that may be inflated by an "agreement" artifact of survey research--the tendency of some respondents to agree with statements read to them regardless of their own ambivalent or non-existent opinions. Widespread agreement with an "amateur" item and a failure to more highly agree with professional items suggest that contemporary southern grassroots activists are somewhat more oriented toward

an amateur than professional orientation, though many undoubtedly exhibit conflicting and/or a middle-of-the road stylistic orientation.

Party differences are quite evident on three of the five amateur-professional questionnaire items. Republican party workers are more likely than Democrats to exhibit a more amateuristic orientation, a finding consistent with their being more motivated by purposive incentives. Majorities of the two parties even take opposing positions on whether party workers should support a candidate that they basically disagreed with, with 60% of Democrats favoring backing the candidate and 62% of Republicans disagreeing (table 7). Over 10% more Democrats than Republicans agree that party unity is more important than a free discussion of divisive issues, as well as that party platforms should ensure party unity by avoiding controversial positions. Party differences on the remaining two items were only 4% in magnitude, but one of those items exhibited very little variation in responses.

Party differences in purposive motivations and stylistic orientations suggest that a number of the questionnaire items we have been examining may be tapping the same concept or dimension, so we turn to factor and cluster analyses of the incentive and stylistic items. The ability to reduce the large number of items into a smaller number of factors, each of which includes a number of questions, would not only simplify our more in-depth analysis of the correlates of motivations and stylistic orientations, but also lead to more valid conclusions by reducing random measurement error in the indicators.

A factor analysis (varimax rotation) of the incentives for activism produced five factors, three of which were clearly the solidary, material, and purposive incentives (table 8). The solidary dimension incorporates the diverse topics that Clark and Wilson mention, such as party, friendship, and fun, as well

as one's family history of political activism. The material dimension incorporates business contacts and building a personal position in politics, but also includes recognition in the community which party workers apparently perceive as helping attainment of the other two material goals. The purposive dimension is pretty standard, including issues and two items on influencing government. The fourth dimension is a candidate-civic duty dimension, while the fifth dimension is a personal friendship dimension.[3] Our subsequent analyses shall concentrate more on the first three dimensions, which are of greater relevance to previous studies of motivations for activism.

We finally confirm the validity of simple additive scales of each of these three incentives by examining a correlation matrix of the items. The average Pearson correlations among items tapping the same dimensions ranged from .36 to .52, reasonably high correlations given such attitudinal data and the statistic employed (table 9). Additional confirming evidence is provided by the average correlations between items from different dimensions, which in all cases were lower than the average intra-cluster correlations.[4] The existence of correlations between the dimensions confirms our findings in table 1, that the three incentives for activism are not mutually exclusive. Many party workers may indeed be motivated by more than one type of incentive. A further test of the generalizability of these three dimensions involved repeating the analyses for each party separately. The same patterns of factor loadings for the items in table 8 existed for each party, confirming the existence of solidary, material, and purposive dimensions for both Democrats and Republicans. The only deviant item was issues for Democrats, which loaded equally on the purposive and candidate-civic duty dimension, though it was slightly more related to the purposive items than to the other two items, and is classified as such in

subsequent analyses.[5]

The amateur-professional dimensionality test was an even more straightforward exercise, as one dimension clearly emerged that incorporated organizational unity, unifying behind the nominee, an inclusive platform, and maintaining neutrality during the primary. The fifth item failed to load on this amateur-professional dimension, perhaps because of the minimal variation in party workers' responses on that item, or because it was the only item worded so that an agreeable response constituted an amateuristic orientation (table 10). The average Pearson r correlation among the four questionnaire items loading on factor 1 and therefore included in the amateur-professional scale was .32. None of these items were significantly related to the fifth item, which was excluded from the scale. The same kind of strong evidence in favor of unidimensionality in amateur-professionalism was found for each of the parties when examined separately.

The Correlates of Stylistic Orientations toward Politics

Given the unidimensionality of amateur-professionalism and a desire to reduce random measurement error in the individual questionnaire items, we created an amateur-professionalism scale by simple summation of the four questionnaire items. After recoding for ease of interpretation, the resulting scale ranges from a score of 1 for most amateuristic to 13 for most professional. Simple additive scales were also formed rating the importance of various types of incentives for seeking one's current party position. The items comprising these solidary, material, and purposive scales are listed in table 8.

Despite conflicting and inconclusive findings by previous studies regarding the role of socioeconomic status, it serves as a key demographic characteristic that is related to amateur-professionalism among southern grassroots party activists. Higher income and college educated activists have a more amateuristic style, compared to party workers with a lower socioeconomic status (SES) who prefer a more professional orientation (table 11). The more professional orientation of the lower SES may reflect the historic importance of party machines in distributing the spoils of electoral victory to the organization's strongest supporters, such as less socially advantaged groups. It may also reflect a less sophisticated understanding of politics oriented around dogmatic party loyalty, and unawareness of modern management techniques that stress democratic decisionmaking styles.

Our study finds little support for the notion that groups previously excluded from party organizational leadership positions adhere to a more amateuristic orientation towards politics. Women are not more likely to be amateurs than are men, and African-Americans are actually more likely than whites to be professionals (table 11). One possible explanation is that members of these groups may not perceive themselves as "outsiders," in that women have often served as the "footsoldiers" in many southern political campaigns and blacks began entering the southern Democratic party organizations nearly three decades ago. Another possible explanation is that these groups in the South may be somewhat less assertive about their political situation than their counterparts in the North, given the traditionalistic culture of the old Confederacy that stresses deference to authority figures. A third factor may be socioeconomic status, since both groups tend to have a lower socioeconomic status than white males, and lower SES activists tend to have a more professional orientation.

Socialization forces may exert a major impact on stylistic orientation, as activists may be socialized over time to acquire a more professional orientation. Those 65 and older are much more likely to be professionals than are those under 40, who possess a more amateuristic orientation (table 11). It seems unlikely that this pattern is unique to the current time period, since previous national studies have consistently found similar age differences in stylistic orientation. Growing up in the more traditionalistic South is also related to a more professional style towards politics, compared to growing up in other regions. Related factors are how long one has lived in the state and whether one is retired, as long-time state residents and retirees have a more professional orientation compared to relative newcomers and those not yet retired. In the traditionalistic South, religion may also play some slight role in shaping one's stylistic orientation towards politics. Protestants, those attending church frequently, and activists backing a literal reading of the Bible and claiming to have been "born again" are somewhat more likely to be professionals compared to non-Protestants and less religiously involved activists.

One important source of a professional orientation is one's parents, especially among Democrats. Democratic activists who recalled their mother's and father's partisanship as being Democratic were much more likely to possess a more professional orientation than were those whose remembered their parents as Independents or Republicans (table 12). Though weaker in magnitude, similar patterns emerged for Republican activists. Republicans who recalled both parents as being Republican had a more professional orientation than those recalling parents as being Democrats or Independents. On the other hand, whether one's parents were remembered as being politically active exerted almost no effect on stylistic orientation.

Adult experiences may also exert an important socializing effect, as those active in state politics for over 30 years are much more likely to possess a professional orientation than those active less than 10 years (table 12). Another possible explanation for greater professionalism among long-time activists is that an amateuristic style may be less of a motivating force in stimulating continued political activity, since amateurs may be less strongly partisan psychologically. For example, Democratic activists who strongly identify with their party are much more likely to be professionals compared to those only weakly identifying with their party or regarding themselves as Independents. Similarly, Republican party workers who are strong partisans are much more professional compared to weak partisans and Independents. Furthermore, these patterns exist for partisan identification defined either as a psychological identification with the national party or the state party. A behavioral indication of party loyalty is whether one has ever switched parties, where we find that party switchers are much more likely to be amateurs compared to those who have never changed parties.

Whether one has held political office is also related to amateur-professional styles. County chairs are significantly more professional than are county committee members, who have a more amateur orientation (table 12). Those in their second or later term of office as county chair or committee member are also more professional than those in their first term. Activists who have held elective positions, appointive office, or previous party positions also possess a more professional orientation than less accomplished party colleagues.

It is finally interesting to note that among southern grassroots party activists, Democrats have a more professional orientation while Republicans possess a more amateuristic style (table 12). One possible explanation is that

as members of the historically dominant party, Democrats have been involved in politics longer and have held more political positions. Or perhaps Democrats are more integrated into the local community, and better reflect the traditionalistic culture of the South. Yet another possibility is that Republicans as the insurgent party challenging an entrenched majority party are more motivated by purposive incentives such as the desire to promote their ideological views. We now turn to an examination of how motivations and incentives for activism may relate to amateur-professionalism.

A diverse range of incentives appears to be related to a more professional orientation, suggesting that professionals may be more psychologically involved in politics than amateurs. The two most important sources of a professional orientation are solidary incentives and a strong attachment to the party (table 13). Interpersonal relations are highly related to a professional orientation in other ways as well, as those rating friendships with a candidate or with a political party official as very important in their decision to seek their current party position were significantly more likely to be professionals compared to those rating friendships as unimportant. Furthermore, being urged to run for the party position by an elected official, the county chair, a political candidate, or a party committee member were all significantly related to a more professional orientation compared to those listing these individuals as being unimportant in their decisions to seek the organizational position.

A sense of community obligation, material incentives, and believing in a candidate were other incentives that were related to a professional orientation (table 13). Even more important was the strong relationship between personal importance of the position and stylistic orientation, as those regarding the party position as personally important to them were much more likely to be

professionals compared to those regarding the position as unimportant. Activists also appear to have similar motivations in switching parties as they do in gaining a party organizational position. Friendships and a desire for personal advancement as reasons for party switching were related to a more professional orientation, as was a desire to move to the more active and organized party.

Amateurs appear to possess a more narrow range of motivations, focusing on purposive, issue-oriented goals that are determined by the individual in isolation from other persons.[6] When asked to name the single most important reason for seeking the current party position, those who claimed to have made their own decision were somewhat more likely to possess an amateuristic style compared to those claiming to have been influenced by candidates, public officials, or party members (table 13). The only incentive related to an amateuristic style was a purposive one, and that was the case solely for Republicans. Issues also appeared to be important to amateurs in causing party switching, while those citing other reasons for party switching were more likely to be professionals.

The greater motivation of professionals compared to amateurs is evident when one examines the activities that they perform as party organization members. Attending to party business and meetings, as well as county party organizational work are most highly related to a more professional orientation (table 14), as might be anticipated. But so too are a range of campaign activities, as those most active in raising money, promoting voter registration drives, contacting voters, and maintaining public relations are more likely to be professionals than are the inactive. Recruitment activities are also related to professionalism, as those active in recruiting and working with campaign workers, and in seeking out (and being sought out by) candidates for office had a more professional

orientation than the inactive.[7]

That professionals are the "workhorses" of the party organizations is also clear when asking party workers how actively they are involved in elections at different levels. Those very active in elections at each level--local, state, and national--possess a more professional orientation compared to those who are not very active (table 14). Professionals are also more likely to communicate with other party members and with public officials, compared to amateurs. Those communicating frequently with other party committee members, the county or state party chair, the state or national party committee, and local, state, and national governmental officials were more likely to possess professional orientations compared to those never communicating with them (data not shown). Professionals were also more likely to believe that the local party should remain free of state party direction, that the state party should remain free of national direction, and that the party should be built from the top down, than were amateurs.

The more partisan orientations of professionals also have a behavioral effect--they shape party members' attitudes toward prominent political leaders as well as the vote itself. Democrats voting for Dukakis were more likely to be professionals, while Bush Democrats had a more amateuristic orientation (table 14). The reverse was the case for Republicans, where Dukakis supporters were more amateuristic and Bush supporters more professional. Evaluations of Republican Presidents Reagan and Bush exhibited the same patterns. Republicans rating the job performances of these Republican Presidents as excellent or good were more likely to be professional, while those more disenchanted with them were more amateuristic. Conversely, Democrats rating Reagan and Bush favorably were more amateuristic in orientation, while those rating them unfavorably were more

professional.

Despite the intense partisanships, motivations, and activity levels of professionals compared to amateurs, ideological self-identification and issue positions are only weakly related to stylistic orientation.[8] The only consistent pattern, validated with both indicators, was that very conservative Republicans were more likely to possess an amateuristic orientation compared to other Republicans (table 15). Hence, in the Republican party the more issue-concerned amateurs tend to have more extreme ideological views drawn from the dominant conservative wing of the party, compared to professionals. The more ideologically-divided Democratic party in the South lacks a clearly dominant philosophy, and historically was more conservative in orientation than the national Democratic party. Hence, the Democratic pattern is less clear, as the stylistic effects of ideological extremism are less evident. Instead, conservatives generally are somewhat more likely to be amateurs, compared to liberals.

THE CORRELATES OF MOTIVATIONAL INCENTIVES

While a number of studies have examined the correlates of amateur-professionalism at the national level or in isolated communities, very few have examined the correlates of incentives for activism, focusing instead on the relative importance of these incentives and whether they tend to change over time. As with stylistic orientation towards politics, we find that motivational incentives are significantly related to level of political activity. Furthermore, level of motivation appears more important in inducing activism than does the type of motivation. Those reporting high activity in local, state, and

national campaigns compared to those inactive rated solidary, material, and purposive incentives as more important in their decisions to seek the party office they are currently holding (table 16). Solidary incentives exert a principal impact on level of party position and personal importance of the party position, as county chairs and those considering their party position as being personally important to them rate solidary incentives as more important than do county committee members and those devaluing their party position.

Agent of recruitment to party office is also related to all three types of incentives, rather than to only one type of incentive, such as solidary goals. Those saying that party committee members, county chairs, elected officials, and candidates for office were major considerations in their decision to seek their current party office rated solidary, material, and purposive incentives as more important than did those claiming that such political figures were not considerations (table 17). Only when asked to choose the most important consideration for seeking their party position did some differentiation of motives emerge--those saying that they had decided to run pretty much on their own rated material and purposive incentives somewhat more highly than did those citing any of the four types of political figures, while solidary incentives were not differentiating factors.

Partisan intensity is also related to all three types of incentives, though within both parties differences in magnitudes are evident for the incentive types. Strong partisans rated solidary, material, and purposive incentives as more important than did weak partisans and independents (tables 18-19). Solidary incentives appear most highly related to partisan intensity, while material incentives are least important. Among Democrats the same patterns emerge for 1988 presidential vote, where Dukakis voters rated each incentive as more

important than did Bush defectors, with solidary incentives most important and material incentives least important. No significant relations between the vote and incentives emerge among Republicans.

While solidary incentives appear to play a special role in promoting partisanship, purposive incentives exert a special impact on ideological considerations, especially among Republicans. Republicans who are conservative or very conservative rate purposive incentives as more important than do liberals and moderates (table 19). On the other hand, there is some tendency for less conservative Republicans to rate solidary and especially material incentives as more important than do conservatives. Hence, ideological dissidents from the conservative nature of the contemporary southern Republican party are able to derive some satisfaction from non-policy reasons for party activism. Liberal Democrats are more likely than conservatives to rate all three types of incentives as very important, though material incentives are least related to ideological concerns (table 18).

CONCLUSIONS

The contemporary party system in the South exhibits an interesting differentiation between the traditionally dominant Democratic party and the insurgent Republican party. Democrats tend to be motivated more by solidary incentives than do Republicans, and retain a more "professional" concept of party work. One source of Democratic professionalism may be their greater tendency to agree with their parents' traditional party ties than can be said for Republicans historically in the minority. Democratic professionalism may also reflect integration into the community, exhibited by advancing age, growing up in the

traditionalistic South, and working for the party for many years. The strong party loyalties found among professionals remains important in sustaining the contemporary southern Democratic party organization.

The surging Republican party is more influenced by purposive incentives and adheres to a more amateuristic style. Such issue-oriented amateurs are often self-starters rather than strongly encouraged by other people to become active in the party organization. A more purposive, amateuristic orientation is understandable given the absence of consistent partisan cues from parents, as well as less community integration due to greater in-migration. The issue orientation of such Republicans is clearly a conservative one, rather than reflecting a diversity of views.

Lest we overemphasize the differences between the parties, we should reiterate that neither party is monolithic in its motivations or stylistic orientations. Some Democrats appear more motivated by purposive incentives and possess an amateuristic style, while some Republicans pursue solidary incentives and a professional style. And the differences in tendencies between the Southern parties appear rational adaptations to their political environment, rather than disfunctional to their organizational goals. The South is a more conservative region, hence amateur Republicans promoting a conservative philosophy will not necessarily nominate candidates who are too extreme for voters. Southern Democrats can compensate for the relative unpopularity of their national party's liberalism by shying away from an issue-oriented amateuristic style, and emphasizing professionalism, historical party loyalty, and the importance of friendship and interpersonal ties in party work.

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NOTES

1. Southern states sampled included Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia.

2. The intellectual leadership and inspiration of Lewis Bowman and the good judgement and hard work of Charles Hadley were instrumental in the successful completion of this Project. The Southern Grassroots Party Activists Project is a collaborative effort funded by the National Science Foundation under Grant SES-9009846 and administered through the University of New Orleans. The Government has certain rights to this data. Any opinions, research findings, conclusions, or recommendations reported from this project are those of the named authors and do not necessarily reflect the views of the National Science Foundation.

3. The item wordings for the last two factors were: party work helps me fulfill my sense of community obligation; to support the candidate I believe in; friendship with a candidate; and friendship with a political party official.

4. We excluded two additional items from the three incentive scales: I like the feeling of being close to people who are doing important things; and political work is part of my way of life. The important people item was fairly equally correlated to the items in the material and solidary dimensions, while the way of life item was fairly equally related to the solidary and purposive items.

5. Among Democrats, the Pearson r's between issues and each of the other two purposive items were .41. The Pearson r relationships between issues and civic duty was .35, and between issues and candidate was .37. Among Republicans, the corresponding Pearson r's were .39 for each of the purposive items, .24 for civic duty, and .33 for candidate.

6. In these t-tests involving solidary, material, and purposive incentives, the scales were trichotomized into relatively equal groups, and the means of the two extreme groups were compared. The other incentives listed in table 13 are individual questionnaire items rather than scales--items that were not highly related enough with other items to justify being combined into the three incentive scales.

7. These same patterns also emerge with a set of questionnaire items asking activists what activities they had performed in recent campaigns, though the magnitudes of the relationships are not as strong as when asking about the important activities performed in their current party position and including a more diverse range of responsibilities.

8. A factor analysis of 13 issue items yielded one major factor with 7 items loading highly on it. Those items consisted of jobs, health care, health-education services, taxes versus services, affirmative action for blacks, and improving the economic positions of blacks and women (2 separate items), thereby constituting an economic-racial dimension. The average Pearson r correlation among these items was a respectable .43, and a simple summation of these items yielded an issue scale. Factors 2 and 3 contained diverse items pertaining to

women's issues, economics, social issues, and foreign affairs, and these inter-item correlations were weaker in magnitude, so we omitted them from further analyses. The issue scale was divided into five categories with roughly equal numbers of activists in each--very liberal, somewhat liberal, moderate, somewhat conservative, and very conservative categories. The equal proportions masked immense ideological differences between the parties, with 66% of Democrats falling within the two liberal categories and 67% of Republicans falling in the two conservative categories.

TABLE 1

INCENTIVES FOR SEEKING CURRENT PARTY POSITION
(% rating it Very Important)

	DEM	REP	ALL
Candidate Friendship	18	14	16
Party Official Friendship	22	20	21
Politics is Way of Life	43	37	40
Strongly Attached to Party	57	53	55
Friendship/Social Contacts	31	21	26
Family Involved in Party	21	14	18
Campaign Fun/Excitement	29	22	26
Build Personal Positions in Politics	10	8	9
Campaigns Influence Politics/Gov't	45	55	49
Party Work Influences Politics/Gov't	47	61	54
Close to People doing Important Things	26	16	21
Business Contacts	6	3	5
Fulfill Community Obligation	42	34	38
Community Recognition Feeling	14	7	11
Concern with Public Issues	63	70	66
Support Candidate I Believe In	62	65	63

NOTE: Question asked was: "Rate each of the following in terms of its importance in your personal decision to seek your current party position." Exact question wordings of many of these items are provided in table 8.

TABLE 2

PARTY DIFFERENCES IN SUSTAINING INCENTIVES
(% saying most important consideration)

	DEMOCRATS	REPUBLICANS
Candidate Friendship	5	3
Party Official Friendship	6	5
Politics is Way of Life	10	8
Strongly Attached to Party	14	9
Friendship/Social Contacts	3	1
Family Involved in Party	3	2
Campaign Fun/Excitement	1	1
Build Personal Positions in Politics	2	2
Campaigns Influence Politics/Gov't	5	7
Party Work Influences Politics/Gov't	10	20
Close to People doing Important Things	1	1
Business Contacts	1	0
Fulfill Community Obligation	13	8
Community Recognition Feeling	1	0
Concern with Public Issues	16	23
Support Candidate I Believe In	9	10
	100%	100%

Note: Sustaining Incentives were measured by asking, "Which consideration listed above was the most important in your personal decision to occupy your current party position?"

TABLE 3

PARTY DIFFERENCES IN INITIATING INCENTIVES
(% saying most important consideration)

	DEMOCRATS	REPUBLICANS
Candidate Friendship	6	5
Party Official Friendship	5	4
Politics is Way of Life	5	3
Strongly Attached to Party	10	7
Friendship/Social Contacts	3	2
Family Involved in Party	7	5
Campaign Fun/Excitement	3	3
Build Personal Positions in Politics	2	1
Campaigns Influence Politics/Gov't	6	7
Party Work Influences Politics/Gov't	8	16
Close to People doing Important Things	2	1
Business Contacts	1	0
Fulfill Community Obligation	10	7
Community Recognition Feeling	1	0
Concern with Public Issues	19	25
Support Candidate I Believe In	12	14
	100%	100%

Note: Initiating Incentives were measured by asking, "When you first became active in politics (beyond merely voting), which consideration listed above was the most important?"

TABLE 4

INITIATING AND SUSTAINING INCENTIVES FOR PARTY ACTIVITY
AMONG BOTH PARTIES COMBINED
(% saying most important consideration)

	INITIATING INCENTIVE	SUSTAINING INCENTIVE
Candidate Friendship	5	5
Party Official Friendship	5	5
Politics is Way of Life	4	9
Strongly Attached to Party	9	12
Friendship/Social Contacts	3	2
Family Involved in Party	6	3
Campaign Fun/Excitement	3	1
Build Personal Positions in Politics	2	2
Campaigns Influence Politics/Gov't	6	6
Party Work Influences Politics/Gov't	11	15
Close to People doing Important Things	2	1
Business Contacts	0	0
Fulfill Community Obligation	8	10
Community Recognition Feeling	1	1
Concern with Public Issues	22	19
Support Candidate I Believe In	13	9
	100%	100%

Note: Initiating Incentives were measured by asking, "When you first became active in politics (beyond merely voting), which consideration listed above was the most important?"
Sustaining Incentives were measured by asking, "Which consideration listed above was the most important in your personal decision to occupy your current party position?"

TABLE 5

INITIATING AND SUSTAINING INCENTIVES FOR PARTY ACTIVITY
AMONG DEMOCRATS
(% saying most important consideration)

	INITIATING INCENTIVE	SUSTAINING INCENTIVE
Candidate Friendship	6	5
Party Official Friendship	5	6
Politics is Way of Life	5	10
Strongly Attached to Party	10	14
Friendship/Social Contacts	3	3
Family Involved in Party	7	3
Campaign Fun/Excitement	3	1
Build Personal Positions in Politics	2	2
Campaigns Influence Politics/Gov't	6	5
Party Work Influences Politics/Gov't	8	10
Close to People doing Important Things	2	1
Business Contacts	1	1
Fulfill Community Obligation	10	13
Community Recognition Feeling	1	1
Concern with Public Issues	19	16
Support Candidate I Believe In	12	9
	100%	100%

Note: Initiating Incentives were measured by asking, "When you first became active in politics (beyond merely voting), which consideration listed above was the most important?"
Sustaining Incentives were measured by asking, "Which consideration listed above was the most important in your personal decision to occupy your current party position?"

TABLE 6

INITIATING AND SUSTAINING INCENTIVES FOR PARTY ACTIVITY
AMONG REPUBLICANS
(% saying most important consideration)

	INITIATING INCENTIVE	SUSTAINING INCENTIVE
Candidate Friendship	5	3
Party Official Friendship	4	5
Politics is Way of Life	3	8
Strongly Attached to Party	7	9
Friendship/Social Contacts	2	1
Family Involved in Party	5	2
Campaign Fun/Excitement	3	1
Build Personal Positions in Politics	1	2
Campaigns Influence Politics/Gov't	7	7
Party Work Influences Politics/Gov't	16	20
Close to People doing Important Things	1	1
Business Contacts	0	0
Fulfill Community Obligation	7	8
Community Recognition Feeling	0	0
Concern with Public Issues	25	23
Support Candidate I Believe In	14	10
	100%	100%

Note: Initiating Incentives were measured by asking, "When you first became active in politics (beyond merely voting), which consideration listed above was the most important?"
Sustaining Incentives were measured by asking, "Which consideration listed above was the most important in your personal decision to occupy your current party position?"

TABLE 7

AMATEUR-PROFESSIONAL ORIENTATIONS AMONG PARTY WORKERS
(% agreeing with statements)

	DEM	REP	ALL
Good party workers support any candidate nominated by the party even if they basically disagree with the candidate.	60	38	50
Party organization and unity are more important than free and total discussion of issues which may divide the party.	46	32	39
Candidates should not compromise their values even if such compromise is necessary to win.	87	91	89
Controversial positions should be avoided in a party platform to insure party unity.	51	40	46
Good party workers should remain officially and unofficially neutral in primary contests even when they have a personal preference.	50	47	49

TABLE 8

ROTATED FACTOR MATRIX (VARIMAX) FOR INCENTIVE ITEMS

	FACTOR 1 (Solidary)	FACTOR 2 (Material)	FACTOR 3 (Purposive)
Solidary Items			
V17 (Party)	.70	-.05	.23
V18 (Friendship)	.55	.26	-.05
V19 (Family)	.64	.09	-.07
V20 (Fun)	.61	.36	.15
Material Items			
V21 (Position)	.17	.75	.24
V25 (Business)	.05	.75	0
V27 (Recognition)	.14	.71	0
Purposive Items			
V22 (Influence/Campaign)	.17	.13	.85
V23 (Influence/Party)	.11	.09	.86
V28 (Issues)	.09	-.04	.58

NOTE: Respondents were asked to, "Rate each of the following in terms of its importance in your personal decision to seek your current party position." Response categories were very important, somewhat important, not very important, and not important at all. Questions wordings of each variable follow, and variables were combined into three scales for each incentive group.

Solidary:
V17- I am strongly attached to my political party;
V18- I enjoy the friendship and social contacts I have with other party workers;
V19- My family's involvement in party politics;
V20- I like the fun and excitement of campaigns.
Material:
V21- I am trying to build a personal position in politics;
V25- Party work helps me make business contacts;
V27- Party work gives me a feeling of recognition in the community;
Purposive:
V22- I see campaign work as a way to influence politics and government;
V23- I see working in the political party generally as a way to influence politics and government;
V28- My concern with public issues.

TABLE 9

CORRELATION MATRIX AMONG INCENTIVES FOR ACTIVISM
(Pearson R's)

	V17	V18	V19	V20	V21	V25	V27	V22	V23	V28
V17	---									
V18	.39	---								
V19	.28	.32	---							
V20	.36	.49	.33	---						
V21	.13	.20	.14	.34	---					
V25	.10	.27	.19	.27	.43	---				
V27	.19	.38	.21	.37	.40	.47	---			
V22	.29	.19	.13	.31	.23	.10	.16	---		
V23	.28	.15	.11	.23	.19	.09	.15	.73	---	
V28	.26	.17	.09	.19	.10	.04	.12	.41	.41	---

Average Intra-Cluster Item Correlations:
Solidary Items = .36; Material Items = .43; Purposive Items = .52
Average Inter-Cluster Correlations:
Solidary-Material Items = .23; Solidary-Purposive Items = .20;
Material-Purposive Items = .13

TABLE 10

VALIDITY TESTS OF AMATEUR-PROFESSIONAL SCALE

Rotated Factor Matrix (Varimax):

	FACTOR 1 (Amateur-Professional Scale)	FACTOR 2 (Deviant Item)
V88 (Candidate Unify)	.75	.01
V89 (Organization Unity)	.82	.03
V91 (Inclusive Platform)	.70	.05
V92 (Primary Neutrality)	.50	-.34
V90 (Don't Compromise Values)	.08	.95

Correlation Matrix:

	V88	V89	V91	V92	V90
V88	---				
V89	.53	---			
V91	.29	.44	---		
V92	.21	.23	.24	---	
V90	.02	.03	.05	-.05	---

Average Intra-Cluster Item Correlation (excluding V90) = .32

NOTE: Respondents were asked whether they strongly agreed, agreed, disagreed, or strongly disagreed with the following statements:
V88- Good party workers support any candidate nominated by the party even if they basically disagree with the candidate;
V89- Party organization and unity are more important than free and total discussion of issues which may divide the party;
V91- Controversial positions should be avoided in a party platform to insure party unity;
V92- Good party workers should remain officially and unofficially neutral in primary contests even when they have a personal preference;
V90- Candidates should not compromise their values even if such compromise is necessary to win. (The codes of this item were reversed in order to be consistent with the amateur to professional code rankings of the other four items.)
V90 was excluded from the amateur-professional scale.

TABLE 11

DEMOGRAPHIC CORRELATES OF AMATEUR-PROFESSIONALISM

	Group Tendencies	
Demographic Factor	Amateurs	Professionals
Age	40 and Under (6.2)	65 and Older (7.7)*
Sex	Females (6.9)	Males (6.9)
Democrats' Race	Whites (7.2)	Blacks (8.0)*
Republicans' Race	Whites (6.3)	Blacks (7.3)*+
Education	College/Grad (6.5)	Hi Sch & Less (7.7)*
Family Income	$60,000 & Over (6.6)	$30,000 & Und (7.3)*
Retired?	No (6.6)	Yes (7.6)*
Yrs. Lived in State	20 & Less (6.3)	60 & Over (7.9)*
Region Grew Up In	Non-South (6.5)	South (7.0)*
Religion	Non-Protest (6.7)	Protestant (6.9)*
Freq. Church Attend	Never/Seldom (6.7)	Weekly (6.9)*
Born Again?	No (6.8)	Yes (7.0)*
Bible Literal Word	No (6.5)	Yes (7.1)*

NOTE: Cell entries are means of the amateur-professional scale for the subgroups listed. Means range from 1 for most amateuristic to 13 for most professional.

* indicates t-test for difference between means is statistically significant at .05 level.
+ Only 85 Republicans were blacks, only 2% of that party.

TABLE 12

PARTISAN ORIENTATIONS OF AMATEURS AND PROFESSIONALS

Factor	Group Tendencies: Amateurs	Professionals
Among Democrats Only:		
Mother Party Id	Non-Democrat (6.7)	Democrat (7.5)*
Father Party Id	Non-Democrat (6.8)	Democrat (7.5)*
State Party Id	Not Strong Dem (6.0)	Strong Dem (7.6)*
National Party Id	Not Strong Dem (6.4)	Strong Dem (7.7)*
Among Republicans Only:		
Mother Party Id	Non-Republican (6.2)	Republican (6.6)*
Father Party Id	Non-Republican (6.2)	Republcian (6.6)*
State Party Id	Not Strong Rep. (5.5)	Strong Rep. (6.6)*
National Party Id	Not Strong Rep. (5.5)	Strong Rep. (6.5)*
Both Parties Combined		
Parents' Pol. Active?	No (6.8)	Yes (6.9)*
Yrs Active State Pol.	10 or Less (6.5)	30 & Over (7.6)*
In 2nd Term of Pty Pos?	No (6.4)	Yes (7.0)*
Previous Pty Positions?	No (6.8)	Yes (7.0)*
Held Elective Position?	No (6.7)	Yes (7.1)*
Held Appointive Office?	No (6.7)	Yes (7.1)*
No. of Party, Elective, Appointive Pos. Held	0 or 1 (6.7)	3 or More (7.0) *
Held Public Office Ever?	No (6.9)	Yes (7.0)*
Ever Switched Parties	Yes (6.0)	No (7.1)*
Voter in 1988?	No (6.9)	Yes (7.0)
Party Position	Co. Comm. Member (6.8)	County Chair (7.5)*
Political Party	Republican (6.4)	Democrat (7.3)*

NOTE: Cell entries are means of the amateur-professional scale for the subgroups listed. Means range from 1 for most amateuristic to 13 for most professional.

* indicates t-test for difference between means is statistically significant at .05 level.

TABLE 13

MOTIVATIONS AND INCENTIVES FOR PARTY ACTIVISM

AMONG AMATEURS AND PROFESSIONALS

Factor	Group Tendencies: Amateurs	Group Tendencies: Professionals
Incentives for Seeking Current Party Position:		
Solidary Incentive	Not Important (5.8)	Very Import (7.8)*
Strong Party Attachment	Not Important (5.6)	Very Import (7.5)*
Friends with Pty Official	Not Imp. (6.2)	Very Import (7.4)*
Candidate Friendship	Not Important (6.4)	Very Import (7.6)*
Community Obligation	Not Important (6.4)	Very Import (7.3)*
Material Incentives	Not Important (6.4)	Very Import (7.2)*
Believe in Candidate	Not Important (6.4)	Very Import (7.1)*
Purposive (Rep Only)	Very Import. (6.2)	Not Import (6.4)*
Purposive (Dem Only)	Not Important (7.1)	Very Import (7.4)*
Urged to Run for Current Party Position By:		
Elected Official	Not Important (6.5)	Important (7.3)*
County Chair	Not Important (6.5)	Important (7.1)*
Candidate for Office	Not Important (6.6)	Important (7.2)*
Party Comm. Member	Not Important (6.5)	Important (6.9)*
Made Own Decision	Important (6.8)	Not Important (6.8)
Single Most Important Reason for Seeking Current Party Position	Own Decision (6.7)	Other 4 People (7.0)*
Personal Importance of Being Co. Committee Member	Not Important (5.9)	Important (7.6)*
Reason for Party Switch:		
Friends	Not Important (6.0)	Important (6.5)*
Personal Advancement	Not Important (5.9)	Important (6.8)*
Move to More Active, Organized Party	Not Important (5.7)	Important (6.6)*
Single Most Important Reason for Party Switch	Issues (5.9)	Other Reason (6.5)*

NOTE: Cell entries are means of the amateur-professional scale for the subgroups listed. Means range from 1 for most amateuristic to 13 for most professional.

* indicates t-test for difference between means is statistically significant at .05 level.

TABLE 14

BEHAVIORAL EFFECTS OF AMATEURISM AND PROFESSIONALISM

Factor	Group Tendencies: Amateurs	Professionals
Activities Done in Current Party Position:		
Pty Business & Meetings	Not Important (6.0)	Important (7.1)*
Co. Pty. Organ. Work	Not Important (6.1)	Important (7.2)*
Contact Voters	Not Important (6.3)	Important (7.0)*
Raise Money	Not Important (6.5)	Important (7.2)*
Promote Voter Register	Not Important (6.3)	Important (7.0)*
Public Relations	Not Important (6.3)	Important (7.0)*
Recruit/Organize Workers	Not Important (6.4)	Important (7.1)*
Recruit Local Candidates	Not Important (6.4)	Important (7.1)*
Other Nominating Active	Not Important (6.5)	Important (7.2)*
Contact New Voters	Not Important (6.4)	Important (7.0)*
Campaigning	Not Important (6.5)	Important (7.0)*
Policy Formulation	Not Important (6.6)	Important (7.0)*
Increase Pol. Info. for Others	Not Important (6.7)	Important (6.9)*
Camp. Volunteers Usually Work with You	No (6.5)	Yes (7.0)*
Any Candidates Talk with You Before Running	No (6.6)	Yes (7.0)*
Every Suggest to Someone that They Seek Office	No (6.7)	Yes (6.9)*
Activity Levels among Both Parties Combined:		
Work in Local Elections	Not Very Active (6.1)	Very Active (7.2)*
Work in State Elections	Not Very Active (6.0)	Very Active (7.2)*
Work in Nat'l Elect	Not Very Active (6.4)	Very Active (7.1)*
Voted in 1988?	No (6.9)	Yes (7.0)
Partisan Direction of Effects		
Among Democrats Only:		
Reagan Job Performance	Excellent/Good (6.8)	Fair/Poor (7.5)*
Bush Job Performance	Excellent/Good (7.0)	Fair/Poor (7.5)*
1988 Pres Vote	Bush (6.1)	Dukakis (7.6)*
Among Republicans Only:		
Reagan Job Performance	Fair/Poor (5.7)	Exc/ Good (6.4)*
Bush Job Performance	Fair/Poor (5.2)	Exc/ Good (6.5)*
1988 Pres Vote	Dukakis (5.6)	Bush (6.4) *

NOTE: Cell entries are means of the amateur-professional scale for the subgroups listed. Means range from 1 for most amateuristic to 13 for most professional.
* indicates t-test for difference between means is statistically significant at .05 level.

TABLE 15

ISSUE AND IDEOLOGICAL ORIENTATIONS OF AMATEURS AND PROFESSIONALS

Factor	Group Tendencies: Amateurs	Group Tendencies: Professionals
Among Democrats Only:		
Ideology Identif.	Conservative (7.2)	Liberal (7.4)
Issue Scale	Conservative (6.6)	Liberal (7.5)*
Ideology Identif.	All Others (7.3)	Very Liberal (7.3)
Issue Scale	All Others (7.2)	Very Liberal (7.6)*
Among Republicans Only:		
Ideology Identif.	Conservative (6.4)	All Others (6.4)
Issue Scale	Conservative (6.1)	All Others (6.8)*
Ideology Identif.	Very Conser. (6.1)	All Others (6.5)*
Issue Scale	Very Conser. (5.8)	All Others (6.6)*

NOTE: Cell entries are means of the amateur-professional scale for the subgroups listed. Means range from 1 for most amateuristic to 13 for most professional.

* indicates t-test for difference between means is statistically significant at .05 level.

TABLE 16

INCENTIVES AND PARTY INVOLVEMENT

Factor	Group Tendencies: Not Important	Very Important
Solidary Incentives:		
Party Position	Co. Comm. Membr (8.0)	Co. Chair (8.5)*
Personal Importance of being Co. Comm. Membr.	Not Important (5.9)	Very Import (9.4)*
Local Elect. Activity	Not Active (6.5)	Very Active (8.7)*
State Elect. Activity	Not Active (6.0)	Very Active (8.9)*
Nat'l Elect. Activity	Not Active (6.8)	Very Active (8.8)*
Material Incentives:		
Party Position	Co. Comm. Membr (3.7)	Co. Chair (3.8)*
Personal Importance of being Co. Comm. Membr.	Not Important (2.7)	Very Import (4.3)*
Local Elect. Activity	Not Active (2.9)	Very Active (4.0)*
State Elect. Activity	Not Active (2.9)	Very Active (3.9)*
Nat'l Elect. Activity	Not Active (3.5)	Very Active (3.7)*
Purposive Incentives:		
Party Position	Co. Comm. Membr (8.2)	Co. Chair (8.4)*
Personal Importance of being Co. Comm. Membr.	Not Important (7.2)	Very Import (8.8)*
Local Elect. Activity	Not Active (7.4)	Very Active (8.5)*
State Elect. Activity	Not Active (6.7)	Very Active (8.7)*
Nat'l Elect. Activity	Not Active (7.2)	Very Active (8.8)*

NOTE: Cell entries are means of the solidary, material, and purposive scales for subgroups listed. Means range from low scores for unimportant considerations to high scores for very important considerations. The solidary scale ranges from 1 to 13, and the material and purposive scales range from 1 to 10.

* indicates t-test for difference between means is statistically significant at .05 level.

TABLE 17

INCENTIVES AND AGENTS OF RECRUITMENT

Factor	Group Tendencies: Not Important	Group Tendencies: Very Important
Solidary Incentives:		
Party Comm. Member	Not Consideratn (7.3)	Major Consid (8.3)*
County Chair	Not Consideratn (7.6)	Major Consid (8.5)*
Elected Official	Not Consideratn (7.6)	Major Consid (8.8)*
Candidate for Office	Not Consideratn (7.7)	Major Consid (8.8)*
Own Decision	Not Consideratn (7.2)	Major Consid (8.2)*
Most Imp. Considerate	Other People (8.0)	Own Decision (8.0)
Material Incentives:		
Party Comm. Member	Not Consideratn (3.4)	Major Consid (3.8)*
County Chair	Not Consideratn (3.6)	Major Consid (3.8)*
Elected Official	Not Consideratn (3.4)	Major Consid (4.4)*
Candidate for Office	Not Consideratn (3.5)	Major Consid (4.5)*
Own Decision	Not Consideratn (3.2)	Major Consid (3.9)*
Most Imp. Considerate	Other People (3.6)	Own Decision (3.8)*
Purposive Incentives:		
Party Comm. Member	Not Consideratn (8.0)	Major Consid (8.3)*
County Chair	Not Consideratn (8.1)	Major Consid (8.3)*
Elected Official	Not Consideratn (8.1)	Major Consid (8.3)*
Candidate for Office	Not Consideratn (8.1)	Major Consid (8.6)*
Own Decision	Not Consideratn (7.6)	Major Consid (8.5)*
Most Imp. Considerate	Other People (8.1)	Own Decision (8.3)*

NOTE: Cell entries are means of the solidary, material, and purposive scales for subgroups listed. Means range from low scores for unimportant considerations to high scores for very important considerations. The solidary scale ranges from 1 to 13, and the material and purposive scales range from 1 to 10.

* indicates t-test for difference between means is statistically significant at .05 level.

TABLE 18

INCENTIVES AND PARTISAN/IDEOLOGICAL ORIENTATIONS OF DEMOCRATS

Factor	Group Tendencies: Not Important	Group Tendencies: Very Important
Solidary Incentives:		
1988 Pres. Vote	Bush (6.6)	Dukakis (8.8)*
State Party Identif.	Not Strong Dem (6.1)	Strong Dem (8.9)*
Nat'l Party Identif.	Not Strong Dem (6.9)	Strong Dem (9.0)*
Ideology	Conservative (8.0)	Liberal (8.8)*
Issues Scale	Conservative (7.2)	Liberal (8.8)*
Ideology	Not Very Lib. (8.4)	Very Liberal (8.8)*
Issue Scale	Not Very Lib. (8.1)	Very Liberal (9.0)*
Material Incentives:		
1988 Pres. Vote	Bush (3.7)	Dukakis (4.0)*
State Party Identif.	Not Strong Dem (3.4)	Strong Dem (4.1)*
Nat'l Party Identif.	Not Strong Dem (3.8)	Strong Dem (4.0)*
Ideology	Conservative (3.8)	Liberal (4.0)*
Issues Scale	Conservative (3.6)	Liberal (4.1)*
Ideology	Not Very Lib. (3.9)	Very Liberal (4.1)
Issue Scale	Not Very Lib. (3.8)	Very Liberal (4.3)*
Purposive Incentives:		
1988 Pres. Vote	Bush (7.0)	Dukakis (8.2)*
State Party Identif.	Not Strong Dem (6.9)	Strong Dem (8.1)*
Nat'l Party Identif.	Not Strong Dem (7.3)	Strong Dem (8.2)*
Ideology	Conservative (7.5)	Liberal (8.4)*
Issues Scale	Conservative (7.3)	Liberal (8.2)*
Ideology	Not Very Lib. (7.9)	Very Liberal (8.6)*
Issue Scale	Not Very Lib. (7.6)	Very Liberal (8.6)*

NOTE: Cell entries are means of the solidary, material, and purposive scales for subgroups listed. Means range from low scores for unimportant considerations to high scores for very important considerations. The solidary scale ranges from 1 to 13, and the material and purposive scales range from 1 to 10.

* indicates t-test for difference between means is statistically significant at .05 level.

TABLE 19

INCENTIVES AND PARTISAN/IDEOLOGICAL ORIENTATIONS OF REPUBLICANS

Factor	Group Tendencies: Not Important	Group Tendencies: Very Important
Solidary Incentives:		
1988 Pres. Vote	Dukakis (7.2)+	Bush (7.7)
State Party Identif.	Not Strong Rep (6.1)	Strong Rep (8.0)*
Nat'l Party Identif.	Not Strong Rep (6.0)	Strong Rep (7.9)*
Ideology	Conservative (7.7)	Lib, Mod (7.7)
Issues Scale	Conservative (7.4)	Lib, Mod (8.1)*
Ideology	Not Very Cons (7.6)	Very Conserv (7.7)
Issue Scale	Very Conserv. (7.2)	Not Very Con (7.9)*
Material Incentives:		
1988 Pres. Vote	Bush (3.4)	Dukakis (3.8)+
State Party Identif.	Not Strong Rep (3.2)	Strong Rep (3.4)*
Nat'l Party Identif.	Not Strong Rep (3.2)	Strong Rep (3.4)*
Ideology	Conservative (3.3)	Lib, Mod (3.6)*
Issues Scale	Conservative (3.2)	Lib, Mod (3.7)*
Ideology	Very Conserv (3.2)	Not Very Con (3.5)*
Issue Scale	Very Conserv. (3.1)	Not Very Con (3.5)*
Purposive Incentives:		
1988 Pres. Vote	Dukakis (8.3)+	Bush (8.5)
State Party Identif.	Not Strong Rep (8.1)	Strong Rep (8.6)*
Nat'l Party Identif.	Not Strong Rep (8.1)	Strong Rep (8.6)*
Ideology	Lib, Mod (8.2)	Conservative (8.6)*
Issues Scale	Lib, Mod (8.3)	Conservative (8.6)*
Ideology	Not Very Cons (8.3)	Very Conserv (8.8)*
Issue Scale	Not Very Cons (8.4)	Very Conserv (8.7)*

NOTE: Cell entries are means of the solidary, material, and purposive scales for subgroups listed. Means range from low scores for unimportant considerations to high scores for very important considerations. The solidary scale ranges from 1 to 13, and the material and purposive scales range from 1 to 10.

* indicates t-test for difference between means is statistically significant at .05 level.

+ Only 33 Republicans voted for Dukakis.

Sanctions and Sovereignty in the Cold War Era and Today

George E. Shambaugh
Department of Government
Smith College
Northampton, MA 01063

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I. Introduction

Under what conditions can one state manipulate economic sanctions to alter the behavior of actors across international borders? The utility of economic sanctions have been debated extensively in public and scholarly circles.[1] This study adds to this debate by determining the conditions under which sanctions can be used effectively as a source of political influence. It does so by analyzing cases involving matters of "high politics," including sovereign autonomy and economic and military security, where sanctions are least likely to be effective.[2]

This articles analyzes the ability of the United States government to enforce its export control policy abroad between 1949 and 1988. The success of these efforts varied considerably and cannot be explained in terms of American hegemony or the distribution of resources within the Western alliance. Rather, the success of American enforcement efforts resulted primarily from of its use of economic sanctions against offending firms and states. Quantitative and comparative case study analyses demonstrate that foreign dependence on American suppliers and access to American consumer markets in certain industries enabled the United States to enforce its export control policy abroad since 1949. Further, the results suggest that dependence can be used by all states as a source of political power.

This paper is divided into six sections. First, the concept of dependence is refined and an argument linking dependence, sanctions and political power is developed. The following section specifies the goals and targets of U.S. export control policy. It identifies the enforcement mechanisms available to the U.S. government, and argues that economic sanctions offered the most potent means available. This argument is tested against competing hypotheses of economic and military hegemony through statistical analyses of 40 U.S. enforcement efforts from 1949 through 1988. The statistical analyses are supplemented with a more detailed comparative analysis of several pivotal cases. In conclusion, some of the potential costs of exploiting economic dependence to achieve political ends are identified, and avenues for future research are suggested.

II. The Argument: Dependence, Sanctions and Political Power

This section defines the concept of dependence and specifies the link between dependence and political power. Throughout the discussion, the targeted actor will be referred to as the "target," and the country initiating the sanctions will be referred to as the "enforcer." While the United States is the enforcer in the majority of the cases discussed, the findings presented here are applicable to all states in the international system.

The primary argument articulated below is that foreign dependence on local markets and suppliers greatly increases the likelihood that economic sanctions will be an effective source of political influence. Albert Hirschman was one of the first economic or political theorists to explicitly draw a link between economic dependence and political power.[3] Dependence is defined in terms of the costs of foregoing a particular relationship.[4] The party which values a particular trading relationship less will suffer proportionately less from its termination and will

consequently be able to exercise proportionately more influence over the other party.[5] The more costly it is for a targeted actor to forego a particular relationship, the more dependent it is on the maintenance of that relationship.

The costs associated with terminating a trading relationship with an enforcer are a function of two factors: the relative proportion of trade an actor conducts with the enforcer, and the availability of alternate trading partners. If a large proportion of trade is conducted with the enforcer, terminating those trading arrangements will be costly. If the costs of terminating a trading relationship with the enforcer are greater than the costs of abiding by its policies, then enforcement efforts are likely to be successful.[6]

This component of dependence is commonly associated with hegemony. Economic or military hegemony is often defined in part by the disproportionate possession of a particular set of resources or capabilities. Definitions of economic hegemony include, for example, references to a high volume of national exports or imports,[7] a relatively large gross national product,[8] a relatively high level of productivity,[9] or the disproportionate possession of natural resources (land, labor or capital).[10] A comparatively large possession of these resources may provide a means of exercising political influence over others that rely on them. However, predicting the likelihood of political influence based on the characteristics of one actor is fraught with difficulty. Such predictions fail to consider the characteristics or options available to the targeted actor.[11] The relative position of a hegemon provides no information about the relationships among the non-hegemonic actors in the system. As is demonstrated consistently in the cases below, the costs of terminating an economic or political relationship -- even a hegemonic relationship -- may be minimized if alternate partners or allies can be found.[12]

While all actors are "sensitive" to the termination or commencement of trade, some are more or less "vulnerable" than others.[13] A state or firm which can respond to, and compensate for, the termination of an agreement is less vulnerable than one which cannot do so. Here hegemonic states have an advantage since the existence of a large domestic market or domestic sources of supply decreases the vulnerability of a targeted state or firm from threats by international actors. On the other hand, even though a hegemon may be able to provide the largest consumer market or access to the most efficient suppliers of particular goods, threatening to cut off access to its markets or suppliers may have little effect if alternates can be found. Economic dominance is not sufficient to guarantee dependence, nor, as the cases demonstrate, is it sufficient to guarantee political influence.

Recognition that the presence of alternate trading partners can undermine political power resulting from economic dominance is an important insight that arguments of dependence have over traditional arguments linking economic hegemony and political power. The latter focus on the resource possessed by one actor, rather than the potential relationships between all actors in the system. As a result, these arguments ignore the implications of alternate, albeit smaller, partners.

The availability of alternate suppliers and alternate markets for a specific good can be interpreted as a function of the concentration of trade among all potential producers and consumers. If every country exported or imported the same amount of a particular good, then

that good could be purchased or sold anywhere. The concentration of markets and suppliers would be zero. If, however, only a few countries exported or imported a particular good, then the good could only be purchased or sold to them. The more concentrated the exports or imports of a particular good, the fewer the number of alternate markets or suppliers. In the case of a monopoly of production and exports, or of monopsony of markets and imports, no alternate suppliers or markets would be available and all suppliers would be concentrated in one country. The concentration of trade is related to hegemony, but it provides a more comprehensive measure of resources in the international system because it focuses on the distribution of trade among all states, rather than the relative share of the largest or most productive state.[14]

Dependence as a function of relative dominance of the Enforcer's exports or imports and the concentration of world exports or imports is summarized in Table 1.

Table 1: Dependence as a Function of Trade and Concentration

Concentration of World Exports/Imports	**Proportion of Target's Exports/Imports with Enforcer**	
	Low	**High**
Low	Low dependence	High sensitivity but low vulnerability to dependence on Enforcer
High	High vulnerability to dependence on others	High vulnerability to dependence on Enforcer

Firm and state dependence can be further broken down into dependence on access to markets and dependence on the supply of certain goods. The case studies presented below suggest that national governments are more likely to acquiesce to American export control policy when the supply of certain goods is threatened than when market access for their firms is challenged. A potential reason for the governmental preference for secured supply over market access is that the supply of specific goods, especially those considered necessary for national defense, have a more immediate and direct effect on perceptions of national security than do economic concerns which, while important, tend to have a more indirect and long term effect on national security.

In contrast, when access to traditional suppliers is restricted, economic firms often attempt to develop alternate sources of supply. In several of the cases analyzed below, firms were willing to develop substitutes for the restricted goods internally when alternate external suppliers were not available. This option is often difficult and it may require a large financial and technological capability, yet it minimizes dependence on foreign suppliers. Alternate markets

are, however, far more difficult to develop than finding alternate sources of supply. While national governments tend to be less concerned about access to foreign markets for their firms than about the supply of goods they cannot obtain elsewhere, firms are more protective of market access than supply.

Firm and state reactions to Enforcer initiatives against their interests are summarized as a function of dependence on market access and dependence on supply in Table 2.

Table 2: Successful Influence as a Function of Dependence

Dependence on Supply	**Dependence on Market Access**	
	Low	**High**
Low	Firm defiance, host government intervention	Firm compliance, host government indeterminate
High	Firm indeterminate, host government acquiescence	Firm compliance, host government acquiescence

Critics of this approach argue that market power (which is the result of supply and demand), is not necessarily equivalent to bargaining power between states (which is the result of the relative political evaluation of the consequences of state action).[15] Despite statements to the contrary, this criticism does not undermine the link between dependence and political influence; rather, it underscores a failure to specify the appropriate scope and domain of the influence attempt in question. Market forces of supply and demand affect the actions of firms directly. Regardless of host government action or inaction, firm actions appear to be governed by their dependence on American markets and suppliers.

Firms may seek the assistance of their host country's government to challenge U.S. policy, or they may not. Their ability to do so is a function of state-society, government-business relations.[16] Corporate influence of government decision making in the export control area has been very limited, and government action often proven to be costly to the firms involved. In addition, the cases demonstrate that even when the United States is unable to alter the foreign policies of its allies directly, it can influence the activities of firms in their territory by exploiting their dependence on access to the American consumer market and on the supply of various components and technology from American-based multinationals.

This model can be used to predict the outcome of U.S. efforts to implement its export control policy abroad from 1949 through 1988.

III. Extension of U.S. Export Controls Abroad, 1949-1988

A. Goals of U.S. Export Control Policy

Originally established as a means of maintaining security of munitions and other security items during wartime, export controls were a key component of U.S. foreign policy throughout the Cold War.[17] Export controls are currently used for three primary purposes: to maintain national security, to support its foreign policy, and to prevent the export of resources in short supply.[18]

U.S. export control policy is based on two pieces of legislation, the Trading with the Enemy Act of 1917 and the Export Control Act of 1949, which has been revised several times and is currently referred to as the Export Administration Act.[19] The Trading with the Enemy Act enables the President to investigate, regulate, or prohibit all commercial and financial transactions with foreign countries and their nationals during time of war or national emergency. This policy has been implemented through the Foreign Assets Control Regulations (FACRs) to embargo trade with the People's Republic of China, North Korea, North Vietnam and Cambodia in 1950, and through the Cuban Assets Control Regulations (CACRs) which have embargoed all trade with Cuba since 1963.[20]

The Export Control Act (later the Export Administration Acts) authorizes the President to curtail or prohibit the export of technical data as well as goods in order to "further the foreign policy of the United States and to aid in fulfilling its international responsibilities." It also allows the President "to exercise the necessary vigilance over exports from the standpoint of their significance to national security of the United States."[21] The regulation applies to all exports from the United States except those shipped to Canada for Canadian consumption.

The primary objective of U.S. export control policy is to prevent strategically sensitive technology and products from being diverted to specific restricted countries.[22] This requires the cooperation of all actors that possess or can produce the goods in question. To secure and monitor multilateral cooperation in the control of strategic commodities, the Untied States initiated the Coordinating Committee and Consultative Group in 1949.[23] While CoCom members have agreed to restrict the export of goods with direct military significance, the control of "dual use" goods and those with indirect military significance have been a matter of dispute since CoCom was established. The United States has consistently maintained and called for the control of more goods and technology than the other members of CoCom have been willing to accept.

B. Targets of U.S. Actions

The success of U.S. export control policy requires the cooperation of the multinational firms, including their foreign subsidiaries, that possess or can produce the items in question, and the acquiescence of the host countries within which these firms operate. If the targeted actor can secure access to comparable goods or technology from non-American sources, then the American restrictions will do little to slow the economic and military development of its adversaries.[24]

Securing the cooperation of all potential alternate suppliers is, therefore, crucial for the policy to be successful.[25] As a result, a primary objective of any such policy is to secure international corporate and national government participation.

The targets of U.S. export control enforcement efforts include any actor that can provide a targeted state with goods or technology restricted by U.S. export control regulations. The cases discussed below involve states and firms involved in a variety of industries ranging from machine tools manufacturers to advanced electronics and telecommunication companies.

Critics have argued that economic sanctions cannot be considered the principal factors behind U.S. influence over these actors because the U.S. government compromised at times for the sake of broader strategic objectives such as alliance cohesion by allowing violations and not using economic sanctions to punish offenders. Michael Mastanduno argues, for example, that congruent interests rather than economic coercion can explain variations in the enforcement of export control policies.[26] Cases involving congruent interests, or compromise on the part of the United States regarding the enforcement of its policies, are, however, not of interest in this study. All of the cases discussed involve discordant rather than congruent interests. And all involve U.S. efforts to use economic sanctions as a means of getting others to do something they would not otherwise have done.

U.S. efforts will be considered "successful" when the items it is seeking to control are not exported by the firms or countries in question, regardless of public statements or legislation reflecting discontent. American efforts to control these actors will be considered "unsuccessful" when the items the United States seeks to control are exported to third parties. However, they will also be considered "successful" if, when a violation is detected, the American government is able to punish the firm or individual that violated its policy. Even though this implies that U.S. export control regulations have been breached, the ability to inflict punishment requires the cooperation of host-country governments and represents acceptance of U.S. authority within foreign territory. If the host country government allows the United States to inflict penalties for non-compliance on firms operating abroad, then the host country government has consented to U.S. authority and granted legitimacy to U.S. actions.

C. Means of Enforcement

The United States has three primary means of securing the participation of allied governments and firms in its embargo. First, it can attempt to persuade the others that its restrictions are an appropriate and necessary response an external threat. Using bilateral and multilateral fora, the American government tried to obtain voluntary compliance and support from its allies and the international business community for restrictions placed against the former Soviet Union, China, Cuba, Libya, and several other targeted states. These efforts are institutionalized in the Coordinating Committee on East-West Trade (CoCom) which serves as a forum for negotiating, coordinate and monitoring the movement of strategic goods. Second, the United States seeks to prevent violations by both the CoCom controls and its own export control laws through early detection and by closely reviewing license applications.[27] While CoCom members have succeeded in limiting and monitoring certain "strategic" goods, the U.S.

government has consistently maintained, and sought to enforce, a more restrictive set of goods and technology.

Third, when diplomatic persuasion and early detection efforts fail to secure participation in the embargo, the United States government can use positive and negative sanctions to secure compliance. Promises of a government contract or access to sophisticated technology, such as the Strategic Defense Initiative (SDI), can be effective positive incentives for participation in American policy initiatives.[28] Alternatively, threats may be used to enforce compliance. The United States has sought to deter violators by demonstrating its willingness to aggressively use criminal and Administrative sanctions available under the Trading with the Enemy Act and the Export Control and Administration Acts.[29]

The backbone of American threats against firms operating abroad involves the possibility of placing non-cooperative firms or individuals on the Economic Defense List (also known as the Gray List) and "Atlas" (also known as the Black List).[30] The lists effectively terminate access to all American suppliers and the American market. These lists provide a means of influencing firms at home and abroad without formally extending United States regulations beyond its borders. The denial lists are maintained by the Department of Commerce and apply only to the export of goods from the United States, and, therefore, do not "legally" extend abroad, though they do have an extraterritorial effect. Yet, it is illegal for an American company to conduct business with any firm which appears on these lists. As a result, threatening to sanction a firm by placing it on the Gray or Black Lists provide the American government with a very potent means of exploiting foreign dependence on American suppliers or access to American markets.

IV. Methodology

The hypotheses are first tested using logit analysis of 40 U.S. attempts to use sanctions as a means of implementing its export control policy aborad against the interest of the actors in question. These analyses provide a good initial test of the proposed theories, however, due to data limitations they estimate dependence using data about trade between industrial sectors rather than between individual firms. To compensate for this level of aggregation, the statistical analyses are conducted a second time relying on subjective, firm-level data. In addition, the statistical findings are supplemented with a comparative analysis of several prominent cases. The combination of these analyses provides a more comprehensive analysis of the causal links between the use of economic sanctions, firm dependence and the success of U.S. influence attempts than any one method alone.

A. Variable Definitions

Operationalization of Dependence

As presented in Table 1, dependence is a function of two factors: the proportion of trade accounted for by the Enforcer, and the availability of alternate suppliers. The proportion of a country's exports in a particular industrial sector, (P_x), that are accounted from by enforcer, the

United States in this study, is an aggregate indicator of reliance on access to the its (American) consumer market. Similarly, the proportion of a country's imports in a particular industrial sector that come from the United States, (P_m), is an indicator of reliance on American suppliers.

The validity of this indicator is based on the assumption that firms and states in question are dependent on external, rather than domestic, markets and suppliers. Adopting the rational economic actor assumption, it can be assumed that external suppliers and markets are the most cost effective available or they would not be used in the first place. This assumption does not, however, imply that domestic alternatives cannot be found. To verify firm dependence on external suppliers and markets, detailed analyses of several cases are included in this study. The cases serve to verify that the actors perceived themselves to be dependent on U.S. suppliers or the American consumer market, and altered their behavior as a result.[31]

An actor's proportion of sectoral trade with the United States (P_m, P_x) may range from zero to 100%. If the proportion of trade is low, the actor does not rely heavily on U.S. suppliers or access to the American consumer market. As a result, the actor is not dependent on trade with the United States. If, on the other hand, the proportion of trade is high, then the actor may be dependent on the United States. The degree of the actor's dependence on trade with the United States becomes a function of the availability of alternate suppliers or markets for its goods.

The second component of dependence is the availability of alternate suppliers. Albert Hirschman, and later Orris Herfindahl, devised an index of industrial concentration which is particularly useful in this regard.[32] The Hirschman-Herfindahl index can be applied to both imports and exports of a particular firm or industry as a general indicator of the availability of alternate international suppliers or markets.

The Hirschman-Herfindahl index (HH Index) of trade concentration can be characterized as:

Hirschman-Herfindahl Index of Trade Concentration

$$(1) \qquad HH = \sqrt{\Sigma(\alpha_i/A * 100)^2}$$

where α_i = exports or imports of each firm and $A = \sum_{i=1}^{n} \alpha_i$ and n is the number of actors

The index can take over values ranging from 1/n to 100. This study uses a standardized form of the Hirschman-Herfindahl index to avoid sensitivity to the number of actors in each case. The

standardized Hirschman-Herfindahl index becomes:

Standardized Hirschman-Herfindahl Index

$$(2) \qquad HH_{standardized} = \sqrt{\frac{(HH - 1/n)}{(1 - 1/n)}}$$

The standardized version of the Hirschman-Herfindahl index ranges from 0 to 100.[33] Unless otherwise stated, all references to the Hirschman-Herfindahl index (HH) refer to the standardized form of the index.

The higher HH, the more concentrated the distribution of exports or imports in the international system. The value of 100 indicates the presence of a single producer or purchaser -- no alternate suppliers or markets are available; the value of zero indicates that exports and imports are distributed uniformly among all actors in the system -- alternates are readily available, no market or supplier dominates the industry. ConM represents the concentration of world imports (markets) in a particular industry, and ConX represents the concentration of world exports (suppliers) in a particular industry. For example, a value of ConM = 100 indicates that there is only one market for goods in question. Controlling access to such a market can provide a potent source of influence over actors that wish to sell those goods.

Trade concentrations are calculated using aggregate national trade data broken down by industrial sector using Standard International Trade Classifications (SITCs), rather than using trade data from individual firms. Many production figures, including import and export volume and levels of inter-firm trade for specific firms, are often held as proprietary information and are not accessible to the public. This is particularly true when the firms are involved in the production of goods or technology that may have implications for national security. Since consistent, standard production and consumption figures are not available for all of the cases discussed below, aggregated data is used for the statistical analyses. In the next section, comparative case analyses of several cases where firm level data are available are used to supplement aggregated findings and compensate for this limitation.

Competing Independent Variables: Economic and Military Hegemony

The measurement and operationalization of hegemony have been criticized and debated almost as much as the definition of "hegemony" itself. To avoid creating further debate, indicators of hegemony are adopted from current work in the field.[34] For the purposes of this analysis, hegemony is broken down into two components representing the economic and military characteristics traditionally associated with the concept.

The economic component of hegemony is defined in terms a nation's position within the international economic system. A nation's position with the international economic system can be

operationalized in terms of the proportion of world trade accounted for by a particular country. The proportion of world trade is defined as the sum of imports to country A and exports from country A divided by total world exports and imports.

The Economic Component of Hegemony

$$(3) \quad \text{Size} = \frac{\text{Imports to Country A} + \text{Exports from Country A}}{\text{Total World Imports} + \text{Total World Exports}}$$

This indicator is equivalent to the economic "Size" variable used by David Lake in his discussion of British hegemony at the end of the 19th century.[35] Alternatively, relative Gross National Product (GNP) or Gross Domestic Product (GDP) could be used as indicators of national size. For the purposes of this study, proportion of world trade rather than GNP or GDP was chosen as an indicator of size in order to maintain consistency among the data sources used to calculate hegemony and those used to calculate dependence.

Relative productivity is also commonly associated with economic hegemony. As argued by David Lake, however, this aspect of hegemony is difficult to operationalize as there are not accepted definitions of productivity especially when used for comparative purposes between different countries.[36] Accepting potential problems with the index, relative GNP per capita (GNPPCP) is used as an indicator of relative productivity.[37]

As represented by Robert Gilpin, another groups of scholars emphasize political-military power as the primary indicator of political power and influence a state possesses in international politics.[38] Most of these studies define military hegemony in terms of a combination of the following factors: the relative number of armed forces, relative military expenditure, and nature of national weaponry. For the purposes of this analysis, the military component of hegemony is operationalized in terms of the proportionate size of a state's military expenditure (MILEXP) in comparison to the total military expenditure of all members of its alliance.[39]

The Intervening Variable: Host Government Intervention

Host government intervention is an intervening variable between dependence and implementation. Successful implementation requires the cooperation of both firms operating abroad and the national governments of the countries in which the firms operate. National governments may either challenge or acquiescence to U.S. attempts to implement its policies within their territories. If the host country's government acquiesces to U.S. policy, then firm responses and, consequently, successful implementation will remain a function of the firm's dependence of the American market or American suppliers. Inaction or lack of specific action on the part of the host country has the same effect as acquiescence and will therefore be considered as such. The host country's government may, however, choose to challenge the extraterritorial extension of U.S. policy. On its own initiative or at the request of its firms, the host government

may enact national legislation to forbid the implementation of U.S. policy initiatives. Such legislation represents an assertion of national sovereignty that can effectively negate the direct effect of dependence on the implementation of U.S. policy abroad. As a result, regardless of firm preferences, host government intervention against the United States can effectively challenge American influence attempts within its national borders.

B. Case Selection

U.S. export control cases are used to examine the effectiveness of economic sanctions for three primary reasons. First, export control policy directly affects the economic and military security of all states involved. The enforcement of this policy against the interest of the states involved challenges their sovereign autonomy by asserting control over actors within their borders. Enforcing this policy successfully, therefore, represents a potent exercise of political power. Second, the Executive branch of the United States has the authority to manipulate positive and negative sanctions without consulting other branches of the government.[40] Third, export control policy has a long historical record, and it remains a key component of U.S. foreign economic and security policy.

The cases selected for analysis clearly represent only a subset of the actual cases of American influence in the export control arena. U.S. export control policy involves issues of national security as well as national economic policy. As a result, data from the majority of national, bilateral and multilateral negotiations surrounding these cases are confidential and not available in the public domain. Consequently, only those cases which have been discussed in the scholarly or popular presses are available for analysis.

It is always important to consider the cases not analyzed because of the counter-factual problem -- the dog that didn't bark. However, the available data should be skewed in a manner which challenges rather than compliments the primary hypothesis. In situations where conflicts of interest between U.S. export control authorities and local actors exist and are publicized, national governments should be more likely to challenge United States infringements on their sovereignty than when this is not the case. As a result, using these limited data, one would expect to find a larger percentage of cases resulting in failed U.S. influence attempts than in the general population of export control cases.[41] This trend is supported by the assumption that most unreported cases tend to favor the United States, therefore biasing the available data against it. Consequently, it is assumed that these cases will tend to underestimate the extent of U.S. influence and can consequently be taken as valid indicators of U.S. influence when the United States is successful. They might even be considered "crucial cases" for the study of state power within the Western alliance.

V. Statistical Analyses of U.S. Influence Attempts, 1949-1988

This section presents statistical analyses of U.S. efforts to influence states and firms operating abroad from 1949 through 1988. Models of the proposed hypotheses are presented, and the expected affects of each variable in the model on the likelihood of U.S. influence is

analyzed. The models are then tested using logit analyses of 40 U.S. influence attempts. Predictions from these analyses are compared with the actual outcome of the cases, and the proposed and competing hypotheses are evaluated in terms of the results. Tables presenting variable definitions, a summary of the data, and supplemental analyses are included in the Appendix.

A. The Model

The purpose of this project is to determine the conditions under which one state can use economic sanctions to influence the activities of actors and resources across international borders. This is done by identifying the conditions under which the United States has been able to implement its export policy abroad against the interests of its allies and the firms operating within their borders. The primary hypotheses predict that U.S. influence attempts to assert its export control policy abroad are most likely to succeed if the industrial sectors affected by the policy are dependent on American suppliers or access to American markets, than if they are not; regardless of U.S. economic or military hegemony.

The general equations linking dependence, hegemony, host government intervention and success is as follows:

(4) $\textbf{Success} = a + b_1 \text{ Dependence} + b_2 \text{ Hegemony} + b_3 \text{ Host Government Intervention} + e$

(5) $\textbf{Host Government Intervention} = a + b_1 \text{ Dependence} + b_2 \text{ Hegemony} + e$

Expectations are that b_1 and b_2 in equation 5 are positive and b_3 is negative. As dependence on the United States increases, the likelihood of a successful U.S. influence attempt grows. If U.S. hegemony declines, or host governments intervene on behalf of their firms, the likelihood success decreases. In equation 6, b_1 is expected to be positive and b_2 negative. Host government intervention against the United States becomes more likely as dependence decreases or as U.S. hegemony declines.

Initial analyses indicate a strong relationship between dependent and independent variables as predicted by the hypotheses outlines above. Correlation matrices presented in Table 3 indicate a large, positive relationship between all indicators of dependence (Market1, Supply1, ConM, ConX, Px, Pm, ConM * Px, ConX * Pm) and the successful implementation of U.S. policy (SUCCESS). They also indicate a large negative relationship between these indicators and the likelihood that host governments will intervene against the United States on behalf of their firms (GOVINT). At the same time, there is a strong negative correlation between host government intervention and the likelihood of success ($r = -.7455^{**}$), suggesting that host government can effectively challenge U.S. influence attempts, should they chose to act. The correlations between the independent variables is less that $r = .48$. This indicates that multicollinearity among the independent variables is not a problem in the models presented below.[42]

Table 3: Correlation Coefficients

VARIABLES:	SUCCESS	ConM*Px	ConX*Pm	ConM	ConX	GOVINT
SUCCESS	1.0000	.4297**	.3081	.2705	.1173	-.7455**
ConM*Px	.4297**	1.0000	.4012*	.0459	.1670	-.2733
ConX*Pm	.3081	.4012*	1.0000	.1944	.6626**	-.2557
ConM	.2705	.0459	.1944	1.0000	.2517	-.1348
ConX	.1173	.1670	.6626**	.2517	1.0000	-.0193
GOVINT	-.7455**	-.2733	-.2557	-.1348	-.0193	1.0000
MILEXP	-.0232	.4869**	.2245	-.3763*	.0800	-.0353
SIZE	.3663*	.1842	.1415	.3763*	.2794	-.1399
MARKET1	.4903**	.1897	.1971	.4280**	.0104	-.3478*
SUPPLY1	.5962**	.2590	.0754	.1108	-.0721	-.6432**
GNPPCP	.0730	.5036**	.3435*	-.1478	.1989	.0601
Px	.4155**	.9922**	.3695*	-.0540	.1315	-.2774
Pm	.3168*	.4462**	.9415**	.2014	.4150**	-.2805

VARIABLES:	MILEXP	SIZE	MARKET1	SUPPLY1	GNPPCP
SUCCESS	-.0232	.3663*	.4903**	.5962**	.0730
CONM*Px	.4869**	.1842	.1897	.2590	.5036**
CONX*Pm	.2245	.1415	.1971	.0754	.3435*
CONM	-.3763*	.3763*	.4280**	.1108	-.1478
CONX	.0800	.2794	.0104	-.0721	.1989
GOVINT	-.0353	-.1399	-.3478*	-.6432**	.0601
MILEXP	1.0000	-.1260	-.1690	-.0580	.5692**
SIZE	-.1260	1.0000	.3609*	.1252	.4560**
MARKET1	-.1690	.3609*	1.0000	.2942	.1187
SUPPLY1	-.0580	.1252	.2942	1.0000	-.0107
GNPPCP	.5692**	.4560**	.1187	-.0107	1.0000
Px	.5110**	.1487	.1477	.2670	.4944**
Pm	.2652	.0821	.2788	.0837	.3581*

* = Significance at the .05 level
** = Significance at the .01 level

B. Specification of the Equation

Maximum likelihood estimations using Logit analysis provide probability estimates for the likelihood of a successful U.S. influence attempt. Logit, rather than ordinary least squared (OLS) regression analysis, is used to evaluate the data because the dependent variable is dichotomous.[43] U.S. influence attempts are considered either successful (SUCCESS = 1) or not successful (SUCCESS = 0). Logit analyses provide estimates of the probability that the United States will be able to influence its allies and their firms successfully, (SUCCESS = 1).[44]

Each model is calculated twice using different indicators for firm and state dependence on the United States. First, aggregate trade data within specified industrial sectors are used to estimate dependence. Firm or state dependence results when both the proportion of trade with the U.S. is high and the world concentration of trade is

high (availability of alternate suppliers is low). Therefore, dependence is coded as an interaction term combining the effects of P_x and ConM (or P_m and ConX).

Use of aggregate trade data as indicators of dependence has a potential limitation because it does not take the suppliers and markets used by specific firms into account. To compensate for the potential problems associated with this assumption, the models are estimated a second time using the perceptions of corporate and national decision makers to determine firm and state dependence on American markets and American suppliers.

In the second set of equations, actors perceptions of their dependence on the United States, informed from a detailed study of case histories, are coded as indicators of firm and state dependence. Dependence on access to the American market, (MARKET1), and dependence on American suppliers, (SUPPLY1), are coded dichotomously as High or Low. All other variables are remain the same. Comparing the results from these two data sources enables the researcher to evaluate the predictions based on aggregate trade flows against the perceptions of the actors themselves.

U.S. hegemony is broken down into two components. The military component of hegemony, (MILEXP), is represented by the proportion of U.S. military expenditure in the Western alliance. The economic component of hegemony (SIZE) is the combination of U.S. exports and imports as a proportion of total OECD exports and imports. The relative productivity (GNPPCP) is also considered a component of economic hegemony.

Finally, the hypotheses argued that host government invention represents an intervening and suppressor variable between dependence, hegemony and success. Host government intervention, (GOVINT), is coded dichotomously as Yes or No. Subsidiary hypotheses about the affects of dependence and U.S. hegemony on host government intervention are also tested.

C. Data Analysis

Expectations of the Results

The primary hypothesis argues that United States' influence attempts are most likely to succeed if actors in the industrial sectors affected by the policy are dependent on American suppliers or access to American markets, regardless of changes in hegemony or the distribution of global resources. Consequently, the statistical analyses of U.S. influence attempts should indicate a positive relationship between foreign dependence on American markets and American suppliers and the success of U.S. influence attempts.

Logit Models of Success:

$$(7) \quad l_{suc} = a + b_1 P_m{*}ConX + b_2 P_x{*}ConM + b_3 MILEXP + b_4 SIZE + b_5 GNPPCP + b_6 GOVINT + e$$

Using subjective, firm-level data, this equation becomes:

$$(8) \quad l_{suc} = a + b_1 MARKET1 + b_2 SUPPLY1 + b_3 MILEXP + b_4 SIZE + b_5 GNPPCP + b_6 GOVINT + e$$

Logit Models of Host Government Intervention:

$$(9) \quad l_{gov} = a + b_1 P_m{*}ConX + b_2 P_x{*}ConM + b_3 MILEXP + b_4 SIZE + x_5 GNPPCP + e$$

Using subjective, firm-level data, this equation becomes:

$$(10) \quad l_{gov} = a + b_1 MARKET1 + b_2 SUPPLY1 + b_3 MILEXP + b_4 SIZE + b_5 GNPPCP + e$$

A subsidiary hypothesis predicted that firms would respond more readily to dependence on market access, whereas states are more likely to respond to conditions of dependence on access to foreign suppliers. One would expect the models to indicate that dependence on markets access has a strong, positive effect on U.S. influence over firms. At the same time, one would expect the models to indicate that dependence on American suppliers should have a strong, negative effect on host government intervention against the United States. Finally, the hypotheses predict that the effect of American hegemony on the likelihood of success will be minimal.

Analysis of the Models

Sanctions and Firm Action

The results of an initial estimate of success as a function of firm dependence are presented in Tables 4a and 4b. In both equations, the t-statistics indicate that dependence on U.S. markets and as well as some components of hegemony are positive and significant. Regardless of which indicators of dependence are used, the coefficients indicate that when dependence on U.S. markets increases, the likelihood of success of U.S. sanctions increases as well. They also indicates that the greater the relative size of U.S. trade in a particular sector, the greater the likelihood of successfully influencing firms in that sector.

The sectoral estimates (table 4a) diverge somewhat from the subjective firm level estimates (table 4b) regarding the effect of relative productivity and military expenditure on success. The aggregated equation shows a positive relationship between relative productivity (GNPPCP) and success, and a negative relationship between military expenditure and success. This indicates that as relative productivity of the influencer increases, the likelihood of its success increases as well; however, it also implies that relative increases in American military expenditure actually decrease the probability the U.S. government will be able to used economic sanctions effectively. The firm-level equation, however, shows a negligible relationship between relative productivity and military expenditure.

The results from these initial estimates support both the hypotheses that firm dependence on access to foreign markets, and economic hegemony, at least as represented in terms of the relative size of trade, increase the probability that economic sanctions will be successful. They, however, present mixed results concerning the link between firm dependence on foreign suppliers and the likelihood of success. Over all, the sectoral level predictions of success are correct 62.5% of the time, and correlate highly with the actual outcome ($r = .6351$); the firm level predictions are correct 61.9% of the time, and also correlate highly with the actual results ($r=.5522^{**}$). Furthermore, the predictions of the two equations correlate highly ($r = .3688^{**}$), indicating that the aggregate estimates provide a reasonable first cut predictions of firm perceptions of dependence.

A subsidiary hypothesis predicted that host government intervention would act as a suppressor variable, mitigating the effects of dependence on firm action. To test this hypothesis, these estimates are recalculated controlling for host government intervention. The equations are first estimated again without including host government intervention (Tables 5a and 5b), and then for cases including only cases where the host government intervened (Tables 9a and 9b, in the appendix) and then where it did not (10a and 10b, in the appendix).

The varying results in Tables 5, 9 and 10 confirm the hypothesis that Government Intervention acts as a suppressor variable, mitigating the effect of

dependence on firm action. As is characteristic of a suppressor variable, when only cases of host government intervention are included, all other independent variables become insignificant; however, when cases where of host government intervened are excluded, the significance of competing independent variables increases. In order to maintain the largest number cases possible, while taking the effect of government intervention into account, GOVINT is removed from the equation in Tables 5a and 5b.

When government intervention is removed from the model (Table 5a and 5b), firm dependence on markets and the over all size of U.S. trade become increasingly significant. In addition, the significance of firm dependence on external suppliers increases dramatically. Sectoral and firm-level estimates diverge again, however, on the significance of relative productivity (GNPPCP) and military expenditure (MILEXP).

These estimates indicate that from both a sector specific and subjective firm-level analysis dependence on access to foreign markets and the relative size of trade within a particular sector have a strong, positive and significant effect on the likelihood that economic sanctions can be used to alter firm behavior. The effects of firm dependence on foreign suppliers, relative productivity, and military expenditure have mixed results. Finally, host government intervention is very influential and can apparently mitigate the effect between dependence and the economic component of hegemony and firm action.

Sanctions and Host Government Intervention

The effects of dependence and economic and military hegemony on host government intervention against American initiatives are presented in Tables 6a and 6b. The findings from both equations indicate that the likelihood of host government intervention decreases as dependence on American suppliers or access to American markets increases. This supports the primary hypotheses that as national dependence on the United States increases, host government intervention becomes less likely. The models also support the subsidiary hypothesis that, in contrast to firms, national governments tend to be less concerned about access to foreign markets for their firms than in securing the supply of resources that are necessary for their economic and military security. The estimates indicate that dependence on American suppliers has a greater and more significant effect on the likelihood of host government intervention than dependence on market access.

The impact of American hegemony on the likelihood of host government intervention is mixed. As predicted by theories linking economic and military hegemony to political influence, increases in the relative size of U.S. military expenditures or the relative size of U.S. trade decreases the likelihood that host government would challenge the United States on behalf of their firms. Further, both models indicate that increases in relative productivity in the United States tends to increase the likelihood that host governments would intervene on behalf of their firms.

Table 4a: Logit Analysis of Success using Aggregated Data

Explanatory Variable	Estimated Coefficient	t -Statistic
Constant	8.687	0.557
Dependence on US Markets ConM * Px	5.400	1.173
Dependence on US Suppliers ConX * Pm	0.0199	0.00681
Hegemony Economic Component SIZE GNPPCP Military Component MILEXP	 70.196 2.760 -29.872	 1.621* 1.109 -1.338*
Government Intervention	-3.847	-2.265**
Chi Squared	15.472	df = 33

Table 4b: Logit Analysis of Success using Actors' Perception

Explanatory Variable	Estimated Coefficient	t-statistic
Constant	-15.634	-0.574
Dependence on US Markets Market1	1.599	1.339*
Dependence on US Suppliers Supply1	0.920	1.036
Hegemony Economic Component SIZE GNPPCP Military Component MILEXP	 82.272 -1.019 8.744	 1.417* -0.359 0.285
Government Intervention	-2.611	-1.799*
Chi Squared	54.561	df = 35*

* indicates statistical significance at the .10 level, ** indicates statistical significance at the .05 level.

Table 5a: Logit Analysis of Success using Aggregated Data, Excluding Government Intervention

Explanatory Variable	Estimated Coefficient	t -Statistic
Constant	-4.752	-.6409
Dependence on US Markets		
ConM * Px	8.663	2.075**
Dependence on US Suppliers		
ConX * Pm	1.689	1.021
Hegemony		
Economic Component		
SIZE	52.17	2.179**
GNPPCP	-.9022	-.7832
Military Component		
MILEXP	2.189	.2994
Chi Squared	36.134	df = 34

Table 5b: Logit Analysis of Success using Actors' Perception, Excluding Government Intervention

Explanatory Variable	Estimated Coefficient	t-statistic
Constant	-23.22	-1.683*
Dependence on US Markets		
Market1	1.483	2.087**
Dependence on US Suppliers		
Supply1	1.827	2.635***
Hegemony		
Economic Component		
SIZE	78.67	2.024**
GNPPCP	-2.586	-1.671*
Military Component		
MILEXP	22.14	1.691*
Chi Squared	36.58	df = 36

* indicates statistical significance at the .10 level, ** indicates statistical significance at the .05 level, *** indicates significance at the .01 level.

Table 6a: Logit Analysis of Host Government Intervention

Explanatory Variable	Estimated Coefficient	t-statistic
Constant	14.913	2.158**
Dependence on US Markets ConM * Px	-2.813	-1.137
Dependence on US Suppliers ConX * Pm	-2.195	-1.370*
Hegemony Economic Component SIZE GNPPCP Military Component MILEXP	 -24.148 2.411 -12.204	 -1.267 1.992* -1.531*
Chi Squared	34.655	df = 34

Table 6b: Logit Analysis of Host Government Intervention

Explanatory Variable	Estimated Coefficient	t-statistic
Constant	23.588	2.352**
Dependence on US Markets Market1	-0.982	-1.667*
Dependence on US Suppliers Supply1	-1.771	-3.221***
Hegemony Economic Component SIZE GNPPCP Military Component MILEXP	 -36.479 2.024 -19.573	 -1.354* 1.960* -1.929*
Chi Squared	31.680	df = 36

* indicates statistical significance at the .10 level, ** indicates statistical significance at the .05 level, *** indicates significance at the .01 level.

This finding may appear to be counter intuitive, since theories of economic hegemony would predict that increases in economic productivity should lead to a general increase in hegemony. However, the finding is consistent with the common policy of protecting domestic firms that are not competitive against foreign competition.

D. Evaluation of the Models

The models are evaluated in terms of their predictive capacity. To test the predictive value of these estimates, the predicted probabilities of success are compared to the actual outcome. In all cases, the correlation between the predicted probability and the actual outcome is high. The initial sector level estimate, Table 4a, is correct in predicting 62.5% of the cases, and its predictions correlate strongly with the actual results ($r = .6351$). The initial firm-level estimate is correct 61.9% of the time, and its predictions also correlate strongly with the actual results ($r = .5522^{**}$). When host government intervention is removed from the equation, tables 5a and 5b, the number of correct predictions remain the same, and the correlation between the predictions and the outcomes remain high, ($r = .4848^{**}$, and $r = .4406^{**}$, respectively).

Finally, in all cases, predictions from equations using sectoral level data and those using firm-level data are highly correlated. Correlation between equations range from $r = .3688^{**}$ between equations 4a and 4b, to $r = .5273^{**}$ between equations 5a and 5b, to $r = .7752^{**}$ between equations 10a and 10b. This indicates that use of aggregate trade data provides a good indicator of firm perceptions of dependence. This is particularly useful, as it is often difficult to obtain the data necessary to determine actors' perceptions of dependence directly.

To test the predictive value of the models of host government intervention, the predicted probabilities of success are compared to the actual outcome. In all cases, the relationship is strong. The correlation between the probability of host government intervention estimated by the model using aggregated trade data, Table 6a, and the outcome is $r = .4740^{**}$. The correlation between the probability of host government intervention estimated using actors perception of dependence, Table 6b, and the outcome is $r = .3503^{*}$. These findings indicate the models provide good predictions of the likelihood of host government intervention. The predictions made by two models are themselves moderately correlated, $r = .5479^{**}$. This indicates that use of aggregate trade data provides a reasonable indicator of state perceptions of dependence.

The models developed in this article provide reliable predictions of the likelihood that U.S. influence attempts over states and firms operating abroad will be successful. The statistical analyses suggest that dependence on American suppliers and access to American consumer markets in certain industries has enabled the United States to implement its export control policy abroad, and can be used by all states as a source of political influence.

VI. Short Case Studies of U.S. Influence Attempts, 1949-1988

This section provides a brief synopsis several well publicized disputes over U.S. export control policy. The cases are intended to supplement the statistical analyses by highlighting the causal link between dependence and political power. They also provide a basis for the estimates of dependence used in the firm-level analyses in the preceding section. The cases highlight the powerful impact of positive and negative economic sanctions, the crucial role of alternate suppliers and alternate markets, and the effectiveness of host government intervention against the United States.

A. Dependence and the Successful Use of Sanctions

The Battle Act, 1951 and 1954

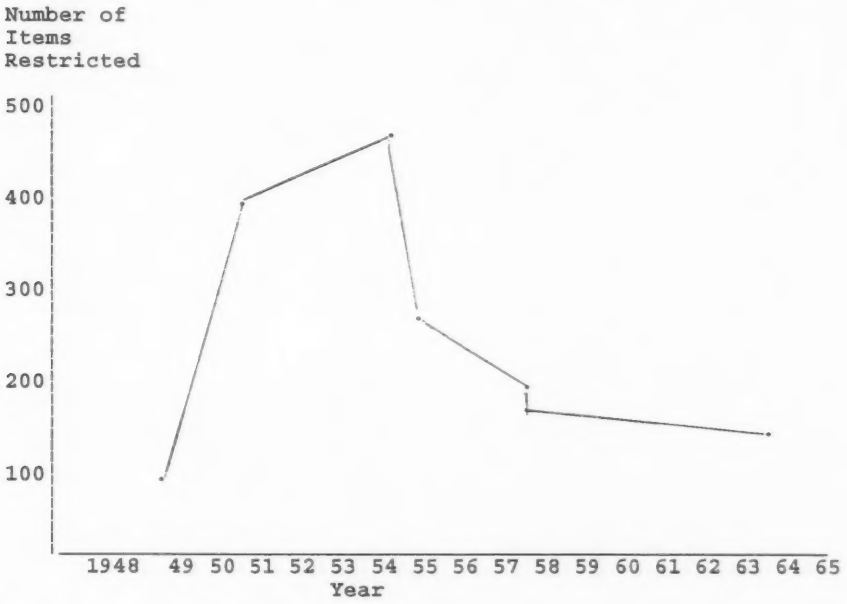
One of the earliest and most often cited examples of the success and limitations economic sanctions in the export control arena involved the American threat to cut off Marshall Plan aid to any country which did not comply with its post-war export control policy.[45] In order to secure allied cooperation in the early years of CoCom, Laurie Battle led the American Congress in instituting the Mutual Defense Assistance Control Act of 1951, known as the "Battle Act." The goal of the Battle Act was to enforce compliance by prohibiting "all military, economic and financial U.S. aid to any nation which permitted the shipment of arms, ammunition, etc., to any nation or combination of nations threatening the security of the United States."[46]

In his seminal work on CoCom, Adler-Karlsson convincingly argues that, "The answer [regarding European cooperation] is clearly to found in the American threats to cut off aid in cases of non-compliance."[47] This argument is based on a strong correlation between European cooperation and the amount of Marshall plan aid relative to trade with the Eastern bloc.

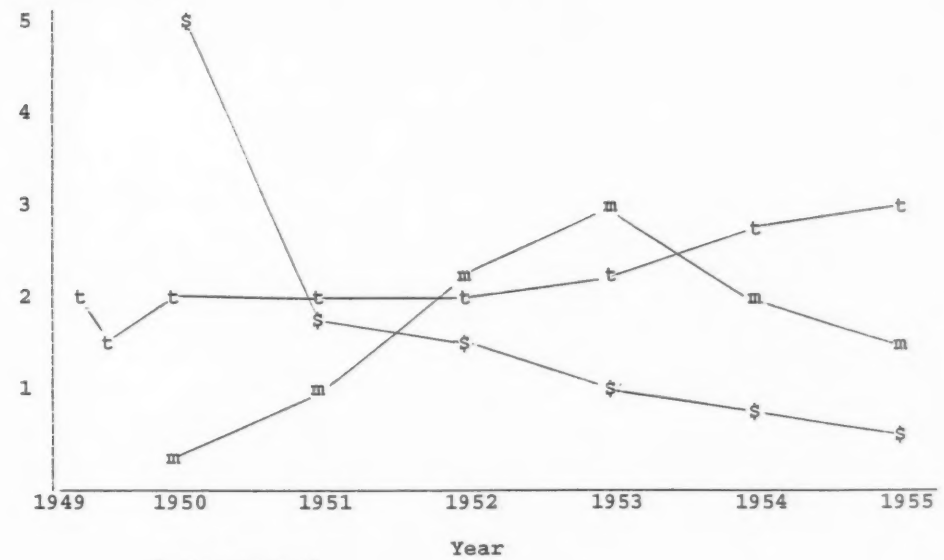
Allied compliance in the early 1950's can best be explained as a result of the fact at that time the Europeans were far more dependent on U.S. aid than East-West trade. The allies "buckled under U.S. pressure" until about 1953.[48] When economic recovery and trade with the East began to lessen European dependence on the Marshall plan, the level of their compliance diminished and open conflict erupted. As Figures 1 and 2 demonstrate, the data compiled by Adler-Karlsson shows a strong relationship between economic dependence and allied cooperation.

This result is at odds with models of political influence which emphasize the distribution of economic and military resources in the alliance. During this period, despite perceived changes in the international distribution of military resources between the Superpowers, the United States maintained unquestioned economic and military hegemony within the Western alliance. If the comparatively large possession of

Figure 1 Approximate Number of Items on the Co-Com Lists



U.S. Aid compared with East-West Trade in Europe



$ - U.S. economic aid
m - U.S. military aid
t - East-West trade turnover (exports+imports)

Source: Adler-Karlsson, Western Economic Warfare, (Sweden: Almquist & Wiksells Boktyckeri, 1968), p. 146.

resources is sufficient to entice or coerce others into submission, one would predict that the United States should have been able to maintain its control over the allies. If, however, allied actions are a function of their dependence on particular resources provided by the United States, then changes in the supply of particular resources or changes in their need or dependence eon them will affect their behavior.

The graphs indicate the number of restricted items on the CoCom lists. The United States maintained a more restrictive domestic list and continually pushed the allies to adopt more stringent controls on a larger number of items. The number of items on the CoCom lists will, therefore, be treated as an indicator of U.S. influence. The lower the number, the less influence the U.S. was able to bring to bear. From the graphs of restricted items and U.S. aid relative to European trade, it would appear that U.S. power over its allies peaked between 1951 and August of 1954 and declined thereafter.

Despite a unquestioned American economic and military hegemony following World War II, American influence over the actions of its allies was largely determined by their dependence on the United States. As long as the Allies remained dependent on Marshall Plan aid, they participated in the embargo. As the costs associated with losing the supply of aid diminished relative to the benefits of trading with the East, the American government's ability to entice or coerce others to cooperate diminished.

Others have argued that the variation in European compliance can be more fully understood in terms of changing interests on the part of the Europeans.[49] Despite this criticism, it remains very plausible that a conflict of interest was present at in 1949 as continues to be present. The European governments maintain a distinctly different interpretation of the value of the embargo from the United States. Economically, the Western European had a much stronger interest in maintaining their historical trade links with the Eastern bloc. Even though trade with the East was very low following World War II, trade was and is seen both as a source of future economic strength and a symbol of political cooperation. Politically, the European were incensed by the boldness of U.S. dictates and unilateral actions. The Battle Act was interpreted as a direct infringement on national sovereignty by the British, as dangerously over zealous by the French and as a severe economic threat by Germany. Equally important, the embargo was not seen by the Europeans as an appropriate means of controlling Soviet expansion. It was considered ineffective at best and destructive at worst. Despite the ability of CoCom members to agree on limiting a limited set of goods, the number of goods to be restricted has been a source of dispute since CoCom was formed.

European reactions to the Battle Act reflected very much the same anger and resentment their present counterparts displayed in during the 1982 Pipeline crisis and other disputes, discussed above. In his seminal work on the subject, Adler-Karlsson cited the *Economist* as an example of European sentiment arguing that the Battle Act, "implied an American veto over the trade policies of a score of countries," and that such a policy was "incompatible with the free and equal partnership between the

United States and its allies."[50] Like their governments, the business community considered the Battle Act a direct challenge to their international activities. Most importantly, the Act violated the international norm of *pacta sunt servanda* by requiring firms to stop all shipments of embargoed goods or forsake aid. As Adler-Karlsson reiterates, "opposition to the embargo was . . . severe and many industrialists bowed only 'reluctantly' and with 'dismay and resentment' to the embargo regulations."[51]

Given this conflict of interests, economic dependence and the threat of economic sanctions reflected in the Battle Act provide a strong plausible explanation of variations in European compliance in the early 1950s.

The Trans-Siberian Pipeline and Alsthom-Atlantique, 1982

The Trans-Siberian pipeline incident in the early 1980s is often sighted as an example of the limits of economic sanctions and the decline of U.S. influence in the Western alliance. A closer analysis of this crisis, however, reveals that American influence was not completely absent. Firms that were highly dependent on access to American markets to export their goods, and to a lesser extent, dependent on the supply of technology from U.S. firms, altered their behavior as a direct result of U.S. actions.

Beginning in 1982, the Reagan administration sought to control the activities of firms involved in the construction of the trans-Siberian pipeline by enforcing its export control policy at home and abroad. This policy restricted the sale of oil and gas equipment and related technology to the Soviet Union by corporations within and outside of U.S. territory. In what became the "most violent dispute over extraterritoriality in the history of American trade controls,"[52] Britain, France and Canada instituted national legislation forbidding any firms located within their borders from abiding by United States' law. Although the export embargo affected only a small number of firms and a relatively narrow set of economic and security concerns, the allies were willing to challenge the United States in order to preserve their sovereign integrity. Despite the success of European efforts to formally block American initiatives, the U.S. government was able to control the actions of certain important firms throughout the crisis by threatening the use of economic sanctions.

A crucial component of U.S. influence was the result of its ability to cut off foreign access to the American firm General Electric. General Electric built the rotors, nozzles and sator blades necessary for the construction of the turbines used to pump natural gas throughout the pipeline.[53] Many companies involved in the pipeline project, including AEG-Kanis, Alsthom-Atlantique, John Brown and Nuovo Pignone, relied on equipment provided by General Electric for future sales of products containing GE parts, valued at over $175 million.[54] By the time the initial sanctions were imposed, GE had already shipped 23 rotor sets to Europe. This provided enough material for European firms to produce 23 of the 41 compressor stations required

along the pipeline. Lacking additional supplies from GE, the pipeline would be limited to about 70% of capacity with no backup or replacement equipment.[55] In order to build additional compressors, firms that relied on American made materials and components had to find alternate sources of supply.

One option involved the French firm Alsthom-Atlantique. Initially, Alsthom-Atlantique appeared to be an ideal alternate supplier of the equipment embargoed by General Electric. Alsthom-Atlantique was the only manufacturing associate of General Electric that possessed a license to make the rotor kits the pipeline needed. Further, it had already agreed to produce 40 spare rotor kits for the Soviet Union by 1984.[56]

Alsthom-Atlantique could replace the equipment embargoed by GE. Supplying the rotors would require it to build a new production plant or re-tool an existing one. This required a large amount of capital, but, once the initial investment was made, being the sole producer of the rotor kits for the pipeline would be highly profitable. A more important consideration was, however, the potential long term costs of alienating GE. Alsthom-Atlantique depended on continued access to General Electric's equipment and technology to remain financially viable. Furthermore, the parent company of Alsthom-Atlantique, Compagnie Générale d'Electricité, was also one of the largest French investors in the United States. It too feared retaliation if its subsidiary did not toe the Washington line. Retaliation would cut off access to the American market which accounted for a large proportion of Compagnie Générale d'Electricité's current and prospective business.[57]

Alsthom-Atlantique's dependence on General Electric gave the Reagan Administration leverage over corporate actions. If Alsthom-Atlantique, and others under similar circumstances, chose to violate U.S. policy, they would breach their American contracts and violate American law. In addition to the standard criminal fines and imprisonment, such actions would place them on the "Gray" or "Black" List, make it illegal for any American company to conduct any business transactions with them.

Citing "the obvious political risks" and the importance of their relationship with GE, Alsthom-Atlantique declined to accept the role of alternate supplier.[58] Alsthom-Atlantique's decision not to produce additional rotor kits was based on its dependence on a stable future relationship with General Electric. American threats against Alsthom-Atlantique served an additional purpose. By controlling Alsthom-Atlantique, the U.S. government eliminated the most cost-effective alternate supplier of compressor equipment.[59] Aside from Alsthom-Atlantique, all additional alternate suppliers would require project alterations that would complicate construction, increase costs of the project and consequently delay construction. By exploiting Alsthom-Atlantique's dependence on access to American technology and access to the American market, the U.S. government was able to eliminate the most cost-effective alternate supplier of the embargoed goods.

L.M. Ericsson, 1984

The Swedish telecommunications firm, L.M. Ericsson, suspended its efforts to sell an advanced telephone exchange system to Bulgaria in August of 1984. The majority of L.M. Ericsson's western economic rivals had withdrawn their contract bids in January as a result of an agreement within CoCom to tighten its controls on the export of high technology to the East Bloc.[60] Sweden is not a CoCom member and is not under agreement to abide by its decisions. However, in practice, the CoCom decision had a direct effect on the Swedish company's actions. U.S. and CoCom influence is the result of L.M. Ericsson's dependence on the supply of American parts for its most sophisticated systems. L.M. Ericsson reported 25 billion crowns ($3 billion) of sales in 1983. The majority of these sales involved its principal and most sophisticated product, the AXE digital exchange system, which depended on American made components.[61] As Magnus Lemmel, vice president, stated without continued use of U.S. components and the permits to use them, "we will not be able to deliver our latest technology to Eastern Europe."[62]

In addition to being dependent on American suppliers, potential access to the American consumer market also affected L.M. Ericsson's decision. The Swedish telecommunications market is small and relatively open. Its industries produce primarily for an export market. For example, approximately 80% of sales from Ericsson and the Dutch firm Phillips come from abroad.[63] In 1981, Sweden accounted for 16% of world exports in telecommunications equipment and, following Japan, it had the second largest trade surplus in telecommunications equipment, $711 million.[64] Deregulation of the American telecommunications industry and the divestiture of AT&T in 1983-1984 opened the American market to foreign competition. Between 1983 and 1984, U.S. imports of telecommunications equipment rose 38%, to $7.6 billion.[65] Japan is the dominant beneficiary of this new market, but exports to American consumers as a proportion of telecommunications exports have risen in Sweden, France, Great Britain, and Germany since 1984. Threatening to cut off access to this new market represents a source of political influence.

German Industry and S.D.I. Case, 1986

As with the Marshall Plan in the early 1950's, positive as well as negative sanctions are effective forms of political influence. Promising to provide something that cannot be secured from any where else, be it aid or technology, is as effective as threatening to cut off access to similar items. For example, in March of 1986, the United States and Germany signed an agreement for German participation in American Strategic Defense Initiative (S.D.I.) projects.[66] A leak in the German press revealed that the agreement included correspondence between Assistant Secretary of Defense Richard Perle and Dr. Lorenz Schomerus, head of trade policy at the West German Ministry of Economy, showing that the German participation in high-technology military research projects in the United States was conditional on the tightening of Bonn's export control procedures and on a bigger role of the West German Ministry of

Defense in these procedures.[67]

The promise of access to SDI technology can be manipulated as a stick as well as a carrot. The difference between a positive and negative sanction is largely a function of the target's base line of expectations. If an ally expects to gain access to SDI technology, the possibility of not gaining access to the technology may be interpreted as a cost or threat. For example, by 1986, the Department of Defense had made agreements to share SDI development and technology with Britain and Israel as well as Germany. The agreements, however, stipulated that continued access to SDI technology required these countries to control the technology in a manner acceptable to the United States:[68]

> . . . the U.S. government has made clear that it will not release its own SDI technology, nor participate in co-development and co-production programmes, unless it is completely satisfied that is allies can protect such technology from the Soviet Union.

As a result, despite verbal protest, the United States has been able to implement its high technology export control policy in Great Britain, Germany and Israel successfully.

B. Dependence, Sanctions and the 3rd Country Problem

The success of U.S. export control policy requires the cooperation of all actors that provide an alternate source of supply of the controlled goods. Even if the United States can secure the cooperation of all CoCom member countries and their firms, the success of its policy can be undermined if non-CoCom sources act as alternate suppliers. It is crucial that the United States secure the cooperation of these "Third Countries" even though they have not formally agreed to abide by the CoCom regulations and are not under any international obligation to do so. If the hypotheses linking dependence and the effectiveness of economic sanctions are correct, then lack of membership in CoCom should not affect the outcome.

Sweden

The Swedish cases of ASEA, Datasaab and Meuller demonstrate the extent and limitations of U.S. efforts to implements its policy in non-CoCom member countries. If the hypotheses linking dependence and political power are correct, then the United States should be as likely to implement its export control policy within CoCom and non-Cocom countries under similar circumstances.

In 1985, Sweden was the only remaining Western country that did not have national laws regulating the export and re-export of Western or American technology. Officially, Sweden maintains a neutral stance and does not take part in embargoes,

and, as a result of several recent highly publicized cases, Sweden has been placed on the Pentagons list of "risk countries."

Datasaab, 1982

In 1977 the Carter Administration refused to grant re-export licenses for electronic equipment needed by Datasaab Contracting AB to complete its shipment of an air traffic control system to the Soviet Union. Datasaab got around the restriction by illicitly smuggling the key components to the Soviet Union during corporate visits. When the violation came to light in 1980, in addition to punishing Datasaab, the United States sought to punish the Swedish government for not controlling its exports by terminating the sale of American Sidewinder missiles. These missiles served as a mainstay of the Swedish air force.

In 1982, to regain access to the American military suppliers, the Swedish Defense Department agreed to establish a covert operation to maintain surveillance over local companies using sophisticated computers. Datasaab, in turn, agreed to pay a $1 million to the United States government.[69] As predicted, threatening to cut off the supply of items considered necessary for national economic or military security gave the United States a potent source of influence over the Swedish government. The *Guardian* summed up the Swedish response:[70]

> Swedish industry is heavily dependent on advanced US electronic components and if these were stopped, the local export market, which accounts for 27% of GNP, would collapse within a few months. Thus the US is able to make its own terms and Swedish industry is being forced, despite official policies of neutrality, to join the blockade and even to submit to "voluntary" control and inspection by Americans. With little fanfare, the [Swedish] Government has put key Swedish companies under military surveillance to satisfy US demands.

Richard Meuller, 1984

Richard Mueller, a German businessman, led a sophisticated smuggling organization that shipped American goods and technology to the Soviet Union throughout the 1970's and 1980's.[71] In November of 1984, West German and Swedish officials intercepted a shipment of high technology goods that Meuller's organization was smuggling to the Soviet Union. The shipment included 50 tons of electronics equipment, making it the largest diversion of restricted American technology ever uncovered.[72] The shipment contained two VAX 11/782 computers produced by Digital Equipment Corporation valued at $4.5 million. These computers are widely used in the U.S. military for tasks ranging from missile guidance to satellite transmission intercepts and are considered very sensitive.[73] The computers had been shipped to Canada without needing any export licenses, then to Europe and eventually

through South Africa and Sweden, and, finally, to Soviet Union.

Even when an "illegal" shipment of goods is discovered, however, the cooperation of allied governments and firms is not guaranteed. As a result of pressure from local businesses protesting trade restrictions, and politicians who wanted to maintain Sweden's neutrality, Sweden withdrew from CoCom in 1968. Consequently, although Swedish authorities were willing to impound Meuller's electronic equipment, they claimed there was no legal basis that enabled or required them to confiscate it.[74]

In order to pressure the Swedish government to confiscate the restricted equipment and then release it to American officials, the United States government threatened to terminate the shipment of American made armaments to the Swedish military for its next generation of fighter aircraft. As a result of the Swedish government's perception of dependence on the continued supply of American products it considered vital to its national security, Prime Minister Olof Palma decreed retroactively that it was illegal to ship "war material" to or from South Africa. The computers and electronic equipment in question were labeled "war material" and impounded. DEC, in turn, bought it. And, while in transit back to the United States, U.S. Customs officials confiscated it as evidence against Mueller.

C. Alternate Suppliers, Alternate Markets and Host Government Intervention

There are a variety of ways in which host country governments can intervene against the United States on the behalf of their firms. The following cases present several strategies followed by host governments, some strategies were effective, others were only of limited success, and some proved costly to the firms they were trying to protect.

I.T.T.-Standard Electric Case, early 1960's

When the supply of particular resources or markets is cut off, firms often seek out alternate sources of supply or alternate markets for their goods. The I.T.T. case demonstrates that under certain circumstances, host country governments can create alternate markets internally. If an alternate sources or an alternate product may be found or developed, then the threat resulting from its stoppage is negated.

In the early 1960's, I.T.T., through its U.K. subsidiary, became entangled in a major dispute with the Treasury Department. Under the Trading with the Enemy Act, the Treasury ordered the U.K. subsidiary, Standard Electric, to cancel the supply of radio equipment already ordered for sale to the British Aircraft Corporation because it was to be installed in planes to be exported to the People's Republic of China. As a subsidiary of I.T.T., the Treasury insisted that Standard Electric of the U.K. was a person "subject to United States Jurisdiction," and as such would be subject to multiple sanctions including the denial of U.S. trading privileges if it failed to comply.[75]

The United Kingdom vigorously protested the notion that Standard Electric was subject to American jurisdiction. The conflict was eventually resolved when the British government supplied the desired radios from its own stockpile and immediately ordered exactly the same sets from I.T.T. so that Standard Electric could replenish its stockpile.

The Viscount Case, 1963

Like the last case, the case of Viscount aircraft demonstrates the lack of dependence and subsequent leverage when alternate sources of certain components are available. In 1963, the United States forbid the use of its radar equipment in British Viscount aircraft ordered for purchase by the People's Republic of China.[76] The prohibition was based on the premise that the radar equipment was produced by a U.S. affiliate and that the export of that equipment violated the American embargo with Communist China.

The British government rejected the U.S. argument and ordered the British affiliate to produce and ship the radar equipment. The aircraft had, however, been designed specifically for the restricted radar system and the company argued that the order could not be filled on time if the system was removed. The United States government stood firm and refused to permit what it considered to be a blatant abuse of its controls. At considerable cost, the British firm eventually redesigned the plane to avoid using U.S. equipment. In this case, the British government effectively cut off the extension of U.S. extraterritorial controls by protecting the domestic production of its radar equipment and planes. It did so, however, at a high cost to the firms involved.

The Ford Case and the Eisenhower-Diefenbaker Agreement, 1958

The Ford case and the ones that follow it the effects and limitations of host government intervention against U.S. export control policy. In this case, Ford of Canada rejected the chance to sell automobiles to China because of pressure from its U.S. parent corporation to abide by the Foreign Assets Control Regulations. The Ford case is important because of the high degree of dependence of Ford on access to the American market, and the large role that the automobile trade played in overall U.S.-Canadian economic relations.

The Ford Case took place against the background of economic nationalism which was stirred up in the Canadian election of 1957. Throughout the election, Canadian public opinion was sensitized to the potential dangers of "excessive control" of the Canadian economy by U.S. parents of Canadian corporations. The case became a symbol of conflict and resentment engendered by the American governments efforts to prevent Canadian affiliates from trading with China.

Following a regional security summit in July of 1958, Prime Minister Diefenbaker and President Eisenhower negotiated an agreement calling for consultation and understanding between governments and firms regarding export control policies.[77] The goal of the agreement was to provide a means for consultation and negotiation in any case where it was believed that US law was blocking the willingness of a Canadian company to fulfill an order. The U.S. Government agreed to deal only with the American parent corporation, it also agreed to entertain requests for exemptions from its policies; however, it reserved the right to impose its prohibitions on the U.S. parents of Canadian corporations unilaterally, without prior consultation.[78] In exchange, Canadian affiliates were given the ability to seek assistance from the Canadian government to obtain a special exemption or waiver of the regulations if its sales were hindered by these restrictions. The Canadian Government agreed not to interfere unless such interference was requested by a Canadian corporation.

The primary limitation to this agreement was that many potential sales to China may have been turned down due to fear of economic sanctions, without ever being raised to the attention of the Canadian Government. Only in those cases where companies went to the Canadian government and where it subsequently made representations on their behalf could the Eisenhower-Diefenbaker agreement have made a difference. The Aluminum Company of Canada cases an indication of the effectiveness of consultation in practice and of the standards which govern its application.

Aluminum Company of Canada Case, 1959

The Aluminum Company of Canada case is an example of the limitations of the Eisenhower-Diefenbaker agreement. This case demonstrates that firms tend respond to their interests and fears of economic dependence even when institutions are established which may mitigate the potential costs of these relationships.

Multinational firms generally try to avoid conflict with their home or host government by not applying for licenses they think will be denied or that could lead to tensions. By avoiding prohibited business and advising their affiliates to do the same, they have done what the United States desired. In essence, due to anticipated reactions of the United States, the United States has in fact succeeded in achieving its goal.

The Aluminum Company of Canada (Alcan) reportedly refused an offer to purchase two thousand long tons of aluminum from China.[79] Alcan relied on the U.S. market for the vast majority of its sales and officially rejected the offer because it feared losing the business from its American customers if it proceeded with the sale.

The sale would have been beneficial for both Alcan and the Canadian economy as a whole. Based on the Eisenhower-Diefenbaker understanding, it was precisely under these conditions that consultations should be held and U.S. policy negotiated. Yet, the presence of the agreement did not alter the corporate decision not to proceed

with the sale. The Eisenhower-Diefenbaker agreement was limited to the extent that it only came into play when the Canadian government interceded on behalf of a company that had already decided to go ahead with a sale and was awaiting export licenses before it did so.

The case of International Computers, Ltd. demonstrates that even when a company requests assistance from its host country government against the United States, assistance may not be forthcoming or, if it is, it may not do what firm desires.

International Computers, Ltd., 1982

In May of 1982 the United States Commerce Department fined International Computers, Ltd. (ICL, later STC ICL) of Great Britain $15,000 for selling a large computer to South Africa. The original transaction took place in 1978 and was carried out with export licenses from the United Kingdom.[80] The Commerce Department claimed, however, that because the computer contained two memory discs built by an American company, CDC Corporation, the sale should not have been completed without appropriate U.S. export control licenses. In addition to the license, the Commerce Department required a full release of all of ICL's major exports from the United Kingdom including the destination, name of the recipient and likely use of the product.

To enforce compliance with its regulations, the Commerce Department threatened to cut off technical supplies to ICL from the United States. ICL requested assistance from the British government and asked that the Department of Trade and Industry (DTI) intervene on its behalf. A letter to Sir Michael Havers, Attorney General of the U.K. sums up the problems faced by British companies confronted with the American restrictions:[81]

> In the event of breach of the regulations by the non US national in their own country the US Department of Commerce has imposed heavy fines and additional conditions.
>
> As the enclosed extract of the 1982 Report of the Export Administration shows clearly, fines have been levied on non US companies, including a fine of $15,000 on the UK company ICL. Currently, a Leeds based Company called Systime Limited faces fines of $400,000, despite its compliance with UK export control regulations. Attached to the fines are conditions, which, in ICL's case, include a requirement to obtain the consent of the Office of Export Administration for import sales transactions involving the relevant computer system.
>
> If the fine is not paid and the conditions not met, orders are made, and names are entered on the US Export Denials list.

Through DTI, the British government responded by providing guarantees to banks for a bail-out package for ICL, but it did not challenge the extraterritorial extension of U.S. regulations on ICL's behalf.

The British government justified its failure to challenge U.S. actions by arguing that DTI's first objective was to save the company.[82] In order to save its only major indigenous computer producer, the DTI was willing to arrange a financing package and accept corporate restructuring that led to a loss of over 10,000 British jobs in the industry.[83] It, however, would not challenge the application of U.S. regulations within its borders. DTI believed that ICL was dependent on the supply of American technology and components and would not survive if that supply was terminated. If provoked, the United States Department of Commerce would likely black list ICL, cutting off its access to American companies and goods. This outcome would violate DTI's primary objective of saving the company and was, therefore, rejected.

A second motivation was a perception of national, as well as corporate, dependence on IBM for the supply of computer components as a base of British economic and military security. With an output more than two and one half times as large as STC ICL, IBM (UK) is the largest manufacturer of computer products in the U.K.[84] The dominance of American firms like IBM and DEC has given the United States a means of controlling the activities of firms operating within Great Britain. Ken Baker, Minister of Information Technology for the Thatcher government, summarized the government's fear of losing access to American computer technology if the American initiatives were challenged. He expressed this concern arguing, "If we are dependent on the Americans or the Japanese, they [the computers] may not be here tomorrow."[85] In stark contrast to its vehement attack on American efforts to control the activities of British firms involved in the trans-Siberian pipeline affair, the British government failed repeatedly to take action against the United States government or its firm.

In this case, both ICL STC and the British government were dependent on access to American products, and neither was dependent on access to the American market. ICL's willingness to fulfill its original contracts despite U.S. restrictions, and the British governments reluctance to challenge the United States on its behalf, support the hypothesis that firms are more likely to be swayed by dependence on market access than dependence on foreign suppliers, whereas national governments are more concerned about access to guaranteed sources of supply than markets.

VI. The Costs of Using Economic Sanctions

Restricting access to domestic suppliers or markets may, however, have political and economic costs. These costs must be balanced against the benefits derived to decide when to use dependence as a source of political influence.

This section highlights several limitations associated with this usage. They

include the reciprocal nature of dependence, the effect of such a policy on the reliability of American firms, and the problem of the indigenous development of restricted resources. The problems inherent in attempting to influence firms operating abroad are reflected in the fact that in several recent embargoes, including those relating to the Moscow Olympics, Afghanistan, and Uganda, the US has refrained from seeking to control actions of foreign subsidiaries of American firms.[86]

A. Reciprocal Nature of Dependence

Hypotheses of U.S. influence based on firm and state dependence provide accurate predictions of success in the majority of cases analyzed above. One notable exception, however, is the case involving the Toshiba corporation. Despite the fact that Toshiba was highly dependent on access to both the American market and the supply of information and technology from American producers, the United States was not able to deter Toshiba from violating its export embargo, nor was it able to inflict a substantial penalty on Toshiba for the violation. A brief review of the Toshiba case demonstrates some of the limitations of U.S. influence in the Western alliance.

In 1987, Toshiba Machine Company, a subsidiary of Toshiba Corporation of Japan and Kongsberg-Vapanfabrik of Norway, sold computerized milling equipment to the Soviet Union that was capable of producing highly sophisticated propellers for Soviet submarines. The military security implications of their actions were a matter of dispute, but the sale was in direct violation of multilateral agreements restricting the sale of sensitive technologies to the Soviet Union. In response to this breach of security, the U.S. Congress sought to penalize Toshiba by banning all U.S. government purchases from Toshiba and all American imports from Toshiba Machine Company for three years. The Administration sought to use the same sanctions to convince the Japanese government to strengthen its export control system. Given the dependence of Toshiba on the American consumer market (losses of over $100 million in sales for Toshiba were projected over the three year embargo),[87] the hypotheses would predict that the United States should have been able to influence corporate policy, and, failing to do so, should have been able to penalize Toshiba in order to deter future transgressions. The Administration did succeed in gaining a guarantee from the Japanese government to double the size of its export control staff and to increase penalties for violators, but the vast majority of penalties against Toshiba were dropped. Instead of cutting off access to lucrative U.S. government and consumer markets for all Toshiba products, the final version of the sanctions embargoed only Toshiba toasters, microwave ovens, and other "low-level" goods.[88]

The primary reason that the United States government had to back away from its original penalties was American dependence on the supply of computer chips from Toshiba.[89] The United States military has long pursued a policy of relying primarily on U.S. sources of supply. Following this philosophy, the U.S. military relies heavily on Texas Instruments for its semiconductor and computer needs. Texas Instruments, however, has moved the majority of its production facilities overseas -- notably to

Japan where it runs a production plant with a subsidiary of Toshiba. As a result, cutting off all government contracts with Toshiba would result in cutting off the U.S. military's access to its major supplier of semiconductor and computer chips.[90]

The Toshiba case is important because it demonstrates that dependence can be reciprocal. Firm and state dependence on access to foreign markets and suppliers can be used by all states as a source of political influence.[91] Consequently, despite possession of a preponderant amount of economic and military resources, the United States may not always be able to implement its policies unilaterally at home or abroad.

B. Reliability of American Firms

Threatening to cut off foreign access to American suppliers has given the United States a source of political leverage. However, use of that leverage can be costly to the American companies whose trade is terminated.

When American suppliers are restricted, firms that were dependent on them will search for alternate sources of supply. The initial consequence for American suppliers is the cost of losing a contract. Long term costs may, however, be much greater. The American companies risk losing future business by losing their reputation as reliable sources of supply. If these companies cannot guarantee that the government will not, at some point, intervene and stop a sale, then they cannot guarantee fulfillment of their contracts.

During the Pipeline crisis, for example, when Caterpillar Tractor Company's exports of pipe-laying equipment were terminated, a spokesperson for the company complained that, "there is no doubt that during the restrictions the Soviets came to regard us as an unreliable supplier."[92] As a result, once the embargo was lifted Caterpillar lost its contracts to a Japanese rival, Komatsu, whose main selling point was its guarantee to fulfill contract obligations without the fear that the Japanese government would intervene and terminate them at some point in the future.

C. Indigenous Development of Restricted Resources

The statistical analysis demonstrated a tendency for firms to respond more readily to threats to terminate their access to the American consumer market than threats to cut off access to the supply of certain goods. When the supply of a particular good is cut off, firms seek out alternate suppliers. When alternate suppliers are not available, firms are often willing, when technically feasible, to develop the restricted goods internally. Internal research and development can be an extremely costly investment. Once foreign firms have made the investment and have borne the sunk costs of research, development, and production of a new product, they are not likely to return to their former sources, should that supply become available again.

In addition to a loss of business, restricting the supply of certain goods from American sources provides foreign competitors with a motivation to pursue research and development in areas that would not have been pursued had the products been available. Therefore, in the long run, the technological lead of the United States will be undermined if access to sophisticated products it now produces is restricted. One of the best incentives for foreign firms to invest in research and development is the possession of an existing model of the final product.

Finally, traditional arguments against protectionist practices emphasize that they sacrifice the broader gains from liberalization and may provoke an international trade war. The gains from liberalization are traditionally considered in terms of consumer welfare and overall efficiency of American production. The gains from liberalization are particularly pronounced in high technology industries, and the negative effects of protectionist policies are particularly severe. To a large degree, trade in these industries involves the exchange of components rather than final products. Access to foreign suppliers of these components increases the speed and efficiency of innovation and competition in these industries. Long term competitiveness of the American industries may be weakened without the challenge of foreign competitors or access to international joint ventures.

VII. Conclusion

The study analyzed allied corporate and national reactions to United States' export control policy in order to determine those conditions under economic sanctions can be used to enforce national policies abroad. It demonstrated that dependence among states and firms is a potent source of political power. Dependence on American suppliers and access to the American consumer markets in certain industries has enabled the United States to implement its export control policy abroad since 1949, and can be used by all states as a source of political power.

Using dependence, rather than hegemony or the distribution of resources with an alliance, to explain alliance behavior focuses the researches attention on the presence of multiple links between states in international politics. These links and the number of alternatives available to an actor are as important a source of political power as the physical resources it possesses. Furthermore, these links may include the control of transnational resources and the possibility that several states may exert control over them. Traditional conceptions of the territorial state and state power overlook these connections and their use as a source of political power.

Secondly, interdependence underscores the fact that the political resources resulting from a dependent relationship may be reciprocal. The dependence of firms and states on others may be used by all states as a source of political influence.

A primary implication of the argument is that despite continued American dominance in both the world economy and world politics, growth of alternate markets

and supplier in other countries, such as Germany or Japan, will limit U.S. influence and may result in increased American dependence on foreign markets and suppliers. Consequently, despite possession of a preponderant amount of economic and military resources, the United States may not always be able to implement its policies unilaterally at home or abroad. Attempts by the Bush administration to strengthen allied compliance with the U.S. embargo against Cuba in the fall of 1992 are likely to demonstrate this fact.[93] The threat of sanctions against foreign ships docking in Cuba is not likely to be effective, since the firms and industries involved are neither dependent on access to American suppliers or the American consumer market. The condemnation of the Cuban Democracy Act by American allies in the United Nations in November of 1992 and the willingness of non-U.S. firms to continue their shipments to Cuba are early indications that the policy will indeed fail.

Finally, this project highlighted political resources that result from dependence between states and firms that may be used for or against each member of the alliance. The ability to use these resources has a direct and increasingly significant impact on national economic and military security, technology transfer, industrial innovation and competitiveness at home and abroad. At the same time, exploitation of dependence for political purposes may have political and economic costs, and these costs must be weighed against the benefits gained from using this source of political power. Understanding the effects of economic dependence on political power and alliance dynamics is crucial to resolution of conflicts resulting from competing national desires to control transnational activities. The continuing economic vitality of Japan and South East Asia and the economic integration of Western Europe, combined with the revitalization of Eastern Europe and the economic crisis in the former Soviet Union, and the potential for arms proliferation of both conventional and strategic weapons, will intensify these disputes, making solutions to questions of sanctions and sovereignty crucial.

Appendix

Table 7: Variable Definitions

Success:

Successful implementation of U.S. export control policy abroad. Success is coded dichotomously as Yes or No.

U.S. Military Hegemony:

The proportion of U.S. military expenditure in the Western alliance. This is very highly correlated with the relative size of U.S. armed forces and is an indicator of the military component of U.S. hegemony in the alliance. Relative military expenditure varies between .62 and .74.

U.S. Economic Hegemony:

Combination of U.S. exports and imports as a proportion of total OECD exports and imports. This is an indicator of one part of the economic component of U.S. hegemony. Size varies between .18 and .24.

Government Intervention:

Intervention by the host government which challenges U.S. policy initiatives. GovInt is coded dichotomously as Yes or No.

ConM:

Concentration of world imports in a particular sector. The availability of alternate markets is calculated using the Hirschman-Herfindahl index of concentration of world imports in a particular industrial sector. ConM is a continuous measure from 0, indicating that imports are equally distributed among all actors and alternate markets are plentiful, to 100 indicated that products in that sector are being imported by one state and no alternate markets are available.

ConX:

Concentration of world exports in a particular sector. The availability of alternate suppliers is estimated using the HH index of concentration of world exports in a particular industrial sector. ConX is a continuous measure from 0, indicating that exports are equally distributed and alternate suppliers are readily available, to 100 indicated that all products in that sector are being produced in one state.

P_x and P_m:

Percentage of the target country's exports or imports accounted for by trade with the United States for a particular industrial sector. P_x and P_m range from 0 to 1.

Table 8: Successful Implementation of U.S. Export Controls, 1951-1988

Case	US Mil Hegemony	US Econ Hegemony	Government Intervention	Dep on Markets ConM, P_x	Dep on Suppliers ConX, P_m	Successful Implementation
Battle Act, 1951	.66	.241	No	na	na	Yes
Battle Act, 1954	.75	.227	Yes	na	na	No
Ford Case, 1958	.74	.215	Yes	.439, 85%	.455, 71%	Yes
Rayonier, 1958	.74	.215	Yes	.323, 88%	.623, 95%	No
Fairbanks-Morse, 1959	.74	.214	No	.443, 96%	.547, 70%	Yes
Alcan, 1959	.74	.214	No	.490, 39%	.471, 98%	Yes
Ratheon Manuf, 1959	.74	.214	No	.349, 27%	.340, 26%	Yes
Hydrocarbon, FR, 1962	.69	.194	No	.349, 29%	.340, 1%	Yes
Hydrocarbon, FRG, 1962	.69	.194	No	.349, 30%	.340, 8%	Yes
Pipeline, FR, 1962	.69	.194	No	.349, 30%	.340, 8%	Yes
Pipeline, FRG, 1962	.69	.194	No	.349, 29%	.340, 1%	Yes
Pipeline, It, 1962	.69	.194	No	.349, 33%	.340, 24%	Yes
Viscount, GB, 1963	.69	.188	Yes	.421, 16%	.305, 40%	No
ITT, GB, 1963	.69	.188	Yes	.359, 5%	.330, 3%	No
Pharmaceutical, CA, 1964	.68	.185	No	.252, 31%	.390, 57%	No
Chrysler, CA, 1965	.68	.183	No	.422, 81%	.303, 86%	Yes
IBM-France, 1965	.68	.183	No	.442, 5%	.306, 36%	Yes
GE-Bull, FR, 1965	.68	.183	Yes	.374, 10%	.263, 39%	No
Fruehauf, FR, 1965	.68	.183	Yes	.421, 10%	.303, 7%	No
SAAF Case, FR, 1966	.72	.189	No	.406, 42%	.293, 91%	Yes
SAAF Case, UK, 1966	.72	.189	No	.406, 71%	.293, 48%	Yes
UK Aircraft, 1966	.72	.189	Yes	.406, 71%	.293, 48%	No
Pharmaceutical, CA, 1966	.72	.189	No	.256, 21%	.336, 63%	No
Farm Equip., CA, 1968	.75	.194	Yes	.338, 0%	.507, 3%	No
Bay Lab., IR, 1968	.75	.194	No	.324, 99%	.351, 58%	Yes
SNAM Progetti, IT, 1970	.72	.187	No	.370, 13%	.285, 21%	No
Cacermet SA, FR, 1971	.69	.172	No	.364, 5%	.271, 29%	Yes
MLW-Worthington, CA, '74	.62	.177	Yes	.449, 52%	.284, 85%	No
Litton, CA, 1974	.62	.177	Yes	.320, 66%	.280, 81%	No
Mannesmann, FRG, 1982	.62	.197	Yes	.335, 15%	.328, 1%	No
Dresser-France, 1982	.62	.197	Yes	.360, 8%	.274, 15%	No
John Brown, GB, 1982	.62	.197	Yes	.360, 15%	.274, 22%	No
Alsthome, FR, 1982	.62	.197	Yes	.360, 8%	.274, 15%	No
ICL, GB, 1982	.62	.197	No	.453, 5%	.309, 57%	Yes
Systime, GB, 1982	.62	.197	No	.453, 5%	.309, 57%	Yes
Thomson Group, FR, 1983	.62	.199	Yes	.570, 8%	.388, 8%	No
Mueller, SW, 1984	.63	.220	Yes	.449, 5%	.328, 57%	Yes
Belgian Army, 1984	.63	.220	Yes	.370, 2%	.317, 7%	Yes
L.M. Ericsson, SW, 1984	.63	.220	No	.608, 17%	.470, 38%	Yes
Datasaab, SW, 1984	.63	.220	No	.449, 7%	.329, 45%	No
Butcher, SW, 1984	.63	.220	No	.626, 47%	.466, 13%	Yes
Plasma, GB, 1985	.65	.218	No	.423, 15%	.322, 45%	Yes
ASEA, SW, 1985	.65	.218	No	.363, 61%	.310, 7%	Yes
FRG-SDI, 1986	.66	.201	Yes	.390, 20%	.999, 99%	Yes
Kongsberg, NW, 1987	.66	.189	No	.356, 6%	.300, 8%	Yes
Toshiba, JA, 1987	.66	.189	No	.417, 58%	.324, 87%	No

Table 9a: Logit Analysis of Success using Aggregated Data, Host Government DID Intervene

Explanatory Variable	Estimated Coefficient	t -Statistic
Constant	-32.15	-.9177
Dependence on US Markets ConM * Px	-5.464	-.2577
Dependence on US Suppliers ConX * Pm	3.922	.1599
Hegemony Economic Component SIZE GNPPCP Military Component MILEXP	 200.4 -1.930 3.318	 1.540* .2017 .1009
Chi Squared	.004	df = 8

Table 9b: Logit Analysis of Success using Actors' Perception, Host Government DID Intervene

Explanatory Variable	Estimated Coefficient	t-statistic
Constant	-13.29	-.3059
Dependence on US Markets Market1	2.524	.9798
Dependence on US Suppliers Supply1	-2.875	-.6660
Hegemony Economic Component SIZE GNPPCP Military Component MILEXP	 112.2 .1088 -.2266	 1.016 -.0192 -.0042
Chi Squared	.012	df = 9

* indicates statistical significance at the .10 level, ** indicates statistical significance at the .05 level.

Table 10a: Logit Analysis of Success using Aggregated Data, Host Government DID NOT Intervene

Explanatory Variable	Estimated Coefficient	t -Statistic
Constant	38.79	1.605*
Dependence on US Markets ConM * Px	14.72	2.172**
Dependence on US Suppliers ConX * Pm	1.913	.7693
Hegemony Economic Component SIZE GNPPCP Military Component MILEXP	 -48.49 10.01 -78.36	 -1.060 1.954* -2.530***
Chi Squared	4.150	df = 20

Table 10b: Logit Analysis of Success using Actors' Perception, Host Government DID NOT Intervene

Explanatory Variable	Estimated Coefficient	t-statistic
Constant	-19.91	-.6872
Dependence on US Markets Market1	1.446	1.738*
Dependence on US Suppliers Supply1	3.674	1.738*
Hegemony Economic Component SIZE GNPPCP Military Component MILEXP	 106.7 24.46 -44.39	 1.495* 1.539* -1.041
Chi Squared	3.822	df = 21

* indicates statistical significance at the .10 level, ** indicates statistical significance at the .05 level, *** indicates statistical significance at the .01 level.

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1. See for example: Kenneth, Abbott, "Collective Goods, Mobile Resources, and Extraterritorial Trade Controls," *Law and Contemporary Problems* 50 (Summer 1987); David Baldwin, *Economic Statecraft* (Princeton: Princeton University Press, 1985); Gary Hufbauer and Jeffery Schott, *Economic Sanctions Reconsidered* (Institute for International Economics, 1985); Klaus Knorr, *The Power of Nations* (New York: Basic Books, 1975); Stephen Kobrin, "Enforcing Export Embargoes Through Multinational Corporations: Why Doesn't It Work Anymore?" *Business in the Contemporary World* (Winter 1989); A. Lowenfeld, *International Economic Law: Trade Controls for Political Ends*, 2nd ed. (New York: Matthew Bender, 1983); Lisa Martin, *Coercive Cooperation* (Princeton: Princeton University Press, 1992); and Michael Mastanduno, *Economic Containment: CoCom and the Politics of East-West Trade* (Ithaca: Cornell University Press, 1992).

2. Gary Hufbauer and Jeffrey Schott find that sanctions were successful in only 5 of 27 cases involving "high politics." Cases involving export control policy will be considered "high politics" because this policy has a direct impact of national economic and military security of the states involved. Furthermore, the enforcement of one state's export control policy abroad, against the interests of the countries involved, undermines their sovereign authority over actors within in their territory. Hufbauer and Schott, *Economic Sanctions Reconsidered*, pp. 81-82.

3. Albert Hirschman, *National Power and the Structure of Foreign Trade* (Berkeley: University of California Press, 1980); others include Klaus Knorr and Frank Trager, eds. *Economic Issues and National Security* (Lawrence, Kansas: Allen Press, Inc., 1977), and Klaus Knorr, *The Power of Nations* (New York: Basic Books, 1975).

4. Dependence and interdependence have been defined in a variety of ways in political science, for a discussion of the concept of dependence and an example of several different interpretations, see: David Baldwin, "Interdependence and Power: A Conceptual Analysis," *International Organizations* (Autumn 1980) 34, pp. 471-506.

5. See Albert Hirschman, *National Power and the Structure of Foreign Trade*; A. Rapoport, T. P. Hopmann, Nash, Walton and McKersie have all applied similar reasoning to the game theoretic analysis of asymmetrical preferences or information. See for example: A. Rapoport, *Two Person Game Theory* (Ann Arbor: University of Michigan Press, 1969), and T. P. Hopmann, "Asymmetrical Bargaining in the Conference on Security and Cooperation in Europe," *International Organization* 32 (Winter 1978).

6. Hufbauer and Schott find that the proportion of trade between the actors involved has a positive effect on the likelihood that the sanctions will be successful. See Hufbauer and Schott, *Economic Sanctions Reconsidered*, pp. 85-86.

7. David Lake, "International Economic Structures and American Foreign Policy," *World Politics* 35 (July 1983), and "The State and American Trade Strategy in the Pre-hegemonic Era," *International Organization* 42, 1 (Winter 1988).

8. David Lake, "International Economic Structures and American Foreign Policy."

9. Ibid. For further discussion of the links between hegemony and political power, see: Robert Keohane, ed., *Neorealism and Its Critics* (New York: Columbia University Press, 1986), and *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton: Princeton University Press, 1984); Klaus Knorr, *The Power of Nations*; Duncan Snidal, "The Limits of Hegemonic Stability Theory," *International Organization* 39,4 (Autumn 1985).

10. See: Robert Gilpin, *The Political Economy of International Relations* (Princeton: Princeton University Press, 1987), and *War and Change in World Politics* (New York: Cambridge University Press, 1981); and Stephen Krasner, *Defending the National Interest* (Princeton: Princeton University Press, 1978).

11. Political scientists have debated the importance of defining power in terms of a causal relationship rather than defining it in terms of the possession of a set of resources or capabilities at length. See: David Baldwin, "Power Analysis and World Politics: New Trends versus Old Tendencies," *World Politics* 31 (1979); Klaus Knorr, *The Power of Nations*; and Robert Dahl, "Power," *International Encyclopedia of the Social Science* (New York: Macmillan Press, 1968), "The Concept of Power," *Behavioral Science* 52 (1958), and *Who Governs? Democracy and Power in an American City* (New Haven: Yale University Press, 1961); and Steven Lukes, *Power: A Radical View* (New York: Macmillan Press, 1974).

12. Donald Losman provides an interesting analysis of Israeli, Cuban and Rhodesian success in compensating for economic sanctions by developing alternate markets and sources of supply at home and abroad. Donald Losman, *International Economic sanctions: The Cases of Cuba, Israel, and Rhodesia* (Albuquerque: University of New Mexico Press, 1979).

13. Robert Keohane and Joseph Nye, *Power and Interdependence: World Politics in Transition* (Boston: Little Brown, 1977). The immediate loss from the termination of trade is much greater than the ultimate loss after resources have been reallocated. While modern trade theory insists that this is not necessarily true, Keohane and Nye's analysis must take into account given the fact that harassed decision makers generally have short-run views and interests. Given a certain ultimate loss, the influence which one country exercises upon another through foreign trade is therefore likely to be larger the greater the immediate loss which it can inflict by the stoppage of trade.

14. Edward Mansfield makes a similar point, see: Edward Mansfield, "The Concentration of Capabilities and International Trade," Forthcoming.

15. For a further discussion on this point and an in depth critique of Hirschman's analysis, see Wagner, "Economic Interdependence, Bargaining, Power and Political Influence," *International Organization* (1988).

There is also a voluminous literature among power theorists concerning debates over the fungibility of power. For an example of this debate, see: David Baldwin, "Power Analysis and World Politics; and Klaus Knorr, *The Power of Nations*; and Ray, "Power Disparities and Paradoxical Outcomes," *Journal of Conflict Resolution* 12 (1986).

16. See: Peter Katzenstein, *Between Power and Plenty* (Madison: University of Wisconsin Press, 1978); Peter Gourevitch, *Politics in Hard Times* (Ithaca: Cornell University Press, 1986), and "The Second Image Reversed: The International Sources of Domestic Politics," *International Organization* 32 (1978); and Helen Milner, *Resisting Protectionism* (Princeton: Princeton University Press, 1988).

17. Gary K. Bertsch, *East-West Strategic Trade, CoCom and the Atlantic Alliance* (Paris: The Atlantic Institute for International Affairs, 1983), pp. 9-15.

18. See: U.S. Congress, Panel on the Impact of National Security Controls on International Technology Transfer, Committee on Science, Engineering, and Public Policy, National Academy of Sciences, *Balancing the National Interest: U.S. National Security Export Controls and Global Competition* (Washington, D.C.: National Academy Press, 1987); and National Academy of Sciences, Panel on the Future Design and Implementation of U.S. National Security Export Controls, Committee on Science, Engineering and Public Policy. *Finding Common Ground: U.S. Export Controls in a Changed Global Environment*. (Washington, D.C.: National Academy Press, 1991).

19. Douglas Rosenthal, William Knighton, *Chatham House Papers #17: National Laws and International Commerce: The Problem of Extraterritoriality* (London: Routledge & Kegan Paul, 1982), pp 58-59. For a discussion of the legal and political debate surrounding these regulations, see: Kenneth, Abbott, "Collective Goods, Mobile Resources, and Extraterritorial Trade Controls;" A. Lowenfeld, *International Economic Law: Trade Controls for Political Ends*; and Lowe, "Public International Law and the Conflict of Laws," *International and Comparative Law Quarterly* 33, 515 (1984).

20. In response to the Arab boycott of Israel and the seizure of hostages in Iran, the United States justified the extraterritorial extension of its regulations on the basis of firm association with American individuals or American corporations; while its actions against Libya were applied against all firms trading in United States origin goods and technology regardless of their affiliation with American firms.

21. The purpose of the act is to secure the supply of resources at home and abroad that could affect the welfare and foreign policy of the United States. See: Jack N. Behrman, *National Interests and Multinational Enterprises* (Englewood Cliffs: Prentice Hall, Inc., 1970), p. 103.

22. See for example: Philip Hanson, *Trade and Technology in Soviet-Western Relations* (New York: Columbia University Press, 1981), and *RIIA Discussion Papers 1, Soviet Industrial Espionage: Some New Information*, (London: The Royal Institute of International Affairs, 1987); Robyn S. Metcalfe, *The New Wizard War: How the Soviets Steel U.S. High Technology -- And How We give it Away*. (Redmond, Washington: Tempus Books, 1988); and Antony Sutton, *Western Technology and Soviet Economic Development, vols. 1-3* (Stanford: Hoover Institution, 1968-73).

23. CoCom includes all NATO countries, except Iceland, plus Japan. For a discussion of the Coordinating Committee on East-West Trade, see: Gunnar Adler-Karlsson, *Western Economic Warfare, 1947-1967* (Stockholm: Almquist and Wiksell, 1968); Gary Bertsch, *East-West*

Strategic Trade, CoCom and the Atlantic Alliance (Paris: Atlantic Institute, 1983); Michael Mastanduno, "Strategies of Economic Containment: United States Trade Relations with the Soviet Union," *World Politics* 37 (July 1985); and National Academy of Sciences, Panel on the Future Design and Implementation of U.S. National Security Export Controls, Committee on Science, Engineering and Public Policy, *Finding Common Ground: U.S. Export Controls in a Changed Global Environment* (Washington, D.C.: National Academy Press, 1991).

24. The primary U.S. objective in the cases discussed below is assumed to be the implementation of its own embargo policies, rather than the ultimate effect their implementation will have on the targeted state. Signaling discontent is not sufficient to achieve this objective. When a state is unable to entice or coerce others to participate with a particular policy, it may attempt to pursue its policy without their support. Rather than merely signaling its discontent when allied cooperation is not forthcoming to the extent it desires, the United States has often attempted to implement its policies unilaterally. The eventual outcome or effect the strategic embargo and export controls have on the targeted state(s) is not of immediate concern; rather, the focus of this project is on power relationships within the Western alliance as reflected in the successful implementation of U.S. regulations abroad despite a lack of allied support.

25. This is not intended to minimize the importance of symbolic action. As David Baldwin argues in *Economic Statecraft*, "When a state -- especially a powerful state -- goes out of its way to clarify its values and intentions for others, such actions are neither frivolous nor pointless." Symbolic action in the form of diplomatic protest, bilateral and multilateral negotiation, legal action or the imposition of blocking legislation will be interpreted as an indicator of state preferences and diplomatic positions. Focusing on an instrumental definition of success and failure does not neglect the role of symbolic actions; rather, it enables the analysis of specific influence attempts in terms of the conflict of interests the symbolic actions represent. David Baldwin, *Economic Statecraft* (Princeton: Princeton University Press, 1985), pp. 96-101. See also: Stephen Kobrin, "Enforcing Export Embargoes Through Multinational Corporations," pp. 33-34.

26. Michael Mastanduno, *Economic Containment*, pp. 82-96, 114-115.

27. See: Douglas Rosenthal, William Knighton, *Chatham House Papers #17: National Laws and International Commerce: The Problem of Extraterritoriality* (London: Routledge & Kegan Paul, 1982); Kenneth, Abbott, "Collective Goods, Mobile Resources, and Extraterritorial Trade Controls;" A. Lowenfeld, *International Economic Law: Trade Controls for Political Ends*; and Lowe, "Public International Law and the Conflict of Laws," *International and Comparative Law Quarterly* 33, 515 (1984).

28. For example, in March of 1986 the United States and Germany signed an agreement for German participation in the American Strategic Defense Initiative (SDI) projects. The agreement specifically linked German participation in high-technology military research projects with an agreement from the German government to tighten its export control procedures and to give the West German Ministry of Defense a larger role in implementing and enforcing the controls. *Le Figaro*, 21 April 1986; *Financial Times*, 21 April 21, 1986.

29. See for example: Douglas Rosenthal, William Knighton, *Chatham House Papers #17: National Laws and International Commerce: The Problem of Extraterritoriality* (London: Routledge & Kegan Paul, 1982), pp 58-59.

30. A.L.C. de Mestral and T. Gruchalla-Wesierski, *Extraterritorial Application of Export Control Legislation: Canada and the U.S.A.* (London: Martinus Nijhoff Publishers, 1990), p. 78; A. Lowenfeld, *International Economic Law: Trade Controls for Political Ends*, p. 22.

31. This study would be strengthened if export and import data as a percentage of domestic consumption and production figures were used. This is a promising area for future research. An earlier, more detailed study of these cases confirms that the assumption is valid and that aggregated indicators of dependence provide a good approximation of decision makers perceptions of their dependence on external suppliers and markets. See: George Shambaugh, *Sanctions and Sovereignty: the Political Economy of International Trade*, Forthcoming 1993.

32. Albert Hirschman, *National Power*, pp. xviii-xix, 87-97, 157-162; Edward Mansfield, "The Concentration of Capabilities of International Trade," Forthcoming.

33. The standardized Hirschman-Herfindahl index is equivalent to a general concentration index used widely in strategic studies. See: James Lee Ray and J. David Singer, "Measuring the Concentration of Power in the International System," *Sociological Methods and Research* 1 (May 1973), pp. 403-437; and R. Taagepera and James Lee Ray, "A Generalizable Index of Concentration," *Sociological Methods and Research* 5 (1977), pp. 367-384.

34. David A. Lake, "Structures and American Foreign Economic Policy, 1887-1934," *World Politics* 35 (1983). See also: Stephen Krasner, "State Power and the Structure of the International Trading System," *World Politics* 28 (1976); and Robert Gilpin, *The Political Economy of International Relations* (Princeton: Princeton University Press, 1987) and *War and Change in World Politics* (New York: Cambridge University Press, 1981).

35. David Lake, "Structures and American Foreign Economic Policy, 1887-1934," p. 543.

36. Ibid.

37. GDP per capita may be used in place of GNP per capita. GNP per capita was chosen because it includes earnings from U.S. multinational firms which are the primary focus of this project.

38. See: Robert Gilpin, *War and Change in World Politics*, and *The Political Economy of International Relations*; George Modelski and William Thompson, *Sea Power and Global Politics, 1494-1983* (Seattle: University of Washington Press, 1987); Charles Doran and Wes Parsons, "War and the Cycle of Relative Power," *American Political Science Review* 74 (December 1980), pp. 946-965; Alan Ned Sabrosky, ed. *Polarity and War* (Boulder: Westview, 1985); A.F.K. Organski and Jack Kugler, *The War Ledger* (Chicago: University of Chicago Press, 1980).

39. In the Western alliance, relative military expenditure of each state is very highly correlated with the proportional number of armed forces in each state relative to the total number of armed forces in the Western alliance. Using relative number of armed forces as an indicator of the military component of hegemony provides comparable results to analyses which use relative military expenditure.

40. Despite inter-departmental rivalry, the Executive branch can manipulate its export control policy largely without interference from Congress or the electorate. see: Micahel Mastanduno, *Economic Containment*.

41. This caveat has been noted by several scholars researching similar issues, see: Stephen J. Kobrin, "Enforcing Export Embargoes Through Multinational Corporations," p. 34.

42. Auxiliary regression analyses may be performed to confirm that multicollinearity among the independent variables is not a problem in this analysis.

43. While Logit curves are not designed to maximize the "goodness of fit," they provide reliable coefficients and tend to have a higher explanatory and predictive power than OLS models when being applied to dichotomous dependent variables. Least Squares Estimations, like OLS, assume a linear relationship between the independent and dependent variables. Under this assumption, parameters for the equation are estimated so that the squared sum of the errors between the predictions made by the model and the data are minimized. Maximum likelihood estimations, like Logit, on the other hand, assume a non-linear relationship among the variables. They estimate parameters that imply the highest likelihood or probability of achieving the pattern found in the data.

For a discussion of Logit and Probit models, see: John H. Aldrich and Forest D. Nelson, *Linear Probability, Logit and Probit Models* (Beverly Hills: Sage Publications, 1984).

44. It is possible that Success at time t-1 could effect the likelihood of Success at time t. However, the time between cases varies substantially and many of the cases in the analysis take place simultaneously. As a result, incorporating a lagged dependent variable into the equation would not provide a reliable indicator of the effect of success in one case on the outcome of the next. Furthermore, the influence attempts involve actions taken in different industrial sectors. It assumed to be unlikely that decision makers operating in one industry would necessarily be aware of, or alter there behavior as a result of, actions taken in an unrelated industry at an unspecified time in the past. For example, it is unlikely that U.S. enforcement efforts in the automobile industry in the case of Ford Motor Company of Canada in 1959 affected the decisions of IBM subsidiaries and the French Government in 1962.

45. Gunnar Adler-Karlsson, *Western Economic Warfare, 1947-1967*; Gary Bertsch, *East-West Strategic Trade, CoCom and the Atlantic Alliance* (Paris: Atlantic Institute, 1983); Bruce Jentleson, *Pipeline Politics* (Ithaca: Cornell University Press, 1986); Klaus Knorr, *The Power of Nations*; Stephen Kobrin, "Enforcing Export Embargoes Through Multinational Corporations: Why Doesn't It Work Anymore?;" Michael Mastanduno, *Economic Containment*, and "Strategies of Economic Containment," *World Politics* 37 (July 1985); and Stephen Woolcock, *Western Policies on East-West Trade*, Chatham House Papers, #15, (London: Royal Institute of International Affairs, 1982).

46. Adler-Karlsson, *Western Economic Warfare, 1947-1967*, p. 27. By the time this act was implemented the majority of its requirements had already been fulfilled. It served primarily to maintain rather than elicit allied cooperation.

47. Gunnar Adler-Karlsson, *Western Economic Warfare, 1947-1967*, p. 45. Michael Mastanduno offers a different perspective, arguing that the Battle Act and aid denial may not have constituted a valid threat and hence may not be the primary reason behind Western European cooperation. Mastanduno persuasively asserts that the given the executive's continual failure to use negative sanctions despite repeated violations, the threat of removal of aid was not a credible one and therefore cooperation did not continue. See: Michael Mastanduno, "Strategies of Economic Containment."

48. Gunnar Adler-Karlsson, *Western Economic Warfare, 1947-1967*, p. 40.

49. See in particular, Michael Mastanduno, *Economic Containment*, pp. 82-106.

50. Adler-Karlsson, *Western Economic Warfare, 1947-1967*, p. 39, for further discussion see pp. 40-49.

51. Gunnar Adler-Karlsson, *Western Economic Warfare, 1947-1967*, p. 40.

52. Through the Coordinating Committee on East-West trade, CoCom members have agreed to control a wide variety of "strategic goods." The cases discussed below involve severe conflict and divergent of opinion among the CoCom members, but should not be taken as an indicator that mutual interest in the controls did not exist or that all cooperation among the CoCom members was coerced. See: Kenneth Abbott, "Collective Goods, Mobile Resources, and Extraterritorial Trade Controls," *Law and Contemporary Problems* 50, (Summer 1987), pp. 118-119. For a discussion of the policy implications of U.S. export-import policy and its application abroad, see: U.S. Congress, Panel on the Impact of National Security Controls on International Technology Transfer, Committee on Science, Engineering, and Public Policy, National Academy of Sciences, *Balancing the National Interest: U.S. National Security Export Controls and Global Competition* (Washington, D.C. National Academy Press, 1987); Kevin Cahill, *Trade Wars* (London: W.H. Allen, 1986), and J.G. Castel, *Extraterritoriality in International Trade* (Toronto: Butterworths, 1988).

53. For a review of the firms involved and their reliance on American suppliers, see: Bruce Jentleson, *Pipeline Politics* (Ithaca: Cornell University Press, 1986), chapter 6.

54. Stefanie Ann Lenway and Beverly Crawford, "When Business Becomes Politics," *Research in Corporate Social Performance and Policy* 8 (1986), p. 44.

55. Ibid., p. 44.

56. Antony Blinken, *Ally versus Ally: America, Europe and the Siberian Pipeline Crisis* (New York: Praeger, 1987), p. 97.

57. Antony Blinken, *Ally versus Ally*, p. 97.

58. Antony Blinken, *Ally versus Ally*, p. 97.

59. For a discussion of European efforts to develop alternate sources of supply, see: Alex Krause, "Europeans Seek to Circumvent Pipeline Ban: Replacing Rotors Embargoed by Reagan is Key Element," *International Herald Tribune*, July 26, 1982.

60. "Swedish Firm Yields to Ban on Exports to Eastern Bloc," *International Herald Tribune*, 4-5 August 1984.

61. "Swedish Firm Yields to Ban on Exports to Eastern Bloc," *International Herald Tribune*, 4-5 August 1984.

62. *International Herald Tribune*, 4 August 1984.

63. U.S. Department of Commerce, International Trade Administration, *High Technology Industries: Profiles and Outlooks, The Telecommunications Industry* (Washington, D.C.: U.S. Government Printing Office, April 1983), p. 29.

64. Ibid., p. 29.

65. Derived from United Nations trade statistics for the telecommunications industry, SITC #764. United Nations, *1983 and 1984 International Trade Statistics Yearbook*, vol II (New York: United Nations Publishing, 1985, 1986).

66. Christian Lamoureux, "Sanctions and Export Controls in France," p. 159.

67. *Le Figaro*, 21 April 1986; *Financial Times*, 21 April 1986.

68. Stuart Macdonald, *Technology and the Tyranny of Export Controls*, p. 133.

69. "Swedes Agree to a Fine for Radar Sale to Soviet," *International Herald Tribune*, 8 April 1984.

70. Richard Stainbridge, "Sweden awaits American wrath," *The Guardian*, 19 October 1985.

71. *International Herald Tribune*, 21 March 1984.

72. *International Herald Tribune*, 21 March 1984.

73. *International Herald Tribune*, 21 March 1984.

74. *International Herald Tribune*, 21 March 1984, 16 and 21 November 1983, 21 December 1983.

75. Cecil Olmstead, ed. *Extraterritorial Application of Laws and Responses Thereto*, p. 53.

76. Jack Behrman, *National Interests and Multinational Enterprises*, pp. 109-110.

77. Statement of 9 July 1958, 39 U.S. Department of State Bulletin 309, 4 August 1958. A. C. L. de Mestral and T. Gruchalla-Wesierski, *Extraterritorial Application of Export Control Legislation: Canada and the U.S.A.*, p. 99.

78. For a more detailed discussion of this topic, see: A.L.C. de Mestral and T. Gruchalla-Wesierski, *Extraterritorial Application of Export Control Legislation: Canada and the U.S.A.*, pp. 157-8.

79. H.C. Debates, 1959, vol. I, pp. 274-5. Mr. Howard. Also cited in A.L.C. de Mestral and T. Gruchalla-Wesierski, p. 158.

80. Kevin Cahill, "Sh. . . the following may be a US secret," *the Times*, 17 April 1984; "British exports hit by US rules," *The Independent*, 25 April 1988; and Kevin Cahill, *Trade Wars: High-Technology Scandal of the 1980s* (London: W.H. Allen, 1986), pp. 82-85.

81. Kevin Cahill, *Trade Wars*, p. 85.

82. Tim Kelly, *The British Computer Industry: Crisis and Development* (New York: Croom Helm, 1987), p. 216-217; and Kevin Cahill, *Trade Wars*, pp. 82-85.

83. The actions against ICL took place at a time when the company was in a financial crisis. After achieving at 23.6% growth rate from 1973 through 1980, ICL fell into a slump and suffered a £49.8 million loss in 1981. Tim Kelly, *The British Computer Industry*, p. 216-217.

84. Company Annual Reports, Tim Kelly, *The British Computer Industry*, p. 214.

85. Kevin Cahill, *Trade Wars*, pp. 74-75.

86. Kenneth Abbott, "Linking Trade and Political Goals: Foreign Policy Export Controls in the 1970s and 1980s," *Minnesota Law Review* 65 (1981), pp. 739, 782, 840-49. In response to the taking of American hostages in Iran, the President did exercise his authority under the International Emergency Economic Powers Act to block the movement of Iranian assets possessed or controlled by all persons subject to jurisdiction of the United States. With the exemption of non-banking entities organized in foreign countries, the legislation was extended across international borders.

87. Stuart Auerbach, "Toshiba Spend Millions to Blunt U.S. Sanctions," *International Herald Tribune*, 14 October 1988.

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89. Susan F. Rasky, "Firms Want U.S. to Spare Toshiba," *International Herald Tribune*, 15 September 1987; Ian Rodger, "Toshiba sees prospect of US sale," *Financial Times*, 15 July 1987; Ian Rodger, "Toshiba chases Pentagon order," *Financial Times*, 23 July 1987.

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91. Susan F. Rasky, "Firms Want U.S. to Spare Toshiba," *International Herald Tribune*, 15 September 1987.

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Fathers' Rights, Mothers' Wrongs?: Reflections on Unwed Fathers' Rights and Sex Equality

Mary L. (Molly) Shanley
Department of Political Science
Vassar College
Poughkeepsie, NY 12601
phone: (914) 452-5973
fax: (914) 437-7187
e-mail: shanley@vassar.edu

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Fathers' Rights, Mothers' Wrongs?:

Reflections on Unwed Fathers' Rights and Sex Equality

by Mary L. Shanley

The case of Baby Girl Clausen, involving a custody dispute between the natural parents, Cara Clausen and Daniel Schmidt, and the adoptive parents, Roberta and Jan DeBoers, over who should have custody of the baby surrendered for adoption, focused national attention on the issue of the rights of unwed fathers to custody of their infant children. Cara Clausen irrevocably surrendered her baby for adoption two days after its birth, as did the man named as the child's father on the birth certificate. Within weeks, however, Clausen regretted her decision and informed Daniel Schmidt that he was the baby's father. Schmidt responded by filing a petition to establish paternity, and initiating legal action to block the adoption. Schmidt contended that as a natural parent he has a right to custody of his child unless it is shown that he is "unfit" to be a parent. The Iowa Supreme Court agreed, affirming an opinion of the District Court that Daniel Schmidt's parental rights had not been properly terminated, and that no order of adoption giving the DeBoers custody of Baby Girl Clausen could be finalized.

While the majority of unwed fathers never seek custody of their children, Daniel Schmidt was not the first, and will certainly not be the last, to claim a right to custody of his child after the mother has initiated action to place the child for adoption. Indeed, several recent cases in various states have argued that natural fathers have a constitutionally-protected right to custody unless shown to be "unfit." The Supreme Court has so far refused to hear any of these cases, but the claim is well worth considering. Unwed fathers who seek to block a mother's decision to place an infant for adoption do so for a variety of reasons. Sometimes, like Daniel Schmidt, they act when the natural mother has changed

her mind and seeks to reverse her decision. In other instances a man seems to hope that if he prevents the adoption the mother will decide to raise the child herself and keep in contact with the father; preventing the adoption is a way of retaining a relationship with the mother. In yet other cases the man acts because his parents wish to raise their biological grandchild. In yet others, the man wishes to assume full custody and raise the child himself. Yet all these different cases raise questions about whether a biological father has--or should have--a right to a parental relationship with his child.

I wish to look at some of the issues raised by an unwed fathers' claim to block the adoption of his newborn child in the light of their implications for achieving greater equality between women and men, mothers and fathers.

Such an examination involves at least two distinct but related issues. First, there must be some understanding of the basis of custodial claims of biological parents in general. Second, there must be some judgment about whether the claims of fathers and mothers are identical at the birth of their child, or are sufficiently different that the law should give greater weight to the wishes of one parent than those of the other, or use some quite different criterion--like the "best interest" of the child--when they disagree.

I argue here that arguments for fathers' rights to custody of children that rest upon genetic rather than social or nurturant ties suggest that because a father "owns" his genetic material, he has "rights" in his offspring. I claim that such arguments are misguided. Parental rights for both mother and father properly stem from nurturance and actual care, rather than genetic ties, and should draw upon images and language that suggest stewardship rather than a proprietary notion based on genetic relationship. I also believe that gender-neutral arguments that suggest that because father and mother have a symmetrical genetic relationship to the child they have symmetrical parental rights at birth are false; such arguments run the risk of reinstating patriarchal relations under the guise of sexual equality.

A liberal polity interested in protecting people's rights to intimate association and family life should recognize an unwed father's claim to custody of his child, but only when he has concretely demonstrated his intent to assume parental responsibilities prior to the mother's decision to relinquish the child for adoption. This argument is likely to displease some advocates of both fathers' and mothers' rights. By recognizing some paternal claims it will not satisfy advocates of women's complete autonomy in decision-making. By grounding the father's claim in behavior that in many cases must be undertaken prior to the child's birth, it will appear too stringent to many fathers' rights advocates. Yet only some such rule, I believe, captures the fact that parental rights derive from a mixture of biological relationship, assumption of responsibility, and provision of care. Parenting involves being in a relationship with a dependent being, and a parental "right" cannot properly be conceived of as something independent of the relationship.

It is worth noting that these principles alone would not resolve the case of Baby Girl Clausen. They suggest that in most cases an unwed father needs to act prior to the child's birth in order to block the adoption of a newborn infant, yet Cara Clausen's misrepresentation about who the father was may have deterred Daniel Schmidt from taking action to demonstrate his intention to nurture and raise his offspring. Perhaps exceptions need to be made in such cases, although I am inclined to think it would be more profitable to think about--and try to change--the clearly inadequate counseling Clausen received prior to relinquishing her parental rights, and the kinds of advice given to the DeBoers. Beyond that, we need to try to understand the circumstances that might lead an unwed mother to lie about or conceal the paternity of her child. While determining the proper bases of parental rights is clearly an important task, justice in family relationships depends not only upon determining proper legal principles, but also upon achieving the social and economic conditions that allow family relationships to thrive.

I. Unwed Parents' Custody Rights in Common Law and Constitutional Law

A. The Patriarchal Construction of the Common Law Regarding Custody

Unwed fathers' assertions of parental rights need to be seen against the background of traditional legal rules governing custody. Under English common law, a man had complete custodial authority over any children of his marriage. This rule derived from the common law doctrine of coverture, by which a woman's legal personality was subsumed in that of her husband during marriage. A wife could not enter into contracts, sue or be sued, or engage in other legal transactions without being joined by her husband. He owned outright her moveable property, and had control of (although he could not alienate) her real estate. Torts she committed in his presence were chargeable to him, not to her. A married woman also had no right to refuse her husband sexual access--marital rape was not recognized as an offense. So complete was the husband's custodial authority that during his lifetime he had the power to convey his parental rights to a third person without the mother's consent, and could name someone other than the mother to be the child's guardian after his death.[1]

If a woman who was not a wife became a mother, however, the child was "fillius nulli," the child of no one. But women usually raised their children born out-of-wedlock, and judicial practice from about the beginning of the nineteenth century, recognized the mother as the custodian of a nonmarital child.[2]

Thus under the common law a man's legal relationship to his offspring was governed by his relationship to their mother. If the woman was his wife, the children were "his," so much so that he exercised exclusive custodial authority. If their mother was not his wife, however, a man was a "stranger" to his children and she was the child's legal parent. The marital child took the father's surname, the nonmarital child did not. The marital child had a right to financial support from the father, the nonmarital child did not. The marital child had the right to inherit from a father who died without a will, the nonmarital child did not.[3] Some authors assume that "Custody was vested in the mother

because the law presumed that she was better suited to raise children,"[4] but this is mistaken--custodial regulations stemmed from the deeply patriarchal character of family law. The common law affected both lineage and property; it allowed a man to lay claim to legitimate heirs (for without marriage, who would know for certain who the father of a child might be?) and to avoid squandering his estate supporting other children. At the same time the common law placed both social stigma and economic burdens on unmarried mothers; woman's sole responsibility for her nonmarital children punished her for sex outside of marriage, and increased women's incentives to give themselves to a man through marriage.

It is no wonder that women's rights advocates from the mid-nineteenth century on protested against the patriarchal assumptions and the sexual double-standard implicit in this configuration of rules governing marital and non-marital parenthood. During the nineteenth century, in part due to women's rights advocacy, legislatures began to replace common law rules with statutes that granted wives equal custodial rights as their husbands. Judges began to prefer mothers as custodians of marital children of "tender years" (usually under seven or ten years of age).[5] Eventually the standard of the "best interest of the child"--which did not automatically prefer either parent and which purported to recognize the needs of the child as paramount--replaced any presumption explicitly favoring the custodial claim of either married parent when they divorced.

Historically, the law governing custody of nonmarital children incorporated a strict sex-based distinction--mothers, not fathers, had custody of these children. One author observed that "Until a few years ago, unwed fathers were ignored or received virtually no protection from either the United States Constitution or the statutes of most states. Indeed, courts and legislatures traditionally have been openly hostile to the recognition of parental rights of unwed fathers."[6] The notion that laws placing the custody of nonmarital children in their mothers' hands reflected hostility to fathers displays an appalling ignorance of the patriarchal roots of family law. Far from favoring mothers or harming fathers, laws

declaring a nonmarital child to be *fillius nulli* shielded fathers from financial responsibility for these children, while unmarried women who bore children outside of marriage were "ruined;" their desperate attempts at suicide and infanticide dot the pages of social histories and nineteenth-century novels. The grain of truth in the assertion that the law "ignored" unwed fathers is that unwed fathers and mothers had very different rights and responsibilities with respect to their children. If one is committed to equal rights for men and women, such different treatment calls out for the most scrupulous examination leading either to rejection of the distinction as contrary to the principle of equality, or demonstration of why and how neutrality in principle would lead in fact to unequal treatment.

B. The Emergence of Unwed Fathers' Constitutional Rights

The first such initiatives to revise the laws governing custody of nonmarital children came not from feminists but from men who had sired children out of wedlock. Over the past twenty years, five decisions of the Supreme Court--Stanley v. Illinois, Quilloin v. Wolcott, Caban v. Mohammed, Lehr v. Robertson, and Michael H. v. Gerald D.--laid down some guidelines for thinking about unwed fathers' rights. Although the Supreme Court decisions by no means resolve all the dilemmas surrounding the custody of infants born to unmarried parents, they provide a useful starting point for thinking about those issues.

The United States Supreme Court first considered the custodial rights of unmarried fathers in 1972 in Stanley v. Illinois [405 U.S. 645 (1972)]. Mr. Stanley had lived with his three children and their mother intermittently for eighteen years. When the mother died, the state of Illinois declared the children wards of the state and placed them with court appointed guardians. This was done without a hearing as to Stanley's fitness as a parent. Stanley protested, arguing that Illinois law denied him equal protection of the laws since neither unwed mothers, nor married fathers or mothers, could be deprived of custody of their children unless they were shown to be unfit. The Supreme Court agreed, and stated

that "[t]he private interest here, that of a man in the children he has sired and raised, undeniably warrants deference and, absent a powerful countervailing interest, protection."[7] The state could not remove children from Stanley's custody without a hearing.

In cases after Stanley the Court drew distinctions between fathers who, like Stanley, had been involved in raising their children, and those who had not assumed day-to-day practical responsibility for them. In Quilloin v. Walcott [434 U.S. 246 (1978)], the Supreme Court said that a Georgia statute that stipulated that an unwed father could veto the adoption of his child by the child's stepfather only if the natural father had legitimated the child was constitutional. The law did not abridge any constitutionally protected right when contact between the father and child had been only sporadic. The next year, hearkening back to Stanley, the Court held in Caban v. Mohammed [441 U.S. 380 (1979)] that a New York statute that required mothers, but not fathers, to consent to the adoption of their children was unconstitutional when a unwed father's relationship to his child was "fully comparable" to that of the mother. Mr. Caban who had lived with his children and their mother for several years, argued that the law allowing the mother's new husband to adopt the children without Caban's consent violated the equal protection clause, because Caban's new wife could not adopt the children without the natural mother's consent. Caban also claimed that natural fathers had a due process right or liberty interest "to maintain a parental relationship with their children absent a finding they are unfit as parents." [441 U.S. at 385] The Supreme Court agreed with Caban, but explicitly reserved any opinion about whether such a distinction would be valid with regard to newborn adoptions.

Lehr v. Robertson [463 U.S. 248 (1983)] also concerned a natural father's effort to block the adoption of his child by her stepfather, but unlike Mr. Stanley and Mr. Caban, and like Mr. Quilloin, Jonathan Lehr had had almost no contact with his daughter, Jessica. The case was complicated by the fact that the majority and minority disagreed over whether he had ignored the child until recently, or, as he claimed, had repeatedly attempted to establish contact with his daughter but was thwarted by the mother. The majority held that

Lehr had not made sufficient contact to establish a parental right, declaring that a father's constitutional rights are a function of the tangible and affirmative responsibilities he accepts towards his children, and that if he does not "grasp[] the opportunity and accept[] some measure of responsibility for the child's future, the Federal Constitution will not automatically compel a state to listen to his opinion of where the child's best interests lie." In a dissent, Justice White disagreed not only about the factual question of whether Lehr had attempted to contact his daughter, but also with the framework used by the majority to determine the existence of the unwed father's liberty interest. White asserted that the biological relationship was in-and-of itself a constitutionally protected interest. In White's view, the standard adopted by the majority in Lehr is "more demanding" than the Constitution requires, since "a biological father has a constitutionally cognizable interest in an opportunity to establish paternity." [462 U.S. at 2??]

The most recent Supreme Court case dealing with an unwed father's rights, Michael H. v. Gerald D., carved out an exception to the rule of thumb that the Court seemed to be developing in these cases, i.e. that an unwed father who had established a substantial relationship with his child had a constitutionally protected interest in maintaining that relationship. In Michael H. the Court found that a California statute that created an irrebuttable presumption that a woman's husband was the father of a child she bore was constitutional. A biological father, Michael H., who had lived with and provided care to his daughter and her mother even though the mother was married to and intermittently lived with her husband as well, argued that he had a right to a hearing to establish his paternity when the husband and wife sought to cut off his contact with the child.

The case produced no fewer than five opinions from a deeply fractured Court. The plurality decision, written by Justice Scalia and joined only by Chief Justice Rehnquist, rejected Michael's claim. Scalia contended both that the state had an interest in preserving the "unitary family," and that neither Michael nor his daughter had a constitutionally-protected interest in maintaining their relationship.[8] Justices O'Connor and Kennedy

agreed with Scalia's conclusion but not his reasoning, as did Justice Stevens in a separate concurring opinion. Two dissenting opinions supported Michael's right to a hearing, but used quite different grounds to do so. Justice White, joined by Justice Brennan, reiterated the view he expressed in Lehr that biology itself creates a presumptive parental right. Justice Brennan, joined by Justices Marshall and Blackmun, argued that the combination of biology and nurture establishes parental rights.[9]

Since none of these Supreme Court cases dealt with newborns, it is not clear whether under the Constitution an unwed father has a right to an opportunity to establish the kind of relationship and provide the kind of care that the Court has declared protects parental rights. Furthermore, it is not clear what the Court thinks the extent of an unwed father's custodial rights at the time of birth are: does he have only a right to be heard concerning the child's best interest, or to veto an adoption and assume custody himself? These are the questions I examine in the next section.

II. Rethinking the Bases of Parental Rights

Advocates of biological fathers' rights to assume custody of their nonmarital children criticize the traditional law for setting forth different rights and responsibilities for unwed mothers and fathers and for looking at the "best interest" of the child rather than a "fitness" of the father in deciding whether or not to award custody to unwed fathers. In making their case, they take a page from women's rights campaigns of the past century and assert that the law must be neutral with respect to men and women, and that stereotypes that relegate responsibility for the care of children exclusively to women must be replaced by images of paternal as well as maternal care. By the logic of gender neutrality, just as a biological mother has a right to custody of her newborn child unless she is shown to be "unfit" to be a parent, so the biological father should have a right to exercise custody unless shown to be unfit, particularly if the mother has relinquished her parental rights. Although firmly committed to equal rights and skeptical about the appropriateness of the best interest

standard to decide custody of newborns, I argue here that many of the proposals for equalizing the parental claims of unwed mothers and fathers rest on an inappropriate model of individual rights that fails to take account of the profoundly relational aspects of being a parent or claiming a parental right.

Yet having critiqued the equality-through-neutrality model, I find myself confronted by the task of finding another model to resolve these custodial disputes. One would be to let a mother's wishes determine the placement of nonmarital children, what Mary Becker has in her discussion of custody after divorce called a "maternal deference" standard. But I worry that in the very different treatment it affords to women and men, such a standard will do nothing to encourage the disruption and displacement of traditional sex roles. What is needed to help us move towards a society that promotes both equality and parental responsibility is a criterion that takes seriously a biological father's responsibility to assume parental obligations both prior to and after his child's birth; only the assumption of such responsibility would enable him to oppose the mother's decision to surrender the child for adoption. This means that a court hearing a biological father's petition to veto a mother's decision to relinquish a child for adoption would be guided by its assessment of whether the father had taken on these responsibilities to the best of his ability, not by its estimate of the future "best interests" of the child as is often the case now.

A. Considerations Favoring Recognition of an Unwed Father's Right to "Grasp the Opportunity" to Become a Parent

In recent years a number of cases have pressed lower courts to define more precisely whether an unwed father has a right to an *opportunity* to establish a parental relationship with his child, and what the state must do to insure he has such an opportunity. At least one law review article has argued that all unwed fathers have a right to be notified by the state of the existence of their biological children before any adoption can proceed, and that the state may therefore require the mother to identify the father.[10] Some fathers

have claimed that due to the mother's lack of cooperation, they have not found any way to meet the Court's demand, articulated in Lehr, that he "grasp the opportunity" to develop a relationship with his child, assume some "responsibility for the child's future," and "enjoy the blessings of the parent-child relationship." [413 U.S. at 262] Should he have that opportunity? Should adoption proceedings be precluded until the father has been heard? What considerations should guide us as we try to evaluate such issues? To answer these questions we need to think about both the basis of claims for custodial rights and the relative claims of biological mothers and fathers outside of marriage.

In many discussions of the "rights" of biological mothers and fathers there is quite a bit of confusion between the argument that the biological tie itself creates a right to raise a particular child, and the argument that assigning custody of children to their biological parents promotes the exercise of parental responsibilities and minimizes state interference in family formation and intimate life. There is an inherent tension in liberal theory and legal practice between the state's obligation to protect families and individuals from intrusive state action on the one hand, and to promote children's welfare on the other. But since biological parents have a variety of incentives to care for their children to the best of their ability, assigning custody to them usually serves children's interests as well as adults'.[11] Moreover, begetting, bearing and raising children are among the exercises of freedom a liberal state should protect and facilitate. Courts have grappled with these important freedoms not only in custody cases like Stanley and Caban, but in decisions dealing with sterilization like Skinner v. Oklahoma that prohibited forced sterilization of criminals [316 U.S. 535 (1942)].[12] Entrusting biological parents with the custody of their offspring recognizes the importance of procreation and intergenerational ties to many persons' ideas of the good, or fulfilling, life. Assigning custody of children to their biological parents protects the privacy of parents and children alike and sets bounds to the exercise of state power. A liberal state does not ask at every birth "What will be best for this child?" and no

one proposes that children should simply be assigned at birth to the best possible or next available parents, without regard to who begot and bore them.

The importance of intergenerational genetic ties and the particular horror of state complicity in severing those ties without cause and due process has been seen in the continuing proceedings in Argentina to discover the biological families of the children born in captivity to parents who were "disappeared" by the government during the "Dirty War" of 1976-1982. When a pregnant woman in detention gave birth, her child was frequently placed with an adoptive family, sometimes a military household, sometimes a civilian family ignorant of the circumstances surrounding the child's birth. The efforts of the Abuelas de Plaza de Mayo (The Grandmothers of Plaza de Mayo) to identify and locate these children has seemed to virtually all observers appropriate and just, and Argentine judges have vacated the adoption decrees and returned the custody of these children to biological relatives more than a decade after the adoption took place.[13]

There are, therefore, good reasons to defend the custodial rights of biological parents, but they rest on a notion of "stewardship" rather than ownership or genetic entitlement.[14] In many contexts it makes more sense to talk of a child's need for and right to be taken care of, and of an adult's custodial *responsibilities* rather than rights. For the moment, however, I will show that even an approach focused on adults' rights does not imply without further argument and qualification that a biological father has a right to veto the adoption of his child.

The argument that similar criteria should be used to award custody to biological fathers and mothers alike rests on a conviction that parenthood is a significant good in the lives of men as well as women. One commentator speaks of this good as "a constitutionally-protected opportunity interest in developing a parent-child relationship."[15] Acknowledging that fathers might wish to raise their children for the same reasons mothers do--sharing intimacy and love, nurturing a child to adulthood, seeing one's parents' genetic inheritance survive into the next generation, passing on ethnic and religious traditions, and

so forth--the Supreme Court decided that "The private interest . . . of a man in the children he has sired and raised, undeniably warrants deference and, absent a powerful countervailing interest, protection."[16]

But what if each of a child's biological parents wishes to enjoy the pleasures of parenting, and the two cannot rear the child together?[17] The unmarried mother who wishes to retain custody of her child usually can do so; she is presumed to be a "fit" parent. The law embodies a presumption of maternal custody due to a combination of the legacy of the common law holding that nonmarital children are ***fillius nulli***, social attitudes assuming that mothers will provide for children better care than fathers, and high rates of desertion and nonsupport by fathers. If a man's paternity has been established, he has rights of visitation (as well as obligations of support). If the father thinks the mother is not doing an adequate job raising the child, he can ask the court to transfer custody to him. If an unwed mother does not identify the father, he can nonetheless seek recognition of his paternity, assume support obligations, and be awarded visitation, although most unwed fathers do not make these efforts.

If an unmarried mother chooses to relinquish a child for adoption, however, the father's consent may not be required. Often a state will notify him and permit him to testify at the hearing held to investigate whether the adoption would be in the child's best interest. But even if he argues vehemently that the child's best interest is to be placed in his custody, the court is still free to terminate his parental rights and proceed with the adoption. Advocates of increased rights for unwed fathers argue that these standards must be changed: the state should be obligated first to try to identify the father before allowing any adoption to proceed, and second to allow a biological father, unless he is shown to be unfit, to take custody of his child when the mother has relinquished her rights.[18] In the absence of a challenge from the father, after all, an unwed *mother* undergoes no hearing concerning the child's best interest: she is given custody unless she is shown to be unfit. A commitment to gender-neutrality would argue that the law extend the same presumption

of fitness to an unwed father as to an unwed mother, and that the consent of both should be necessary before the child can be adopted. In a recent California case, Kelsey S., the California Supreme Court held unconstitutional a statute that gave unwed mothers and legally recognized or "presumed" fathers a greater say in pre-adoption proceedings to terminate parental rights than it gave to unwed fathers. The Court declared that the statute rested on a "sex-based distinction" that bore no relationship to any legitimate state interest once the child was outside the mother's body and she had decided to relinquish custody.[19]

The presumption of fitness for biological parents also avoids the dangers of subjective judgment and cultural prejudice that seem unavoidable in attempts to determine the child's best interest.[20] One supporter of an unwed father's right to custody argues that a best interest determination "is subject to abuse and may lead to paternalistic infringement on the parent-child relationship in the name of the child's welfare. Given the long waiting list of adoptive parents that exists today and the traditional preference for rearing a child in a two-parent home, a best interest test is a no-win situation for the unwed father of a newborn with whom he has not yet had the opportunity to develop an emotional tie."[21] In 1987 the Georgia Supreme Court explicitly rejected the best interests test in favor of a fitness standard on the grounds that it was presumptively unfair to compare the putative father with adoptive parents with whom the child had never lived. It held that "If [the father] has not abandoned his opportunity interest, the standard which must be used to determine his rights to legitimate the child is his fitness as a parent to have custody of the child. If he is fit he must prevail."[22] The fitness standard avoids the subjectivity of a best interest determination for an infant who has not as yet lived with an adult caregiver for any length of time, and applies the same standard to biological fathers as to biological mothers.

But the question of whether the father shall have a right to custody of his newborn infant is not about paternal rights *tout court*, but also or alternatively about an unmarried woman's authority to decide who shall take custody of her newborn child. For the father to assume custody, the mother's expressed will concerning the child will of necessity be

over-ridden. Arguments that a father should be able to veto the adoption decision of the mother and assume custody unless proven to be unfit--or at least be entitled to a hearing as to the child's best interest--run up against counter-arguments that the courts should defer to an unwed mother's wishes concerning placement of her child. It is to these considerations that we now turn.

B. Problems with "Equal Protection" Arguments for Fathers' Rights

Advocates for unwed father's rights to custody of their children who base their claim on the symmetrical relationship of biological mother and father to their child fail to give adequate consideration to the broader contexts in which decisions about sexual, procreative and parenting decisions are made. For example, arguments in favor of the "fitness" standard for unwed fathers falsely assume that once the biological mother has surrendered the child for adoption she has no further relevant wishes with respect to custody. Defenders of an unwed father's right to veto an adoption often contrast what they portray as his laudable desire to assume custody and to care for the child with the mother's uncaring decision not to raise the child herself. The image of the "bad mother," and the assumption that if the mother chooses not to raise the child, she must be indifferent about who does, hover just beneath the surface of such depictions. But relinquishment of the newborn for adoption is not a sign that the mother does not care for the child; on the contrary, in many cases women agonize over the adoption decision and try to make certain to do what is best for their offspring.[23]

A woman's decision to place her child for adoption also does not mean that she is indifferent about the question of who raises the child. On the contrary, her choice of an adoption agency or private placement reflects her judgment as to who will be an appropriate custodian for her child. The fact that the mother makes the decision to place the child for adoption rather than to relinquish the child into the custody of the father undercuts his claims that he should be preferred to adoptive parents because they are "strangers" to the

child. If the mother has had very little contact with the father beyond the act of intercourse that led to her pregnancy, the father may be as much a social "stranger" to her and the child as the adoptive parents, and his claim rests on genetics alone. And if the mother has known the father over a considerable period of time, her unwillingness to make him the custodial parent needs to be examined to see why she feels as she does. Contrasting the biological father's rights to those of strangers obscures the fact that the fundamental or precipitating disagreement about custody is not between the adoptive parents and the biological father, but between the two biological parents.

Why might a woman oppose a biological father's wish to assume custody?[24] Many advocates of an unwed father's right to veto an adoption ignore the question altogether, assuming that once the mother has surrendered her parental rights she is (or should be) indifferent as to who assumes custody of the child. But an unwed mother might have various reasons to prefer adoption to placement with its biological father. She may prefer that the child be raised by an intact, two-parent family than by a single man. Given the opprobrium that still attaches to unwed motherhood (despite a growing acceptance in some communities) she may wish to seek the anonymity of adoption. She may have become pregnant after a "date rape" that she did not prosecute. She may fear that the father will use the child as a way to continue some form of relationship with her against her wishes, and might press her to contribute to the support of the child.[25] Whatever her reasons, it is clear that she may have thoughts about the placement of the child, and not simply have decided not to raise it herself.

Are there any reasons to weigh the mother's wishes about who shall (or shall not) take custody of the child more heavily than those of the father? One plausible consideration is that at the time of birth the relationship of father and mother to the child is neither biologically nor socially symmetrical. She has borne the child for nine months, activity for which there is no precise male analog; indeed, no one else (for example, a lesbian life-partner) can perform functions analogous to those of gestation. The biological mother's

"expectant" state has affected both her own physiological experience and the ways in which others view and interact with her.[26] The Supreme Court has recognized the significance of this asymmetry between mother and father during pregnancy by holding that even a wife is not required to notify her husband or obtain his consent before getting an abortion.

The fact that the biology of human gestation gives the mother the primary role in the child's prenatal care might suggest reasons to have the mother's will prevail when she chooses to place her newborn child for adoption. In writing about custody decisions after parents divorce, Martha Fineman argues that gender-neutral standards do not adequately protect women, and advocates use of a "primary caregiver" standard; her arguments are relevant here as well.[27] Fineman points out that the usual standard used to adjudicate custody disputes is the "best interest of the child," but that this standard frequently disadvantages mothers by looking to the likely future financial resources of father and mother. It would be more appropriate (both in terms of fairness and the child's emotional well-being) to look rather at who has actually given the child physical and emotional care up to the present, Fineman asserts. The "primary caregiver" standard were applied to custody of newborns, suggests that the mother who has borne and given birth should make the custody decision concerning the infant. Mary Becker, for her part, argues that mothers are so frequently the primary caregivers of their children that it makes sense to adopt a "maternal deference" standard: "When the parents cannot agree on a custody outcome, the judge should defer to the mother's decision on custody provided that she is fit, using the 'fitness' standard applicable when the state is arguing for temporary or permanent separation of parents and children in intact families."[28] Becker is not terribly worried that giving primacy to the mother's wishes might in some instances permit a woman to deprive a caring father of custody: "A maternal deference standard would recognize that mothers, as a group, have greater competence and standing to decide what is best for their children . . . than judges, fathers, or adversarial experts. . . . Mothers will sometimes make wrong

decisions, but in the aggregate they are likely to make better decisions than the other possible decision makers."[29]

There are, however, differences between deciding about custody after divorce and deciding whether a mother should be free to make the adoption decision against an unwed father's will. While the mother has been the "primary caregiver," gestational activity is not the kind of consciously controlled caregiving that parenting of children involves and that the father now seeks to assume. In addition, while the divorced father who is denied custody will still be able to visit his child, the unwed father whose child is adopted loses all parental rights. Moreover, precluding out-of-hand the claims of fathers who have tried to take responsibility for their offspring fails to reinforce men's paternal obligations in a society that desperately needs men to take such responsibilities seriously, and may undercut the principle that parental rights should be grounded in demonstrated commitment to a child's welfare. The fallacies in arguments for unwed fathers' custodial rights that rest on his genetic ties to the child and on the irrelevance of the mother's wishes once she has relinquished her custodial claims, do not make all assertions of unwed fathers' claims to custody of their children invalid. While the father's genetic link does not *per se* give him parental rights, it becomes a reason *to look to see* if he has attempted to assume responsibility for the child, and has done so without interfering with the mother's well-being while pregnant, and if so--and only if so--to accord him parental rights.

III. Care and Responsibility as the Basis of Parental Rights

Neither granting unwed fathers custody as long as they are "fit," nor granting unwed mothers an unqualified right to place their children for adoption against paternal wishes provides a fully satisfactory basis for thinking about the custodial claims of unwed parents. Arguments favoring a father's "right to know" (that is, to be informed by the mother or the state) of the existence of his child and to be awarded custody unless shown to be unfit rest on flawed arguments about both the role of biology in establishing parental

rights, and the appropriateness of a gender-neutral standard applied to custody decisions concerning newborns. Law and social policy in this area must walk a very fine line between adopting false gender-neutrality by treating men and women identically on the one hand, and reinforcing gender stereotypes on the other.[30]

The alternative to the traditional "best interest" test need not be either recognition of a father's right to custody based on his genetic tie alone, or maternal deference on the other. Rather, there must be stringent criteria for assessing the father's intention to take responsibility for and act as a parent to his child even prior to birth. A New York statute struck down by the New York Court of Appeals in Matter of Raquel Marie X [76 NY2d 387 (1990)] tried to reflect the judgment that parental rights are rooted in lived relationship by stipulating that only a father who had established a home with the mother for six months prior to her relinquishment of the child for adoption could veto the adoption. But the statute was challenged by a father who had been unable to live with the mother, and the court held that the provision imposed "an absolute condition . . . only tangentially related to the parental relationship" and allowed a woman who would not live with a man the power unilaterally to cut off his constitutionally protected interest in parenting his child.[31] One supporter of that decision remarked that the New York court was right to "recognize that a father and mother must be permitted to demonstrate commitment to their child in different ways. Consequently, the court mandated that the father be given the chance to demonstrate parental responsibility for the child by doing everything that it is possible for him to do."[32] In a subsequent decision, Matter of Robert O. v. Russell K. [80 NY2d 252 (1992)], an unwed father sought to overturn the adoption of his son on the grounds that either the mother or the State had a duty to ensure that he knew of the child's birth, and that their failure to do so denied him his constitutional rights. The New York court acknowledged that "the unwed father of an infant placed for adoption immediately at birth faces a unique dilemma should he desire to establish his parental rights." His opportunity to "shoulder the responsibility of parenthood may disappear before he has a chance to grasp it." [262] But

although Robert O. acted as soon as he knew of the child's existence, the adoption had been finalized ten months previously. "Promptness," said the Court, "is measured in terms of the child's life, not by the onset of the father's awareness." Robert O., having failed to ascertain whether the woman with whom he lived was pregnant, forfeited the right he would have had to an opportunity to manifest his "willingness to be a parent." The Court was, I think, correct in its insistence that the burden is on the man who would assume responsibility for raising a child to know of its existence. The difficulty of devising criteria by which to judge whether he has made every reasonable effort to do so when the mother is uncooperative is, however, evidenced by the fact that since the Court's decision in Matter of Raquel Marie X the New York State legislature has failed to devise stipulations that would allow a father to demonstrate the existence of paternal concern prior to the child's birth.

What would an unwed father need to do to demonstrate that he had done "everything that it is possible for him to do?" At the least, the father would be responsible for trying to ascertain whether a woman with whom he had had sexual intercourse was pregnant. (By contrast, one defender of unwed fathers' rights, seemingly oblivious to any considerations of privacy, proposes a jail sentence of up to two years for a woman who refuses to name the father of her child when surrendering the infant for adoption![33]) He would also need to register his desire to assume custody prior to the child's birth on a putative father's registry. And he would need to provide financially for mother and child to the best of his ability, or place money for their support in an escrow account, savings account, or with a friend or family member, and make other provisions for the child. To have the right to veto an adoption a father would have to demonstrate the will to assume the responsibilities of parenthood from the earliest possible moment. And he would have to show that the mother's objections to his assuming custody were unfounded and that he had not harassed her or impaired her ability to care for herself or the child she was carrying. The requirement that he take action prior to the child's birth not only signals his desire to be

a parent, but facilitates meeting the need of the infant to be placed in a permanent home as soon as possible after birth.

Unwed fathers' efforts to block mothers' decisions to place their children for adoption also point to the desirability of other kinds of changes in the way the law deals with family formation. Some unwed fathers seem motivated by the fear of losing all opportunity to know children they have sired, just as some birth mothers have also testified to the pain they experience at losing contact forever with children they have relinquished for adoption. Adoption registries that allow adopted children and birth parents to contact one another when the child has reached his or her majority seem to have been helpful to parents and children alike. They allow for the simultaneous recognition of the importance of both genetic and social parenting, and in doing so undercut the suggestion that something about adoption is shameful and is best kept hidden.[34] Such registries also take the perspective of children who want to know their biological forebears into account, without weakening either the legal rights and responsibilities of the social (adoptive) parents or the primacy of the emotional bonds between adoptive parents and children.

Conclusion

This analysis of disputes over paternal custody of nonmarital newborns makes it abundantly clear that the language of individual rights and "equal protection," so central to liberal political theory and constitutional law, is not well-suited to dealing with complex issues of parent-child relationships.[35] While notions of maternal or paternal rights are not useless (for example, they allow us to think about limits to state intervention), they tend to focus attention on an adult *individual*, whereas parental issues involve two adults and a child, and the relationships among them.[36] Legal and social discourse alike must put the lived relationship between parents and between parent and child, not individuals alone, at the center of the analysis of parental claims. In particular the language of a father's "right" to custody of his infant child based on his genetic tie obscures the complexity of the

relationships involved in human reproductive activity. Unwed men who wish to be social parents to their offspring need to establish caring relationships from the earliest possible moment. That involves taking the trouble to find out if a woman with whom they have had sexual intercourse is pregnant, providing her with support during the pregnancy to the extent they are able to do so, and informing the state as soon as possible and certainly prior to birth that they wish to assume parental responsibility. Only by looking behind abstract assertions of individual rights to examine the relationships of dependency, reciprocity, and responsibility involved in family relationships will we be able to approach a world ~~both~~ dedicated to achieving both lived equality between men and women and committed parents for every child.

[1]William Blackstone, Commentaries on the Laws of England, 9th ed. (1783) ed. Berkowitz and Throne.(1978), vol. 1, 453. On coverture in general see M. L. Shanley, Feminism, Marriage and the Law in Victorian England (Princeton: Princeton University Press, 1989), and particularly ch. 5, " Parliament's Rejection of Parental Equality: The Infant Custody Act of 1886," 131-155.

[2]Jamil S. Zainaldin, "The Emergence of a Modern American Family Law: Child Custody, Adoption, and the Courts, 1796-1851,: Northwestern University Law Review 73 (1979): 1038-1089; Michael Grossberg, Governing the Hearth: Law and the Family in Nineteenth-Century America (Chapel Hill: University of North Carolina, 1985).

[3]Mary Becker, article on unwed parents.

[4]Elizabeth Rose Stanton, "The Rights of the Biological Father: From Adoption and Custody to Surrogate Motherhood," Vermont Law Review 12 (1987): 87-121, p. 92. Stanton quotes Note, "Custody Rights of Unwed Fathers," Pacific Law Journal 4 (1973), 923:

> Various reasons have been proposed for considering the unwed mother a more natural guardian than the father. These include: (1) the mother is more easily identified than the father; (2) she is biologically better suited to care for and nurture the child; and (3) the natural bonds of love and affection for the child are stronger in the mother than in any other person.

[5]Also important was the rise in both social and judicial attention to childhood and its particular needs. See Zainaldin, etc.

[6]John R. Hamilton, "The Unwed Father and the Right to Know of His Child's Existence," Kentucky Law Journal 76 (1987-88), 949-1009: 949-950.

[7]Stanley v. Illinois, 405 U.S. 645 (1972) at 651.

[8]Justices O'Connor and Kennedy rejected Scalia's assertion that the proper methodology for discerning what interests are protected by the due process clause is to look at "the most specific level at which a relevant tradition protecting, or denying protection to, the asserted right can be identified." Justice Stevens also concurred in the judgment, asserting without much apparent basis that because Michael could have obtained visitation rights as a "nonparent" he did not need further protection.

[9]It is interesting to note that despite the fact that they arrived at opposite conclusions, both Scalia's and White's opinions adopted male-centered models of the basis of parental rights. Scalia looked to the law to protect the paternal rights of married men by basing those rights on a man's legal relationship with the child's mother. White grounded paternal rights in a biological tie established by blood tests, regardless of a man's legal ties to the mother. Both opinions, then, made it unnecessary for the law to ascertain the mother's wishes or intentions with respect to paternal claims to her child.

By contrast, and although they too reached opposite conclusions, both Stevens and Brennan considered the interests and actions of the mother to be relevant to establishing paternal claims. For Stevens, the inherent biological and sociological differences between care of the fetus by woman and man justified different treatment of parental rights at the time of birth. Brennan, for his part, emphasized the child's as well as the adults'

experience. He suggested that once a relationship between father and child exists, the mother cannot then exclude an otherwise fit father from being heard with respect to his paternal rights. Brennan, however, did not consider the fact that Michael had established his relationship with Victoria *because of* Carole's actions: she told him he was the likely father, she suggested the blood tests that established the high probability that he was Victoria's father, she lived with him and together with him held out Victoria as their child. In his written opinion Brennan did not consider whether an unwed father like Michael should have the right to challenge the paternity of a child born to a married couple against the will of *both* husband and wife. Nor did he consider the extent to which Michael's situation was like or unlike that of an unwed father of a child born to an unmarried woman. But if, as Brennan thought, nurturing activity plus biology is necessary to establish parental rights, the question remains whether the law must provide an unmarried father an opportunity to demonstrate his commitment if the mother does not allow him access to the child. Such a case might arise not only when a married woman conceives a child by a man other than her husband, but, more frequently, when an unmarried mother wants to raise her child but have nothing to do with the father, or wants to place her newborn for adoption and is opposed by the biological father.

[10]John R. Hamilton, "The Unwed Father and the Right to Know of His Child's Existence," Kentucky Law Journal 76 (1987-880: 949-1009.

[11]See Susan M. Okin, Justice, Gender, and the Family (New York: Basic Books, 1989(, and Frances Olsen, "The Myth of State Intervention in the Family," University of Michigan Journal of Law Reform 18, no. 4 (1985) for a clear analysis of the impossibility of complete state neutrality toward the family.

[12]Although see also cases that permitted sterilization of the mentally retarded [Buck v. Bell, 274 U.S. 200 (1927); Sterilization of Moore, 289 N.C. 95, 221 S.E. 2d 307 (1976)].

[13]"Grandmothers of Plaza de Mayo," New York Times, May (?), 1993, Metropolitan Edition, A1.

[14]Janet Farrell Smith, "Parenting and Property," in Mothering: Essays in Feminist Theory, ed. Joyce Treblicot (Totowa, N.J.: Rowman & Allanheld, 1983), 199-212, argues against the "property model" of parenting and family relationships.

[15]Claudia Serviss, "Lehr v. Robertson's 'Grasp the Opportunity:' For California's Natural Fathers, Custody May Be Beyond Their Grasp," Western State University Law Review 18 (1991):771-790, 788.

[16]405 U.S. 645 at ?. Se also the opinion of three dissenters in Caban v. Mohammed that "if and when one develops, the relationship between a father and his natural child is entitled to protection against arbitrary state action as a matter of due process." [441 U.S. 380 at ?]

[17]If the parents are married, the state by-and-large will not intervene in their disputes; but if they separate or divorce and cannot agree on a custody arrangement, a court will use the criterion of the "best interest of the child" to decide the matter for them. Sometimes they will share physical custody, with the child spending roughly even time with each parent; other times joint custody will entail shared decision-making but the child will live with one parent. More frequently, one parent receives custody and the other visitation rights.

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[18]On the first point see Hamilton, on the second see Daniel C. Zinman, "Father Knows Best: The Unwed Father's Right to Raise his Infant Surrendered for Adoption," Fordham Law Review 60 (April 1992), 971-1001.

[19]"Having my Baby," ABA Journal (May 1992), 84-86, 84.

[20]Katharine Bartlett, "Re-Expressing Parenthood," Yale Law Journal 98 (1988), 303 (ref. omitted).

[21]supply reference

[22]In re Baby Girl Eason, 257 Ga. App. 194 at 297, 293 S.E. 2d 457 at 463 (1982), quoted in Daniel C. Zinman, "Father Knows Best: The Unwed Father's Right to Raise his Infant Surrendered for Adoption," Fordham Law Review 60 (April 1992), 971-1001, 993-994.

[23]Maureen A. Sweeney, "Between Sorrow and Happy Endings: A New Paradigm of Adoption," Yale Journal of Law and Feminism (Spring 1990): 329-370; Nancy S. Erickson, "Neither Abortion nor Adoption: Women without Options," paper presented at the American Association of Legal Studies (AALS), San Francisco, CA, January 6, 1990, 39 note 22.

[24]Nancy Erickson, "Neither Abortion nor Adoption: Women without Options," paper presented at the American Association of Legal Studies (AALS), San Francisco, CA, January 6, 1990" presents a number of reasons it might be in the state's interest to allow a mother to relinquish her child for adoption over the father's veto.

[25]Waiving child support for a woman whose decision to place a child for adoption is overturned by the biological father would introduce an asymmetry into the law, because the support obligations of an unwed father is never waived because he does not wish to be a father. Such an asymmetry seems justified by the fact that imposing support obligations on an unwed mother who is thwarted in her wish to have the child adopted could lead other women to choose abortion, even when they would otherwise prefer to bear the child to term.

[26]See Emily Martin, The Woman in the Body: A Cultural Analysis of Reproduction (Boston: Beacon Press, 1987) on the social construction of the experience of pregnancy.

[27]Martha Albertson Fineman, The Illusion of Equality (Chicago: University of Chicago Press, 1991).

[28]Mary Becker, "Maternal Feelings: Myth, Taboo, and Child Custody," Review of Law and Women's' Studies 1 (1992): 901-992, 971. See also Martha Fineman, The Illusion of Equality (Chicago: University of Chicago, 1991) for a brilliant critique of "neutrality" in custody decision-making.

[29]Becker, 1992, 972.

[30]On this dilemma more generally, see Zillah Eisenstein, The Female Body and the Law (Berkeley and Los Angeles: University of California Press, 1988).

[31]76 N.Y.2d at 405, 559 N.E. 2d at 426, 559 N.Y. S. 2d at 863.

[32]"Recent Developments: Family Law--Unwed Fathers' Rights--New York Court of Appeals Mandates Veto Power over Newborn's Adoption for Unwed Father Who Demonstrates Parental Responsibility--In re Raquel Marie X. . . .," Harvard Law Review 104 (Jan. 1991): 800-807, 805 (footnote omitted).

[33]Hamilton, 1103, note 406 ["Proposed Statute, §0000 (B) (A)]. Less drastically, concurring Justice Titone in Robert O. also felt it unreasonable to require that a man who wishes to assert paternal rights know of the pregnancy of his sexual partner.

[34]See interesting suggestions in Katharine Bartlett, "Rethinking Parenthood as an Exclusive Status: The Need for Legal Alternatives when the Premise of the Nuclear Family Has Failed," Virginia Law Review, vol. 70 (1984). about recognizing more than two parents. See also Elizabeth Bartholet, Family Bonds (1993).

[35]On "rights talk" and some possible limitations of rights-based analysis, see Mary Ann Glendon, Rights Talk (Cambridge: Harvard University Press, 1991).

[36]I leave aside cases of artificial insemination by donor here, although even these cases raise questions about a child's right to knowledge of his or her genetic father.

From the Halls of Moctezuma to the Tube and Silver Screen:

Popular Culture and the Death of Few Good Men

Michael J. Shapiro
Department of Political Science
University of Hawai'i

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> Perhaps because we have not spent enough time studying the warriors of the past, we do not have a psychology with which to comprehend our own warrior caste.
>
> Barbara Ehrenreich

Introduction: Recruitment

A modern society's warfare machine, like its other agencies, needs to be intelligible and appealing to recruit members. However, because in this agency death is on the agenda, there are extraordinary delicacies involved in the representation of the work. Despite these delicacies, however, the general approach to recruitment has been comparable with other agencies. Social and cultural codes are the predominant mechanisms to locate the job. Roughly speaking, two different kinds of codes seem to operate in the context of military recruitment. One kind is rationalistic or utilitarian. The appeal is a match between what are projected as the recruit's personal career objectives and the ways that the military unit can provide resources and a context for achieving them.

There is a venerable historical tradition associated with this kind of appeal. For example, recruitment into the Roman army promised land in exchange for military service.[1] More recently, the utilitarian appeal has been characteristic of U.S. Army recruitment ads on television, which urge you people to join the Army now to obtain financial support for college later.

The other kind of appeal is more ontological or identity-related. It describes the military unit as a place in which the self can be realized or perfected. Ideals of masculinity in general and particular aspects of the maleness tend to be emnphasized - for example, qualities such as strength, toughness, perserverance, and individual distinction are valorized and offered as what are to be achieved. The prize is not something exogenous for the self to use but the making of an exemplary self. A way to <u>be</u> is what is offered rather than the fulfillment of preferences or the acquisition of things valued.

In this second domain of codes, the effectiveness of military recruitment advertising has to be a function of the plausibility and centrality of the codes with which it identifies itself (as well as those negative ones from which it distances itself). In a modern state society such as the U.S., as contrasted with the traditional, tribal society, military recruitment is not wholly facilitated by the surrounding culture, because in modernity, ontological interests are fragmented. Military codes of daring, honor and discipline are opposed by other cultural codes.

For example, unlike the case of Mesoamerican cultures such as the Aztecs, for whom military honors were more or less universally comprehended and applauded, the ontological or identity commitments of the modern military are contentious, subject to critique, and disjunctive with other dimensions of distinction within the

society. This has been especially the case since the U.S. experience in the Vietnam War, which dealt a serious blow to militaristic values. Although militarism has made somewhat of a comeback since the recent Gulf War, this fragmentation neverthless provides the current context for the recruitment of what is perhaps the most ontologically oriented of all the military services, the U. S. Marines, whose identity preoccupations have been foregrounded in their recruitment appeals. Below, their explicit television recruitment spots as well as the implicit recruitment that stems from the representation of "the Corps" in films are addressed. However, to comprehend the recruitment appeals, we have to understand the differential significance of the various forms - oral, textual, and visual - with which the significance of warfare has been produced.

A convenient place to begin a consideration of the interaction of cultural codes and forms in military recruitment is Peter Weir's treatment of the Australian participation in WW I, in his film, Gallipoli. Its opening scenes focus on the cultural context and treat the Australian version of a preoccupation with achieving manhood. The story begins as Archie, an aspiring sprint champion, is being coached by his uncle (a former "manly" adventurer), and after a training scene in which the uncle behaves very much like a drill sargent,the narrative cuts to a challenge to Archie from other young ranch hands with whom he works. "Girls run, men box," says one contemptuously. A contest between Archie on foot in a race against the taunter on horseback ensues, and it emphasizes the masculinity agonistics that surround the interactions of all the young men.

What are also notable, however, are the forms that translate the masculinity codes within which their self preoccupations function. One is oral and the other textual. The crucial scenes with regard to the interaction of the masculinity codes and forms begins with a conversation in which Archie's uncle tries to dissuade him from joining the army, saying he is under age. Archie protests that his uncle was also at least this young when he went out as a young adventurer. Shortly afterwards the form shifts from the oral - stories of his uncle's adventures - to the textual. Archie overhears his uncle reading Kipling's Jungle Book aloud to his younger syblings. He walks into the room just as his uncle is on the part where Bagera (the bear) is saying to Mowgli, "Now I know that thou art a man and a man's cub no longer."

Immediately afterwards, we are still in the domain of books as Archie is in his room opening Every Boy's Book: Sport and Pastime into which he has tucked a newspaper clipping with a report on the British campaign in Gallipoli, right next to a page with a heading: "Splendid Gallantry, Magnificent Achievement." As Archie traces his finger around Turkey, he is seemingly locating the place where his manhood can be tested (as his boyhood is left behind). And not incidental to this process is the newspaper whose daily existence provides a textual mechanism for Archie to identity himself as an Australian and member of the Commonwealth as well as to identify Turks as his enemies.

The same textual form structures the next scene in which the other young ranch hands are sitting around as one reads a report in the Western Australia press about the war on the Turkish front. After one reads an account of the Turkish technique of digging pits with false bottoms to catch foot soldiers, another shouts "bastards," and adds, "That it, I'm going to join up," and another adds "me too," and "how about you," which is shortly followed by a "Hey, we could all join up together." And lest we have forgotten the way in which masculinity is on the agenda, one who is undecided for a moment is reminded: "Hey, the girls go wild over a uniform."

Death as well as manhood was on the agenda however, and ultimately Archie and many of his young friends die in Turkey, driven there by, among other things, the cultural codes that motivate them to become men by finding a violent adversary and by the way in which the textual form, the print media, help them to forge their identifications with an extended "imagined community:" Australia and the British empire.[2]

Death is also on the agenda for the contemporary U.S. Marine recruit. For example, during the Vietnam War one in every 60 Marines serving (and this counts non-combattants) died in combat, a death rate of more than double that of Army personnel and roughly 17 and 19 times the death rate of Air Force and Navy personnel respectively.[3] As assault troops who are highly at risk, not only during assaults but also afterwards, for they are relatively ill-equipped to hold territory once it is taken, Marines are often a virtual suicide squad (as were many of the Australians in Gallipoli). The manhood appeal, which is foregrounded in Marine recruitment, thus has a similar consequence, a deadly ending.

However in contrast with the recruitment of Australians during World War I, the contemporary Marine is recruited within a period in which visual forms have tended to displace textual ones. In this context, the analysis turns to one of the more remarkable television recruitment spots for Marines. It was run frequently during the football season in the fall of 1992, and continues to run, in various versions, adjacent to sports news telecasts. It has been doubtless positioned to reach the maximum recruitable audience of young men, whom it asks to be part of a group identified as "a few good men," (the Marine recruiting slogan in recent years).

In its most elaborate version, the scene opens on an Arthurian-looking wizard in black, carrying a huge sword (the costumes are taken from the film Excaliber - see Figure 1).[4] A fadeway shows that he and other white (or silver) and black figures are on a chessboard in a desert landscape. The black wizard propels himself magically (there are no strides; he seems to be almost on wheels) and he strikes down the flag holder of the white side, who disappears in a magical poof. The scene cuts to the white king who gestures for a retaliation. A white knight on horseback goes into action and vanguishes the magician, who also disappears at a laser-like swordstroke (reminiscent of scenes from either starwars films or nintendo video games).

Next, a female magician/wizard in black shows up and directs various medievally costumed foot soldiers in the direction of the

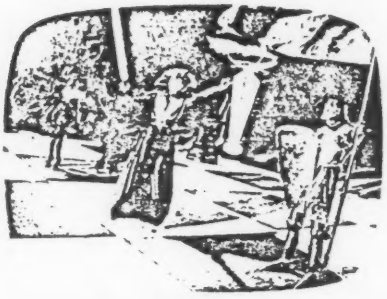
Marines

PUBLIC SERVICE ANNOUNCEMENT

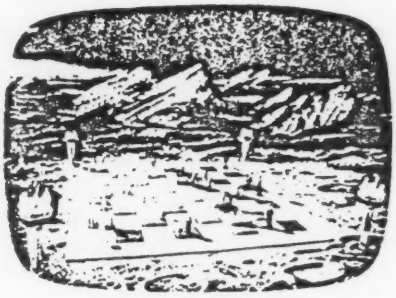
Title: "Minority Chess"
Code #: ZJWB 1453/1802

Lengths: :30/:20

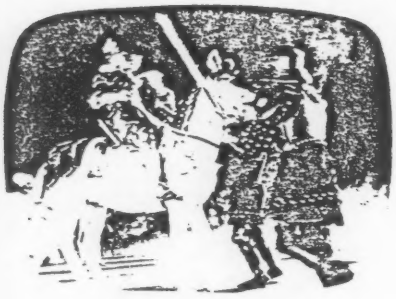
MUSIC: (Open with a majestic piece with undertones of conflict.)
SFX: (Piercing, metallic-like punctuators are heard throughout.)



MUSIC CONTINUES

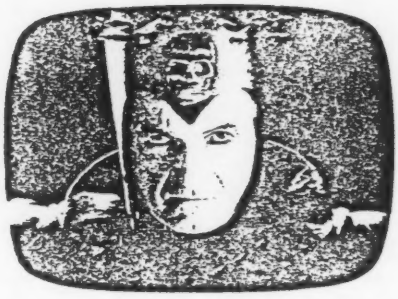


MUSIC CONTINUES

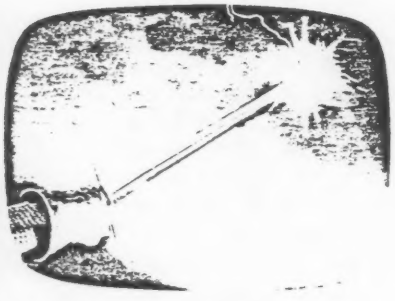


MUSIC CONTINUES

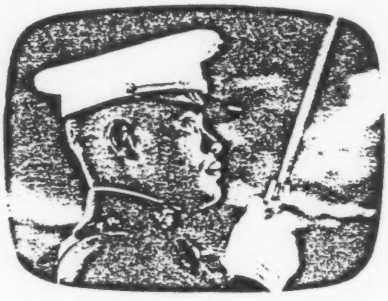
ANNCR (VO): To compete, you've got to be strong.
(PAUSE)



To win...you've got to be smart.



Maybe you can be one of us.
SFX: (Lightning crash)
The Few.



The Proud.

The Marines.

Figure 1 Source: The J. Walter Thompson , Atlanta Georgia

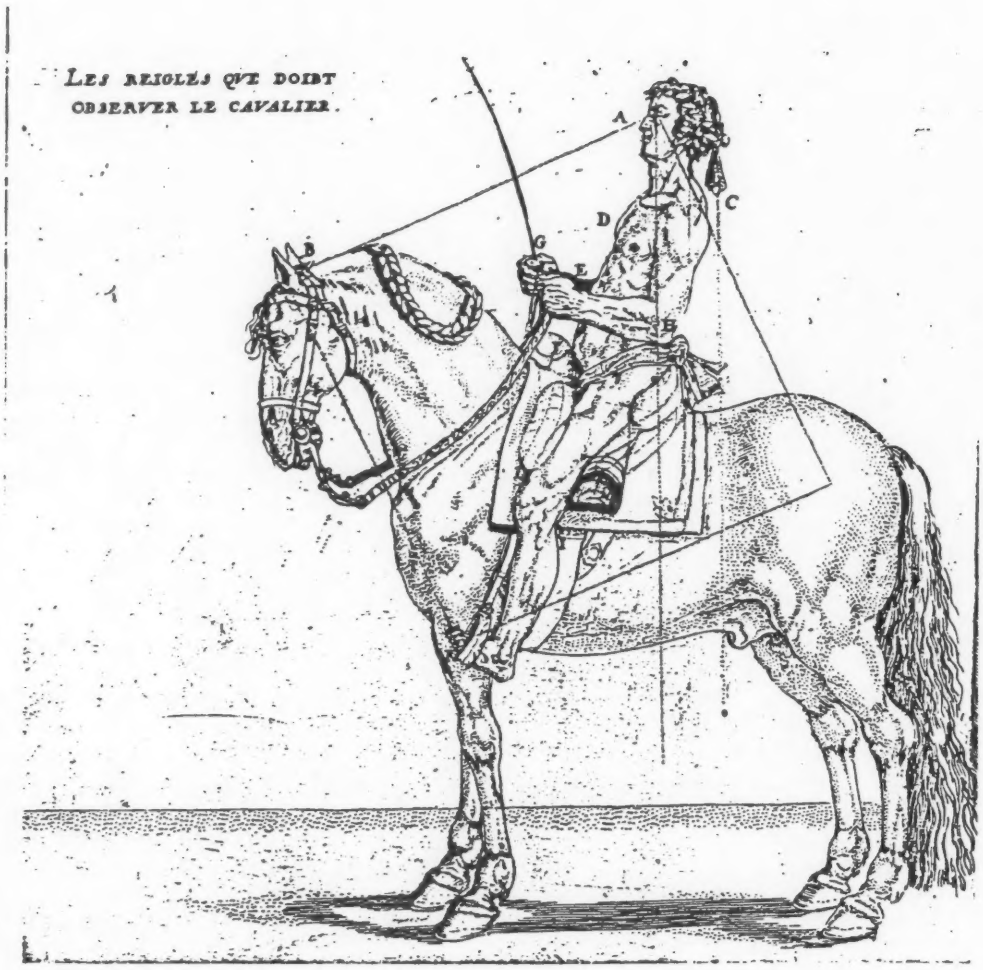
white knight. These soldiers are also vanquished with swift sword strokes, and as the white knight moves to meet their attacks, a long view is shown to indicate that he is advancing in an orderly patterned way across the chess board; his movements conform to the pattern of the contest. After the white knight vanquishes various kinds of foot soldiers, the female black wizard raises both arms as if summoning cosmic forces (of evil), and this is followed by the entry of a black knight on horseback swinging a mace against the white knight's sword (a venerable scene from film culture - both Ivanhoe and Excaliber among others).

Althought the female wizard keeps supporting the black knight with various gestures, he is also vanquished in a poof as a voiceover says, "to compete, you've got to be strong." The white knight then approaches the black king with sword pointed toward him and the king bows in a gesture of capitulation, showing a skull on his crown (another symbol of evil), as the voiceover adds, "to win you've got to be smart" (which accords with the chess imagery). The the white knight rears back on his horse and draws lightning with his raised sword (the forces of good from the cosmos). The camera then closes on the armor clad arm which changes from armor to a modern marine dress uniform. Then, with the camera drawing back, we see a young Marine doing parade maneuvers with his sword. A shift to a profile shot shows the young marine is standing very stiff and straight (particularly his neck), as the voiceover says, "maybe you can be one of us: the few, the proud, the marines."

Two different domains of codes must be addressed to appreciate the conveyed meanings of the recruitment spot. One is the set of codes from which it is constructed, and the other is the set belonging to the culture of the viewers, helping to mobilize their interpretive reactions. Looking first at the spot's construction, what are perhaps most evident are the historical codes. The costumes of all the figures and, in particular, the stikingly upright posture of the white knight evoke those past ages in which soldiering and individual moral character were inseparable. The individualistic nature of the fighting reflects a tradition of individual distinction in battle going back at least as far as ancient, pre-hoplite Greece, when combat took place between exemplary champions. Battles were, as Jean-Pierre Vernant has noted, "a mosaic of face-to-face duels between promachoi (champions) with the purpose of producing "a wholly personal superiority," in contrast with the subsequent age of hoplites (citizen soidliers), who massed together in phalanxes, which experienced collective victory or defeat.[5]

The other notable historical code connects the bearing of the knight with a history of body culture associate with being a soldier (see Figure 2). As Georges Vigarello has noted:

> From the Middle Ages on, every failure of physical uprightness has been attributed to two main categories: the stigma of deformity, sanctioned by the attention given to strength and aesthetic qualities, and the lack of proper deportment prescribed mainly by



The rules that the rider should observe. From *Le manège royal de M. Pluvinel*, Paris, 1623.

Figure 2 Source: George Vigarello, "The Upward Training of the Body from the Age of Chivalry to Courtly Civility"

socialized ethics.[6]

Michel Foucault has offered a similar observation about the semiotics of the soldier, which he identified as persisting into the seventeenth century. The soldier's body comportment, "bore certain signs of his strength and valour;" he displayed "a bodily rhetoric of honour."[7] The extraordinarily strict control over bodily posture, which is characteristic of the Marine's training and of their representations of who they are thus goes back to the era in which outward deportment was supposed to say something about the inner depths.[8] Inasmuch as the body posture continues to convey these codes, recruits are being invited to join, at once, the strong and pure of form and the morally proper. And this recruitment spot maintains a continuity of the military body from the erect posture of the knight on horseback to the erect posture of the young Marine, whose extraordinarily stiff and straight neck has stood as the primary coding mechanism for strength, honor and morality since the middle ages.[9] The imbrication of the historical and bodily coding provides the central tropes of the spot's expressed meaning. Not only is the Marine strong and morally correct but also part of a noble historical tradition (it was indeed the noble caste who followed these strict rules of posture). There is therefore a continuity between the noble courtly caste and the modern marine. Both operate with an "ideal of physical violence" with parallels in [their] posture."[10]

Significantly, the recruitment spot emulates a second important dimension of the strict rules governing the deportment of the courtly noble caste. Vigarello points out that by the sixteenth century, books on deportment for the nobility established not only "a stricter control over posture and the right position" but also strictures on the spaces of that deportment. He quotes one of the influential treatises from that century:

> The plan for a perspective is a checkerboard: in the construction of sketches we start with a regular grid pattern, and identical rectangles juxtaposed to each other generate, as they become more distant, similar triangles. Nothing is better suited to marquetry.[11]

Viewed in historical perspective the chess board in the spot has resonances beyond the metaphor of that game. The Marine's discipline has a noble history not only through its body culture but also through its disciplined uses of space.

The presence of other strong codes serve to overdetermine the morality standing of the Marine. In addition to the nobility with which correctness and deportment is associated, a good-evil polarity permeates the rhetoric and narrative structure of the spot. The white knight versus black sorcerers, soldiers and knights is of course coherent with the chessboard metaphor, which locates the Marine in a strategic situation, reinforced by the voiceover saying "you've got to be smart." But in addition the white-black code is unmistakeably a good-evil one, which is underscored by two additional signs, one obvious and one subtle.

The obvious one appears near the end of the brief narrative, when the black king bows in capitulation and reveals the skull on his headgear. The subtle one is a gender code, represented by the the choice of a sorceress instead of a sorcerer to direct the attacks against the white knight. While her upraised arms seem to be summoning an extrawordly evil source, the fact of her gender cannot be ignored. The evil beguiling woman of the other tribe appears often in the Old Testament (e.g. Delilah), and from the Arthurian legends, there is Merlin's counterpart, the evil sorceress Morgan LeFay (more likely the explicit model for the recruitment spot).

However, there is another level at which an oppositional woman has meaning in the context of recruiting Marines. Since ancient times the meaning of the soldier's strength has been constructed through its opposition to the feminine, and the unisexuality of military units has been jealously guarded. In the case of the U.S. military, the Marines were the last to let women maintain active status in peace time (1948).[12] Speaking of another warrior caste, the German Freikorps, Barbara Ehrenreich has noted that "their perpetual war was undertaken to escape women," and even the battlefront nurse was "a threatening intrusion in the unisexual world of war."[13] For such a warrior caste, (Freikorps or Marines, who are a throwback to such castes) being "real men," is paramount, and as Klaus Theweliet has put it in relation to the Freikorps, their attitude was that "real men lack nothing when women are lacking."[14] The gender code in the spot therefore has important resonances with the self-understanding of Marines (a theme to which I return in a discussion of films below).

What becomes especially significant at this point, however, is the unreality of a spot that seeks to recruit "real men." The various inhibitions of the spot address various necessary political delicacies and, at the same time represent a frustration that modern warriors experience. One important delicacy relates to the white-black, good-evil polarity for an agency that must recruit black, African-Americans. This problem is handled in one version of the spot, in which the cut from the knight to the fulldress young Marine doing parade maneuvers reveals a black Marine (se Figure 1 above). However, the larger political issue has to do with the spots inability to refer to specific enemies and hostile territories. Given the breakdown of historical partisanships or traditional enmities, geopolitical spaces and national identities can no longer be unambiguously allocated to friendly and unfriendly categories. Marine recruitment spots must therefore eschew geopolitical and national partisanship rather than offend various foreign and domestic sensibilities. The chess board and mythic figures provide a visual representation that codes the Marines in terms of a contest, and power, morality, and the disciplinary postures and structures for the shaping of a virtuous self are involved, but the resources for specific enmities, which make possible warfare as a vocation, are unsupplied. The spot thus manifests what has been called in a similar context "visual desperation." James Elkins uses the expression to treat the

conditions of possibility for seeing bodies of unfamiliar creatures, arguing that it is through analogic thinking, guided by linguistic constructions that comprehensibility can be achieved in the absence of familiar models. Elkin's field of application is microscopy in which the shapes of what are visualized become kinds of bodies through analogies without which "we might see meaningless aggregates."[15]

If we adapt this insight to a treatment of the desperation involved in creating visible enemies to represent what cannot be seen, we can recognize the analogic strategy in the spot. The resort in the spot is the same as what Elkin's discerned in the resolution of the visual desperation of the microscopists, to rely on "analogies...deep-rooted in our habits of seeing."[16] In this context, it is not surprising that the visual culture from which the analogies are drawn are Hollywood feature films. Where else is can one find such a culture-wide shared domain of visual codes and narratives?

This raises the issue, of course, of which films. For example, why the Arthurian legend, conveyed to the modern youth culture through such films as Excaliber, rather than recent military adventure films. Apart from the above mentioned sensibility problem - it is difficult to fix on enemy territory and enemy identities in a world of ambiguated antagonisms - the last generation of war films in the post-Vietnam era offered visions of war that were morally ambiguous, tending to create what two critics have called "dialectical disorientation," whereby what is shown is "a confrontation between two powerful, incompatible and complementary world views"[17] which has the effect of undermining the mythologies of war that work toward recruiting warriors.

By contrast, the Arthurian analogy reasserts the mythologizing of war charateristic of films of the pre-Vietnam era without evoking the interpretive controversies that any representation of Vietnam military action would invite. And the various additional visual tropes the spot mobilizes connect up with all of the societal myths that construct warfare as a sacred mission against an unambiguously evil adversary, a mission, moreover, which must eventuate in the glorification of the individuals who undertaken it.

Now, turning to the second domain of codes through which the spot achieves its meanings, we must coinsider the culture of the viewers. Perhaps the most important dimension of this culture is succintly expressed in the above observation that contemporary recruitment confronts an increasingly visual culture. More specifically the visual forms of modernity mediate not only recruitment but also the contemporary experience of war itself. For example, the Vietnam correspondent, Michael Herr and his media colleagues had trouble distinquishing experiencing the war from being media spectators.

> A lot of things had to be unlearned before you could lean anything at all, and even after you knew better you couldn't avoid the ways in which things got mixed, the war itself from

> those parts of the war that were just like the movies.[18]

And Herr notes in addition that the combatants had the same difficulty:

> You don't know what a media freak is until you've seen the way a few of those grunts would run around during a fight when they knew there was a television crew nearby; they were actually making war movies in their heads, doing little guts and glory Leatherneck tap dances under...We'd all seen too many movies, stayed too long in Television City, years of media glut had made certain connections difficult.[19]

The recruitment spot resonates with the contemporary youth visual culture not only because it evokes a genre of adventure film - a cross between the Arthurian legend in Excaliber and the laser swords stroking of Darth Vader and his young adversaries in the Star Wars films, but also because it resembles a Nintendo game, a visual genre in which is a genre the current young generation is broadly and deeply involved. The spot therefore contains the many of the genre's necessary for it to be both intelligible and absorbing. The visual tropes translate a complex set of cultural imperatives - issues of duty, heroism, manhood, good versus evil, and alertness to the seductive dangers of women - into simple visual signs able to capture a visual audience whose attention span is episodic, given the architecture of the viewing venue, the multi-stimulus home as contrasted with the movie theater, sealed off from disturbing, exogenous signs.

In Pursuit of the Real

However compelling the recruitment appeal might be by virtue of the readability of its forms, it must nevertheless function in the context of significant domains of cultural competition. One of these, ironically, is the culture of the Marine Corps itself. As the quintessential warrior caste, the Corps has been notoriously impatient with metaphor, simulation and symbolic antagonism. The other side of the coin of its pursuit of creating real men has been its drive to have real enemies in real combat situations against which to try and test these "men." It has been the dominant thematic in the many of the more pious and sacrilizing marine stories in Hollywood films (to be treated below), and it finds expression in official Marine journalism, which in recent years has celebrated the finding and maintaining of reality in the Carribean. One of the venues is Grenada and the other is Cuba.

For example, writing a history of the Marine's Grenada assault, "Operation Urgent Fury," the Brigadier General/author noted with pleasure that "the near coincident Beirut deployment and Grenada intervention presented us with the problem and opportunity of collecting operational history in real time."[20] Of course mere episodes provide less purchase on the real that an enduring enmity,

and with the end of the Cold War, Cuba takes on a greater significance as a piece of reality, the only consistently non-simulated enemy. The lure of the "real" dominates this report on "GITMO" (The Guantanamo Bay, Cuba Marine base) by a Marine journalist:

> The Marines on the front line have a respect for what's on the other side of the fence. "In the fleet (FMF), you do a lot of training but training's not real. The Marines have a real mission every single day," said SSgt. Randy Shouse, a guard chief from one of the rifle security companies. With the Cuban economy collapsing and border activity increasing every year, the defense force Marines must keep up their guard even more. But for many of them it's exciting. As Shouse described, the mission is real and for Marines fresh from boot camp and the School of Infantry, the reality of the job is motivating.[21]

In addition to the struggle that a drive for the "real," which is endemic to Marine culture must encounter in a modern military that reproduces itself primarily through siumulation strategies, is the struggle, during Marine training, that a warrior caste must undertake within a social and cultural context containing both specific anti-military attitudes and practices and more generally centrifugal and fragmenting value stuctures that are anti-disciplinary. These difficulties underlie much of the action in the recent film, A Few Good Men (treated in the conclusion below). However, in order to underscore both of these dimensions of Marine agonism, it is appropriate to take a detour to the "real" halls of Moctezuma and examine the Aztec military caste and its practices before returning to examine the way the agonism has been played out for different generations of Marines as represented in films.

From the Halls of Moctezuma

Aztec military recruitment experienced none of the difficulties common to the contemporary Marine Corps. This is primarily the case because, as noted above, Aztec culture as a whole served military recruitment rather than placing centrifugal pressures on it. Most striking about recruitment for the Aztecs was its pervasiveness. Under Moctezuma in the sixteenth century all commoner youth ten to eleven years old went to a school that included military training.[22] Equally pervasive was the presence of military signs through Aztec public space. By the time a warrior had taken two captives, he went to the palace to receive a mantel with red trim from the king. For three captives he got a richly worked garment, and for four, a special war garment as well as a complete haircut.[23] As a result, Aztec public space was dense with military signs, for "status achieved in war was marked by the honors one received, the way one's hair was worn, the jewelry one was entitled to wear, the clothing one wore in peace, and the arms,

armor, and insignia one wore in war."[24]

Amplifying the public recognition of the value of military engagement that these decorations conveyed were other elements of Aztec culture. For example, as one commentator has noted, rather than being a respite from the violence associated with policing the tribute economy and other operations comprising their military dominance, their poetry was "deeply implicated in the carrying out of Aztec imperial policy."[25] And the songs were "also an important part of the education of young warriors. Songs and dances were taught in the calmecac, houses where adolescent boys lived as they trained to become warriors, and the boys spent the evenings singing these with older warriors."[26]

Not incidental to the complicity of Aztec music with Aztec militarism was the structure of composition and performance. In contemporary industrial societies, such forms as rock music are not wholly hierarchical because the class control over spaces of performance such as the concert hall has given way in modernity to airwaves and a proliferation of local arenas of performance.[27] In the case of the Aztecs, artistic genres were dominated by militarized classes. For example, there was "a professional system of composition, instruction, and performance, and with Aztec society increasingly dependent on, and organized around a state of on-going warfare, it seems plausible to assume that it was in this period (and in these circles) that Aztec poetry developed into the full and elaborate forms that are found in the surviving codices."[28] There was thus a wholly complicit genre of musical poetry that reinforced the status system organized around warfare. For example, seasoned warriors were honored as "eagles" and "jaguars," as this poem celebrates:

> Nobles and kings are sprouting as eagles and jaguars in Mexico: Lord Ahuitzotl is singing arrows, singing shields. Giver of life, let your flowers not be gathered!...You've adorned them in blaze flowers, shield flowers.[29]

For the Aztecs, then, unlike the modern state, which has separate military institutions, war was totally imbricated with the Aztec social body, and the various cultural forms served as implicit military recruitment. In a society in which warriors are trained by and reinforced by the central cultural codes, the warriors carry the realistic death-facing codes into and through battles. In state societies with separate military institutions and bureaucracies, the culture codes warfare not through its central beliefs and values, which are based on experience and are broadly learned through action (e.g. the way that most adult Norwegian men can converse knowledgably about going to sea), but through its fictional or fantasy-type genres. As a result, military leadership, i.e. the professionals, must take raw amateurs and impose new and unfamiliar codes on them, and they must do so against the culture, even though at the same time they employ some positive and negative cultural codes in the training (e.g. the notorious use of misogyny and homophobia by Marine drill

instructors to goad new recruits by questioning their "manliness"). In general what trainers must do is resist the noise of modern culture that is distracting, fragmenting, and increasingly anti-disciplinary.

If we pay attention to war films that treat the U.S. Marines, it is evident that since the post World War II period and wholly celebratory treatments such as The Sands of Iwo Jima, the tendency has been increasingly critical. This is especially the case with the post-Vietnam War genre with such films as Full Metal Jacket, which departs from the traditional heroic war story not only through what it shows - the more pointless brutal aspects of both Marine basic training and their violent encounters on patrol in Vietnam - but also through its avoidance of traditional narrative form. It is not a heroic story in part because it resists being a story, displaying various unconnected tableux rather than producing a narrative sequence from which one could derive a moral or political lesson.[30]

The traditional Marine story films have had an unambiguous theme. It is that inasmuch as the Marines are a separate, professionalized military agency, the training of a Marine requires a struggle against aspects of the larger society and its cultural forms. As noted above, however, the portrayal of this struggle has not been the simplistic Marine codes versus the other social codes model. At the same time that other cultural codes are seen as centrifugal, fragmenting, and anti-disciplinary, they are opportunities as well as impediments, and Marine trainers and models make positive use of them.

Because the emphasis here is on the marketing of the Marines and the implicit recruitment conducted by popular culture, most of the analysis will focus on the Clint Eastwood film, Heartbreak Ridge (hereafter HBR), which is unequivocally aimed at resurrecting a The Vietnam-damaged reputation of the armed services in general and the Marines in particular.

An emphasis on films should not be regarded as an abandonment of the historical in favor of the merely fictional, or a pursuit of the trivial rather than that which is central to history. What constitutes history for us in the media age is its representation in film. In effect, films "write history," as Anton Kaes has put it. "Along with professional historians and schools, the mass media have become the most effective and least acknowledged institutional vehicles for shaping historical consciousness."[31]

Kaes laments the vanishing of historical experience that such a mediation imples. "The past," he says, "is in danger of becoming a rapidly expanding collection of images."[32] But whatever the degradation of historical experience might be [perhaps it is just as degraded in cultures whose oral traditions or stories mediate its past], the "collection of images" is degraded history only if it makes the experience unservicable for those who consume them. With respect to the relevance here, it can be argued that those representations of Marine history, which foreground heroism and disguise the structural production of death, provide a degraded account of what constitutes the experience of being a Marine

because they allow insufficient access to what is at stake and why. Heroic Marine films constitute recruitment into a fantasy of male fulfillment rather than creating a frame for confronting life/death in a way that encourages political struggles over who should die, when, how, and why.

In any case, Heartbreak Ridge is a heroic story that focuses on the Grenada invasion, and its purpose may well have been the same resurrection mission as the invasion itself. A treatment of the Grenada invasion invites further comparision with Aztec warfare because it is similar in its seeming rationale to what the Aztecs designated as "flower wars." Aztec flower wars were distinguished from wars of territorial conquest, for their purpose was primarily one of demonstrating martial skills and serving the subsequent prestige structure. These were exercises aimed at obtaining honor rather territory, and although at times these wars developed into territorial wars, flower wars were also used to secure captives as well as supplying combat training.[33] In particular, the securing and sacrificing of captives and the role played by their sacrifice makes clear the ultimately inward, ontological aim of Aztec warfare. The comparison is apt, therefore, for the Marines, as noted above, are the most ontologically oriented military service, emphasizing, more than any of the others, the extent to which battle experiences perfect "men."

Marines in Films

There are many ways for us (i.e. the American political culture) to reexperience the Grenada invasion. As it will be reproduced here through a film reading, the suggestion is that we can better understand ourselves if we liken it to an Aztec flower war. However, Grenada for many, as it was produced in official discourse as well as popular culture, was experiened as the resurrection of American pride in general and of the Marine Corps in particular. HBR is a film that the American public had been long prepared to comprehend.

To supply a context for Clint Eastwood and his trainees' invasion of Grenada - the primary narrative of HBR - a brief consideration of an ealier heroic Marine film is essential. This is the John Wayne version in The Sands of Iwo Jima (hereafter SIJ), a thoroughly celebratory treatment of the Marine's role in World War II. Although it was released at a time when Marine prestige was very high, it was preoccupied nevertheless with the struggle between Marine training codes and the outer codes of the society as a whole, the theme dominating Marine films ever since.

There is a remarkable parallel between John Wayne in SIJ and Clint Eastwoood in HBR. Although on duty, they are dedicated, sober, and totally gung-ho Marines, off duty, both are drunk and disorderly. Morover, the cause of this conduct is the same in both cases. Both of them were unable to keep their marriages together because their wives would not tolerate either the separations from their husbands or their proximity; they disliked being left behind but also found it difficult to live with the fierce dedication of

gung-ho Marines. Thus the same theme discovered in the investigation of the Freikorps is apparent in both films: real men have no need for women, especially while involved in the manly pursuit of military violence. Moreover, dedication to codes that estrange the Marine from ordinary people is the more general point to be derived from these failed marriages, and it sets up the problematic of training, for aside from preparing bodies, what Sargeants Styker (Wayne in SIJ) and Highway (Eastwood in HBR) do is impose these codes on a variegated group of recruits who embrace social and cultural codes that are at best insensitive to Marine Corps codes and at worst anathema to them.

The representations of these diverse social and cultural codes in SIJ is crude and stereotypic by contemporary standards as is the representation of the Japanese adversary, usually referred to as "japs" or "nips" and once by Sargeant Stryker as "those little lemon yellow characters." What Stryker has to shape up are a variety of cultural attitudes, and behavioral codes that are imposed by the ethnic diversity of his unit. He must shape a single-minded unit out of people who are portrayed as crafty hustlers (represented by an Italian American) or mindless belligerents (represented by two Irish brothers who keep getting into fist fights).

Wayne/Stryker acts tough and excessively authoritarian but justifies his discipline by telling the men that unless they learn to think like Marines they will be dead. This has a parallel in HBR, in which Eastwood/Highway uses the same justification. There is of course a very different model of what produces dead Marines, namely going to war and being a high risk assault force, but the heroic Marine film seems to imply that lack of discipline is what kills, and this message is reinforced in SIJ in an episode in which a Marine stops for coffee before returning to his embattled foxhole mate with more ammunition, only to find his comrade killed. Sergeant Stryker admonishes and ultimately assaults him for having "doped off."

But ethnic diversity and the codes it enjoins is the least of John Wayne's (Sergeant Stryker's) obstacle to producing good Marines. One obstacle (also faced by Eastwood/ Gunnery Sargent Highway) is a rigid Marine command that tries to do everything by the book. And, as is the case with Highway in HBR, Stryker is threatened with Court Martial for his improvisational approach to training (e.g. a fist fight with one of his troops). The other, which provides most of the dramatic tension is the anti-military and anti-authoritarian civilian culture. One recruit, who is Stryker's toughest case, is the son of a former combat comrade who has been designated by his father as "too soft" to be a good Marine. The young man, Conway, represents himself as anti-disipline rather than soft and expresses disgust at the authoritarian violence of the Marine Corps. He remains resistant through most of the film to Strykers various uses of cultural codes to train and goad the men, many of them from western American culture (e.g. using the Mexican hat dance to train a clumsy recruit in bayonette fighting, and using the expression "saddle-up" every time the unit

as a whole has to move somewhere).

But Stryker's major adversary is a distrustful civilian culture, which he defeats in his struggle for the heart and mind of Conway. What is ultimately successful for Stryker is his own conduct. He serves as an effective role model. His heroic deeds on the battlefield change Conway's outlook. When Styker is killed in action, Conway takes over and uses Stryker's idiom, telling the men to "saddle-up" as he leads them off into the field.

Heartbreak Ridge repeats most of the cliches from The Sands of Iwo Jima, but is is shaped by the peculiar circumstances of the military in general and the Marine Corps in particular in the post-Vietnam War era. Its narrative structure and visual tropes are all mobilized to resurrect the honor of the Marine Corps, and to do so, it must create a gaping historical blindspot, the Vietnam War. The film begins with black and white footage from the Korean war and then jumps across Vietnam to a period just prior to the Marine invasion of Grenada. The hero Sargeant Gunney Highway (Clint Eastwood) has received a Congressional Medal of Honor for his service in Korea, and very little mention is made of Vietnam, except to note that he served there also.

The historical jump is visually marked. The black and white color at the outset constitutes a visual historical trope. Marines are shown marching behind a tank, and the troop passes a sign that says 38th Parallel, leaving no doubt that we are in Korean during the war in the early fifties. What is shown looks like actual footage from the war - mortars and heavy artillery being fired, at least one dead body lying in a street, and men in a deprived condition, e.g. stirring the broth that is cooking with their bayonettes.

The scene then cuts to the 1980's but stays in a black and white mode. Highway is in a jail cell where he is regailing his cellmates with war stories. A large man with a shaved head calls him a jarhead and tells him to pipe down, and after a warning, Highway beats him into submission and resumes his storytelling as the color comes in replacing the black and white.

In the next scene, Highway is before a judge being charged with drunk and disorderly conduct - fighting in a bar and urinating on a police vehicle. He is told by the judge that just because there is no war going on now does not give him the right to start one. Here the parallel with John Wayne is very close, for like Sargeant Stryker in SIJ, Sargeant Highway can only handle perpetual war; he cannot real life it when there is no combat.

Most significant for purposes at hand are the two kinds of struggles in which Highway is involved. One is a struggle against the Marine command hierarchy. He has been reprimanded, given trivial duties, and urged to retire because of his off-duty misdemeanors. When he reports for duty at a new post, an exemplary confrontation begins between Highway and his new commander who informs him, "this is the new Marine Corps," to which Highway responds, "I understand a lot of body bags get filled if I don't do my job." What we have here is the experienced veteran dedicated to combat duty and the bureaucrat, dedicated to the rules of the

command hierarchy.

The other exemplary confrontation is between Highway and a "black dude," rock and roll performer whom Highway meets before reporting to his new unit. We see the rock and roller (Mario Van Peebles) hustle Highway for a free lunch and take off with his gear as well as displaying arrogance, and rancor toward social proprieties. Van Peebles/Stitch is the Conway of HBR, for like the Conway with whom Stryker/Wayne is faced in SIJ, he is the hard nut to crack when Highway/Eastwood takes over his unit and is asked to make them combat-ready.

Here we witness the paradigmatic struggle against the general and popular culture, as Highway strives to implant unfamiliar codes of conduct. And, at the same time, we see him using aspects of the culture, particularly male culture, as a weapon. "I'll make them life takers and heartbreakers," he says. "Real men" (Marines) are not only killers but also sexual predators seems to be the implication. There are many references to Highway's notorious sexual appetite (of a piece with his appetite for violent confrontation), and in an early scene during the training period with his unit he tells them that he has "banged more quip and kicked more ass" than they could even imagine.

Throughout the film, women are the Other to be mastered, and Highway's third task (after opposing the hostile overly-rationalized Marine Hierarchy and opposing the cultural and social codes to win over the hearts and minds of his recruits) is to win back his wife. For this third task, he uses guile rather than bluster. Rather than opposing the cultural codes, he tries to adapt, and after being rebuffed in his first approaches at the bar where his ex-wife works, he is seen reading women's magazines, apparently concentrating on articles that use the popular couples psycho-babble about "meaningful relationships," etc. It would appear that his strategy is not coherent with his approaches in his other struggles, for he is clearly posing here, and his ex-wife's first reaction upon hearing this "relationship" talk is "what have you been reading?"

As it turns out, however, posing is part of the Highway's improvisational skill as a Marine. A good Marine is not one who blindly follows the rules but one who can improvise seems to be the imploication. Accordingly, during a crucial battle scene (mirroring an event during the actual Grenada invasion) when he and his unit are surrounded in a small building, Highway charges out into the open and then pretends to have been killed. Thereupon, his body serves as a marker to orient the rescue helicopter.

When he returns from the Grenada invasion, he is seen walking alone across the tarmac as various other Marine are warmly greeted by lovers and spouses, and just when it appears he will not be greeted, his ex wife is shown in the crowd, waiving a small American flag. She joins him, and as they walk off together, it is unclear whether it has been his improvising with the relationship codes that has won her back or his heroism, but it is clear that the two are connected. It may well be the latter, for just as the Grenada invasion has resurrected the Marine's credibility with an

admiring public, it seems to have restored Highway's with his ex wife. Thus the personal narrative of Highway winning back his wife mirrors the larger story of the Marine Corps winning back its public. And by implication, the Marines are cast as the manly saviors protecting a feminized society in need of the dsciplined violence of the "heartbreakers and life takers."

As important as Highway's winning back of his wife is, however, his more central battle is run parallel with the Marine's struggle to resurrect themselves in the public eye. That his most recalcitrant recruit, Stitch is a rock musician is appropriate, for rock music has always respresented the youth, counter-culture, despite the fact that it is also coopted/appropriated by economic and political structures of domination. For example, as early as the film, Blackboard Jungle (Richard Brooks, 1955) rock music "has been associated with more or less delinquent teenage subcultures,"[34] and here it is represented by Stitch. That Stitch is an African American simply enhances the struggle between the Marine codes and the centrifugal, counter-cultural codes against which Highway struggles in his training sessions.

The training period itself reevokes the Marine culture's impatience with simulation and longing for "the real." At one point Highway shocks both his own troops and the upper command by firing real bullets at their feet, and from time to time he fires an AK 47, "the preferred weapon on the enemy," to get "his men" familiar with the sound. Throughout training exercises, Highway violates the game and improvises to make the combat more realistic, always falling back on the idea that his men have to be prepared or they won't stay alive. He is constantly threatened with dismissal for this, as various rules are invoked, e.g. his carrying an "unauthorized weapon."

The value of the real is further invoked by the film story's valorization of the character of Eastwood, who like John Wayne in SIJ is a battle-hardened veteran, one who unlike the College, academy and bureacractically-minded Marines, has experienced the real of battle. While Highway violates Marines rules, he utilizes various masculinity codes to shape and goad the Marines recruits. He calls them "ladies," womanizes the idea of fashion and smashes fancy sunglasses, and makes them wear the same color shirts, crushing any signs of individualty, especially its expression through apparel. In addiiton, like Wayne, he uses his physical superiority to crush resistance, overpowering their strongest, mesomorph in the unit.

While the young men are still trying to resist, it is music again to which they turn; at one point they invent a rap song whose lyrics speak of what a dumb "jar head" Sargeant Highway is. When finally, the day of reckoning arrives and Highway leads his unit as an "advance group" in the invasion of Grenada, two levels are on trial in this representation of the invasion. The first is the Marine Corps itself, with its reputation tarnished by extention because of the post--Vietnam attitude to military adventurism and its functioning impaired by the displacement of combat veterans by academcy trained functionaries. The second is Sargeant Highway'

realistic, anti-simulation techniques of training and his drive to turn a culturally diverse group of young men whose consciousnesses have been colonized by popular culture into committed Marines.

Much of the early action during the invasion is ideological at a general level rather than decisive with respect to the romman d'education for Stitch and his peers. At one point, Highway finishes off a fallen enemy troop, firing at him at point blank range and then draws a cigar out of the dead man's breast pocket, sniffs it and pronounces it to be Cuban. During the rest of the action, this cigar protrudes from Highway's mouth like a large phallus, but apart from the manhood code that it this underlines, the episode stands as a legitimation of the invasion. Rather than an attack on a relatively defenseless Carribean nation, it is a confrontation with Cuba, a part of the enemy east-Bloc.

With the exception of the brief perilous period when Highway and company are pinned down by fire in a building, before the notorious helicopter rescue (obtained with a long distance call with a credit card back to a U.S. base), the rest of the operation is child's play. Gary Trudeau had it right when one of his characters in his "Doonesbury" cartoon referred to the Grenada invasion as a "special olympics" for the U.S. military.

What is decisive with respect to the film's resurrection narrative, is the cheering of the rescued medical students when the Marines break into their dormitory to free them - the nation needs them after all! - and a remark by Stitch on the tarmac after landing back on U.S. soil. He tells Highway that he has opted for being a Marine rather than a rock star. The Marine culture has triumphed over the divisive popular culture.

There is another important dimension to the film as a roman d'education. Not only are the enlisted men taught to be Marines through Highway's dedication and methods but also a wimpy, initially frearful ROTC officer learns to be tough. His training extends the film's roma d'education story. In addition the importance of a maleness is reinforced not only through the capitulation of Highway's ex wife to his heroism but also through the way that male bonding is figured. It is toughness not softness and caring that survives the adventure. When a worried Stitch bends over Highway after Highway has pretended to be dead to draw the copter with his body, Highway, feeling Stitch holding his hand, says, "just because we are holding hands doesn't mean we are going to be taking warm showers together in the wee hours of the morning. Again, ridicule of homoeroticism is employed to disparage anti hardened male values. In the last analysis, Heartbreak Ridge is a recruitment film par excellence, and it picks up what is novel in the television spot, for it adds to the code of toughness that of smartness. Eastwood's improvisational success adds craft to the simple sacrifice-your-body image that has long been a more or less singular attitude of the Marines.

Conclusion

The recruitment of today's Marine Corps continues with well-

targeted codes that offer the Marines as an avenue for "a few good men" to complete themselves as men. Given that this recruitment continues through the implicit attracctions in popular culture genres, one cannot ignore what is perhaps the most powerful of recent films, from the standpoint of cultural recruitment, A Few Good Men. This film, like other expressions of national sentiment - e.g. official political discourse - assumes that there is a crisis in the American political culture occasioned by the failure of the United States to obtain a clear victory in Vietnam. Of course this "crisis" stands as such, as Susan Jeffords has argued, only if certain masculinity stakes are foregrounded.[35]

In any case, Films and popular culture in general and the American political discourse at various levels have tried to reply to this "crisis." And there is good reason to believe that policy decisions have also constituted a reply. It is in the context of this reply that the more general recruitment of new Marines takes place. More specifically, the crisis has had to do among other things with the nation's inability to treat war deaths as heroic when war itself has become an illegitimate instrument of policy. This produces at once a glitch in the mourning of war dead, a disturbance in the national memory of its recent past, and a desire for those who seek to restablish the conditions of possibility of heroism to find new definitions and occasions.

In this context, the most recent feature film dealing with the U.S. Marine Corps has sought to broaden the idea of courage. Rob Reiner's A Few Good Men, like earlier Marine films, celebrates a version of masculinity and identifies the Marine Corps as an important site for its production. But the film seeks to pluralize the permissible models of heroism. Like Heartbreak Ridge, it is a recruitment film and is complicit with the post-Vietnam War remasculinization project. The project is of course conveyed by the title but most of the work is done through the misogynist treatment of Commander Galloway, (Demmy Moore) who fails to impress the Navy brass that she can handle the defense of two marines charged with murder at Guantanamo. That she is subsequently subjected to sexist disparagements by Colonel Jessup, the Commander of Guantanamo reflects negatively on a particular version of masculinity; it is part of the economy of character types that the film is sorting. Jessup is a flawed Marine whose values and models of appropriate Marine character are too narrow. But the goofy softball fanatic and Harvard trained lawyer, Caffrey (Tom Cruise) is portayed as exceeding Galloway's competence in practically all dimnesions. It is ultimately his heroism - taking risks in the courtroom - that reaffirms the masculine world of protection for which the Marines stand, and this bravery is shown to be edifying to the young accused Marines who had wrongly submitted their conduct to the narrow code of Jessup. You needn't be a stiff necked martinet to protect America's interests and maintain an atmosphere of justice and fairness within the warrior class. But whether Commander Galloway gets disparaged uncouthly by the martinet or simply cannot cut the mustard next to the brave young Navy lawyer, the message remains the same: manhood thrives by not needing women.

Heroism is a man's job.

Ultimately, the film also affirms a model of the world that requires heroism as well. Apart from the collection of Marine characters it portrays, some praise-worthy some terrible and some ambiguous, what the film consistently and umabiguously maintains is the peculiarity of the Marine base in Guantanamo Bay Cuba, its proximity to danger, to a "real" enemy. Much is made of the distance between bureacractic and combat positions in the Navy. Caffrey, the young, Harvard trained lawyer selected to defend the two Marines who have killed their unit mate, while trying to discipline him, is so unmilitary he cannot even intepret the 24 hour clock. His Washington venue, where he is shown playing softball, is contrasted with scenes of Guantanamo with its barbed wire enclosures, and most telling is the surprise Caffrey registers when told that to be safe, he had better wear camoflage over his dress white while at Guantanamo lest he be shot at from the other side of the fence, as an important military or political figure.

The acceptance of this model of danger is registered in Caffrey's defense of the failure of the young Marines charged with the killing to deviate from the code that had encouraged them to "discipline" their fellow trainee. Finally, we are shown a world that needs heroes (male heroes) and a menu of heroisms more inclusive than what was hitherto supplied by Sargent Strykers (John Waynes), Gunnery Sargent Highways (Clint Eastwoods) and Colonel Jessups (Jack Nicholsons).

1. See Keith Hopkins, Conquerers and Slaves (New York: Cambridge University Press, 1978), p. 36.

2. See Benedict's Anderson's discussion of the role played by the colonial newspaper in the Americas in forging national identity in his Imagined Communities revised edition (London: Verso, 1991), p. 62.

3. These data are from Department of Defense, Selected Manpower Statistics, Fiscal Year 1991 (Washington, D.C.:1992), p. 113.

4. The photographs are stills from a video version of the advertisement supplied by the J. Walter Thompson advertising company. I am indebted to Victoria Martino and David White for furnishing me with the video, stills and other materials on the production of their ad.

5. For a description of this shift from individual to mass battle structures see Jean-Pierre Vernant, The Origins of Greek Thought (Ithaca, NY: Cornell University Press, 1982), pp. 62-3.

6. Georges Vigarello, "The Upward Training of the Body from the Age of Chivalry to Courtly Civility," in Jonathan Crary, Michel Feher, Hal Foster, and Sanford Kwinter eds. Fragments for a History of the Human Body Part Two (New York: Zone, 1989), p. 149.

7. Michel Foucault, Discipline and Punish: The Birth of the Prison trans. Alan Sheridan (New York: Pantheon, 1977), p. 135.

8. Vigarello, "The Upward Training of the Body from the Age of Chivalry to Courtly Civility," p. 152.

9. Ibid., p. 149.

10. Ibid., p. 151.

11. Ibid., p. 153.

12. A History of the Women Marines 1946-1977 (Washington D.C.: History and Museums Division, Headquarters, U.S. Marine Corps, 1986), p. 24.

13. Barbara Ehrenreich, "Foreword," in Klaus Theweleit, Male Fantasies Volume 1 trans. Stephen Conway (Minneapolis: University of Minnesota Press, 1987), p. xiii.

14. Ibid., p. 33.

15. James Elkins, "On Visual Desperation and the Bodies of Protozoa," Representations 40 (Fall, 1992), pp. 33-34.

16. Ibid., p. 34.

17. Karen Rasmussen and Sharon D. Downey, "Dialectical Disorientation in Vietnam War Films: Subversion of the Mythology of War," Quarterly Journal of Speech 77 (1991), p. 177.

18. Michael Herr, Dispatches (New York: Avon, 1968), p. 226.

19. Ibid., p. 225.

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A CONTINGENCY PERSPECTIVE ON ISSUE SALIENCE AND POLICY DEVELOPMENT

Elaine B. Sharp
University of Kansas

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INTRODUCTION

Although the importance of public opinion in a democratic polity is assumed, there have been dramatically different perspectives on the role that public opinion actually plays in the policymaking process. At least three views can be identified. One, which is consistent with Cobb, Ross, and Ross's (1976) "outside initiative" model of agenda setting and with what Baumgartner and Jones (1993: 88) call a Downsian model of issue expansion, emphasizes the way in which changes in popular mood, brought about by either the triggering effect of important events or long-term secular trends, serve to put pressure on government for policy responses to perceived problems (Kingdon, 1984; Page and Shapiro, 1992). A second perspective emphasizes the way in which both mass opinion and political participation are strategically structured out of the policymaking process, such that policymaking is insulated from popular input. This perspective, which emphasizes the demobilization of public attention, parallels Cobb, Ross, and Ross's (1976) "inside access" model of agenda setting and is reflected in studies of subgovernment politics, nondecisionmaking, and the like. A third perspective, like the second, hinges on elites strategically manipulating public opinion for the sake of their own policy goals. From this perspective, however, interest focuses on those occasions when elites attempt to activate mass opinion and mobilize the public around an issue (Rosenstone and Hansen, 1993). This third perspective fits Cobb, Ross, and Ross's "mobilization" model of agenda setting and is reflected in the work of scholars who argue for the treatment of public opinion as a dependent variable (Margolis and Mauser, 1989).

But under what circumstances should we expect to observe one rather than the other of these patterns of linkage between public opinion and policymaking? This is, in a sense, a question very much in the tradition of Schattschneider (1960), because it essentially asks the conditions under which there will be an expansion in the scope of conflict. Schattschneider's thesis is that, in general, those on the losing side in a conflict will be most interested in expanding it (i.e., mobilization of public opinion); privileged interests are presumably typically interested in containing conflict within their sphere of influence (i.e., inside access). Major social problems that precipitate government action in response to popular concern (outside initiative) are presumably the most destabilizing of situations, because the scope of the conflict is quite broad and relatively unmanaged.

Unfortunately, there has not been clear cut progress in further elaborating on these basic insights. To the extent that it deals with public opinion and policy formation, research on public opinion has tended to focus on the congruence between citizens' policy preferences and government policy (Page and Shapiro, 1992), without necessarily elaborating upon the mechanisms behind such congruence. Perhaps the major exception is that research which shows the special constraints upon some would-be mobilizers of public opinion, specifically, the finding that the public either ignores or is negatively influenced by groups that are seen as narrowly self-

interested while public opinion is more responsive to other kinds of groups or leaders (Page, Shapiro, and Dempsey, 1987). Generally, public opinion scholars have been more attentive to trends in the substantive direction of public opinion on various issues than to the differential salience of issues over time and the reasons for shifts in issue salience. Yet, if our concern is with whether public opinion drives policymaking, is driven by policy makers, or is neutralized for strategic purposes, the matter of which issues are salient is as important as the direction of the public's thinking on a given issue.

Recent research on policy dynamics has offered some important insights on the role of public opinion, especially concerning the way in which the tone of popular attention to an issue affects policy change (Baumgartner and Jones, 1993). But that research is not directly aimed at accounting for differing issue expansion scenarios, and despite empirical attention to different areas of policy, it does not explicitly adopt a theoretical stance that makes the role of public opinion contingent upon the type of policy issue at stake. Yet there is a long research tradition which suggests that the character of policy conflict and incentives for conflict expansion are contingent upon the type of public policy (Lowi, 1964; Wilson, 1980). This paper builds upon this tradition, elaborating a set of hypotheses about the role of public opinion in various types of public policy situations and exploring the potential utility of the hypotheses through preliminary, comparative case analysis.

Hypotheses

Although Lowi's typology might be equally useful, this paper uses Wilson's (1980; 1989) typology as the basis for hypothesis development because, by specifying issue stakes and the typical interrelationships among organized interests and governmental actors in four policy situations, it offers important cues for deductions about whether or not conditions are ripe for efforts at issue expansion. Wilson's typology, replicated in Figure 1, stipulates first a situation in which a dominant interest group enjoys concentrated benefits while costs are broadly borne -- a situation that, Wilson argues, typically places government agencies in a position of fostering the dominant interest. This is the situation of **client politics**, a profile familiar to students of iron triangles and subgovernments. Second is the case of **interest group politics**, where two or more organized interests have conflicting stakes, such that both the benefits and the costs of governmental action are concentrated. In situations in which the costs of a proposed policy would fall heavily on a dominant interest while the benefits are broadly available, government officials are cast in the role of playing **entrepreneurial politics** in order to overcome the inertia of the vested interest. Finally, on issues that seem to generate neither concentrated costs or benefits for any organized interest, there is **majoritarian politics**, in which politicians attempt to "capitalize on inflamed public sentiment" (Wilson, 1989: 78) about some problem but in ways that are not perceived as threatening to any particular organized interest.

It can readily be hypothesized that episodes involving entrepreneurial politics are ripe for efforts at issue expansion along the lines of the mobilization model. Indeed, Wilson suggests that this will be the case, because the powerful group that would have costs imposed on it will organize in opposition while diffuse, unorganized beneficiaries have no incentive to push for the policy at issue. Hence, a policy entrepreneur must awaken the silent beneficiaries and overcome the intensely organized opposition by turning the conflict into something like a moral crusade (Wilson, 1989: 77). In this case, public sentiments lie dormant unless and until policy entrepreneurs activate them. Hence, the following hypothesis:

H1: In cases of entrepreneurial politics, issue salience among the mass public will be low prior to the episode and heightened as part of the episode.

Majoritarian politics also involves heightened public concern. But, as Wilson's example of the Sherman Anti-Trust Act suggests, politicians in this situation are responding to inflamed popular sentiment rather than stoking it themselves. Majoritarian politics thus implies something like the "outside initiative" model of agenda setting:

H2: In cases of majoritarian politics, issue salience among the mass public will be high prior to the initiation of the issue on the government agenda.

In cases of client politics, efforts at issue expansion and activation of the mass public are least to be expected. Since costs are diffuse, those bearing them have no incentive to organize and may have little awareness of the issue; meanwhile, the narrow interest that captures the benefits has every incentive to avoid calling attention to the situation. And those with access to policy developments have no incentive to arouse controversy. Something like the "inside access" model of agenda-setting is to be expected:

H3: In cases of client politics, issue salience will be low prior to governmental attention to the issue and will not be invoked by governmental attention to the issue.

The most complex expectations with regard to issue expansion involve interest group politics. Schattschneider suggests that those losing a conflict attempt issue expansion. Hence, episodes of interest group politics might be expected to invariably involve escalating issue salience as one side or the other appeals to the public, unless, in the manner of niche politics (Browne, 1990), the issue is framed such that different interests do not confront each other. But, as the work of Page, Shapiro, and Dempsey (1987) suggests, expansion of the scope of the controversy will not be advantageous to a group if its' position on the issue is unlikely to be favored by the mass public or if the group itself is likely to function as a negative cue giver (Kolman, 1992). Hence, a more sophisticated hypothesis would posit that issue expansion in cases of interest group politics is contingent upon the direction of

public opinion vis a vis the contending groups:

H4: Interest group politics will generally tend to heighten issue salience since there will typically be a threatened interest with the motivation at issue expansion. However, whether interest group politics involves efforts at issue expansion is contingent upon the pattern of prevailing character of public opinion.

Methods

Definitive tests of these hypotheses would require examination of a substantial number of cases of each type, and, for the situation of interest group politics, cases showing variation with respect to the prevailing character of public opinion. Whether amassed through original case studies or meta-case analysis, such hypothesis-testing constitutes a substantial enterprise. This paper does not offer the results of such an enterprise. Rather, the paper draws upon a more modest but varied set of case studies which serve as "plausibility probes" which can be used to assess whether the hypotheses developed above show enough preliminary empirical support to warrant large-scale, rigorous testing (Eckstein, 1992: 147-8; George, 1979: 52).

Although the term "case study" is often used to refer to a description of the entire history of a developing policy area, for this analysis a case is a specific episode of policymaking on a particular issue. Tracing a given issue over time, one finds that its place in the Wilson typology may change several times, as policy proposals and associated perceptions of costs and benefits change, and as the number and character of organized interests in the policy domain change. Any given policy history thus generates several different cases for analysis.

This paper draws cases from the history of policy concerning rights for the disabled and from the history of controversy over regulation of fetal research. These policy areas were chosen because both are forms of social regulatory policy (Tatalovich and Dayne, 1988) and both witnessed important contemporary developments during the Bush administration which grew out of a series of earlier policymaking episodes extending back roughly 20 years. In addition, the policy areas offer a potentially important contrast with respect to patterns of public opinion, a matter of importance for the proposed hypothesis concerning interest group politics. Cases drawn from the history of fetal research regulation illustrate policymaking in the context of the enormous divisions of public opinion concerning abortion, while the cases drawn from the history of disability rights illustrate policymaking on a topic that has no such heated divisions of public opinion.

Drawing upon existing studies of disability rights policymaking (Scotch, 1984; Percy, 1989) and fetal research regulation (Maynard-Moody, 1992) supplemented by evidence from other secondary sources, the first portion of the analysis uses meta-case analysis to classify each of ten policymaking cases in one of the categories of

Wilson's typology. Several sources of information provide evidence about the extent and timing of issue expansion concerning disability rights and fetal research: the yearly counts of Reader's Guide to Periodical Literature articles on each topic serve as indicators of the salience of the issue to the mass public[1] and the published studies, coupled with other secondary sources and information from journalistic accounts and Congressional hearings provide information about actual or threatened protest activities and other efforts to expand or restrict the visibility of the issue.

DISABILITY RIGHTS: POLITICS OVER A VALENCE ISSUE

The Americans with Disabilities Act: Interest Group Politics. On July 27, 1990, President Bush signed into law the Americans with Disabilities Act, a major civil rights bill that bars discrimination on the basis of handicap in private sector employment, public services, and public accommodations. The policymaking process leading to the passage of ADA was, in many ways, the epitome of interest group politics. Proponents of the measure included a wide array of disabled groups, spearheaded by the National Council on the Handicapped (NCH), a commission created during the presidency of Ronald Reagan, as well as the 185 organizations that are part of the Leadership Conference on Civil Rights. In addition, a number of health and social service organizations lined up behind ADA because its definition of the disabled and the rights to which they are entitled would yield the kind of protection from discrimination for individuals with AIDS for which those organizations had been pressing (Rovner, 1989: 1121). Arrayed against these proponents of ADA were various business interests concerned about the costs of compliance, especially for small businesses. A spokesperson for the U.S. Chamber of Commerce, for example, argued that the costs of complying "would be enormous and obviously could have a disastrous impact upon many small businesses struggling to survive"; similar arguments were made by the National Federation of Independent Business, the primary association for small businesses (Rovner, 1989: 1122).

This clash of organized interests, one side facing concentrated costs and the other facing concentrated benefits over the proposed legislation, is clearly a case of interest group politics. However, the development of comprehensive civil rights for the disabled is a policymaking process that extended over twenty years, encompassing several distinctive episodes, not all of which involve interest group politics.

Legislating Section 504: Majoritarian Politics. The initial episode of policymaking concerning rights for the disabled involves the enactment of Section 504 of the Rehabilitation Act of 1973, which bars discrimination against the handicapped in federally assisted programs. This legislative basis for disability rights came about in an extremely low-key, behind-the scenes fashion, at the initiative of Congressional staff who added a provision with disability rights language to the Rehabilitation Act of 1973, a renewal of the vocational rehabilitation program. According to Scotch's (1984) detailed case study, the legislation did not

initially include such language, nor was a disability rights provision discussed at any of the hearings held on the Rehabilitation Act. "Rather, the section was conceived by Senate Committee staff members and added to the bill at a relatively late point in the legislative process" primarily as a form of liberal challenge, because Congress at this time was locked in institutional and partisan conflict with the president (Scotch, 1984: 46-9). "Section 504 was not developed at the urging of representatives of disabled people...it was an initiative of liberal congressional staff and not done at the request, suggestion, or demand of outside groups" (p. 57). Indeed, in this period, organized interests representing the disabled were fragmented across an array of specific disabilities, were just becoming politicized, and had not yet defined civil rights for the disabled as a goal (p. 57).

Consistent with Wilson's definition of majoritarian politics, both perceived costs and benefits of Section 504 were diffuse at the time of enactment. Although costs would become an issue later, Scotch finds that the legislative history of this provision "contains only passing references to Section 504" and that there is no statement "providing any rationale or predicting any impact...it appears that most members of Congress either were unaware that Section 504 was included in the act or saw the section as little more than a platitude, a statement of a desired goal with little potential for causing institutional change" (pp. 53-4). In one sense, the beneficiary group for disability rights is a relatively narrow group; but, because this group was neither organized to pursue such rights nor aware of Section 504, benefits may be said to be diffuse as well. Section 504 was not a specific package of benefits of concentrated interest to an organized interest; it was enacted as a form of low level symbolic politics, i.e., as a gesture of liberalism.

Initial Rulemaking for Section 504: Entrepreneurial Politics. HEW Secretary Weinberger gave responsibility for administering Sec. 504 to the Office of Civil Rights within HEW in the fall of 1973. This assignment placed Sec. 504's interpretation in the hands of an organization that had spent all of its history in the vanguard of efforts to fight racial discrimination "often in the face of opposition by uncooperative or hostile public officials and community leaders" (p. 63). Rather than seeing universities, local governments, and other federal fund recipients as its client organizations, OCR viewed them as highly organized adversarial groups, and was intensely aware of the concentrated costs that such organized interests would perceive when confronted with aggressive provisions to accommodate the disabled. And OCR's interpretation of Sec. 504 was one that would impose concentrated costs upon such organized interests. For example, draft regulations stipulated that there was a need for special accommodations; and unlike earlier initiatives that mandated the removal of architectural barriers only in new construction, the regulations held that barrier removal must be effected in existing buildings as well.

Costs were thus made concentrated by rulemaking interpretations that converted a seemingly innocuous legislative provision into a

substantial mandate for federal fund recipients. On the other hand, benefits remained diffuse at this time, as organizations representing the handicapped remained largely unaware of Sec. 504 and OCR staffers proceeded on the basis of generalized beliefs about civil rights. There were some informal contacts with disabled individuals, though not disabled organizations, as OCR staff attempted to learn how general civil rights issues applied in the case of the disabled. Through those informal contacts "gradually, informally, the word got out to disability advocates that Section 504 existed and that it was important. Formal involvement by organized groups did not take place until the proposed regulation had already been drafted, in part because of the limited organizational capacities of most disability organizations" (p. 79-80). Thus, between the enactment of Sec. 504 in 1973 and the completion of the first full draft regulations in April, 1975, OCR played the game of entrepreneurial politics, taking aggressive action that threatened concentrated costs for powerfully organized, federal fund recipient groups even while the benefits of Sec. 504 remained diffuse from the perspective of disability groups.

Further Rulemaking and the Emergence of Interest Group Politics. David Mathews replaced Casper Weinberger as Secretary of HEW in the summer of 1975, just when approval from the HEW Secretary was needed to publish the newly completed draft regulations for Sec. 504. Mathews had many reservations about the draft produced by OCR, because the approach seemed too controversial. So he delayed the publication while insisting on a more elaborate inflation impact statement; and, although that assessment yielded a positive cost-benefit analysis in March, 1976, Mathews stalled still further on publishing the regulations (p. 88).

These delays would not go unchallenged for long, because disability groups, which had heretofore been unaware of Sec. 504 and largely inert politically, had become activated by late 1975. In that year, 19 organizations representing different disabled groups joined a fledgling umbrella group, the American Coalition of Citizens with Disabilities (ACCD), which had been formed by two disability rights activists the previous year at the meeting of the President's Committee on Employment of the Handicapped (p. 83). Meanwhile, the staff at OCR had increased their contacts with disability rights advocates, thus providing a pipeline of information about the potential of Sec. 504 and the status of the stalled regulation. By 1976, "...several disability organizations, particularly ACCD, were lobbying Congress and the executive branch about their concerns...These contacts culminated in a demonstration by a number of disabled leaders in David Mathews' office in the spring of 1976 (pp. 92-3).

The draft regulations were finally published in May, 1976. In response, "OCR received over three hundred written comments...from both disability rights advocates and from recipients of federal funds" (p. 94). Advocates not only pressed for the acceptance of the regulation but objected to any consideration of costs and any long periods for institutions to come into compliance; federal funding recipients like higher education were raising concerns about

costs and asking about lengthened periods for compliance and waivers. By the end of a second, extended comment period (October, 1976), OCR had received more than 850 written comments" (pp. 94 and 102). ACCD, the American Council for the Blind, and the Children's Defense Fund were now activated on behalf of the draft Sec. 504 regulations, while organizations such as the National Association of State Universities and Land-Grant colleges, the American Council on Education, the National League of Cities, the National Governor's Conference, the American Hospital Association, and numerous other recipients of federal funds were activated around concerns about the Sec. 504 regulations.

The response of HEW Sec. Mathews was again delay; and Sec. Califano, his replacement in the new Carter administration, was also inclined to go slow because he "saw the regulation as a reflection of the demands of the disabled groups without appreciation of the political and financial implications" (p. 105). Califano created a task force to review the proposed regulation -- a task force that met in 1977 with more than 45 "organizations representing disabled people" along with "a somewhat smaller number of recipients [of federal funding]" (p. 108).

In response to this delay, ACCD decided upon a dramatic gesture in order to put pressure on Secretary Califano. An ultimatum was sent to President Carter, indicating that if Califano had not signed the regulation by April 4 they would hold protests in every HEW regional office in the country as well as at HEW headquarters in Washington, DC. When Califano indicated at an April 4 meeting that he would not immediately sign the regulation, disability rights groups walked out of the meeting and 300 disabled people "staged a sit-in in Califano's office in Washington, while demonstrations were held in each of the ten HEW regional offices..." (pp. 111-1133). On April 28, 1977, the draft regulation was signed, without any modifications to dilute the aggressive interpretation of Sec. 504 that had been staked out initially by OCR.

Sec. 504 Rulemaking in Other Agencies: The Continuation of Interest Group Politics, 1977-1986. Although disability rights groups could feel that they had won an important battle when HEW signed off on OCR's Sec. 504 regulations, the rulemaking process for Sec. 504 was extended still further as other agencies developed regulations to implement Sec. 504 along the lines laid down by HEW. As this process extended into the Reagan administration, the clear victory that disability rights advocates had achieved was eroded by reversals.

Perhaps the most difficult of these followup processes was in the Department of Transportation where rulemaking for Sec. 504 began in 1978 and extended until 1986. These 8 years of transit-related controversy began with DOT issuing regulations calling for full accessibility to the disabled of all components of the nation's public transit systems. Despite outcry from organizations such as the American Public Transit Association (APTA) about costs and about the unreliability of technology for handicapped access, such as lift-equipped buses, DOT held to its initial stance in final

regulations issued in May 1979, although it extended to ten years (from six) the time that transit authorities would have to make at least half of their fleet accessible (Percy, 1989: 137-140).

"Controversy about full-accessibility objectives in public transportation did not end with the issuance of DOT's final rules; instead, it intensified..." -- disabled groups pressed Congress for further attention to physical barriers, government leaders "used the media to complain about the compliance costs..." and APTA attempted to overturn the regulations in court (*APTA v. Lewis*) (pp. 141-144). In response, in 1980 Congress attempted to legislate a compromise that would "limit the impact of the DOT regulations"; the process, featuring negotiations "with key interest groups, including APTA, Paralyzed Veterans of America, the American Coalition of Citizens with Disabilities (ACCD), DOT, and CBO" failed, as Congress never passed the mass transportation act that would have contained the compromise (pp. 144-5).

DOT's full accessibility regulations were doomed, however. DOT was swamped with a flood of requests for waivers, the newly installed Reagan administration was committed to deregulation, and, in 1981, "the U.S. Court of Appeals for the District of Columbia overturned a lower court decision in the *APTA v. Lewis* case and ruled that the full-accessibility regulations exceeded statutory intent as spelled out in section 504" (p. 146). In August, 1981, the Department of Justice (which had replaced HEW as the coordinating agency for Sec. 504 regulations), suspended the guidelines for mass transportation.

DOT then issued another set of proposed rules which would have allowed for "local flexibility in determining how to make transportation systems usable by the physically handicapped" and mandated only "special efforts" rather than full accessibility. In response to these proposed rules, disability groups offered negative comments and reports suggesting that local flexibility often translated into lower quality services for the disabled (pp. 146-7). In response to this rulemaking stalemate, Congress enacted an amendment to the Surface Transportation Assistance Act of 1982 "requiring the secretary of transportation to establish minimum service criteria for transit authorities to follow in designing services for elderly and handicapped citizens" (p. 148).

DOT's proposed rules to implement this amendment set minimum criteria such as service availability in the same geographic areas and at the same times as for the general public, along with a proposed cost cap. The response to these proposed rules was the same flood of comments from interest groups in 1983 that had greeted earlier rulemaking phases, "with the transit industry arguing that the rules were too stringent and would impose substantial costs" and disabled groups pressing for stringent rules and opposing a cost cap (pp. 149-150). Further review based on these comments plus approvals by OMB and DOJ extended the rulemaking process another three years, before final rules, largely the same as the proposed ones, were issued in 1986.

EVIDENCE OF ISSUE EXPANSION IN THE DISABILITY RIGHTS CASES

In contrast with the fetal research cases that follow, public opinion relevant to these disability rights cases is far from divided. While the concerns of the disabled may not be a burning issue for most Americans, there is evidence that, in the wake of the civil rights movement, Americans became more predisposed to civil rights in general and overwhelmingly in favor of rights for the handicapped. In Harris surveys in 1978 and 1982, for example, over 90% of respondents were in favor of "affirmative action" programs for the physically handicapped, a higher proportion than those favoring such programs for women, blacks, or any other group (Page and Shapiro, 1992: 97-8). In 1989, the public remained extremely receptive to disabled civil rights. A Gallup Poll in December, 1989 found 81% responding that there was "not enough" attention to the civil rights of the disabled. Only the elderly (at 84%) elicited a similar magnitude of favorable response; about half or fewer of respondents perceived "not enough" attention to the civil rights of groups such as women, blacks, and people with AIDS (Colasanto, 1989: 15). Under these circumstances, expansion of the scope of conflict in the hypothesized situations might be expected from disabled groups, especially when their cause appears to be losing; but organized interests opposing them would surely be constrained from issue expansion. Or would they?

The available evidence on mobilization of public opinion in the five cases of disability rights policymaking suggests that (a) majoritarian politics was a response to high issue salience among the mass public, but only in a special sense; that (b) entrepreneurial politics was probably not associated with heightening of issue salience, as has been hypothesized, but that (c) interest group politics <u>is</u> typically conducive to mobilization of the mass public, as hypothesized. Furthermore, there is evidence in these cases that expansion of the scope of conflict in situations of interest group politics is not necessarily instigated by those who are in danger of losing a policy battle, but is most strongly instigated by those whose position is most likely to be conducive to the prevailing direction of public opinion.

Figure 2, for example, shows that in the initial episode of the disability rights policy history, disability rights was a nonexistent issue to the mass public prior to and during this episode. Nor is there any case evidence of attempts to mobilize attentive or mass publics around the issue of civil rights for the handicapped prior to or during this episode of majoritarian politics. Rather, the legislative history shows Sec. 504 as being virtually invisible even to members of Congress who were enacting the Rehabilitation Act to which it was attached. There was, however, substantial public interest in the disabled generally at this time. Scotch (1984: 34-5) argues that this was due to a dramatic increase in the number of disabled individuals as a result of medical developments that saved those with injuries and extended the life span of those with other medical problems and the influx of Vietnam veterans with disabilities. Consistent

with this argument, the number of popular articles on the disabled, although small by comparison with later years, was substantial before and during this first episode (see Figure 2). Furthermore, this was a time in which "civil rights" was generally an idea in good currency, and the key staffers who inserted Sec. 504 into the Rehabilitation Act had experience with prior civil rights legislation (p. 52). In short, this case is not consistent with expectations about majoritarian politics if that hypothesis is narrowly interpreted to require response to elevated popular concern about a specific issue. It is, however, a case in which low-level decisionmakers took action consistent with generalized public interest in the disabled and consistent with sweeping trends in the civil rights area.

Entrepreneurial politics has been hypothesized to involve attempts to mobilize public opinion concerning an issue. Figure 2 shows that, while popular interest in disability rights remained low during the brief episode of entrepreneurial politics, there was a surge in issue salience immediately after. This might be considered consistent with the hypothesis for entrepreneurial politics. But the evidence is ambiguous, because the followup surge in issue salience occurred during a period of interest group politics, and it has been hypothesized that surges in issue salience will tend to occur during episodes of interest group politics. In short, when a case of interest group politics follows immediately on the heels of entrepreneurial politics, as it does here, the relevance of the evidence for one versus the other case is unclear. Furthermore, the case study provides no evidence of attempts to mobilize attentive or mass publics. In fact, in this period, the OCR was, according to Scotch, limiting its contact with groups outside of HEW. Despite the fact that it was aware of the hostile reaction that its interpretation of Sec. 504 would eventually generate among federal fund recipients, OCR kept the development of its draft regulations very low-key, consulting for informational purposes with some disabled persons, but showing no signs of mobilizing disabled groups to raise public awareness of the need for civil rights for the disabled (Scotch, 1984: 79-80). And because both disability rights groups and federal fund recipients were almost completely unaware of Sec. 504 until the draft regulations were completed, neither was in a position to mobilize public opinion about the issue at this time.

There is substantial evidence of escalating issue salience and direct efforts to mobilize public opinion during all three episodes of interest group politics, however. Figure 2 shows a surge in attention to disabled civil rights in the initial years of conflict over Sec. 504 rulemaking. And the case study offers strong evidence of attempts at issue expansion by disability rights activists, who twice engaged in demonstrations designed to mobilize popular attention to their cause. The potential impact on public opinion of demonstrations in this case was well understood by activists, who "hoped that the sight of demonstrators in wheelchairs and with seeing-eye dogs would evoke public sympathy and force Califano to act" (Scotch, 1984: 112). The second phase of interest group politics is linked with very high levels of issue salience con-

cerning the disabled generally and heightened but oscillating public attention to disability rights in particular, as Sec. 504's implementation beyond HEW wound its way through various agency rulemaking processes, Congressional mobilization over the rules, and a court suit. In place of the street demonstrations characterizing the earlier phase, attempts at issue expansion at this time included lobbying efforts, a court suit, and heavy use of the media by local government officials. The third phase of interest group politics, leading to the passage of ADA, is linked to a sharp upsurge in the salience of disability rights (see Figure 2) and a return to protest activity as a tactic for mobilizing public opinion. Once again, disability rights activists made use of the particularly potent symbolism of demonstrations by the disabled:

> The pictures were striking, just as they were intended to be: children paralyzed from the waist down crawling up the steps of the Capital, and more than 100 protesters, most in wheelchairs, being arrested by police officers in riot gear after raucous demonstrations in the Rotunda (Holmes, 1990: 5).

FETAL RESEARCH: POLITICS IN THE CONTEXT OF DIVIDED OPINION

The second set of cases for this paper stem from several periods of controversy over fetal research -- a highly technical subject that nevertheless touches on the moral sentiments of the public in potentially explosive ways. The linkage of fetal research to the abortion issue helped to propel the otherwise technical issues of biomedical funding and research protocols onto the broader public agenda, despite the clear preference of the scientific community that science not be governed by public passions and the politics of morality (Maynard-Moody, 1992, 4).

Episode #1: Client Politics. Fetal research includes studies, many using autopsies of dead fetuses, designed to diagnose and cure birth deformities, pharmacological studies of the effects of alcohol, medicines, and other substances on fetuses, research on "nonviable fetuses," and, most recently, research on the transplantation of tissue from fetuses to other patients for purposes of curing Parkinson's, Alzheimer's, and other diseases. All of these forms of fetal research have yielded dramatic medical advances and the potential for still more medical benefits. However, the research also entails practices and procedures that raise ethical issues, such as the appropriate handling of nonviable fetuses or the arrangements surrounding the obtaining of tissue from aborted fetuses (Maynard-Moody, 1992: 5-6). In Great Britain, concerns about the ethics of fetal research had led to the creation in the early 1970's of a Parliamentary commission, the Peel Commission, which, in a 1972 report, suggested a number of guidelines to provide protections for fetuses as human subjects in research (p. 11).

The scientific research community that would confront this issue in the United States had been a privileged client of government since World War II. In the 1950's, physical scientists

played important roles in nuclear research and led the way in the organization of a science policy subgovernment (Dickson, 1984: 28). By 1968, Don Price could characterize science as "the major Establishment in the American political system: the only set of institutions for which tax funds are appropriated almost on faith, and under concordats which protect the autonomy, if not the cloistered calm, of the laboratory" (1968: 71). In the late 1960's and early 1970's, the domination of science policy by "scientific, military, and corporate elites" was challenged by groups trying to champion democratic values and the scientific establishment ran afoul of the Nixon administration as well, allegedly as a result of personal antagonisms (Dickson, 1984: 18; 30-31).[2] Despite these developments, it is appropriate to view institutional science, and especially biomedical science, as constituting a potent subgovernment. Adverse developments like those in the Nixon administration had short-term effects primarily on funding of basic physical science and arrangements for science policy advising. In the biomedical sciences, there are strong linkages between institutionalized biomedical research in universities and medical schools and the National Institutes of Health, which provides most of the research funding for those institutions (Dickson, 1984: 21).

With respect to the question of the propriety of fetal research, then, the biomedical science establishment constitutes a dominant interest group, which had stakes in protecting two types of concentrated benefits: autonomy of the scientific enterprise from popular control and continuity of research funding (Miller, 1983: 4). Any hint that fetal research might get caught up in politically-inspired regulations would be viewed as threatening to the scientific community (Maynard-Moody, 1992: 4).

Not surprisingly, NIH initially attempted to deal with the kinds of concerns that led to the Peel Commission in Great Britain by attempting to develop internal guidelines that "might head off controversy at home." Draft guidelines were being "quietly debated" by NIH, and would have remained quiet were it not for the Washington Post picking up on a story on the guidelines in a medical newsletter and, on April 10, 1973, publishing a story on fetal research and the proposed guidelines (Maynard-Moody, 1992: 11). Because the Court's decision in *Roe v Wade* had just been handed down three months earlier, the Washington Post reporters and editors were presumably interested in the story because of its potential interest value in a time of heightened controversy about abortion. "Despite the tentative status of the guidelines, the story ignited some public reactions. The Post's disclosures brought national news coverage, clarifications and denials by NIH officials, and a street demonstration at the NIH offices, calling for a total ban on fetal research" (p. 11). This public controversy was small-scale and short-lived. The street demonstration, for example, consisted of a handful of school children from the Stone Ridge Country Day School of the Sacred Heart, a Catholic school located next to NIH headquarters. The school children informed NIH that they wanted to picket to protest against any research on live fetuses and NIH, in response, organized a special meeting in the NIH auditorium to discuss the matter (Schmeck, 1973: 30). Nevertheless, this initial controversy

effectively forged a link between fetal research and the abortion issue (Maynard-Moody, 1992: 12). Despite the minuscule nature of the demonstration, but perhaps because of the potency of the abortion issue to which fetal research was now attached, NIH officials promised demonstrators that they would not support research on living fetuses (Culliton, 1975: 811).

Episode #2: Entrepreneurial Politics Surrounding the National Research Act of 1974. There was, in 1974, no organized set of interests to mobilize and counter the power of the biomedical science subgovernment. Anti-abortion activists had just been awakened by the unexpected ruling in Roe v. Wade (Faux, 1990: 5-6) and were far from the highly mobilized status that they would later achieve. However, the fledgling anti-abortion movement could take heart in the fact that ethical issues involving biomedical research, especially that on fetuses, did have a number of policy entrepreneurs strategically located and willing to act in a way that placed the biomedical science community on the defensive. Two of these entrepreneurs, Senators Edward M. Kennedy and James L. Buckley, were instrumental in instituting a temporary ban on fetal research and creating review bodies charged with monitoring ethical issues in biomedical research. These mandates were incorporated in the National Research Act of 1974, a piece of legislation that constrained the autonomy of science in ways that offended, annoyed, or threatened many in the scientific community. The status quo had abruptly shifted from one in which the scientific community was a privileged client, favorable to its government sponsors, to one in which the scientific community was hostile to governmental goals.

The National Research Act of 1974 was initially introduced in the House as a proposal to provide for NIH training grants and contained only a minor reference to research ethics. In the Senate, Kennedy had introduced a unrelated bill focusing on ethics in human experimentation. "Using the House bill's paragraph on ethics as the necessary technical hook for joining two bills, Kennedy's staff tacked his human experimentation bill onto the training bill that came over from the House." Kennedy's version mandated the creation of a National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, charged with codifying ethical principles for clinical research, creating review boards in all institutions engaging in research on humans, and analyzing the "ethical, social, and legal effects of advances in biomedical and behavioral sciences." Senator James Buckley then introduced an amendment banning all fetal research, an amendment that Kennedy supported once it was modified to be only a temporary ban covering the period in which the commission deliberated on the fetal research issue (Culliton, 1974: 426-427). A conference committee compromise yielded a temporary, 2-year commission, to be followed by a permanent council which would come into existence at the expiration of the commission's term. The legislation mandated that the Secretary of HEW make public in the Federal Register any commission recommendations, his response to the recommendations and his reasons if any recommendation were to be rejected. The commission was specifically mandated to first tackle the matter of the ethics of fetal research. The National Research Act, encompassing all these provi-

sions, was signed into law by President Nixon in July of 1974 (Culliton, 1974: 427).

The commission generated recommendations that were viewed as reasonable and moderate, even within the scientific community. These included a recommendation that permitting research on fetuses that are to be aborted if the research itself presents no risk to the fetus. Research that would be too risky to perform on a viable fetus could still be conducted on a fetus that was about to be aborted providing that the research were approved by a national review panel and by the Secretary of HEW (Culliton, 1975: 811-813). While the commission was deliberating, HEW continued its efforts to develop guidelines, a process that generated over 450 public comments directed at HEW, primarily by scientific organizations. The final draft of HEW's guidelines, which corresponded almost completely with the commission's recommendations, were approved in July of 1975, and became "the regulations governing all fetal research funded by the federal government" (Maynard-Moody, 1992: 16). With mechanisms in place for fetal research proposals to be reviewed and funded, the scientific community had weathered the initial storm of this controversy, and could proceed with only limited restrictions on its autonomy.

Episode #3: Client Politics Revisited. "From the approval of these regulations until the fall of 1982, the controversy quieted down" and fetal research continued, largely "undisrupted by the more cautious oversight required by the new regulations (Maynard-Moody, 1992: 16). With the modest restrictions of the National Research Act in place, the scientific community was able to resume its role as a dominant interest group working in harmony with its patron, the NIH. A modus vivendi had been reached, thus returning the situation to one of concentrated benefits for the scientific community. There were costs for anti-abortion groups, which "remained dissatisfied with the protection offered to fetuses scheduled for abortion" (p. 16) but these groups were neither tightly organized as an interest group with unitary stakes nor was fetal research the key agenda item for the movement.

Episode #4: Entrepreneurial Politics Revisited. In the 1980's, the emergence of a conservative Republican administration with links to the religious right, the existence of a number of politicians in Congress with sympathies for the anti-abortion cause, and the opportunities provided by the need for regular re-authorization of the National Institutes of Health, all combined to make another round of skirmishing over fetal research inevitable. Rep. William Dannemeyer twice (in 1982 and 1983) introduced amendments to NIH re-authorization bills that would have barred any federally funded, nontherapeutic research on the fetus (Maynard-Moody, 1992: 17). Neither was enacted. Ultimately, the Health Research Extension Act, which had been delayed since 1983, was enacted in 1985. It included a simple restatement of the 1975 rules governing fetal research. As such, it endorsed fetal research that generates crucial biomedical information that cannot be generated in any other way. In sum, "...the law returns the decision to the scientific community and sympathetic administrators" (p. 18). Anti-abortion entrepreneurs in

Congress and in the Reagan administration were left with only one weapon -- delaying tactics. Skirmishing over the composition of the new Congressional Biomedical Ethics Advisory Board, which was to appoint the committee that reviewed proposals for fetal research, effectively disrupted fetal research for several years (p. 18).

Episode #5: Interest Group Politics. In the late 1980's, another controversy over fetal research occurred. This episode was given impetus by a new line of research in which fetal tissue is transplanted into patients for the treatment of Parkinson's and other diseases. This research was destined to evoke even sharper objections from right-to-life groups, because, unlike earlier forms of fetal research, it "offers no pretext of helping the fetus" and because anti-abortionists feared that it might encourage or further legitimize abortions (Maynard-Moody, 1992: 19).

This final episode in the fetal research controversy may be characterized as interest group politics. The anti-abortion side, was, by the late 1980's, much more organized, mobilized, and represented by patrons in influential political positions than they had been earlier. Newly formed right-to-life organizations joined the fray as more established organizations such as the National Right to Life Committee became ever-more sophisticated in their lobbying and citizen action activities (Costa, 1991). Furthermore, the right-to-life side had much more concentrated stakes in the fetal tissue controversy than they had had in earlier fetal research disputes because of the stronger linkage between the research and abortion activity. And anti-abortion groups had their own version of the kind of political access that big science had long enjoyed. This was evident in the Reagan administration's imposition in 1988 of a "gag rule" prohibiting personnel at clinics receiving federal funds from providing information about abortion (Costa, 1991: 35-7).

Aware that anti-abortion groups would have concentrated stakes in fetal tissue transplantation, the NIH director sought permission from the assistant secretary for health before approving a fetal tissue transplantation experiment in 1988. In response, a human fetal tissue transplantation research panel was created, consisting of ethicists, religious leaders, physicians, lawyers, and minority group members (Culliton, 1988a: 1423). The panel, reporting in December, 1988, supported moving ahead with the research, providing that there were safeguards, such as a prohibition on sale of tissue from aborted fetuses (Culliton, 1988b: 1625). However, the Department of Health and Human Services ignored these recommendations and on Nov. 1, 1989, announced the continuation of the ban on fetal tissue transplantation (Steinbock, 1992: 170). Explaining this decision in Congressional testimony in 1990, James Mason, Assistant Secretary of HHS argued that fetal tissue transplantation would increase incentives for abortion and would be contrary to a mandate from the Bush administration and Congress that HHS not fund activities that promote abortion (U.S. House, 1990: 72).

Despite opposition from scientists and Congressional Democrats, the ban remained in place throughout the Bush administration, in part because NIH authorization legislation that would have included

an end to the ban got stalled over numerous controversial provisions, including not only the fetal tissue transplantation ban but a also a ban on allowing AIDS-infected individuals to enter the country. The fetal tissue transplantation ban was finally lifted by executive order when Clinton became president, and legislation allowing for fetal tissue research moved from the House to the Senate in May, 1993.

Evidence of Mobilization of Public Opinion. The history of fetal research presents two cases of client politics, two cases of entrepreneurial politics, and a case of interest group politics. Except for qualifications suggested by the client politics and interest group cases, the evidence in these cases is consistent with the initial hypotheses.

Figure 3 shows negligible issue salience with respect to the ethics of fetal research during both episodes of client politics. Inattention to this issue in the 1975-82 period is particularly notable, given the escalating salience of the fetus generally as new medical developments such as amniocentesis awakened popular interest and as the abortion issue simmered on the political agenda. In the 1972-3 episode, the dominant interests, the scientific community and their allies in NIH, were clearly interested in containing the scope of the conflict as they attempted to quietly develop guidelines to head off controversy. However, this early episode also suggests an unexpected fragility of client politics and a caveat about the dynamics of issue expansion. NIH's efforts to avoid public outcry over fetal research were first dashed when the Washington Post picked up the story, a story which led to the mini-demonstration at NIH that placed NIH on the defensive. These seemingly trivial developments -- a single news story and a minuscule street demonstration -- were able to bring client politics to a close and to usher in a period of entrepreneurial politics because the fetal research issue was so readily attachable to the abortion issue, and because the latter issue was such a hot-button issue in 1973. The initial impetus for issue expansion in this situation was not a faction with direct stakes in the issue, but journalists who saw the conflict potential and newsworthiness of the fetal research story.

Consistent with what has been hypothesized, issue salience appears to have been heightened as a consequence of each of the two entrepreneurial episodes. Figure 3 shows that one of the two surges in popular articles about the propriety of fetal research began in the first period of entrepreneurial politics and reached its peak at the end of the two year episode. The other of the two surges in popular articles on the fetal research controversy flowed out of the second episode of entrepreneurial politics. Furthermore, there is evidence of some of the mechanisms that political entrepreneurs use to expand the scope of the conflict. Political entrepreneurs in 1974, for example, made the unusual stipulation that the recommendations of the national commission on research ethics be made public in the Federal Register along with the HEW Secretary's response to the recommendations -- a move that clearly would increase the visibility of the commission's activities, at least to the attentive public. In the second episode of entrepreneurial politics, issue

entrepreneurs exhibited the kind of hyperbolic language that is presumably typical of efforts to inflame public passions about an issue. For example, in supporting Rep. Dannemeyer's attempt to legislate a fetal research ban in 1982, Rep. Dornan argued that "'We have sick, very sick, mentally disturbed doctors...that specialize in nothing but the destruction of human life. Then to assuage their consciences they look forward to doing research on living fetuses'" (Maynard-Moody, 1992: 17).

With regard to interest group politics, the hypothesized pattern is one of escalating popular mobilization, instigated by whoever is losing a political battle, especially if the direction of mass public opinion is favorable to that perspective. In this case, the hypothesized pattern of escalating issue visibility is clearly present. Figure 3 shows a surge in the salience of the issue, as a substantial number of popular articles emerged on the controversy.[3] An examination of listings for the peak year, 1988, shows that both scientific and religious sources contributed to the spate of articles, as Christianity Today and The Christian Century joined Science, Science News, and Scientific American in covering the story. There is also case study evidence of attempts to mobilize public concern. The congressional hearing on fetal tissue transplantation especially shows how partisan and inflammatory the seemingly technical issue of fetal tissue transplantation had become and the extent to which participants viewed the proceedings as playing to the mass public. The subcommittee chair, Democratic Rep. Henry Waxman of California, opened with charges that by sustaining the fetal tissue transplantation ban, the Bush administration "has shown greater respect for the most radical members of the anti-abortion constituency than for those Americans afflicted with such disabilities and diseases [as spinal cord injury and Parkinson's disease]" (U.S. House, 1990: 2). Rep. Thomas Bliley, a Virginia Republican charged that the "hearing is not for the benefit of the members of this subcommittee. Rather, it is a press event, and the chairman is using this subcommittee to give credibility to the barbaric practice of harvesting human fetal tissue." Bliley went on to some lurid charges about the practice, including a claim that fetal tissue researchers had admitted to harvesting fetal brain tissues when the fetal brain might not yet be dead (U.S. House, 1990: 2 and 4). Scientists testified with rhetoric designed to sway opinion in their favor, with arguments that the ban "creates a siege state of mind and a sense of government repression in conscientious scientists and physicians who are trying to advance knowledge and relieve suffering" (U.S. House, 1990: 11).

It is important to note that both sides in the conflict attempted to expand the issue to the mass public, despite the fact that majority public opinion was favorable to neither side and despite strong norms that generally constrain the scientific community from such issue expansion. There has been no systematic polling of public opinion on fetal research specifically; but because opponents of fetal research piggybacked that issue onto the abortion issue, public opinion on the latter is relevant to the analysis. Gallup polling shows that only about one-fifth of Americans are strongly anti-abortion and only about one-third are unequivocally

supportive of abortion; the majority of Americans polled show qualified support for abortion (Hugick and Saad, 1992: 6). Those opposing fetal research on grounds of abortion-related concerns did not necessarily have public opinion in their favor. The scientific community is generally averse to efforts at mobilization of broad popular attention in controversies involving science (Miller, 1983: 48); and because nontrivial numbers of citizens believe that "scientific discoveries tend to break down people's ideas of right and wrong" (Miller, 1983: 51), the scientific community could not have been certain that public opinion would be in its favor on fetal tissue transplantation.

CONCLUSIONS

Figure 4 summarizes the results for the 10 cases examined in this paper. It shows that, while the initial hypotheses demonstrate some plausibility, empirical support for most of them is qualified, suggesting the need for refinements in the hypotheses.

Figure 4. Summary of Case Analysis Results

	Disability Rights	Fetal Research
Client Politics cases:	---	Qualified
Majoritarian Politics cases:	Qualified	--
Entrepreneurial Politics cases:	Inconsistent	Consistent
Interest Group Politics cases:	Qualified	Qualified

Support for the original **client politics** hypothesis is tempered by the observed fragility of efforts to contain the fetal research issue. As initially hypothesized, popular attention to an issue will be low before, during and after an episode of client politics, but the early history of the fetal research issue shows that such episodes do not necessarily end quietly. Rather, the inside game can be unexpectedly disrupted by seemingly small things if the issue can successfully be piggybacked onto a parallel and emotional issue. Furthermore, the national news media have a "fascination with conflict" (Baumgartner and Jones, 1993: 104) which, as in the fetal research case, can bring attention to otherwise minor or technical developments. Consistent with Baumgartner and Jones' (1993) theory of the cascading effects of image change, all of this can quickly lead to a major expansion in the scope of the conflict.

Support for the **majoritarian politics** hypothesis is qualified as well. Instead of key political figures responding to a wave of public concern about a problem, with all the visibility that such a scenario entails, the early period of disability rights policy involved low-level staffers taking an initiative in advance of any demonstrable public concern about the problem. Although the initiative was consistent with generalized public interest in the disabled and with overall trends in civil rights, decisionmakers in this case

took the lead in linking these two and thereby forging a new issue -- civil rights for the disabled.

With respect to the fetal research controversy, both episodes of **entrepreneurial politics** are consistent with a hypothesis that stipulates efforts at issue expansion by political entrepreneurs and a quickening of popular interest in the issue as a result. In the disability rights case of entrepreneurial politics, however, the evidence, taken as a whole, is not consistent with the hypothesis. Both disabled groups and federal fund recipients were largely unaware of the development of a substantial disabled rights mandate in the time period in question; furthermore, the entrepreneurs in this case, bureaucrats within OCR, avoided issue expansion and popular mobilization. Although the original hypothesis concerning entrepreneurial politics does not stipulate a contingency, this may seem to suggest that the dynamics of issue expansion in cases of entrepreneurial politics are contingent upon the direction of public opinion, with issue expansion more likely to be attempted when public opinion is divided than when a valence issue is at stake. A somewhat different interpretation would focus on differences in the types of entrepreneurs in the disability rights and fetal research cases. Perhaps political officials like those who served as entrepreneurs in the fetal research case are typically more disposed to attempts at mobilizing popular opinion than are bureaucrats like those who served as entrepreneurs concerning disabled rights. The contrasts between the different cases of entrepreneurial politics suggests the need for further exploration of these possibilities, with case selection that allows for controlled comparisons to disentangle the relative importance of divided vs. consensual public opinion and elected vs. bureaucratic entrepreneurship.

The interest group cases are all generally consistent with expectations that there will be a heightening of issue salience through issue expansion; however, the cases offer some unexpected findings concerning the motivating force of being on the losing side of an issue and the significance of having the direction of public opinion in one's favor. While all cases show the surges in issue salience that are hypothesized, the disability rights history features an interest group politics case in which those who were <u>not</u> on the losing side nevertheless engaged in strong issue expansion, presumably because public opinion was so much in their favor that the use of this trump card even when the outcome was barely in doubt was irresistible. In that case, the direction of public opinion seems to be more important than which group is on the losing side. In the fetal tissue case of interest group politics, both sides were actively engaged in efforts to mobilize the public even though the direction of public opinion clearly favored neither side. The fact that both right-to-life interests and the scientific community engaged in issue expansion suggests that situations of divided opinion or uncertainty about the direction of public opinion may be particularly conducive to efforts at mobilization of public opinion, as both sides fight for the soul of the silent majority. This contingency was not envisioned in the original hypothesis.

FOOTNOTES

[1]Others have also used a count of the number of relevant articles in the Readers' Guide as a way of measuring issue salience (Wood and Anderson, 1993: 13; Jones and Baumgartner, 1993: 50)

[2]The falling out is said to have occurred when members of the presidential science advisory committee criticized Nixon administration policies and when university-based scientists appeared in the vanguard of Vietnam anti-war protest (Dickson, 1984: 18; 30-31).

[3]As was the case in analysis of disability rights, it is unclear whether this surge of popular attention should count as evidence with respect to the interest group politics episode in which it is embedded or, as noted above, as evidence for the mobilizing effect of the entrepreneurial politics episode that immediately preceded it. As a result of this ambiguity, other forms of evidence of attempts at issue expansion are particularly important in interpreting this case.

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FIGURE 1. A WILSONIAN TYPOLOGY OF POLICY SITUATIONS

COSTS OF PROPOSED POLICY	BENEFITS OF PROPOSED POLICY: CONCENTRATED	BENEFITS OF PROPOSED POLICY: DIFFUSE
	I. Client Politics	IV. Majoritarian Politics
DIFFUSE	*Dominant interest group favorable to agency goals*	*No important interest group continuously active*
	II. Interest Group Politics	III. Entrepreneurial Politics
CONCENTRATED	*Two or more interest groups in conflict over agency goals*	*Dominant interest hostile to agency goals*

Source: Adapted from James Q. Wilson, Bureaucracy, 1989, pp. 76-78.

Figure 2. Salience of the Disabled and Disability Rights

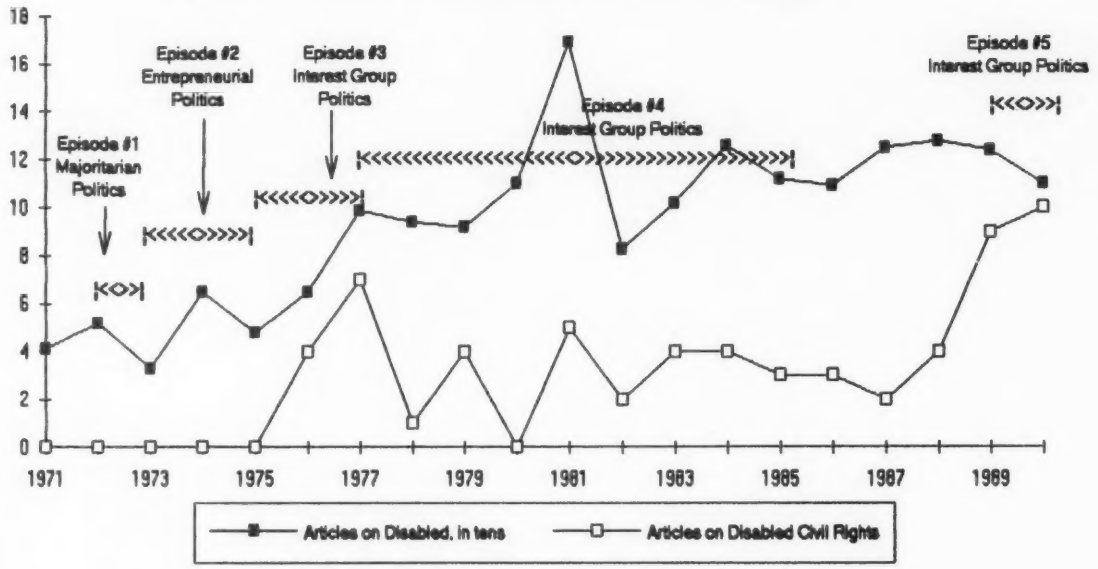
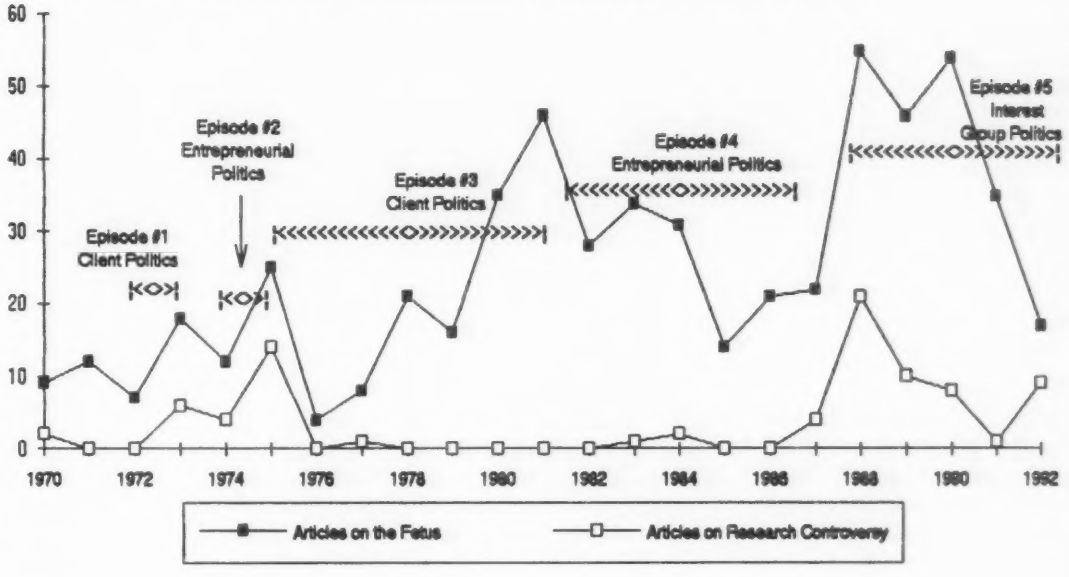


Figure 3. Salience of the Fetus and Fetal Research Controversy



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Consistency or Change in Issue Dimensions of the Cultural War

Mack C. Shelley, II

Departments of Political Science and Statistics

Steven G. Koven

Department of Political Science

Iowa State University

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Abstract

Cultural issues such as "moral decline," school prayer, feminism, pornography, abortion, and homosexual rights represent political struggle over ideals and values in American society. Mass belief systems (attitudes on specific issues) undoubtedly will play a major role in defining the success or failure of forces locked in combat over the definition of America's cultural norms. This paper looks at trends in mass attitudes on "cultural issues," identified through investigation of data found in the National Opinion Research Center (NORC). The data analysis provides insight into the size, stability, and cohesion of attitudinal groupings in American society. Each of these factors will have great impact in terms of predicting implementation and political consequences of the cultural agenda.

Consistency or Change in Issue Dimensions of the Cultural War

> [Unless America returns to] her Christian roots ... she will continue to legalize sodomy, slaughter innocent babies, destroy the minds of her children, squander her resources and sink into oblivion.
>
> -- Rev. Pat Robertson

> There is a religious war going on.... We must take back our cities, and take back our culture, and take back our country.
>
> -- Patrick J. Buchanan

> Over the last three decades we have experienced substantial social regression. Today the forces of social decomposition are challenging--and in some instances, overtaking--the forces of social composition. And when decomposition takes hold, it exacts an enormous human cost.
>
> -- William J. Bennett

Introduction.

The broadcast and print media have widely hailed the dimensions of "cultural warfare," projecting visions of secular and nonsecular interests battling for dominance within the pluralistic American arena. An array of popular commentaries by, among others, Rush Limbaugh, Pat Robertson, William Bennett, George Will, Patrick J. Buchanan, have decried the drift toward what they revile as "secular humanism," countercultural lifestyles, and generally amoral behavior. "The 700 Club," a widely-watched television program hosted by Pat Robertson, is one of the more widely available mass media sources broadcasting conservative religious and cultural views. That telecast provides particularly explicit regular reference to the theme addressed in this paper, through a major continuing segment of programming supplying one-sided reporting on "scenes from the culture wars."

On the other side of the debate, analysts look with horror at the rise of the "religious Right" and its political agenda. Political ambitions like those of Pat Robertson's Christian Coalition and its allies are viewed with apprehension by those who believe that American "morality squads" would impose a strict religious orthodoxy on the nation. A recent mailing from the American Civil Liberties Union (ACLU, 1993), intended to stimulate its membership growth, provides a particularly stark picture of the intensity and breadth of the cultural struggle:

> Not until after the summer of 1992, when the Republican National Convention featured these hateful speeches of Pat Robertson and Pat Buchanan, did the media begin to pay attention to the re-emergence of a massively funded and dangerous political force. A force that is now threatening civil liberties in virtually every community in America and will continue to do so--with even greater intensity at the local level now that the White House opposes their agenda.
>
> However, here at the American Civil Liberties Union we had already been watching for some time--and with growing alarm--the deliberately quiet revival of the Christian Coalition, the well-funded heir to the more visible and flamboyant "Moral Majority" assembled by Rev. Jerry Falwell a decade ago.
>
> Unlike the old Moral Majority, this new right-wing movement tried carefully at first to avoid publicity. In the words of the Christian Coalition's executive director, "We're flying below radar."
>
> Why were they operating in such secrecy? Because their "stealth strategy called for an "invasion at the grassroots." Their goal? To elect "pro-family Christians," particularly at the state and local level where the ultimate outcome of key social issues--like the fight to protect freedom of expression against censorship, to keep church and state separate, to prevent discrimination against gay men and lesbians and to preserve reproductive rights--will be determined. Their method? To prey upon the fears of millions of people who are all too willing to believe that sacrificing personal liberty will help solve our nation's problems.
>
> In last fall's [1993] elections, for example, some 600 evangelical candidates were fielded by Robertson's Christian Coalition--and 40% of them won election to offices ranging from state legislatures to school boards! Robertson spent $13 million on telephone banks, church-based voter registration, and the distribution of 40 million so-called "Christian" voter guides. His Christian Coalition activists helped defeat Iowa's referendum on an Equal Rights Amendment and succeeded in making discrimination against gay men and lesbians legal in Colorado. And in May 1993, they invaded New York City, made an alliance with the Catholic Archdiocese, and attempted to take over 31 local school board elections, so they could impose their unconstitutional policies.

The political activism of Robertson's Christian Coalition is illustrative of tactics employed by the religious Right in their struggle against what is perceived to be a drift toward "secular humanism" in American society. Since politicians make policy, then it appears that one way to change policy is to elect representatives with the correct (Christian) values. Battle lines have been drawn over key issues, such as abortion, pornography, homosexuality, and school prayer. Other issues, ranging from creationism, the distribution of condoms, feminism, school choice, middle-class tax relief, the role of the Federal Reserve Board, and the role of the United Nations, also appear to be of

concern for the religious Right (Des Moines Register, 1992).

Conservative groups such as Pat Robertson's Christian Coalition, Phyllis Schlafly's Eagle Forum, the National Right to Life Committee, and Randall Terry's Operation Rescue engage in ideological debate with groups organized to foster a more open society, such as Norman Lear's People for the American Way, the National Organization for Women, the National Gay and Lesbian Task Force, Planned Parenthood, and the American Civil Liberties Union. The outcome of such debate is far from certain, and is likely to be influenced by factors such as the attitudes of voters on "moral issues," the stability or volatility of those attitudes, and the cohesion of that attitude structure.

Voter attitudes on moralistic "social" issues have consistently been cited for their political relevance, either as a "wedge" to break up traditional Democratic voting blocs or as a threat to the internal cohesion of Republicans who are attempting to coexist under the "big tent." Such linkages between religiously-grounded attitudes and politics is not new, even in the United States, which purports to have been founded on a strict separation between church and state. The moralistic issues of slavery and temperance, for example, have had a major impact on American politics. Similarly, moralism appears to be a major force in the world today. Religious fundamentalism appears to be an especially vibrant force, as evidenced by events such as the Iranian revolution, the rise of the religious Right in the United States, the militancy of Jewish settlers on the West Bank of the Jordan River, the communal riots that followed the Hindu-led destruction of a mosque in India, and the efforts of Croats and Serbs to cleanse Bosnia of Muslims. These events, and others, have led to speculation that religious fundamentalism represents the last great ideological upsurge of the 20th century (New York Times, 1993).

The role of religion in modern American society has been the subject of a substantial, and growing, social science literature. Wills (1990, pp. 15-16), for example, notes the inextricable interplay between politics and religious impulses:

> ... nothing has been more stable in our history, nothing less budgeable, than religious belief and practice. Religion does not shift or waver; the attention of its observers does. Public notice, like a restless spotlight, returns at intervals to believers' goings-on, finds them still going on, and, with expressions of astonishment or dread, declares that religion is undergoing some kind of "boom" or revival.... Revivalism does not need to be revived. Revival is, like respiration, the condition of its life.

Such a view is decidedly at odds with prevailing views of American society as steeped in pragmatism, optimism, and secularism (Commager, 1950; Hartz, 1955). The evangelical counterattack involves the belief that "secular humanists" are in fact imposing their own nontheistic religion upon society, and that it is the duty of evangelicals to rescue the Constitution from the establishment of irreligion (LaHaye, 1986). Wills (1990, p. 92) concludes that:

> Clearly, in our society, two large groups are talking past each other. One fails to see legitimacy in religious values not comprehended by the American Mind. The other fails to see legitimacy in irreligion: If secularity is really religious, then it is diabolic--a plot against God, not mere indifference to Him.

There is nothing particularly new nor novel in characterizing the American public as steeped in religious sentiments. Gallup and Castelli (1989) report, for example, that: (a) about 90% of Americans say they have never doubted the existence of God, (b) about 80% of Americans say that they believe they will be called to answer for their sins before God on Judgment Day, (c) about 80% of Americans believe that God still works miracles, (d) about 70% of Americans believe in life after death, (e) 37% of Americans believe in a personal devil, (f) about 50% of Americans believe in angels, (g) about 40% of Americans attend church in a typical week (compared to just 14% in Great Britain and 12% in France), (h) over 90% of Americans say that they pray at some time during an average week, (i) Americans rank very highly, trailing only Malta, in rating the importance of God in their lives, (j) 37% of Americans say they would be more likely to vote for a candidate who said that Jesus was his savior, and (k) 37% believe in the existence of the Devil. Greeley (1989) further attests to the lack of secularization within the mass public. Wills (1990, p. 25) asserts that: "[r]eligion has been at the center of our major political crises, which are always moral crises--the supporting and opposing of wars, of slavery, of corporate power, of civil rights, of sexual codes, of 'the West,' of American separatism and claims to empire."

This preoccupation throughout American history with religious precepts and practice carries over to politics and voting behavior. Kleppner (1970), in a study of voting patterns during the Populist era, found that religious styles were more predictive of voting behavior than were more traditional economic, class, regional, or other predictors. Gallup and Castelli (1989, pp. 227, 249) conclude: "Religious affiliation remains one of the most accurate, and least appreciated, political indicators available." Greeley (1989, p. 50) also notes that "strength of affiliation with either party does indeed correlate with strength of church-going propensity."

How religion might influence contemporary elections, public policy, values, norms, and American culture are questions of great interest. Such questions may not be able to be answered definitively at this moment, yet the analysis of attitudinal data will help, at least, to assess the odds for or against the acceptance and inculcation of specific value orientations. Controversy surrounding President Clinton's initial proposal and subsequent backtracking on the "gays in the military" issue, and his withdrawal of the Lani Guanier nomination as chief civil rights officer within the Department of Justice, perhaps are illustrative of the role of popular opinion in reining in policies that

may be perceived by some to be "out of the mainstream."

Modern Evangelism and Cultural Politics

The connection between religious fundamentalism and the body politic is far from new in the political history of the United States. Such associations have been commonplace. Religious themes appear to advance and recede over time, with spokespersons such as Pat Robertson, Jesse Jackson, Louis Farrakan, and Jerry Falwell being represented by corollary figures in the nation's past. Issues such as moral degeneration, the Vietnam war, social justice, prohibition, the abolition of slavery, and a host of others have seized the attention of ministers in the past. The values and ethics endorsed in American Protestantism, however, appear to have occupied the greatest share of space within the enunciation of the American ideal, and continue to predominate. Evangelical movements within Protestantism appear to represent the most vibrant force within the faith.

Marsden (1980, p. 6) refers to evangelical Protestantism as "the dominant force in American life" and as the "unofficial religious establishment" of politics during the nineteenth century. Wills (1990, p. 19) asserts that "[t]he mainstream of American religion has always been evangelical." The experiential emphasis of fundamentalism has been asserted to have played a major role in the spread of democratic values in American political history (Hatch, 1989). Experiential religion in America is said (Wills, 1989, p. 20) to be eclectic and difficult to compartmentalize, as it incorporates elements of revivalism, the literal interpretation of biblical text, and millennial aspiration for the Second Coming of Christ. It is noteworthy that the first national political party convention was conducted by the Antimasonic party, which rose to prominence as the institutionalized proponent of a strongly evangelical and populist aversion to Freemasonry as "an infidel society at war with true Christianity" (Richards, 1986, p. 43). The theological basis for early interpretations of the American (and, more broadly, New World) role in the firmament is emphasized by Wills (1990, p. 137):

> If Christianity began with "ultimists," so did America. Cotton Mather thought the early settlements on this continent could only be understood theologically, as a series of wonders and portents. He called the history of his country "Christ's Great Deeds in America," Magnalia Christi Americana. Modern fundamentalists are not going all the way back to early Christianity, without any intervening stops. They are going, in the first place, back to the foundation (fundamentals) of European government on this continent. To make even this shorter trip toward "basics" is to enter a world of signs and prophecies. It returns us to the terror and exaltation of people mounting above history to meet their Maker in the air--which is the spirit in which the settlers of America launched themselves toward the unknown.

To a certain extent, the growing assertiveness and visibility of evangelical movements, and their vocal opposition to what is perceived by many of that persuasion to be a drift by the nation toward moral decline, account for the scope and intensity of the cultural conflict that occurs in the United States today. Furthermore, it appears that growth in the ranks of evangelical movement is beginning to have political impacts which will play major roles in future elections at all levels of government. The linkage between contemporary evangelical forces and politics therefore warrants closer scrutiny.

The numerical scale of the definable evangelical component of the population of the United States is large, and the relevant numbers are of great and obvious political relevance. Gallup and Castelli (1989) found that evangelicals make up the largest number of self-identified Christians, and that fully 40% of adults refer to themselves as "born again." If "evangelicals" are defined as those who emphasize the personal experience of being saved, then they constitute (Gallup and Castelli, pp. 93-94) 57% of Baptists, 32% of Methodists, 29% of Lutherans, 27% of Presbyterians, 14% of the nation's Episcopalians, but just 1% of Mormons. In addition, African Americans are overrepresented among evangelicals. African-American respondents to a 1981 international Gallup survey scored the highest (9.04, out of a maximum of 10) in ranking the importance of God in their lives (Gallup and Castelli, 1989, pp. 122-123). Gallup and Castelli (1989) report that African Americans are more likely than other groups in the United States to read the Bible frequently, and are more likely to say they would invite others to attend their church. In addition to the massive presence of African-American evangelicals, increasing numbers of Hispanics are leaving the Catholic church in favor of more evangelical denominations (Gallup and Castelli, 1989). Greeley (1990, p. 120) estimates that approximately 60,000 Catholics of Hispanic origin are defecting each year to Protestant denominations.

Though they generally are also classifiable as evangelicals, fundamentalists place greater emphasis on preserving orthodox doctrine. Evangelicals who do not tend toward the fundamentalist impulse are more likely to accentuate the religious experiences of rebirth (revivalists), expressions and actions of holiness (perfectionists), or gifts of the Spirit (Pentecostalists) (Wills, 1990, p. 388). Although fundamentalists are less numerous than evangelicals, they may still constitute a potent 20% of the electorate (Greeley, 1989, p. 19) which may be ignored only at the potential political peril of parties or candidates that disregard their impact.

While evangelical Protestantism may have always been a major component of American history, of greater salience for the purposes of political research is the role that Protestantism may play in contemporary America and in the politics of the United States in the near future. The following questions, at a minimum, are of interest to political

scientists: How is the apparent upsurge in American fundamentalism in the United States during the last quarter of the twentieth century to be explained, how much political power can it muster, and how durable is the movement? According to Wills (1990), this apparent upsurge in evangelical groups' activity and visibility is attributable in part to elite disenchantment with religion. To the extent that it may have permeated media and scholarly debate (as manifested in the "God is dead" rhetoric) during the 1960s, such elite disenchantment may have tended to obscure the maintenance, and even the growth, of evangelical churches at a time when mainline denominations were indeed losing adherents (Gallup and Castelli, 1989). Wills (1990, p. 21) suggests that a social divide in attitudes toward the experiential relevance of religion then led to a counterattack from fundamentalist elements during the 1970s:

> An evaporation of belief toward the top of the socioeconomic scale occurs regularly in America. Doctrine thins out there--as among Unitarians early in the nineteenth century, or theological liberals early in the twentieth. This is seen as a betrayal of belief by those lower in the scale, who often compensate with a renewal of their own fervor--as the fundamentalists did in responding to theological liberals. Part of the evangelical "resurgence" of the 1970s was a matter of new voices being heard as the elite denominations fell silent on religion, learning to speak in more secular terms. The religious vote has been, increasingly, an evangelical vote, a fact that helps explain the tendency of recent presidents to proclaim themselves born again--Ford, Carter, Reagan, Bush.

It is tempting to add Clinton to Wills' list of recent presidents who have attempted either to exploit or dissipate the partisan slide of evangelical voters. Although he did not profess as clear a personal attachment as did his 1992 opponent to fundamentalist premises, his southern Baptist and comparatively humble family background certainly would have appeared to be more attractive than the patrician Episcopalian background of Bush to large segments of the evangelical electorate.

The predominantly Protestant orientation of contemporary political strains of American fundamentalism are evident from major changes in the denominational composition among religious conservatives in the latter half of the twentieth century. The most signal transformation has been changed perceptions among American Catholics, largely predicated on attitudes toward sexual practices. Greeley (1990, p. 97) found that twice as large a proportion among Catholics as among Protestants now are accepting of premarital sex, a complete reversal from earlier patterns. Gallup and Castelli (1989), among others, have shown that attitudes toward abortion among Catholics now differ little from the national norm. Fowler (1987) suggests that evangelicals came relatively late, after Catholics, to the issue of abortion, and that their current activism over the issue may be regarded as doing penance for their previous neglect of what now has become a galvanizing element among both "prochoice" and "prolife" elements in modern society. Gallup and Castelli (1989, p. 178) argue: "The backbone of the antiabortion movement comes increasingly from white evangelicals, not Catholics.... There may be no other issue that so clearly differentiates the views of white evangelical and white non-evangelical Protestants." Wills (1990:320) reports that evangelicals have now taken from Catholics the role of leadership in "prolife" activism.

The social and political role of women provides another flashpoint for mobilization of the conservative evangelical movement. Although they come to approximately the same conclusions regarding gender roles, traditional Catholics and evangelical Protestants arrive at that common perspective through different paths. Among Catholic authorities, the subsidiary role for women is an outgrowth in large part of conceiving of the traditional celibate male priest as the pinnacle of human commitment. Fundamentalists within the evangelical community rest their interpretations on biblical exegesis, centered on Pauline doctrine. The outcome, however, is the same:

> Both claim they want to protect women--by the suppression of pornography, by the rejection of any alternative to heterosexual and monogamous marriage except celibacy. But this protection often looks like sequestration, so that a prominent Catholic like Phyllis Schlafly and a prominent evangelical like Beverly LaHaye oppose feminism as a challenge to the home, where a woman should be enshrined (or imprisoned, according to one's view). The two fundamentalisms converge in their opposition to things like the Equal Rights Amendment (Wills, 1990, pp. 329-330).

The confluence of cross-denominational antifeminist reaction is made explicit in fundamentalist writing. For example, Allen and Allen (1985:25) praise both Catholic and militant evangelical Protestant action:

> We wish to join the sentiment of Concerned Women for America in rejecting the arrogance of such feminist groups as the National Organization for Women (NOW) in their presumptuous claims that they speak for the women of America. If for no other reason than to cry foul against an unfair tactic, traditionalists such as Beverly LaHaye, the president of Concerned Women for America and the wife of Moral Majority cofounder Tim LaHaye, and Phyllis Schlafly, the president of Eagle Forum and an outspoken foe of the women's movement, should be applauded. Millions of women (and men) are neither sympathetic to nor supportive of the goals of the secular feminist movement.

The heavy reliance on biblical textual guidance to justify the subordination of women is a staple of fundamentalist writings (Schaeffer, 1982; Allen and Allen, 1985; Ham and Taylor, 1988). Wood (1990) argues that the fundamentalist position regarding the role and duty of women parallels the biblical support that fundamentalists once found for 19th-century slavery. Wills (1990, pp. 332, 336-337) concludes that

> ... the fundamentalist view of creation is not simply a doctrinal nicety, or even a protest against social Darwinism in accord with [William Jennings] Bryan's position of the 1920s. It is also the basis of a social agenda deeply opposed to liberation from the patriarchical family. That is the context that makes it easier for evangelicals to see women's duty as preservation of the male seed in all cases....
>
> Refusal to abandon the celibate male priesthood has the same impact on Catholic reaction to women's rights as does the biblical fundamentalism about Paul's words to the Corinthians. Individuals can edge away from institutional restraints--Paul Jewett easing off from inerrancy, Catholics simply ignoring their bishops when they pontificate on sex. But this involves both groups in great friction within their own body and with their fellow citizens who take a different view of women's rights.

The potential electoral consequences of the contemporary evangelical movement are, of course, central to any analysis of the "culture wars." These consequences are particularly important at the level of national partisanship, with clear ramifications for the outcome of presidential, as well as of congressional, elections. A clear shift toward Republican affiliation within the evangelical community was evident during the 1980s. Himmelstein (1990) reports that the distribution of partisanship among evangelicals changed from 40% Democratic and 37% Republican, in 1980, to 45% Republican and just 29% Democratic, in 1984. Further, among the evangelical elite, ministers underwent a much stronger transformation, from only 29% Republican in 1980 to fully 66% Republican in 1984. Wills (1990, p. 388) attributes the upsurge in Republican support in 1984 to increased activism among those with prior evangelical leanings, and to a massive switch within that segment of the electorate from Democratic to Republican voting tendencies due to disenchantment with Carter and growing admiration for Reagan, particularly in the South, rather than to any growth in evangelicals' numerical strength.

One consequence of the heightened impact of evangelical faith on American politics is the emergence of a "cultural war," as manifested in attacks on pornography, homosexuality, abortion, the criticism of mainstream cultural icons such as rock music and television (Wills, 1990, p. 24). Wills (1990, pp. 24-25) interprets antiabortion and antipornography activism as parts of a battle for the preservation of family values and civilization: "The struggle for a nation's soul is under way, with the new millennialism as a kind of deadline set for all sides."

Wills (1990, p. 36) concludes that this battle suffuses the debate over social issues which confront the nation, and that appropriate leadership, particularly in the presidency, is imperative in order to provide the sort of moral leadership that is required to address those issues in terms understood by the evangelical component of the electorate. The intertwining of leadership with morality was evident during the 1988 presidential campaign, particularly regarding the flag-and-patriotism "wedge issue" used effectively by the Bush campaign against Democratic challenger Michael Dukakis. The tie to evangelical values is clear from the invocation to the Deity incorporated into the pledge of allegiance since 1954, an insertion that transforms an affirmation of nationhood into an affirmation of faith.

Even clearer is the version of the pledge that is used in at least some independent Christian schools, which begins with the invocation: "We pledge allegiance to the Christian flag, and to our Savior, for whom it stands..." (d'Antonio, 1989, p. 41). In the presence of Supreme Court rulings which have severely restricted Bible readings and daily prayer from public schools, this modified pledge has become one permissible remaining way to connect belief in God directly with national loyalty (Wills, 1990, p. 81). This tie-in was used to perfection by the Bush campaign in 1988, to help mobilize evangelical opposition to Dukakis' secularist perspectives on flag worship and separation of church and state. Similarly, Dukakis's membership in the American Civil Liberties Union became a flashpoint, mobilizing issue, attesting both to what evangelicals were likely to regard as his perceived allegiance to secular extremism and to their virtual siege mentality, in which it is common to regard groups such as the ACLU and its supporters as agents of a conspiracy to destroy everything that they hold quite literally sacred.

The linkage between religion and politics is evident at the grassroots organizational level in states such as Iowa, where the caucus process enables dedicated and committed activists to gain influence in the process. Kenneth Pins, of the Des Moines Register, stated:

> Conservative Christians are a powerful and growing force in the Republican Party--especially in Iowa with its wide-open party caucus process--and they are unlike most political forces that have come before. They now hold seven of the 17 seats on the State Central Committee, which controls the internal workings of the Republican Party of Iowa. They wrote the state platform and they held at least 40 or Iowa's 46 seats at the GOP National Convention. They are electing members to the Iowa Legislature and stepping up pressure on local school officials, and they are changing the terms of political discourse. Debates on the party platform now often center on interpretation of the Bible. They are well-positioned to deliver the 1996 Republican precinct caucuses in Iowa to a conservative of their liking. They also are driving moderates out of the Republican Party (Pins, 1992a, p. A1).

Fears that the religious Right will eviscerate the strength of the Republican party by driving out moderates has been expressed by leading Republicans. In 1992, U.S. Senators Nancy Kassebaum, Arlen Specter, and others formed the Republican Majority Coalition to "combat the religious right's effort to seize control of the Republican Party (Pins, 1992a). "Moderate" Republicans, such as congressman Jim Leach of Iowa, appear to be cognizant of the growing influence

of religious groups. Leach stated that "the moderate wing of the party has let the party down very dramatically," and that "new entrants are more disciplined, they are more organized and they are more committed" than party regulars (Yepsen, 1993). However, the fear that the religious Right will position the Republican Party in an extreme position, and as a result become inconsequential, has been refuted to some extent in the state of Iowa. Des Moines Register political columnist David Yepsen (1993) reported:

> It's getting difficult for Republican moderates to argue that the Iowa GOP has been hurt by the political activism of the evangelicals and conservative Catholics. In Iowa, the party won two hotly contested congressional races and took control of the Iowa House, in part because of the activism of these conservative Christians, who also mobilized to fight the state Equal Rights Amendment. These voters--often operating at the goading of Pat Robertson's Christian Coalition--are giving some new energy to the Republican Party, shifting it to the right and eroding the Democratic base. Moderate Republicans and liberal Democrats are left crying in their Cabernet.
>
> Evangelicals will continue to have an impact on Iowa politics. Many of the newly elected Iowa legislators are either evangelicals themselves or are conservatives who won their seats with the heavy backing of these voters. Some evangelicals are more interested in school board elections than anything else. Evangelicals and conservative Catholics were successful because their message is attracting a lot of people who don't go to church. A lot of plain, ordinary folks who pay their taxes, go to work every day and try to raise their kids correctly are fed up--repeat fed up--with drugs, messed-up schools, guns, gangs, crooked politicians and all the other rot that plagues our society.

When the Iowa Legislature approved a mandate (Human Growth and Development mandate), to make sure that students were armed with certain facts about sexuality, an organization named Free World Research was formed. The leader of the organization, Wayne Wolf, believed that some of the materials (developed by Planned Parenthood) were too graphic and inappropriate. The next issue of the monthly newsletter Iowa Report (distribution of approximately 10,000 copies) asserted that "U.S. Education Secretary Lamar Alexander is under the influence of New Age religious ideas," and called some of the Iowa Department of Education's plans "politically correct indoctrination" (Pins, 1992b). The attack on the Iowa public school system resurfaced in the 1992 Iowa Republican Party Platform, which called for the dismissal of the director of the Iowa Department of Education and for the dismantling of both the state and federal Departments of Education. The platform further stated:

> We oppose the promotion of secular humanism, 'political correctness,' New Age concepts, the PETA [People for the Ethical Treatment of Animals] philosophy, one-world government, situational ethics and the teaching of homosexuality as an acceptable life-style or behavior. We support repeal of Iowa's Global Education mandate, the Human Growth and Development mandate, and the American 2000 plan (Pins, 1992b).

Efforts on the part of conservative Catholic and evangelical Protestants to acquire political power have also been apparent in other areas of the nation, such as New York City, where elections to the local school boards and the replacement of Joseph A. Fernandez, former chancellor of the city school system, has been sources of major controversy and of national interest. The vote by the citywide Board of Education, by 4 to 3, not to renew Fernandez's contract was attributed, at least in part, to his allegedly having spent too much time on issues such as distributing condoms in schools and teaching respect for homosexuals (McKinley, Jr., 1993). Activism in the New York City school board races of May, 1993, by supporters of Pat Robertson's Christian Coalition, provoked a worried response on the part of individual citizens and liberal groups who were concerned that conservative candidates might tie up city school boards with initiatives like teaching creationism, restricting sex education, banning books, and instituting school prayer. As a result of these concerns, gay-rights advocates, liberal clergy, and some parents' and teachers' groups organized more aggressively than ever before to influence the local school board elections (Dillon, 1993).

Results of the New York City school board elections suggested that, while New York's volatile issues of condom distribution in schools and programs to teach sexual and racial tolerance had captured a great deal of media attention, it did not stimulate an outpouring of voter interest. More than 90% of the eligible voters chose to stay home on the day that 288 local school-board communities were up for vote. Furthermore, it appeared that, in the handful of communities, such as Jacksonville, Florida, where conservative Christians have won working majorities on local school boards, they have done little to alter the curriculum. Further inroads of conservative Christians have been blocked in San Diego, California, where, in 1990, they nearly won control of the 43 school boards in the metropolitan area. Only modest changes have been instituted in schools, yet rhetorical fires have been fanned, and the "battle for control of the nation's schools" will continue to be a focal point of the "cultural war." Woodward, Foote, and Tanner (1993, p. 62) reported:

> Though they may have aroused passions in only a few dozen local communities, right-wing Christian groups will continue to train local churchgoers in the politics of public education. Any why not? This is a democracy and they're entitled to compete for votes. But to date the contenders for the nation's schools are mostly talking tough, with national organizations on either side demonizing each other to raise funds--and sow fear in the populace.

Attitudes toward gays reflect deep divisions and diverse trends in American society. Elections in 1993 more than

doubled the number of openly gay officials in municipal offices, to about 120. A lesbian was elected to the high-profile position as a member of the Los Angeles City Council, and a gay man was elected to a city council seat in Dallas. In May of 1993, lesbian activist Roberta Achtenberg won confirmation as assistant secretary of fair housing and equal opportunity in the Department of Housing and Urban Development. Achtenberg was confirmed by a vote of 59-31, despite a floor fight led by Senator Jesse Helms (R-N.C.),who castigated the Senate for its decision to "install into the federal bureaucracy a militantly activist lesbian" (Des Moines Register, 1993).

Other signs exist of a growing acceptance of gays and gay lifestyles. In 1993, Hawaii's Supreme Court ruled that gay marriages in that state may be legal. Other state courts have expanded gay rights. Senator Edward Kennedy and Representative Henry Waxman planned to introduce a bill that would protect gays from discrimination by employers, landlords, hotels, restaurants, and other public places. Gays have support in Washington from groups such as the National Association for the Advancement of Colored People and the AFL-CIO. In 1992, voters in Oregon defeated a statewide ballot initiative declaring homosexuality "abnormal, wrong, unnatural, and perverse." A recent (1993) poll showed that 65% of respondents said they wanted to ensure equal rights for gay people (Shapiro, Cook, and Krackov, 1993).

While some trends appear to favor the expansion of gay rights, at the same time a number of countercurrents are evident. Colorado passed a more subtly phrased anti-gay ordinance than the Oregon version in 1992. Colorado-style measures are being promoted in 17 states and numerous cities for votes in 1993 and 1994. In New York City, an elementary-school curriculum was changed after parents and educators complained that it was propagandistic and inappropriate, since it was "value-blind" in teaching first-graders that gay families were essentially not different from traditional families. In 1992, there were 1,898 hate crimes reported against gays and lesbians in just five major cities. A 1993 pool found that 73% of respondents opposed same-sex marriages, 60% opposed legal partnerships for gay couples, 70% objected to letting gays adopt children, 52% opposed teaching about gay orientation in sex education classes in public schools, and 50% opposed extending civil-rights laws to cover homosexuals. Very large proportions of people who hold anti-gay views are said to feel "very strongly" about them (Shapiro, Cook, and Krackov, 1993).

It appears that a polarization of pro- and anti-gay views may be developing within the electorate. Such polarization is unlikely to produce compromise, and may further mobilize one group to defeat the other. Also, homosexuality is by no means the only issue in the cultural battlefield. Controversy over issues such as condom distribution, abortion, and feminism are indicative of the broader cultural debate and concern within American society. To a certain extent, insight into the expected outcomes of such controversies can be surmised from analysis of historical and existing attitude structures.

The linkage in the United States between voting preference and religion has been established in numerous studies (Wald and Shye, 1993; Stanley and Niemi, 1991; Strate et al., 1989; Cohen and Kapsis, 1977). In the Wald and Shye (1993, p. 11) study of electoral behavior in Israel, the authors concluded that religious involvement contributed significantly to political involvement. The greater the level of religious involvement, the greater the tendency to favor parties in the religious camp, the right-wing bloc, and Likud identification. Other recent studies have found support for the linkage between religion and political behavior (Kiecolt and Nelson, 1991; Jelen, 1991a, 1991b; Cornwall, 1989; Breault, 1989).

Peterson (1992) found that religion has clear political significance for individual voters in the United States, with greater involvement in church life associated with conservative views and politicization. A "spillover effect" of church participation was noted, as the increased church involvement was believed to contribute to the self-confidence necessary for participation in other areas of life such as politics. Wald (1989) noted that greater church involvement internalizes church doctrine, and that higher a level of social integration into the church was associated with a greater likelihood of voting for Reagan in 1980. Petrocik and Steeper (1987) further elaborated on this association, finding church attendance to be increasingly related to partisan identification since 1980. Regular churchgoers were discovered to have become steadily more Republican, with non-churchgoers remaining more heavily Democratic than Republican. It is recognized, however, by the authors that church attendance by itself may not have a great impact on partisan affiliation, since attendance may be a proxy for other factors such as traditional values and patriotism.

Region was found to affect the relationship between religion and political behavior. According to Kiecolt and Nelson (1991), white evangelicals outside the South were becoming steadily more Republican, yet such behavior was not replicated in the South. Older Democratic party loyalties in the South may account for this lack of consistency between areas. The size of the evangelical "bloc" (if indeed it votes as a bloc) is another area of controversy in the literature. Estimates vary widely, with some analysts (Smidt, 1987) contending that evangelicals represent a very large group of voters with distinctive political views, and others (Brudney and Copeland, 1984) contending that the "religious Right" constitutes only five to six percent of the population. It was observed, however, that evangelicals were more likely to vote, were more likely to be conservative than the rest of the population, and in the South were less likely to make voting choices based on standard political referents. In the South, young evangelicals differed from their older evangelical brethren in partisanship, in that they are more likely to be Republican, and therefore

seemed to represent an emergent new generation in voting behavior.

Althaus (1993, pp. 10-11) compared "born again" voters with others, and concluded that there was no significant difference between groups on party identification, policy issues, or presidential voting patterns. Choosing between the Democratic and Republican parties was viewed to be more closely related to policy and ideological positions than to a "moral or religious imperative." Single-dimensional studies, such as Althaus's (1993), are useful, yet do not provide the richness and intellectual completeness of a multiple-issue study. Such a study can assess the degree to which certain policy attitudes coalesce along a single dimension. Multidimensional analysis therefore can provide a richer understanding of whether or not a cohesive group of attitudes can be found. Furthermore, if such attitudes coalesce along a single dimension, one can explore the degree to which such a multidimensional grouping will remain intact, once noncultural economic variables are introduced. Such a study which assesses the durability of culturally-based alignments can provide insight into future outcomes of the "culture war."

Speculatively, a number of scenarios are possible, such as the "moral Right" splitting apart once class considerations are introduced. Skerry (1978) concluded, for example, that abortion attitudes represented a "class war" between social elites who were pro-choice, and pro-life advocates who were in the lower social strata. More cohesive grouping of both "moral conservatives" and "moral liberals" would suggest that polarization is more likely to have greater permanence and that compromise is less likely between two antagonistic perspectives. In such a scenario, one side is likely to emerge and dominate the "moral agenda." Luker (1984) identified competing worldviews among pro-life and pro-choice activists, with political conservatism linked to anti-abortion attitudes at both the elite (Guth, et al., 1993) and mass (Wilcox and Gomez, 1990) levels. If such competing worldviews extended to the broader cultural agenda, and if such views were durable predictors of voting behavior or of partisanship once controls were introduced, then a Downsian unidimensional distribution of voter attitudes from left to right would not be identified. The view of Scammon and Wattenberg (1970) that "the only extreme that is attractive to the large majority of American voters is the extreme center" can be disputed, if an increasingly bipolar distribution of attitudes can be found. The extent to which such attitudes determine voting after other considerations are introduced will, to a certain extent, predict the degree of cultural polarization and the outcomes of present "cultural warfare."

Attitude Dimensionality.

A central research problem to be addressed in this paper is the extent to which attitudes among the American mass public on matters of morality fall along multiple dimensions. The evidence from previous studies is mixed. Fleishman (1988, p. 159) found that "[s]ocial and political attitudes are organized along at least two uncorrelated dimensions: economic welfare policy, on the one hand, and individual liberty, on the other." Similarly, Converse (1964) argued that, owing to the absence of constraint in attitude formation within the mass public, specific attitudes do not reflect a single abstract liberal/conservative ideology. In contrast to Converse, other researchers have argued (e.g., Nie and Andersen, 1974; Nie, Verba, and Petrocik, 1976) that there is, or at least that there has developed over time, a greater degree of consistency in mass public attitudes. However, methodological debate regarding the role of question wording and format in this apparent increase in attitudinal constraint abounds (e.g., Bishop, Oldendick, and Tuchfarber, 1978; Sullivan, Pieresen, and Marcus, 1978) as to the validity of this conclusion.

The dominant theme of results from related statistical research on attitudinal construct suggests the presence of multiple dimensions. Luttbeg (1968) derived four factors among attitudes to ten local political issues. Stimson (1975) reported between two and four factors for subsamples, varying in cognitive sophistication, in a study of the 1972 American National Election Study (ANES). In a separate analysis of the same 1972 data, Kritzer (1978) obtained three factors for non-elite respondents. Knoke's (1979) confirmatory factor analysis of the 1972 ANES data derived three factors (economic, social, and racial), controlling for age, race, and socioeconomic status. Kerlinger's (1980) confirmatory factor analysis obtained two second-order factors of liberalism and conservatism, and, in seven of eight samples examined, found that a two-factor model yielded stronger results than did a single-dimension model.

Multidimensional results generally are consistent with theoretical expectations regarding attitude structure. For example, Lipset (1981) argued in favor of the presence of separate, but negatively correlated, economic and civil rights ideological dimensions, as a function of socioeconomic stratification. Rokeach (1973) proposed a two-dimensional model, involving freedom and equality. Kerlinger's (1967, 1972, 1984) criterial referents theory of social attitudes posits middle-level attitudinal categories, such as traditional conservatism (toward discipline, duty, and authority) and social welfare (toward socialized medicine, price controls, and labor unions), and two nearly uncorrelated higher-order dimensions of liberalism and conservatism. The absence in Kerlinger's results of strongly negative correlations between conservative attitude topics (religiosity, economic conservatism, traditional conservatism, and morality) and liberal attitude topics (sexual freedom/women's equality, social and economic equality, and social welfare) contradicts what should be observed if there were a single unidimensional, bipolar model of attitude structure (Fleishman, 1988, p. 162). In contrast, Judd and Mulburn's (1980) confirmatory factor analysis suggested that a single latent construct subsumed five issues, and Judd and Krosnick (1982) derived one second-order liberal/conservative dimension from five first-order factors.

In a general summary of much of the research on the dimensionality of attitude structure, Fleishman (1988, p. 162) notes:

> ...At least four viewpoints can be distinguished. According to the traditional viewpoint, political and social attitudes are unidimensional, ranging from liberal at one pole to conservative at the other. On the other hand, Converse (1964) suggested a basic absence of attitude organization, with the exception that vivid, concrete objects can organize subsets of attitudes. Kerlinger and Lipset both proposed a bidimensional structure. Whereas Kerlinger argued that the two dimensions of liberalism and conservatism are orthogonal, Lipset suggested that the two dimensions of government welfare programs and civil rights are negatively correlated.

Fleishman's (1988) own findings suggest the presence of twelve first-order factors: (1) government aid; (2) economic conservatism; (3) welfare spending; (4) urban spending; (5) sexual mores; (6) medical reasons for having an abortion; (7) social reasons, such as previous family size, for having an abortion; (8) racial discrimination; (9) defense; (10) free speech for atheists; (11) free speech for communists; and (12) free speech for homosexuals. Two second-order factors were derived: economic welfare, comprising the first four of the first-order factors; and individual liberty, which consists of the remaining eight first-order factors.

The Data.

We have chosen to use data from the composite General Social Survey (GSS) (Davis and Smith, 1992), rather than American National Election Study (ANES) or other data, for several reasons. First, GSS data are fully as representative as ANES data of noninstitutionalized, English-speaking adults 18 and over residing in the continental United States. Second, the number of respondents in the cumulative GSS data set is very large (over 27,000, for the 1971-1991 time series), thereby allowing a substantially more detailed analysis than might be possible for most other data sets. Third, the GSS data include a much wider array of political and social issues over an extended range of time than would be available from a comparable investigation of cumulative ANES data, thus permitting stronger tests of the dimensionality of attitude structure and changes in that structure.

In contrast to Fleishman's (1988) very wide-ranging inclusion of political and social attitude referents, we have more selectively drawn from the cumulative GSS pool of variables. Our goal is longitudinal, that is, to track changes over time, from the 1970s to the late 1980s, in attitude structure, rather than to examine in detail the nature of attitudes for any single year's worth of survey data. (Fleishman, for example, analyzed data in depth only from the 1984 GSS, with a less thorough supplementary study of the 1982 data). We have chosen to concentrate on attitudinal variables focused on lifestyle issues, such as abortion, homosexuality, pornography, and matters of religiosity. Attitudinal questions on other policy matters, including particularly economics and race, have been incorporated into the analysis, to provide a more global assessment of the degree to which "culture wars" issues constitute one or more distinctive constellations within the political firmament.

Findings from Factor Analysis.

An initial pass through the GSS data for 1976, 1980, 1984, and 1988 was made, making use of approximately 120 prospective indicators of "cultural" dimensions of attitude formation among the mass public. Many of those initial indicators did not load at an acceptable level (of .40 or greater) on one or more of the preliminary principal components derived for each year. Such variables were deleted from subsequent statistical analysis. Different sets of the remaining items loaded at the .40 level or greater on varying factors for each year. The relevant loadings, and factor locations, resulting from this initial analysis are presented in Table 1. Explanations of the variable labels are supplied in the Appendix. In this and all subsequent phases of statistical analysis, all variables have been standardized.

[Table 1 about here]

A few of the variables in Table 1 load ambiguously on more than one factor, using the unrotated loadings that are reported there. The number of derived factors varies somewhat from one year to another, and individual items load differently on those factors, but major elements of commonality are apparent. In particular, there is a consistent pattern of similar items loading on what could be called a "tolerance" dimension (Factor 1 for each year), subsuming acceptance of atheists, racists, communists, militarists, homosexuals, and certain elements of racial relationships and abortion attitudes. It is also worthy of note that abortion attitudes consistently fall along two distinctive, different dimensions, one focused on lifestyle choices (ABNOMORE, ABPOOR, and ABSINGLE) and the other focused on abortion as a rectification for problems not within the control of the prospective mother (ABDEFECT, ABHLTH, and ABRAPE). However, three of the abortion attitude measures load strongly on both dimensions.

Among other interesting findings from Table 1, it is also noteworthy that the connection (through the common Factor 1) of general tolerance items and attitudes toward general sexual conduct (XMARSEX, HOMOSEX, PORNMORL, and PORNRAPE) disappears in 1988; in fact, two of these items (XMARSEX and PORNMORL) disappear altogether from the loadings for 1988, and the two remaining sexual conduct measures that survive in 1988 are split between two different factors. It is also important to note that religious fundamentalism in adulthood (FUND) and recalled pre-adult fundamentalist

proclivities (FUND16) lay on a common factor (Factor 11) in both 1980 and 1988, but did not load at acceptable levels in either 1976 or 1984. In the subsequent regression analysis, then, fundamentalism is dealt with in statistical models for 1980 and 1988 as a composite factor; in models for 1976 and 1984, in contrast, fundamentalism is treated as a single-item variable, FUND.

Recognizing that different subsets of "cultural war"-related items were apparent from the preliminary principal components extraction of factors, a second-stage analysis was performed, using, for each year, only those items which had attained loadings of .40 or greater as shown in Table 1. The second-stage analysis employed maximum likelihood extraction of factors, followed by promax oblique rotation. This choice of methods has two consequences. First, maximum likelihood generally is preferable as a method for extracting factors. As compared to other alternative extraction methods, maximum likelihood extraction has desirable asymptotic properties and gives better estimates than other methods in large samples (Lawley and Maxwell, 1971; Bickel and Doksum, 1977). Also, maximum likelihood factor analysis does not require the assumption of multivariate normality, because it is equivalent of Rao's (1955) canonical factor solution and Howe's solution maximizing the determinant of the partial correlation matrix (Morrison, 1976).

Second, promax rotation is an oblique method for rotating initially extracted factors. This means that the resulting clusters of items, with loadings as shown in Table 2, are mutually intercorrelated, rather than statistically independent as would have been the case with an orthogonal rotation scheme (e.g., varimax). Oblique rotations often produce more useful patterns than do orthogonal rotations. However, a consequence of correlated factors is that there is no single unambiguous measure of the importance of a factor in explaining a variable. For this reason, it is common with oblique rotations to examine not only the pattern matrix of rotated factor scores, but also the reference structure of semipartial correlations adjusting for other factors and the factor structure of correlations ignoring other factors. Proportions of variance explained by each factor are shown for the weighted items.

[Tables 2a, 2b, 2c, and 2d about here]

The results presented in Table 2 may be summarized most usefully by defining the factors derived from the variables selected for each year, and searching for evidence of changes in such patterns. For 1976, as shown in Table 2a, Factor 1 constitutes a general tolerance dimension; Factor 2 incorporates all the abortion items; Factor 3 is perhaps best characterized as a general lifestyle dimension, concentrating on sexual conduct issues but also including marijuana use; Factor 4 represents life satisfaction; Factor 5 clearly addresses gun ownership; Factor 6 is primarily about tolerance for the teaching of unpopular views; Factor 7 subsumes free speech concerns; Factor 8 measures perceptions of racial propinquity; Factor 9 pertains to attitudes toward militarism; and Factor 10 deals narrowly with tolerance for homosexuals teaching in college. Of these, the strongest summaries of attitudes across all the relevant variables, as measured by the percentage of explained variance eliminating other factors, are Factors 2 (abortion), 1 (general tolerance), and 5 (gun ownership). In all, five different dimensions (Factors 1, 6, 7, 9, and 10) deal with various aspects of tolerance for unpopular views.

From Table 2b, it may be concluded that the ten factors produced for 1980 are as follows: Factor 1 is again a general tolerance dimension; Factor 2 is a general satisfaction dimension, like the corresponding Factor 4 in 1976; Factor 3 is a broader measure of gun ownership than the parallel Factor 5 in 1976; Factor 4 subsumes abortion attitudes centered around family structure; Factor 5 closely mirrors the corresponding Factor 3 from 1976 as a general lifestyle dimension; Factor 6 is a separate dimension of attitudes toward abortion, conditioned by considerations beyond the control of the pregnant woman; Factor 7 addresses confidence in governmental institutions and (far less strongly) business; Factor 8 subsumes current and preadult predilections toward religious fundamentalism; Factor 9 is essentially identical to Factor 7 in 1976, as a measure of tolerance for teaching unpopular views; and Factor 10 concerns tolerance for rights of homosexuals. Unlike the results for 1976, in 1980 there are three (as opposed to five) factors measuring aspects of tolerance toward disfavored groups, and a clearer focus on homosexuals' rights emerges. Furthermore, abortion attitudes are now bifurcated, a new institutional confidence dimension emerges, gun ownership becomes a more distinct and more broadly based dimension, and a distinctive fundamentalism dimension is evident. Separate dimensions that were apparent in 1976, on racial propinquity and militarism, disappear. Of the dimensions emerging in 1980, as measured by semipartial correlations, the strongest are gun ownership (Factor 3) and general tolerance (Factor 1).

In 1984, as summarized in Table 2c, a smaller number of attitudinal dimensions form than had been true in either 1976 or 1980. Factor 1, again, is a general tolerance dimension; Factor 2 mirrors Factor 4 from 1980, as a set of family structure-related attitudes toward abortion; Factor 3 is a general lifestyle dimension, but is focused more sharply on matters of pornography; Factor 4 is a general composite of life satisfaction variables; Factor 5, like Factor 6 in 1980, addresses circumstances beyond the control of the woman in abortion decisions; Factor 6 subsumes the gun ownership issues; Factor 7 is somewhat ambiguous, but is focused on tolerance for teaching racist values and much more weakly incorporates teaching by atheists and militarists; and Factor 8 continues the pattern established by Factor 10 in 1980 as a composite measure of homosexuals' rights. What makes the attitude structure of 1984 different from that of either 1976 or 1980 is principally is reduced dimensionality. What seems to have been lost in 1984, compared against 1980, is a general lifestyle dimension (which shifts more toward concern with the effects of pornography), as well as a separate confidence in institutions factor and a separate fundamentalism dimension. Of the eight factors

present in 1984, the strongest, as assessment by semipartial correlations, were family-structure attitudes toward abortion (Factor 2) and general tolerance (Factor 1). The essential changes in this pattern of strongest factors, compared to both 1976 and 1980, are the emergence of family structure-related abortion items as a singular concern and the disappearance of the gun ownership dimension.

Table 2d demonstrates the distribution of cultural variables for 1988. As in 1984, eight dimensions, rather than the ten dimensions in 1976 and 1980, are required to span the sample space. This provides some confirmatory evidence of reduced complexity over time in the distribution of attitude dimensions related to the "culture wars." For 1988, Factor 1 is, once again, a general tolerance dimension; Factor 2 deals essentially with tolerance of homosexuals' rights, but also incorporates (less strongly) elements of racial stereotyping (RACMAR, RACSEG); Factor 3 is the now-familiar set of family-structure attitudes toward abortion; Factor 4 clearly addresses matters of gun ownership; Factor 5 subsumes perceptions regarding abortion that are driven by conditions beyond control of the woman; Factor 6, as with Factor 8 in 1980, reflects fundamentalist tendencies in adulthood and adolescence; Factor 7 most strongly emphasizes views of the right of racists to teach in college, but also addresses (although much more weakly) free-speech rights of racists and the rights of atheists and militarists to teach college, much like Factor 7 for 1984; finally, Factor 8 is a general satisfaction dimension. As measured by semipartial correlations, the strongest factors in 1988 are fundamentalism (Factor 6) and gun ownership (Factor 4). What is perhaps most striking about the results for 1988 is the emergence of a separate fundamentalism dimension as the single strongest summary of overall cultural attitudes.

The "Culture Wars" Factors as Predictors and as Outcomes.

Of what consequence in American society and politics are these various and changing attitudinal dimensions that are associated with the "culture wars"? In the following analysis, we hypothesize a path analysis-like structure of equations in which we treat these factors (and other traits) as predictors of a major facet of political attitude formation--partisan identification--and then assess the predictors of the derived common factors. In this phase of the paper, our goal is to locate the role of the derived culture wars dimensions in the contemporary political universe of the United States.

The comparison of these cultural factors and other variables as predictors of partisan identification is summarized in Table 3. Variable labels are explained in the Appendix. The results of that analysis are shown for each of the four years--1976, 1980, 1984, and 1988--in hierarchical fashion for: (1) the full model, including both cultural dimensions relevant to each year and a common set of alternative predictors; (2) a reduced model containing only the culture wars dimensions as predictors; and (3) another reduced model incorporating as predictors all variables except the cultural dimensions. In this manner, we can evaluate the marginal and singular contributions of both sets of predictors. Factors 9 and 10 do not exist for 1984 and 1988, and so are omitted from the models for those years. The variable for adult fundamentalist tendencies (FUND) is included with the additional predictors for 1980 and 1988 because it did not load at an acceptable level in the first-stage principal components analyses for those years.

[Table 3 about here]

The most meaningful overall appraisal of Table 3 perhaps is provided by comparing the R-square values from each of the three sets of ordinary least squares regressions. Of the results for each of the four years, the models perform best (albeit not very well) in 1988. There is a somewhat quadratic upward trend in explanatory power over time for the full-model regressions and for the regressions utilizing non cultural factors. There is also a very modest, but more linear, upward trend in explanatory power for the cultural-factors-only reduced equations. Very clearly, the degree of predictive validity afforded by the cultural factors alone is very meager, explaining no better than five percent of total variation in party affiliation. Furthermore, there is virtually no increment in explanatory power for the full models, which include the cultural wars variables, beyond what can be explained by the other predictors. These patterns may also be seen in the model F values, which are larger for models with more predictive power relative to the number of predictor-variable degrees of freedom required to attain a given level of explained variance.

It is notable, however, that some of the cultural factors are statistically significant predictors. This is particularly the case when the effects of the other variables are removed. For the reduced models using only the "culture wars" composites as predictors of partisanship, the following pattern emerges. In 1976, the most significant factor was Factor 4 (life satisfaction), followed by Factor 7 (free speech), and, more marginally significant, Factors 2 (the omnibus abortion dimension) and 3 (sexual conduct and marijuana). The most highly significant composite predictors in 1980 were Factors 7 (confidence in institutions) and 8 (fundamentalism), followed by Factor 2 (satisfaction), and, more weakly, Factors 1 (general tolerance) and 10 (homosexual rights). For 1984, the predominant composite predictors were Factors 1 (general tolerance), 3 (lifestyle concerns, emphasizing pornography), and 4 (life satisfaction). In 1988, the predominant dimension was Factor 8 (life satisfaction), followed by Factor 6 (fundamentalism), and, more weakly, Factors 1 (general tolerance) and 3 (family structure-based attitudes toward abortion). It is also important to note that, among the other predictors, the separate variables measuring adult fundamentalist predilections are significant for the years (1976 and 1984) that this item does not load on a cultural dimension. In this sense, fundamentalism, as either part of a composite variable or as a separate measure, always is

a significant predictor of partisanship. Of the non-factor predictors, the most consistently and strongly significant predictors of party identification are, approximately in the following order, race, region (SOUTH), self-identified ideology (POLVIEWS), social class, and both Protestant and Jewish religious affiliation.

The remaining portion of the path analysis treats the separate "cultural wars" factors for each year as dependent upon the set of other predictors, which are taken to be exogenous to the relevant equations. The results of these models are summarized in Table 4. In general, compared against the findings summarized in Table 3, the attitudinal constructs contained in the factors for each year are predicted with greater success than those same factors were able to predict variation in partisanship. There is, however, an enormous range in predictive validity for the models shown in Table 4, with values of R-square as low as .04 and as high as .41.

[Tables 4a, 4b, 4c, and 4d about here]

Many of the predictors employed in the regression results shown in Table 4 are significant indicators of "cultural wars" constructs. Measured by the relative frequency and the level of confidence with which each variable is significant across the years that are studied here, the ten most regularly important predictors of our derived attitudinal dimensions are, roughly in descending order: intensity of religious preference (INTENSTY), educational attainment (EDUC), political ideology (POLVIEWS), family income (REALINC), size of place in which a respondent lives (XNORCSIZ), Protestant denominational affiliation (PROT), respondents' age (AGE), Catholic denominational affiliation (CATH), respondents' race (RACE), and degree of fundamentalism of respondents' religion (FUND) for the two years for which it is included as a separate predictor and not incorporated into one of the attitudinal dimensions. Jewish affiliation, in contrast to both Protestant and Catholic denominational attachments, is much less commonly significant. Signs on the significant predictors are generally in the expected direction.

There is an intriguing pattern of generally lower R-squared values over time in the results presented in Table 4. This pattern is reinforced by a diminishing proportion of significant predictors, and even more clearly by a reduction in the level of confidence with which it can be concluded that the predictors are significant. This finding seems to be consistent with what would be expected from arguments of secular dealignment, and appear to be indicative of a political system which is losing its continuity and predictability as new forces, such as evangelical or fundamentalist elements, enter into the arena and bring with them a different sense of how the game is to be played and for what purposes it is played.

Do our data show that fundamentalists, however defined, are indeed on the increase within the American body politic? Some important evidence on this score is provided in Table 5, which summarizes the relative frequency distributions from 1976 to 1988 for six variables: partisan attachment (PARTYID), the degree of fundamentalism of respondents' religious predilections (FUND), frequency of attendance at religious services (ATTEND), intensity with which religious preferences are held (INTENSTY), degree of fundamentalism present in respondents' upbringing (FUND16), and religious denomination (RELIG).

[Table 5 about here]

Based on the GSS data, over this time, party affiliations were characterized by modest but nearly monotonic change in favor of the Republican party. Similarly, there is a monotonic and noticeable increase in attachments to fundamentalist religious attachments, from 28.8% in 1976 to 35.4% in 1988. However, that pattern was nearly counterbalanced by a somewhat less marked, and decidedly less regular, growth in the proportion of respondents with attachments to liberal religious proclivities. There is a pronounced and steady fall in the proportion who were identified with moderate religious attachments. Although there does seem to be some confirmatory evidence in these results for the reputed mobilization of fundamentalist strength, that trend is partially offset by a growth in liberal religious attachments that would have to be assumed to be contrary to the fundamentalist upsurge on policy and doctrinal grounds. However, it should be noted that the proportion with fundamentalist inclinations always is substantially greater than the proportion with liberal tendencies. Of even greater relevance for the political and policy implications of changing religious inclinations, the proportions of fundamentalists and moderates were nearly equal in 1988, with the proportion of liberals far behind each of the other two categories. Very comparable results are evident for self-reports of religious upbringing (FUND16). These data clearly are suggestive of a pattern of increased polarization along religious attitude structures, as the proportion of moderates has declined over time.

Patterns of attendance at religious services shown in Table 5 are not very clear. The average rate of attendance seems to have increased between 1976 and 1984, but to have declined again in 1988. A rather comparable pattern is demonstrated for the intensity of religious beliefs, which became on average much stronger between 1980 and 1984, but then returned virtually to 1976 levels in 1988. Finally, general denominational affiliations have remained generally quite steady from 1976 to 1988. Certainly, the distributions for the RELIG variable over time do not suggest that any changes in attitudinal patterns that we have discussed could be explained simply by net changes in the denominational distribution. In fact, the data suggest that the Protestant denomination, which is the aggregate grouping that is most clearly associated in much of the relevant literature with a greater propensity for religious fundamentalism and political conservatism, may have suffered a modest net loss of its proportionate strength in 1988 over earlier years.

Discussion.

Mass beliefs undoubtedly will play a major role in defining the success or failure of the forces locked in combat in the battle over defining American cultural norms. A number of important questions can be raised as this "cultural war" continues to unfold: (1) Is there a definable "morality-oriented" population in the United States? (2) How large is this group? (3) Is this group cohesive on a multitude of cultural issues, or does it coalesce only around specific concerns? (4) Have attitudes toward morality changed appreciably within the mass public in recent years, and, if so, what manifestations of such a change are evident?

To a large extent, questions of size, cohesiveness, and longitudinal trends are purely empirical propositions. Evidence of the scope, stability, and longitudinal dimensions of carefully selected attitudinal variables can be quite helpful in making inferences about future directions in the current "culture war." This paper has explored attitudinal data in an effort to explicate the evidence regarding evolution of the American kulturkampf. Mass attitudes compiled over time by the National Opinion Research Center (NORC) are particularly useful in the effort to provide answers to some of these questions.

Our findings generally are consistent with the conclusion that our derived "culture wars" attitude clusters are comparatively much less important to the determination of partisan identification than are more traditional socio-demographic measures. However, religious fundamentalism was a significant predictor of partisanship in each year. The prediction of these cultural dimensions was far more successful. In that set of equations, the intensity with which respondents reported holding religious views played a major role, together with levels of educational attainment, Protestant and Catholic denominational affiliations, and a number of other explanatory variables.

Are the "culture wars" real? Yes, based on our examination of General Social Survey data over the time span of 1976-1988 using a wide array of potential indicators of that conflict. Yet, our findings are conditioned heavily by the unavailability of certain relevant variables on a regular basis over time regarding religious practices, women's rights, and other matters that clearly are related to the concept of "culture wars."

Do "culture wars" considerations play a major role in the processes of attitude formation within the United States? Again, the answer is "yes." However, the complexities of the interplay among the various "culture wars" attitudinal dimensions, and the relationships of those dimensions with other, primarily socio-demographic, variables, as well as with religious denomination, the intensity with which religious views are held, and such overtly political manifestations as partisanship or voting behavior, require further study. A potentially profitable framework with which to guide that future research is suggested by the results and procedures employed here.

In particular, the following considerations seem worthy of further research. First, the political, and cultural, implications of the evident polarization of the American mass public into increasingly robust "fundamentalist" and "liberal" camps seems of signal importance. Second, the fact that this evident polarization has occurred at a time of relative stability in the denominational mix of American religious preferences makes it fairly apparent that we are dealing with a real shift, or diversity, of values, and not merely an artifactual shift of denominational label. Third, the political relevance of the GSS variable measuring the intensity of religious commitment is crucial, as its prominent role as a predictor of cultural dimensions strongly denotes the importance of "depth of commitment" over and above the usual distinction among fundamentalist, moderate, and liberal persuasions. Fourth, the general inability of our models to predict party identification successfully as a function of derived cultural dimensions deserves further development. This may reflect a dealignment phenomenon, or it may, more simply, reflect the diversity of relatively more "liberal" and relatively more "fundamentalist" views within both of the major parties.

Finally, the wide disparity in the ability of our models to predict individual-level variation in scores on the derived cultural dimensions, despite the persistent statistical significance of certain predictors, demonstrates at a minimum that there are vastly different stories to be written about the different components of the "culture wars." The best predictions, reflecting R-square values of .30 or above, were for Factors 1 (general tolerance) and 3 (general lifestyle) in 1976, Factors 1 (general tolerance), 5 (general lifestyle), and 8 (fundamentalism) in 1980, Factors 1 (general tolerance) and 3 (general lifestyle) in 1984, and only Factor 6 (fundamentalism) in 1988. These results have in common the finding that the best predictions are obtained, fairly consistently, for general tolerance and lifestyle, and for fundamentalism (when it does not load onto one of the derived factors). However, the inability by 1988 to produce strong models for predicting general tolerance (and, to a lesser degree, also general lifestyle) suggests that a major change may be underway in the relationship between culturally-driven attitudes and the usual predictors of political cognition and behavior. This may imply that alternative predictors are needed, or it may imply that major changes are underway in the interplay among society, culture, and politics in the United States at the turn of the millennium. Further research along these, and related, lines clearly is in order.

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Table 1. Principal Components Loadings, with Factor Locations, for Items Included in Initial Analysis (minimum loadings of .40 are shown) [see appendix for explanations of variable names]

Variable	1976	1980	1984	1988
NATCRIME	.40 7			
NATDRUG	.40 7			
NATRACE		.40 3		.41 6
SPKATH	.68 1	.66 1	.64 1	.64 1
COLATH	.66 1	.66 1	.63 1	.63 1
LIBATH	-.69 1	-.71 1	-.69 1	.66 1
SPKRAC	.57 1	.54 1	.50 1	.46 1
COLRAC	.51 1	.49 1	.45 1	.41 1
LIBRAC	-.60 1	-.62 1	-.53 1	-.52 1
SPKCOM	.71 1	.68 1	-.69 1	.69 1
COLCOM	-.57 1	-.60 1	-.61 1	-.59 1
LIBCOM	-.70 1	-.75 1	-.72 1	-.69 1
SPKMIL	.61 1	.63 1	.59 1	.63 1
COLMIL	.58 1	.60 1	.58 1	.60 1
LIBMIL	-.64 1	-.69 1	-.65 1	-.64 1
SPKHOMO	.69 1	.68 1	.64 1	.66 1
COLHOMO	.69 1	.67 1	.66 1	.65 1
LIBHOMO	-.69 1	-.74 1	-.70 1	-.67 1
GRASS	.51 1	.44 1	.41 1	
FUND		.42 11		.40 9
ATTEND				.41 3
FUND16		.42 11		.42 9
RACMAR	-.57 1	-.49 1	-.48 1	-.48 1
RACSEG	-.46 1		-.41 1	.40 1
RACCLOS	.50 12	-.41 10		
		.47 11		
RACDIS	.52 12	.47 1		
HAPPY	.51 2	.49 2	.53 2	.48 2
LIFE		.43 2		
HELPFUL		.41 2		
TRUST	.41 2	.41 2		
SATCITY	.48 2	.48 2	.44 2	.41 2
SATHOBBY	.41 2	.44 2	.44 2	
SATFAM	.42 2	.43 2	.45 2	
SATFRND	.44 2	.46 2	.51 2	.42 2
				.40 10
SATHEALT			.40 2	.41 2
CONBUS		.44 2	.40 2	.47 2
CONFED		.49 3	.42 2	.41 2
CONTV	.42 4		.42 4	
CONJUDGE	.43 4	.48 3		
CONLEGIS	.42 4	.50 3		.46 4
ANOMIA5	-.43 2			
ANOMIA6			-.44 2	
JOBINC		-.45 10	.41 12	
JOBHOUR	-.45 11			
JOBMEANS				-.40 10
SATFIN	.48 2	.44 2	.44 2	.42 2
FINRELA		-.41 2		
ABDEFECT	.40 3	.58 4	.47 4	.56 3
ABNOMORE	.49 1	.44 1	.53 1	.47 1
	.43 3	.52 4		.51 3
ABHLTH		.49 4	.43 4	.44 3
ABPOOR	.47 1	.42 1	.45 1	.43 1
	.43 3	.57 4	.45 4	.50 3
ABRAPE	.43 3	.56 4	.49 4	.54 3
ABSINGLE	.45 1	.44 1	.49 1	.43 1
	.46 3	.54 4	.43 4	.53 3
XMARSEX	-.43 1	-.41 1	-.40 1	
HOMOSEX	-.57 1	-.54 1	-.55 1	-.53 1
PORNMORL	-.51 1	-.48 1	-.43 1	
PORNRAPE	-.51 1	-.51 1	-.47 1	.41 7
PORNLAW	-.47 1	-.49 1	-.45 1	
POLHITOK	.48 8			
POLESCAP	.44 8			
POLATTAK	.40 8			
OWNGUN	.43 3		.59 3	
	.53 6	.58 5		-.49 4
				.46 5
PISTOL		.45 5	.46 3	
SHOTGUN	.44 6	.54 5	.48 3	-.40 4
				.42 5
RIFLE		.51 5	.48 3	-.45 4
	.47 6			.41 5

Table 2a. Maximum Likelihood Extraction and Promax Rotation of Selected GSS Variables, 1976

Rotated Factor Pattern (Standardized Regression Coefficients)

	FACTOR1	FACTOR2	FACTOR3	FACTOR4	FACTOR5	FACTOR6	FACTOR7	FACTOR8	FACTOR9	FACTOR10
NATCRIME	-0.00252	0.00938	0.06944	0.01875	0.01686	-0.01305	-0.00634	0.02938	-0.05261	0.14417
NATDRUG	0.03379	-0.01307	0.05679	-0.02198	0.01515	-0.02027	-0.00783	-0.00233	-0.06442	0.12675
SPKATH	-0.34469	0.00180	-0.08391	0.00307	-0.01713	0.04666	0.47096	0.01167	-0.00923	-0.10924
COLATH	-0.20872	-0.02078	-0.18010	0.01019	-0.00746	0.39496	-0.04524	0.02127	0.23842	0.07820
LIBATH	0.84210	0.00147	0.06759	-0.00168	-0.00767	-0.03203	0.04735	0.00924	0.09121	0.05730
SPKRAC	-0.12371	-0.03309	-0.02429	-0.00812	-0.00012	0.35254	0.65340	-0.00243	-0.04099	-0.33852
COLRAC	0.03151	0.01847	0.03650	0.01875	0.00031	0.79230	0.15781	0.01647	0.15235	-0.06186
LIBRAC	0.70940	0.01005	-0.02234	-0.01003	-0.01349	-0.20334	-0.07210	-0.00545	0.11946	0.18665
SPKCOM	-0.41767	0.02750	-0.11112	0.01312	-0.00061	-0.07489	0.31599	0.03557	0.10218	-0.02064
COLCOM	0.32177	0.01128	0.16449	-0.03531	0.01114	-0.17593	0.16371	-0.01433	-0.25059	-0.05583
LIBCOM	0.90012	0.02533	-0.01737	-0.01974	0.00885	0.05703	0.05161	-0.01802	0.00556	-0.00370
SPKMIL	-0.19581	0.02091	0.04594	-0.01809	-0.01005	-0.08814	0.39007	-0.01172	0.64193	-0.37760
COLMIL	-0.12029	0.01930	0.02146	-0.03314	0.00117	0.29057	-0.12398	-0.02874	0.82035	-0.13747
LIBMIL	0.73229	0.00664	-0.04464	0.02900	-0.02995	0.13979	0.02272	0.03151	-0.32640	0.17334
SPKHOMO	-0.21494	0.01074	-0.03885	-0.01018	0.03179	-0.01891	0.59046	-0.02594	-0.01834	0.31555
COLHOMO	-0.21485	0.02485	-0.08239	-0.01527	0.00612	0.14545	0.26619	-0.02234	0.02859	0.48529
LIBHOMO	0.67658	0.02006	-0.01310	0.03815	-0.02988	0.02315	-0.12875	0.02355	0.02965	-0.23314
GRASS	-0.09941	0.10152	-0.40076	-0.02512	-0.05497	-0.00321	0.03356	0.02599	-0.01822	0.01694
RACMAR	0.32601	0.00897	0.17287	-0.07582	0.04602	0.08322	-0.16337	-0.07078	-0.00921	-0.02686
RACSEG	0.21232	0.08780	0.22389	-0.11128	0.01973	0.08191	-0.10256	-0.10682	-0.04994	-0.01269
RACCLOS	-0.00955	-0.03673	0.02253	-0.00039	0.01776	0.01783	0.02322	0.71152	-0.01722	0.01799
RACDIS	-0.01819	0.01839	0.01115	-0.04169	-0.01951	0.01272	-0.03188	0.73815	-0.03361	0.07040
HAPPY	0.02227	-0.02511	0.00013	0.53108	0.04323	0.06236	0.01012	0.02533	0.00652	0.00798
TRUST	-0.12084	0.09151	0.03626	0.27205	0.00200	-0.02103	0.08543	-0.05810	-0.09445	0.03493
SATCITY	0.01123	-0.02773	0.09221	0.51316	-0.02562	0.02256	-0.02197	-0.08980	-0.04490	0.01605
SATHOBBY	-0.06803	0.03778	-0.04671	0.55004	0.01321	-0.00477	-0.00058	0.03350	0.02725	-0.01929
SATFAM	0.04896	-0.03593	-0.04883	0.58765	-0.00256	-0.03342	0.00119	0.01731	0.05467	0.00855
SATFRND	0.03526	0.03436	-0.00612	0.63646	-0.00844	0.01535	-0.02080	0.03656	0.05461	0.00930
CONTV	0.05230	0.06566	-0.03101	-0.00516	-0.02434	-0.01439	-0.03692	-0.02098	0.02646	-0.01397
CONJUDGE	-0.13920	0.00926	-0.08649	0.08130	-0.05622	0.04062	-0.01698	-0.07729	-0.07121	0.03932
CONLEGIS	-0.02460	-0.04038	0.04476	0.12967	-0.04492	0.07475	-0.03805	-0.05965	-0.02723	0.04488
ANOMIA5	0.18991	-0.05936	0.00822	-0.26903	0.00918	0.00667	-0.10718	0.05436	0.06509	-0.00010
JOBHOUR	0.00771	0.04287	-0.01879	-0.07548	-0.01729	0.03770	-0.02282	0.04516	0.04733	-0.01734
SATFIN	-0.05975	-0.01224	0.04049	0.34821	0.00213	-0.01065	0.01625	-0.01072	-0.06390	-0.07009
ABDEFECT	0.03698	0.44505	-0.01083	-0.00723	0.03975	-0.00756	0.03267	-0.03178	0.03369	0.03830
ABNOMORE	-0.01954	0.84592	-0.02212	-0.01740	0.01448	0.00223	0.00046	0.03147	0.00620	0.00759
ABPOOR	-0.01304	0.87915	-0.00690	0.03143	-0.01358	-0.00068	-0.03060	0.00655	0.01307	-0.02234
ABRAPE	0.00952	0.50688	0.01965	0.02852	0.03867	0.01722	0.03675	-0.02253	-0.01977	0.02840
ABSINGLE	0.02778	0.86918	-0.02968	0.00728	-0.01946	0.00451	-0.01203	0.00449	0.00302	-0.02787
XMARSEX	0.06090	-0.14861	0.42941	0.13657	0.05416	-0.01026	-0.00026	0.01805	0.07050	0.04350
HOMOSEX	0.16094	-0.08925	0.40469	0.02512	0.04868	0.02678	-0.01750	0.03497	-0.07779	-0.00659
PORNMORL	0.00164	0.00195	0.84191	-0.00874	-0.02545	0.02515	0.03586	0.02001	0.01479	0.19506
PORNRAPE	0.02014	0.05059	0.81386	-0.04948	-0.04988	-0.00535	-0.01683	0.04996	0.04590	0.18874
PORNLAW	0.09074	-0.01587	0.51656	0.08225	-0.01693	-0.01172	0.02991	-0.03684	-0.01423	0.03075
POLHITOK	-0.09558	0.07939	0.07391	0.12559	0.09647	0.00359	0.13790	0.00824	-0.06985	0.02676
POLESCAP	-0.06053	0.08170	0.12051	0.09225	0.07993	-0.00153	0.05235	0.00629	-0.07404	0.03057
POLATTAK	-0.03495	0.01955	0.07652	0.04315	0.10529	-0.02083	0.12183	-0.00216	-0.04789	0.02906
OWNGUN	0.02399	0.00655	-0.03622	-0.01204	0.90756	-0.00294	0.04447	0.02342	-0.00746	0.03516
SHOTGUN	-0.01031	0.01704	0.02165	0.01267	0.77395	0.00034	0.00839	-0.02457	0.01703	0.03249

Reference Structure (Semipartial Correlations)
Variance explained by each factor eliminating other factors

	FACTOR1	FACTOR2	FACTOR3	FACTOR4	FACTOR5	FACTOR6	FACTOR7	FACTOR8	FACTOR9	FACTOR10
Weighted	6.185116	8.153907	2.605577	2.770840	5.547276	3.282939	3.300826	2.263748	4.020677	2.307778
	15.3%	20.2%	6.4%	6.9%	13.7%	8.1%	8.2%	5.6%	9.9%	5.7%
Unweighted	2.206539	2.275429	1.348690	1.894738	1.410826	0.937027	0.986384	1.074018	0.954830	0.670117

Factor Structure (Correlations)
Variance explained by each factor ignoring other factors

	FACTOR1	FACTOR2	FACTOR3	FACTOR4	FACTOR5	FACTOR6	FACTOR7	FACTOR8	FACTOR9	FACTOR10
Weighted	21.773617	13.778539	14.430765	3.094804	6.116908	9.385137	14.813562	2.766027	13.445353	5.403362
	20.7%	13.1%	13.7%	2.9%	5.8%	8.9%	14.1%	2.6%	12.8%	5.1%
Unweighted	7.562640	4.232338	5.591803	2.067348	1.648654	2.996655	4.841063	1.282656	4.061317	1.723660

Table 2b. Maximum Likelihood Extraction and Promax Rotation of Selected GSS Variables, 1980

Rotated Factor Pattern (Standardized Regression Coefficients)

	FACTOR1	FACTOR2	FACTOR3	FACTOR4	FACTOR5	FACTOR6	FACTOR7	FACTOR8	FACTOR9	FACTOR10
NATRACE	-0.01478	-0.08718	-0.08472	-0.01302	-0.12217	-0.03207	0.11795	0.07660	-0.08545	0.13322
SPKATH	-0.64011	0.01482	0.03536	-0.03761	-0.00592	0.02274	-0.00389	-0.03168	0.12892	-0.01417
COLATH	-0.34332	-0.03391	0.02476	0.01679	-0.14110	-0.02900	0.03590	-0.03125	0.41606	0.10486
LIBATH	0.76588	0.01229	-0.02840	-0.02399	0.04803	-0.01487	-0.00255	0.03214	0.05728	0.06852
SPKRAC	-0.50318	0.02800	0.00307	-0.02102	0.03580	0.01757	-0.02794	0.01250	0.38653	-0.09196
COLRAC	-0.28150	0.00137	-0.00746	-0.00608	0.06975	0.03398	-0.01885	0.00301	0.73676	-0.01805
LIBRAC	0.74488	-0.00441	-0.00099	0.04238	-0.03560	-0.07241	0.05517	-0.00841	-0.11827	0.15145
SPKCOM	-0.68667	0.01405	-0.00076	-0.01184	0.00152	-0.03380	0.02770	-0.02001	0.02752	0.05000
COLCOM	0.44244	-0.01678	0.03046	-0.05665	0.04629	0.08796	0.01478	-0.04852	-0.19523	-0.15474
LIBCOM	0.86379	-0.00255	0.00299	-0.01060	-0.00374	-0.00022	0.01989	-0.00956	0.11876	0.00349
SPKMIL	-0.63692	0.00612	-0.02029	-0.01835	0.00547	-0.03878	0.05537	0.01208	0.10632	0.01155
COLMIL	-0.40887	-0.02772	-0.02886	0.03255	-0.04197	-0.06017	0.06038	0.03086	0.34666	0.10392
LIBMIL	0.82263	0.01691	0.00739	-0.04289	-0.03087	0.01665	-0.00899	-0.04340	0.08087	0.03202
SPKHOMO	-0.43699	0.03448	0.00849	-0.03971	0.03254	0.04993	-0.03598	-0.03272	-0.05612	0.52550
COLHOMO	-0.25031	-0.00515	0.02875	-0.01466	0.01252	0.03738	0.00387	-0.01088	0.07950	0.71609
LIBHOMO	0.62170	-0.00008	-0.01277	0.02967	0.03467	-0.02893	0.03939	-0.02098	0.13267	-0.35681
GRASS	-0.11873	-0.02036	-0.03892	0.06936	-0.31586	0.00196	-0.04419	0.00167	-0.01277	0.06990
FUND	0.00198	0.02613	0.00578	-0.06278	-0.00092	0.04238	0.01614	0.84852	0.01945	-0.01586
FUND16	-0.00583	-0.04996	0.01808	0.06707	-0.04023	-0.01481	0.00170	0.78777	-0.01125	0.00586
RACMAR	0.30913	0.00250	0.07773	-0.05675	0.11624	0.09549	-0.03053	0.02696	0.06987	-0.15733
RACCLOS	0.00432	-0.02474	-0.08469	-0.04293	-0.11240	0.06204	-0.03101	0.05422	-0.01883	-0.00733
RACDIS	-0.01892	-0.09606	-0.08971	-0.04967	-0.11715	0.04384	0.00354	0.06906	-0.01871	-0.01333
HAPPY	-0.00214	0.52558	-0.03095	0.00660	0.04771	0.00710	-0.01631	0.04547	0.03549	-0.04635
LIFE	-0.09751	0.45287	-0.01218	-0.00139	-0.10482	-0.02416	0.05642	-0.01888	-0.04425	-0.06063
HELPFUL	-0.07583	0.32943	0.02155	-0.04151	0.03686	0.04988	0.12092	-0.03877	-0.03982	0.02889
TRUST	-0.11860	0.29656	0.05837	0.01785	0.03937	0.02057	0.11724	-0.07716	-0.04128	0.03208
SATCITY	0.07650	0.55531	-0.03392	0.04735	0.02137	-0.01927	0.02236	0.04662	-0.00641	-0.00193
SATHOBBY	-0.01249	0.53857	0.01352	-0.01749	-0.05829	0.00931	-0.06990	-0.00070	0.00242	0.04699
SATFAM	0.08072	0.57556	-0.00038	-0.01161	0.03574	-0.02136	-0.04147	0.06586	0.03849	0.05321
SATFRND	0.05563	0.58403	0.01074	0.01527	0.03313	-0.03136	-0.00358	0.03483	0.00099	0.06556
CONBUS	-0.05233	0.21295	-0.01745	0.02051	0.06361	0.05945	0.32817	-0.05722	-0.00608	-0.02971
CONFED	0.01087	0.01164	-0.01864	0.01414	0.04127	-0.00608	0.62993	0.06143	0.00916	0.00611
CONJUDGE	0.01614	0.02033	-0.01050	-0.04278	-0.08723	0.03322	0.56997	-0.02974	0.04942	0.00787
CONLEGIS	-0.00524	-0.01304	0.02289	0.00911	0.02477	-0.03160	0.69036	0.01669	-0.05181	-0.00029
JOBINC	0.03202	-0.13096	0.09098	0.03791	-0.11561	-0.00530	0.01750	0.06081	-0.01780	-0.03968
SATFIN	0.06571	0.34887	0.00759	0.03363	0.00528	-0.00812	0.01420	-0.07930	-0.02007	-0.11848
FINRELA	0.10460	-0.30493	-0.03013	0.01748	0.12247	-0.04849	0.02699	0.08620	-0.03243	0.10915
ABDEFECT	0.04653	-0.01521	0.00985	0.04995	-0.01941	0.78734	-0.00612	-0.01223	-0.01058	0.05469
ABNOMORE	-0.03002	0.01946	0.01859	0.86924	0.01196	0.00411	-0.01189	0.03027	-0.01020	0.01130
ABHLTH	-0.00124	0.01714	-0.02389	-0.03430	-0.00784	0.76834	0.01014	0.06443	0.00724	0.02063
ABPOOR	0.00189	0.00615	0.02762	0.83462	-0.02351	0.05109	-0.01085	0.00523	-0.00094	-0.03193
ABRAPE	0.02755	-0.00720	-0.01179	0.18132	-0.01525	0.57588	0.01823	-0.03711	0.02773	-0.01669
ABSINGLE	-0.02290	0.00650	-0.01011	0.82137	0.00794	0.05146	0.01351	-0.02031	0.01109	-0.02069
XMARSEX	0.05334	0.08004	0.08694	-0.12887	0.34796	-0.01963	0.00150	0.02294	-0.01280	-0.01692
HOMOSEX	0.11549	-0.00707	0.03882	-0.10236	0.29717	-0.00112	0.00577	0.06106	-0.04964	-0.17800
PORNMORL	0.00554	-0.03595	-0.02884	0.05754	0.83595	0.01126	0.00431	-0.00338	0.01722	0.06614
PORNRAPE	0.15277	-0.08316	-0.02748	0.03638	0.63934	-0.00559	0.00797	-0.02623	0.04925	0.03261
PORNLAW	0.16552	0.08868	-0.03635	-0.03685	0.40729	-0.04353	-0.03822	-0.02021	-0.03308	-0.02771
OWNGUN	0.03010	-0.02791	0.95336	0.01212	0.02575	-0.02383	0.01410	-0.00407	0.01117	0.02255
PISTOL	-0.08195	0.02240	0.58026	0.07994	0.03734	-0.04376	-0.06553	0.06329	-0.06271	-0.02950
SHOTGUN	0.03414	0.01741	0.70104	-0.03562	-0.04075	0.01096	-0.01219	0.01125	-0.00807	0.00885
RIFLE	0.03069	-0.00275	0.70038	-0.03090	0.00291	0.03689	0.04288	-0.02944	0.03853	0.00934

Reference Structure (Semipartial Correlations)
Variance explained by each factor eliminating other factors

	FACTOR1	FACTOR2	FACTOR3	FACTOR4	FACTOR5	FACTOR6	FACTOR7	FACTOR8	FACTOR9	FACTOR10
Weighted	8.649126	2.815653	10.432524	5.634861	2.434312	2.990240	2.181568	3.831779	2.743215	2.687571
	19.5%	6.3%	23.5%	12.7%	5.5%	6.7%	4.9%	8.6%	6.2%	6.1%
Unweighted	3.650377	2.024208	2.092666	1.487912	1.208766	1.216480	1.294086	1.218658	1.037627	0.836071

Factor Structure (Correlations)
Variance explained by each factor ignoring other factors

	FACTOR1	FACTOR2	FACTOR3	FACTOR4	FACTOR5	FACTOR6	FACTOR7	FACTOR8	FACTOR9	FACTOR10
Weighted	19.372889	3.748323	11.777310	12.749389	9.794453	7.368998	2.698462	7.243538	5.789197	9.883080
	21.4%	4.1%	13.0%	14.1%	10.8%	8.1%	3.0%	8.0%	6.4%	10.9%
Unweighted	7.977298	2.510358	2.531392	3.971807	4.288232	2.684915	1.567895	2.478739	2.352308	3.645999

Table 2c. Maximum Likelihood Extraction and Rotation of Selected GSS Variables, 1984

Rotated Factor Pattern (Standardized Regression Coeficientfs)

	FACTOR1	FACTOR2	FACTOR3	FACTOR4	FACTOR5	FACTOR6	FACTOR7	FACTOR8
SPKATH	-0.59209	0.01039	0.10982	0.00890	0.02223	0.06505	-0.00909	0.24481
COLATH	-0.21140	0.02117	-0.14984	-0.00220	-0.08646	-0.02727	0.38342	0.23059
LIBATH	0.74911	0.02301	0.06337	0.00776	-0.04763	0.01182	0.01549	0.05187
SPKRAC	-0.45743	0.02162	0.15206	-0.00635	0.04569	0.05466	0.37279	-0.02724
COLRAC	-0.06979	-0.03539	0.00357	0.03231	0.02208	-0.01396	0.88548	-0.03556
LIBRAC	0.68280	0.01477	-0.03564	-0.00945	-0.05192	0.00096	-0.21367	0.25075
SPKCOM	-0.66301	0.00101	0.04044	0.03190	-0.00078	0.02827	-0.06391	0.20851
COLCOM	0.34974	-0.02271	0.15521	0.02397	0.07672	0.01883	-0.16414	-0.14867
LIBCOM	0.87242	0.00201	0.08717	0.00809	0.01478	0.01836	0.12476	0.07645
SPKMIL	-0.56444	0.05222	0.04350	0.03839	-0.04830	-0.01689	0.03444	0.11104
COLMIL	-0.26167	0.00171	-0.14887	0.00077	-0.07682	-0.03670	0.36287	0.11090
LIBMIL	0.75265	0.00545	0.09480	0.01832	0.02650	0.00619	-0.00104	0.11372
SPKHOMO	-0.33565	-0.04320	0.08730	-0.01413	0.08018	0.07260	-0.06101	0.68324
COLHOMO	-0.14104	-0.00680	-0.08607	-0.01350	0.03446	0.01017	0.10330	0.64645
LIBHOMO	0.57785	-0.00789	0.03028	0.00416	-0.06489	0.04447	0.04143	-0.24390
GRASS	-0.03687	0.09791	-0.32114	-0.05737	0.04289	0.00304	0.01514	0.06647
RACMAR	0.24762	-0.01500	0.21842	-0.06639	0.09793	0.13377	0.09378	-0.17314
RACSEG	0.16960	0.01999	0.24237	-0.05810	0.12045	0.10194	0.11121	-0.19008
HAPPY	-0.04003	-0.03070	0.05785	0.49711	-0.05264	0.00315	-0.01360	0.02063
SATCITY	0.05221	-0.01619	0.12096	0.46968	0.04996	0.00765	0.02692	-0.00984
SATHOBBY	0.01756	0.06787	-0.05153	0.59433	0.00568	0.03070	0.01146	-0.01482
SATFAM	0.03263	-0.01255	-0.02385	0.62384	-0.01705	-0.02360	-0.02691	-0.04835
SATFRND	0.04571	0.01247	0.01284	0.69156	0.03800	-0.03692	0.03047	-0.00807
SATHEALT	-0.02068	-0.01771	-0.06662	0.48452	0.04797	0.02926	-0.03660	0.05684
CONBUS	-0.04143	-0.00319	0.02434	0.22497	0.07845	0.01547	-0.00580	0.05328
CONFED	-0.04411	-0.01131	0.04235	0.20467	-0.01980	-0.06203	0.02662	-0.05695
CONTV	0.13873	-0.02744	-0.03976	0.04710	0.11606	-0.05652	-0.01954	0.03386
ANOMIA6	0.16743	0.02861	0.11018	-0.30823	0.08935	-0.05715	-0.01664	-0.02712
JOBINC	0.06260	0.10420	-0.11345	-0.11050	0.01028	-0.01048	-0.05652	-0.05216
SATFIN	-0.02309	0.00822	0.07449	0.34031	0.01388	0.03064	0.03829	-0.02465
ABDEFECT	0.03541	0.05721	-0.04060	0.00022	0.73984	0.01253	-0.00105	0.08161
ABNOMORE	-0.05414	0.86650	-0.02633	0.02754	-0.00858	0.02300	-0.00376	-0.00537
ABHLTH	-0.02850	-0.06978	-0.00477	-0.01051	0.73664	-0.02503	0.00439	0.04338
ABPOOR	0.01572	0.85958	0.01204	-0.01758	0.03861	-0.00505	-0.02887	0.00652
ABRAPE	0.02711	0.14584	-0.08538	0.06670	0.62854	-0.04207	-0.00714	-0.05556
ABSINGLE	-0.03396	0.89699	-0.00512	-0.00969	0.00765	0.00558	0.00454	-0.04478
XMARSEX	0.04532	-0.11396	0.32943	0.11679	-0.02302	-0.00225	-0.00494	-0.03412
HOMOSEX	0.04200	-0.10772	0.36457	-0.01138	-0.05101	0.08097	-0.06317	-0.14396
PORNMORL	-0.00028	0.04036	0.71246	0.02448	-0.04112	-0.07511	0.04405	0.06581
PORNRAPE	0.08659	0.05371	0.62687	-0.04434	-0.01937	-0.05262	-0.00105	0.08196
PORNLAW	0.00734	-0.00380	0.50877	0.05259	-0.10763	-0.05192	-0.06579	-0.01335
PISTOL	0.00928	0.01336	-0.03584	-0.01804	-0.01289	0.57454	-0.03335	0.04875
SHOTGUN	-0.01803	0.01705	0.00642	0.04254	-0.02994	0.71365	-0.00182	-0.01167
RIFLE	0.01632	-0.01118	-0.06029	0.00462	-0.03052	0.69440	0.00566	0.02776

Reference Structure (Semipartial Correlations)

Variance explained by each factor eliminating other factors

	FACTOR1	FACTOR2	FACTOR3	FACTOR4	FACTOR5	FACTOR6	FACTOR7	FACTOR8
Weighted	6.392023	7.063075	1.877418	3.335104	2.648792	2.399813	4.289706	2.482995
	21.9%	23.2%	6.2%	10.9%	8.7%	7.9%	14.1%	8.1%
Unweighted	2.784362	1.534980	1.158496	2.194595	1.183097	1.303596	1.106664	0.961953

Factor Structure (Correlations)

Variance explained by each factor ignoring other factors

	FACTOR1	FACTOR2	FACTOR3	FACTOR4	FACTOR5	FACTOR6	FACTOR7	FACTOR8
Weighted	16.778311	15.053435	10.570447	3.572091	7.241097	2.822970	8.974074	9.692432
	22.5%	6.8%	14.1%	4.8%	9.7%	3.8%	12.0%	13.0%
Unweighted	7.165874	4.239530	4.802643	2.344669	2.628843	1.539103	3.036282	4.029462

Table 2d. Maximum Likelihood Extraction and Promax Rotation of Selected GSS Variables, 1988

Rotated Factor Pattern (Standardized Regression Coefficients)

	FACTOR1	FACTOR2	FACTOR3	FACTOR4	FACTOR5	FACTOR6	FACTOR7	FACTOR8
NATRACE	0.04724	0.21638	0.01094	-0.03815	-0.00027	-0.00529	-0.02907	-0.02644
SPKATH	-0.38347	0.30003	-0.04044	0.00445	0.08706	0.02008	0.07349	-0.02072
COLATH	-0.21765	0.24770	0.02302	0.00558	-0.02613	-0.00917	0.42331	0.00284
LIBATH	0.70699	-0.02247	0.02288	0.01907	-0.09186	0.00781	0.04752	0.02177
SPKRAC	-0.36129	-0.07500	0.00475	0.00089	0.03195	0.05135	0.41559	-0.03206
COLRAC	-0.06070	-0.09999	-0.03036	-0.00539	-0.00357	0.00725	0.94407	0.00972
LIBRAC	0.69265	0.25093	0.03526	-0.00487	-0.06835	0.02038	-0.19122	0.00849
SPKCOM	-0.54929	0.25354	0.04895	0.04865	-0.03689	0.01344	-0.01233	0.03142
COLCOM	0.45514	-0.14057	-0.04589	0.01756	0.06068	0.00794	-0.09232	-0.00869
LIBCOM	0.83514	-0.02807	-0.01462	-0.00453	0.04044	-0.00848	0.12151	-0.00794
SPKMIL	-0.54067	0.16310	0.00980	0.04128	-0.03781	0.01480	0.06632	0.04033
COLMIL	-0.34797	0.13051	0.05262	0.00003	-0.06852	-0.02354	0.33341	0.02753
LIBMIL	0.86587	0.07528	0.02054	0.01763	0.02878	-0.00408	0.07602	0.01563
SPKHOMO	-0.09154	0.74316	0.00256	0.01949	0.02761	-0.00541	-0.02359	-0.02876
COLHOMO	-0.02442	0.70483	-0.03144	-0.00689	0.06585	-0.03425	0.11118	-0.02502
LIBHOMO	0.41413	-0.41884	0.03440	0.05391	-0.03072	0.01506	0.04260	0.04933
FUND	0.00919	0.00717	0.01328	-0.00489	0.00392	0.97282	0.02875	0.01176
ATTEND	-0.02214	-0.01029	0.07027	0.02438	0.17949	-0.21817	0.00351	-0.27541
FUND16	-0.01632	-0.01673	0.00834	0.01636	0.01608	0.64480	-0.00275	-0.07415
RACMAR	0.12541	-0.48198	-0.00269	0.02095	0.01648	-0.03191	0.07778	-0.00608
RACSEG	0.07271	-0.48073	0.01999	-0.00902	0.04380	-0.05059	0.08951	-0.06477
HAPPY	-0.03825	-0.01173	-0.02409	0.05465	-0.02419	-0.02078	0.00344	0.44305
SATCITY	-0.01846	-0.03162	-0.00161	-0.02107	0.00702	0.01388	-0.02516	0.41337
SATFRND	-0.07846	-0.04936	-0.00916	0.00394	0.00888	-0.05392	-0.01185	0.47355
SATHEALT	-0.01546	0.03420	0.02719	-0.01455	0.04918	0.00621	0.00245	0.48619
CONBUS	-0.04064	0.02070	-0.00633	0.02269	0.05138	-0.00825	-0.03114	0.36446
CONFED	0.09235	0.05191	-0.03285	-0.05505	0.05586	0.01836	0.01108	0.33494
CONLEGIS	0.11712	0.11045	-0.00914	-0.04981	0.04993	0.03417	0.01412	0.30730
JOBMEANS	0.00311	0.27374	0.02768	0.07229	-0.06913	-0.05302	-0.01093	0.11312
SATFIN	0.03534	-0.02315	0.05181	0.04592	-0.06007	-0.08492	0.06042	0.34419
ABDEFECT	-0.00050	-0.04805	0.07661	-0.00128	0.78895	-0.01705	0.01376	0.01779
ABNOMORE	-0.01966	0.01846	0.86851	0.01915	0.00864	0.01147	-0.01207	-0.02527
ABHLTH	-0.00897	0.05394	-0.05876	0.02653	0.70875	0.02960	-0.01923	0.02900
ABPOOR	-0.00400	-0.01571	0.84906	-0.02812	0.03904	0.01012	-0.01891	-0.01175
ABRAPE	0.00533	-0.02477	0.08847	-0.00527	0.70342	0.00355	-0.00946	0.04146
ABSINGLE	0.01389	-0.01395	0.88043	0.01854	0.02001	0.01073	0.00302	0.03169
HOMOSEX	0.12394	-0.21471	-0.25685	0.08383	-0.00406	0.08383	-0.04541	-0.01499
PORNRAPE	0.04896	-0.05564	-0.05753	-0.02998	-0.02115	0.08234	-0.03853	0.03492
OWNGUN	0.03499	0.03034	-0.00038	0.94031	0.01023	0.02503	-0.00956	-0.02523
SHOTGUN	-0.03578	-0.08945	0.01323	0.74093	0.02044	0.01073	-0.01428	0.01053
RIFLE	-0.00311	0.04488	-0.01401	0.77484	-0.00656	-0.03082	0.01866	0.00580

Reference Structure (Semipartial Correlations)
Variance explained by each factor eliminating other factors

	FACTOR1	FACTOR2	FACTOR3	FACTOR4	FACTOR5	FACTOR6	FACTOR7	FACTOR8
Weighted	5.142990	2.964782	6.695154	9.304739	3.069759	13.548472	6.849245	1.705535
	10.4%	6.0%	13.6%	18.9%	6.2%	27.5%	13.9%	3.5%
Unweighted	2.319689	1.394159	1.619304	1.944299	1.265157	1.314758	1.223297	1.366472

Factor Structure (Correlations)
Variance explained by each factor ignoring other factors

	FACTOR1	FACTOR2	FACTOR3	FACTOR4	FACTOR5	FACTOR6	FACTOR7	FACTOR8
Weighted	14.892412	11.435647	13.511964	10.085940	8.086570	16.339564	11.063529	1.967180
	17.0%	13.1%	15.5%	11.5%	9.3%	18.7%	12.7%	2.3%
Unweighted	6.320276	4.968303	3.669229	2.188323	2.797011	2.015300	2.849047	1.461515

Table 3. Comparison of Cultural Factors and Other Variables as Predictors of Partisan Identification (PARTYID), 1976, 1980, 1984, 1988

	1976	1980	1984	1988	1976	1980	1984	1988	1976	1980	1984	1988
Parameter	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate	Estimate
INTERCEPT	-2.07***	-0.04	-1.31**	-0.92	2.42***	2.59***	2.62***	2.74***	-2.16***	-0.19	-1.66***	-1.09*
FACTOR1	0.02	0.08	0.13	0.10	0.08	0.14*	0.29***	0.17*	----	----	----	----
FACTOR2	-0.02	-0.02	-0.08	0.07	-0.14*	-0.17**	-0.12	0.08	----	----	----	----
FACTOR3	0.03	-0.04	-0.20*	0.08	-0.17*	-0.09	-0.28***	0.14*	----	----	----	----
FACTOR4	-0.02	0.05	-0.13*	0.05	-0.20***	0.06	-0.30***	-0.07	----	----	----	----
FACTOR5	0.01	-0.03	0.07	0.10	-0.05	-0.11	0.00	0.09	----	----	----	----
FACTOR6	0.03	-0.01	0.01	0.06	-0.02	-0.08	-0.12	0.15**	----	----	----	----
FACTOR7	-0.14*	0.16**	-0.04	-0.08	-0.20**	0.22***	-0.05	-0.09	----	----	----	----
FACTOR8	0.01	0.16*	0.17*	-0.21**	0.07	0.22***	0.13	-0.43***	----	----	----	----
FACTOR9	-0.02	0.03	----	----	0.04	0.01	----	----	----	----	----	----
FACTOR10	0.01	0.11	----	----	0.06	0.17*	----	----	----	----	----	----
PRESTIGE	0.01	-0.00	-0.01	0.01*	----	----	----	----	0.01*	-0.00	-0.01	0.01*
MARITAL	0.10**	0.05	-0.01	0.06	----	----	----	----	0.09**	0.05	-0.02	0.05
CHILDS	-0.02	-0.05	0.00	-0.09**	----	----	----	----	-0.02	-0.06	0.00	-0.08*
AGE	0.01	0.00	-0.01*	-0.00	----	----	----	----	0.01	0.00	-0.00	-0.00
EDUC	0.04*	0.03	0.07***	0.01	----	----	----	----	0.05**	0.03	0.07***	0.02
SEX	0.09	-0.09	0.09	0.17	----	----	----	----	0.08	-0.07	0.05	0.19
RACE	0.66***	1.20***	0.94***	1.15***	----	----	----	----	0.65***	1.36***	1.01***	1.21***
HOMPOP	0.01	0.04	-0.03	0.07	----	----	----	----	0.00	0.04	-0.02	0.07
SOUTH	-0.17	-0.20	-0.37***	-0.28**	----	----	----	----	-0.19	-0.26*	-0.36***	-0.27**
XNORCSI	0.05***	-0.00	-0.00	0.04*	----	----	----	----	0.05**	0.01	0.00	0.04*
POLVIEWS	0.27***	0.19***	0.36***	0.37***	----	----	----	----	0.26***	0.20***	0.38***	0.38***
FUND	0.25**	----	0.18*	----	----	----	----	----	0.28***	----	0.17*	----
INTENSTY	-0.01	-0.05	0.09	-0.06	----	----	----	----	-0.01	-0.04	0.04	-0.13*
CLASS	0.20*	0.08	0.26**	0.19*	----	----	----	----	0.21*	0.09	0.28***	0.23**
REALINC	0.00	0.00	0.00	0.00	----	----	----	----	0.00	0.00*	0.00	0.00
PROT	0.51**	0.25	0.48*	0.12	----	----	----	----	0.50**	0.13	0.55**	0.14
CATH	-0.13	-0.22	-0.20	-0.19	----	----	----	----	-0.13	-0.32	-0.17	-0.15
JEWISH	-1.10**	-0.94**	-0.14	-1.51***	----	----	----	----	-1.08**	-0.91*	-0.23	-1.48***
N	1499	1468	1473	1481	1499	1468	1473	1481	1499	1468	1473	1481
F Value	9.34	6.67	12.52	15.65	4.38	6.08	8.75	9.20	14.08	9.51	16.63	21.41
Pr > F	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001
R-Square	0.15	0.11	0.18	0.21	0.03	0.04	0.05	0.05	0.15	0.10	0.17	0.20
Root MSE	1.73	1.78	1.80	1.80	1.84	1.84	1.94	1.97	1.73	1.79	1.81	1.81

* significant at $p < .05$
** significant at $p < .01$
*** significant at $p < .001$

Table 4a. Prediction Equations for Cultural Factors, 1976

Variable	FACTOR1	FACTOR2	FACTOR3	FACTOR4	FACTOR5	FACTOR6	FACTOR7	FACTOR8	FACTOR9	FACTOR10
INTERCEPT	-0.35	0.86***	0.56**	1.28***	0.41	-0.10	0.42*	-0.39	-0.94***	-0.39
PRESTIGE	0.01***	-0.00	0.01**	-0.00	0.00	-0.00*	-0.00	-0.00	-0.01**	-0.00
MARITAL	0.03*	-0.00	0.04**	0.10***	0.10***	-0.01	0.02	-0.02	-0.00	0.01
CHILDS	-0.00	0.01	0.00	0.00	0.01	0.01	-0.00	-0.01	0.01	-0.00
AGE	-0.02***	0.00*	-0.02***	-0.00	0.00	0.01***	0.01***	0.00**	0.01***	0.00**
EDUC	0.04***	-0.03**	0.03***	-0.04***	0.00	-0.00	-0.06***	0.01	-0.02*	-0.02**
SEX	0.04	0.01	0.10**	0.03	-0.14**	-0.12**	0.02	0.01	0.12**	0.06
RACE	-0.13	-0.07	-0.36***	-0.38***	-0.16*	-0.05	0.02	-0.10	0.26**	0.25**
HOMPOP	-0.05***	0.05**	-0.04**	0.02	-0.04*	0.03	0.03	0.01	0.05**	0.02
SOUTH	-0.19***	0.06	-0.02	0.07	-0.20***	0.06	0.09	0.03	0.11*	0.08
XNORCSIZ	-0.02**	0.03***	-0.02***	-0.03***	-0.07***	0.00	0.03***	0.05***	0.01	0.01
POLVIEWS	-0.07***	0.04*	-0.14***	-0.00	-0.02	0.05**	0.05**	0.05**	0.10***	0.09***
FUND	0.19***	-0.21***	0.15***	-0.02	0.03	-0.08*	-0.14***	-0.06	-0.07	-0.06
INTENSTY	0.09***	-0.27***	0.17***	0.12***	0.01	-0.06*	-0.05*	-0.02	-0.01	-0.08**
CLASS	0.08*	-0.07	-0.00	-0.16***	0.03	-0.09*	-0.00	0.03	-0.00	0.04
REALINC	0.00***	-0.00*	0.00***	-0.00***	-0.00*	-0.00	-0.00***	0.00*	-0.00***	-0.00
PROT	-0.02	-0.13	-0.29***	-0.29***	-0.08	0.15	0.01	-0.21*	0.15	0.03
CATH	-0.03	0.38***	-0.24**	-0.22*	0.13	0.16	-0.04	-0.17	0.20*	-0.01
JEWISH	0.04	-0.14	0.05	-0.06	0.22	0.37*	-0.09	-0.36*	0.12	-0.38*
N	1499	1499	1499	1499	1499	1499	1499	1499	1499	1499
F Value	41.35	24.71	54.43	19.79	17.16	10.52	26.95	5.90	20.18	9.12
Pr > F	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001
R-Square	0.33	0.23	0.40	0.19	0.17	0.11	0.25	0.07	0.20	0.10
Root MSE	0.79	0.84	0.71	0.78	0.85	0.84	0.80	0.81	0.83	0.82

Table 4b. Prediction Equations for Cultural Factors, 1980

Variable	FACTOR1	FACTOR2	FACTOR3	FACTOR4	FACTOR5	FACTOR6	FACTOR7	FACTOR8	FACTOR9	FACTOR10
INTERCEPT	-0.37	2.18***	0.76***	0.31	0.72***	0.58**	0.23	-0.61***	0.11	-0.62**
PRESTIGE	0.00*	-0.00	-0.00*	-0.00	0.00	0.00	-0.00	0.00**	-0.00	-0.00
MARITAL	0.01	0.05**	0.09***	-0.02	0.05***	0.03*	-0.04*	0.02	-0.01	-0.00
CHILDS	0.03	0.02	0.04*	0.04**	-0.00	0.02	-0.02	-0.02	-0.02	-0.00
AGE	-0.01***	-0.01**	0.00*	-0.00	-0.01***	0.00	-0.00	0.01***	0.00**	0.01***
EDUC	0.10***	-0.04***	0.03***	-0.04***	0.04***	-0.04***	-0.01	0.04***	-0.04***	-0.05***
SEX	-0.02	-0.01	-0.26***	0.12*	0.18***	-0.01	0.03	-0.05	-0.06	0.14**
RACE	0.02	-0.54***	-0.36***	-0.06	-0.26***	-0.34***	0.07	0.57***	-0.13	0.23**
HOMPOP	-0.04**	-0.01	-0.04*	0.02	-0.04**	0.05**	-0.04*	-0.01	0.01	0.01
SOUTH	-0.25***	-0.05	-0.15**	0.13*	-0.13**	0.10*	-0.07	-0.39***	0.09	0.17***
XNORCSIZ	-0.03***	-0.03***	-0.07***	0.02**	-0.01*	0.01	0.01	0.01	0.01	0.03***
POLVIEWS	-0.06***	-0.00	-0.02	0.05**	-0.09***	0.05**	0.04*	-0.02	0.02	0.07***
INTENSTY	0.15***	0.08***	-0.01	-0.22***	0.15***	-0.18***	0.09***	0.05*	-0.05*	-0.08***
CLASS	-0.00	-0.23***	0.02	-0.04	0.01	-0.00	-0.07	0.07*	0.01	0.06
REALINC	0.00**	-0.00***	-0.00***	-0.00***	0.00***	-0.00***	0.00	0.00	-0.00	-0.00
PROT	-0.32***	-0.40***	-0.38***	0.52***	-0.49***	0.03	-0.20*	-1.08***	0.32***	0.32***
CATH	-0.21**	-0.37***	-0.08	0.76***	-0.38***	0.32***	-0.26**	-0.80***	0.18*	0.15
JEWISH	-0.14	-0.21	0.36*	0.01	-0.03	0.11	-0.07	0.40**	0.22	-0.07
N	1468	1468	1468	1468	1468	1468	1468	1468	1468	1468
F Value	49.77	24.45	26.04	22.04	46.53	15.08	3.71	54.86	7.52	24.05
Pr > F	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001
R-Square	0.37	0.22	0.23	0.21	0.35	0.15	0.04	0.39	0.08	0.22
Root MSE	0.77	0.78	0.84	0.85	0.72	0.83	0.83	0.71	0.84	0.79

Table 4c. Prediction Equations for Cultural Factors, 1984

Variable	FACTOR1	FACTOR2	FACTOR3	FACTOR4	FACTOR5	FACTOR6	FACTOR7	FACTOR8
INTERCEPT	-0.97***	0.49*	0.33	1.48***	0.55**	0.91***	0.66**	0.25
PRESTIGE	0.01***	-0.00	0.00	-0.00	0.00	0.00	-0.01*	-0.00
MARITAL	0.03*	-0.03	0.04**	0.04**	0.00	0.05***	-0.05**	-0.02
CHILDS	0.02	0.00	0.00	0.00	0.01	-0.00	0.01	-0.01
AGE	-0.01***	0.00	-0.02***	-0.00	0.00	-0.00	0.00*	0.01***
EDUC	0.07***	-0.05***	0.04***	-0.04***	-0.03**	-0.00	-0.03**	-0.06***
SEX	0.08	0.03	0.22***	0.09*	-0.03	-0.23***	-0.07	0.08
RACE	0.12	-0.12	-0.12*	-0.35***	-0.22***	-0.32***	-0.14*	0.00
HOMPOP	-0.00	0.05**	-0.03	-0.03	0.05**	0.00	0.01	0.04*
SOUTH	-0.22***	0.08	-0.16***	-0.00	0.04	-0.08	0.07	0.08
XNORCSIZ	-0.02**	0.04***	-0.03***	-0.03***	0.01	-0.07***	-0.01	0.02**
POLVIEWS	-0.06***	0.08***	-0.11***	-0.03	0.07***	-0.04**	0.02	0.03*
FUND	0.07*	-0.13***	0.07*	0.02	-0.13***	0.05	0.05	-0.04
INTENSTY	0.12***	-0.22***	0.17***	0.11***	-0.25***	-0.05*	-0.08**	-0.10***
CLASS	0.07	0.01	0.04	-0.12**	0.02	0.04	-0.12**	0.01
REALINC	0.00*	-0.00**	0.00*	-0.00***	-0.00**	-0.00***	0.00	-0.00**
PROT	-0.25**	0.27**	-0.35***	-0.17*	0.05	-0.14	0.32***	0.23**
CATH	-0.21*	0.42***	-0.29***	-0.08	0.27**	0.07	0.18*	0.03
JEWISH	-0.36*	-0.25	0.10	0.12	-0.05	0.38*	0.35	-0.12
N	1473	1473	1473	1473	1473	1473	1473	1473
F Value	35.62	23.53	55.31	16.71	16.22	20.07	8.47	25.37
Pr > F	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001
R-Square	0.31	0.23	0.41	0.17	0.17	0.20	0.09	0.24
Root MSE	0.80	0.85	0.68	0.81	0.82	0.77	0.88	0.78

Table 4d. Prediction Equations for Cultural Factors, 1988

Variable	FACTOR1	FACTOR2	FACTOR3	FACTOR4	FACTOR5	FACTOR6	FACTOR7	FACTOR8
INTERCEPT	-0.51*	0.43*	0.63**	0.26	0.43	-0.48*	0.29	0.96***
PRESTIGE	0.00	-0.00*	-0.00	-0.00	-0.00	0.00	-0.00	-0.00
MARITAL	0.01	-0.02	-0.04*	0.10***	-0.01	0.01	-0.03	0.05**
CHILDS	-0.01	-0.01	0.04**	0.00	0.04*	-0.04**	-0.01	0.00
AGE	-0.01***	0.01***	-0.00	0.00	0.00	0.01***	0.00	0.00
EDUC	0.07***	-0.08***	0.04***	0.01	-0.02*	0.03**	-0.02	-0.02*
SEX	-0.01	0.09*	0.05	-0.23***	0.04	0.02	-0.11*	-0.02
RACE	0.16*	0.03	-0.06	-0.21**	-0.11	0.49***	-0.17*	-0.09
HOMPOP	-0.02	0.01	0.02	-0.01	0.03	-0.01	0.01	-0.00
SOUTH	-0.18***	0.22***	0.06	-0.02	0.03	-0.21***	0.03	-0.06
XNORCSIZ	-0.00	0.03***	0.01	-0.05***	0.00	0.01	0.00	-0.02**
POLVIEWS	-0.07***	0.05**	0.10***	-0.01	0.07***	-0.05**	0.07***	-0.04*
INTENSTY	0.10***	-0.06*	-0.20***	-0.04	-0.28***	0.15***	-0.00	0.19***
CLASS	-0.01	-0.03	-0.06	0.06	-0.01	0.12***	-0.07	-0.16***
REALINC	0.00*	-0.00	-0.00**	-0.00***	0.00*	0.00	-0.00	-0.00***
PROT	-0.22**	0.17*	0.33***	-0.02	0.13	-1.19***	0.16	-0.37***
CATH	-0.28***	0.05	0.30***	0.19*	0.24**	-0.93***	0.12	-0.38***
JEWISH	-0.13	0.03	-0.07	0.46*	0.04	0.11	0.23	-0.15
N	1481	1481	1481	1481	1481	1481	1481	1481
F Value	19.19	24.70	15.51	12.65	13.02	44.35	4.32	17.60
Pr > F	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001	0.0001
R-Square	0.18	0.22	0.15	0.13	0.13	0.34	0.05	0.17
Root MSE	0.86	0.81	0.88	0.90	0.85	0.79	0.93	0.73

Table 5. Trends in Marginal Frequency Distributions of Key Variables Over Time (in %)

Variable and Codes	1976	1980	1984	1988
PARTYID				
0 Strong Democrat	15.1	12.9	18.4	16.0
1 Not Very Strong Democrat	27.0	25.7	19.4	21.2
2 Independent, close to Democrat	13.9	13.3	14.5	12.2
3 Independent	16.2	16.9	11.3	12.6
4 Independent, close to Republican	7.0	8.4	10.8	9.5
5 Not very strong Republican	14.4	15.0	17.0	18.6
6 Strong Republican	6.4	7.8	8.7	9.9
	(n = 1491)	(n = 1456)	(n = 1443)	(n = 1476)
FUND				
1 Fundamentalist	28.8	31.3	34.1	35.4
2 Moderate	50.9	48.6	39.6	38.6
3 Liberal	20.2	20.1	26.4	25.9
	(n = 1478)	(n = 1425)	(n = 1433)	(n = 1426)
ATTEND				
0 Never	13.0	11.4	13.0	17.2
1 < once a year	9.1	7.5	7.3	7.3
2 About once or twice a year	13.6	15.7	11.8	11.4
3 Several times a year	15.5	15.3	14.1	13.1
4 About once a month	7.1	6.7	7.5	7.8
5 2-3 times a month	6.7	8.1	8.4	9.7
6 Nearly every week	6.0	6.2	4.9	7.4
7 Every week	20.0	21.6	23.6	18.7
8 Several times a week	8.9	7.5	9.3	7.4
	(n = 1492)	(n = 1461)	(n = 1460)	(n = 1478)
INTENSTY				
1 Strong	39.4	41.6	49.2	41.7
2 Somewhat strong	14.3	9.9	8.4	12.5
3 Not very strong	46.3	48.4	42.4	45.8
	(n = 1354)	(n = 1340)	(n = 1334)	(n = 1198)
FUND16				
1 Fundamentalist	29.2	30.5	35.0	35.3
2 Moderate	54.7	53.5	41.4	39.6
3 Liberal	16.0	16.0	23.6	25.1
	(n = 1477)	(n = 1440)	(n = 1414)	(n = 1440)
RELIG				
1 Protestant	63.5	63.9	63.8	61.2
2 Catholic	26.1	24.7	25.7	25.9
3 Jewish	1.8	2.2	1.8	2.0
4 None	7.6	7.2	7.3	8.0
5 Other	1.0	2.0	1.4	2.8
	(n = 1497)	(n = 1465)	(n = 1461)	(n = 1480)

Notes: Sample sizes and percentages are based on non-missing observations.

Definitions for the variables FUND, ATTEND, INTENSTY, and FUND16 are provided in the Appendix. PARTYID was coded in response to the question: "Generally speaking, do you usually think of yourself as a Republican, Democrat, Independent, or what?" RELIG was coded in response to the question: "What is your religious preference? Is it Protestant, Catholic, Jewish, some other religion, or no religion?"

Appendix: Variable Definitions and Codings

Cultural Variables

NATCRIME We are faced with many problems in this country, none of which can be solved easily or inexpensively. I'm going to name some of these problems, and for each one I'd like you to tell me whether you think we're spending too much money on it, too little money, or about the right amount. Are we spending too much, too little, or about the right amount on halting the rising crime rate? Too little=1; about right=2; too much=3.

NATDRUG ...Are we spending too much, too little, or about the right amount on dealing with drug addiction?
Too little=1; about right=2; too much=3.

NATRACE ...Are we spending too much, too little, or about the right amount on improving the conditions of Blacks?
Too little=1; about right=2; too much=3.

SPKATH There are always some people whose ideas are considered bad or dangerous by other people. For instance, somebody who is against all churches and religion.... If such a person wanted to make a speech in your (city/town/ community) against churches and religion, should he be allowed to speak, or not?
Yes, allowed to speak=1; not allowed=2.

COLATH ...Should such a person be allowed to teach in a college or university, or not?
Yes, allowed to teach=4; not allowed=5.

LIBATH ...If some people in your community suggested that a book he wrote against churches and religion should be taken out of your public library, would you favor removing the book, or not?
Favor=1; not favor=2.

SPKRAC ...Or consider a person who believes that Blacks are genetically inferior. If such a person wanted to make a speech in your community claiming that Blacks are inferior, should he be allowed to speak, or not?
Yes, allowed to speak=1; not allowed=2.

COLRAC ...Should such a person be allowed to teach in a college or university, or not?
Yes, allowed to teach=4; not allowed=5.

LIBRAC ...If some people in your community suggested that a book he wrote which said Blacks are inferior should be taken out of your public library, would you favor removing this book, or not?
Favor=1; not favor=2.

SPKCOM ...Now, I should like to ask you some questions about a man who admits he is a Communist. Suppose this admitted Communist wanted to make a speech in your community. Should he be allowed to speak, or not?
Yes, allowed to speak=1; not allowed=2.

COLCOM ...Suppose he is teaching in a college. Should he be fired, or not?
Yes, fired=4; not fired=5.

LIBCOM ...Suppose he wrote a book which is in your public library. Somebody in your community suggests that the book should be removed from the library. Would you favor removing it, or not?
Favor=1; not favor=2.

SPKMIL ...Consider a person who advocates doing away with elections and letting the military run the country. If such a person wanted to make a speech in your community, should he be allowed to speak, or not?
Yes, allowed to speak=1; not allowed=2.

COLMIL ...Should such a person be allowed to teach in a college or university, or not?
Yes, allowed to teach=4; not allowed=5.

LIBMIL ...Suppose he wrote a book advocating doing away with elections and letting the military run the country. Somebody in your community suggests that the book be removed from the public library. Would you favor removing it, or not?
Favor=1; not favor=2.

SKPHOMO ...And what about a man who admits that he is a homosexual? Suppose this admitted homosexual wanted to make a speech in your community. Should he be allowed to speak, or not?
Yes, allowed to speak=1; not allowed=2.

COLHOMO ...Should such a person be allowed to teach in a college or university, or not?
Yes, allowed to teach=4; not allowed=5.

LIBHOMO ...If some people in your community suggested that a book he wrote in favor of homosexuality should be taken out of your public library, would you favor removing this book, or not?
Favor=1; not favor=2.

GRASS Do you think the use of marijuana should be made legal or not?
Should=1; should not=2.

FUND Fundamentalism/liberalism of respondent's religion.
Fundamentalist=1; moderate=2; liberal=3.

ATTEND How often do you attend religious services?
Never=0; less than once a year=1; about once or twice a year=2; several times a year=3; about once a month=4; 2-3 times a month=5; nearly every week=6; every week=7; several times a week=8.

FUND16
Fundamentalism/liberalism of religion respondent raised in.
Fundamentalist=1; moderate=2; liberal=3.

RACMAR Do you think there should be laws against marriages between (Negroes/ Blacks) and whites?
Yes=1; no=2.

RACSEG Here are some opinions other people have expressed in connection with (Negro/Black)-white relations. Which statement on the card comes closest to how you, yourself, feel?
White people have a right to keep (Negroes/Blacks) out of their neighborhoods if they want to, and (Negroes/Blacks) should respect that right.
Agree strongly=1; agree slightly=2; disagree slightly=3; disagree strongly=4.

RACCLOS Are there any (Negro/Black) families living close to you?
Yes=1; no=2.

RACDIS How many blocks (or miles) away do they (the [Negro/Black] families who live closest to you) live?
On this block, a few doors/houses away=1; 1-3 blocks away, under 1/4 mile=2; 4-8 blocks away, 1-4 to 1 mile=3; over 8 blocks away, over 1 mile=4.

HAPPY Taken all together, how would you say things are these days--would you say that you are very happy, pretty happy, or not too happy?
Very happy=1; pretty happy=2; not too happy=3.

LIFE In general, do you find life exciting, pretty routine, or dull?
Exciting=1; routine=2; dull=3.

HELPFUL Would you say that most of the time people try to be helpful, or that they are mostly just looking out for themselves?
Try to be helpful=1; just look out for themselves=2.

TRUST Generally speaking, would you say that most people can be trusted or that you can't be too careful in dealing with people?
Most people can be trusted=1; can't be too careful=2.

SATCITY For each area of life I am going to name, tell me the number that shows how much satisfaction you get from that area.
The city or place you live in.
A very great deal=1; a great deal=2; quite a bit=3; a fair amount=4; some=5; a little=6; none=7.

SATHOBBY ...Your non-working activities--hobbies and so on.
A very great deal=1; a great deal=2; quite a bit=3; a fair amount=4; some=5; a little=6; none=7.

SATFAM ...Your family life.
A very great deal=1; a great deal=2; quite a bit=3; a fair amount=4; some=5; a little=6; none=7.

SATFRND ...Your friendships.
A very great deal=1; a great deal=2; quite a bit=3; a fair amount=4; some=5; a little=6; none=7.

SATHEALT ...Your health and physical condition.
A very great deal=1; a great deal=2; quite a bit=3; a fair amount=4; some=5; a little=6; none=7.

CONBUS I am going to name some institutions in this country. As far as the people running those institutions are concerned, would you say you have a great deal of confidence, only some confidence, or hardly any confidence at all in them? Major companies.
A great deal=1; only some=2; hardly any=3.

CONFED ...Executive branch of the federal government.
A great deal=1; only some=2; hardly any=3.

CONTV ...TV
A great deal=1; only some=2; hardly any=3.

CONJUDGE ...U.S. Supreme Court
A great deal=1; only some=2; hardly any=3.

CONLEGIS ...Congress
A great deal=1; only some=2; hardly any=3.

ANOMIA5 In spite of what some people say, the lot (situation/condition) of the average man is getting worse, not better.
Agree=1; disagree=2; don't know=3.

ANOMIA6 It's hardly fair to bring a child into the world with the way things look for the future.
Agree=1; disagree=2.

JOBINC Would you please look at this card and tell me which one thing on this list you would most prefer in a job? Which comes next? Which is third most important? Which is fourth most important?
Most=1; next=2; third=3; fourth=4; fifth=5.

JOBHOUR ...Working hours are short, lots of free time.
Most=1; next=2; third=3; fourth=4; fifth=5.

JOBMEANS ...Work important and gives a feeling of accomplishment
Most=1; next=2; third=3; fourth=4; fifth=5.

SATFIN We are interested in how people are getting along financially these days. So far as you and your family are concerned, would you say that you are pretty well satisfied with your present financial situation, more or less satisfied, or not satisfied at all?
Pretty well satisfied=1; more or less satisfied=2; not satisfied at all=3.

FINRELA Compared with American families in general, would you say your family income is far below average, below average, average, above average, or far above average? (Probe: Just your best guess).
Far below average=1; below average=2; average=3; above average=4; far above average=5.

ABDEFECT Please tell me whether or not you think it should be possible for a pregnant woman to obtain a legal abortion if...
If there is a strong chance of serious defect in the baby?
Yes=1; no=2.

ABNOMORE ...If she is a married and does not want any more children?
Yes=1; no=2.

ABHLTH ...If the woman's own health is seriously endangered by the pregnancy?
Yes=1; no=2.

ABPOOR ...If the family has a very low income and cannot afford any more children?
Yes=1; no=2.

ABRAPE ...If she became pregnant as a result of rape?
Yes=1; no=2.

ABSINGLE ...If she is not married any does not want to marry the man?
Yes=1; no=2.

XMARSEX What is your opinion about a married person having sexual relations with someone other than the marriage partner--is it always wrong, almost always wrong, wrong only sometimes, or not wrong at all?
Always wrong=1; almost always wrong=2; wrong only sometimes=3; not wrong at all=4.

HOMOSEX What about sexual relations between two adults of the same sex--do you think it is always wrong, almost always wrong, wrong only sometimes, or not wrong at all?
Always wrong=1; almost always wrong=2; wrong only sometimes=3; not wrong at all=4.

PORNMORL The next questions are about pornography--books, movies, magazines, and photographs that show or describe sex activities. I'm going to read some opinions about the effects f looking at or reading such sexual materials. As I read each one, please tell me if you think sexual materials do or do not have that effect. Sexual materials lead to breakdown of morals.
Yes=1; no=2.

PORNRAPE ...Sexual materials lead people to commit rape.
Yes=1; no=2.

PORNLAW Which of these statements comes closest to your feelings about pornography laws?
There should be laws against the distribution of pornography whatever the age=1; there should be laws against the distribution of pornography to persons under 18=2; there should be no laws forbidding the distribution of pornography=3.

POLHITOK Are there any situations you can imagine in which you would approve of a policeman striking an adult male citizen?
Yes=1; no=2.

POLESCAP Would you approve of a policeman striking a citizen who was attempting to escape from custody?
Yes=1; no=2.

POLATTAK Would you approve of a policeman striking a citizen who was attacking the policeman with his fists?
Yes=1; no=2.

OWNGUN Do you happen to have in your home (or garage) any guns or revolvers?
Yes=1; no=2.

PISTOL (If Yes), is it a pistol?
Yes=1; no=2.

SHOTGUN (If Yes), was it a shotgun?
Yes=1; no=2.

RIFLE (If Yes), was it a rifle?
Yes=1; no=2.

Other Variables

PRESTIGE Prestige of respondent's occupation, based on the Hodge-Siegel-Rossi NORC scores. [Actual score is coded].

MARITAL Are you currently--married, widowed, divorced, separated, or have you never been married?
Currently married=1; not currently married=3.

CHILDS How many children have you ever had? Please count all that were born alive at any time (including any you had from a previous marriage). [Actual number of children is coded].

AGE Respondent's actual age, in years. [Actual number of years is coded].

EDUC Respondent's years of education. [Actual number of years, up to 20, is coded].

SEX Respondent's sex.
Male=1; female=0.

RACE Respondent's race.
White=1; nonwhite=0.

HOMPOP Number of household members. [Actual number of household members is coded].

SOUTH Region of interview.
South=1; nonsouth=0.

XNORCSIZ NORC size of place.
Within an SMSA and a large central city (over 250,000)=01; a medium-size central city (50,000 to 250,000)=02; a suburb of a large central city=03; a suburb of a medium-size central city=04; area of a large central city (division, township, etc.)=05; an unincorporated area of a medium central city=06; not within an SMSA, (within a county) and a small city (10,000 to 49,999)=07; a town or village (2,500 to 9,999)=08; an incorporated area less than 2,500 or an unincorporated area of 1,000 to 2,499=09; open country within larger civil division, e.g., township, division=10.

POLVIEWS We hear a lot of talk these days about liberals and conservatives. I'm going to show you a seven-point scale on which the political views that people might hold are arranged from extremely liberal--point 1--to extremely conservative--point 7. Where would you place yourself on this scale?
Extremely liberal=1; liberal=2; slightly liberal=3; moderate, middle of the road=4; slightly conservative=5; conservative=6; extremely conservative=7.

FUND [Defined as shown above. This variable was employed as a separate predictor for those years--1976 and 1984--in which FUND did not load on a cultural factor.]

INTENSTY Intensity of religious preference [recoded from the original RELITEN variable].
Strong=1; somewhat strong=2; not very strong=3.

CLASS If you were asked to use one of four names for your social class, which would you say you belong in: the lower class, the working class, the middle class, or the upper class?
Lower class=1; working class=2; middle class=3; upper class=4.

REALINC Family income in constant dollars (base=1989). [Actual dollar amounts are coded].

PROT Protestant and non-Protestant [recoded from the original RELIG variable].
Protestant=1; non-Protestant=0.

CATH Catholic and non-Catholic [recoded from the original RELIG variable].
Catholic=1; non-Catholic=0.

JEWISH Jewish and non-Jewish [recoded from the original RELIG variable].
Jewish=1; non-Jewish=0.

Reflections on the Chinese State and Society: A Thesis of Two Partial Selves

Chih-yu Shih
Graduate Institute of Political Science
National Taiwan University
21 Hsu Road, Taipei, Taiwan, R.O.C.

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Abstract

Where is the boundary of the state is a question which concerns most comparative political scientists. Since in China studies, the state-and-society approach is also among one of the most popular perspectives, the students will have to face the issue. This paper presents a native Chinese perspective on the state-and-society approach. It is argued that the state and the society in China actually overlap. The paper examines the cultural and ideological bases of this symbiosis of the state and the society and illustrates the double-agent character of Chinese managers, workers and peasants. The paper contends that every Chinese mind set contains two partial selves, enacting the state role and the social role alternatively and allowing mutual penetration of the state and the society.

Reflections on the Chinese State and Society: A Thesis of Two Partial Selves

Introduction

The state-and-society approach has been one of the most popular modes of analysis in comparative politics. In China studies, for example, students are interested in if the Chinese communist state, established in 1949, has successfully penetrated the traditional Chinese society. The answers divide the field.[1] Some tend to see a relatively strong state in China. The state, for example, may utilize all sorts of clientelist relationships in the society and can thus effectively allocate social resources mostly as intended. In contrast, others may see the society develop its own style of operation under the new socialist regime. According to this view, the society has to a large extent prevented the state from interfering in its operation through the continuity of a tradition which stresses harmony and autonomy.

Whatever the truth, the state-and-society approach assumes that there are a distinctive set of structures called the state and another called the society and their strength is structurally stable in the long run. Whether or not the state can penetrate the society is a matter of the balance of the relative strength. In a way, this assumption is compatible with both the Hegelian and the Marxian perspective on contemporary politics. In the Marxian perspective, for example, politics today, above all politics in the West, reflects the capacity of the state to accommodate bourgeois interests. The essence of politics pertains

to if the state can remain autonomous under the pressure of the bourgeois class.[2] The assumption in the Marxian perspective has to be that, in each political system, there are structural forces which determine the extent to which the civil society penetrates the state. Since the concern focuses upon the structures, the relative strength of the state *vis á vis* the society must be taken as stable in the long run.

The assumption about structural stability in the state-and-society approach in the West makes sense to most analysts.[3] Therefore the debate between Marxists and non-Marxists mainly regards the degree of the state's autonomy.[4] In China, however, the assumption would face difficulties both because, in traditional philosophy, the Chinese think that the state structures must mimic the social structures and because the communist state theoretically employs every single citizen in the society. As a result, there is no such distinction between the state and the society that can be meaningfully made in the Chinese mind set. If Chinese politics is also treated as interaction between the state and the society, one natural question follows: who are those people that can serve to bring forth the structural forces of the state and who are those people serving the society? Namely, can one do research on the state-society interaction if agents of the state and agents of the society are not distinctively separate as two groups of people?

This paper discusses the state-and-society approach as applied to China from a native Chinese perspective. It is argued that the state-and-society interaction exists not between the two distinctive sets of structural forces, but within everyone's

mind. Ordinary Chinese citizens play dual roles. They are simultaneously agents of the state and of the society. To enact both roles, Chinese people are compelled to satisfy the state expectation and the social expectation alternatively. This practice produces inconsistent outlook which makes one confused about the phenomenon in which the society dominated the state in one period, the state regained control shortly after, then the society struck back, and so on. The quick reshuffling of balance of force between the state and the society does not match the Western expectation that the balance is, and should be, stable. In short, the state and the society in China overlap. This unique symbiosis may constrain the insight of the state-and-society approach as found in the analysis of the Western systems, but it may also shed light on the cyclical style in Chinese politics.

The State vs. the Society

Many have examined the nature of the Chinese state and society. Questions about the relative strength of the Chinese state appear in research on both the industrial and the agricultural sectors. For example, there is the argument that the authority in the Chinese work place establishes itself through a cliental system.[5] Workers can be broken down into two groups: one is very active and the other, passive. The more active ones seek promotion and other personal gains by performing well the state function along the assembly line as well on the political front. Normally, these loyal servants of the state depend on specific superiors to take good care of them. Accordingly, the policy making in the Chinese work place resembles neither the

Western style of pluralism which presupposes interest group formation, nor the traditional style of authoritarianism which rests entirely on private relationship.

In this view, one sees the Chinese policy making is organized around the state positions. Those in the state positions have enormous influence over the allocation of resource in the society. Those in the lower echelons who seek more benefit and welfare would have to prove their trainability and loyalty by performing the political assignment right and aggressively. If their performance assists their superior in winning popularity among his or her superior, they receive reward. This type of relationship naturally reinforces the political myth of the state and consolidates, in the public arena, the legitimacy of the state.

In contrast, there is the view that the Chinese work-place can in a sense transforms the state requirements and even distorts them in the protection of the interests of the enterprise or the factory in question. This is sometimes termed as "work unit socialism."[6] Chinese workers not only depend on their enterprises for their salary, other necessities, the most important of which include housing, marriage, retirement allowance, and so on, are all allocated through the enterprise system. Once assigned to an enterprise, workers usually expect to spend the rest of their life in the factory. It is more than natural that each enterprise would develop its own unique enterprise culture. Workers as well as cadres of the enterprise regard the collective gain of the enterprise and the distribution of the gain within the enterprise as the most essential issues

in their normal lives.

Work unit socialism stresses the importance of the internal pressure of an enterprise. Managers would have tremendous difficulties in managing their factories if general expectation of the workers regarding their legitimate share of the benefit is not met. Not only do general managers themselves have to spend a great deal of their life time in any specific factory but also their chance for promotion is contingent upon their ability to maintain harmony in the factory. Facing life-time workers in the factory who do not have to worry about losing their jobs, general managers cannot expect to satisfy these workers easily. As a result, consensus fetching becomes the style of decision making in the work unit. The perspective that work unit socialism portrays is therefore rather different from the picture given by the clientelist view. The work unit is itself a relatively autonomously developed community and its collective interests must first be met before general managers can successfully perform the state-assigned job.

Compared with research in the industrial sectors, there is a parallel pursuit by those who strive to theorize the state-society relationship in the Chinese agricultural sectors. The clientelist perspective finds its ally here.[7] It is argued, for example, village politics which affects resource allocation in the countryside mirrors politics in the industrial work place. Productive team leaders must maintain good terms with the state managers in order to evade some of the state request in terms of the quality of the grain or the amount of the tax in kind. Since the state arbitrarily decides how much the team would need for

survival, villagers are in such a vulnerable position that they are subject to the state pressure at their own sacrifice. This is why personal connections with the state agent are critical to the interests of villagers.

The state purchases and sells grain according to the state plan. The planning system ensures the position of the state as a controller in the agricultural sectors. Reform since the late 1970s which has installed the family responsibility system and the grain contracting system may ironically serve to reduce the state's influence and submit it to the locally arisen autocracy. This happens because, as villagers are allowed to keep and sell whatever amount produced over the contracted volume, they are able to generate surplus for themselves and thus no longer subject to the state's plan control. As new cliental pattern evolves, the state may gradually fade away and the society may re-emerge as an autonomous entity operating against the state apparatus just like it had existed before the communist regime came to power.

Opposite to the above view, the analogy of "honeycomb" describes villages under Chinese communism as rather autonomous components of local communities.[8] On the one hand, Maoism periodically encouraged the local community to depend on itself for all-round development. On the other hand, traditional values and ways of life survive the communist taking-over of the regime. As a result, local leaders always find ways to cheat the state and beat the system. It may appear that the state, as the center of power, constantly gives direction to local communities. In reality, those living in the periphery continue to pay loyalty

to traditional leaders some of whom now lead in the name of state cadre, but the game of local protectionism is the same as before. In short, the communist regime has failed to penetrate the traditional society which is organized like honeycombs and thus highly protective from external interference.

However, as reform brings in the notion and the practice of the market, the traditional community faces the threat of disintegration. It is contended that once villagers become free competitors in the market, they would no longer depend on local gentry for making a better living. This way, the state would gain better access to local, peripheral communities through policy that affects the operation of the market. While the clientelist perspective awes the state's extensive reach, the honeycomb approach questions the state's capability. While the clientelist perspective looks at reform as mechanism that may allow local autocracy to thrive at the expense of the state's capability, the honeycomb approach views reform as a possible tool to enable the state to eventually penetrate and modernize the society.

Is it possible that the two perhaps-too-generally-divided perspectives can be reconciled? Is it possible that the Chinese communist state has indeed successfully penetrated the society while, at the same time, the society is also successfully protective of its integrity in pursuing collective interests? If it appears unlikely that both are correct, let us imagine two blind men grabbing an elephant's ears and nose respectively, each trying to figure out how an elephant looks like. It would be extremely difficult to let them believe that they both give a correct picture of a part of the elephant, but they would be

wrong if they claim that their feelings represent the only true feeling. What perspectives, then, can allow mutual penetration of the state and the society? The following discussion presents the argument from a native Chinese point of view which, hopefully, can demonstrate how the Chinese mind set has allowed the state and the society in China to have overlapped and thus made possible the mutual penetration of the state and the society.

The Chinese Mind Set

Two broad themes keep the contemporary Chinese from making a clear distinction between the state and the society. One theme bears historical, social legacy and the other carries current state ideology. The first theme is all about Confucianism. In fact, Western scholarship has noted one unique aspect of Chinese politics, that is, the nature of politics in historical China was not a battle for more power, but a drama of role playing.[9] Those who could satisfy the ceremonial requirement and bring harmony to people's mind often won voluntary support from the subordinate. The Chinese leaders must appear selfless in order to reign and rule. A leader has to represent the collective and his selfless appearance is always essential to securing popular trust. This continues to be an element in contemporary Chinese political culture.[10]

Since role playing is such an important vehicle to political legitimacy, the sources of the role contents become critical in order to understand the Chinese mind set. According to the Confucian prescription, the state is an extended family, so it

should have a patriarchal head and the citizens are like children. Confucius himself once spread the image that all men under heaven were brothers. There is no need to detail the Confucian norms in this paper. The point is that if the state is perceived as an extended family, the state itself is, in the cognitive sense, the society. There is no generally different set of norms that would govern the running of the state.

While, in the structural sense, the state obviously had its own bureaucrats and one of its highest interest was necessarily survival like in all the other states, the Chinese state recruited loyal service from its citizens as if they had been providing service to their father. The bondage between the state and the society was psychological rather than physical and this is part of the myth of why a small state bureaucracy could reign such a mass of land for such a long period of time. The ethos of the Chinese political culture lies in the belief that the survival and thriving of the state are equivalent to the survival and the thriving of the family.

The Chinese case does not contain a typical feudal society. There was no caste system, nor was there legitimate blockade of social mobility. The ideal career pass was to serve the state. Positions in the state indicated higher social status and no other alternative could match the honor and the benefit that the state could offer to the family. In short, relatively loose control over social mobility together with the dominant social status in the state may have effectively reduced the perceptual sensitivity to the difference remained, if any, between the state and the society. The continuum from the society to the state has

been twofold: the conceptual linkage that treats the state as an extended family, and the social linkage that obliges the state employees to benefit their families.

A second theme consists in socialism. On the one hand, socialism denounces private property; on the other, it promotes central planning. In the orthodox Marxian sense, there should be no need of state under socialism. In the real world, it is said that the existence of the imperialist world made the fading away of the socialist state impractical.[11] Nonetheless, the socialist state is supposedly ruled by the proletarian class. At least within the Chinese state, there should be only one class, hence classless. A classless society operating under a central planning system composes of the state. In a pure case, the state is the society.

Nevertheless, there have been policy line struggles.[12] It may appear that the struggles parallel a battle between the pro-state vs. the pro-society factions. Those who identify socialism with central planning argue that, under socialism, products are priced according to the labor time accrued in the productive process. By this logic, the state can and should plan everyone's work to prevent exploitation.[13] In the name that all workers are the owners of the means of production, the state employs them all. As all workers in the society are state employees, the society and the state overlap. Like in the traditional society where state officials own nobility, those who work directly for the central planners, that is, the new state, enjoy higher social status and more benefits.

This development triggers those who identify socialism with

the masses, i.e. peasants and workers, to challenge the central planning system as an old practice which the 1949 revolution had intended to overthrow.[14] They see the system as the new exploitative state. Policies that revoke the extent of central planning vary in their outlook, ranging from Mao Zedong's cultural revolution to Deng Xiaoping's decentralization drive. The rationale is the same: to substitute the masses for the bureaucracy in allocating social resources. These people portray an image of corrupt and incompetent state and strive to strike it.

Further analysis would, however, suggest that neither line moves beyond the traditional the-society-in-the-state, or the-state-in-the-society logic. Both may actually reinforce the overlapping of the state and the society. The pro-state theme, for example, justifies itself by pretending that there is only one class in the society and this would entitle the planners to leadership. The pro-society argument denies the legitimacy of the other faction by accusing it of actually not being a part of the society. In other words, the legitimacy of the state, in terms of the party and bureaucracy, relies upon an image that the state is not an entity separate from the society.

Both the Confucian theme and the socialist theme obscure the perceptual distinction between the state and the society. The Confucian theme prepares a Chinese mind set that enables them to serve the state as if they were fulfilling their social obligation. The socialist theme installs a Chinese mind set that lead them to appreciate that there is no society outside the state. The state obviously penetrates the society since all

workers must work for the state and accept the state ideology. The society also penetrates the state since workers feel it legitimate to allocate resources in the name of the state to satisfy their personal needs. As state employees, workers by definition perform public function in supposedly private realms, rendering no room of privacy; as proletariats, workers own (by squandering) whatever the state claims, leaving the state a somewhat spurious organ.

In this sense, the struggle between the state and the society as structural imperatives become a struggle within each mind set. The planners may request a worker to work overtime without pay. This is legitimate if the planners are simply social leaders whose domain of influence is by definition all-encompassing, but questionable if the worker is a proletariat whose role is the master of the state apparatus. The family may ask illegal favor from a worker who is its member. This is fine if the worker acts as a social being, but problematic from the planners' point of view. The same sort of role conflict occurs everywhere in the world. In the Chinese case, however, all state structures can be at the same time regarded as social structures. The state can blame the society for its corrupt deeds as spiritual pollution while the society can accuse the state of engaging precisely the same deeds as betraying the proletarian class. It becomes a political as well as psychological struggle to determine how those involved should look at the situation.

The Chinese Socialist Practice

The overlap of the state and the society is clearer when

examining the behavior of their agents, those who act in the name of the state or the society, whichever selected. A few real-world examples may help illustrate the overlap of the state and the society in China.

The best position that dramatizes the state-society dilemma in China is probably "general manager." A general manager is responsible for the collective interests of his enterprise and also for the productive assignments given by the local planners. The Chinese planners are consciously aware of the contradiction involved in a general manager's job. According to a researcher of a municipal planning board, his colleagues have had an on-going debate about who the general manager "should" represent.[15] According to his observation, a few maintain that he represents the planners, others contend that he represents the enterprise, and still a small group argues that he represents himself as a professional.

A general manager of a highly profitable enterprise reveals his analysis in the following way.[16] He believes that he has to cooperate as well as resist the city bureau chief in order to achieve the maximum room for the enterprise to maneuver in the market. It is a game of manipulation. Here, he is an agent of the society. However, he also works extremely hard because he wants to leave something for his country before he retires in a couple of years. Now he is an agent of the state. He also brags about all kinds of tricks that he uses to beat the system so that he can give workers much more than the state permits. He is back to the society here. He praises socialism nonetheless which gives him an amount of resource more than he can personally gather and

thus allows him to make big contribution to his country. Again, he echoes the state interest.

Another manager looks for ways to reconcile the planner and the enterprise. He proposes that, in the first stage, the enterprise determines what is best for it to produce according to market information and the planners determine what the state needs according to the national interests. They do this separately and then see if their choices match. The enterprise can do well only if it produces those items that satisfy both sides. The same manager claims that he wishes to train all workers into devoted state employees, but he also knows that he must represent the enterprise to talk the planners into accepting the enterprise's own market analysis. He is an agent for the state and for the society as occasions vary.

Workers know the duality of their identity. They expect the general manager to protect the interest of the enterprise if the city bureau chief is incompetent. They understand that he cannot over protect them, however, for the state in any case owns the enterprise. Workers have to fight against spiritual pollution as the state agents, so they pay to watch patriotic films, read political texts, participate in learning sessions, etc. as required. Once off duty, many act against the state. They may have, for example, wondered around those on food strike and threw pieces of bread to show support during the 1989 pro-democracy movement. Workers are agents of the state and the society alternatively.

A village party secretary acknowledges that he must consider the village interests first because he has grown up in the

village. He maneuvers very hard in order to keep the most talented in the village for village development. He nonetheless has the responsibility of recruiting quality workers for the state enterprise which looks to him for new employees. In the same village, the head of the village makes several successful investments. He would rather use his own fund because he could have profited much more. He nonetheless uses the public fund in the village so that everyone can benefit at the same time. Public fund is a form of socialism, but he uses it to satisfy the traditional expectation of a peasant leader in addition to the expectation of a socialist productive team leader. Accordingly, the line that separates the state and the society exist in people's mind. When the pressure is on from both sides, those who occupy the right positions and have the power to allocate resources struggle inside. When the two sides converge, the force can be gigantic, though.

Even in the Chinese terminology, the notion of the state vs. the society is never refined. In most cases, the struggle is presented as one between the public and the private or between the collective and the departmental. In fact, neither the public nor the collective can literally be equivalent to the state. One difference between the collective and the state is that the state is always considered as the great self while the collective at the enterprise level is a lesser self. The state is the greatest public and, in a sense, that means the society. For example, the state in Chinese is read as "*guojia*," literally "state family."

The overlap of the state and the society at the micro-level has political implications. For the state to mobilize social

support, it must provide incentives for the micro-level agents to act in accordance with the state plan. The state has a psychological leverage because, morally, the state is the greatest self residing in the mind of the little self.[17] General managers and party secretaries shall persuade themselves into action that allocates resources according to the public interests embodied in the plan system. Moves against the policy which is given in the name of the great self thus become moves against oneself. General managers must struggle to justify to themselves why they can morally save fund for their enterprises without telling the planners the truth.

A second leverage the state enjoys is coercion.[18] However, one can hardly expect a public official coerces himself simply because actions he has taken for the sake of his personal gain violate the collective interests. Coercion can be useful, however, if it is used against someone else who acquires private gains at the expense of the collective interests. The overlap of the state and the society guarantees that there will be a great many more who may have engaged in similar selfish actions but will not be punished. Periodical coercion is necessary, though. The public who punishes the unfortunately selected few engages in a drama of punishing the public itself who conducts the same sin as those actually punished. The drama reminds those little selves who act in the name of the collective that there is a limit of the state's tolerance. As a psychological form of projection, general managers of the more profitable enterprises would thus support the suppression against spiritual pollution. In this way they shift attention away from their own sin and

forgive their own sin by helping reduce total sin in the system.

A third leverage the state has is to allow the little self in control of the collective resources.[19] Those work for the state legitimately resume their status as the agents of the society and utilize resources at hand to benefit themselves. Normally, they would not get rid of the state once and for all because their private gains are legitimate only when the state says so in the name of the public. Those who lose out in the market would also return to the state for rescue. In order to save the credit of the state which gives legitimacy to market reform, those who benefits from the market reform would naturally and willingly sacrifice short-run interests to help those lagged behind. Most general managers would be patient enough to wait for the next round of decentralization rather than risking his established status in the state by challenging the state directly. In any case, they themselves are the state.

Peaceful evolution or political revolution in China is unlikely under this context. Few would move against the so-called state since everyone is a part of it which, in turn, is a part of the society that includes everyone. Peaceful evolution and political revolution are unnecessary since the society has ulterior yet ubiquitous access to the state policy implementation process. Actions against the state make sense only if the target covers at most a small section of the state. To overthrow the state as a whole would be tantamount to deconstructing the society. What protect the Chinese state are therefore the physical symbiosis of the agents of the state and the society and the psychological symbiosis of the state and the society in the

Chinese mind set.

A Cyclical Pattern

Dazing political changes in China do not always indicate structural transformation in that changes are a built-in component in the Chinese state-society symbiosis. The Chinese mind set shifts back and forth quickly between those nominal state and society forces. People appear to have little difficulty in making political adjustments. Each political turmoil may lead to the outside speculation that there is a fundamental change in Chinese political system. Consistently, however, later development always resumes the supposedly transformed system.

The pro-state and the pro-society struggle has indeed shown itself in many different forms, sometimes as professional vs. red, at other times as central vs. local, and still other times as sectorial vs. provincial. In essence, it is state socialism vs. mass socialism. The first such struggle witnessed the purge of one central planner Gao Gang in 1954 by a group of peasant revolutionary leaders including Mao Zedong and Deng Xiaoping. In 1957, engineers were purged as rightists. Local peasant leaders began to enter industrial sectors, becoming general managers in the 1958 Great Leap Forward campaign. The provincial interests seemed triumphant. The plan sector struck back in the 1960s until the Cultural Revolution which started in 1966 effectively enforced the practice that only poor and lower-middle peasants were eligible for jobs in industrial sectors. The red had an upper hand.[20]

Development since 1976 demonstrates that any conclusion of

fundamental changes in China may be premature. The coup against the Gang of Four did not end political turmoil as one may have anticipated. The historical Third session of the Eleventh Plenary of the Communist Party brought no political unity as once thought. Deng Xiaoping and Hua Guofeng soon divided in public after the session. In 1982, reformers gave every observer new hope by presenting a wonderful coalition of Hu Yaobang, Zhao Ziyang and Deng Xiaoping. The anti-spiritual pollution campaign starting the following year worried some China watchers. Urban reform in 1984 made them relax. But then Hu was purged amidst economic retrenchment at the end of 1986. The fact that Zhao was later promoted soothed outsiders. In two years, Zhao again was purged and retrenchment again followed. In 1992, Deng Xiaoping, once more, spread new bliss of reform.

The struggle between Deng's reformist faction and Chen Yun's conservative faction resembles previous factional struggle remarkably in one fundamental way: it is mass socialism against state socialism. Deng, Zhao and Hu's decentralization policy benefits suburban peasants and general managers and workers who are basically also peasant masses in terms of social background.[21] People of whom they want to take good care are precisely those whom Mao once tried to motivate. This is mass socialism. The intention is to enrich them, in whatever way, regardless of the loss of efficiency. Deng's reform, in this sense, is a reform against central planning just like Mao's revolution. Zhao's policy of encouraging village industry and collective enterprises to break the rigid state enterprise system culminates in a cultural revolution in the economic sphere. State

socialism is interested in the mechanism that would transform state enterprises and their workers into efficient producers. Mass socialism cares welfare and income level of workers and peasants.

One lesson to the student of Chinese political economy is this: If there are distinctively separate state-society structures in China, one would not expect to see this type of oscillations between forces representing the state and those representing the society. Either the state or the society should have consistently dominated. Only when the state and the society overlap can one find the switch of the seemingly predominant forces rather easy. In other words, mass socialism and state socialism do not compete for support from two groups of people between whom the balance of strength would determine the result. Instead, mass socialism and state socialism compete to invoke social *vis á vis* state roles in each self. The struggle exists not between two groups of people although it may appear so; the struggle exists between two partial selves within every Chinese mind set. The resulting balance of strength between those invoked state selves and social selves can be easily accommodated by every partial losers who can then switch to the other partial self in themselves to meet the current. Side-shifting would thus not create serious psychological tension for an ordinary Chinese.[22]

Another lesson is that the state-society struggle in high politics is a political derivative of identity crisis. The dialectics between state and mass socialism, symbolized in the above struggle between the professional and the peasants-workers,

perpetuates the historical dialectics between gentlemen and little men.[23] Politics always occurs among gentlemen, but the cause and legitimacy of their infighting invariably has to do with the notion of public (i.e. little men's) interests. The issue concerns the choice between the state interests embodied in the survival and thriving of the state capacity and the social interests embodied in the wealth and equity in the society. Political opposition can always find ammunition as long as they can invoke the tranquil part of the self in everyone's mind set to challenge the prevailing part of the self. The identity crisis explodes as politics compels people to realize the colliding state and social roles of theirs. The crisis in turn fuels politics as if the drama of politics is the ultimate solution to finding a temporary residence for one's moral being now torn between two partial selves.

Reform

Current reform hurts the state from the pro-state point of view. First of all, decentralization slices the amount of resources available to the state central planners and thus reduces the state capacity. Secondly, the decline of the plan system impairs the credit of socialism as a state ideology. Thirdly, market mechanism incurs private, partial, and departmental consideration of all and damages the state as the exclusive and legitimate representative of public interests. Finally, reform induces those on high state positions to jettison their state roles and perform social roles and hence ruins the image of the state.

Reform allows many in the society to seriously consider to jettison their state roles once and for all. If this happens, a separate society would emerge. The society gains in the sense that economic development enables some sections of the society to systematically recreate themselves through the accumulation of social resources under their exclusive control.[24] As the society establishes its autonomy, the state would have to rely more and more on material incentives in order to mobilize social beings. This requires further decentralization. The society would gradually be able to lead the state to make decision so as to ensure continued support from those more autonomous parts of the society. Till this point, mutual penetration between the state and the society changes into unilateral penetration of the state by the society.

The balance sheet nonetheless displays some debt for the society. For example, since the state culturally and ideologically resides in the society, the decline of the state would inevitably lead to apprehension in the society as to what is collective, public interests. The rising ambiguity in the moral standards that determine the limit of private gain threatens the society as a meaningful whole. The moral chaos in the society actually paves the road for the state to revive. Anticipating this, partial interests in the society would hastily exhaust its exploitative and acquisitive possibility in order to gain as much as possible before the state revives and thus expedite the process of the state revival. The anticipation of the state revival would also thwart any serious effort that tries to bring down the state completely since all would need a state

position to hide whenever the state strikes back.

In the agricultural sectors, autonomous society may evolve, or revive, relatively easily because socialism in China has never perfectly organized the countryside along the lines of collective farm or people's commune. The state mentality is weak and the state control is relatively loose. The loophole in the countryside prepares the village industry to thrive and survive basically on its own ability, especially the ability to penetrate the state by using personal connections or bribe in achieving contract from the state enterprises. As some of these enterprises expand their productive scale and upgrade technological levels, they may begin to get involved in international networks. Coastal provinces have already witnessed the development of this sort. Some part of the society has seemingly achieved their autonomous status outside the traditional state-society complex.

Nonetheless, the state-society symbiosis may persist. On the one hand, the state can arouse the traditional emotion associated with the state as the sole representative of public interests. The state can do this in the name of nationalism, anti-imperialism, or even some revised form of socialism. The state can also come to the rescue whenever the nascent society runs into recession and thus reminds everyone the necessity of keeping the state leadership. This does not necessarily mean that those act in the name of the state would save the society upon their own initiative, but that those who fail out there in the nascent society would reclaim their state status and request remedy. All rational beings would protect their niches in the state as insurance premium. If, somehow, they must leave the state

completely, they are normally clever enough to arrange to have their spouses stay on in the state roles so that, when the time requires, the family as a whole continues to perform some state function in exchange for state protection.

In short, reform may have driven an wedge into the state-society symbiosis. This means that people feel more comfortable to assume their social roles in the public without an inner sense of shame. By no means, however, would they resist the return of the state. As long as a part, even a small part, of people's selves is still occupied by the state, Chinese politics would continue to proceed in a cyclical pattern.

Concluding Remarks

Clientelism as an analytical mode correctly reveals the strength of the state structure in resource allocation. Work unit socialism together with honeycomb as an analytical mode also portrays the integrity of social organization in shaping the allocation of resource. From a native Chinese point of view, the Chinese state cannot develop without the society serving as a model as to how the state should operate and, likewise, the society cannot last long without the state consolidating the image of public interests. The state-society coordination is not achieved through a dominant class (most likely bourgeoisie) or an all-loving philosophy king. Rather, the state-society relationship exists in everyone's mind. While the state-society approach correctly describes the structural forces that explain the available range of variety of political behavior in China, it could be misleading if the approach gives the impression that

there are separate groups of Chinese that serve as agents of the state and as agents of the society.

The state-society structures exert its influence directly upon each Chinese mind. Each Chinese mind is composed of at least two partial selves which enact the state role and the social role respectively and alternatively. This process helps make sense of the cyclical pattern of pro-state and pro-society policy, the easy adjustment of rank-and-file after each political struggle, and the quick return of seemingly losing factions. In sum, the state-society interaction in China reflects a state of mind and is a matter of identity and role playing.

Notes

[1] See, for example, Victor Nee and David Mozingo (eds.), *State and society in Contemporary China* (Ithaca: University of Cornell Press, 1983).

[2] For a good summary, see the discussion by Martin Carnoy, *The State and Political Theory* (Princeton: Princeton University Press, 1984).

[3] Recent debates show emerging skeptism regarding the obscure nature of the state. Since the boundary of the state cannot be specifically defined, structural forces may shift back and forth between the state and the society. See Timothy Mitchell, "The Limits of the State," *American Political Science Review* 85, 1 (March 1991); John Bendix, Bartholomew H. Sparrow, Bertell Ollman, and Timothy Mitchell, "Going Beyond the State?" *American Political Science Review* 86, 4 (December 1992).

[4] For example, see Theda Skcpol, *State and Social Revolution* (Cambridge: Cambridge University Press 1979) ; Steven Krasner, *Defending National Interests* (Princeton: Princeton University Press 1978); Christopher K. Chase-Dunn (ed.), *Socialist States in the World System* (Beverly Hills: Sage, 1982).

[5] See Andrew Walder, *Communist Neo-traditionalism: Work and Authority in Chinese Industry* (Berkeley: University of California Pres, 1986).

[6] See Brantly Womack, "Transfigured Community: Neo-Traditionalism and Work Unit Socialism in China," *China Quarterly* 126 (June 1991): 313-332.

[7] Jean Oi, *State and Peasant in Contemporary China* (Berkeley: University of California Press, 1989).

[8] Vivienne Shue, *The Reach of the State: Sketches of the Chinese Body Politic* (Stanford: Stanford University Press, 1988).

[9] Lucian Pye, *Asian Power and Politics: The Cultural Dimension of Authority* (Cambridge: Harvard University Press, 1985), pp. 182-214.

[10] Lucian Pye, *The Dynamics of Chinese Politics* (Cambridge: Oelgeschlager, Gunn & Hain, 1981).

[11] See the discussion by Edward Friedman, "Maoist and Post-Mao Conceptualizations of World Capitalism: Dangers and/or Opportunities," in S. Kim (ed.), *China and the World: New Directions in Chinese Foreign Relations* (Boulder: Westview, 1989), pp. 55-85.

[12] For useful information, see John P. Burns and Stanley Rosen (eds.) *Policy Conflicts in Post-Mao China: A Documentary Survey, With Analysis* (Armonk: M. E. Sharp, 1986).

[13] For a detailed account, see Xue Muqiao, *China's Socialist Economy* (Beijing: Foreign Language Press, 1981).

[14] For a good historical background, see Richard Baum and Frederick C. Teiwes, *Ssu-Ch'ing: The Socialist Education Movement of 1962-1966* (Berkeley: University of California Press, 1968).

[15] The information is drawn from scripts of field research done in summer 1991, currently available only in Chinese, see Chapter 4 on Chinese corporate culture in Chih-yu Shih, *Zhongguo Dalu Zhengzhi Jingji Yuanli* (*The Principles of Chinese Political Economy*) (Taipei: Wunan, 1992). Interviews quoted later in this paper are from this same source.

[16] In addition to footnote 14, also see Chih-yu Shih, "Chinese Managers' Motivation for Investment: Reflections on Some Interviews," *China Information* 7, 2 (Autumn 1992): 47-55.

[17] For a brief note on Mao's notion of selfishness, see Lowell Dittmer, *China's Continuous Revolution: The Post -Liberation Epoch, 1949-1981* (Berkeley: University of California, 1987), pp. 67-68.

[18] For a historical account of class struggle as the most popular form of coercion, see Suzanne Ogden, *China's Unresolved Issues: Politics, Development, and Culture* (Englewood Cliffs, New Jersey: Prentice-Hall, 1989), pp. 238-244.

[19] On how micro-incentives can improve overall economic performance, see the case study by Elizabeth J. Perry, "Implications of Household Contracting in China: The Case of Fengyang County," in S. Rhee (ed.), *China's Reform Politics: Policies and Their Implications* (Seoul: Sogang University Press, 1986), pp. 195-217.

[20] For the influence of peasant background on political style in China, see Tang Tsou, "Back from the Brink of Revolutionary-"Feudal" Totalitarianism," in V. Nee and D. Mozingo (eds.), *State and Society in Contemporary China* (Ithica: Cornell University Press, 1989), pp. 53-88, especially pp. 81-88.

[21] Peasant masses are those about whom Mao used to be most concerned, see Maurice Meisner, "Leninism and Maoism: Some Populist Perspectives on Marxism-Leninism in China," *China Quarterly* (January-March 1971): 2-36.

[22] This partially explains a leading China expert's claim that the Chinese have an unusual ability to tolerate inconsistency, see Lucian Pye, *The Mandarin and the Cadre: China's Political Culture* (Ann Arbor, Michigan: Center for Chinese Studies, University of Michigan, 1988), pp. 36-74.

[23] This similarity between the contemporary and the traditional leads to the observation that China's economic underdevelopment is caused by the lingering old

feudal class structure. See Victor D. Lippit, *The Economic Development of China* (Armonk, New York: M. E. Sharp, 1987), pp. 78-99.

[24] See Christine Wong, "Material Allocation and Decentralization: Impact of the Local Sector on Industrial Reform," in E. Perry and C. Wong (eds.), *The Political Economy of Reform in Post -Mao China* (Cambridge: The Council on East Asian Studies/Harvard University, 1985), pp.251-278.

OPENING CHINA TO THE WORLD ECONOMY: COMMUNIST INSTITUTIONS AND FOREIGN ECONOMIC POLICY REFORMS

Susan L. Shirk
University of California, San Diego

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OPENING CHINA TO THE WORLD ECONOMY: COMMUNIST INSTITUTIONS AND FOREIGN ECONOMIC POLICY REFORMS

Susan L. Shirk
University of California, San Diego

Of all the economic reforms introduced in China since 1978, none is more dramatic than the open policy to attract foreign investment and expand exports. Under communism China's economic system was an extreme form of import substitution (Lardy, 1992, p 16). After decades of self-reliance enforced by central planners, China radically reversed its foreign economic policies to enter the world market. The turnabout has been hugely successful, as measured by the growth of trade and foreign investment (see tables 1, 2, and 3). Between 1978 and 1990, China's average annual rate of trade expansion exceeded 15 percent, over three times the rate of growth of world trade (Lardy, 1992, p 7). The rigors of international competition also undoubtedly improved the welfare of Chinese citizens by increasing the quantity and quality of consumer goods available to them (not to mention other positive effects on the domestic economy).

The most remarkable fact about China's economic opening is that it was accomplished without any major transformations in the country's communist political institutions. The China case, characterized by Bruce Cumings (1989, p 218) as "a textbook example of how to introduce a developing country into the world capitalist system" is a case of economic reform without political reform. The success of China's opening flies in the face of our common sense understandings of the way economic development strategies are perpetuated by the vested interests of favored groups embedded in political institutions. We usually think of communist political institutions as particularly rigid and hostile to innovation. We expect communist party and government officials to defend their vested interests in a closed command economy by blocking reforms. How were Chinese leaders able to carry out market reforms and open policies through communist political institutions?

This paper will attempt to answer this question by analyzing the political-institutional dimension of China's opening since 1978.[1] I begin by describing China's previous import substituting foreign economic policies, their institutional logic, and the set of groups who were favored and protected by them. Turning to the drastic shift in policies in the late 1970's, I consider how, despite the political clout of the communist coalition standing behind the status quo, it was possible to open up the economy. My explanation focuses on the more decentralized and less institutionalized character of the Chinese version of communism, as contrasted with the Soviet version. I then go on to analyze the successful Chinese strategy for building a reform coalition in favor of foreign investment and trade, focusing on several features of the strategy, namely gradualism, administrative decentralization, and particularistic contracting. I conclude by examining how the strategy worked in two key reform policies, the decentralization of foreign trade and investment decisions and the establishment of the Special Economic Zones.

SELF-RELIANCE AND THE COMMUNIST PARTY-STATE IN CHINA:

For many years Mao Zedong's rhetoric of revolutionary agrarian populism disguised the true identity of Chinese and Soviet economic development strategies. Both communist parties were committed to rapid capital-intensive industrialization centered on steel and machinery, and both established economic and political institutions that reinforced a pro-industry and anti-agriculture bias. Once China's domestic development strategy was set, an import substitution trade regime naturally followed (Perkins, 1968; Lardy, 1992). Imports, largely of industrial equipment and material inputs, were targeted on building a self-reliant industrial economy.[2] Under central planning by material balances, industrial demand that could not be satisfied domestically (under rapid growth policies, excess

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1 A fuller argument about the way Chinese political institutions shaped reform policy-making is presented in my book, The Political Logic of Economic Reform (University of California Press, 1993 forthcoming).

2 In contradiction to Cumings (1979), Lardy (1992, pp 30-31) argues that the Chinese import substitution development strategy adopted during the 1950's when the Soviet Union was selling China industrial plants, did not undergo fundamental change after the break with the Soviet Union in 1960. Food imports surged after the disaster of the 1959 Great Leap Forward, but during the 1960's, China continued a program of complete plant imports largely from Japan.

demand was common) was satisfied by imports. The need to finance a particular level of imports determined the level of exports. An inconvertible and overvalued local currency discouraged exporting and built a wall between the domestic and international economies. The only organization empowered to transverse the wall was the government foreign trade monopoly whose trade corporations handled all trade transactions and who subsidized exports with profits earned from imports.[3]

The big winners under the Chinese extreme version of import substitution were heavy industry (including workers as well as managers), inland provinces, the military,[4] and the central agencies of economic control, a set of groups we can call the "communist coalition."[5] The eighty percent of China's population who worked in agriculture were penalized by being cut off from world export markets which would have pushed the prices of their products above the low levels maintained by administrative fiat in China. Light industry and the more advanced coastal provinces were unable to benefit from their international comparative advantage offered by cheap, well-educated labor because they also were prevented from entering world export markets. Consumers, in both city and countryside, were harmed by the administrative suppression of consumption levels and the denial of access to foreign consumer goods (as well as the lack of availability of high quality domestic consumer goods).

In the 1950's, Chinese Communist Party (CCP) leaders modeled China's economic and political institutions on those of the Soviet Union to embody the developmental priorities they also adopted from the Soviet Union, namely heavy industry over light industry, industry over agriculture, and production over consumption. The lack of democratic elections meant that citizen-consumers and the agricultural majority were disenfranchised. The Communist Party,

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3 With all trade corporations under the Ministry of Foreign Trade, if one corporation sustained a net loss, it was easy for the Ministry to reallocate financial profits from another money-making corporation (Lardy, 1992, p 26). The system of cross subsidies meant that China had a de facto multiple exchange rate system (Lardy, 1992, p 28).

4 Lardy (1992, p 23) notes that the military received preferential treatment in all of its trade transactions.

5 In a 1984 article, I identified a communist coalition consisting of three groups, heavy industry, inland provinces, and central agencies. (Shirk, 1984). I now believe that the military belongs in this coalition of groups favored and protected by communist policies.

and not the people, held ultimate authority. (Within the Communist Party, industrial interests were overrepresented and agricultural ones underrepresented both in the general membership and the Central Committee.) Politicians were accountable only to an elite selectorate of Communist Party and government officials that chose CCP leaders (Shirk, 1993). The CCP Central Committee that was the core of this selectorate consisted of three main blocs: Central CCP and government officials, provincial CCP and government officials, and military officers. The top Communist Party leaders appointed subordinate party, government, and military officials, and these officials, through their representation on the Central Committee, chose top leaders, creating the distinctive pattern of institutional authority characteristic of authoritarian regimes that I call "reciprocal accountability" (Shirk, 1993, Roeder, forthcoming).

The Communist Party delegated the work of making and implementing economic policy to the government State Council and the commissions and ministries under it.[6] The voice of industrial producers was amplified in these government institutions. The State Council had approximately fifteen heavy industrial ministries, but only a few ministries concerned with agriculture and only two (the Ministry of Light Industry and Ministry of Textiles) for light industry. The clout of heavy industry was enhanced by its intimate ties to the People's Liberation Army; all but one of the six (later eight) of the machine building ministries produced military equipment and were administered by the PLA. The absence of genuine legislative institutions representing regional interests robbed the economically stronger, more populous coastal provinces of a political voice and reinforced a redistributive development strategy favoring inland China. The distribution of power created by these political institutions tilted policy outcomes toward the extensive growth import substitution strategy that China had adopted from the Soviet Union.

The institutional arrangements for economic ownership and public finance also favored industry, particularly heavy industry.

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6 CCP leaders anticipated little risk that government officials would act contrary to party preferences because the party had appointment power over government officials, exercised constant, tight "police patrol" oversight over the government through party committees and groups, and had ultimate veto power over government decisions. Moreover, having institutionally established who gets to sit around the table, the party expected few surprises from government decision-making (Shirk, 1993).

Heavy industrial ministries "owned" many of their factories and ran them directly from Beijing, while light industrial and textile factories were under local governments, and farms were collectively owned and managed. Without enterprises directly under their control, officials in the light industry, textiles, and agriculture ministries were considered to be political lightweights. A public finance system based on revenues from the profits of state-owned factories reinforced a system of administratively-set prices that made industry "rich" (i.e. profitable) and agriculture "poor" (i.e. not profitable). China's institutional arrangements tilted policy-making toward rapid industrialization and import substitution, policy outcomes that worked to the detriment of China's powerless consumers and peasants and benefitted the communist coalition of heavy industry, inland provinces, the military, and central agencies of control.

Institutions shaped policies, but policies also had institutional consequences. The self-reliance import substitution policy put a premium on administrative control and thereby strengthened the role of the Communist Party and government central planners, an outcome that undoubtedly pleased CCP leaders. The planners in the State Planning Commission determined which ministries and localities would be allowed to buy imported plants. The separation of domestic and world prices gave the Ministry of Foreign Trade stringent foreign exchange controls to reclaim all hard currency to pay for imports and subsidize exports.[7] To prevent massive urban unemployment under policies biased toward urban industry, the central government enforced strict restrictions on rural-urban migration. Import substitution may have resulted in economic irrationalities, but it enhanced the state's political control over the economy and society. The bureaucratic organizations responsible for enforcing this control, such as the State Planning Commission, the Ministry of Foreign Trade, the Ministry of Public Security, and the central departments of the Communist Party, naturally had a particularly strong interest in its perpetuation.

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[7] After 1964, domestic and international prices were completely separate in an "airlock"system in order to protect domestic industry, particularly machinery from foreign competition (Lardy, 1992, p 24).

LEADERSHIP COMPETITION AND DENG XIAOPING'S REFORM INITIATIVE:

There was nothing inevitable about Deng Xiaoping's decision to open China's economy to foreign investment and expanded trade. The Chinese version of the command economy that had operated under Mao Zedong's rule had produced accomplishments as well as problems. China's economic problems, moreover, were nothing new; they were apparent to many Chinese economists as far back as the 1960's. And it was by no means obvious that marketization and opening-up were better solutions than improving the quality of central planning. By the time of Mao's death in 1976, members of China's political elite did agree that restoring the Communist Party's prestige after the Cultural Revolution debacle required improving economic performance and raising living standards. The self-doubt of the Chinese elite, brought back from their first trips abroad to more advanced countries during the 1970's, also motivated them to strong action on the economic front. Despite an elite consensus on the political necessity of economic progress, there was no agreement on the meant to achieve it.

Deng Xiaoping had expressed an opinion, back in the mid-1970's, that economic isolation was detrimental to China's welfare and national security, a view that was lambasted by the radicals who dominated policy-making at that time as characteristic of "lackeys and compradors in the service of foreign bosses."[8] Deng argued in 1974-75 that there was a real danger of war with the Soviet Union and that China's economic backwardness put it at risk. The way to accelerate economic modernization was to import technology, equipment, and managerial skills from the West; improved political ties between China and the Western countries, including Japan, created a favorable international environment for such imports (Huan, 1987). Deng's proposals for expanding trade (nothing was said about foreign investment) were blocked by his radical rivals, and he was purged again, not to return until after Mao Zedong's death in 1976. As a result of the backlash, foreign trade stagnated during 1974-77.

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[8] Zheng Tuobing, "To Promote China's Foreign Trade Under the Reform and Open Policy," To Build Socialism with Chinese Characteristics, Zhongguo zhanwang chubanshe, 1985, pp 40-42, cited in Huan Guocang, 1987, p 42.

Mao's chosen successor, a politically weak and relatively unknown figure named Hua Guofeng, picked up on some of Deng's ideas about increasing exports and importing more technology, but colored them with Mao's ideological rhetoric of mass mobilization and tilted them squarely in the direction of the old communist coalition. The increase in world oil prices was a major factor in Hua's policy to base China's new great leap outward on petroleum exports. The leaders of China's energy and heavy industrial sectors (which are concentrated in inland regions), the so-called "petroleum faction," formed the core of Hua Guofeng's support. There was not an iota of market reform suggested in Hua's development strategy To the contrary, Hua's vision was of a highly centralized stepped-up import substitution drive directed toward heavy industry and led by oil exports.

It was in this context that Deng Xiaoping sought to regain national political power and replace Hua as China's top leader. He had to find an alternative policy vision that would help him build a coalition of supporters within the selectorate. Hua appeared to have the traditional communist coalition (heavy industry, inland provinces, military, central bureaucracies) in his corner. To create a reform coalition, Deng turned to light industry and agriculture, coastal provinces, and provincial officials. He appealed to these groups with a platform of decentralization, marketization, and economic opening.

The introduction of domestic market reforms and the opening to the international market should be understood as Deng Xiaoping's strategy to depose Hua and win the contest for leadership succession. Reform initiatives in communist countries must come from above, from the first tier of elites trying to build constituencies among the second tier who constitute the selectorate. Communist institutions preclude overt demands for policy innovation from below by disenfranchising society and by prohibiting bureaucrats from ministries, provinces, etc. at the second tier and lower from forming blocs to press for change.[9] [10] Because there is no separate sphere of

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[9] Because ordinary citizens have no institutional voice in communist authoritarian regimes, citizen collective action through protest becomes all the more important. Therefore groups that find it easier to organize mass protests (e.g. urban workers) are more influential in authoritarian regimes than those who find it harder (e.g. peasants).

[10] Scholars who study non-communist third world countries often ascribe reform initiatives to "change teams" of technocrats (Waterbury, 1992) or the

political competition (such as elections), the contest for power is piggybacked on the policy process within the bureaucracy. Power and policy are completely intertwined. With no fixed terms of office, the influence of succession competition on the policy process is almost constant, becoming particularly intense when the top leader is old or conspicuously weak, as was the case with Hua Guofeng in 1977-78.

Deng Xiaoping's challenge to Hua Guofeng received an unexpected boost at the end of 1978 when estimates of Chinese oil reserves were revised downward and commitments to import plants and expand heavy industry could not be sustained (Cumings, 1989, p 210). The 1978 annual plan which had been based on overly optimistic projections of oil production essentially collapsed. Having made the decision to open the door to technology imports, the Chinese leaders suddenly realized that they had almost nothing other than oil to export for hard currency. A sense of economic crisis pervaded meetings of party leaders.

Deng Xiaoping took advantage of the economic crisis to discredit Hua Guofeng and weaken the heavy industry czars from the petroleum faction who dominated the central government. His platform, introduced at the Third Plenum of the Eleventh Central Committee in December 1978, consisted of 1) decentralization and gradual marketization of the domestic economy and 2) foreign economic policies that welcomed foreign investment and promoted exports of light industrial manufactured goods. The foreign economic plank of the platform made economic sense in that China had a comparative advantage in light industrial production because of low labor costs, and the rapid economic growth in Hong Kong, Japan, and the East Asian NICS had enlarged markets for Chinese processed food and consumer goods.[11]

"embedded autonomy" of technocratic government agencies (Evans, 1992). Such phenomena are impossible to find in communist systems because even with reciprocal accountability, top-down political controls over bureaucratic careers are very strong, and communist oligarchs keep the bureaucracy compartmentalized to prevent coordinated action among the second tier. It is also worth noting that Chinese government bureaucracy in the late 1970's had a very small number university-educated technocrats because for decades Mao stressed political loyalty over expertise in bureaucratic promotion.

11 Although improved relations with the United States and Europe created conditions for financial and technical assistance from these countries, economic recession and protectionism limited markets for Chinese manufactured exports in those countries. It certainly doesn't appear that

The new foreign economic approach also made excellent political sense from Deng's perspective. It allowed Deng to make an end-run around the central planners and industrial bureaucrats who perpetuated import substituting self-reliance by appealing to the beneficiaries of the open policy, namely light industry and agriculture, coastal provinces, and provincial officials. The main components of Deng's open policy, introduced in a series of policy initiatives over the decade after 1978, included the following:

--- Expanding exports, particularly of light industrial manufactured goods, by decentralizing and making more incentive compatible foreign trade administration. The monopoly of the central Ministry of Foreign Economic Relations and Trade (MOFERT) was smashed and trading authority dispersed among various ministries and provinces, who also were allowed to retain a proportion of their foreign exchange earnings.

--- Acquiring foreign technology, investment, and managerial and international marketing know-how through joint ventures. To attract foreign investment, approval authority was decentralized to ministry and provincial officials.

--- The creation of Special Economic Zones in the coastal provinces of Guangdong and Fujian authorized to offer concessionary terms to foreign investors.

POLITICAL INSTITUTIONS AND REFORM STRATEGY:

How could Deng carry out foreign economic reforms through Chinese political institutions that empowered the communist coalition, not the potential beneficiaries of reform? The answer is that the Chinese version of communism proved to be more flexible than the Soviet version because in China, political and economic authority was more decentralized and less institutionalized than in the Soviet Union. In the context of Chinese political institutions, it was possible to break down reforms into particularistic benefits for Chinese officials and thereby create bureaucratic vested interests in reform.

China's new strategy of growth led by light manufacturing exports was driven by dramatic increases in world market demand for these products.

Under Mao Zedong, Chinese central control over economic life was never as extensive or effective as in the USSR itself, and the role of local government was stronger. Mao pioneered the political strategy of "playing to the provinces" later adopted by Deng Xiaoping to promote economic reform. In the Great Leap Forward (1958) and the Cultural Revolution (1966-69), Mao sought to overcome the resistance of stodgy central bureaucrats to his vision of accelerated growth and revolutionary collectivism and egalitarianism by promising provincial officials more authority and resources and by expanding the bloc of provincial officials in the Central Committee. In China, as a result of Mao's initiatives, a substantial share of economic activity went on outside the national plan and much of it was administered at the provincial level. The central party-state bureaucracies were a less formidable obstacle to market reforms, and previous waves of administrative decentralization created the possibility that provincial politicians could become a reformist counterweight to the more conservative center. Although these provincial politicians are appointed by the central Communist Party organization, under reciprocal accountability they also have the leverage of a key constituency in the selectorate.

China also was way behind the Soviet Union in giving institutions and not personalities the authority to make decisions.[12] The Central Committee of the Soviet Communist Party definitively established its authority to choose party leaders in 1957; although the CCP Central Committee has the same constitutional powers, its actual authority is still shared with other party elites, some of whom are retired elders who do not even hold official posts. The locus of authority is ambiguous because it is actually moving from an informal group of revolutionary elders to the collective institutions of the Communist Party. In the Soviet Union, the pre-eminent leader's authority to dispense patronage and determine the membership of the Central Committee was highly constrained by the collective norms of the party; in China, Deng Xiaoping had much more latitude to dispense patronage and shape the Central Committee, and he used it to build support for himself and reform.

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12 China's evolution from personalistic rule to institutionalized authority was retarded due in large part to Mao Zedong's attempts to sustain his revolutionary charisma and stem the trend of institutionalization (which is disparagingly called "revisionism") by launching mass campaigns.

The looser, less institutionalized character of Chinese communist institutions made it possible for Deng Xiaoping to introduce economic reforms without radical changes in the political rules of the game. Because reform policies had to be processed through the communist party-state bureaucracy, however, it took some artful strategy on the part of Deng and his allies. The most important features of this strategy were gradualism, administrative decentralization, and particularistic contracting:

Gradualism: To avoid antagonizing the communist coalition, reforms were introduced gradually. Instead of attacking the perquisites and powers of the central planning and trade agencies head-on, Deng Xiaoping decided to encircle the government bureaucracies by creating new forms of business exempt from normal state rules, such as private, collective, and joint-venture firms and the Special Economic Zones. A two-track system was created, and producers were drawn away from the plan by the higher prices and foreign exchange earnings in the market track. The plan continued to exist, but the economy was allowed to outgrow the plan. Even state enterprises were permitted to participate in the market track after they met their plan quotas. Officials who served as gatekeepers to the more lucrative market track were able to reap personal political and economic rewards.

Administrative decentralization: Deng's strategy primarily involved administrative decentralization to local governments, with a small degree of economic decentralization down to the firm level. Authority to manage foreign trade, approve foreign investment projects, and control hard currency were devolved to lower level officials, not to managers themselves. China's open policy involved ending the central foreign trade monopoly and dispersing authority to various bureaucratic actors, but it was by no means true trade liberalization. The provincial officials who were a key constituency in the selectorate were the prime beneficiaries.

Particularistic contracting: A key feature of Deng Xiaoping's political strategy of economic reform, both in the domestic and foreign sectors, was what I call "particularistic contracting." New arrangements for foreign trade and investment, like those for domestic industrial management and finance, were negotiated for each unit (province, locality, or firm). First, a small number of units were chosen to be reform "experiments" that were not only allowed

new freedoms but also were blessed with other preferential treatment to guarantee that the "experiment" was successful.[13] Naturally, other units demanded the same deal. As the scope of reforms expanded, party and government officials at every level from the center down to the county gave out generous reform contracts to build factions of grateful clients. Reform proposals that applied standardization formulas to each unit were consistently rejected in favor of proposals that applied different rules to to each. The particularistic contracting model of economic reform was politically successful in the context of Chinese political institutions because it mimicked the familiar pattern by which production, supply, and trade quotas were bargained out and political support networks built under traditional central planning. Moreover, particularistic contracting reforms were embraced because they were a way to make inherently redistributive reforms non-(or less-) redistributive; enterprises and localities could make sure they were no worse off by implementing reforms. The patrimonial style of Chinese communist politics (which was caused as much by the absence of institutional checks on patronage within the CCP as by the persistence of Chinese cultural tradition) proved to be an advantage in building bureaucratic support for the reform drive. Chinese style economic reform was successful in large part because its particularistic contracting form generated political resources for communist politicians from Deng on down.

Some other elements of the Chinese strategy of foreign economic policy reform were institutional tinkering, sidepayments, and protectionism:

Institutional Tinkering: To prevent the central planners and heavy industrial bureaucrats who dominate government policy-making from blocking the opening policies, Deng made sure that decisions on these policies were made in a highly centralized manner either in the Communist Party Secretariat or the State Council.[14] To make an end-run around the government commissions and ministries, Deng

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13 The term "experiment" is a misnomer. Chinese reform experiments closely resembled the model farms, factories, and localities of the previous era that Mao Zedong used to propagandize and build bureaucratic support for his policy initiatives.

14 See Bates and Collier (1991) for another example of how political entrepreneurs in authoritarian regimes open up space for policy innovation by strategically shifting policy-making arenas back and forth between party and government.

created new ad hoc institutions like the Special Economic Zone Office to implement the new foreign economic policies.

Sidepayments: Deng was also careful to coopt key individuals and groups in the communist coalition with sidepayments to obtain their acquiescence to reform. The children of senior leaders, including conservative leaders who were potential opponents of the opening policies, were allowed and even encouraged to pursue careers in foreign trade companies where they made small fortunes trading on their high level influence. The energy industries were satisfied by the continued promotion of oil exports (international oil prices didn't drop until the mid-1980's) through off-shore exploration financed by foreign oil companies and by large foreign investments in coal. Central authorities made special efforts to attract foreign investment. to modernize China's manufacturers of aircraft, automotive vehicles, and other heavy equipment. When preferential foreign exchange retention rights were granted to coastal provinces, they were extended to several poor inland provinces at the same time. The exports of military industries were highly subsidized by preferential foreign exchange retention rights.

Protectionism: Deng's strategy of gradualism also involved protecting the domestic market from being flooded by foreign products and destroying China's dinosaur heavy industries and infant consumer goods industries. Only when Deng and other pro-reform leaders decided in 1992 that entrance to GATT was essential to realize their economic goals, did they agree to open the domestic market to a substantial flow of imports. Despite continued protection against international competition, local industry became more competitive due to new pressure from private, collective, and joint venture enterprise.

TWO CASES OF FOREIGN ECONOMIC POLICY REFORMS:

The Decentralization of Foreign Trade and Investment Authority:

The decision to smash MOFERT's monopoly over foreign trade management was essentially a choice to reduce central control in order to increase the volume of trade and build bureaucratic vested interests in the open policy. Under the MOFERT monopoly, a dozen of the ministry's trading companies had handled all foreign trade transactions; by 1990 there were more than 5000 trading companies

established by ministries, provinces, and cities. By the end of 1987, there were nearly 900 foreign trade companies in Guangdong province alone (Lardy, 1992, p 39).

Deng Xiaoping and his allies chose a path of gradual decentralization of trade rather than moving rapidly to its full liberalization. This choice involved maintaining the inconvertibility of Chinese currency during the transition and distributing differential rights to retain foreign exchange earned from exports (i.e. import entitlements) to provinces, ministries, cities, and enterprises as an export incentive. Because domestic economic reform generated a tremendous hunger for imports of both assembly lines and consumer goods, the system of foreign exchange retention rights generated a valuable selective benefit that officials could distribute to their friends and supporters or keep for themselves.[15]

Over the decade, central authorities distributed an increasingly large share of foreign exchange earnings to local governments and enterprises.[16] As a favor to provincial and municipal officials, the first foreign exchange retention rules introduced in 1979 allowed locally managed firms to retain 40 percent of their export earnings over the 1978 level, while ministry managed firms could keep only 20 percent. Beginning in the early 1980's, especially generous retention deals were given to certain regions (the coastal provinces of Guangdong and Fujian and the remote inland province of Xinjiang) and sectors (petroleum, machinery and electronics, military industries, and science and education). In 1982, the State Council set fixed retention rates for each province; the rates ranged from 3 to 25 percent (the average provincial rate was 8 percent). In 1985, the provincial foreign exchange retention rates were raised to a minimum of 25 percent; the rates for Guangdong and Fujian were lifted to 30 percent, and seven inland provincial-level regions (Inner Mongolia, Xinjiang, Guangxi, Ningxia, Yunnan, Guizhou, and Qinghai)

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15 In 1985 and 1986, the central government temporarily froze the foreign exchange in the hands of local officials by putting strict controls on its use. This move was a response to the Hainan auto import scandal in which officials on the island took advantage of their preferential access to foreign exchange to import automobiles for resale in Guangdong and other provinces, and to overall trade deficits.

16 By the mid-1980's, 42 percent of all foreign exchange was in the hands of the provinces and export producers, and only 58 percent was controlled by the central government. As a general rule, of the foreign exchange retained by locals, half went to the enterprise and half to the level of government that "owned" it (Lardy, 1992, pp 56-7).

were allowed to retain half their foreign exchange earnings. Producers of machinery and electronic product exports had their retention rate raised to 65 percent. Also in 1985, a new system was established that gave most provinces 25 percent of the earnings of planned exports, and 70, 80, or 100 percent of above-plan earnings. By 1986, the four Special Economic Zones and four development zones (including both coastal and inland) in Hainan, Huangpu, Guangzhou, and Xijiang were allowed to keep all their export earnings. A 1987 policy encouraged the export of light industry, arts and crafts, and garments by raising their retention rates (information in this paragraph is drawn from Lardy, 1992, pp 53-57).

Under the dual track system, the national budget continued to take domestic currency losses on foreign trade and export incentives remained inadequate. The central government's solution was another form of particularistic contracting called foreign trade contracts. All provinces and national foreign trade corporations signed contracts with MOFERT specifying the quantity of export earnings (in foreign exchange), the quantity of foreign exchange to be remitted to the central government, and the level of domestic currency profits and losses in foreign trade transactions. The contracts, negotiated individually for each provinces, perpetuated the practice of granting provinces different rates of foreign exchange retention (Lardy, 1992, pp 102-3).

The Chinese gradual, decentralized, particularistic approach to reforming foreign trade administration and encouraging exports was extraordinarily successful in both political and economic terms. The perpetuation of a two-track system won bureaucratic (especially local) support for the open policy by creating a system of selective access to foreign exchange and imports. But the reformist leadership wisely did not rest at this politically useful but economically irrational half-way point.[17] Over the decade the steady devaluation of the yuan and creation of swap market trading centers brought the currency very close to convertibility, so that by the end of the 1980's access to foreign exchange was no longer a significant issue.

The decentralization of foreign trade administration was accompanied by decentralization of authority to approve foreign

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17 In fiscal and industrial finance reform, on the other hand, the reforms still are stuck at contracting, which is a political equilibrium but an economic cul-de-sac.

investment projects. With both types of decentralization, local officials were happy to be unleashed to gain access to foreign technology, equipment, and capital. Fiscal reforms had given them a direct stake in the profits of local industry, and an imported color T.V. assembly line or a joint venture with a foreign firm could mean a windfall. Once central controls were lifted, local officials hustled up foreign business like seasoned merchants by offering tax breaks and other inducements, and the volume of trade and foreign investment grew dramatically.[18] An inevitable consequence of decentralization was an intensification of competition for foreign business among provinces and a resulting loss of bargaining power for China as a whole vis a vis foreign corporations (Shirk, 1990).[19]

The Creation of the Special Economic Zones:

In another example of the politically successful strategy of gradualism, decentralization, and particularism, Deng Xiaoping created special economic zones as the leading edge of China's entry into the world economy. In 1979, he authorized special trade and investment measures for two coastal provinces, Guangdong and Fujian. One such special measure was the creation of special zones allowed to offer concessionary terms to attract foreign investment projects that would transfer modern technology and expand exports. As reform experiments, the zones were allowed to escape almost completely from the old planning system and come close to establishing a market economy.[20] At first, only four special economic zones (SEZ's) were established, three in Guangdong (Shenzhen, Zhuhai, and Shantou) and one in Fujian (Xiamen).

The political logic of the creation of the SEZ's was clear. Deng Xiaoping was just beginning to consolidate his power after

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18 Exports did not grow rapidly until the rate of exchange was improved and tax subsidies for exporters increased in the second half of the 1980's.

19 Competition among provinces and localities for foreign business, however, had a salutary affect on the economic decisions of local officials. In the early days of reform, local officials took advantage of their new economic authority to subsidize loss-making enterprises and build patronage machines; they paid little attention to raising efficiency or investing in needed infrastructure. But over time, competition for foreign investors led them to push firms to become more efficient so that they could concentrate funds on building the airports, telecommunications and roads that would create an attractive environment for foreign investors (Rawski, 1992, pp 11-12).

20 For example, the SEZ's are still the only places in China with actual labor markets.

supplanting Hua Guofeng as national leader. Drastic reforms which would not have been acceptable to the conservative elders and members of the communist coalition if implemented on a wide scale, could be sold if they were limited to a small number of experimental points (Crane, 1990, pp 28-29). Deng also could argue to the conservatives that locating special zones in direct proximity to Hong Kong and Taiwan would help reassure these two areas about reunification. (Crane, 1991, p 37).[21]

The economic dynamism stimulated in the SEZ's by the special subsidies and freedoms they were granted naturally sparked envy among other less fortunate regions. Shanghai, which had always considered itself China's economic capital, fiercely resented the preferential treatment given to the zones.[22] Inland provinces objected to the widening of the economic gap between themselves and the SEZ's on the coast. The regions who felt left behind reacted in three different ways. First, they tried to sabotage the SEZ's and the open policy with ideological attacks on them for selling out the country to the foreigners and tolerating corruption and cultural decadence (Crane, 1990, p 36).

At the same time, however, the other regions rushed to get a piece of the action by setting up businesses in the zones, mainly in Shenzhen. With its market economy and access to foreign funds and markets, Shenzhen became an important domestic trade entrepot where firms could buy and sell steel, cars, consumer goods, and almost anything else. Shenzhen even established its own shipping companies to transport the goods. (Shenzhen benefitted from the tremendous demand for inter-regional trade that had been pent-up by administrative blockades erected by local officials responding rationally to fiscal and industrial decentralization). The inward domestic orientation of the SEZ's was viewed as a problem by many

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21 As Chen, Jefferson, and Singh (1992, pp 212-213) point out, Hong Kong, and now increasingly, Taiwan, have had a profound effect on P.R.C. economic development as trading partners, financiers, and intermediary. As of 1988, exports to Hong Kong were 40.8 percent of China's total exports (3/4 were re-exported), and 30.8 percent of China's total imports came from Hong Kong (more than 2/3 of them were processed in China and re-exported through Hong Kong). Of the $3.2 billion of direct foreign investment in China in 1933, 2/3 originated in Hong Kong and Macao; Guangdong province claims 43 percent of China's total foreign direct investment.

22 When I interviewed the then-mayor of Shanghai, Wang Daohan, in 1985, even before I asked the first question, he launched into a long tirade about the center's special treatment of Guangdong province and its SEZ's.

people who believed that the zones were supposed to be primarily outward oriented (Tzeng, 1991, pp 274-5). In fact, the economic ties between the SEZ's and the inland areas created economic benefits for both and widened the base of political support for the open policy.[23]

The creation of specially privileged foreign trade and investment zones also spurred other regions to demand similar privileges for themselves. Economic envy is a powerful motivation. Provincial officials, many of whom were initially hostile to the open policy, soon began to advocate extending the policy throughout China. Such pressure was responsible for extending zone-like freedoms to fourteen coastal cities in 1984 and to three larger delta areas (the Pearl River delta, the Yangtze delta, and southern Fujian) in 1985, and to the Pudong zone in Shanghai in 1989. Officials from the interior remained dissatisfied and in 1988 organized a series of meetings arguing for the benefits of the open door to be spread beyond the coastal areas (Tzeng, 1991, p 279). In response, the center expanded the foreign trade and investment autonomy of a number of inland provinces and localities. By selectively authorizing particular places as privileged open zones, beginning with a small number and gradually adding more, the Chinese leadership brought even inland officials into the reform coalition.

CONCLUSION: COMMUNIST INSTITUTIONS AND OPENING REFORMS:

The simplistic notion that communist bureaucracies are so wedded to central planning and self-reliance that they block any attempts to change was proven false by the Chinese case. The Chinese version of communism, more decentralized and less institutionalized than the Soviet version, made it possible for an entrepreneurial economic reformer like Deng Xiaoping to dramatically expand Chinese foreign trade and investment without altering political institutions. Deng's strategy of gradualism, administrative decentralization, and particularistic contracting created new bureaucratic vested interests in the open policy. Chinese communist institutions proved their flexibility as the bureaucratic support for reforms snowballed over the decade. By

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23 As Cumings (1989, p 218) points out, China's huge domestic market gives it an advantage over other newly-industrialized countries with less purchasing power at home that run into trouble when protectionism cuts their access to the U.S. market.

1990, the bureaucratic coalition for the open policy had grown beyond the core groups of light industry and agriculture, local officials, and coastal provinces to include even many inland provinces and heavy industries. Foreign firms and governments were also an important element in the domestic political coalition promoting opening. The political momentum was to extend the deregulation and marketization of foreign economic relations, not to restore central control and self-reliance. The open policy has become irreversible, locked in by strong bureaucratic support.

Although China's dramatic turnaround in foreign economic policy was accomplished without fundamentally changing its communist authoritarian political institutions, in the long run the open policy will generate pressures for political reform. Foreign democratic ideas have entered the country through the open door, carried by returning Chinese students, mass media, and expatriates living in China. The coastal provinces that are the leading edge of China's opening will demand national political institutions that give them a larger voice. And the cadre capitalists who have set up trading companies will demand legally-protected property rights. Still the sequence of economic reform before political reform has some real advantages. By the time the pressures for political reform build to the point that China expands the political arena to include elected representatives who might push for protection and re-regulation, the country's industrial and trade regime is likely to be strong enough to sustain international competition.

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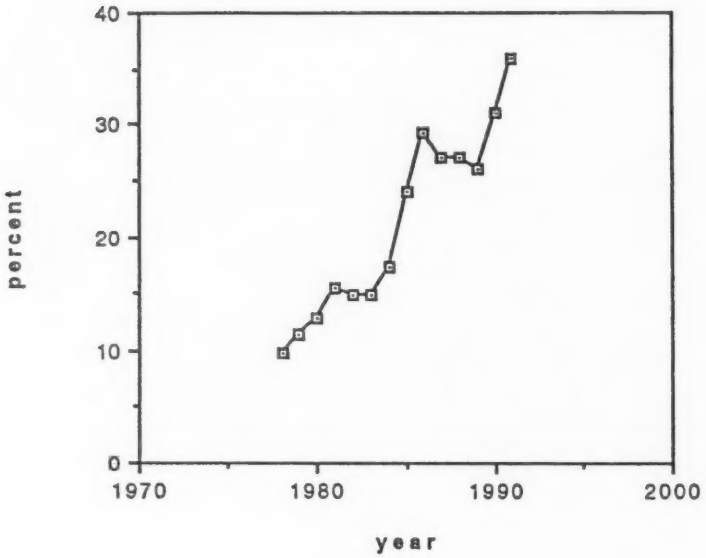
Table 1
PRC Imports and Exports, 1950-1990 (in billions of US dollars)

Year	*Total*	*Exports*	*Imports*
1950	1.13	0.55	0.58
1951	1.96	0.76	1.20
1952	1.94	0.82	1.12
1953	2.37	1.02	1.35
1954	2.44	1.15	1.29
1955	3.14	1.41	1.73
1956	3.21	1.65	1.56
1957	3.10	1.60	1.50
1958	3.87	1.98	1.89
1959	4.38	2.26	2.12
1960	3.81	1.86	1.95
1961	2.94	1.49	1.45
1962	2.66	1.49	1.17
1963	2.92	1.65	1.27
1964	3.47	1.92	1.55
1965	4.25	2.23	2.02
1966	4.62	2.37	2.25
1967	4.16	2.14	2.02
1968	4.05	2.10	1.95
1969	4.03	2.20	1.83
1970	4.59	2.26	2.33
1971	4.84	2.64	2.20
1972	6.30	3.44	2.86
1973	10.98	5.82	5.16
1974	14.57	6.95	7.62
1975	14.75	7.26	7.49
1976	13.43	6.85	6.58
1977	14.80	7.59	7.21
1978	20.64	9.75	10.89
1979	29.33	13.66	15.67
1980	38.14	18.12	20.02
1981	44.03	22.01	22.02
1982	41.61	22.32	19.29
1983	43.62	22.23	21.39
1984	53.55	26.14	27.41
1985	69.60	27.35	42.25
1986	73.85	30.94	42.90
1987	82.65	39.44	43.22
1988	102.79	47.52	55.28
1989	111.68	52.54	59.14
1990	115.44	62.09	53.35

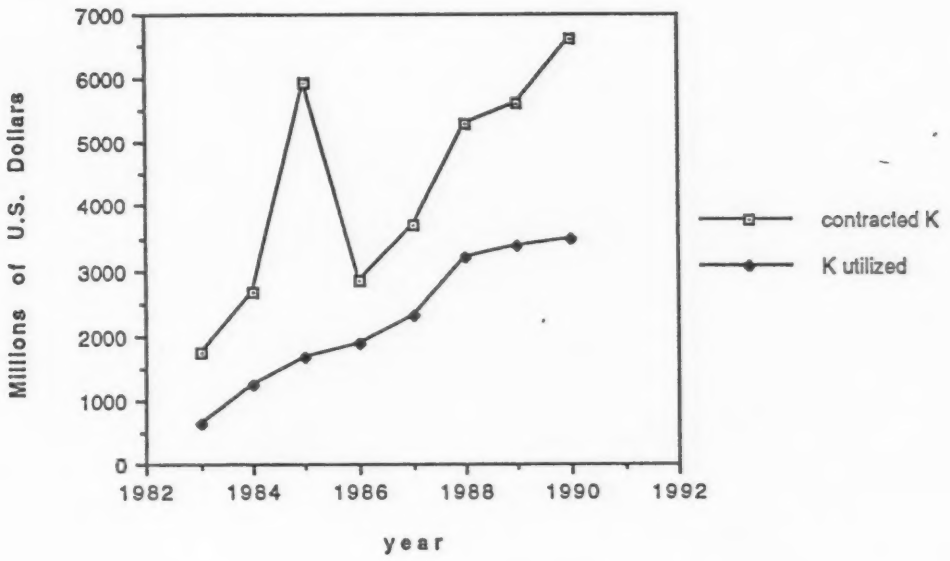
Source: *China Statistical Yearbook* (1991), p. 554.

Table 2
PRC Imports and Exports as a percentage of GNP



Source: *China Statistical Yearbook* 1991.
Zhongguo tongji zhaiyao, 1991.

Table 3
Direct foreign investment in the PRC, 1983-1990



Source: *China Statistical Yearbook*, 1991.

THE COMMUNITARIAN LIBERALISM OF T.H. GREEN

Avital Simhony

Department of Government
The College of William & Mary

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I: Introduction

This paper examines the non-individualist liberalism of T.H. Green in light of the current liberal\communitarian debate. That debate has been dominated by the "tyranny of dualism" introduced by communitarian critics of liberalism. Their methods of interpretation "invites us to see the moral universe in dualistic terms: either our identities are independent of our ends, leaving us totally free to choose our life plans, or they are constituted by community, leaving us totally unencumbered by socially given ends; either justice takes absolute priority over the good or the good takes the place of justice" (Gutmann 1985: 316-317) and so on.

Underlying these various oppositions is a dichotomy between, as Sandel puts it, "a politics of the common good" (communitarianism) and "a politics of rights" (liberalism) (Sandel 1984: 6). These two visions of politics are said to draw on two opposed visions of social relations. Whereas the common good is associated with a holistic perspective of community, the politics of rights presupposes an atomistic vision of society. And while for communitarians the basis for legitimacy is a shared conception of the good, for liberals a shared sense of justice (which yields a framework of rights) is the basis of legitimacy. Thus communitarians tend to downplay the importance of rights and justice as the foundational stone of political theory; instead, they assign pride of place to what they suggest is the opposite: a shared conception of the good in the shape of a socially endorsed way of life. Communitarians further believe that their own arguments revive and draws on Hegel's criticism of Kantian individualism and Aristotelian ideas of communal ends and citizenship, while liberalism draws support from the Kantian view of the choosing individual, independent of desires and goals.

This paper seeks to challenge the discourse of the "tyranny of dualism" which has dominated the current debate. Instead it claims that the relationship between liberalism and communitarianism cannot be one of simple opposition, for which evidence is abound in the history of liberal thought. I suggest that T.H. Green's liberalism (as well as New Liberalism generally) is an excellent case in point.

Green is of special interest to this debate for two reasons. First, he was a self-conscious communitarian liberal who set out to reconcile the liberal subject with human community. For him the choice between the situated and unencumbered self, or the choice between community and citizenship on the one hand, and rights and justice, on the other, is no choice at all. Indeed, his moral and political philosophy defies classification in terms of Sandel's dichotomy of the politics of the common good and the politics of rights. Crucially, Green's approach to moral and political philosophy is the opposite of the "tyranny of dualism" approach which underpins the communitarian method of interpretation and can be described as "relational." Accordingly, Green's non-individualist liberalism can be referred to as "relational liberalism." Second, and relatedly, Green draws on the intellectual resources of both sides of the current debate. Thus, Aristotle and Hegel as well as Kant are equally essential sources of his liberalism. I believe that his unique attempt to construct

communitarian liberalism merits attention.

II: The Common Good

The best entry to Green's liberalism is his idea of the common good. This is because it lies at the hear of Green's moral and political theory, and further because the common good both rests on, and is expressive of, Green's relational approach to liberalism. It is, however, a problematic entry. Although it is widely agreed that the common good "is absolutely central to Green's theory," (Harris & Morrow 1986: 6) there is little agreement on the nature of that idea, as well as a great deal of criticism relating to the ambiguity of the common good, its practical value, its consistency and its quietist overtones. While it is not the object of this essay to address these criticisms directly, I hope that an adequate understanding of the idea of the common good will show that far from being an ambiguous notion, it embraces an explicit view of an ideal society which, in turn, issues in a clear action-guide for individuals and institutions.

Green's view of the common good is a solution to a problem. It is a problem which Sidgwick regards as "the profoundest problem of ethics," (Sidgwick 1907: 386,n.) namely the dualism of practical reason: how to reconcile the good of one with the good of others, self-love and benevolence, interest and duty. Sidgwick credits Butler with articulating that dualism, which also underpins the moral theories of Hobbes and Kant. Sidgwick also believed that he failed to resolve the dualism of practical reason. Green, however, believed that he succeeded in doing just that (PE, 225-239).

The solution, according to Green, lies with an adequate understanding of the true good of a rational agent. The true good of a rational agent is the "common good; [namely] a good in the effort after which there can be no competition between man and man, of which the pursuit by any individual is an equal service to others and himself." (PE, 283; 244, 281, 284; Kant, 107, 112, 123-124, 126) "Equal service"--or as Green also calls "mutual service" (PE, 244)--is the action-guide that the idea of the true good generates and justifies. Mutual or equal service entails that, positively, pursuing the good by oneself benefits others and, negatively, no one can gain by another's loss (PE, 176, 203, 246, 273-274, 285-286; Kant, 118) It is equal service because it presupposes the moral equality of individuals as free and rational agents. It is mutual service because it avoids both self-love (because others benefit too) as well as benevolence (because oneself also benefits). The idea of mutual service is the core idea of the common good and shows that the common good unifies human action, thereby ensures that practical reason is not fractured and that the principles of human nature are not left asunder.

That this is so can be shown in a four-step reconstruction of Green's analysis of the good of a rational agent:

(1) The good is self-satisfaction.
(2) The true, as contrasted with the apparent, good is self-realization or

self-betterment.

(3) Self-realization requires a disinterested interest in the betterment of others.

(4) Self-realization is the common good.

Let me explain. (1) The good is self-satisfaction. Green argues against hedonist utilitarianism that the good as such, generic good, is not pleasure but satisfaction of desire. (PE, 171; Kant, 114-115) Pleasure may accompany the satisfaction of desire, but pleasure is never the object of desire. That generic good is self-satisfaction accords unity to the self and to human action which, Green believes, can overcome Kant's view of a self which is divided between two opposed selves, sensuous and rational, each with its own sources of action. If self-satisfaction is the good of a rational agent who is an object to himself, then in all actions the self is free or self-determined. However, depending on the nature of the object in which the self seeks satisfaction, only a certain kind of self-determination is self-realization. Put differently, Green holds that all human actions are formally free, but only some are really free, depending on the nature of the ends in which the agent seeks self-satisfaction (PE, 154; Kant, 92, 83; DSF, 16).

(2) The true good is self-realization. The rational nature of the agent--the capacity to conceive a better state of oneself as an end to be realized by action--requires full realization of human capacities, not merely (habitual) satisfaction of any desire the agent happens to have. (PE, 174-179; DSF, 20-25)

(3) Self-realization requires disinterested interest in the betterment of other persons. Disinterested interest means interest in something for its own sake, not as a means to an ulterior end. Green believes that one cannot realize one's capacities in isolation. The development of individuality does not require "pure individualism, ... simple detachment of man from man ..." (PO, 37), but rather requires social relations: "it is only in the intercourse of men, each recognised by each as an end, not merely a means, and thus having reciprocal claims, that the capacity [for self-realization] is actualised and that we really live as persons" (PE, 183). Green thus seeks to secure the development of individuality by divorcing it from individualism and situating it in relation of mutual interdependence. Practical awareness of that relation teaches us that for us to exist and develop as persons we need the recognition of those whom we recognize as persons and vice versa.

Such practical understanding generates "mutual interest" of persons in each other: "They are interested in each other as persons in so far as each, being aware that another presents his self-satisfaction to himself as an object, finds satisfaction for himself in procuring or witnessing the self-satisfaction of the other" (PE, 190; 199-205, 229-232). If one's self-satisfaction is dependent on the self-satisfaction of others, then the self-satisfaction of others is, ipso facto, a matter of interest for one and vice versa. This entails that the satisfaction of our nature demands that our associates be likewise developed: their growth and satisfaction contribute to ours and vice versa. It is the kind of relation in which the growth of one's capacities does not diminish the capacities of others but enhances and raises them.

(4) Self-realization is the common good. Self-realization is the true good which is the common good. Self-realization is the common good because it meets the requirements of mutual service. Self-realization of one should not be achieved by the degradation and exploitation of others but should be obtained by others benefiting. When all act on mutual service the common good obtain. The common good is an essentially social idea since self-realization requires social relations of mutual interest.

The common good, indeed, is an ideal of "some sort of society" (PE, 332) which lies at the heart of Green's social morality, and which Green sometimes describes as "social union" (PE, 281, 283, 284). But what sort of society? The sort that is constituted by relation of mutual interest. When individuals and institutions adhere to the action-guide of mutual service, the common good society obtains: an ideal of social union which excludes no one; that is to say, it is in the interest of all and all are interested in it (PE, 205, 232, 244-245, 271; PO, 122-123, 132). Hence, interest in the maintenance and advancement of social union, which is "a community of good for all," [PE, 244-245] is at once an interest in the good of one and the good of others and, therefore, a mutual service.

Both the Kantian idea of the kingdom of ends and the Aristotelian idea of virtue are essential sources of Green's idea of the common good.

III: Kant's Kingdom of Ends

Green believes that the structure of mutual service, including its positive and negative postulates, is explicit in Kant's idea of the kingdom of ends. Positively, in seeking to realize, "in my own person," the end of "conformity to self-imposed law", "I am realising it for the benefit of everyone else, for everyone is concerned in the disinterested readiness to conform to law on the part of everyone else." (Kant, 107) Negatively, in seeking to realize my end, I do not exclude or degrade others by treating them as a means only since "if ... it is really the idea of conformity to self-imposed law which moves me to any act, I cannot in the act be using humanity in the persons of others otherwise than an end." (Kant, 107)

The Kantian structure of mutual service is grounded in terms of rationality. "It [i.e., the conformity by all to universalizable laws] is an object to us ... in virtue of that which unites us, which gives us the idea of a common good, our reason." (Kant, 107)

Universal rationality is the distinguishing feature of human agency and the defining property of the person whose actions are constrained by it. Two constraints which are particularly relevant here are the categorical imperatives of universalizability and respect for humanity. Universalizability requires people to act only on principles which are universal in from in the sense that the agent can will that the principles become universal, followed by all people at all times. Universalizability also entails and indeed requires that one treats all human beings never as mere means to ends but also as ends in themselves. This is the second categorical imperative, which sets constraints on one's behavior. Universalizability requires that

one treats another as an end because it is impossible for a creature with a will to regard it (the will) simply as a means to an end. I must act so as to will the maxim of my action as a universal law and I can do this only if I respect the rationality of others; if not, my law is not addressed to universal reason. Hence I must treat all rational beings as ends, not as means only. That is in turn possible only if I envisage myself and others as like members of an ideal community or a "kingdom of ends."

Green here accepts the Kantian view that morality is grounded in terms of reason and especially the Kantian claim that the universalization principle connects rationality with morality. This connection makes a triple contribution to Green's idea of the common good society. First, "the idea of human equality" (PE, 209) accounts for the "principle of an absolute value in the human person as such ..." (PE, 215). That principle, in turn, underpins the relation of mutual respect in which each recognizes the equal status of another as a person. Second, equal human dignity gives rise to "a like claim to consideration in all men ..." (PE, 215) which grounds justice as the rule of conduct, namely "the duty of treating all men equally ..." (PE, 213) Third, universal reason is, for Green, a unifying, rather than, separating force. Thus, common rational human nature" (PE, 207) entails communication (PE, 209) which, in turn, creates community (PE, 201-202, 216), "potentially a community of all men ...". (PE, 216, emphasis in the original)

IV: The Kingdom of Ends Revised - The Hegelian Connection

The common good is the kingdom of ends revised. Green's revision, however, does not follow the standard Hegelian response to Kant though Green is greatly indebted to Hegel. Rather, Green's revision seeks "the vindication of Kant" (Kant, 124). One way to look at this revision is to view it as Green's effort to justify Kantian morality by situating his idea of reason, which Green does three times over: in sociality, in history and in human desires and interests. Accordingly Green "socializes", "historicizes" and "teleologizes" reason. Hegel looms large in the first two.

Relying on the Hegelian idea of mutual recognition he argues against Kant that autonomy cannot be achieved by acting on oneself, as it were, in isolation and independence as in the case of the Kantian individual. This recalls Green's separating "individuality" from "individualism" which underscores his analysis of self-realization. Whereas Kantian subjects are conceived of as selves by virtue of exclusion and standoffish relation, for Hegel subjects are never isolated atoms, but are always reciprocally related.[1] In their reciprocal relations subjects recognize themselves as mutually recognizing one another. This process produced a subject which is relational at its core [See below VII: Ontological Foundations]. Kant's view of the subject blocks the view of oneself as relational at the same time that it blocks an understanding of the relationship to the other as constitutive of the self. Green's point is that once the formative process of the "I" is rightly understood the Kantian view of the autonomous will is exposed as an abstraction from ethical relations. Ethical relations of reciprocity is, in Green's relational approach, the normative resource for autonomy as self-realization. Kant thought that it is enough to have the

capacity for autonomy; exercising it is not an essential part of having it. Green disagrees, a point he shares with Mill, both drawing on Aristotle: exercising one's capacities is essential for having autonomy; it can be achieved only by interacting with other human beings.

In addition to "socializing" Kantian reason, Green also, and relatedly, "historicizes" it. Although in both respects Green Hegelianizes Kant, he makes his debt to Hegel much more explicit in the second respect, praising Hegel for seeking "to find formula adequate to the action of reason as exhibited in nature and human society, in art and religion." (PP, p. 125) Green, however, employs that Hegelian formula to justify and complement, not to supersede, Kant.

Green first discerns the essential truth in Kant's position that "the true principle of morality is independent of experience," i.e. a priori. (Kant, 105) and then proceeds to justify it. The essential truth is that the term a priori does not mean antecedent to, or prior to, experience. Properly understood, Kantian a priori, according to Green, is "element in experience" (Kant, 105, emphasis in the original). The absolute moral laws are not product of experience in that they are non-sensuous, but are in and with experience.

If so, then revealing and tracing "the immanent operation of ideas of the reason in the process of social organisation" gains paramount importance and this in two ways (PE, 215). First, reflecting on the immanence of reason in the world of social institution Green finds embodied in them, however partially, the Kantian moral principles of human equality, of "the absolute value in the human person as such, of a like claim to a consideration in all men ..."(PE, 215) The history of reason proves the validity of the kingdom of ends as a practical and a social force.

Second, social institutions which embody those moral principles are, according to Green, "a school of character" (PE, 205). They

> habituate[s] the individual to the subordination of his likes and dislikes to social requirements, a sort of common language of rights, in which the idea of universal human fellowship, of claims in man as man ... can find expression necessary to its taking hold on the minds of men. (PE, 216)

Green shows how the Kantian principle of mutual respect for persons are learned and become habits of action. He further makes the point that taking seriously mutuality of respect for human dignity and autonomy needs situating in social context, "culture of respect," which can sustain and foster it.

Green further situates Kantian reason in human desires and interests. There are two related issues here, "teleologizing" Kant and correcting his "two-selves" conception of the self. It is usually held that Kant's morality takes seriously respect for people, but does not take the promotion of the good seriously enough. For Green, however, promoting the good, self-realization, which is the moral end of both the individual and society, is primary. And yet again, Green reads Kant generously only to discern the essentials of that position and then to support it from his own

resources.

"A law without an object is nothing at all" Green argues and this seems to be a serious flaw in Kant's ethics (Kant, 110; 109). But he further maintains that in the Kantian view of law "there is implied some relation to an object ... which motivates the will to obey the law, [namely] his account of man as an absolute end." However, and this is Green's addition,

> the presentation of the self as an absolute end ... is not a presentation of it as an empty and abstract self, but as an determinate self, as in certain state determined by relation to certain objects ..." (Kant, 118)

Green thus deeps into his own resources to brings out and complement the teleological elements which he discerns in Kant's ethics, which, he believes, survives its own deficiencies.

One such deficiency is Kant's "two-selves" conception of the person. Green is well aware that Kant defends "a false antithesis" (Kant, 119) in splitting the self between two radically different selves, the desirous, pleasure-seeking, egoistic self and the rational moral self. Kant fails to give a coherent account of how a person act morally or non-morally, autonomously or heteronomously because there is no point at which the two selves can meet. He cannot explain how a person act morally or autonomously since his notion of moral motives is empty in that they cannot move an agent to act. The source of moral action is reason but determination by reason is not determination by desires. The latter is the source of action of the sensuous, heteronomous self.

Green would agree that this dualism of practical reason is the principal problem in Kant's ethics. It is precisely the kind of dualism which Green believes cannot serve as a solid foundation for moral theory and which his theory of the common good strives to solve. And yet Green maintains that Kant's distinction between the good will (autonomous self) and the bad will (heteronomous self), which is "the basis of Kant's ethics" (Kant, 109) is indeed essential to ethics because it provides a "criterion of the moral value of our moral motives" (Kant, 120; PE, 154 ff.).

But how can such a criterion be justified given that it rests on the kind of dualism which fails to explain how a person acts morally? Green believes that the distinction between the good and the bad will can providing such a moral criterion. This is essential to ethics and can be preserved by grounding it in a unified view of the self which can give a coherent account of moral agency and of how a person acts morally. That is, Green identifies the essential truth in Kant's ethics--the good/bad will distinction--and justifies it by replacing its faulty dualistic foundation with a unified account of human action and agency.

We have seen earlier Green's view of self-satisfaction as the generic good accords unity to his view of person which overcomes the Kantian dualism (PE, 100, 130-137, 154-179; DSF, 13-16, 19-21; Kant, 91, 93, 119, 121). Green insists on the unity of human action. Determination by desires or motives is not natural

determination foreign to the rational individual as Kant would have it. Reason cannot be practical--set ends and furnish motivation to act for their realization--if it is independent of desires or motives. But reason, through critical reflection on one's desires, rejects or accepts them in accordance with one's conception of well-being, thereby according them coherence which supplies motivation for action. Thus, heteronomous, like autonomous, action is self determined (or free) in that it involves rational and not natural determination. Put differently, the will is always formally free. It is good or bad depending on the nature of the objects in which it seeks self-satisfaction or self-determination.

V: Aristotle - The Practice of Virtue

Whereas Kant needed a great deal of rescuing, Aristotle, Green believed, did not. This is because Aristotle grasped and formulated the nature of morality and the good in their final form (PE, 251-253). This claim is consistent with Green's criticism of "the comparative poverty of the Greek ideal," namely the exclusion of women and slaves from free citizenship (PE, 268). That poverty of the Greek ideal shows that the ability to grasp fully the moral ideal is constrained by the "actual structure of society" in which it is embodied (PE, 267). Partial embodiment of the moral ideal in Greek society is, however, not inconsistent with the claim that Aristotle once and for all conceived and grasp the nature of the true good as self-realization in its purest and complete form.

Green argues that Aristotle's true conception of the agent's good solves the dilemma of the dualism of practical reason, thereby buttresses and supplements his own conception of the common good. Green's argument can be reconstructed in four steps and bears much resemblance to his own account of the common good which I reconstructed earlier.

(1) The true good is self-realization.
(2) Self-realization is exercising one's capacities virtuously.
(3) Virtuous activity is for the sake of the fine.
(4) Virtuous activity for the fine connects up with the common good.

Let me explain the four steps. (1) The true good is self-realization. "Aristotle," Green maintains, "... could find no better definition of the true good for man than the full exercise or realisation of the soul's faculties in accordance with its proper excellence, which was an excellence of thought, speculative and practical" (PE, 254) Green adopts this view of self-realization with one qualification, namely he tends to emphasize the realization of the practical, moral faculties rather than the intellectual ones.

(2) Self-realization requires exercising one's capacities virtuously. Virtues are dispositions which are relative to the conception of the good the agent pursues, and are defined in reference to that good. Crucially, however, virtuous practices are related to the end of self-realization "not as a means to an external end," but rather

the end "itself included their exercise" (PE, 255; 254). That is, the interest in being and doing good for its own sake, which exhibits itself in virtuous practices, is constitutive of the good itself.

(3) "[T]he kalon [the fine] ... [Aristotle] considered to be the basis of the virtue" (PE, 263). Nancy Sherman puts it more clearly and adequately: Virtuous practice or activity is for the sake of the fine [kalon] insofar as it is praiseworthy and constitutes its own end. (Sherman 1989: 13)

Aristotle holds that the fine is the end of virtue, but not external end superimposed as a value over and above the value of virtuous action itself; the fine is an immanent end in that virtuous practice is its own end which, therefore, contrasts with acting for the sake of either expedience or exterinsic pleasure. This intrinsic value of virtuous activity is central to Green's understanding of the common good as well as, he believes, an important point which both Kant and Aristotle share. The point is that "pure morality," as Green puts it, rests "on what we may venture to call a disinterested interest in the good," namely interest in the good for its own sake (PE, 254). It is virtuous activity and the state of character of the agent engaged in it which is of intrinsic value, not, as the utilitarians hold, a particular state of affair to be brought about by virtuous character which is, therefore, only instrumentally valuable. Kant's claim that "the only true good is the good will" conveys the same point according to Green (PE, 240; 279). Kant's error, however, was that he held a too abstract view of the good will (PE, 262). We have seen that Green corrects that error by introducing a determinate view of the good will and the dominant interests in which it seeks habitual satisfaction. It can be said that this determinateness is supplied by Aristotle. The good will loses its abstractness when connected with specific virtues. Green says as much when he speaks of "the manifestations of the good will which the Greek philosophers presented to themselves." (PE, 279)

(4) Virtuous activity for the sake of the fine connects up with the common good, and this in two ways. (a) Fine activity, virtuous activity for the sake of the fine, is beneficial for others. (b) When all act in accordance with fine action (virtuously), they act on, and for, the common good.

(a) Fine activity, virtuous activity for the sake of the fine, is beneficial to others. This parallels Green's own claim that self-realization requires an interest in the good of others for its own sake which underpins the idea of mutual service. According to the Kantian version of mutual service, which Green adopts, mutual interest requires treating each others as ends only. The Aristotelian version of mutual service--virtuous activity--gives practical effect to the Kantian version while failing to recognize its universal application. That failure notwithstanding, Green claims that virtuous activity which is its own end successfully captures the idea of mutual service.

He illustrates his claim by analyzing the virtue of temperance (PE, 263). The virtue of temperance shows how the virtues connect the good of one with others. Temperance is the habit of the will which exercises control over the allurments of pleasure. Intemperance "issues a kind of self-assertion, and aggression upon the rights of others ... " (PE, 265); it issues, as Irwin explains, in wanton aggression which embraces not only physical and sexual assaults but also other attempts to humiliate

other people for our own pleasure or gain (Irwin 1992: 300) The intemperate person thus treats the humanity of others as mere means to his ends. By contrast, the "temperate man" displays equal service to one and others. By exercising self-restraint over his appetites and pleasures the "temperate man" is less aggressive and competitive and more co-operative engaging in "mutual helpfulness" (PO, 248).

(b) When all act in accordance with "fine action" they act on, and for, the common good. The following quotation captures that connection:

> ... to a Greek who was told that the virtue of temperance was a mastery over certain desires, exercised ... [for the sake of the fine], there would be the object in which a prevailing interest was to enable him to exercise this mastery. In his view it could only be reverence for the divine order of the state, such a desire to fulfil his proper function in the community as might keep under the body and control the insolence of overweening lust (PE, 263)

Reverence for the state provides the individual with reason for exercising temperance without which he cannot renders an effective "service to the state." The state, however, can provide reason for virtuous action only because it renders service to its members. It does so by being a "regime of equal law, the free combination of mutually respecting citizens in the enactment of a common good." Thus, citizens and the political community have duties towards each others which when they fulfill make up the common good society.

VI: Relational Liberalism

I began by saying that Green's liberalism is grounded in the idea of the common good and that the idea of common good is Green's solution to the dualism of practical reason. Green's idea of the common good as self-realization solves that dualism by defending a conception of the good as self-realization which ensures that practical reason is not fractured and that the main principles of human nature are not left asunder. The idea of self-realization ensures these results by presupposing a self which, unlike Kant's divided self, offers a coherent account of moral agency and moral action, and by postulating that the realization of the self cannot be obtain in separation and isolation from the realization of other selves. Self-realization of one person cannot be achieved by the exploitation, degradation or another's loss and requires that others become better off. The pursuit of self-realization is thus mutual service which goes beyond duty and interest, as well as self-love and benevolence.

We have seen that Green draws on Kant, Hegel and Aristotle in justifying and elaborating his view of self-realization as the common good. We have further seen that fully understood, the common good is "some sort of society." It is the sort that is constituted by relation of mutual service based on relation of mutual interdependence in which each recognizes the equal status of others as persons and one's dependence on others as "alter ego." Such social union excludes no one: it is in the interest of all

and all are interested in it.

The common good society both rests on and exhibits Green's relational approach to liberalism. Crucially, his relational approach seeks to overcome and go beyond dualism by postulating a unifying ground where the two sides are brought together, a point at which the two sides of dualism can meet and thereby lose their radical separation. (For instance, the desirous and rational selves as well as heteronomy and autonomy in Kant's dualistic conception of person and human action, and also self-love and benevolence in the dualism of practical reason).

The common good society constitutes just such a point of connection which carries Green's liberalism beyond the "tyranny of dualism" which has dominated the liberal/communitarian debate. The point of connection is the relation of mutual interdependence which underpins the relation of mutual service and mutual interest. That relation is the core of the common good and is the unifying ground which relate both rights and virtues, justice and citizenship as well as the unencumbered and situated selves and also individualistic and organicist models of social relations. Thus the ontological foundation of the common good and its normative consequences capture Green's relational liberalism.

VII: **Ontological foundations: Self and Society**

Sandel claims that the debate between communitarianism and liberalism "reflects two contrasting pictures of the self" (Sanel 1984: 5). He holds that the liberal view of the person was shaped largely in response to utilitarianism and draws heavily on Kant. The Kantian self is a choosing self, independent of desires and ends it may have at any moment. Rejecting this vision of an unencumbered self communitarians embrace a vision of a situated self who is not detached from its aims and attachments.

Walzer challenges the importance of this sharp opposition between the liberal and communitarian views of the self "for neither of these views can be sustained for long by anyone who goes beyond staking out a position and tries to elaborate an argument," and more importantly, he claims "the Central issue for political theory is not the constitution of the self but the connection of situated selves, the patterns of social relations" (Walzer 1990: 21). Walzer's first claim may be true, but stating it does not make the issue of the constitution of the self go away. Nor has it disappeared as a central focus of discussion as recent literature indicates.[2] As well, though the issues of the constitution of the self and social relations are separate they on occasion become intertwined and certainly tend to overlap. I shall discuss both.

If the sharp opposition between the situated and the unencumbered self cannot be sustained, as Walzer claims, it at least helps to identify what a sustainable view of the self would be. It would be, according to Green, a relational view of the self. This view presupposes a unified conception of the self which serves as a point at which the autonomous (Kantian) and social (communitarian) aspects of the person can connect. In Green's terms, the relational self is both Kantian and Aristotelian. As we have seen, Green's unified conception of the self is a response to Kant's divided self.

Because Green's autonomous self is not independent of desires, because moral motives of the self are not empty of desires, the individual is not independent of ends and interests. As Green claims, criticizing Kant, the self is not "empty and abstract self, but ... a determinate self ... determined by relation to certain objects" or by relation to certain "dominant interests" (Kant, 118; PE, 199).

Here Green brings Aristotle to bear on Kant. The identity of the self is defined not in terms of an abstract capacity of choice as prior to the person's conception of the good (Kant); rather, following Aristotle, Green holds that identity of a person is defined in terms of the person's conception of the good as self-realization which is expressed in virtuous activity.

But equally Green accepts Kantian morality of equal dignity as defining a person's identity, viewing each person as morally equal with all persons. The core identity of all persons as equal is due to "the rational nature common to all men" (PE, 207; 201-217, 280). In order to conceive the individual in such equality, all particular differentiating features must be abstracted from the person.

Green, then, defends a picture of a twofold (Kantian-Aristotelian) person: a person defines his identity through identifying with a particular conception of the good which is attached to a social position he occupies. But a person's identity is never entirely immersed into social positions (or resoled into a particular end at any moment). He has an identity behind, as it were, particular social positions and independent of particular ends. To put the same point differently, the Greenian individual is always situated. But he is doubly situated in both an ideal community--a kingdom of ends--and in a concrete social community. It is not that the two communities are entirely divorced. Following Hegel, Green believes that the ideal community gradually takes shape in the existing world of social institutions. The ideal community is in constant realization in social institutions and practices, but realization is never complete and a gap between the ideal and its embodiment is always a reality.

Herein lies the importance of the twofold nature of the relational individual. On the one hand, the self is not empty and abstract but determinate. Rousseau was wrong and Burke was right. Rousseau's "antithetical logic did not allow him to conceive that the very individuality which he hugged was unreal, except so far as generalized by the relations to others which custom embodies" (PP, 116). Burke was right in criticizing the resulting Jacobin "attempt to abstract the individual from his universal essence, i.e. from the relations embodied in habitudes and institutions which make him what he is; and thus to unclothe man, if it were possible, would be to animalise him" (PP, 116-117). In other words, "the self ... is from the first a self 'existing in manifold relations to nature and other persons'" (Kant, 124).

The identity of the self cannot be abstracted from social relations as embodied in "habitudes and institutions," but can, and should, be abstracted from particular social positions and ends. Only when it is recognized that all human beings, as such, are "all who can communicate as 'I' and 'Thou,'" and are thus members of one ideal universal society (PE, 209, 274, 285) which is "one society of equals" (PE, 280) can actual society which excludes some persons be criticized as falling short of the

common good society. Only when it is recognized that there are "equal claims in all men" (PE, 208) to have their capacities realized, can the inclusive nature of the common good society becomes practical reality "as it comes to be understood that no race or religion or status is a bar to self-determined co-operation in its fulfilment" (PE, 207; 267, 273-274). Further, being situated in the ideal kingdom of ends allows for distance from concrete society and even a sense of alienation from social positions which fail to give effect to one's lifeplan or even block it as the case with women in ancient Greek indicates. Recognition of such failure is necessary to motivate "an actual change in the structure of society" to remedy the failure (PE, 267).

Two points need stressing. First, implicit in Green's argument is a distinction between two kinds of abstraction: abstraction from particular social positions and ends and from social relations as embodied in practices and institutions. Green seems to claim that the identity of a person cannot be defined in abstraction from social relations, but should be defined in abstraction from particular social positions, and that the latter abstraction does not entail the former.

The second point is that Green's common good differs from communitarian common good. Herzog argues that the problem of exclusion of historically marginal groups is endemic to the communitarian project (Herzog 1986). Communitarians believe that there are certain communal practices that everyone can endorse as the basis for a politics of the common good. The trouble is that there tend to be historical practices which gain legitimacy by excluding some from membership. The above suggests that the problem of exclusion cannot be endemic to Green's liberal conception of the common good since it is inherently inclusive of all.

A final point. Benn and Gaus argue that to embrace such a double picture of the individual as presented here "certainly will be a puzzle" (Benn & Gaus 1983: 61). The reason is that they believe that we have here two, not one, picture of the individual. The two pictures--of an individual who is an independent agent standing apart from society and of an individual who is a member intimately tied to a social whole and sharing in common life--are rival pictures which are couched in two rival models of society, namely individualism and organicism. Within its own terms, Benn and Gaus argue, each model tells a perfectly consistent story of the relation of individual to society. The two stories, however, cannot be combined, and it does not seem misleading, according to the authors, that liberalism draws on two rival pictures of the individual, the individualist and the organicist.

Benn and Gaus have a case if they hold that different liberals draw on either the individualist or the organicist models of society. They are also right to the extent that the two models are defined as rival and mutually exclusive. Both cases, however, do not apply to Green's liberalism (and to new liberalism at large). For one thing, the aspect of standing apart from society does not presuppose, as we have just seen, an individualist model of society viewed as an aggregate of separate individuals. The Greenian individual cannot be abstracted from social relations as is evident from Green's criticism of Kantian individualism, but from particular social positions. Moreover, Green's relational approach propels him to connect the two rival models of social relations by trimming what he believes are the excessive claims of both. To

the extent that he succeeds in doing that, his relational model of society tells a consistent story of the twofold individual much the same way that the individualist and organicist models tell a consistent story of the independent and the integrated individuals.

Communitarians claim, under the heading of asocial individualism or atomism, that liberals misunderstand the relation between the individual and society or community. This claim embraces really two claims, methodological and substantive (Mulhall & Swift 1992: 13-18). Methodologically, communitarians argue that the contractual approach to political theory encapsulates the mistaken view that individuals form and adopt their ends independently and prior to society which is viewed as merely instrumental to given ends. Communitarians hold, by contrast, that individuals's self-understanding and conceptions of the good are parasitical on social practices which shape what individuals are and the value they have. Substantively, communitarians criticize liberals for fostering a view of society as an essentially private association, thereby ignore the possibility of communal goals and communal bonds which are valuable in themselves and not as instrumental to goals chosen independently of "shared way of life."

Methodologically, Green shares the communitarian criticism of the social contract approach to political theory though in its classical, not modern form (PO, 32-63). He criticizes the social contract approach on a number of counts, but the relevant criticism here is that this doctrine "begins with the supposition of an existence of human individuals unaffected by society" [PO, 42]. We have seen that he endorses Burke's rejection of that position. The individual cannot be abstracted from "the relations embodied in habitudes and institutions which make him what he is."

Green, however, regards that claim as it stands alone as one-sided unless complemented by the claim that "It is in turn, however, only through the action of individuals that this organisation of life is achieved" (DSF, 23; PE; 215-217; PP, 103-104). He insists on the mutual interdependence of social institutions and reflective individuals because he believes that one-sided insistence on the way the individual is parasitic on society for his self-understanding and the values he has runs the risk of playing up the passivity of the individual and downgrading the "constructive and free" nature of the individual; that is, the role reflective individuals play in creating and maintaining the social practices and institutions which shape their self-understanding and goals. (PP, 103-104, 113) While Green agrees that social contract approach to political theory tends to over-individualize the person (communitarian criticism of the unencumbered self), he is anxious to guard against the opposite error, namely the tendency of organicist approaches (of which communitarianism is a version) to over-socialize the individual.

This insistence on the mutual interdependence of individual agents and the world of social institutions rests on societal ontology that escapes the opposition of organicism and individualism. On the one hand, individuals are socially situated. "The fallacy of the statement 'a nation [i.e. society] is merely an aggregate of individuals' lies in the implication that the individuals could be what they are, could have their moral and spiritual qualities, independently of their existence in a nation ..." (PE,

184) But society lacks an independent ontological existence and therefore is not a separate entity with its own life and goals. Hence, "it is nonetheless true that the life of the nation has no real existence except as the life of the individuals composing the nation, a life determined by their intercourse with each other, and deriving its peculiar features from the conditions of that intercourse." (PE, 184; 183)

The basic ontological unit in Green societal ontology is neither a single social whole existing over and above individuals (or behind their backs) nor separate individuals existing as windowless monads. Rather, the basic unit is social relations, individuals in mutual interdependence. This relational societal ontology provides Green the background for the normative argument regarding the common good.

VIII: **Normative Consequences - Rights and Virtues**

The normative sphere of the common good society is that sphere which implements the relation of mutual interdependency as expressed in mutual service or mutual interest. The common good as the sphere of relation of mutual interest constitutes the point at which both justice and rights as well citizenship and virtuous activity can meet. That relation of mutual interest is the foundation of justice and rights not less than of citizenship and virtues. Put differently, if the common good is self-realization, then both rights and virtues are equally relative to that moral end which is also their unifying ground.

It follows that the opposition, articulated by Sandel and Taylor, between the politics of the common good (communitarianism) and the politics of rights (liberalism) ill-captures Green's liberalism. Far from being rival to the common good, rights, according to Green, are necessary conditions for its attainment. Important as rights are to Green's liberalism--he views the state as an institution for the maintenance of rights--his doctrine cannot be described as a rights-based theory. To so describe a moral theory it has to embrace fundamental principles postulating that certain individuals have certain rights. These principles are fundamental because their justification does not presupposes any other moral principles and because all valid moral views derive from them (Raz 1986: 193-194). Green's liberalism does not fit into this description (and, for that matter, nor does any strand in modern liberalism). The core of his liberal concern is the idea of self-realization understood as intrinsically desirable, and whatever role rights play in his self-realization-based morality, that morality cannot be describes as rights-based.

This further suggests that Green's liberalism does not rest on what Taylor calls the "primacy of rights," namely the moral view that individual rights have primacy over other moral notions like moral duties or virtues. For one thing, rights cannot be primary since self-realization is. Specifically, however, Green criticizes the idea of natural rights for failing to realize that rights are not separated from social duties. Regarding virtues, Green views rights as negative conditions for self-realization in that their presence does not secure self-realization since it requires certain action which flows from a certain character state of the agent; the exercise of virtues is, therefore, necessary too.

The mutual supportiveness of rights/justice and virtues/citizenship is what I would like to emphasize. But before I do, and since I have discussed virtues, a word on Green's conception of rights is in order.

Green's analysis of the nature of rights is propelled by his encounter with the natural right approach to political theory. He rejects the idea of natural rights because they express "a false notion of rights" (PO, 40). The natural rights approach views rights as powers only devoid of any social reference to the idea of common good, to membership in society and to duties to society. This triple social absence implies that the doctrine of natural rights rests on a triple mistake. First, it presupposes a non-teleological view of the person; second, it assumes that individuals are abstracted from social relations of reciprocal claim and recognition; thirdly, and connected with the doctrine of social contract, the natural rights approach fails to see that political legitimacy rests on the mutual duties of individuals and the state to each other. Crucially, the natural rights approach fails to see that much as the individual cannot be abstracted from social relations, so "there are no rights antecedent to society" (PO, 30) .

Not surprisingly, then, Green views rights, like virtues, as essentially social and accordingly speaks of "social rights" (PO, 179, 180 including note 1). "Social," however, does not mean "holistic" or "collectivist" or "organicist," but "relational" and is consistent with Green's relational view of societal ontology and of the individual.

Rights, then, "are constituted by that mutual recognition," namely of individuals recognizing each other as ends in themselves and depending on that recognition for that existence (PO, 139). Thus constituted rights possess two inseparable aspects: claims of individuals to have their capacities, or powers exercised and fulfilled and the granting of that claim by social recognition. Both claims and recognition rest on reciprocity of relations between individual members of society. Rights, therefore, give effect to the relation of mutual interest.

Green's analysis of rights as powers socially (or mutually) recognized has a similar revisionary force in liberal history of ideas which his analysis of positive freedom as the ability (or power) to make the best of ourselves has. Indeed, the two conceptions are not unconnected especially in light of the core idea of ability or power that both share. This, however, is not the present concern. For now, I need to make two points. One is that Green's re-defines rights in a way that helps dissociate liberalism from its individualist underpinnings. The other point is that, thus re-defined, Green's rights have an important role in giving effect to the common good society. And hence there is no tension, much less conflict between rights and the common good.

I said that the normative sphere of the common good society is that sphere which implements the relation of mutual service. It is here that the common good functions, via mutual service, as a criterion of judging and acting for both individual members of society and its institutions. Recalls that the common good requires, positively, that one's pursuit of one's good is beneficial to others too and, negatively, that no one should gain by another's loss. When both individuals and institutions act on these requirements the common good society obtains. For individuals to act on the

common good is to act virtuously and as citizens. For institutions to adhere to the requirements of the common good is to secure the principle of justice and equal rights which create a morally justified society.

Crucial to the making and sustaining of the common good society is the mutual dependence of the individual and institutional spheres without which the common good society can not become a reality. This means that citizenship is not viable without the positive support of social institutions, but institutions cannot carry their supportive role unless they enjoy the allegiance of their members. Implicit here is Green's analysis of Aristotelian common good. When all act virtuously for the sake of such activity, a practice understood as intrinsically valuable, the common good obtain in the shape of the citizens and the state rendering services to each other.

Because the social contract doctrine fails to account for and justify such relationship, it fails, according to Green, to provide an adequate ground for political obligation. The doctrine of social contract encapsulates "the assertion of rights apart from duties on the part of the individual" (PO, 51). The "counter-fallacy ... claims rights for the state irrespectively of its fulfillment of its function as securing the rights of individuals" (PO, 51). It is the function of the state in maintaining the conditions for self-realization, and not an idea of original contract which justifies the claim of the state on our obedience. "Here again the Greek theory, deriving the authority of government not from consent but from the end which it serves, is sounder than the modern" (PO, 62).

The end which the state serves is the self-realization of all its members. Yet again Green joins Aristotle. Green, however, departs from Aristotle on an issue of great importance to liberals, namely how should the state serve its end? Aristotle is clear: "the legislator must labour to ensure that his citizens become good men. He must therefore know what institutions will produce this result, and what is the end or aim to which a good life is directed" (Aristotle, p. 317). Green cannot accepts Aristotelian perfectionism:

> No one can convey a good character to another. Every one must make his character for himself. All that one man can do to make another better is to remove obstacles, and supply conditions favourable to the formation of a good character (PE, 332).

Green defends here a basic liberal position. It is that only free moral agents could reach their best and that it is not the business of the state to compel morality; only free persons can make themselves moral. Leading the good life should be led from the inside, not imposed from the outside by the state or anybody else (Kymlicka 1991: 12).

Contrary to the link communitarians forge between liberalism and subjectivism, Green is an objectivist. He believes that certain ways of life are more worthy than others. He holds that self-realization involves not just any choice but certain kind of choice and that some choices are better than others. Green, however, is an objectivist liberal. His objectivism does not commit him to hold, contrary to the frequent charge

that originates with Berlin, that there is a single way of life that is uniformly right for everyone (Simhony 1991) What Green holds is that there is one form of the good life, namely full realization of one's capacities. But this allows for a variety of lifestyles. Differently put: a worthy life is that which is expressed in the pursuit of "dominant interests" within the boundaries of the requirements of the common good. This means that the life of an artist is objectively more valuable than the life of a gambler (a pleasure-seeker), but it does not enable us to judge whether the life of an artist is more valuable than that of a social worker.

Acknowledging that only free persons can give themselves good character does not mean for Green that individuals must be shorn of their institutional settings. Institutions can contribute to ways in which, at optimum, introduce incentives and opportunities to the best practice of virtue and development of excellence of character. The role of rights and justice should be viewed against this background since they do not run counter the common good but are in its service. Serve they do by maintaining a "free society," namely "a society of really free men ... ('really free,' in the sense of being enabled to make most of their capabilities)" (PO, 248). The state serve its members by enabling them to make the best of themselves, by securing the external conditions which render possible leading one's life from the inside.

The service individual members render to the enabling state is expressed in "active interest" in the maintenance and promotion of the political community with which they can identify as inclusive of their well-being (PO, 122). Aristotle, Green holds, "regards the state ... as a society of which the life is maintained by what its members do for the sake of maintaining it ..." (PO, 39). This view of citizenship is essential to Green's project since he refuses to regard the individual member as "a passive recipient of protection in the exercise of his rights ..." (PO, 122). Membership requires the individual not simply to conform to the law, which would make one "only the loyal subject." Membership requires exercising "civil spirit" which Green expands "to cover all the forms in which the habit of will necessary to the maintenance and furtherance of free society shows itself" (PO, 248; 37). Being a "loyal subject" does not constitute active interest, but being an "intelligent patriot" does.

Two points need emphasizing. One is that Green, like Hegel, holds that patriotism is not just a matter of making great sacrifice in times of emergency; it is rather my knowledge--and acting on it--that I am fulfilled through my living in communion with other human beings. The second point is that the charge of substantive individualism leveled at liberalism by communitarians has no purchase here.

A final point. Only a free society, a society which "is so organised that everyone's capacities have free scope for their development," has a justified claim to receive the intelligent patriotism of its members (PO, 189). There is no getting away from the relational nature of Green's project. It teaches us that--contrary to communitarian claims--a viable politics of the common good has to take justice and rights seriously if it is serious about citizenship and virtuous practices.

Notes

1. This Hegelian criticism of Kant is based closely on M. Taylor, Erring (1984), pp. 134-135, 142. A more elaborate criticism of Kant along Hegelian lines, to which Green subscribes, is E. Caird, The Critical Philosophy of Immanuel Kant, vol. 2 (Glasgow, 1893, 2nd. edn.), pp. 328-350, 554-566, 570-573.

2. See, for example, Jack Crittenden, Beyond Individualism. Reconstructing the Liberal Self (Oxford & NY: OUP, 1992) and Margaret Moore, Foundations of Liberalism (Oxford: Clarednon Press, 1993)

Abbreviations

DSF "On the Different Senses of 'Freedom' as Applied to Will and to the Moral Progress of Man." In Lectures On the Principles of Political Obligation and Other Essays. Ed. Paul Harris & John Morrow (Cambridge: CUP, 1986) References are to sections rather than to pages.
PE The Prolegomean to Ethics. Ed. A.C. Bradley (Oxford: Clarendon Press, 1989, 4th. edn.) References are to sections rather than to pages.
PO Lectures On the Principles of Political Obligation and Other Essays. Ed. Paul Harris & John Morrow (Cambridge: CUP, 1986) References are to sections rather than to pages.
PP "Popular Philosophy in Its Relation to Life." In Works of Thomas Hill Green. Ed. R.L. Nettleship, vol. 3 (London: Longmans, Green & Co., 1900, 4th impression)

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A Social Theory of the Disadvantaged

Thomas W. Simon
Illinois State University

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A Social Theory of
The Disadvantaged

Thomas W. Simon
Department of Philosophy
Illinois State University
Normal, Illinois 61790 309-438-7665

Introduction

Injustices come in many forms, and history can provide ample illustrations of suffering inflicted on powerless individuals from socio-political sources. Injustices do not only happen to individuals. Injustices can affect a group. Certain groups feel the brunt of injustice more than others. Some afflicted groups receive the blows of injustice because of their group status. Those that suffer group harm make up the disadvantaged.

In this chapter, I focus on a particular type of injustice, namely, that experienced by disadvantaged social groups. The chapter addresses the following questions: What makes a group disadvantaged? Who are the disadvantaged? What should be done about the plight of the disadvantaged?

In this paper, I develop the factors that prove critical in determining which social groups qualify as disadvantaged. The three factors are: negative group identity; group harm; and powerlessness. An historical narrative combines the factors into a persuasive or nonpersuasive case, very much akin to how a claimant makes a case for suspect class, i.e.,

disadvantaged, class status before the courts. The framework for determining disadvantaged group status yields a coherent grouping of the disadvantaged along the dimension of race, gender, poverty, infirmity, and age. The framework turns out refined enough to draw out the differences between and within disadvantaged groups, thereby providing a means of determining which disadvantaged groups are the worse off. Overlapping groups, such as black females, prove to be among the primarily disadvantaged rather than as evidence of the overly cumbersome nature of an analysis of this type.

I

Disadvantaged Social Groups

While individualism has become indelibly etched on the political consciousness in the United States, groups, and not individuals, make up a large part of the actual political landscape. The same people who sing praises to individualism find themselves involved with and dependent upon groups (especially when they sing in a chorus). Individuals find it difficult not to belong to some group. The image of the rugged, independent individual, dependent on no one but himself, serves more as an image than as a reflection of reality. Groups exert a significant influence over individual behavior. Corporations, religious groups, groups for socializing, crowds---all these fit under the heading of a group---and all have considerable influence.

What, then, is a group? Ontology asks the question"What exists?" Do groups exist? From time immemorial theorists have waged an ontological

battle over whether or not groups exist with individualists holding that groups are nothing more than the collection of individuals and collectivists treating groups as entities in their own right. The ontological debate presupposes that theorists have a clear understanding as to how to define the term "group" in the first place. So, before even posing the ontological question, the first step is to decipher exactly what is meant by a "group." I shall conveniently avoid the complexities of the ontological problem and concentrate, instead, on the definition of a group.

Disadvantaged groups can be identified in terms of a complex interplay of three factors, developed below, negative group identity, group harm, and powerlessness-all of which require assessment and documentation within an historical narrative. Each factor will be discussed below.

A. Negative Group Identity

Do membership criteria, decision procedures, or formal organizational structures[1] define a social group? People join groups by becoming members of organizations that have some type of formal procedures. Examples include professional organizations, civic groups, political interests groups, etc.

Yet, a certain type of group called a "social group" can also be characterized in the opposite terms, that is, without any membership criteria, decision procedure, or formal organizational structure. A "non-structured group" seems like a contradiction since groups, by their very nature, appear as organized structures. Nevertheless, examples of unorganized groups come readily to mind: blacks, women, children.

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1 Richard DeGeorge, "Social Reality and Social Relations," The Review of Metaphysics 37 (September 1983)

Unorganized groups play a critical role in a theory of injustice. Historically, unorganized social groups have felt the brunt of injustices. The unorganized character of most disadvantaged groups makes them more vulnerable to discriminatory attack. Organizational structure alone can help parry attacks on a group. Lack of organization can make the group all the more vulnerable.

Before providing examples of social groups, the labels used throughout the chapter need some sort of justification. I have largely followed the labels found in current case law because they represent one of the difficulties in even talking about disadvantaged groups: the attempt to avoid imposing a badge of inferiority through the labelling process itself proves problematic. The difficulty in finding labels that do not demean in some way or another shows the power that negative group identity holds over social construction. The disadvantaged groups themselves do not rejoice over the use of labels such as "blacks," "homosexuals," "the handicapped." They prefer more positive labels such as "Afro-Americans," "gays," and "the differently abled." Since I want to emphasize the negative aspects of group identity, I shall refrain from using the more positive classifications.[2] Now let us return to examples of social groups.

Blacks (or Afro-Americans) constitute an unorganized social group. Blacks, generally, do not voluntarily join a formally structured group called the "Blacks," even though a significant segment of the social group might join an interest group such as the National Association for the Advancement of Colored People. Yet, in a sense, many blacks do readily and positively

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[2] Of course, I shall also refrain from using the most negative labels for disadvantaged groups.

identify with an unorganized collective and even participate in naming the social group. Blacks, Latinos, Native Americans, etc. often proudly assert their group affiliation. So, perhaps, at least, so far as this account is concerned, there is not any mystery behind a social group; a social group is, purely and simply, what members of the group define themselves to be. As the discussion below will illustrate the positive, self-identity analysis of a social group proves problematic.

To take one sophisticated example from the current literature, Iris Young, emphasizing positive group identity, defines a social group as " a collective of people who have affinity with one another because of a set of practices or way of life."[3] Young differentiates social groups from interest groups and from ideological groups. Interests groups, such as the National Rifle Association, aggregate around specific goals such as gun control and ideological groups, such as the Nazis, share political or moral beliefs, including anti-semitic and racist claims. While I am sympathetic to Young's analysis, the distinctions between social, interest, and ideological groups do not hold. Young's definition of a social group in terms of common practices lets in more groups than she wants. On Young's definition, despite her protestations to the contrary, the Klan qualifies as a social group.

Neo-Nazis and the Klu Klux Klan pose problems for any philosophy that emphasizes groups. These groups engage in activities that many find deplorable, to say the least. Nevertheless, they do make up a social group. It does not suffice to place them in only the ideological group category, as Young would. They qualify as social groups since they share cultural

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[3] Iris Marion Young, "Social Movements and the Politics of Difference," in Justice and the Politics of Difference (Princeton: Princeton University press, 1990), p. 186.

practices as well as political and moral beliefs. The deep-seated cultural practices and even some liberal beliefs of the Klan have come to light in a recent study of women in the Klan.[4]

Moreover, social groups do not necessarily share cultural/social practices within the group. Wide diversity of practices exists among social groups. Women, for example, exhibit a healthy variety of cultural and social practices. Sub-groups within the classification may differ more from each other than they do from other groups, including rival groups, such as men. A "common way of life" does not adequately individuate social groups. It does not enable someone to tell the social groups apart. A stronger line of differentiation is needed.

A stronger principle of differentiation comes from negative and not positive group identity. Ironically, bigotry and its kin make the theoretical task easier. Blacks and women constitute distinct social groups, homogenous in their own right, because the external forces of discrimination, etc. treat them as such. Discrimination enables us to speak of large amorphous, unorganized social groups. External forces, not recognizing diversity, treat blacks and women as if they were homogeneous groupings. The identity that concerns a theory of the disadvantaged is negative identity.

Thus, social groups can take form externally and negatively. Larry May recognizes and emphasizes the negative dynamics behind some group formation in his definition of a social group: "if a collection of persons displays the ability to engage in joint action or to have common interests, then this collection of persons should be conceived as a group (emphasis,

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[4] Kathleen Blee, Women of the Klan

mine)."[5] Blacks as a group can only loosely be said to engage in any kind of joint action. However, blacks do have a common interest, but the common interests generally do not generate initially from within the group but rather come in response to outside forces, from the Other. In a sense, the Other creates the common interests of blacks and similarly situated groups. Because of action by the Other individuals recognize themselves as a group. Individuals see themselves as having a common vulnerability. As noted by Owen Fiss, social groups are an interdependent entity such that the identity and well-being of its members are linked to the identity and well-being of the group.[6] A person identifies with the adverse treatment of other members of the group and thereby identifies as a member of the adversely treated social group. So, minimally, a disadvantaged group takes form through the operation of a negative group identity.

The Klan does not fit the negative group identity picture. The Klan qualifies as an ideological or as an interest group but not, on this analysis, as a disadvantaged social group. First of all, the Klan has a highly sophisticated organizational structure; disadvantaged social groups do not. The disadvantaged group takes form primarily in social and not in formally political ways. If subgroups within the disadvantaged group organize in some formal political fashion, it is almost always after negative group identity has already begun to unleash its forces.

Secondly, discriminatory forces did not initially form the group

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[5] Larry May, The Morality of Groups: Collective Responsibility, Group-Based Harm, and Corporate Rights (Notre Dame: University of Notre Dame Press, 1987), p. 10.

[6] Owen Fiss, "Groups and the Equal Protection Clause," 5 Philosophy and Public Affairs (1976) 107, p. 147.

contours around the Klan. Those individuals who formed the Klan may have perceived themselves as victims of injustice. Whatever the nature of these so-called injustices, they did not stem from attacks directed against the group as a group. So, the dynamics of negative group identity can make considerable inroads into identifying the disadvantaged from other social groups.

I do not deny social group status to those collectives that form under conditions of positive group identity. To recognize the negative aspects of group identity does not entail a rejection of the positive aspects of belonging to a group. A powerful way of countering the negative forces of group identity may lie in the strategy of positively affirming group identity. The pride of Black power in the 1960's confronted the negative stereotypes inherent in racist thinking. A positive group identity can provide those suffering from group harm a more united front from which to confront the powerful. Groups, however, can have a powerful negative force that keeps them together in addition to this positive attraction.

Despite the allure of positive group identification for the disadvantaged, it would be wrong to confine social groups to only positive instances of identification. Some members of a group, such as some children from racially mixed marriages, may not want to be identified as members of the disadvantaged group, even though the dominant culture says otherwise. They may do whatever they can to identify with the dominant group. A person may well reject identification with a particular social group. Individuals may want to rid themselves of their group identity.

In her biographical study of Rachel Varnhagen, Hanna Arendt describes attempts to cast off group identity: "Jews did not even want to be emancipated as a whole; all they wanted was to escape from Jewishness, as

individuals if possible."[7] Perhaps individuals who deny their group identity suffer from false consciousness in not recognizing the positive virtues of their group identity. Nevertheless, the disavowal of group identity deserves recognition. Otherwise, insisting on group identity could result in group oppression by socially forcing group identity on individuals who do want it.

Some individuals may not appreciate their group identity. Others may welcome the group affiliation, but they may have to accept many harmful effects stemming from their group identity. This chapter focuses on the externally imposed negatives in the group identity situation-what the outsider does to make the group identity a burden. The burdening begins very early.

Group identity can attach as soon as an individual is born. A newborn baby acquires a number of classifications: gender, racial, normal/abnormal (physiology and mental functioning), etc. Obviously, the newborn has no say over the choice of categories. The involuntary nature of the classifications becomes problematic when the labels take on negative connotations. The fact that individuals can be born into a negative group identity makes the disadvantaged classification all the more insidious. Furthermore, in many instances the individual cannot readily shed her or his group identity. The identity sticks, becoming integral to the individual's persona. The group identifying characteristic or characteristics often appear so glaring and so permanent that they become immutable.

Immutability. Before going on to describe the remaining two features of a disadvantaged social group---group harm and powerlessness---the

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[7] Hanna Arendt, Rachel Varnhagen: The Life of a Jewish Woman (New York: Harcourt Brace Jovanovich, 1974), p. 33.

concept of immutability provides a necessary pause in the analysis, since it inevitably arises in a discussion of negative group identity. In fact, the Supreme Court often identifies disadvantaged social groups through the immutable nature of the trait in terms of which one becomes a member of a social group, or, in legalese, a **suspect class.**[8] A trait is immutable if the individual has little or no control over having the trait. According to this account, racial characteristics constitute an immutable trait whereas alienage does not. A person cannot change her or his race, but an individual can become a citizen.

However, immutability does not constitute a sufficient condition for a social group. Eye color seems immutable, and yet the blue-eyed hardly qualify as a social group. Nor does immutability suffice as a necessary condition for a social group. The barakumin clearly subsist at the bottom of the Japanese social hierarchy despite the fact that they do not have any physical feature that would differentiate them from other Japanese. The barakumin look very much like any other Japanese person. The barakumin have a very mutable trait-a negative assessment of their lineage.

Even if immutability does not provide a sufficient nor a necessary condition for a social group, it still plays an important role in helping to assess group harm. In general, blacks suffer more group harm than members of a harassed political group because of the immutability of racial characteristics compared to the mutability of political affiliation. A person

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[8] See Korematsu v. United States, 323 U.S. 214 (1943); Regents v. Bakke, 438 U.S. 265; San Antonio Independent School District v. Rodriquez, 411 U.S. 1 (1973). Sherry, "Selective Judicial Activism in the Equal Protection Context: Democracy, Distrust, and Deconstruction," 73 Georgetown Law Journal 89 (1984).

can change political affiliation with much greater ease than she or he can change racial characteristics. Immutability affects the ability to exit from the social group. Immutable traits help to facilitate the negative identity of a disadvantaged social group.

The harm stemming from an individual's inability to shed her or his immutable characteristic becomes more intractable because of the moral irrelevancy of the immutable trait. It is one thing to classify in terms of immutable traits for medical purposes and quite another for political purposes. When, as in Cleburne v. Cleburne Living Center, Inc.[9], a law discriminates against the mentally retarded by making it legal to bar them from a particular neighborhood, it implies a moral judgment that the retarded are lesser human beings, unworthy of living next door to the rest of us. Classifying the mentally retarded in terms of some list of immutable traits may have some medical validity, but it implies an incorrect moral judgment when placed in the housing context.

Summary. Negative, rather than positive, group identity provides the first step in constructing a theory of disadvantaged social groups. I have not fully described the forces that underlie the social construction of a negative group identity. At this stage, suffice it to say, the negative forces take on so much force that any person in the society would have little difficulty appending the group identity label to an individual.

B. Group Harm

No one can deny that harms befall individuals, but group harms seem rather mysterious. How can a group become harmed? Surely, the cynic would answer, groups like corporations do not suffer. Individual corporate

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[9] Cleburne v. Cleburne Living Center, Inc., 473 U.S. 432 (1985).

executives may suffer but not the corporation. Similarly, a black person can suffer harm, as many have, without the social group being harmed.

Despite the cynics protestations, it does make sense to speak of group harm. Group harm occurs in a rather direct way when, for example, legislation specifically singles out a group and denies members of group a benefit or a public good. Virginia's antimiscegenation statute, which prohibited and punished marriages on the basis of racial classifications, denied one of the "basic civil rights," to a social group.[10] Not only were the individuals who attempted an interracial marriage harmed by this statute but the social group itself was harmed for it thereby limited the social choices available to blacks because of their group identity.

The law need not explicitly specify the group. It may appear neutral on its face but discriminate against a group in its application. For example, a San Francisco ordinance made it unlawful to operate a laundry except in a brick or stone building without consent of the board of supervisors. The ordinance did not discriminate against any one group, but in enforcing the law officials denied consent only to Chinese laundry operators who operated laundries in wooden buildings.[11] So, harm can befall a group in cases where laws either explicitly or implicitly pick out certain social groups for harmful treatment.

Group harm does not always manifest itself in clear-cut ways, where direct harms can be seen from the legislation itself or in applying the law.

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[10] The Virginia statute was overturned in Loving v. Virginia, 388 U.S. 1 (1967).

[11] The Court found the San Francisco unconstitutional in its application, Yick Wo v. Hopkins, 118 U.S. 356 (1886).

Group harm can take a much more indirect route. Harm involves the infringement of an interest. We speak of group harm when a group member's interests becomes thwarted because of her or his being identified with the group. Harm to one member of the group carries over to the other members of the group in complex ways

In a recent attempt to bring philosophical order to the conceptual confusion surrounding discussions of groups, Larry May distinguishes unorganized groups like blacks from organized groups such as corporations, claiming that harms to unorganized groups distribute to the individual members whereas in organized groups they do not. So, according to May unorganized group harms are guaranteed to have wide scope.[12] May does not elaborate on how group harm spreads among the group members.

One plausible means of contagion involves the process of group identification itself. The very process of negative group identity constitutes a harm of sorts. When outsiders largely define the group in exclusively negative ways, and when membership in a particular group is not self-determined but other-determined, individual members are wronged. The wrong consists in denying individuals a prominent role in defining a significant aspect of who they are.

A theory of injustice focuses on the negative side of group identity. A subgroup within a group may try to insulate itself from the harm inflicted directly upon a member or members. The forces responsible for the negative social construction of the group's identity may or may not differentiate between the subgroups. Generally, the crude dynamics of negativity do not make fine distinctions. Even if other members successfully severed group

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[12] Larry May, The Morality of Groups, p. 143.

ties, the harm against one member may make any other group member more vulnerable to harm.

More concretely, middle class blacks in the suburbs may successfully disassociate themselves, explicitly or implicitly, from racial incidents affecting poor blacks, confined to the urban ghetto. Nevertheless, a professional, middle class identity sheds quicker than the more immutable trait, skin color. Urban racial incidents can make middle class blacks more vulnerable to harm., for negative group identity continues to haunt them, sometimes in small ways:

> What a hollow victory we have won when my sister, dressed in her designer everything, is driven to the rear door of the luxury high rise in which she lives because the cab driver, noting only her skin color, assumes she is the maid, or the nanny, or the cook, but certainly not the lady of any house at this address.[13]

Sometimes racism follows the black middle class in more menacing ways as when a black person jogging through an affluent neighborhood becomes the object of police suspicion and intimidation. In any event, group harm can spread by lowering the threshold of protection of other group members.

Lowering the threshold of protection from possible harm pales in comparison to actual harm. Some members of a social group may experience group harm indirectly, through association with the group, and the harms they experience may look slight relative to those who directly experience

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[13] Leanita McClain, A Foot in Each World (Evanston, Ill.: Northwestern university Press, 1986).

the brunt of group harm. Social group status may well subject a segment of the group to abject poverty.

Group harm is a relative concept. The harm suffered by one group needs to be measured against the harm accorded to its opposite social group. The disadvantage of homosexuality only becomes apparent relative to the privilege of heterosexuality. A theory of the disadvantaged needs to take into account the disparity between the privilege of heterosexuality and the harm perpetrated against homosexuals.

A theory of the disadvantaged must not only account for the disparity between a disadvantaged social group and its opposite, but it must also weigh the harms between the paired social groups. For example, the disparity between homosexuals and heterosexuals may be greater than the disparity between resident aliens and citizens. Homosexuals often face considerable hostility because of their homosexuality. In contrast, many aliens, particularly those with green cards, suffer fewer disabilities and little or no hostility relative to the status of citizens.

Group harms exist. Many European countries and, in at least one case, the Supreme Court of the United States recognize that not only individuals but also groups can suffer harm through, for example, libel. In Beauharnais v. Illinois[14] the Court upheld an Illinois statute that banned the distribution

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[14] Beauharnais v. Illinois, 343 U.S. 250 (1952). Many do not regard Beauharnais as good law in light of the subsequent decision in New York Times v. Sullivan, 376 U.S. 254 (1964), where the Court announced that "libel can claim no talismanic immunity from constitutional limitations." Similarly, the Court in Smith v. Collin, 436 U.S. 953 (1978) refused to grant a stay of a lower court's ruling that found unconstitutional the ordinance attempting to block the march of the National Socialist Party of America through Skokie, Illinois, residence for some 5,000 Jewish survivors of the Nazi concentration camps. In Collin v. Smith, 578 F. 2d 1197 (7th Cir. 1978)

of literature that defamed a racial or religious group. The Court reasoned that "if an utterance directed at an individual may be the object of criminal sanctions, we cannot deny the State power to punish the same utterance directed at a defined group," even if no member of the group suffers direct harm.

Finally, group harm functions at a critical structural level. Group harm can exclude an entire group from any form of meaningful participation in the formal political activities as well as in other types of actions. Harmed groups effectively become non-citizens. The harms can deprive a group of citizenship.[15]

Hence, group harm, unfortunately, makes altogether too much sense.

C. Powerlessness

The unorganized nature of a disadvantaged social group makes it powerless from the beginning. The harms initially occur at the group level. This does not mean that the group must remain impotent in the face of the attacks. Disadvantaged social groups fight back, but the defensive posturing does not thereby rid the disadvantaged social group of its powerlessness.

Powerlessness does not necessarily correlate with political weakness, measured in terms of voting strength. The nonelectoral aspects of powerlessness must be kept clearly in mind. If power becomes correlated with electoral possibilities, then the democratic avenues for protecting

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the lower court opined that the "approach sanctioned implicitly in Beauharnais would [not] pass constitutional muster today."

15 According to Karst, the principle of equal citizenship "forbids the organized society to treat an individual as a member of an inferior or dependent caste or as a nonparticipant." Kenneth Karst, Belonging to America, p. 3.

minorities are cut short. Blacks, women, homosexuals have different forms of electoral strength-blacks often exhibit solidarity at the polls, women have the sheer voting numbers, and homosexuals have strong interest groups. Placing too much emphasis on political power has the following result: Once a social group attains a certain degree of political clout at the electoral bargaining table, then the group no longer can wear the badge of "disadvantaged," which enables the group to seek special protection from the state.

To the contrary, the availability of electoral opportunity does not dissolve the disadvantaged status of a social group. Certainly, those social groups without political/electoral power, such as slaves, would qualify as disadvantaged social groups. Yet, the obverse does not hold. Electoral success does not readily translate into power, thereby freeing the social group from its disadvantaged status. A vote cannot completely loosen the tight and subtle grip of negative group identity, which operates in many dimensions simultaneously-language (labelling the social group as "queers"), social practice (shunning), cultural norms (the high culture of the dominant group versus the low culture of the disadvantaged one), substantive laws (Georgia's anti-sodomy law), procedural dictates (burden of proof in employment discrimination cases such that those making the complaint almost have to meet the onerous test of showing intent).

Disadvantaged social groups do not have political organizations that speak for the entire group. No one political organization represents the interests, especially those regarding negative group identity, of blacks, women, or homosexuals. However, simply because segments of the social group coalesce into interests groups does not thereby offset the overall powerlessness of the group. In fact, the political organization of one

segment of the group may actually divide the group, leaving a significant number still powerless while the others attain formal political power.

At its core, powerlessness manifests itself by stifling the modes of participation. Social group status, especially economic, can lead to powerlessness or enhance power, depending, of course, on the social group and its resources. Nothing does more to stifle participation than poverty. Those in dire economic straits find it difficult to participate in the political sphere, since politics requires just the resources they lack.

Most importantly, regardless of the particularities of its manifestation, powerlessness has a history, thereby creating a legacy that further reinforces the powerlessness of a disadvantaged social group. When members of a disadvantaged social group try to empower the group, they must face not only the current obstacles in place but also the historical legacy. Mobilizing around negative group identity creates a dilemma by emphasizing and thereby reinforcing some of the very stereotypes that lie at the heart of the problem.

D. Historical Narrative

Group identity, group harm, and powerlessness make up the elements of a disadvantaged social group, but they do not suffice, since they alone do not provide a context. The elements need development within an historical narrative.[16] The identity and powerlessness of a social group and the suffering of individuals within that group---all these factors are embedded

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16 May, in an otherwise insightful analysis overlooked the need for a historical narrative. See Larry May, The Morality of Groups. The notion of a narrative gained a great deal of philosophical respectability from Alasdair MacIntyre, After Virtue (Notre Dame: University of Notre Dame Press, 1981), Chapter 15.

in a history. A social group has a history. A history of the social group does not simply provide some interesting tales, although the personal stories play a critical role in the narrative. Rather the historical narrative makes the social group's suffering intelligible, and it makes the case for the group's plight being made a matter of moral concern: "How we see the victims of racial discrimination, and how much of their humanity we recognize, is thus preordained by the historical legacy that once classified blacks as nonpersons and later attempted to rectify this evil."[17]

An historical narrative of group suffering has its dynamic, a dynamic that can submerge the individual's suffering into the sea of the larger historical picture. Frantz Fanon reveals the bondage of the historical narrative of racism:

> Am I going to ask the contemporary white man to answer for the slaveships of the seventeenth century? Am, I going to try by every possible means to cause Guilt to be born in minds? Moral anguish in the face of the massiveness of the past? I am a Negro, and tons of chains, storms of blows, rivers of expectoration flow from my shoulders. But I do not have the right to allow myself to be mired in what the past has determined. I am not the slave of Slavery that dehumanized my ancestors.[18]

Yet, social injustice arises in just those instances where the individual

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17 Kristin Bumiller, The Civil Rights Society: The Social Construction of the Victim (Baltimore: The Johns Hopkins University Press, 1988), p. 49.

18 Frantz Fanon, Black Skin, White Masks, p. 230.

victim cannot shrug off her or his historical identity.

Some histories of group struggles are well documented; others remain in a nascent stage. Still others reflect the pangs of attacks and distortions, as witnessed by recent attempts to deny the extent or even the occurrence of the Holocaust. None of the histories can claim objectivity in the sense of being beyond reproach. However, the historical narratives provide an intersubjective, robust documented account of group suffering. The forces of negative group identity force individuals, contrary to Fanon, to become mired in what the past has determined.

Personal stories play a particularly important role in making a case for the disadvantaged status of a certain social group. Their importance becomes highlighted by the fact that they effectively get overlooked and ignored. The legal system has many devices, e.g., rules of evidence, etc., that shut out the personal stories of the disadvantaged.[19] In contrast, an historical narrative seeks them out, for, paradoxically, group harm comes to light fully within the richly contextualized form of personal narrative.

As a story-telling animal, "I can only answer the question 'What am I to do?' if I can answer the prior question 'Of what story or stories do I find myself a part?'[20] Members of disadvantaged groups find themselves part of stories, both intimately personal and highly political. The history of a disadvantaged group is not the "history of a people with the politics left

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[19] Richard Delgado, "Storytelling for Oppositionalists and Others: A Plea for Narrative, 87 Michigan Law Review 2411 (1989).

[20] Alasdair MacIntyre. After Virtue (Notre Dame: University of Notre Dame Press, 1978) p. 201.

out," which is how G. M. Trevelyan defined social history.[21] A social history does not ignore politics. Rather it shows the complex interplay between the social and the political.[22]

The historical social/political narrative needs to make the case for negative group identity, group harm, and powerlessness. The narratives provide a catalogue of disadvantaged social groups. Not every candidate group can produce a persuasive narrative. White males, heterosexuals, Protestants, and, even today in the United States, Catholics will fail in any quest to fit under the disadvantaged banner through the development of a narrative.

The narratives provide something akin to a legal case, and yet they go far beyond the limits set by legal analysis. Narrative proponents must first show that the proposed group has a negative identity. Here the social history could run the gamut of evidence from discriminatory laws to personal anecdotes, giving witness to the stigma of inferiority. Adducing evidence for group harm follows, and, in some instances, overlaps the case for negative group identity. Group harm comes to light from anything from stories to health statistics. The focus on powerlessness delves into the group's reaction to the harm.

The narratives differ as to how successfully they muster support for negative group identity, group harm, and powerlessness. Many groups may not even pass the threshold of proving their group status. Others may

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21 G. M. Trevelyan, English Social History (New York, 1941), p. vii.

22 For a critique of history of the social without the political see Gertrude Himmelfarb, The New History and the Old (Cambridge: Harvard University Press, 1987).

stumble at the group harm stage, garnering only enough evidence to show a past harm that has little or no impact on the present. Still others may have achieved a position of prominence and power in the society that defeats their claim to powerlessness.

Constructing an historical narrative has an important purpose. The success insures a demand for special protections from the socio-political structure at large. The stronger the case for disadvantaged status, the stronger the claim for the limited public resources used to offset injustices.

Which groups qualify, according to the analysis set forth above, as disadvantaged occupies the discussion for another paper.

ARISTOTLE'S DEFENSIBLE DEFENSE OF SLAVERY

by Peter Simpson
City University of New York
Graduate Center and College of Staten Island

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ARISTOTLE'S DEFENSIBLE DEFENSE OF SLAVERY

Peter Simpson

STATEMENT OF THESIS

There seem to be two dominant interpretations today of Aristotle's argument about natural slavery. Both say that this argument is unsound but one interpretation maintains that Aristotle, because of his inability to transcend his class or his age, thought the argument sound, while the other maintains, on the contrary, that Aristotle knew the argument to be unsound and indicated as much to careful readers. My own contention is that neither of these interpretations is correct because the argument is in fact perfectly sound. I demonstrate this contention in what follows by offering first a translation and division of the relevant chapters from book one of the *Politics* (with summaries in italics) followed, second, by a commentary on these chapters.

1) TRANSLATION

Chapter 4: Slavery.

The Definition of the Slave. *The slave is a species of property and property is tools necessary for living well. Tools are divided into those that are living or lifeless, and into those that are for making something with or for doing something with. Property is also what belongs wholly to another. The slave is therefore someone who belongs to another as a living tool for doing something with.*

1253b23 Property is a part of the household and management of property is part of household management (for neither life nor good life are possible without a supply of necessities), and the household manager needs his tools to complete his work properly just as is the case with any of the specialized arts.

1253b27 But tools are either lifeless or living, as the pilot's rudder, for instance, is a lifeless tool but his look-out man on the prow is a living one (for an assistant, as far as the arts are concerned, belongs to the class of tools). Accordingly a possession is a tool for the purposes of life, property is a multitude of such tools and the slave is a living possession. Further, every assistant is, as it were, a tool using other tools. For suppose that each tool could complete its work either by being told to do so or because it perceived what was to be done in advance, as those of Daedalus are said to have done, or the tripods of Hephaestus which the poet says "self-moved entered the divine assembly."[1] Then if shuttles could in the same way do their weaving by themselves or if picks could thus play the lyre, master-craftsmen would have no need of assistants nor masters of slaves.

1254a1 Tools as ordinarily spoken of are for making something with but a possession is for doing something with (we get something else out of using a shuttle besides the use of it, but from clothing or a bed we get the use only). In addition, making and doing are specifically different and so their respective tools (and both need tools) must be specifically different also. But a way of life is doing, not making. Consequently the slave is an assistant in matters that concern doing.

1254a8 We speak of a possession in the same way that we speak of a part. A part is not only

[1] Homer *Iliad* xviii 376. Daedalus was a sculptor whose statues were so lifelike they seemed actually to move.

part of something else but also wholly belongs to that something else, and the same is true of a possession. Consequently the master is only master of the slave but does not belong to him, while the slave is not only slave of the master but wholly belongs to him as well.

1254a13 The nature or capacity of a slave is thus clear: anyone who, while a human being, does not by nature belong to himself but to another is by nature a slave, and that human being belongs to another who, though human,[2] is a possession and a possession in the sense of a tool that is separate[3] and for doing something with.

Chapter 5: Slave and Master by Nature.

First Proof. *There are two ways to answer the question whether anyone is by nature a slave, the first by appeal to what happens in nature, and the second by formal argument. As regards the first these facts must be noted: that rule is something necessary and beneficial, that it is found naturally among things, that it comes in several forms, and that some forms are better than others. Nature provides illustrations of these facts in the political rule of intellect over desire and of male over female, and in the despotic rule of soul over body and of humans over animals. But those humans whose best work is the use of the body are as body to soul and as animal to human; hence they are also fit for despotic rule and slaves by nature.*

1254a17 The next thing to investigate is whether or not anyone is by nature of the sort just described and whether serving as a slave is better and just for anyone or whether instead all slavery is against nature. But it is not hard to see by argument what the answer is nor to learn it from what actually occurs. For (a) rule and subjection to rule are not only necessary but beneficial; (b) in the case of some things a separation of them into ruler and ruled occurs as soon as they are in being; (c) there are many kinds of rulers and ruled subjects; (d) rule over better subjects is always better (as rule over a human than over an animal), since from better materials comes a better work and there is always some work involved when one thing rules and another is ruled.

1254a28 For in everything that is fashioned into a common unity from the combination of several parts, whether the parts be continuous or discrete, a ruling and a ruled part can be found. Living things get this characteristic from the whole of nature (for rule exists even in lifeless things as in the case of harmony -- but that is an extraneous topic). An animal is in the first place compounded from soul and body where by nature the former is the ruler and the latter the ruled. But what is natural must be looked for in things whose disposition accords with nature and not in things that have been corrupted. Hence in the case of human beings we must look at those who have the best disposition both in body and soul since what is natural will be clear in them. For in those who are bad or in a bad condition the body often seems to dominate the soul because their condition is evil and against nature.

1254b2 But it is possible, as we say, in an animal first of all to see both despotic and political rule, for the soul rules the body with despotic rule and the intellect rules desire with political or royal rule. Here it is manifestly natural and beneficial for the body to be ruled by the soul and for the passionate part of the soul to be ruled by the intellect (the part that possesses reason). But all of them are damaged together if rule is shared equally or reversed. The same holds true

[2] Reading *anthrōpos* (human being) instead of *doulos* (slave) with Dreizehnter (the mss. give both readings).

[3] Separate from his master unlike the hand of i 2 which is not separate but must remain attached to the whole.

of human beings with respect to the other animals. The tame animals are better than the wild ones and it is better for the former all to be ruled by humans since their preservation is thus secured. In addition the relation of the male to the female is that of better to worse and ruler to ruled.

1254b14 The same distinctions must hold of human beings generally. So those human beings are slaves by nature who are as widely separated from others as soul and body are or human and beast, and that is the condition those are in whose work is the use of the body and from whom such work is the best that can be got. In their case it is better to be ruled over by a master, if indeed it is also better in the case of the things just mentioned.[4]

Second Proof. *The same result follows from the argument that those whose best work is the use of the body are (following the definition from chapter 4) living tools belonging to another. Such persons do not have reason of themselves (so belong to another) but can nevertheless perceive it and be of assistance after the manner of animals (so are living tools). This condition is a condition of soul but nature also tries to duplicate it in the body. All would concede slavery and mastery to the inferior and superior in body; much more justly should they do so to the inferior and superior in soul.*

1254b20 For the slave by nature is someone who has the capacity of belonging to another (which is why in fact he does belong to another), or someone who shares reason sufficiently to perceive it but not to have it. For the other animals give of their assistance without perceiving anything by reason but rather by what they feel,[5] and also the need we have of the two is very much the same since bodily help in the supply of necessities is got from both slaves and tame animals alike.

1254b27 Now nature wishes to make a difference also in the bodies of free and slave, with those of the latter strong for necessary tasks and those of the former erect and useless for such labors but useful for political life (a life that is divided into the needs of war and peace).[6] Often, however, the opposite happens and some have the bodies of the free while others have the souls. But however that may be, it is manifest that if some people were to develop bodies like the statues of the gods everyone would say that those left behind deserved to be their slaves. So if in the case of bodies this distinction is drawn, it would be much more just to draw it in the case of souls. But beauty of soul is not so easy to see as beauty of body.

1254b39 It is manifest then that by nature some are free and others slaves and that service as a slave is for the latter both beneficial and just.

Chapter 6: Slave and Master by Law

Against Those Who Altogether Condemn Slavery. *Those mentioned at the end of chapter 3, who condemn slavery as wholly unjust, are only partly right because they confine attention to*

[4] The body and animals, for which despotic rule by the soul or by humans is better as stated above.

[5] There is some dispute about the Greek here and translators tend to take it as meaning that the other animals do not perceive or follow reason but rather their passions. But such translations treat the text as drawing a distinction between slaves and animals whereas Aristotle has just likened the two to each other and should clearly want to continue the likeness here. The translation I offer is meant to overcome this difficulty.

[6] Cf. vii 14, 1333a30-b5.

slaves by law and ignore the fact and significance of slaves by nature. They use an argument that might succeed in a popular assembly but which misses the main point, evident to wiser heads, that superiority in virtue justifies rule.

1255a3 That those who have contrary opinions are right up to a point is not hard to see for 'slave' and 'slavish service' have two meanings and there is also 'slave' and 'slavish service' by law.[7] The law in question is a certain agreement by which what is conquered in war is said to belong to the conquerors. Now many of those versed in the laws bring against this principle of justice a writ of illegality as they would against an orator in the assembly.[8] Their supposition is that it is a terrible thing if whatever is forced into submission is to become the slave and subject of whatever has the capacity to use force or is stronger in power.

1255a11 There are some also among the wise who hold this view though others of them think differently. The cause of the dispute, and what makes their arguments overlap, is that when virtue gets hold of equipment it both has a special capacity to use force and also the conqueror always excels in a form of goodness. Consequently the force used seems not to be without virtue and the dispute seems to turn only on the principle of justice itself. Hence some think the principle is kindness while others think it reduces to this alone, rule by the stronger. At any rate when these arguments are set aside the other arguments, that the better in virtue ought not to rule and be master, are neither strong nor plausible.

Against Those Who Altogether Approve Slavery. *Those who hold the contrary position that all slavery is just face the unpalatable consequence that even those who do not deserve to be slaves should be enslaved if conquered. Their attempt to confine slavery to barbarians is a step in the right direction but is not wholly correct as it ignores the defects of nature.*

1255a21 Some take their stand wholly by a sort of justice, as they conceive it (for the law is in a way just), and lay down slavery in war as just, but then they immediately go on to deny it. For it need not always be the case that the rule won from war[9] is just and no one would say that he who did not deserve to be a slave really was a slave. Otherwise those reputed to have the noblest birth will be slaves and descended from slaves if captured and sold. Consequently they do not wish to give the name of slave to such persons but only to barbarians. Yet in so doing they are looking precisely for the slave by nature that we started with, for they have to say that some are slaves everywhere and others nowhere.

1255a32 The same is true of good birth. For they think of themselves as possessing good birth not just among themselves but everywhere, while the barbarians they think of as possessing good birth only in their own home, thus adopting the view that one of the two is simply speaking well

[7] That is, as well as by nature.

[8] In the popular assembly at Athens a charge of illegality (*paranomōn*) could be brought against anyone who proposed a law contrary to existing law. The phrase "principle of justice" translates *to dikaion* ("the just") in the Greek, which Aristotle seems to use several times in this passage to refer to the law in question.

[9] Most translate this as "the beginning of wars" (the Greek *archē* can mean either beginning or rule). But that the beginning of certain wars might be unjust is not what accounts for the possibility that some of those conquered might not deserve to be enslaved. For even if a war began justly the conqueror could not justly enslave the conquered unless these were already and independently slaves by nature. Besides what is relevant to Aristotle's argument is not how wars begin but how they end, namely what one does with the conquered after one has won rule over them.

born and free while the other is not. As Theodectes' Helen puts it: "who would dare call me servant, sprung as I am from divine roots on both sides?"[10] But to say this sort of thing is to give a definition of slave and free, good birth and low birth, in terms of virtue and vice since it is to claim that the good are born from the good in the same way that humans are born from humans or beasts from beasts. To be sure, nature has such a desire but she is seldom able to realize it.

Summary. *The dispute about slavery has some justification because the enslaved and the free by war need not always be slave and free by nature. But sometimes they are and in such cases (as shown in chapters 4 and 5) slavery is beneficial and just and involves a form of friendship, though the reverse is true otherwise.*

1255b4 So it is clear that the dispute about slavery has some basis to it and that some slaves are not by nature slaves and some free not by nature free. It is also clear that in other cases a natural distinction does obtain where it is beneficial and just for the one to be slave and the other master. Here the first should be ruled by the second with the rule for which the second is naturally fitted, namely mastery. But if mastery is exercised badly it is harmful to both of them, for part and whole, body and soul, are benefitted by the same thing and the slave is a part of his master as a sort of living but separate part of his body. Consequently mutual benefit and friendship arise between master and slave when they deserve by nature to be master and slave, but the opposite happens when their relationship is not natural but a result of law and force.

2) COMMENTARY

Chapter 4: The Definition of the Slave

1253b23 This chapter is all about property because that slaves are the property of their masters is evident and not in dispute (the dispute is about whether anyone should be a slave, not about whether slaves, if they exist, are property).[11] Three points are made about property relative to the slave: that property is tools for life; that tools fall into two divisions; that property belongs wholly to another.

Property is tools for life because it does for household management what tools in general do for any art: they enable it to complete its work. But the work of household management is the life of the members of the household (including good life, for living is for the sake of living well and life in the household is for the sake of life in the city). Hence property is the tools needed for such life.

1253b27 The first division of tools into the living and lifeless might seem questionable, or even offensive, in its implication that assistants are living tools. But all that can be meant in the context is that the job of an assistant is the same as that of a lifeless tool insofar as both assist the artist to complete the work. Since a slave is manifestly alive as well as property, he is a living tool for the purposes of life. But note that Aristotle does not say tools for the purposes of life are property; he only says property is tools for the purposes of life.[12] Some such tools

[10] Fr.3 Nauck. Theodectes was a tragic poet of the fourth century.

[11] Schütrumpf correctly (1991) i 242-243.

[12] Schütrumpf (1991) i 239, but against Barker (1959) 362.

will presumably not be property (as perhaps the look-out man). But that slaves are property is given.

The precise function of such living tools, and why we need them, is illustrated by the statues and tripods of Daedalus and Hephaestus. Living tools make up for the fact that lifeless tools are not robots; they would not be needed if robots existed.

1254a1 Two arguments are given to show that property falls into the second member of the second division of tools, namely into those for doing something with and not into those for making something with. The first is that typical pieces of property (beds and clothing) are tools for doing something with; the second that a way of life (for which the tools of property exist) is doing, not making. Hence slaves, as living property, must be assistants with respect to doing something.

What is curious about this conclusion and about the arguments on which it rests is that they seem to exclude productive tools, or tools for making, from the category of property and seem to deny to slaves any role in making. Yet productive tools are presumably the property of someone and slaves can sometimes be employed in making things (as in cooking food, i 7). Part of the explanation must be that Aristotle is speaking only of property as it belongs to household management and is of direct use to life. So he excludes tools and activities that are not part of this even if they produce what is part of this (as shuttles that make the clothes we wear). But it would also seem that he does not exclude these other tools and activities altogether, but is only subordinating them. He is defining property and slaves rather in terms of their end than in terms of all the possible activities that lead to this end.[13] So since making is for the sake of doing, making and its tools will be reduced to doing because doing, if not the immediate end of making, is its ultimate end (products are made in order to be used). Consequently slaves and property in general will have doing, or living well, as their point even when or if they are used in making something.

1254a8 A part, *qua* part, belongs altogether to the whole and property, *qua* property, belongs altogether to the owner, for to the extent they cease to be *of* the whole or *of* the owner they cease to be part or property. So the slave, *qua* slave, must also be altogether *of* his master. 'Master' and 'slave' are evidently correlative terms in the sense that they are predicated with respect to each other, but Aristotle does not want us to suppose that the beings they signify exist only with respect to each other. The slave indeed exists after this fashion for the slave is property, but the master does not. The master is always something other than a master (he also rules politically and royally, not just despotically, and in the city as well as the household); but a slave is never other than a slave. This conclusion is not altered by the fact that the master depends on the slave for survival,[14] for the manner of this dependence is not the same. The slave altogether depends on the master but the master only depends on the slave to satisfy material needs, and just as the tool in the case of the arts exists for the craftsman who uses it and not *vice versa*, so the slave also exists for the sake of the master who uses him and not *vice*

[13] Schütrumpf (1991) i 241 and Pellegrin (1982) 355-356.

[14] Against Schütrumpf (1991) i 244.

versa.[15]

1254a13 The concluding definition picks up on the three points made about property, that the slave is a tool, concerned with doing, and belonging to another. One peculiarity is that Aristotle shifts in his wording from "nature of a slave" to "by nature a slave." The shift may be explained in that to be by nature a slave seems simply to mean having the nature of a slave, and conversely. So if he is by nature a slave who is by nature of another and a tool for life, then to have the nature of a slave is to have the nature of belonging to another as a tool for life, a result which now accords with the earlier remark that everything gets its definition through what it does and is capable of (1253a23). For the slave has thus been defined through his capacity of being a tool belonging to another, and it is by reference to this capacity that Aristotle finds the slave by nature in the next chapter.

Chapter 5: The Slave and Master by Nature
First Proof

1254a17 The questions of nature, goodness and justice naturally go together. To be treated according to one's nature, or what one really is, must be just for thus one receives one's due, and to be treated justly is manifestly good. The remark about seeing the answer "by argument" and learning it "from what actually occurs" suggests Aristotle intends to prove his answer in two ways, but it is not altogether easy to find what these two are or where one begins and the other ends.[16] Since, however, it is a regular habit of Aristotle's to take a list in reverse order we may conjecture that the second comes first. Learning from what happens would then refer to the discussion of the kinds of rule to be found in nature and hence also to the analogy Aristotle draws, on the basis of that discussion, between these kinds and the slave by nature. Seeing the answer by argument would then refer to what he does immediately thereafter when in fact the process of his reasoning makes a shift back to the definition of the slave in the last chapter. A confirmation of the conclusion just drawn is then given by reference to that definition.

The four assertions are all illustrated by examples later but d) is immediately defended with an argument (it is perhaps less obvious): ruler and ruled have some work; the work from better materials is better; therefore rule over better subjects is better. The second premise here is uncontroversial enough, but the first premise must be read as meaning that the work of ruler and ruled is the point or essence of ruling (so that rule is better as the work is better), and that this work is completed from the ruled as material by the ruler as agent. Such a reading is, however, plausible enough. The purpose or aim of a ruler is to direct the ruled to achieve something (as victory in the case of a general ruling an army), and in this task the ruler is manifestly agent, as the one directing, and the ruled manifestly material or patient, as the one directed.[17]

[15] Hence there can be no slave/master dialectic for Aristotle as for Hegel (*Phänomenologie des Geistes* IV A), since for Aristotle, though the terms are correlative, the beings which the terms signify are not, but that of the slave only.

[16] Newman (1887) ii 140, Schütrumpf (1991) i 250.

[17] Aristotle elsewhere expressly says that subjects are the matter that rule fashions (1325b40-26a8; *Ethics* 1102a7-12).

1254a28 The general thesis that in everything fashioned into a unity from several parts a ruling and ruled part can be found introduces the examples that illustrate the assertions. The examples are all of continuous or discrete things fashioned into a unity where rulers and ruled of the sort just mentioned are manifest. Consequently, as Aristotle later argues, the same must hold in all similar cases (and specifically in the case of slave and master).

Aristotle's attention is of course on living things but as his assertions about rule, if true, must apply universally he mentions rule in inanimate things also. By harmony he presumably means either sounds in music, where the key note rules and determines the others in the scale, or elements in physics, where what rules is the principle of the mixture or the form. His examples in the case of living things are two from continuous unities (soul and body, intellect and desire) and two from discrete ones (humans and the other animals, male and female). The warning that what is natural must be looked for in things whose disposition accords with nature is evidently necessary because if we were merely to count up cases and not distinguish the natural ones from the corrupted ones we might not come up with any consistent result, and certainly not one that is by nature.

It is a striking implication of this warning, and one that Aristotle immediately accepts, that the best must be the guide to nature and not nature to the best. Yet, properly considered, he is saying only what we ourselves implicitly admit in our own scientific study. For like him we do not think it possible to understand a thing's nature properly from specimens that are spoiled or ruined. The best in the case of human beings must be the virtuous so that to understand what is natural here must first require an understanding of virtue. But this consequence merely confirms the dependence of the *Politics* on the *Ethics* and the need for the students of both to be well trained in their habits (*Ethics* 1095a2-11, 1095b4-13). Those not so trained could hardly be expected to recognize or admit the naturalness and goodness of soul's rule over body or intellect's rule over desire.[18]

1254b2 The soul's rule over the body will be despotic because the body belongs wholly to the soul and is its tool for the sake of life (the defining marks of the slave). Desire, however, does not belong wholly to intellect nor is it simply an instrument for something else. On the contrary it shares itself in the end, namely in moral virtue. So it is free and no slave. But it shares in the end only when ruled by intellect, and this rule, since it is over something free, cannot be despotic (*Ethics* 1102b13-03a10). Aristotle says the rule is political or kingly for the intellect rules desire permanently (at least in the virtuous) and as over an inferior, not over an equal (rather in the way, one supposes, that the man rules the woman or the father the child, i 12; cf. also 1333a16-24).

Obvious instances in the case of rule over animals would be oxen, dogs and horses, all of which are used by humans for various kinds of labor (as ploughing, hunting, riding), and all of which are better preserved and cared for as a result. That such animals might also sometimes be killed for food is not relevant in the present context, which is not about eating but about ruling. The distinction between tame and wild helps further to show that this kind of rule is according to nature and advantageous. For if tame animals are better, and if it is better for them

[18] Simpson (1992).

to be ruled by humans, then rule by humans is better and advantageous simply. Tame animals are presumably better because what is not savage and follows reason (the reason of its master) is better than what does not. Rule over animals must also be despotic, since tame animals, like slaves, belong wholly to their owners and are tools for the purposes of life.

The superiority of male to female is simply asserted as evident to experience (the experience we have of other animals presumably, as well as of ourselves), and one can see readily enough what Aristotle must mean. For that males dominate females is the experience of virtually all times and places, our own as much as Aristotle's. But if this dominance were unnatural and females were by nature as fit to rule as males, then, since the natural is what happens always or for the most part,[19] one would expect to find females ruling males as much as males ruling females. But one does not find this, hence the dominance of males over females, and so their superiority with respect to rule, must be natural (an account of why it is natural is offered later, 1260a10-14).[20] The rule of male over female is, of course, not despotic (except among barbarians, 1252a34-b7); it is political (i 12).

1254b14 The examples sufficiently illustrate the four initial assertions and the general thesis about ruler and ruled being found in things united from several parts. Hence, to apply the thesis, wherever the like differences are found as in the examples, there also the like kinds of rule will be natural and good. Consequently slaves by nature, for whom slavery is good, will be those who are to others as body is to soul or as animals are to humans (the two patterns of despotic rule). But those whose best work is the use of the body will be on the same level as animals and the body, which give no better work to humans or the soul; hence they will stand in the same relation of despotic rule.

Second Proof

1254b20 That this conclusion is correct is confirmed now by a more formal argument that appeals back to the definition of the slave in chapter 4. The argument, I take it, is the following: those who by nature belong to another as living tools for the needs of life are by nature slaves; those whose best work is the use of the body by nature belong to another in this way; therefore they are by nature slaves. The second or minor premise here is, I also take it, meant to follow from the idea that those whose best work is the use of the body cannot, as such, have reason of themselves but must follow the reason of another (if they did have reason of themselves then presumably they would be capable of some better work than the use of the body).

So, to apply this analysis to Aristotle's actual words, he speaks, evidently as regards the first part of the definition, about the slave's "capacity of belonging to another," a phrase that must have the force here of "incapacity of belonging to oneself" (someone who could belong to himself would doubtless by that fact cease to be able to belong to another). The following

[19] A cardinal thesis of Aristotle's, e.g. *Physics* ii 8, 198b34-36.

[20] Of course one standard objection to Aristotle would be that the experience he is appealing to is relative to culture and so only tells us something about culture and nothing about nature. But one may note, on Aristotle's behalf, a certain difficulty with this objection, namely that things manifestly relative to culture vary from culture to culture, whereas the dominance of male over female is invariant across cultures (including our own); accordingly it would seem to reflect nature instead.

remark about sharing reason "sufficiently to perceive it but not to have it" will then be introduced in explanation of this point. For those who lack reason must certainly be such as to belong to another, since to have reason of oneself is the mark of self-possession as enabling one to rule oneself by one's own thought and deliberation. Conversely, not to have reason makes one subject to those who can do the thinking and deliberating in one's stead (which, as chapter 2 already pointed out, is the job of the master with respect to the slave).

But Aristotle expresses himself in a complicated way. He does not simply deny reason to slaves; he allows they share in it sufficiently to perceive it. This further point is, I take it, related to the other part of the definition of the slave, namely that they are living tools which, unlike lifeless ones, are supposed to act by perceiving and obeying the mastercraftsman's commands. The problem is to see what such sharing in reason amounts to or how it can be that what does not have reason can nevertheless perceive reason.

Here a difficulty arises for the Greek of the next sentence (*ta gar alla zōa ou logō aisthanomena alla pathēmasin hupēretei*) admits of more than one interpretation. Some translate: "for the other animals are subservient not to reason, by perceiving it, but to feelings." Others read *logou* instead of *logō* (an alternative given in some manuscripts) and translate: "for the other animals do not perceive reason but follow their feelings." Others choose instead to omit *aisthanomena* and translate: "for the other animals obey not reason but feelings." Other translations are similar to these. But all of them agree in taking this remark as drawing a contrast between slaves and animals. For they all take it as saying that animals follow their feelings in a way that humans who are by nature slaves do not. This interpretation, however, does not seem right. For, to begin with, Aristotle's first proof has just rested on likening slaves to animals so it would be paradoxical if his second proof were to rest on distinguishing them. Further, animals are evidently also living tools that do what their master wants by perceiving and obeying his commands (think in particular of sheep-dogs and horses). So it would make more sense to suppose that Aristotle is appealing to the perception of animals at this point in order to show how the perception of slaves is the same as theirs instead of different.

My proposed translation ("for the other animals give of their assistance without perceiving anything by reason but rather by what they feel") is meant to give the sense that Aristotle's reasoning seems to require. What is distinctive about it is that it takes *hypēretei* in its primary meaning of giving assistance (thereby recalling the word for the living tool, or assistant, *hypēretēs*, in chapter 4), and as an independent verb, not as governing *pathēmasin*. This word is instead, like *logō*, made to depend on *aisthanomena*. The resulting advantage in terms of Aristotle's reasoning is that not only is there a neater connection with chapter 4, but also the remark can be read as likening slaves to animals in the way required. The sentence now explains the immediately preceding one (hence the "for") by showing that slaves perceive but do not have reason because they perceive reason in the same way animals do, not by reason, but by feelings. Animals, it is clear, perceive their master's reason (what it is their master wishes them to do) by what they feel or suffer, as the tug of the reins, the shouted commands or whistles, and so on. Of course they do not perceive the reason embodied thus in their master's commands *by* reason (for they lack reason), but they perceive it nevertheless.

According to this interpretation, then, Aristotle is saying that slaves by nature, or those whose best work is the use of the body, perceive reason in exactly the same way as animals do. Hence, like animals, they are living tools, able to take the place of the mythical robots of

chapter 4 because able to perceive and obey what their master wishes them to do. That is why Aristotle immediately goes on to draw another parallel with animals. All that can be got from those whose best work is the use of the body is all that can be got from animals too, namely help with the body in the supply of necessities. They are living tools, in other words, for the needs of life.[21]

Such is the logical structure, as I take it, of Aristotle's second proof. Two clarifications, however, seem necessary at this point. The first concerns what sort of reason is being denied to the slave. For later on Aristotle speaks of slaves as capable of acquiring certain kinds of knowledge and skill (i 7) and as capable of virtue (i 13). It is perhaps necessary, therefore, to distinguish between reason and reasoning.[22] Slaves may have reasoning and be able to learn and work things out (just as some animals can up to a point), but it does not follow that they have reason and can discern the good and the beautiful. But this kind of discernment must be what Aristotle has in mind. For what the slave lacks and the master has is foresight and deliberation (1252a31-34, 1260a12), and these must refer to such discernment since the master must foresee and deliberate about the end of the household and the city, which is the good and the beautiful, or in general virtue. Such discernment marks the difference between the few who are fit to learn about virtue and the many who are not (so the last chapter of the *Ethics*). It also marks the difference between prudence and mere cleverness (*Ethics* 1095a2-b13, 1144a23-b1, 1179b10-18). Slaves by nature therefore may have reasoning and be clever, but they cannot have reason nor be prudent.

The second clarification ties in with the first. When describing the slave by nature Aristotle speaks only of those in a certain *condition*, the condition of having no better work than use of the body. He says nothing about how they come by this condition. The phrase "by nature" and his earlier assertion that some things are separated into ruler and ruled as soon as they are in being suggest that the slave must have this condition from the beginning or from birth. But

[21] Some commentators have argued that the sharing in reason Aristotle allows to the slave must make the slave like desire to mind and not like body to soul and animals to humans. Hence they conclude that Aristotle's argument fails since it really shows that those who so share should not be ruled despotically but politically or royally instead: Fortenbaugh, in Barnes et al. (1977) 135-139; Smith, in Keyt and Miller (1991) 142-155; Schütrumpf (1991) i 265-266. But Aristotle's point is that slaves are like the body because their best work is the use of the body, and that they are like animals both for this same reason and also because (given my translation of the disputed sentence) they perceive reason like animals. This perception of reason, however, cannot make slaves to be like desire to mind, just as it cannot make animals to be like desire to mind either. On the contrary such perception is precisely what is required to make them like the body by making them able to follow the commands of another's reason as the body follows the commands of the soul. Aristotle does, it is true, say in the *Ethics* (1102b25-03a3) that desire, though not itself reason, can share in reason by hearing and obeying it. But this sharing is evidently more than the sharing that the body has in the soul, or than the sharing that animals have in reason. For something better can be got from desire than use of the body, namely the perfection of virtue. Desire in fact appears in some way to come to possess reason and not merely to perceive it. The moral virtues exist in the desiring part of the soul when it is thoroughly habituated, and this habituation it possesses in itself as its own imprint, so to speak, from reason. That is why Aristotle can say that moral virtue makes the goal and choice to be right and makes one pursue the right end, that its presence is necessary for the intellectual virtue of prudence, and also that absence of virtue, or vice, makes one unable even to see the true good (*Ethics* 1144a7-8, 20-36, 1144b30-1145a6).

[22] Milani (1972) 117-119, see also Schofield, in Patzig (1990) 14-16. Such a distinction is certainly implied by what is argued in i 7, and cf. Plato *Laws* 689a1-e3.

if, as proposed earlier, "slave by nature" just means "he who has the nature of a slave," and if "as soon as they are in being" refers not to birth only but to any way of coming into being, then perhaps one can come by the relevant condition, and so become a slave by nature, in more ways than by birth, by accident, say, or upbringing or even choice. After all animals acquire their tameness not from birth but from later training, and yet once they have this condition they are tame by nature.

1254b27 Some confirmation of this supposition comes in these next remarks about the body of the slave (lack of reason has described his condition of soul). It would seem most desirable that slaves, given their function, should have bodies fit for physical labor, and conversely that the free, who are to live a political life, should have bodies fit for the activities of war and peace. If therefore nature aims at the best, she must aim at this. Her aim, however, often fails and those who have slavish bodies have free souls and *vice versa*. Did she not fail so often there would, it appears, be far less doubt about the naturalness of slavery. The manifest difference in the bodies of slave and free would convince everyone of the fact. In some support of Aristotle one may note that we also give special honor and worship to beautiful bodies, as of athletes, filmstars and others whom we are pleased to call our idols. But we recognize also, at least when we reflect seriously, that greater honor and worship are due to beautiful souls. Beauty of soul, however, is harder to see, being a matter of virtue not figure or stature.

Herein lies the solution to a certain difficulty. That nature sometimes fails is evident; monstrous births are obvious instances. But such failures do not happen often nor for the most part. The difficulty is how the failure in the case of slave and free can be so frequent if nature is really at work. The answer is that while beauty of body lies within nature's control beauty of soul does not. We are indeed born by nature for virtue but the achievement of it is by human action, not by nature. The actual achievement of a beautiful soul requires a legislator and education and these are no longer an affair of nature. Nature can nevertheless be said to want beautiful souls in beautiful bodies for she has made humans for virtue, that is, she has made them to be completed by legislation and training (1332b8-10, 1337a1-3). The best thing, of course, would be to have the best body, or the best preconditions, and the best education, for thus would the simply best, the best by nature, be achieved. Hence when outlining his simply best regime (iv/vii and v/viii) Aristotle requires the presence of both. But if the preconditions are best and the education deficient, the result will be slavish souls in free bodies; and if the preconditions are poor but the education good, the result will be free souls in slavish bodies (at least if the souls are capable of education). The failures in nature's wish therefore spring from us, not from nature. It is clear then that slavish souls need not arise from birth alone; they could arise in as many ways as they could fail to be educated.

1254b39 The chapter has concentrated on slaves by nature as those whose best work is the use of the body, but thereby the free and masters by nature have also become evident as those who have reason of themselves, can discern the good and the beautiful and are fit for the life of the city in peace and war. The difference is above all a matter of souls, not bodies. The free by nature have free souls and slaves by nature have slavish souls. The bodies may or may not correspond.

Chapter 6: Slave and Master by Law
Against Those Who Altogether Condemn Slavery

1255a3 The distinction between the slave by nature and the slave by law is an important one but it evidently does not, by itself, settle the question of the justice of slavery by law. For what is not hard to see (at least in the light of the last chapter), and what Aristotle proceeds to discuss, is not that slavery by law is always unnatural and unjust, but that it is sometimes unnatural and unjust, depending on whether those forcibly enslaved are by nature slaves or not. Those who condemn slavery will thus be right when the slave by law is not also a slave by nature, and otherwise wrong.

That charges of illegality should be brought by those versed in the laws is not surprising; they of all people should know what is and is not contrary to established law. In this case, however, they are not condemning a proposal for a law but a law already in existence. That is perhaps why Aristotle calls it "this principle of justice," for any law, even a bad one, may be given such an appellation merely because it is a law. In the case of bad laws, of course, the appellation will carry more than a hint of irony, as it must for the opponents of the law in question. For their charge is that this law is the antithesis of law since, as they say, justice and force are opposed (1253b21-23). But if justice and force are opposed, this fact will only constitute an objection if the law rests on force and nothing more. For even the most just laws need force to back them up. Here is where the opponents of this law are guilty of the sort of sophistry not unusual in debates in public assemblies. A law that rests merely on force is easy enough to condemn since by that fact it has already been declared unjust. But what really needs proving, and what these opponents do not prove, is that the law in question does rest wholly on force. Their argument is a simple *petitio principii*.

1255a11 Aristotle's turning to the wise is not surprising; they at least may be expected to speak more soundly on the matter. But precisely how to interpret Aristotle's account of their disagreement with each other is a matter of much doubt.[23] My own interpretation is based on certain ways of reading the Greek. First of all I take the whole of the sentence following "when virtue gets hold of equipment" as depending on that clause (so the "both...and" representing the *kai...kai* of the Greek). Hence, in opposition to most others, I understand the conqueror being talked about not to be just any conqueror excelling in just any good (including mere strength), but only the conqueror who excels in virtue. The conqueror who excels in force or equipment alone would be the conqueror whose enslavement of the conquered is rightly thought terrible by those versed in the laws. But the wise are presumably being more sophisticated and are expressly noting that some conquerors can excel in force because they first excel in virtue. Those versed in the laws, by contrast, pay no attention to any differences in virtue between conqueror and conquered. One would, however, expect the wise not to ignore such differences and to be talking about conquerors who excel in virtue and not simply in force. That is why the force used against the conquered "seems not to be without virtue" because the wise expressly have in mind cases where the conqueror excels in virtue.

The dispute among the wise is not therefore about the superiority of the conqueror, but

[23] Newman (1887) ii 150-152, Schütrumpf (1991) i 272-281, Susemihl and Hicks (1894) 163-166, 205-209; and see also Lord (1984) 248 n19, Saunders, in Moffat (1984) 25-36, and Schofield, in Patzig (1990) 23-27.

about "the just" (*to dikaion*). Most commentators take this to mean the justice of the matter or something of the sort. But "this just" (*touto to dikaion*) was earlier used, as all agree, to refer to the law ("this principle of justice" as I translated it). I suggest that we understand it the same way here as well. The next sentence will then be interpreted as follows. Some of the wise think the law kindness[24] and not terrible because they think it is meant to apply only to cases where the conqueror excels in virtue, and hence that it only allows the enslavement of natural slaves. Others among the wise, by contrast, think the law of conquest simply means that any conqueror is to rule, whether excelling in virtue or not, and hence that it is terrible as allowing the enslavement of anyone who is conquered, including those who are not natural slaves.

Both groups of the wise are relying on the common premise about force with virtue so their arguments "overlap" in this common premise though their conclusions differ. The difference arises, of course, because some think the law in question is meant to conform to this premise and the others that it is not. This difference itself doubtless springs from the fact that the law gets interpreted and used in different ways at different times. For it exists after all only in convention and in what is commonly said, but what is said and what is meant by what is said often differ. Hence there will always be room for disagreement about what the law concretely means. Aristotle accordingly leaves the dispute among the wise unresolved. But once their arguments are set aside the weakness in the other arguments, namely of those versed in the laws, becomes evident. For these other arguments, being stated without any of the qualifications of the wise, require one to conclude that even the better in virtue ought not to rule and be master, which chapter 5 has just rejected.

Against Those Who Altogether Approve Slavery

1255a21 The first opponents went too far in condemning slavery; these next ones go too far in approving it. The law they cling to is something just indeed, but it need not be wholly just. In fact, as has just been shown, it can be given an unjust, or terrible, interpretation. Their error is easily exposed. To maintain baldly that "the rule won from war" is just, or that the conquerors may always rightly enslave the conquered, lands one in the difficulty of saying that those not deserving to be slaves could justly be made slaves if conquered. Hence they would be compelled to admit that the most nobly born, including themselves (for doubtless they consider themselves such), should be made slaves if defeated in war. So to escape this consequence they limit slavery in war to barbarians and thus deny what they first said by denying its universality. But then in effect they are saying that regardless of what happens in wars barbarians are by nature fit for slavery while others, notably themselves, are not.

It is perhaps not without significance that Aristotle says about these opponents that they are "looking for," not that they have found, the slave by nature. For Aristotle has not himself identified slaves by nature with barbarians; he has defined slaves, not according to national origin, but condition of soul. Indeed the last chapter, where he gave this definition, is entirely silent about barbarians. Had his opponents found the slave by nature they too would speak of conditions of soul. Of course it may be that most barbarians are inferior in soul but it is *qua* inferior, not *qua* barbarian, that they will be natural slaves, and that is what these opponents

[24] All the manuscripts have "kindness" (*eunoia*), but the interpretations favored by most commentators require them to prefer Ross' alteration of it to "folly" (*anoia*).

seem to be missing.

1255a32 They are missing it also about good birth, as Aristotle illustrates through a poetic quotation. To appeal, like Helen, to good birth to justify freedom over against barbarian slavery is to think that the goodness of parents is continued in children. Hence it is to think, as Aristotle says, that what really matters for freedom and slavery is virtue and vice (for otherwise the appeal to the *quality* of birth would be irrelevant). The error here is not the view that vice and virtue are what mark the difference between slave and free (for Aristotle has himself just adopted that view in chapter 5), but the view that virtue is always continued from parents to children. Nature fails here just as she failed (in the last chapter) to match bodies and souls. Virtue, or beauty of soul, is not a result of birth or nature but of training under good laws. Hence the reason, perhaps, why Aristotle chooses to name the speaker and not just the author of his quotation. For there was certainly a wide discrepancy between Helen's body and soul, since though fabled for beauty of body, she was an adulteress, and adultery is base, not beautiful (*Ethics* 1107a8-17). Helen is an instance of someone noble by birth but by nature, that is, by her condition of soul, a slave.[25]

Summary

1255b4 The summary covers chapters 4 to 6 in reverse order. The dispute about the justice of slavery (chapter 6) has a basis in the fact that, because of the unjust application of the law of conquest, not all those who are slaves deserve to be slaves. But by the same token not all those who are free deserve to be free (as Helen). Still where slave and free do deserve to be such despotic rule by the second over the first is just and beneficial (chapter 5). The slave belongs to the master as a part to the whole (chapter 4), hence to exercise mastery badly must be harmful to both, for to harm the part is to harm the whole. The extreme form of such harm must be when master and slave are so only by force, for then they will not really be master and slave and so not really whole and part. In such cases neither master nor slave will have the friendship or advantage involved in mutual benefit: not the slave because he suffers injustice, and not the master because he inflicts it.

3) CONCLUSION

What Aristotle means, therefore, by the slave by nature is not only, and not even typically, the mental incompetent most frequently suggested by commentators, but the moral incompetent, those he characterizes in these chapters as the corrupted and vicious (whether this be by birth, upbringing, choice, or whatever). That such people may in some sense have reason is not to the point. Their reason is enslaved to the passions so that it does not operate as reason. For the true commands of reason they do not perceive nor obey by themselves, but only insofar as they are subjected to the rule of others, that is to say, only insofar as they perceive these commands through what they suffer at the hands of natural masters, the virtuous. With such people it is as if they did not have reason but were no better than animals. Doubtless many barbarians will be

[25] Even if most barbarians are in fact slaves by nature (as Aristotle seems inclined to think, iii 14: 1285a16-22, iv/vii 1327b27-29), that does not prevent some Greeks also being such. For since slavery is a matter of soul, slaves by nature could in principle be found anywhere.

in this position, but not all of them need be. More to the point, however, is that a considerable number of Greeks will certainly be in this position, above all the many and those the many admire. Consequently, the problem with natural slaves will not be that they are insufficiently numerous,[26] but that they exist in too great abundance. This point comes out, in fact, in Aristotle's later discussion of regimes where he indicates that in most cities there are too many wandering around free who are in fact slaves.[27]

But however that may be, Aristotle's view about slavery can be summarized in the following phrase: the natural masters are the virtuous and the natural slaves are the vicious. This view fits in with, and may in fact be said to fall out of, the teaching of the *Ethics* (where the many are certainly characterized as slavish and bestial).[28] It is, moreover, not a view peculiar to ancient Greeks or Aristotle. For if I may be permitted to close by quoting holy writ: "the fool becomes slave to the wise."[29]

[26] As J. Lear, for instance, thinks (1988) 199.

[27] So in particular iv 11.

[28] e.g. *Ethics* i 5: 1095b19-20.

[29] *Proverbs* xi 29 (aptly quoted by St. Thomas in his commentary on the *Politics*). The fool here is of course the moral fool. Compare also Milton, *Paradise Lost* xii 97-101: "Yet sometimes nations will decline so low/ from vertue, which is reason, that no wrong/ but justice, and some fatal curse annext/ deprives them of their outward libertie,/ their inward lost."

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Are Restrictive Rules Leadership Tools?: House Special Rules and the Institutional Design Controversy

Barbara Sinclair
University of California, Riverside

Much recent theoretical controversy in legislative scholarship revolves around questions of institutional design. What drives institutional arrangements? scholars ask. That is, what is the core problem members of the legislature are attempting to solve via the institutional arrangements they choose? Is it to secure gains from trade, to promote the development and sharing of expertise in an intrinsically uncertain world or to overcome collective action problems more generally? Second, what is the key institutional mechanism through which the problem is tackled? Is it committees? Is it parties? Or perhaps some combination?

This analysis of special rules in the House is intended to contribute to the debate directly if modestly by testing the predictions the theories make about rule choice. More importantly, I will argue that the data and the analysis presented here suggest three desiderata for an adequate theory. As is becoming increasingly recognized, the importance of party and party leadership in the House of the 1980s and 1990s suggests that an adequate theory must incorporate party as a key mechanism.(See, for example, Davidson 1992; Rohde 1991; Shepsle 1989; and, of course, Cox and McCubbins 1991 and Kiewiet and McCubbins 1992). The change in the centrality of the party leadership over time suggests that an adequate theory must be dynamic: members' answer to the core question -- if not the question itself -- may change over time. Third, a detailed look at the design of some rules suggests that our theories need to posit multiple goals.

Special Rules and the Transformation of Floor Decision Making in the House

Thanks largely to Bach and Smith (1988), congressional scholars are familiar with how the character of special rules for the consideration of legislation in the House changed from the mid-1970s to the mid-1980s (see also Sinclair, 1983, 77-85, 130-133). In the mid-1970s most legislation was brought to the floor under a simple open rule which allows all germane amendments; by the mid-1980s, only 55 percent of rules were simple open rules; many rules restricted amending activity in some say, many contained various complex provisions governing floor consideration (Bach and Smith, 1988, 51).

Table 1 shows that the trend toward more restrictive rules has continued. Rules that restrict the offering of germane amendments accounted for two-thirds of the rules granted for initial consideration of legislation in the 102nd Congress (1991-92).[1] Restrictive rules include so-called modified open and modified closed rules as well as completely closed rules. The modified rules may allow many amendments or very few but always constrain members' amending activity more than does ordinary House floor procedure.

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Table 2 provides a somewhat different perspective on the phenomenon. It is based upon only major measures as defined by Congressional Quarterly's list of major legislation, augmented by those measures on which key votes occurred (again according to Congressional Quarterly). Although legislation brought to the floor under rules is generally of some significance, it nevertheless does vary widely in importance.[2] The rules used to bring these major measures to the floor were examined to ascertain whether they were simple open rules, closed rules, or took some other more complex form.[3]

Unlike the other compilations available, data on a pre-reform congress are included and show that, in fact, in the 91st Congress (1969-70) almost all rules for major legislation were either simple open or closed rules. Four out of five measures were considered under simple open rules; most of the remaining measures were brought to the floor under closed rules and most of those (5 of the 7) were bills from Ways and Means. The two rules which fell into neither of the traditional categories but had more complex provisions were expansive rules; they made in order amendments or substitutes -- in both cases ones supported by the president -- that would not otherwise have been in order under House rules. In the 94th Congress, the first in which the reforms were fully in place, almost 80 percent of measures were considered under a simple open rule -- no real changed from the pre-reform congress for which we have data. However, only one measure was brought to the floor under a closed rule; rather measures that would have been considered under a closed rule in the past -- tax measures from Ways and Means -- were being brought to the floor under a restrictive but not totally closed rule. New procedures and processes -- multiple referral and the budget process -- dictated several other complex but non-restrictive rules.

The frequency of simple open rules dropped steeply between the 94th (1975-76) and the 97th Congress (1981-82) and again between the 97th and the 100th and 101st (1987-90). By the late 1980s, three-quarters of major measures were considered under complex or closed rules. Closed rules made something of a comeback after almost disappearing in the 94th but remain relatively little used. The big increase is in complex but not closed rules and, from the 97th Congress on, almost all the complex rules to a lesser or greater extent restrict amending activity.

In the contemporary House, major legislation is highly likely -- and considerably more likely than other legislation -- to be brought to the floor under a complex and usually restrictive rule. The Rules Committee now frequently requests members to submit their amendments to the committee before the rule is considered and reports rules that make in order only those amendments printed in the report or specified in the rule. Complex rules are routinely used to structure floor consideration on major legislation. Devices such as king-of-the-hill procedures, self-executing provisions and chairman's en bloc authority may be combined singly or together with waivers of House rules and restrictions on amendments (see Survey of Activities of the House Committee on Rules 102nd Congress). Standard operating procedure for the consideration of major legislation on the House floor has changed enormously. Were he to return, Sam Rayburn would need an orientation course.

Rule Choice: A Cross-Sectional Analysis

The use of restrictive rules must on balance benefit members of the House. After all, a simple majority of the members can defeat or amend and thus alter the character of any rule. Since restrictive rules constrain members, the benefit must be great enough to outweigh that cost. If that cost can be assumed to be non-negligible, then it is reasonable to assume that the now prevalent complex restrictive rules are an answer to some key problem members face as they attempt to advance their goals within the House of Representatives.

If that be granted, an analysis of rule choice should shed light on the central question motivating the study of institutional arrangements. Specifically, at least two of the contending theories make sufficiently different predictions about when the House should choose to employ restrictive rules to allow empirical tests.

The distributive theory (really a family of related theories) and Keith Krehbiel's informational theory are sufficiently well known to not require much detailing here. The third approach which sees party leaders as agents helping members overcome collective action problems receives more elaboration because the version used here, while broadly similar to that of Kiewiet, Cox and McCubbins (1991, 1992), also differs in some key respects.

Briefly then, distributive theory sees the core problem members of the legislature seek to solve via institutional arrangements as how to secure gains from trade. The institutional answer is a committee system in which members self select onto the committee with the jurisdiction of greatest interest to their districts and committees have disproportionate influence on policy outcomes within their jurisdiction. How this arrangement which is, in effect, a comprehensive log roll is maintained in the face of every present incentives to defect is an unsettled theoretical question even within this family of theories. Restrictive rules certainly offer a possible if partial answer and most distributive theorists see restrictive rules as tools for hastening and holding together agreement on legislation (see Krehbiel, 1991, 160-164).

Distributive theory's predictions about what sort of legislation is most likely to be considered under a restrictive rule are, however, not completely clear. According to one interpretation, distributive--i.e. pork barrel--legislation is most likely to receive the protection of a restrictive rule (Krehbeil 1991, 162). That prediction can be tested. Other versions of the theory see all or most legislation that emerges from committee as a component of the comprehensive logroll and make no clear or testable predictions about which bills should receive a restrictive rule.

Within Krehbiel's informational theory the core problem is "to capture gains from specialization while minimizing the degree to which enacted policies deviate from majority-preferred outcomes" (Krehbiel, 1991, 5). The institutional solution is again a committee system but one that, via membership selection and the more limited and contingent granting of parliamentary rights, keeps committees under the influence of and responsive to the chamber. Within this theory, legislation that embodies the application of specialized expertise by a relatively representative committee and about

which members believe they have good information is more likely to receive a restrictive rule.

A third approach sees the core problem as overcoming the collective action problem inherent in legislating which is necessary for the advancement of member goals. The solution -- or, more accurately, part of it -- is party and party leadership.[4]

Lawmaking is a complex enterprise and, as such, its adequate performance depends upon a number of component tasks being satisfactorily carried out. Agenda setting, policy formulation and vote mobilization are all prerequisites and each in turn depends upon a variety of subsidiary activities. The time and effort that legislating takes presents the legislature's membership with a collective action problem. Even if every member has an interest in given legislation passing, bearing the costs of carrying out the prerequisite tasks may be in no member's individual interest. For no member are the benefits likely to be so great that she has an incentive to bear the entire cost of producing the legislation alone. Furthermore legislation is a public or collective good; if legislation a member favors is enacted, he gets the benefits therefrom whether or not he contributed to its passage. Consequently every member has an incentive to "free ride," to allow others to bear the costs while he reaps the benefits without contributing to their production. Since the same calculus holds for all members none are likely to contribute, the collective good -- legislation -- will not be produced and all will, by assumption, be worse off than if they had each contributed to the production of the collective good.

Leadership in legislatures can be conceptualized as having been instituted to ameliorate problems of collective action. Along with other congressional structures, leadership positions are created to give certain members incentives to carry out necessary tasks that otherwise might not be performed. Saying something more about the character of organizational choices requires assumptions about the goals members seek to advance and some showing that those goals are linked to the passage of legislation.

Here, following Fenno, I will assume that members of the House have some mix of the goals of reelection, good public policy and influence in the chamber.

Is the passage of legislation significantly related to the advancement of any or all of these goals? Obviously, those members for whom good public policy is a prominent goal are dependent upon legislation passing for the advancement of their goal. But members solely interested in reelection also have an interest in the passage of legislation. The particularized district benefits that Mayhew and many distributive theorists see as so critical for reelection are contained in legislation. Some broader legislative proposals become sufficiently salient that their passage pleases constituents. To the extent that the party's or the Congress's record influences voters' decisions, passing legislation becomes important (see Kiewiet and McCubbins 1991; Cox and McCubbins 1992; Jacobson 1992). The political elites who provide financial and other sorts of campaign aid are likely to be very much interested in legislative results. Finally, for the influence-oriented

member, winning is critical and, in the legislative context, that usually means legislating successfully.

If, at least some of the time, the passage of legislation is necessary to advance their goals, members of Congress have an interest in developing and maintaining organizational forms that will allow them to overcome collective action problems and legislate. Why might one of those organizational forms be parties and a party leadership structure? Briefly, so long as members are assumed to have heterogeneous legislative preferences, there is an advantage to organizing a subgroup that is large enough to enact legislation but homogeneous in its legislative preferences relative to the membership as a whole. The political party is such a subgroup. And such a group is large enough to have collective action problems of its own and so require a leadership structure. (Of course, the extent of legislative preference homogeneity can vary over time. It is a function of the extent to which the legislation members want-- for reelection reasons and to satisfy their policy goals--is congruent or conflicting within the party. I will argue later that the extent of such homogeneity is one important determinant of the powers and resources members give their leaders.)

Within this framework, congressional party leaders are seen as agents of the membership which selects them and charges them with advancing members' goals, especially though not exclusively in those ways that require collective action. Specifically the approach conceptualizes leaders as agents charged by their membership with facilitating the passage of legislation. To enable them to carry out the tasks with which they are charged, leaders are given by their members certain powers and resources. Of necessity, these are powers and resources that enable the party leadership to involve itself in and affect the outcomes of the legislative process.

Within this framework, restrictive rules are devices the majority party leadership uses to advance the goals of its membership. One would thus expect the leadership to employ restrictive rules on major legislation important to the party membership, to use them when the majority party is reasonably united and when, as a result of either procedural or substantive complexities or partisan opposition, floor success is not assured.

The three theories' predictions will be tested using data on those measures considered major by close contemporary observers in the 100th and 101st Congresses. Of the 90 such major measures, 71 were brought to the House floor under rules and they constitute approximately 30 percent of the measures considered under special rules during those congresses (see Tables 1 and 2).

Following Krehbiel, I define for the purpose of the analysis open and modified open rules as unrestrictive and closed and modified closed rules as restrictive.[5] It should be remembered, however, that modified open rules also restrict amending activity though to a lesser extent than modified closed rules. According to this definition, 48 percent of the major legislation in the 100th and 101st Congresses was brought to the floor under restrictive rules -- 47 percent in the 100th and 49 percent in the 101st.

According to one version of distributive theory, the greater the distributive content of legislation the more likely the rule for consideration is to be restrictive. To test that hypothesis, I use Krehbiel's measure of distributive content which consists of the number of states listed by LEGI-SLATE as being specifically and directly affected by the bill as a proportion of the total number of LEGI-SLATE key words (also called subject terms) plus the number of states (Krehbiel, 1991, 170).

According to Krehbiel's informational theory, restrictive rules will be associated with committee specialization, nonoutlying committees, heterogeneous or many committees, and, because of confirmatory signaling, minority party support for the bill (165-66). For those bills that are singly referred, Krehbiel uses several committee-specific measures as indicators of the extent to which committee is representative and expert. When, as here, only major legislation is considered, the proportion that is either multiply referred or omnibus (for which committee specific measures make little sense) is too high to make that a feasible strategy of analysis; fully 37 of the 71 measures here under consideration were either referred to more than one committee or were omnibus measures like reconciliation bills. Consequently, to test the hypotheses derived from informational theory I follow the strategy of analysis Krehbiel used for multiply referred measures.

The extent of specialized expertise embodied in legislation is, following Krehbiel, measured by the number of laws that would be amended or repealed by the legislation at issue as listed by LEGI-SLATE. The number of committees to which the legislation was referred is used as an indicator of the preference heterogeneity of the legislators who drafted the bill. Both should be positively related to the likelihood of a restrictive rule. The number of Republican cosponsors is the indicator of minority party support. It is hypothesized to be positively related to the likelihood of receiving a restrictive rule because a large number of minority party cosponsors serves as a confirmatory signal. Still following, Krehbiel, I also include in the equation his measures of urgency (a dummy variable singling out debt limit increases, continuing resolutions and supplemental appropriations bills), scope (measured by the number of LEGI-SLATE key words) and partisanship (measured by the number of Democratic cosponsors). Krehbiel includes the latter as a test of the hypothesis that rules are partisan instruments, which conflicts with his theory.

The third approach, of course, does see rules as instruments of the majority party leadership. If restrictive rules are leadership tools then, of course, legislation on which the leadership is involved in a major way is more likely than other legislation to be considered under restrictive rules. Major party leadership involvement on the measure is also used as an indicator that the legislation in question is of importance to the party (see Sinclair 1992A).[6] Floor coalitions that are party coalitions are expected to be positively associated with the likelihood of restrictive rules. The character of the floor coalition is not solely determined by member preferences but is also influenced by the rule itself. Nevertheless, whatever the rule, when a majority of Democrats (and in most of these cases a very substantial majority) support the legislation on all significant floor votes, which is the definition of a party floor coalition, we can infer a reasonable level of

agreement within the party on the basic legislation. A majority of Republicans voting in opposition on all significant roll calls suggests that the legislation faced some difficulty on the floor. Opposition from the minority party is not the only threat to the floor passage of legislation majority party members want. The procedural complexities raised by multiple referral of legislation and the uncertainties of bringing legislation of very broad scope to the floor under a procedure allowing all germane amendments are also threats. Consequently, multiply referred or omnibus legislation should be more likely to be considered under restrictive rules than non-omnibus, single referred legislation.

Replicating Krehbiel's tests, I estimated an equation with distributive content, his theoretical and empirical variables and his measure of partisanship as independent variables. Logistic regression is used. As Table 3 shows, the analysis provides little support for either the distributive or for Krehbiel's hypotheses. The independent variables as a group provide no significant improvement over the null model. The only predictor variable with a coefficient that is significant by conventional standards is the specialization measure and it is of the correct sign. The effect is, however, weak and a wide variety of other specifications of the equation neither strengthens it or produces a significant model. The coefficient of the heterogeneity measure -- number of referrals -- has the wrong sign as well as being nonsignificant while the number of Republican cosponsors is clearly not significant. Krehbiel's partisanship measure is not significant though it comes closer than most and is of the wrong sign. These data, then, provide little support for Krehbiel's hypotheses.[7] They provide even less for the distributive hypothesis; the coefficient of the measure of distributive content is of the wrong sign though it is nonsignificant. In a variety of other specifications of the equation, the sign for distributive content is consistently negative.

As Table 4 shows, the party model fares a good deal better. The independent variables as a group provide a highly significant improvement over the null model; all of the predictor variables' coefficients are significant and of the correct sign. Thus, the data support the predictions of the third approach with its emphasis on party leaders as agents of a legislation-seeking membership; restrictive rules are more likely on legislation on which the majority party leadership is involved in a major way, legislation that evokes partisan floor coalitions and legislation that is multiply referred or omnibus.[8]

The equation correctly predicts 77.5 percent of the rules -- a good but far from perfect performance. Underlying the dichotomy of restrictive versus unrestrictive rules used in the analysis was a four-valued categorization. An examination of the relationship between the actual value according to that categorization and the value predicted by the equation is enlightening. As Table 5 shows, the equation predicts open rules and modified closed rule very well; 83 percent of the open rules were correctly predicted by the equation to be unrestrictive rules; 84 percent of modified closed rules were correctly predicted to be restrictive rules. The equation does less well in correctly predicting that modified open rules will fall into the unrestrictive category, but since modified open is a borderline type this lesser performance is to be

expected. More disturbing and more interesting is the model's relatively poor performance for closed rules.

An examination of the legislation considered under closed rules reveals that it is somewhat less likely than major legislation as a whole and much less likely than legislation considered under modified closed rules to evoke partisan coalitions on the floor or to be omnibus or multiple referred (though considerably more likely that legislation considered under an unrestrictive rule to be one or the other). Distinctively, however, on every bill considered under a closed rule, the majority party leadership was involved in a major way. The Rules Committee simply does not report a closed rule unless the party leadership is actively involved in the legislative process on the legislative, strongly suggesting that closed rules at least are leadership tools. That closed rules are infrequently used on partisan legislation may indicate something about where the limits of highly restrictive rule use are. Yet in a few cases, close rules were used on contentious partisan legislation. That and even a cursory case by case examination of the use of restrictive rules provides a reminder that special rules especially as they have evolved in recent years are powerful and flexible tools that can be tailored to deal with a variety of problems (see below).

Explaining the Changing Character of Rules

The cross sectional analysis supports the contention that in the late 1980s and early 1990s an activist majority party leadership used restrictive rules as tools for advancing its members' legislative goals. The analysis does not directly help us explain why the use of restrictive rules increased so greatly during the last two decades but certainly provides some possible clues. Space precludes a thorough consideration of the question; my purpose here is only to raise the possibility that members' answer to the key question motivating institutional design choices may not be fixed for all time but can change.

Why, in theory, might one expect such change? In cursory form, such an argument might take the following form. Overcoming the collective action problems inherent in lawmaking requires the delegation by members of institutional powers and resources to subsets of the membership. The House long ago decided to organize itself along both party and committee lines; that is, to delegate to both party leaders and to committees and their leaders. Clearly delegation carries risks. Agents may use the powers granted them to pursue interests not those of their principal. How and how much to delegate to agents, thus, are highly consequential decisions. What tasks, powers and resources are delegated to which subgroups and which are retained by the members as individuals are a function of chamber rules and customs and are not exogenously imposed. Members can change the rules which make these delegations. Given that, the delegation of tasks, powers and resources to an agent should be a function of the costs and benefits to the membership of that particular set of arrangements and should change when those costs and benefits change.

Based on the cross-sectional analysis one might in a straightforward way hypothesize that increases over time in the frequency of major leadership involvement, partisan floor coalitions and multiply referred and omnibus

legislation led to the increased use of restrictive rules. Each of these variables has a costs and benefits interpretation. Because of their broad substantive scope and, for multiply referred legislation, procedural complexities, bringing omnibus and multiply referred legislation to the floor under an open rule entails the risk of substantial costs. When a measure is as broad in scope as a continuing resolution or a reconciliation bill, almost any conceivable amendment is germane and, if all such amendments are allowed, someone may well hit upon a majority-splitting amendment that will unravel the compromise inherent in the legislation. Thus if the frequency of omnibus and multiply referred legislation increased, one would expect a corresponding increase in the use of restrictive rules, which are a device for controlling such costs. The costs to majority party members of being precluded from offering floor amendments decreases as intra-party ideological homogeneity increases (because the legislation brought to the floor by the party's agents is likely to be satisfactory to most members). Consequently, if the frequency of partisan floor coalitions increases, one might expect the frequency of restrictive rules to increase also. Finally, if party leaders are seen as agents of their members, the leaders should involve themselves in a major way on legislation when their members need their help; since restrictive rules are one of the most potent tools at the leadership's command, one would expect increased leadership activity to be associated with an increase in restrictive rules (for a fuller presentation of this argument, see Sinclair, 1992A & B).

In fact, as Table 6 shows, major leadership involvement, partisan floor coalitions and omnibus and multiply referred legislation all increased in frequency over the same period in which the use of restrictive rules increased. The cross sectional and the across time findings certainly suggest a link.

Yet based upon my theoretical framework and empirical findings, I would argue that the change reflects more than simply a change in the values of particular variables in some sort of smooth continuous process; rather it reflects true institutional change, that is, a discontinuity signaled by a change in the relationship among variables. More concretely, during this period, the majority party leadership, responding to its members' altered needs and expectations, became much more central to the legislative process and the relationship between it and the Rules Committee changed in a major way. (For a fuller presentation of this argument, see Sinclair, 1992A & B). The change in the correlation between major party leadership involvement and the character of the rule (open versus closed or complex) over time provides some direct substantiation for this contention. In the pre-reform 91st Congress, the correlation is small and not significant (.17), suggesting that closed and complex rules were not being used as party leadership tools. In the first congress in which the reforms are fully in place, the 94th, the correlation has risen a bit (to .22) but is still not significant. The Speaker has been given the power to nominate all majority party members of Rules, but seemingly Speaker Albert did not immediately make rules into a major leadership tool. For the three later congresses for which data are available -- the 97th, 100th and 101st -- the correlations are significant and substantial (the mean is .45). These results suggest a change not just in the frequency of complex rules but also in who controls the decision on the character of rules. And that suggests significant institutional change.

The Logic of Rule Design

Rules have become highly flexible and powerful tools and, as such, they are used to deal with a number of different problems--organizational, time-management and strategic. Especially interesting are rules crafted strategically to advantage a particular outcome. Legislative strategy generally (including 'going public' strategies as well as the various internal, procedure-based strategies) can be conceptualized as an attempt to structure choices or the environment in which members make choices in a way that alters to the advantage of the outcome the strategist favors the costs and benefits to members of the various alternatives. (See Arnold, 1990, for a somewhat similar argument) The aim in crafting a strategic rule is often, I would argue, to structure floor choices in a way that allows or forces members to choose on the basis of that goal which dictates the vote leading to the structurer's desired outcome. Most frequently, the Democratic leadership tries to structure choices so that its members can base their vote on their notion of good public policy. Conversely, their opponents--most often Republicans--attempt to confront Democrats with votes that make them choose between such concerns and furthering their reelection prospects.

Congressional pay raises offer the most obvious and least controversial examples. Most members want pay raises but, because constituents disapprove, fear voting for them. In recent years, public opposition has increased in intensity, making a pro-vote seem that much more dangerous to reelection. In 1989, when the joint party leaderships agreed to try to pass a pay raise, they carefully packaged it with an overhaul and tightening of ethics standards. Then they brought the package to the floor under a closed rule. Considering this legislation under an open rule would have raised the quintessential collective action dilemma; while everyone would be better off if the bill remained intact, whoever defected first would benefit significantly at the expense of his colleagues and someone would surely have done so. That is, had amendments been allowed, some members would have succumbed to the temptation to make political points and confront their colleagues with killer amendments impossible to vote against. Most obviously, an amendment to delete the pay raise would surely have been offered and would have placed many members in a politically untenable position. The closed rule thus gave members who wanted the pay raise but feared its reelection consequences cover; they could explain and justify their vote for the pay raise as a vote for ethics reform.

In the spring of 1992, President Bush sent Congress 99 requests to rescind $5.662 billion in already approved budget authority. The Budget and Impoundment Control Act requires congressional approval for such rescissions to go into effect but also allows one-fifth of the House membership to force a vote on a rescission request. As part of his reelection campaign, Bush intended to force Democrats to cast a series of painful votes and to excoriate Congress for any spending cuts it failed to approve. With the House already under intense criticism for the bank scandal and other internal management problems, the party and Appropriations Committee leadership decided Democrats had to match Bush's spending cuts but that Congress not the president should decide where the cuts should come. The Appropriations Committee went to work and reported out a measure that slightly exceeded Bush's total in savings. Even though committee Republicans had participated fully in deciding where to

make the cuts, Republicans wanted to offer a floor amendment adding Bush's cuts to those the committee had made. Republicans hoped to force Democrats to choose between voting for cuts that they believed to be bad public policy (in part, undoubtedly, because some of them would be harmful to their districts) and casting a hard-to-explain vote. The committee and the leadership believed that, given the highly charged political atmosphere, their members' reelection fears would dictate a vote for the additional cuts. The leadership, therefore, structured the rule so that members would choose between the committee's package of cuts and the package recommended by Bush; a vote on adding cuts was not allowed. Republicans fought the rule but the previous question was ordered on a 257 to 160 vote and the rule approved on a 240 to 178 vote. Only one Democrat defected on the previous question vote and only 24 opposed the rule, a clear indication that the leadership had rightly judged its members' expectations.

Not long after the stock market crash in the fall of 1987, during a period of intense concern about the deficit, welfare reform legislation was ready for House floor consideration. The Ways and Means Committee, which had primary jurisdiction over the legislation, wanted a closed rule. Some Democrats, however, thought the bill too expensive and wanted to amend it on the floor. The leadership determined that a closed rule would not pass. Discussion centered on an amendment that Tom Carper, D-Del., wanted to offer. Letting him do so, the leadership determined, would doom the bill because enough Democrats would join all the Republicans to pass the amendment. Adoption of the amendment, which made draconian cuts in the program, would alienate most strong supporters of welfare reform, and they would join most Republicans to defeat the bill on final passage. The leadership decided to bar the Carper amendment but to allow an amendment by Mike Andrews, D-Texas, that also cut the program but not by enough to alienate the original bill's strong supporters. With this solution, those Democrats who needed to demonstrate their fiscal responsibility were given a vote to trim the program. The rule, Andrews's amendment, and the bill all passed with relative ease.

In this case, then, most Democrats -- enough to constitute a clear majority of the House -- favored passing a welfare reform bill; they believed it constituted good public policy. Many, however, believed that, for reelection reasons, they had to go on record as favoring a reduction in the program's costs. By allowing a vote on the moderate Andrews amendment but barring one on the draconian Carper amendment, the rule gave those members who needed it the opportunity to demonstrate fiscal responsibility and also assured that legislation most Democrats favored would be enacted.

The 1991 civil rights bill, the product of an excruciatingly difficult process of compromise aimed at building a coalition sufficiently large to override an expected veto, was brought to the floor under a rule that tightly limited amendments. The leadership's compromise, a Republican-Administration version, and a liberal-Black Caucus version were made in order as substitutes to the original bill. Women members were not allowed to offer an amendment to lift the cap on punitive damages to women who could prove their employer had intentionally discriminated, and Republicans were denied a motion to recommit with instructions, which provides another means of amending a bill. The amendment to lift the cap would have confronted many Democrats with an

extremely unpalatable choice: their strong supporters favored the amendment fervently, they themselves believed it just, but its adoption would extinguish the bill's chances of becoming law because it would drive away need Republican votes on passage. The strategic problem was structuring floor choices so that Democrats would not be confronted with a choice between having to explain a strategic vote to the bill's and their own strongest supporters and casting a sincere vote that would endanger the bill. The leadership barred this amendment but allowed the much stronger Black Caucus substitute, thus giving liberals who needed to show their purity on the issue the opportunity to do so but making the choice to oppose the alternative easier for most Democrats. Republicans were given a substitute but were denied a motion to recommit with instructions to prevent them having a "second bit of the apple," as senior staff expressed it. The leadership feared Republicans would come up with some alternative provision, possibly even the lifting of the cap, that would unravel the compromise. If Republicans could come up with something that an appreciable number of Democrats would have real difficulty voting against, they might sink the bill despite strong House support for it.

The rule for the civil rights bill specified that the substitutes were to be offered in a specific order under a king-of-the-hill procedure, whereby the last one which receives a majority prevails. The rule gave liberals a vote on their much stronger version but put that substitute first in line. Having cast a vote in favor of the tough bill civil rights activists favored, these members then could support the leadership compromise. The rule next gave House Republicans and the Administration a vote on their preferred version. It put the Democratic compromise last, which is clearly the advantaged position.

A final example involves the long running battle over aid to the contras fighting the Sandinista government in Nicaragua. In the spring of 1988, President Reagan's plan for more military aid for the contras was defeated by a very close vote. The Democratic leadership which had orchestrated the campaign against more lethal aid had promised its members a vote on a humanitarian aid package. A number of Democrats who had previously supported contra aid had come to believe Reagan's policy was delaying an end to the conflict; yet vocal pro-contra sentiment in their districts made them fear negative reelection repercussions from repeated votes against Reagan on the issue. Republicans wanted to offer Reagan's lethal aid package again. Under normal parliamentary procedure, the Reagan plan would be made in order as a substitute to the Democratic proposal. The Reagan plan would be voted on first and, only if it was defeated, would there be a vote on the Democratic proposal. Those Democrats -- mostly moderate southerners -- who had proved the leadership's margin of victory opposed the normal procedure; they objected to having to vote against Reagan's plan again, arguing that doing so would hurt them with their constituents. They had voted it down once; couldn't the leadership make it possible for them to vote <u>for</u> the Democratic plan without having to vote against the president? The leadership did so; the rule designated the Reagan plan as the base bill and made the Democratic proposal in order as a substitute, thus reversing the order of the votes.

Why would a majority of House members vote for rules such as these which constrain, often severely, their opportunity to offer amendments on the floor?

Explaining majority support for many highly restrictive rules tends to be difficult within a single goal perspective, especially if the goal posited is the single minded pursuit of reelection. Why, for example, would moderate southern Democrats vote for the contra aid rule, especially when Reagan and House Republicans were violently denouncing not just the Democratic package but the rule itself?

House majorities now routinely approve restrictive rules; the rules analyzed earlier were all ones that the House adopted. Few rules are defeated (or altered) on the House floor; the mean per congress from 1981 through 1992 was less than 2.5. And, as the frequency of restrictive rules has increased, defeats have not become more common. Not a single rule was lost during the 102nd Congress. Yet rule roll calls are by no means purely pro forma. House members can and do defeat rules; some of the defeats have occurred on highly visible and consequential legislation. (For an example, see Sinclair 1983, 202-221)

Democrats overwhelmingly support rules on floor votes and their level of support varies little with the restrictiveness of the rule at issue. In the 100th and 101st Congresses, there were roll calls on 52 rules for major legislation as defined earlier.[9] The mean Democratic vote in favor on passage or on ordering the previous question (which ever was closer) was 93 percent. Open rules were supported by 98 percent of Democrats on average; modified open rules by 90 percent; modified closed rules by 93 percent and closed rules by 96 percent.

Republicans are increasingly voting against restrictive rules, especially against modified open and modified closed rules which, with their complex provisions, are most likely to be used strategically. Of rules for major legislation in the 100th and 101st Congresses, 56 percent of the open rules and 44 percent of the closed rules were approved by voice vote on the floor but only 16 percent of the modified open and modified closed rules were. Conversely, modified open rules and particularly modified closed rules were much more likely than either open or closed rules to see a majority of Democrats voting in support and a majority of Republicans opposed (See Table 7). In fact, on the average only 14 percent of House Republicans voted for the modified closed rules that elicited floor role calls.

The simplest explanation of why big majorities of Democrats support restrictive rules is that, on balance, they gain more than they loose by doing so. And, in the cases presented here and many others, what they gain, I would argue, is being able to vote their policy preferences rather than their reelection fears. No matter how cleverly structured, a rule is not likely to induce a member to cast a vote she perceives as truly against her constituents' interests (nor would the party leadership ask this of a member). Rules can sometimes protect members from facing votes that are very difficult to explain to constituents and, therefore, easy for an opponent to exploit--and so free them to vote on other grounds.

Conclusion

My purpose here is certainly not to argue for rejecting the distributive and informational theories. Rule choice, while important, is only one piece of the institutional design puzzle and, in any case, my analysis here is obviously not comprehensive. As any close observer of Congress would attest, both theories get at something important. Krehbiel's theory, by challenging the one dimensional view of Congress that was becomming increasingly prevalent, has enriched the debate and had a major beneficial effect on legislative scholarship. Neither theory, however, offers a complete answer and, taken as if they did--which presumably none of the authors intend--they paint a distorted picture of Congress.

Clearly a theoretical synthesis is called for. The incorporation of parties has been begun by Cox, Kiewiet and McCubbins, but harder tasks lie ahead. A good theory must be able to handle change convincingly and, I believe, must be based on the assumption of multiple goals.

Endnotes

1.Wolfensberger's categorization differs slightly from Bach and Smith's for the congresses both have studied. Wolfensberger's percent open tends to be slightly larger than Bach and Smith's.

2.The decrease in the number of rules over time evident in Table 1 seems to be a result of the increased use of omnibus legislative vehicles where previously several separate bills would have been used and of a large increase in the use of the suspension procedure. In the 95th Congress (1977-1978), 38% of all measures passed were considered under suspension; in the 102nd Congress (1991-92), 52% of all bills passed were considered under suspension.

3.In the 1980s, appropriations bills were increasingly brought to the floor under rules so, for purposes of comparability, an appropriations bill that makes the list of major legislation that is brought to the floor without a rule is coded as having been considered under a simple open rule.

4.What follows is my version and should not be attributed to (i.e. blamed on) CKM or interpreted as an exposition of their theory. My apologies to CKM for not dealing with their approach in any detail but space considerations preclude doing so.

5.The categorization of rules was done by the author by examining the text of the rule and, where necessary, the debate in the Congressional Record. In close calls, I relied upon Wolfensberger's judgment and my categorization is very close to his.

6.Two measures of leadership involvement on each of the major measures identified earlier were constructed for the congresses listed in Table 2 (for more detail, see Sinclair, 1992A). The first measure, intended to distinguish some leadership involvement from no involvement, is based upon answers to the following questions: (1) Was the bill a part of the leadership's agenda? (2) Did the Speaker or the Majority Leader advocate passage during floor debate? (3) Did Congressional Quarterly's account report the leadership as being involved? If any one of the answers is "yes," the leadership is considered as having been involved. A second more refined measure--and the one used in all analyses reported in this essay-- distinguishes major from minor involvement on the basis of the mode or modes of involvement reported by Congressional Quarterly. Four modes are distinguished: (a) the leadership uses its control over scheduling, the Rules Committee, or other procedure to advantage the legislation; (b) the leadership is involved in a floor vote mobilization effort; (c) the leadership is centrally involved in some other aspect of legislative strategy; or (d) the leadership participates in shaping the content of the legislation by talking or negotiating with or among the committee(s) or with the Senate or with the President. Major leadership involvement is defined as engaging in shaping legislation (e.g. d) or in any two of the other activities (e.g., 1, 2, a, b, c.).

7.Although I do not have the data to make the test, these results suggest that Krehbiel's specialization hypothesis might well fare better were all rules during these congresses analyzed. When, as here, only major measures are considered, other considerations appear to dominate.

8.A number of hybrid equations with all of the variables and various subsets were estimated but none were as good as this party model; none of the Krehbiel variables were significant and of the correct sign in these hybrid equations.

9. This includes four defeats--all of which were rectified. In all cases, the second rule that passed fell into the same category of restrictiveness as the first.

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TABLE 1
The Trend in Open vs. Restrictive Rules
1977-1992

Congress/Years	Total Rules Granted*	% Restrictive
95 (1977-78)	211	15
96 (1979-80)	214	25
97 (1981-82)	120	25
98 (1983-84)	155	32
99 (1985-86)	115	43
100 (1987-88)	123	46
101 (1989-90)	104	55
102 (1991-92)	109	66

*Rules for initial consideration of legislation, except rules on appropriations bills which only waive points of order.
Source: Compiled by Donald Wolfensberger, Minority Counsel, Committee on Rules from Rules Committee Calendars and Surveys of Activities.

TABLE 2
The Changing Character of Rules on Major Measures

Congress/Years	Total Measures	Measures Considered Under Rules*	% Considered Complex or Closed Rules	Under Closed Rules
91 (1969-70)	50	44	20	16
94 (1975-76)	48	42	21	2
97 (1981-82)	45	35	45	11
100 (1987-88)	40	34	77	9
101 (1989-90)	50	37	72	13

*Appropriation bills are included and, if not considered under a rule, are coded as having been considered under a simple open rule (See note 3).

TABLE 3
Predicting Rule Choice: Hypothesis from Distributive and Informational Theories
(Logistic regression estimates)

Variable	B	t
Constant	.443	.84
Distributive content	-5.432	1.32
Specialization (laws cited)	.038	2.03
Referrals	-.224	1.41
Republican cosponsors	.015	.97
Urgency	2.143	1.35
Scope	-.008	1.93
Democratic cosponsors	.011	1.70

Likelihood ratio statistic (-2 x LLR)	11.6
Significance	.114
N	71
Percent correct	63.4

TABLE 4
Predicting Rule Choice: Hypotheses from a Party Model
(Logistic regression estimates)

Variable	B	t
Constant	-3.289	3.84
Major Leadership Involvement	2.676	3.56
Party Floor Coalition	1.561	2.43
Omnibus or MR	1.283	2.06

Likelihood Ratio Statistic (-2 x LLR)	32.6
Significance	.000
N	71
Percent Correct	77.5

TABLE 5

Accuracy of Predictions by Type of Rule

Rule Type	% Correctly Predicted	N
Open	83	18
Modified Open	68	19
Modified Closed	84	25
Closed	67	9

TABLE 6
Increasing Leadership Activity, Partisan Floor Coalitions and Multiply Referred Legislation -- Major Legislation 1969-1990
(% of major measures)

	Congress				
	91st	94th	97th	100th	101st
Major Leadership Involvement	28	40	38	60	54
Party Floor Coalition	13	28	30	61	45
Omnibus/MR	0	14	31	45	40

TABLE 7

Partisan Conflict on Rule Votes--Major Legislation in the 100th and 101st Congress

Rule Type	% Party Votes	N
Open	22	18
Modified Open	47	19
Modified Closed	72	25
Closed	33	9
TOTAL	48	71

Identity Politics and the Imagined Community

Karen Slawner

University of Notre Dame

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The term "identity politics" has become a convenient buzzword in academic as well as mainstream writings, used to describe changes in the curriculum, a type of intellectual inquiry, a particular variant of political practice, and the downfall of American civilization. The term is used both favorably and as a criticism. It is necessary to interrogate what is meant by the term "identity" and the term "politics." This can be achieved only by considering an issue that is inextricably bound up with identity politics, that of community. Identity is usually ascribed to or claimed by a particular community: of race, of gender, of nationality, or of sexual orientation. Even those critical of identity politics generally base their objections on a notion of community that is supposed to transcend other identities, and thus posit an identity of their own. Communities of all sizes and types predicate an identity that distinguishes between members and non-members. Communitarian identity is therefore unavoidably political, and identity, community, and politics must be thought together.

Identity Politics

Let me begin by listing a few recent definitions of identity politics. Hank Bromley associates identity politics with the combination of the post-structuralist critique of subjectivity and Marxist activism.[1] Todd Gitlin, in *Dissent*, calls it a "long overdue opening of political initiative to minorities, women and gays," but one that has led to "its own methods of silencing."[2] Michael Geyer distinguishes between multiculturalism, "a set of ideas that explores the diversity and difference of cultural articulations," and identity politics, "an ambivalent project that vacillates between essentialism and constructivism."[3] Cornel West celebrates the "new cultural politics of difference" that "trash[es] the monolithic and homogenous in the name of diversity."[4] David Rieff, in the August issue of *Harper's* magazine, declares that academics are deluded in thinking that their adoption of multiculturalism has political effects, because we have apparently been left in the dust by the business community, which realizes that true multicultural change is not occurring in the classroom, but in the "newly globalized consumer economy, stupid."[5]

Let us assume from the outset that we who are interested in something called identity politics or multiculturalism are not stupid, and that it is not necessary for academics to join the corporate world in order to be relevant. We first must attend to the fact that "identity politics," "multiculturalism" and "politics of difference" are often used interchangeably to describe similar phenomena, but that the more astute commentators postulate a difference between identity politics and the other two terms. The distinction is drawn between modes of theory and practice that realize that identity is socially constructed and contingent, and those that are essentialist in nature. The term "identity politics" is usually reserved for the latter, essentialist, epistemology. It is the critiques of essentialism

that I would like to explore through a discussion of two recent critiques of identity politics, because it is the charge of essentialism that brings to the fore the question of community.

Gitlin understands that identity politics represents a quest for security, comfort and community in an often hostile world, although he bemoans the separatism to which, according to him, it so often leads (Gitlin, 172). Gitlin explains the rise of identity politics as a consequence of the demise of the New Left. The early activists rooted in the civil rights movement, feminism, labour studies and other emancipatory movements demanded that the academy and the public space open themselves to alternative and previously marginalized voices, but the generation which succeeded that with the experience of struggle in the sixties has come to glorify difference and separatism rather than common humanity and inclusion (Gitlin, 173). Gitlin claims that "identity politics leads to a turning inward, a grim and hermetic bravado celebrating victimization and stylized marginality" (Gitlin, 173). This is not limited to the university but has permeated the public space and has, according to him, become the only type of politics practiced by minority or marginalized groups.

While I think that Gitlin is probably overstating the case somewhat, especially in his description of academic discourse, his analysis if the causes of the development of identity politics is interesting. He notes that part of the explanation lies in the difficulty of having spent twelve years fighting the right and the declining economy, both of which led to a hardening of positions. However the more important cause was the fracturing of the Left after the Vietnam War. Gitlin exhibits a nostalgia for the early days of the New Left, when radicals rooted their dreams in a "story of universal human emancipation" (Gitlin, 174). He acknowledges, however, that this dream was destined to failure "because the center could not hold" (Gitlin, 174). Blacks and feminists first, then other groups, demanded the recognition of their difference from the universalist project and activist groups proliferated. The people who entered the academy in the seventies had never participated in the universalist activism of the sixties and were familiar only with identity politics, which became more entrenched and antagonistic in the eighties.

Gitlin's sadness over the fragmentation of the Left operates on two levels. In part, he believes that a unified left would be more successful in achieving political goals. There is some legitimacy to that argument, although it is curious that he does not refer to more contemporary attempts to find unity within difference, such as Jesse Jackson's Rainbow Coalition. This is because he does not seem to recognize that there is a difference between the essentialist practitioners of identity politics and the multiculturalists, a frequently made mistake. He, like many others, lumps all the fragments of the old New Left into the same category. There is undoubtedly a need for oppositional groups to

seek commonalities of purpose. However, Gitlin's nostalgia for the "universal subject," which I view as the second level of Gitlin's sadness, is problematic. This nostalgia is also a philosophical tristesse. He claims to recognize that the center could not possibly hold, but does not realize that the universal subject was always constructed precisely through the elimination of difference, thus his nostalgia is misplaced. Gitlin longs for a "common America" and a "unitary Left," which are for him the "two great legacies of the Enlightenment" (Gitlin, 177). His critique of identity politics would be seen not as contribution to a dialogue between people with similar goals, but as the metaphysical pronouncement of an unreconstructed Marxist. He also yearns for a unitary, determinate community albeit on a larger scale.

Geyer situates his discussion of multiculturalism and identity politics within a history of the American university and its construction of an American identity. Until recently, general education was designed to indoctrinate students in a notion of a "common culture," common, that is, to the Atlantic world. Geyer names this phenomenon monoculture. Curiously, for Geyer, American students were taught European culture, rather than American history and culture (Geyer, 508). This served to engineer and legitimate American political hegemony after World War II (Geyer, 509). If the United States was to lead Europe, it had to position itself within the trajectory of European culture, this despite the incredible diversity of American culture and its difference from European culture.

The hegemony of monoculturalism was disrupted by the civil rights movement, as well as, ironically, the importation of another European cultural artifact, post-structuralism (Geyer, 513). The two combined to permit a "recovery of submerged knowledges" and have "molded the basic issues of a contemporary politics of representation that is at the core of the debate on multiculturalism" (Geyer, 513). At its best, multiculturalism acted to include within the rubric of "general education" histories and perspectives that had previously been considered marginal. Post-structuralist concepts of counter-memory and *differance* facilitated the deconstruction of the metaphysical narratives integral to monoculturalism, and the civil rights movement lent multiculturalism its political activism. However, as Geyer observes, it is in its incarnation as identity politics that multiculturalism has gained its notoriety (Geyer, 521). In that form, multiculturalism

> stands accused of upholding unequivocal identities grounded in naturalized histories that hark back to uniqueness of climate, territory, or biology, or, more commonly, mythical images of a glorious and heroic origin. In whichever way the case is argued, identity politics crucially insists not

> simply on "self-representation" but on the sufficiency (and occasionally the exclusivity) of the self's representation to the self. (Geyer, 521)

According to Geyer this type of thinking has led to a separatist nationalism, grounded in a search for recognition and rights, at home and internationally. He cites the cases of Eastern Europe and Palestine, among others, but his examples of academics exhibiting this sort of thinking include Cornel West and bell hooks. Both these scholars are careful to criticize essentialism and nationalism, both in the Black community's relations with non-Blacks, and within the community itself. They recognize the danger and the inefficacy of the nationalism exhibited by people like Leonard Jeffries, and are critical of attempts to homogenize the Black community, as if differences of gender, class and sexual orientation do not exist. Furthermore, both recognize that identity is culturally constructed. Their outlook is clear in the text Geyer cites, *Breaking Bread*, which is a dialogue between the two of them.[6]

Geyer's misinterpretation of hooks and West and Gitlin's criticism of the shards of the New Left demonstrate a recurring problem in the analysis of identity politics and multiculturalism. Even when the critic welcomes diversity and claims to be condemning only the "essentialists," authors who would never consider themselves as such appear on the list. Blacks who welcome white progressives into their struggle are labelled separatists, feminists who explore the construction of gender are accused of believing anatomy is destiny, and post-colonialists who condemn Third World demagoguery are described as nationalists. What is missing in these accusatory debates is an adequate exploration of the notion of community. Blacks who are concerned about racism, feminists who oppose sex discrimination and post-colonialists interrogating the effects of imperialism must all posit communities: of persons with certain skin colours, of women and men, of citizens or inhabitants of particular countries or territories. We must explore how it is possible to think about community, to consider ourselves to be members of one or more communities, perhaps to be proud of such membership, and yet not subscribe to essentialism, with all its admittedly negative consequences.

Rethinking community

As we witness the carnage in the former Yugoslavia and in many of the republics of the former Soviet Union, it is understandable that we are hesitant to embrace a rigid or reified concept of community. The invocation of community is frequently accompanied by the recitation of centuries-old disputes and nostalgia for a by-gone time. The history of oppression is supposed to justify current practices.

Yet community is a hypostasized construct, a metaphysical creation. Communities are imagined. While in some cases there

exist similar phenotypes, similar skin color or anatomy do not guarantee commonality. The group must be constructed. The act of creating the community is a joint project; in part it is a result of definitions projected by non-members, in part by the voluntary assertion of identity by members.[7] For example, it was the white majority that decided that persons with any amount of "black blood" were to be considered black, but today children of so-called mixed marriages debate with which culture they will identify themselves (although racists will have no problem making that decision).

The contingent character of community is what produces its often violent or discriminatory attempts to ground itself. The creation of sovereign self-identity is usually accomplished through the elimination of difference. However, in recognizing the historicality of community lies the potential for re-imagining community, one not based on exclusion but on justice. In the first part of this section I will explore the ways Jean-Luc Nancy, Benedict Anderson and Homi Bhabha expose the contingency of community. Anderson and Bhabha are primarily concerned with the state-level community, however their analysis is pertinent to any group attempting to found an identity. I will then discuss how Nancy and Giorgio Agamben deconstruct community, thereby opening up possibilities for its re-articulation.

Jean-Luc Nancy shows that in tandem with the modern belief in progress[8] there has always existed a belief in a lost or broken community. Nancy mentions the natural family, the polis, the Roman republic and early Christian community, among others,

> always it is a matter of a lost age in which community was woven of tight, harmonious, and infrangible bonds and in which above all it played back to itself, through its institutions, its rituals and its symbols, the representation, indeed the living offering, of its own immanent unity, intimacy, and autonomy. (Nancy, 9)

But community has never existed. The loss of community is merely a nostalgic dream, "so that community, far from being what society has crushed or lost, is *what happens to us* - question, waiting event, imperative - *in the wake of* society" (Nancy, 1991a, 11). Nonetheless, millions of lives have been lost, or rather given up, in the name of this community, in the desperate hope for immanence, the desire for a foundation that would transcend time. The myth of community is strong enough to solicit the willing participation of society in war and destruction. But death does not engender salvation or immanence, it is only the death of one person, perhaps multiplied by thousands or millions, but even in great quantities death is not sublated into a community. Community can never be grounded.

The impossibility of immanence does not prevent the attempts to create it through myth. In Nancy's view, myths tell the story of our origins, our mission in the world and our relationship to one another. Yet the function of myth is equally mythical, invented during the Romantic period in a conscious effort to revive the purported power of myth, which in fact created it (Nancy, 1991a, 45). This too is an aspect of modernity, the nostalgia for an originary "mything humanity" and the desire to "regenerate" European culture by re-enacting its myths (Nancy, 1991a, 46).

Myth is, in essence, communitarian. Myth communicates the being-in-common: "There is no myth that does not at least presuppose (when it does not in fact state) the myth of the communitarian (or popular) revelation of myths" (51). But we also know that myth is a myth. We know that the founding myths are myths. Our foundations are fictions, but no less powerful for all that. They create what Benedict Anderson called "imagined communities."

Anderson explores the construction of the nation-state and the creation of the phenomenon of nationalism. Both, he argues, are cultural artifacts of the eighteenth century, made possible only by historical changes of that period that allowed nations to be "imagined." He defines nation as an "imagined political community - and imagined as both inherently limited and sovereign."[9] Nationalism invents nations. In an effort complementary to Nancy's philosophical and literary investigations of the myth of the myth, Anderson explains the social and politico-historical preconditions of nationalism.

The growth of nationalism must be seen in the context of the changes in culture which preceded it. First was the decline of Latin as both a sacred and administrative language in the seventeenth century. It had served to unify Europe, as the language of worship and as the language that the literate classes used to communicate with one another. Its decline contributed to the division of that greater community (Anderson, 21-25). Secondly, at the same time the absolutist state within contiguous territory came to replace the medieval dynasties with their geographically disparate territory. No longer was the king of England also the sovereign over parts of France and other areas we now call states (Anderson, 27).[10]

Anderson's account of these historical transformations is unproblematic as he provides concrete examples of particular events. His next assertion is more abstract. He claims that the change from the medieval period to the modern was accompanied by an alteration in the concept of time, from "simultaneous" to "empty, homogeneous time" (Anderson, 30). The change in the understanding of time was essential for the creation of the nation. Nationalism requires the capability to conceive of one's compatriots as being contemporaneous with oneself: "The idea of a sociological organism moving calendrically through homogeneous,

empty time is a precise analogue of the idea of the nation, which is also conceived as a solid community moving steadily down (or up) history" (Anderson, 31). This is akin to women around the world asserting a common history of repression despite drastic differences of geography and social position, or the pan-Africanist and pan-Arabist movements.

Homi Bhabha, in the concluding essay of an anthology inspired by Anderson's work, writes that the nation as a narrative strategy is "the measure of the liminality of cultural modernity."[11] Bhabha explores the cultural construction of the "nation" or "people" through emphasizing the *temporal* dimension of the textual strategies which create the construct rather than the *historical*. This emphasis serves to denaturalize the concept of the nation and displace the modernistic view of the state.

Bhabha cites from Gellner's *Nation and Nationalism*, and it is a citation worth reciting:

> Nationalism is not what it seems, and above all not what it seems to itself...The cultural shred and patches used by nationalism are often arbitrary historical inventions. Any old shred would have served as well. But in no way does it follow that the principle of nationalism ...is itself in the least contingent and accidental.[12]

Nations must be narrated. The process of writing the nation requires a double action. On the one hand, the people are "the historical 'objects' of nationalist pedagogy, giving the discourse an authority that is based on the pregiven or constituted historical origin or event" (Bhabha, 297). On the other hand, the people are also "'subjects' of a process of signification that must erase any prior or originary presence of the nation-people to demonstrate the prodigious, living principle of the people as that continual process by which the national life is redeemed and signified as a repeating and reproductive process" (Bhabha, 297). Bhabha is a literary theorist, therefore he recognizes that nations are narrated in novels, but this narration takes place also in schools, in the discourse of political campaigns, even in advertising, everywhere that the myth of the people is constructed.

Nationalism requires an originary myth, but the construction of that myth necessitates a forgetting of its creation; the narrated nation continually appropriates Gellner's "shreds," but seeks to obscure the stitches that bind the quilt together: the myth of Plymouth Rock hides the genocide of the native peoples and the myth of the Founding Fathers covers over the history of the persons not deemed to have been created equal.

Most of Bhabha's analysis attempts to demonstrate how that quilt pulls itself apart, how the nation disseminates itself, as he invokes Derrida's terminology. The performative aspect of the narrative undermines the pedagogical:

> The boundary that marks the nation's selfhood interrupts the self-generating time of national production with a space of representation that threatens binary division with its difference. The barred Nation *It/Self*, alienated from its eternal self-generation, becomes a limited form of social representation, a space that is *internally* marked by cultural difference and the heterogeneous histories of contending people, antagonistic authorities, and tense cultural locations. (Bhabha, 299)

Bhabha understands dissemination and the narrative status of the nation as modes of entry into the hegemonic discourse of Western culture. He believes that his deconstructive analysis reveals the "traces of all those diverse disciplinary discourses and institutions of knowledge that constitute the condition and context of culture" (Bhabha, 313). It is an analysis that does not simply invert the hierarchy of study, from the metropole to the colony, but changes the "scenario of articulation" altogether.

I am afraid that Bhabha moves too quickly. He passes over the material history of the actual strife of the "contending peoples," the antagonism of the "antagonistic authorities," and the tension of the "tense cultural locations." He does not take the time to consider real violence.

The first essay in Bhabha's anthology is Ernest Renan's "What is a nation?" Bhabha cites Renan as saying, "yet every French citizen has to have forgotten Saint Bartholomew's Night's Massacre, or the massacres that took place in the Midi in the thirteenth century" (Bhabha, 310). Bhabha elides the violence that is at the foundation of states which Renan emphasizes and argues is a prerequisite for unity. Bhabha, in his own performance, forgets that the performative aspect of narrating the nation requires the forgetting not only the myth of violent foundation, but can also include the willful blindness to the evidence of current oppression.

In order to stabilize their contingent, imagined, "disseminated" identities, nations and other sub-national communities reify themselves through the construction of boundaries between themselves and others: inside/outside, self/other, rational/irrational, native/European, black/white, men/women, liberal/communist, us/them. Through myths of origin, awareness of oppression past and present, tales of essential identities passed on through blood, and bigotry and fear, those

boundaries are drawn tightly and seemingly impermeably.[13] Within those borders people feel themselves safe and comfortable and outsiders are enemies.

But must we abandon the term community to reactionary forces? Or, perhaps an equally undesirable alternative, must we embrace the liberal project with its assimilated, atomized individuals? Or can the recognition that communal identities are mythological, imagined, narrated and disseminated, open up possibilities for new myths, new stories? As we simultaneously search for ways to welcome diversity into the academic curriculum by including the accomplishments of other cultures and watch the horrors of ethnic cleansing on network television, it seems to me to be imperative to start the process of imagination.

I would like to return to Nancy's discussion of the "unworked community." As I wrote above, Nancy suggests that community has always been based on a myth of a lost or broken community situated in the past. According to Nancy, nationalism and war, and I would add, discrimination of all kinds, are the result of the attempt to immanentize community. Nancy's project is to rethink community in light of its perpetual slippage, the death of individual members that constantly precludes its immanence. Nancy offers an ontological interpretation of community, one that surpasses the defunct notion of immanentistic communism yet which does not reinstate the individualistic subject of the humanist project. At the same time he recognizes that "one cannot make a world with simple atoms" (Nancy, 1991a, 3). His ontological interpretation is an attempt to think individuals in their togetherness.

Nancy proceeds through a re-articulation of Heidegger's notion of *Mitsein*. For Heidegger, *Mitsein* (Being-with) is an answer to the question of the "who" of Dasein. The structure of Being-with is equiprimordial with Dasein's Being-in-the-world.[14] Heidegger rejects the Cartesian subject of modernity which assumes that Dasein is the Self:

> The assertion that it is I who in each case Dasein is, is ontically obvious; but this must not mislead us into supposing that the route for an ontological Interpretation of what is 'given' in this way has this been unmistakably prescribed. Indeed it remains questionable whether even the more ontical content of the above assertion does proper justice to the stock of phenomena belonging to everyday Dasein. It could be that the "who" of everyday Dasein just is *not* the "I myself." (Heidegger, 150)

If Dasein is in the world, it impossible that it is an isolated self without others (Heidegger, 152). Heidegger answers

the question of the "who" of Dasein by "analysing the kind of Being in which Dasein maintains itself proximally and for the most part" (Heidegger, 153). He has already explained that Dasein's being-in-the-world is revealed through its encounter with things. He now explains that this was a simplification for heuristic purposes; those things are now revealed as being connected with other Daseins. Our being-in-the-world is always with other Daseins: "The world of Dasein is a *with-world* [*Mitwelt*]. Being-in is *Being-with* Others. Their Being-in-themselves within-the-world is *Dasein-with* [*Mitdasein*]" (Heidegger, 155). We are always already with others.

Nancy argues that in 1933, at the time of his Rectoral Address, Heidegger failed to think the radical implications of the being-toward-death of Dasein along with its being-in-the-world with Others (Nancy, 1991a, 14). If he had, he would have realized that immanent community is impossible because of the mortality of its members. Community is "the presentation to its members of its mortal truth" (Nancy, 1991a, 15). As each member dies and another is born, the finitude of the community is revealed. Just as no interpretation can totally capture being within its grasp because of the finitude of individual Dasein, that same mortality precludes the possibility of any community representing a truth for eternity. No community can claim that it has embodied a transcendent truth-claim.

We are neither atomistic Cartesian subjects nor members of an immanentized community. According to Nancy, we are singular beings whose finitude is expressed ontologically through our "co-appearance" or "compearance" (*com-paraitre*) (28). We are born into this world which is already occupied by others and we are who we are only because others preceded our appearance, and we will die after structuring the world so as to influence those who will succeed us. Our finitude "always presents itself in being-in-common and as this being itself" (Nancy, 1991a, 28). This being-in-common, Nancy cautions, is not a social contract imposed over previously existing subjects. Being-in-common is the between itself. He writes this as "you shares me." Compearance is originary sharing and communication. For Nancy, being-in-common is understood ontologically: "existence is only in being partitioned and shared."[15] Community is the modalization of being. From this perspective, communism (Marxism), is "an ontological proposition, not a political option."[16]

Yet Nancy recognizes that ontology has political consequences. He is critical of totalitarianism, and he believes that even liberal democracies are a sort of soft totalitarianism, because they have extended the realm of the political to all aspects of life. This has resulted in the retreat of the political because there is no distinct place for the exercise of politics.[17] Politics must be reconceived in light of the recognition that our being is being-in-common. He writes:

> It thus can no longer be a question of better or worse regulation of the exercise of power - of political economy - by focusing on a "right" that is constantly menaced and rectified. The necessity of such "right" cannot hide the fact that it does not touch the "essence" of the "common." (Nancy:1992, 390)

Nancy has been accused of being a liberal quietist by Nancy Fraser and of being apolitical by Simon Critchley. Fraser claims that Nancy is afraid of getting his hands dirty in the rough and tumble world of politics.[18] Critchley argues that Nancy's apoliticism is a result of his Heideggerianism.[19] In his work published as part of the proceedings of the Centre for Philosophical Research on the Political (which he co-founded with Philippe Lacoue-Labarthe), Nancy broaches the question of how we can today investigate the "essence of the political." Nancy accepts the assertion that "everything is political," and that contemporaneity is consequently totalitarian. He therefore recommends dispensing with an analysis of "politics," understood as the mundane activity of elections and other activities commonly described as politics, in favour of an exploration of "the political," understood as the ontological realm in which politics takes place. Critchley argues that "the thesis of the domination of politics is assimilable to Heidegger's analysis of the contemporary world in terms of the total domination of technology, while the distinction between *le politique* and *la politique* is assimilable to Heidegger's distinction between the essence of technology ('which is nothing technological') and technology itself" (Critchley, 204). Restricting himself to reflection on "the political" is intended to avoid the pitfalls of metaphysics. Like Fraser, Critchley interprets Nancy's refusal to consider "politics" to mean the "rejection of the very genre of political debate, of dispute and dissension, persuasion and the battle over *doxa*" (Critchley, 215). Terry Eagleton criticizes non-Marxist theorists generally by stating that the "truth that neither liberal nor post-structuralist seems able to countenance is that there are certain key political struggles that someone is going to have to win and someone will have to lose."[20]

It is clear, at least in his later article *La Comparution*, that Nancy is not so apolitical as not to be concerned with injustice. In fact he demonstrates anger about the "stripping away" of community that has resulted in poverty, homelessness, racism, hunger, torture and other social evils (Nancy:1992, 375, 392). He recognizes that communities have historically been founded through the unjust process of excluding the "other". He tells us that this other is nothing but the "in" of the in-common (Nancy:1992, 392). According to him, we do not know yet what a politics would like look like that at once embraced community yet did not exclude the other. But it is precisely the absence of pre-determined knowledge that opens up the space for thinking (Nancy:1992, 393). Nancy has a fairly ethereal idea of what

politics would be like if it were consistent with his concept of community as the in-between:

> Even its [the in-between] presentation is multiple and expansive: art, thought, love, glory (to remain with only a few examples, of which the very names perhaps no longer apply). "Politics" would be the fragments whose particular property would be to diffract the "in" as such, or the compearance, without attribution or properties. (Nancy:1992, 390)

Giorgio Agamben, in his book *The Coming Community*, takes up Nancy's theme of dispersion and fragmentation and explores its medieval archive.[21] Agamben predicts that the coming community will express "whatever" being, being that partakes in both the common and the singular and is "reclaimed not for another class nor for the simple generic absence of any belonging, but for its being-*such*, for belonging itself" (Agamben, I). He interprets the medieval philosophers and Spinoza as having solved the problem of the universal and particular by asserting an *inessential* commonality, so that singularities are dispersed in existence rather than being united in essence. Whatever being exists in "an infinite series of modal oscillations" between commonality and singularity. (Agamben, V). It is impossible to fix a particular being either in its singularity or its commonality as it constantly fluctuates between both, and more importantly, it is precisely that fluctuation that characterizes its existence. Moreover, it is that characteristic that makes whatever being lovable:

> Love is never directed toward this or that property of the loved one (being blond, being small, being tender, being lame), but neither does it neglect the properties in favor of an insipid generality (universal love): The lover wants the loved one *with all of its predicates*, its being such as it is. (Agamben, I)

Agamben believes that the politics of the coming community is exemplified by the events of Tiananmen Square. According to him, the students demands of democracy and freedom were empty of content (!). What was threatening to the Chinese leaders was that the students denied the state the sole right to claim an essential identity for its inhabitants. Agamben argues that the students rejected the notion of belonging to a fixed category (Agamben, XIX). Whatever being threatens the State itself because it denies pure universality and pure singularity in favour of its own belonging-together. Agamben's interpretation of the demonstrations and subsequent massacre at Tiananmen Square

is debatable, at best. What is important about his interpretation of politics in the coming community is that it rejects essentialism in the name of love for beings as such.

Despite Nancy's vagueness and Agamben's political naivete, I would like to think their interpretations of community together and explore the possibility of articulating a non-essential community in light of their analyses. First, we must recognize that we are always already in community. Community is being-in-common and the sharing of life on this world between individuals who are always already inter-connected and sharing. Second, being exists in the oscillation between the universal and the particular, therefore it is impossible for any one person to belong to only one, essentialized community. I have plural identities: woman, Jew, political theorist (among others). Third, injustice takes the form of the excluded other, and justice must consist in trying to include it. Ethnic communities, for example, must realize that their members comprise women and men, gays and straights, rich and poor, just as feminist or gay communities must recognize the diversity of their memberships.

If identity is understood as plural, shifting, and contingent, then traditional modes and definitions of politics are called into question. I would like to offer Cornelius Castoriadis' definition:

> Politics is not a matter of municipal elections, nor even presidential ones. Politics, in the true sense of the term, puts into question the actual institution of society; it is the activity that tries to aim clearly at the social as such.[22]

This means that politics cannot be founded on any determinate collective state. It is inextricably related to the social interaction of human beings. Political activity "does not have a referent external to itself" (Castoriadis, 127). It consists in a constant questioning of who we are and how we are to organize our society (thought broadly). Many of the groups practicing what has been called identity politics, African-Americans, feminists and gays, among others, are resisting the reified communities which had excluded them, communities based on the suppression of difference and the metaphysics of presence. However, they also invoke the term community. Linda Singer explains:

> But ironically, the term that is supposed to supersede the disruptive effects of difference can also be appropriated for discourses of differentiation. When gays, blacks, and feminists, for example, appeal to

> the notion of community as part of a movement rhetoric or on their own behalf, that appeal takes the form of a demand, a demand for the recognition of differences and the systematic asymmetries they produce. For a member of a marginalized group, the invocation of community marks an existentially and politically vital site of affiliation, and refusal of false enclosure or erasure.[23]

Many of these groups, although not all, are willing to join with others to achieve common goals. For example, so-called minority groups and the poor have realized that environmental degradation disproportionately affects their neighbourhoods and have made common cause with environmentalists, who are learning to view ecology as a civil rights issue. This does not mean that African-Americans will abandon their greater political agenda in order to concentrate on pollution, nor will the green movement be absorbed by the NAACP. It means only that both groups recognize their being-in-common and have come to exercise what Chantal Mouffe calls radical democratic citizenship. Her view of citizenship "rejects the idea of an abstract universalist definition of the public" and suggests instead that citizenship "consists in identifying with the ethic-political principles of modern democracy and that there can be as many forms of citizenship as there are interpretations of those principles."[24] The ethical principles of the modern project she wishes to retain are liberty and equality:

> In the case of a radical democratic citizen, such an approach allows us to envision how a concern with equality and liberty should inform one's actions in all areas of social life. No sphere is immune from these concerns, and relations of domination can be challenged everywhere. Nevertheless, we are not dealing with a purposive kind of community affirming one single goal for all its members, and the freedom of the individual is preserved. (Mouffe, 81)

To the extend that the multi-culturalists, the proponents of identity politics and the cultural politics of difference, and other progressive social movements are attempting to enact these principles, they contribute to arrival of the coming community.

Conclusion

Inevitably, we must consider whether it is possible to convince others of a non-essentialist concept of community. The answer, unfortunately, is that it is not. We cannot tell the Serbs that they are in the grip of an out-dated metanarrative,

that their identity is imagined and can be re-imagined to include the Bosnians and Croatians. However, we can interrogate how the communities to which we belong are responding to this and other tragedies, whether we are doing are best to oppose domination and discrimination and hasten the arrival of the coming community.

Endnotes

1 Hank, Bromley, "Identity Politics and Critical Pedagogy," *Educational Theory* 39.3 (1989).

2 Todd Gitlin, "The Rise of "Identity Politics"," *Dissent* 40.2 (1993): 172.

3 Michael Geyer, "Multiculturalism and the Politics of General Education," *Critical Inquiry* 19 (Spring 1993).

4 Cornel West, "The New Cultural Politics of Difference," *Out There: Marginalization and Contemporary Cultures* eds. Russell Ferguson, Martha Gever, Trinh T. Minh-ha, Cornel West (Cambridge: MIT Press, 1990) 19.

5 David Rieff, "Multiculturalism's Silent Partner," *Harper's*, (August 1993).

6 bell hooks and Cornel West, *Breaking Bread: Insurgent Black Intellectual Life*, (Boston: South End Press, 1991).

7 See Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), especially Chapter 5 on the scaling of bodies and the politics of identity.

8 Jean-Luc Nancy, *The Inoperative Community* (Minneapolis: U. of Minnesota Press, 1991) 9. This title is actually a poor translation of "La communaute desouvree," which should really be translated as "The Unworked Community." Hereafter cited as Nancy:1991a.

9 Benedict Anderson, *Imagined Communities* (London: Verso Editions, 1983) 15.

10 This change is ignored by classical realists, who imagine the state system as ahistorical. See for example John Gerard Ruggie's critique of Kenneth Waltz in "Continuity and Transformation in the Word Polity: Toward a Neorealist Synthesis," *Neorealism and its Critics* ed. Robert Keohane (New York: Columbia U. P., 1986). The modern concept of state sovereignty should be viewed in opposition to the medieval

understanding which allowed for overlapping jurisdictions rather than exclusive property rights.

11 Homi K. Bhabha, "DissemiNation," in *Nation and Narration* ed. Homi K. Bhabha (New York: Routledge, 1990) 292.

12 E. Gellner, *Nations and Nationalism* (Oxford: Basil Blackwell, 1983) 56.

13 One only has to think of the Serbs who have supposedly been impregnating Bosnian Muslims in order to produce "Serbian" babies to realize that nineteenth-century notions of blood and inheritance persist.

14 Martin Heidegger, *Being and Time* trans. John Macquarrie and Edward Robinson (New York: Harper & Row, 1962) 149.

15 Jean-Luc Nancy, "Of Being-in-Common", in *Community at Loose Ends* eds. Miami Theory Collective (Minneapolis: U. of Minnesota Press, 1991). Hereafter cited as Nancy:1991b.

16 Jean-Luc Nancy, "La comparution/The Compearance," trans. Tracy B. Strong *Political Theory* (1992) 20:3, 379. Hereafter cited as Nancy:1992.

17 Jean-Luc Nancy and Philippe Lacoue-Labarthe, "Le retrait du politique," *Le retrait du politique* (Paris: Galilee, 1981) 192.

18 Nancy Fraser, "The French Derridians: Politicizing Deconstruction or Deconstructing the Political?, *New German Critique* 33 (Fall 1984).

19 Simon Critchley, *The Ethics of Deconstruction* (Cambridge: Blackwell Publishers, 1992) 202.

20 Terry Eagleton, "Deconstruction and Human Rights," *Freedom and Interpretation: The Oxford Amnesty Lectures, 1992* ed. Barbara Johnson (New York: Basic Books, 1993) 124.

21 Giorgio Agamben, *The Coming Community* trans. Michael Hardt (Minneapolis: University of Minnesota Press, 1993). The text is divided into aphorisms, not page numbers.

22 Cornelius Castoriadis, "The Nature and Value of Equality," *Philosophy, Politics, Autonomy* (New York: Oxford U.P., 1991) 125.

23 Linda Singer, "Recalling a Community at Loose Ends," *Community at Loose Ends* eds.Miami Theory Collective (Minneapolis: University of Minnesota Press, 1991) 125.

24 Chantal Mouffe, "Democratic Citizenship and Community," *Community at Loose Ends* eds. Miami Theory Collective (Minneapolis: University of Minnesota Press, 1991) 80-81.

The Impact of Comprehensiveness on Quality: The Case of Public Schools

Stephanie A. Slocum

The American University

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Abstract

While it is clear that the quality of secondary education in the United States is poor, the debate over the potential causes and remedies for the situation continues. Critics have recently claimed that the structure of the comprehensive public high school is a major contributor to today's educational malaise - first on the basis of the predictions of bureaucracy theory that comprehensiveness leads to loss of competition and near-bureaucratic monopoly, and second on the basis of the argument that in the rush for inclusiveness and diversity, the aim of excellence has been obscured in comprehensive schools. This paper attempts to determine whether the theoretical critique is consistent with the actual performance of public schools by testing the hypothesis that as comprehensiveness increases, quality indicators such as drop-out rates and achievement scores are adversely affected. The results are not consistent with the theoretical critique but indicate that comprehensiveness serves to increase achievement in American public high schools.

> Why do we seek to know the condition of education? In the answer to this question will be found the reason for the elaborate statistical record which forms a feature of all official school reports. We take account of education so that we may know whether it is sufficient in amount and good in quality.
>
> Henry Barnard
> First Commissioner of Education

It was during the 1960's and 70's, that a multitude of researchers (Becker, 1975; Schultz, 1971; Hanoch, 1967; Hansen, 1963) empirically validated what most everybody already suspected - that a high school education is extremely important to the future success of young adults in the United States of America. In particular, it was found that the rates of return on a high school education were high and were increasing, and that these rates even outpaced those for a college education (Becker, 1975). While it has thus been long known that a high school education is extremely important for the individual, there is no question among scholars and practioners alike that the condition of public education in the United States is dismal.

The evidence of the failure of the American educational system is everywhere, and the nation has slowly come to realize the extent of the problem. One major turning point came in 1983, when the National Commission on Excellence in Education published a study called "A Nation at Risk". That study shook the very foundations of the educational system with its depressing descriptions of poor quality and its gloomy predictions for the future. Since then, the bad news has continued to mount. The National Educational Longitudinal study of 1988, for example, indicated that the composite drop-out rate for the nation rose every year from 1968 to 1986. And more recent work suggests that America's educational system fails about one in four students: twenty-five percent of all high school students drop out before graduating. In large cities, that rate nears 50 percent (Toby & Armor, 1992; Chubb & Moe, 1990).

The difficulties go beyond drop-out rates however. Standardized test scores also have declined consistently (National Center for Education Statistics, 1990). For example, one study found that Standardized Achievement Test (SAT) scores fell from an average of 978 points to 890 points in less than two decades (Boaz, 1991), and others have found the same level of decline in scores on other standardized tests (Niskanen, 1991). While it has been argued that this decline might have been caused by the democratization of the pool of college-bound students, the most recent work indicates that it is, rather, a result of the mediocritazation of the college track in America's high schools (Toby & Armor, 1992; Murray & Hernstein, 1992). Furthermore, the test scores of American students in international competitions are abysmal (Glazer, 1992; Niskanen, 1991).

The problems of the educational system are further compounded when one considers the performance of minority students. It is clear that the crisis in education is nowhere more severe than in the case of America's minority students (Murphy, 1991; Boaz, 1991; Coleman, 1990; Sowell, 1986). All of these indicators demonstrate that the quality of education in America has steadily declined, particularly in the inner cities, and all the while spending in this area has soared. Conservative estimates put the increase at about 40 percent per decade (Niskanen, 1991).

These reports about the crisis in American education have prompted an outpouring of public concern. Parent groups, political candidates, and presidents have all joined in the chorus of voices demanding reform. What is the cause of this low educational quality? What can we do to fix it? These are the questions that require immediate answers. Most recently, reformers have been looking at the comprehensive high school as the cause of our educational woes, and their solution is to have those schools dismantled.

The Role of Reform and the Comprehensive High School

This outpouring of concern is not new to the American educational system, and proposals and implementations of reform have been common. One of the first and most important waves of reform, for example, brought major institutional change during the progressive era. It revolutionized American education over the first half of the 20th century by creating a true system of public schools in response to a society that was becoming increasingly urban and industrialized (Tyack, 1974). The system was designed to ensure that education would be taken out of the arena of politics and placed in the hands of 'impartial experts' devoted to the public interest. This was thought to be the "one best system" (Chubb and Moe, 1990; Tyack, 1974). The winners in this revolution (the experts) and their institutions became deeply entrenched. At the heart of their system is the familiar school district and its institutions of democratic control: the school board, the superintendent, and the district office. All of these institutions gain their authority from the state government, and all of them still remain in control today.

There have been other proposals of educational reform ever since that 'one best system' was born, but one of the largest and most successful reforms originated in the 1960's with Harvard University President James B. Conant. In 1959, he published a report entitled The American High School Today that changed the face of education in the United States. He convinced the nation that public secondary schools should be large and "comprehensive". Such schools, he argued, could offer students a sufficiently broad curriculum through economies of scale. And by tending to the educational needs of all students under one roof, they would be an important source of democratic spirit in public education.

Proponents of the comprehensive public school have since argued that it provides a solid educational experience for all of its students, not just the students who do particularly well academically. Thus the comprehensive high school provides a place for all students, even students who want vocational training. The proponents argue that it is important to keep the mission of the public high school in mind: to provide a quality education for all of America's children and to encourage unity, cohesiveness, and a common core of values among citizens (Levin, 1987; Sullivan, 1979; Butts, 1978; Beales, 1967).

Furthermore, the comprehensive high school offers the value of a widely diverse student body and faculty, and this characteristic ensures a well-rounded experience for students who attend such schools. Many parents value highly the opportunity for their children to have that kind of educational experience, and the proponents of comprehensive public school claim that most school professionals, students, and parents are convinced that program variety is one of the best features of high school (Powell et al., 1985). Thus the comprehensive public high school is seen as central to the formation of understanding, educated, and effective participants in a representative democracy.

Conant believed that large, comprehensive public schools could provide both quality and efficiency through educational economies of scale, and his suggestions profoundly changed the face of education in the United States. In many areas, the comprehensive public high school now dominates. In fact, research has verified that consolidation and enlargement of existing jurisdictions has been taking place in response to Conant: in the period between 1950 and 1980, there has been a sharp decline in the number of school districts (Kenny & Schmidt, 1991).

The Critique of the Comprehensive High School

America embraced the concept of the comprehensive high school, and its structure and organization have come to be very familiar in the landscape of public education. However, critics have recently called for an end to Conant's model for two different reasons. First, some argue that the call to comprehensive schools, and the resulting consolidation of school districts, has had disastrous consequences for the quality and efficiency of educational services. Consolidation, they argue, leads to reduced competition among schools. This argument is based upon both Tiebout's theory (1956) and the theory of bureaucratic discretion: budget maximization by bureaucrats can be more effectively pursued the larger the size of the jurisdiction in which they operate. The higher the cost of mobility to citizens, ceteris paribus, the less optimal the allocation of resources (Tiebout, 1956). This is the reason, they say, for the abysmal quality of education in the United States.

Several scholars have provided empirical support for this argument by demonstrating that whenever local government competition is decreased through annexation, consolidation, or centralization, the result is poor service provision (Nellor, 1984; Sjoquist, 1982; West, 1981; Staaf, 1977; Cook, 1975; Stigler, 1972). It is also believed that the established bureaucracy will organize itself to obstruct all threats to its monopoly (Everhart, 1982). Thus, any of the benefit derived from consolidation due to economies of scale (Kenny, 1982; Riew, 1966) is absorbed by bureaucrats through monopoly power (Martin & McKenzie, 1975), resulting in no economies of scale or diseconomies of scale (Burnell, 1991; Hirsch, 1970). The fact that a recent study indicates that private schools produce higher quality education than public schools because their organization allows them to have far greater autonomy from external, bureaucratic control (Chubb & Moe, 1990) only lends credence to this argument.

The second critique of the Conant model focuses more closely on the comprehensive schools themselves. These critics claim that the consolidation of school districts and the challenges of an increasingly diversified student body force schools to provide something for everyone in order to stay in business. Comprehensive schools have thus had to expand almost limitlessly the variety of experiences considered educationally valid (Sizer, 1987; Hampel, 1986; Powell, Farrar & Cohen, 1985; Sizer 1984; Sizer, 1983). The problem, according to these scholars, is that in the rush for inclusiveness and diversity, the aim of excellence has been obscured.

These scholars contend that the size and organization of comprehensive schools create anonymity, making it very difficult to achieve the kind of one-on-one engagement that good learning requires, and guaranteeing mediocrity in the process (Sizer, 1987). The comprehensive public high school is too large, cold, and impersonal (Toch, 1991). In urban schools particularly, students are just numbers in a computer and the principal is only a voice heard over the public address system. Such a bleak environment, maintain the critics, contributes to the drop-out problem and deepens the sense of alienation and purposelessness that already plagues America's high school students. They claim that it has led many students to seek refuge in part-time jobs of up to 40 hours a week, and in many schools truancy is so bad that officials have resorted to what can only be described as bribing students to come to school (Toby & Armor, 1992; Toch, 1991).

Many scholars contend, on the basis of these two arguments, that Conant's model should be abandoned and that comprehensive public high schools should be divided-up into small units. They point to the demonstrated superiority of smaller, specialized private schools. Research has shown those private schools to consistently produce a higher level of educational quality while spending less money (although it is very difficult to control for self-selection in such cases) (Niskanen, 1991; Chubb & Moe, 1990; Coleman, 1990; Chubb & Moe, 1988; Coleman & Hoffer, 1987; Coleman, Hoffer & Kilgore, 1982).

Model Specification

While the critics have called loudly for the abandonment of the comprehensive school system, the hypothesis that a comprehensive school structure results in lower overall educational quality has never been empirically tested. The purpose of this paper, therefore, is to test just such a hypothesis. Of primary interest is the effect of comprehensiveness on such quality indicators as standardized test scores and drop-out rates. However, other issues are also of concern in examining the relationship between comprehensiveness and quality. For example, the question of whether or not comprehensive schools do tend to be large in size is of importance in empirically exploring the critiques that have been made of comprehensive schools. Furthermore, several supporting hypotheses must also be considered. In particular, it will be useful to know if comprehensiveness is related to increased truancy and if comprehensiveness encourages students to seek refuge in outside employment, as the critics have suggested.

With regards to the primary hypothesis, there are several other factors that must be controlled for in order to isolate the effect of comprehensiveness on quality. These factors are related to socioeconomic status, race, and urbanization. The primary hypothesis to be tested can thus be represented in conceptual terms in the following reduced form equation:

$$QUALITY = f(COMP, SES, MIN, URBAN)$$

All of the variables used to operationalize the above equation are based on data from the *High School and Beyond* longitudinal study, and they are drawn from the base year survey, which was conducted in the Spring of 1980. The study design provided for a highly stratified national probability sample of over 30,000 sophomores and 28,000 seniors enrolled in 1,015 public and private high schools across the country. With the exception of certain special strata which were oversampled, schools were selected with probabilities proportional to their estimated enrollment in the 10th and 12th grades. All variables are defined at the school level of aggregation and in terms of public schools only.

The QUALITY variable is used to measure the quality of educational output. From the critiques presented of Conant's comprehensive schools and from the evidence used to conclude that current educational quality is low, it is clear that both drop-out rates and standardized test scores must be used to measure quality. The operational measure of drop-out rates is the percentage of students who entered tenth grade but dropped-out before graduation. This measure does not include transfers. The measure of standardized achievement scores is drawn from the study's composite test scores, which were calculated from tests administered by the survey team. Using these scores ensures comparability across schools. The composite test score was computed as an average of

the non-missing scores among one quantitative, two vocabulary, and two mathematical tests.

The variable included to measure comprehensiveness is the number of special programs offered by each school (COMP). A large number of programs provided by a school should result in reductions in school quality according to the primary hypothesis. The program index was constructed by increasing the index by a value of one for each additional "special" program provided by a school. Potential programs included bilingual programs, consumer and homemaking vocational programs, cooperative vocational education programs, work-study programs, advanced science and mathematics programs, as well as art and drafting programs. There were 32 potential programs in all.

The SES variable measures the average socioeconomic status of students attending each school. This variable was calculated on the basis of several components: parent's education and occupation, family income, and material possessions in the household. Many studies have concluded that family background measures such as socioeconomic status are key in determining a student's performance in secondary school (Coleman, 1990; Chubb & Moe, 1990; Coleman & Hoffer, 1987; Coleman, Hoffer & Kilgore, 1982), and therefore socioeconomic status must be included as a control variable. If socioeconomic status is significant at this level of aggregation, then high SES is expected to increase test scores and decrease drop-out rates.

Race has also been shown to have a profound influence on both achievement and the tendency to drop out of school (Boaz, 1991; Coleman, 1990; Sowell, 1986), and so the MIN variable has been included to measure the percentage of students in each school who are racial minorities. This variable was computed by adding together the reported percentages of hispanic and black students attending each school. It is expected that this variable will have a negative coefficient with respect to test scores and a positive coefficient with respect to drop-out rates.

The URBAN variable is included in the equation in order to control for the impact of urbanization on educational quality. It is clear from previous research that inner city schools have the worst track record with regard to quality (Boaz, 1991; Coleman, 1990; Sowell, 1986). This variable is presented as a dummy variable, with urban and suburban schools coded as one or zero as appropriate, and with rural schools as the reference group. it is expected that urban schools will show lower levels of educational quality.

Finally, in exploring the veracity of the expectation that comprehensive schools are particularly large institutions, size is measured as the number of students enrolled in each school. In terms of the supporting hypotheses, truancy is measured as the mean number of days students reported being absent from school but not ill, and part-time work takes on the operational definition of the mean number of hours students from each school work per week in their current job. It is expected that comprehensiveness will be positively correlated with both variables.

Empirical Results

It is interesting to note before proceeding directly to the test of the primary hypothesis that many schools in the study resemble the comprehensive public school. Figure 1 demonstrates that many schools do offer a wide range of educational choices. No public school offers less than nine special programs, and more than 75 percent of schools offer 20 or more programs out of a possible total of 32. These results indicate that there is a general tendency of public high schools to resemble Conant's comprehensive school.

Figure 1: Frequency Distribution for Comprehensiveness

Number of Programs	Percentage of Schools with those Programs	Cumulative Percent
9	0.1	0.1
10	0.2	0.2
11	0.3	0.5
12	0.3	0.9
13	0.5	1.4
14	1.6	3.0
15	2.6	5.6
16	2.6	8.2
17	4.3	12.4
18	5.5	17.9
19	6.5	24.4
20	8.5	32.9
21	9.7	42.6
22	13.1	55.7
23	9.9	65.6
24	7.0	72.6
25	8.3	81.0
26	9.1	90.1
27	4.6	94.7
28	3.1	97.8
29	1.7	99.5
30	0.4	99.8
31	0.2	100.0

According to the critics of Conant's model, there should also be evidence that comprehensive high schools are 'large, cold, and impersonal'. However, a simple Pearson's correlation indicates that although enrollment size and comprehensiveness are significantly correlated ($p<0.0001$), the relationship is extremely weak at $r=0.231$ ($n=4100$). These findings call into question some

of the claims of the critics about the environment that students experience in the comprehensive public school system.

However, the fact that comprehensiveness does not necessarily mean large enrollment size is only one small piece of the puzzle. Two direct tests of the primary hypothesis give a more substantial, and perhaps more surprising, view of the performance of our comprehensive schools. The empirical results from the estimation of the ordinary least squares regression equations for drop-out rates (Model 1) and for achievement scores (Model 2) are presented in Figure 2.

The explanatory power of the equations is not particularly high. However, high R-squares were not expected in this case since the purpose of these tests was neither to predict drop-out rates and achievement scores, nor to describe each variable that might influence them, but merely to see the impact of comprehensiveness on quality while controlling for a few relevant variables. It may be suggested that such control variables as the degree of truancy, the number of hours worked outside the school, enrollment size, and the degree of disciplinary problems should have been included in the model. While the addition of such variables would have undoubtedly raised the explanatory power of the equations, it would have simultaneously ensured that the proposed tendency of comprehensive schools to foster such problems would go untested, thus biasing the equations in favor of finding little negative impact on quality by comprehensiveness. For this reason, several potential explanatory variables were not included in the model.

Figure 2: Regression Results for Comprehensiveness Equations

Variable	Model 1	Model 2
COMP	0.097*	0.120***
	(2.75)	(6.54)
SES	-0.000	0.004***
	(0.53)	(15.05)
MIN	0.047***	-0.082***
	(8.83)	(26.75)
SUBURB	-0.725*	0.193
	(2.74)	(1.37)
URBAN	3.597***	1.116***
	(9.77)	(5.70)
R-SQUARE	0.106***	0.298***

t-values are in parentheses
* significant at p<0.01; *** significant at p<0.0001

The socioeconomic status variable is significant and has the expected positive coefficient in Model 2, although its impact on test scores is negligible. The SES variable also has the expected negative coefficient with respect to drop-out rates (Model 1), but it is not significant. This suggests that at the school level of aggregation, and with the inclusion of the minority and urbanization control variables, socioeconomic status does not have a significantly strong impact on educational quality. It may be argued that alternative measures for the influence of family background, such as parent interest in the student and their educational experience, must then be included in the model. However, it should be noted that such variables do not make much theoretical sense at the school level of aggregation.

The MIN variable, representing the percentage of minority students attending each school, is highly significant and has the expected sign in both models. The SUBURB variable also performs as expected for both models: it has a significant negative impact on drop-out rates, indicating that schools in a suburban setting tend to have a lower percentage of drop-outs than rural schools, and it has a positive impact on test scores, although it is not significant.

On the other side of the SUBURB dummy variable, the URBAN variable is highly significant for both models. The large, positive impact that it has on drop-out rates (Model 1) is not a surprise. However, the URBAN variable has a positive coefficient with regards to test scores (Model 2), contrary to expectations. This indicates that schools in urban areas tend to have higher levels of student achievement than schools in rural areas. One possible explanation for this result is that suburban schools and urban schools both outperform schools in rural areas on measures of achievement, while urban schools are still plagued with the particular problem of high drop-out rates. The results presented here thus generally reaffirm the findings of previous research which suggests that race and urbanization have an impact on educational quality.

The primary variable of interest here is COMP, which is intended to measure the degree of comprehensiveness of each high school. As Figure 2 indicates, the coefficient of this variable is positive and significant for both equations. However, this result is not consistent with the theoretical critique of Conant's comprehensive public high schools. With regards to Model 1, the COMP variable performs as is expected: comprehensiveness does have a significant and positive influence on drop-out rates, but its actual impact is small. This result suggests that comprehensiveness alone cannot be the only factor, nor even an important factor, in the continuing problem of high drop-out rates. Furthermore, the COMP variable has a surprisingly positive and highly significant impact on test scores, indicating that increasing the comprehensiveness of a school leads to increases rather than decreases in performance on standardized tests. This finding is completely contrary to the expectations raised by the critique of the Conant model.

The positive impact of comprehensiveness on quality in the case of both drop-out rates and test scores has several possible implications. First, it may suggest that comprehensiveness has a different impact on different types of students. These results may indicate, for example, that students who are self-directed or who receive guidance at home really thrive in the comprehensive school environment. In such an environment, there is much to choose from, and these students can take advantage of the array of choices and thus excel to high standards of achievement. Of equal concern, however, are the students who are not sure what they want out of their high school education. Such students may find an environment of comprehensiveness to be overwhelming; they may not get enough encouragement or guidance in that environment. Such students may then be more likely to give up on high school all together.

It may also be more generally that comprehensive schools are not fulfilling their mission of inclusiveness. If greater comprehensiveness leads even a few more students to give up on school, then the comprehensive public high school cannot be doing such a great job of serving its consumer. It may be that the loss of competition among schools predicted by bureaucracy theory to be the outcome of comprehensiveness and jurisdiction consolidation, does indeed lead to complacency on the part of those schools in terms of satisfying the customer. It was suggested by the theoretical critique of Conant's comprehensive schools that the environment in these schools is so bleak for some students that they avoid coming to school at costs, even to the point of seeking refuge in a part-time job. The empirical data suggests otherwise, however. A Pearson's correlation of comprehensiveness with truancy rates shows an insignificant ($p=0.141$) and negative relationship ($r= -0.023$) between the two, contrary to the claims of the critics. Furthermore, the relationship between comprehensiveness and the number of hours worked per week outside of school is also negative ($r= -0.007$) and insignificant ($p=0.643$).

The empirical results presented here do not provide support for the theoretical critique of the comprehensive public school. Although there is some support for the critique in the positive impact of COMP on drop-out rates, that impact is slight. Furthermore, the correlation between comprehensiveness and size is so weak that comprehensive schools cannot be the 'large, cold, impersonal' places that the critics claim them to be, and there is no apparent relationship between comprehensiveness and either truancy or the number of hours worked outside of school. Finally, the impact of COMP on test scores demonstrates that Conant's comprehensive high schools may produce higher achievement than non-comprehensive schools, a finding that is completely contrary to the theoretical predictions of the critique.

Implications and Conclusion

The purpose of this paper was to analyze the relationship between comprehensiveness and educational quality. Specifically,

it was an attempt to determine whether or not empirical evidence supports the theoretical critique of the comprehensive public high school and the calls for its destruction. The empirical results do not support the predictions of poor quality on the part of comprehensive schools. When other factors - socioeconomic status, race, and urbanization - are held constant, it appears that comprehensiveness has little impact on quality in terms of drop-out rates, and a positive impact on quality with regards to achievement. Thus, the claim that the comprehensive schools' goals of inclusiveness and diversity have meant the death of excellence is certainly not supported by the empirical evidence presented here.

These results may have some important consequences for our public education system. The contention that Conant's reforms of the 1960's were a miserable failure and a major contributor to today's educational malaise, and the claim that all such schools need to be either dissected or destroyed, is at best overblown. While concerns about the quality of comprehensive schools may thus be alleviated by these findings, the question raised by bureaucracy theory about the efficiency of consolidating schools and school districts is still a valid concern. This issue is certainly deserving of additional research.

In the meanwhile, scholars, practioners, and politicians all must continue the search for the sources and remedies of today's crisis in education. While we have less to worry about in the performance of our comprehensive public schools, the field is open to a myriad of other factors that affect educational quality. It is not enough to know that race, urbanization, and family background all have an impact on the quality of educational outputs. We must also know what to do about them, and questions about privatization and the role of choice certainly remain open. However, the study of the comprehensive high school reminds us that in the rush for academic excellence and high performance, we must not lose sight of one of public education's principle missions: preparing <u>all</u> youngsters for life in the adult world.

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Alliance Formation and War.

by Alastair Smith.

Department of Political Science,
Harkness Hall,
University of Rochester,
Rochester NY 14627.

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Abstract.

This paper integrates alliance formation, alliance reliability and the effects of alliances on the occurrence of conflict into a simple game theoretic model. A simple model of conflict is presented (the conflict subgame) in which three nations compete over land. How non-binding but costly alliances affect the behaviour of nations in the conflict subgame is demonstrated. Given the effects of different alliances on conflict, those alliances that nations actually want to form in any particular situation can be calculated. When the formation of alliances is endogenous to the behavior within a complete information game of warfare, then the alliances that form are all reliable. Offensive alliances are seen to occur only rarely. Defensive alliances are shown to be able to both stabilize or destabilize the system. However, in equilibrium defensive alliances can not decrease the security of their members.

Introduction.

The study of alliances has been broken up into three lines of research: the relationship between alliances formation and the occurrence of war, the motivations for the formation of alliances and the reliability of alliances. In this paper I argue that these three processes are interconnected and any attempt to theorize about the role of alliances in international relations must consider how these factors interact. Specifically, I maintain that reliability and security issues must be endogenous to any explanation of alliance formation and that empirical works relating alliances to wars that don not consider this are flawed.

The Correlates of War project (COW) has produced a data set containing war and alliance data since 1815. Using these data, Singer and Small [1968] were among the first to establish an empirical link between alliances and war. Vasquez [1987] provides a comprehensive summary of the extensive empirical work on the alliance-war relationship. He summaries the two major findings of this work as:

"First, alliances do not prevent war or promote peace; instead

> they are associated with war, although they are probably not a cause of war. Second, the major consequence of alliances is to expand war once it has started; in the war alliances are important in accounting for the magnitude and severity of war." [Vasquez 1987, p119].

Attempts to establish what is driving the links between war and alliances has lead to the inclusion of intervening variables such as system polarization [Wallace 1973 and Bueno de Mesquita 1978]. However, this inductive method of analysis has not brought us any closer to understanding the underlying relationship between alliances and war because the empirical evidence is often contradictory and generically inconclusive [for example see Ostrom and Hoole 1978]. Similarly, findings about the reliability of alliances are also mixed [Sabrosky 1980, Siverson and King 1980, Altfeld and Bueno de Mesquita 1979].

Levy provides a summary of the different hypotheses purported to explain how alliances effect the occurrence of conflict [1984, p582-584]. However, as Levy notes, little systematic evidence can be presented to back these hypotheses.

> "There are clearly a variety of plausible theoretical linkages between alliances and war (or peace). Recent empirical studies have yet to demonstrate conclusively, however, which of these complex linkages is the most important, in conjunction with which other factors, and under which conditions" [Levy, 1984 p.584]

I maintain that the lack of conclusive support for any particular set of hypotheses reflects the lack of theoretical understanding about how alliance formation, alliance reliability and allied conflict interact. In order to fully explain the role of alliances in the international system all three theoretical relationships must be considered simultaneously.

Some efforts have been made to endogenise alliance formation

into models of war, for example Niou and Ordeshook [1992] and Morrow [1986], but these models have assumed that alliances are reliable. In this paper I allow nations a choice about whether to honour their alliance commitments.

It is my intention to present a simple extensive form game, which I call the conflict subgame, where nations can use military might in order to obtain resources. Given this model of warfare, I ask can non binding alliances alter outcomes? In order to answer this I ask supposing there were an alliance how would this affect the behaviour of nations in the conflict subgame? Finally, given how the presence of alliances affects outcomes in the conflict subgame, I ask which alliances can nations form, thereby moving towards a theory of endogenous alliance formation.

Nations are assumed to be in competition over a transferable resource. The concept of a transferable resource is fairly general, but for the purposes of this paper I consider a single resource, land. More generally these resources can be any good, tangible or not, that nations care about.[1] Although nations want to maximize the expected size of their territories, they are assumed to be sensitive to domestic constraints which impose costs on leaders who indulge in violent acts and alliance politics. If a nation enters a war, then the leader of the nation faces both real and domestic costs due to the real cost of equipping the military and the destruction caused, as well as civilian reaction to lower domestic consumption and the casualties caused. Leaders also face costs to bullying other nations and to giving in to violence.[2]

Before proceeding any further it is worth asking what is an alliance? I define an alliance as an agreement between two nations, entered into voluntarily, that represents a non-binding commitment to help each other in event of armed conflict. This contrasts with a coalition, which is a set of nations that fight

together in a war, whether or not they had any prior agreement to do so. Alliances are assumed to be non-binding. Given the anarchic nature of international relations and the evidence that alliances are not always honoured, there are both theoretical and empirical justifications behind this assumption [Sabrosky 1980, Altfeld and Bueno de Mesquita 1979 and Siverson and King 1980].

Given the characterization of alliances above, we should ask why nations sign alliances given that they are non-binding and that nations can always fight together even if they do have an alliance. Arguments have been made that the alliances signal the strength of commitment that nations have towards each other and so inform possible aggressors [Morrow 1993]. While informational aspects can not be ignored, it is my intention to consider complete information situations. Specifically, I suppose that there are costs associated with alliance formation and alliance failure and ask how these costs affect nations' actions.

Traditional realist arguments, such as those by Snyder and Diesing [1977], state that alliances are honoured in order to maintain reputations, which allow nations to form alliances in the future. Alt, Calvert and Humes [1988] have formalized these reputational costs to show that in order to maintain a reputation nations will sometimes choose myopically suboptimal actions. In other models of alliance formation, alliance have been associated with other costs, such as loss of autonomy [Altfeld 1988] or trade externalities [Gowa 1989]. Recent empirical studies have shown that leaders face domestic costs associated with their foreign policy decisions [Bueno de Mesquita, Siverson and Woller 1992]. This provides evidence that leaders are sensitive to domestic costs.

Given the above considerations I assert that costs exist to making and breaking alliances. Since this model does not explicitly consider the domestic arrangements in each country, the

costs considered here are generated exogenously. What is important about these domestic costs is that the difference in expected utility between fighting in a coalition and not fighting changes if a nation is a member of an alliance. The specific domestic costs considered are summarized in the table below for a generic alliance between nations j and k:

Domestic cost	Interpretation	cost/ benefit
$f(jk)_j$	Domestic value that nation j associates with forming an alliance with nation k if the alliance results in peace.	either
$e(jk)_j$	Domestic cost nation j associates with attacking its ally nation k.	cost
$h(jk)_j$	Domestic cost nation j associates with failing to honour its alliance to nation k.	cost
$i(jk)_j$	Domestic cost nation j associates with being attacked by its ally nation k.	cost
$g(jk)_j$	Domestic cost for nation j if its ally fails to help it during a war.	cost

Failing to honour an alliance is defined as follows: If nations j and k have an alliance, and j becomes involved in a war and k fails to form a coalition with j then the alliance is said to have failed. If k forms a coalition with j then the alliance is honoured.

THE MODEL.

The conflict subgame will now be presented. Following this the effect of various exogenously generated alliances will be considered. Formally, there are three nations, {A, B, C}. These nations have military capabilities, arms= (w_a, w_b, w_c). There is a

distribution of land amongst the three nations, $d \in \{(d_a, d_b, d_c): d_i \geq 0$ for $i=a,b,c$ and $d_a+d_b+d_c=1\}$. There is a set of possible alliances AL = {(AB), (AC), (BC), (ø)}, where (ø) represents no alliance being present, (AB) represents an alliance between A and B, etc.[3] Each alliance has associated costs which were detailed above.

The game tree is shown in figure 1. Without loss of generality assume that nation A has the opportunity to attack. Nation A can attack nation B and if attacked B must decide whether to retaliate or acquiesce. If a war occurs then C must decide whether to join the conflict and if so on which side. The terminal nodes are labelled #1-#5.

At each non-terminal node $n \in N=\{1,2,3\}$ let the action sets be $\alpha=\{ø,B\}$, $\beta=\{r,ø\}$ and $\gamma=\{ø,B,A\}$, respectively. A's set of actions is either to remain peaceful or attack B, B's set of actions is to retaliate or acquiesce and C's set of actions is to remain neutral, attack B or attack A.

A strategy is a mapping from arms, distribution of territory and alliances into actions. A strategy profile is a triple $s=(s_a,s_b,s_c)$ where $s_a \in \alpha$, $s_b \in \beta$ and $s_c \in \gamma$.[4] To simplify the notation, strategies are expressed as a function of the alliance state only. Let θ be the mapping from strategy profiles, $S=\{s:s=(s_A,s_B,s_C)\}$ into outcomes as described by the game tree, $\theta:S \rightarrow \{\#1,\ldots,\#5\}$. Thus if the alliance state is (AB) and the strategy profile is $s^*(AB)$ then the outcome of conflict subgame is $\theta(s^*(AB))$.

At the end of the game each nation is rewarded according to the outcome. If a nation acquiesces to an attack then all of its lands are transferred to the aggressor. If a war occurs then the distribution of territory at the end of the game is determined probabilistically. Specifically if a coalition of B and C fight nation A then the probability that the coalition wins is $(w_b+w_c)/(w_a+w_b+w_c)$. This function, often known as the capabilities aggregation model, captures the monotonic relationship between armaments and the probability of victory.

The losing coalition loses sovereignty over its lands, which are transferred to the victorious coalition.[5] If there are two members in a victorious coalition then they will divide the resources of the vanquished between them according to relative size of the forces that they contributed. For example if B and C defeat A and $w_b=2w_c$, then B gets two thirds of d_a.

Since violent actions are costly, any nation i involved in a war pays a cost, war_i. Unreciprocated violent acts are also costly to both the aggressor and the victim, I let this cost be z_i and assume that $war_a \geq z_a$.

The solution concept is subgame perfect Nash equilibrium. At any information set, $n \in N$, define Γ^n to be all the nodes/information sets that follow n sequentially in the game tree (Γ^n is a sub-game). s_j is a best response to s_{-j} in some subgame Γ^n if and only if $U_j(\theta(s_j,s_{-j})) \geq U_j(\theta(s_j',s_{-j}))\ \forall s_j'$. If (s_A^*, s_B^*, s_C^*) is a subgame perfect Nash equilibrium (SPE) then s_A^*, s_B^* and s_C^* are mutually best responses in Γ^n, $\forall n \epsilon N$.

RESULTS

Firstly, the conflict subgame is considered in isolation from alliance effects. For simplicity during the proofs it is assumed that no alliance exists although it is simple to show that the first four results do not depend on the alliance structure. A full characterization of subgame perfect equilibria on which these results are based is included in the appendix. It should be noted that these propositions do not contain a full description of the equilibria but instead focus on those elements that are relevant to the substantive questions.

The main substantive results are propositions 9, 10 and 11. The earlier results provide context for these propositions. In particular propositions 1-4 just outline the behaviour of the nations in the conflict subgame and are not essential to the argument for endogenous alliance formation.

Proposition 1.

The probability that nation C will enter a war between A and B is non-decreasing as w_c increases, d_c decreases and war_c decreases.

Proof. If C remains neutral then it can guarantee a payoff of $U_c(\#2) = d_c$. If C decides to join the war then it receives either $U_c(\#3)=((w_a+w_c)/(w_a+w_b+w_c))*(d_c+(w_c/w_a+w_c)*d_b)-war_c$ or $U_c(\#4)=((w_b+w_c)/(w_a+w_b+w_c))*(d_c+(wc/(w_b+w_c))*d_a)-war_c$. In general if C fights with j against k then $U_c(s=(B,r,k))=$ $((w_j+w_c)/(w_a+w_b+w_c))*[d_c+((w_c/(w_c+w_j))*d_k)]-war_c$. Given the definition of subgame perfection the probability of C attacking k is zero if $U_c(\theta(B,r,k)) * \max\{U_c(\#2),U_c(\#3),U_c(\#4)\}$. Therefore the probability of C attacking k is a non decreasing monotone of $U_c(\theta(B,r,k))-U_c(\theta(B,r,\varnothing))$. Since $\partial(U_c(\theta(B,r,k))-U_c(\theta(B,r,\varnothing)))/\partial w_c > 0$, $\partial(U_c(\theta(B,r,k))-U_c(\theta(B,r,\varnothing)))/\partial d_c < 0$, and $\partial(U_c(\theta(B,r,k))-U_c(\theta(B,r,\varnothing)))/\partial war_c = -1$ C does not become less likely attack k as w_c increases, d_c decreases and war_c decreases.

Proposition 1 states that as C becomes more powerful, has less

land to lose and faces lower costs to warfare then C is more likely to enter an ongoing conflict. Proposition 2 will look at how C decides who to fight having joined the war.

Proposition 2.

Given that nation C will enter a conflict between A and B, the likelihood of C attacking B is non decreasing as the ratio (w_b/w_a) increases and the ratio (d_b/d_a) decreases.

Proof. Subgame perfection implies that if C attacks nation A instead of nation B then $U_c(\theta(B,r,A))-U_c(\theta(B,r,B)) \geq 0$. Define diff $=U_c(\theta(B,r,A))-U_c(\theta(B,r,B))$. Diff$=(w_a+w_b+w_c)^{-1}*(w_ad_c+w_cd_b-w_bd_c-w_cd_a)$ and $\partial diff/\partial w_a=(w_i+w_j+w_k)^{-2}*d_c \geq 0$, $\partial diff/\partial w_b=-(w_i+w_j+w_k)^{2}*d_c \leq 0$, $\partial diff/\partial d_a=-w_c/(w_i+w_j+w_k)^2 \leq 0$, and $\partial diff/\partial d_b= w_c/(w_i+w_j+w_k)^2 \leq 0$.

Therefore, cetebus paribus, a neutral nation entering a war will attack the militarily weak but land rich nation. Although we might suspect that high amounts of land are associated with large militaries empirically this is not always true. For example vietnam and Israel both have large armies but only small amounts of land while Zaire is very large but does not possess a large military.

Proposition 3.

Given s_c, the probability of B fighting back if attacked by A is non decreasing as w_b increase, w_a decreases, d_a increases, d_b increases, war_j decreases and z_j increases.

Proof. By SPE if B retaliates then the expected utility from retaliating must not be less than that associated with acquiescing. Define $\pi_i=U_b(\theta(s_a,s_b=r,{}^is_c))-U_b(\theta(s_a,s_b=\varnothing,{}^is_c)$, where $s_a=B$, ${}^1s_c=\varnothing$, ${}^2s_c=B$ and ${}^3s_c=A$. Then $\partial\pi_i/w_b >0$, $\partial\pi_i/\partial w_a<0$, $\partial\pi_i/\partial d_b \geq 0$, $\partial\pi_i/\partial d_a\geq 0$, $\partial\pi_i/\partial war_b <0$ and $\partial\pi_i/\partial v_b >0$ for i = 1,2,3.

Proposition 4.

The likelihood that A will undertake a violent action depends only

on z_a and d_b if nation B will acquiesce to violence, weakly decreasing in z_a and weakly increasing in d_b. If B retaliates to aggression then given s_c, the likelihood of A attacking is weakly increasing as war_a decreases, w_a increases, w_b decreases, d_b increases and d_a decreases.

Proof: If $s_b^*=\varnothing$ then by SPE if $s_a^*=B$ then $U_a((\varnothing),\theta(B,\varnothing,s_c^*)) - U_a((\varnothing),\theta(\varnothing,\varnothing,s_c^*)) \geq 0$. $\partial[U_a((\varnothing),\theta(B,\varnothing,s_c^*))-U_a((\varnothing),\theta(\varnothing,\varnothing,s_c^*))]/\partial z_a < 0$ and $\partial[U_a((\varnothing),\theta(B,\varnothing,s_c^*))-U_a((\varnothing),\theta(\varnothing,\varnothing,s_c^*))]/\partial d_b > 0$ but this expression is independent of all other parameters. If $s_b^*=r$ then by SPE if $s_a^*=B$ then $U_a((\varnothing),\theta(B,r,s_c^*)) - U_a((\varnothing),\theta(\varnothing,r,s_c^*)) \geq 0$. Redefine $\pi_i = [U_a((\varnothing),\theta(B,\varnothing,{}^is_c^*))-U_a((\varnothing),\theta(\varnothing,\varnothing,{}^is_c^*))]$, for ${}^is_c = \varnothing,B,A$. $\partial\pi_i/\partial war_a < 0$, $\partial\pi_i/\partial w_a > 0$, $\partial\pi_i/\partial w_b < 0$, $\partial\pi_i/\partial d_a < 0$ and $\partial\pi_i/\partial d_a < 0$.

Given these propositions the following empirically falsifiable hypotheses can be generated. Firstly, those nations that are militarily strong relative to the amount of land they risk losing and face low costs to fighting are most likely to intervene in a conflict. If they do intervene they are most likely to attack militarily weak, land rich states.

Any nation that is attacked will base its decision to retaliate upon its military strength relative to the aggressor, the resources that are at stake (the size of both the aggressors and its own land), the cost to fighting relative to domestic costs of surrendering (war_i-z_i) and the strategy of any third party. States that are militarily weak and facing high costs to fighting are the most likely to surrender. These weak states will only be prepared to fight when the stakes are very high. A very powerful state would be likely to fight back even when the stakes are very low since it has a high probability of winning. How a nation's decision whether to retaliate is effected by the strategy of the

third party depends on the arms level and resources of all nations. Specifically, if a third party fights forms a coalition with B against A then B faces an increased chance of being in the winning coalition but the gains from winning are reduced since they must be shared. If C fights against B then B has a lower probability of winning but the size of the potential gains increase.

Nation A bases its decision about whether to attack B on the strategies of B and C. Generally, if A behaves violently the best outcome it can expect to obtain is for B to surrender[6], which gives A all of B's lands and avoids the cost of fighting for A. If B does retaliate then A wants B to be land rich but militarily poor. Thus, as the cost, war_b rises and w_b falls B becomes a more attractive target to A. As the resources of B increases then the value of attacking B increases provided that B does not alter its strategy. Providing B continues to surrender then an increase in d_b increases the incentive for A to attack, but once d_b becomes suitably large that B will retaliate and A will start to base his decision on the military strength of B.

<u>How do exogenous alliances effect the occurrence of war?</u>

Next I consider how alliances effect the outcomes in the conflict subgame by assuming that alliances have been exogenously formed.

Proposition 5.

The likelihood of nation i honouring an alliance is weakly increasing in $h_i(\bullet)$ and $e_i(\bullet)$.

Proof. The choice to attack an ally or honour an alliance can be made at nodes 1 and 3. At n=1 if there is an (AB) alliance then A has the opportunity to attack its ally. If s_a =B then $U_a(\theta(\bullet))$ is a function of $e_a(AB)$, specifically $\partial U_a(\theta(s_a,\bullet,\bullet))/\partial e_a(AB) < 0$. If

$s_a=\emptyset$ then $U_a(\theta(s_a,\bullet,\bullet))$ is not a function of $e_a(AB)$. If (s_a^*,s_b^*,s_c^*) is an equilibrium then $U_a(s_a^*,s_b^*,s_c^*) \in \max U_a(s_a,s_b^*,s_c^*)$. As $e_a(AB)$ increases A can not be more likely to attack it alliance partner B. At n=3 if (s_a^*,s_b^*,s_c^*) is a SPE then $s_c^* \in \text{argmax}_{\#2,\#3,\#4} U_c(\theta(\bullet))$. If there is a (BC) alliance then $U_c(\#2)=d_c-h_c(BC)$, $U_c(\#3)=(w_a+w_c/(w_a+w_b+w_c))*(d_c+(w_c/(w_a+w_c))d_a)-war_c-e_c(BC)$ and $U_c(\#4)=((w_b+w_c)/(w_a+w_b+w_c))(d_c+(w_c/(w_b+w_c))d_a)-war_c$. Thus $\partial U_c(\#2)/\partial h_c(BC)<0$, $\partial U_c(\#3)/\partial e_c(BC)$ but all other relevant partials are equal to zero. As $h_c(BC)$ increases $U_c(\#2)$ falls and as $e_c(BC)$ increase $U_c(\#3)$ falls, so the probability that $\theta(s^*)=\#4$ is non decreasing. A similar argument exists for the alliance (AC).

Proposition 5 states that if the cost of attacking an ally increases then nations are less likely to attack allies and if the cost associated with failing to honour an alliance increases then nations are more likely to honour alliances. If we assume that the higher the class of alliance [Singer and Small 1966] the larger the cost of breaking it then this proposition is consistent with the empirical results, [Siverson and King 1980, Altfeld and Bueno de Mesquita 1979]. Although reassuring, these results can not be a test for proposition 5 because as shown later there is a sample bias induced because not all alliances will be formed.

Proposition 6

If A attacks B, the likelihood of B surrendering is;

(i) weakly increasing in $i_b(BC)$ and $g_b(BC)$,

(ii) weakly increasing with increases in $h_c(BC)$ and $h_c(AC)$ if $U_b((al),\#2) \geq \max\{U_b((al),\#3), U_b((al),\#4)\}$ for al = BC, AC,

(iii) Weakly increasing with increases in $e_c(BC)$ if $U_b((BC),\#3) > \max\{U_b((BC),\#2),U_b((BC),\#4)\}$ and weakly increasing with increases in $e_c(AC)$ if $U_b((AC),\#4)>\max\{U_b((AC),\#2), U_b((AC),\#3)\}$, and

(iv) independent of all (AB) alliance costs.

Proof: Suppose not (i). Then for some {arms, d} the probability that $s_b^*=r$ increases as $i_b(BC)$ increases or $g_b(BC)$ increases. Note that s_c^* is independent if $i_b(BC)$ and $g_b(BC)$. Case 1, $s_c^*= \varnothing$. By SPE $s_b^*=r$ only if $U_b((BC),\#2) \geq U_b((BC),\#5)$. Since $\partial(U_b((BC),\#2)/\partial g_b(BC) < 0$, $\partial(U_b((BC),\#5)/\partial g_b(BC)=0$, $\partial(U_b((BC),\#2)/\partial i_b(BC) =0$ and $\partial(U_b((BC),\#5)/\partial i_b(BC)=0$ then increase in $g_b(BC)$ and $i_b(BC)$ can not increase the probability of $s_b^*=r$ with increases in $g_b(BC)$ and $i_b(BC)$. Case 2, $s_c^*=B$. By SPE $s_b^*=r$ only if $U_b((BC),\#3) \geq U_b((BC),\#5)$. Since $\partial(U_b((BC),\#3)/\partial g_b(BC) = 0$ and $\partial(U_b((BC),\#3)/\partial i_b(BC) < 0$ then increase in $g_b(BC)$ and $i_b(BC)$ can not increase the probability of $s_b^*=r$ with increases in $g_b(BC)$ and $i_b(BC)$. Case 3, $s_c^*=A$. By SPE $s_b^*=r$ only if $U_b((BC),\#4) \geq U_b((BC),\#5)$. Since $\partial(U_b((BC),\#4)/\partial g_b(BC) = 0$ and $\partial(U_b((BC),\#4)/\partial i_b(BC) = 0$ then increase in $g_b(BC)$ and $i_b(BC)$ can not increase the probability of $s_b^*=r$ with increases in $g_b(BC)$ and $i_b(BC)$. Hence contradiction. (ii) At the subgame starting at n=3 by SPE as $h_c(BC)$ increases then the probability weight on outcome #2 is non increasing since $U_c((BC),\#2)$ decreases while $U_c((BC),\#3)$ and $U_c((BC),\#4)$ are unchanged. Since outcome $U_b((BC),\#2) \in \max_{i=\#2,\#3,\#4} U_b((BC),i)$ then the expected utility B gets from retaliating to an attack is weakly reduced by an increase in $h_c(BC)$. As $U_b((BC),\#5)$ is unchanged then increases in $h_c(BC)$ may cause B to switch strategies and surrender. The arguments for $h_c(BC)$ and (iii) are similar. (iv) Since all attainable payoffs by B at n=2 are equally effected by changes in $i_a(AB)$ then s_b^* is independent of (AB) alliance effects.

Proposition 6 states that if B, a member of an unreliable defensive alliance, is attacked then B is weakly more likely to surrender the larger the costs associated with alliance failure. Since B pays a cost associated with alliance failure, if C will not honour alliance commitments then B has an incentive to avoid these costs by surrendering. However, B's decision about whether to retaliate is not a function of alliance commitments with A because once attacked B can not avoid these costs.

If the costs of breaking a defensive alliance increase then proposition 5 states that the alliance is more likely to work which may provide B with increased security. Unfortunately, if the alliance is still unreliable the increase in domestic costs makes the nations more likely to surrender to aggression. As the

earlier quote from Vasquez showed the relationship between alliances and war is not always in the same direction. Clearly, whether an alliance is honoured and whether a nation will retaliate to violence will influence A's decision about whether to attack or not. It is this relationship that I explore next.

Proposition 7. (AB) alliance.

Nation A will not behave more aggressively as a member of an (AB) alliance than it would do if it were non allied.

Proof: By earlier proposition s_c^* and s_b^* are unaffected by (AB) alliance costs. If A undertakes a violent act then $U_a((AB),\theta(B,s_b^*,s_c^*)) \geq U_a((AB),\theta(\emptyset,s_b^*,s_c^*))$ but since $U_a((AB),\theta(B,s_b^*,s_c^*)) = U_a((\emptyset),\theta(B,s_b^*,s_c^*)) - e_a(AB)$ this implies that $U_a((\emptyset),\theta(B,s_b^*,s_c^*)) > U_a((\emptyset),\theta(\emptyset,s_b^*,s_c^*))$ so if A had remained unallied it would also have behaved violently.

Figure 2 is a numerical example of the conflict subgame. The diagram shows that when an (AB) alliance is present then distributions of lands, which in a non-allied state would have resulted in violence, remain peaceful (#1).

Proposition 8. (AC) alliance.

Comparing the behaviour of nation A in an (AC) alliance to that of a non-allied situation, A will only behave more aggressively in the allied situation if the presence of the alliance causes a change in nation C's behaviour and A prefers the outcome of allied aggression to that of non allied aggression.

Proof: Suppose that A does not prefer the allied outcome of aggression to that of non allied aggression then $U_a((\emptyset),\theta(B,s_b^*(\emptyset),s_c^*(\emptyset))) \geq U_a((AC),\theta(B,s_b^*(AC),s_c^*(AC)))$, $s_a^*(AC)=B$ and $s_a^*(\emptyset)=\emptyset$. SPE $\rightarrow$ if $s_a^*(AC)=B$ then $U_a((AC),\theta(B,s_b^*(AC),s_c^*(AC))) \geq U_a((AC),\theta(\emptyset,s_b^*(AC),s_c^*(AC))) = U_a((\emptyset),\theta(\emptyset,s_b^*(\emptyset),s_c^*(\emptyset)))=d_a$. Since $U_a((\emptyset),\theta(\emptyset,s_b^*(\emptyset),s_c^*(\emptyset))) < U_a((\emptyset),\theta(B,s_b^*(\emptyset),s_c^*(\emptyset)))$ SPE $\rightarrow s_a(\emptyset)=B$ which is a contradiction. Now show that C must change action upon the formation of an alliance if A behaves more aggressively.

Suppose not then $s_c^*(\emptyset)=s_c^*(AC)$. Consider the subgame at n=2. $U_b((\emptyset),\theta(\emptyset,r,s_c^*(\emptyset)))= U_b((AC),\theta(\emptyset,r,s_c^*(AC)))$ and $U_b((\emptyset),\theta(\emptyset,\emptyset,s_c^*(\emptyset)))= U_b((AC),\theta(\emptyset,\emptyset,s_c^*(AC)))$ so generically $s_b^*(AC)= s_b^*(\emptyset)$. Since $U_a((\emptyset),i)\geq U_a((AC),i)$ for i=#2,...,#5 then $s_a^*(AC)=B \rightarrow s_a^*(\emptyset)=B$ which is a contradiction.

Propositions 7 and 8 state that the formation of an offensive alliance will often reduce the tendency for A to behave aggressively. The only time that A will behave more aggressively upon the formation of an offensive alliance is when A will benefit from allied help and the alliance is required to ensure the participation of a reluctant coalition partner. As figure 2 shows the regions where violence will occur are smaller if offensive alliances are formed.

Proposition 9. (BC) alliance.

The likelihood of A behaving more aggressively when facing a defensive (BC) alliance compared to a non allied situation depends on whether the alliance is reliable. If the alliance is reliable then its formation will only alter the outcome of the conflict subgame if $s_c^*(BC) \neq s_c^*(\emptyset)$. Specifically if A behaves more aggressively then either (i) $s_b^*(BC) =\emptyset$ and $s_b^*(\emptyset)=B$, or (ii) $s_b(BC) =r$ and $U_a((\bullet),\#4) > u_a((\bullet),\theta(B,s_b^*(BC),s_c^*(BC)) \in \{U_a((\bullet),\#2),U_a((\bullet),\#3)\}$

For an unreliable (BC) alliance the probability that A is aggressive is non decreasing (non increasing) if (iii) B acquiesce to violence, (iv) $w_aw_c \geq (<) w_bw_cd_a$, $\theta(B,s_b^*(\emptyset),s_c^*(\emptyset)) =\#3$ and $\theta(B,s_b^*(BC),s_c^*(BC)) =\#2$, and (v) $w_aw_c \leq (>) w_bw_cd_a$, $\theta(B,s_b^*(\emptyset),s_c^*(\emptyset)) =\#2$ and $\theta(B,s_b^*(BC),s_c^*(BC)) =\#3$.

Proof: Suppose the outcome of the conflict subgame is altered by the formation of the (BC) alliance but $s_c(\emptyset)=s_c(BC)=A$.

Since $U_i((\emptyset),\#4) = u_i((BC),\#4)$ and $U_i((\emptyset),\#5) = u_i((BC),\#5)$ for i= A, B then generically $s_b^*(\emptyset)=s_b^*(BC)$, which in turn implies that $s_a^*(\emptyset)=s_a(BC)$. This contradicts $\theta(s^*(\emptyset))\neq\theta(s^*(BC))$. If the probability that A attacks B increases upon the formation of the alliance then $[U_a((BC),\theta(B,s_b^*(BC),s_c^*(BC))-U_a((BC),\theta(\emptyset,\bullet,\bullet))] > [U_a((\emptyset),\theta(B,s_b^*(\emptyset),s_c^*(\emptyset))-U_a((\emptyset),\theta(\emptyset,\bullet,\bullet))]$ which implies that $U_a((BC),\theta(B,s_b^*(BC),s_c^*(BC)) > U_a((\emptyset),\theta(B,s_b^*(\emptyset),s_c^*(\emptyset))$. By the first result $\theta(B,s_b^*(BC),s_c^*(BC))\neq\theta(B,s_b^*(\theta),s_c^*(\emptyset))$ this implies that $\theta(B,s_b^*(BC),s_c^*(BC)) \in \{\#4,\#5\}$ and $\theta(B,s_b^*(\theta),s_c^*(\emptyset)) \in \{\#2,\#3,\#5\}$. Suppose $s_b^*(BC)=\emptyset$ then $\theta(B,s_b^*(BC),s_c^*(BC)) =\#5$. Since $U_a((\bullet),\#5) > \max\{U_a((\bullet),\#2), U_a((\bullet),\#3)\}$ then $U_a((BC),\theta(B,s_b^*(BC),s_c^*(BC))) > U_a((\emptyset),\theta(B,s_b^*(\emptyset),s_c^*(\emptyset)))$. Suppose $s_b^*(BC)=r$. If $\theta(B,s_b^*(BC),s_c^*(BC)) =\#2$ then $U_a((\bullet),\#4) > (\leq) U_a((\bullet),\#2)$ implies $U_a((BC),\theta(B,s_b^*(BC),s_c^*(BC)) > (\leq) U_a((\emptyset),\theta(B,s_b^*(\emptyset),s_c^*(\emptyset))$.
If $\theta(B,s_b^*(BC),s_c^*(BC)) =\#3$ then $U_a((\bullet),\#4) > (\leq) U_a((\bullet),\#3)$ implies $U_a((BC),\theta(B,s_b^*(BC),s_c^*(BC)) > (\leq) U_a((\emptyset),\theta(B,s_b^*(\emptyset),s_c^*(\emptyset))$.
Unreliable alliance. From P5 $\theta(B,s_b^*(BC),s_c^*(BC)) \neq \#4 \rightarrow \theta(B,s_b^*(\emptyset),s_c^*(\emptyset)) \neq\#4$ which implies that $\theta(B,s_b^*(BC),s_c^*(BC))) \in \{\#2, \#3, \#5\}$. Since $U_a((\bullet),\#5) > \max\{U_a((\bullet),\#2), U_a((\bullet),\#3)\}$ if $s_b(BC)=\emptyset$ then $U_a((BC),\theta(B,s_b^*(BC),s_c(BC))) \geq U_a((\emptyset),\theta(B,s_b^*(\emptyset),s_c^*(\emptyset)))$, since $U_a((BC),\theta(\emptyset,\bullet,\bullet))=U_a((\emptyset),\theta(\emptyset,\bullet,\bullet))$ this implies that probability of A attacking if B will acquiesce upon the formation of a (BC) alliance is non decreasing. (iv) $w_aw_c \geq w_bw_cd_a$ implies that $U_a((\bullet),\#2) \geq U_a((\bullet),\#3)$. Suppose $\theta(B,s_b^*(\emptyset),s_c^*(\emptyset)) =\#3$ and $\theta(B,s_b^*(BC),s_c^*(BC)) =\#2$ then $u_a((BC),\theta(B,s_b^*(BC),s_c^*(BC))) \geq U_a((\emptyset),\theta(B,s_b^*(\emptyset),s_c^*(\emptyset)))$. Hence the probability of A attacking B is non decreasing. The other proofs follow similarly.

The presence of a defensive alliance can alter the behaviour of A. Under some circumstances the alliance can succeed in deterring A from aggression while in other circumstances the alliance can encourage A to attack. Wu [1990] makes a similar observation. In the numerical example, shown in figure 2, both these types of behaviour are observed. Firstly the size of region where #2 is the outcome is reduced as A is deterred from attacking. However, the size of region where #5 is the outcome is increased, such that a (BC) alliance encourages A to attack.

Alliance formation game.

A formal model of alliance formation will now be presented.

Having had the opportunity to form alliances, nations then play the conflict subgame. In this model I consider immediate deterrence so I assume the potential aggressor, namely A, is common knowledge. There are four possible alliance states, AL = {(AB), (AC), (BC), (ø)}. Each nation is allowed to sign one alliance agreement, subject to being a member of that alliance. Formally, the strategies for each nation are: $\sigma_A \in \{ø, AB, AC\}$, $\sigma_B \in \{ø, AB, BC\}$, and $\sigma_C \in \{ø, AC, BC\}$.

If the two parties to an alliance both sign the alliance it is assumed that the alliance is formed. The payoffs from the alliance formation game are those payoffs that a nation would receive in the conflict subgame given the particular alliance state. Thus, when nations decide to form alliances they do so knowing how those alliances are going to effect behaviour with respect to possible aggression by A. $U_A((AB),\theta(s^*(AB)))$ is A's expected payoff if an (AB) alliance is formed. Since nations generically have strict preferences over strategies, then the outcome of the conflict subgame, $\theta(s^*(AB))$ is generically unique. The normal form representation of the game is given in the appendix.

The solution concept used is strong equilibrium since this eliminates the possibility of a nation forming one alliance when there is another alliance that is better for it and its new potential alliance partner. The Nash equilibrium conditions for this game constitute necessary conditions for alliance formation.

A strategy profile $(\sigma_A,\sigma_B,\sigma_C)$ is a strong equilibrium if for all subsets, $k \in K$ of nations, $(K=2^{(A, B, C)})$, $U_j(\sigma_A,\sigma_B,\sigma_C) \geq U_j(\sigma_k',\sigma_{-k})$,

$\forall \sigma_k'$ and $\forall j \in k$.

According to the definition of a strong equilibrium multilateral deviations must also be considered. The conditions required for the various alliances to be strong equilibria are given in the appendix.

Results of the alliance formation game.

Given the definition of a strong equilibrium a necessary condition for nations to want to form an alliance is that the alliance does not make them worse off.

Proposition 9.

Necessary conditions for an offensive (AB) alliance to form are:

i) $\theta(s^*(AB))=\#1$,

ii) $f_a(AB)\geq 0$, and

iii) $f_b(AB)\geq U_b((\emptyset),\#1)-U_b((\emptyset),\theta(s^*(\emptyset)))$.

Proof: Given earlier results s_b^* and s_c^* are independent of (AB) alliance costs. Suppose $\theta(s^*(AB))\neq\#1$ then $U_a((AB),\theta(s^*(AB))) = U_a((\emptyset),\theta(s^*(AB))-e_a(AB)$, but this contradicts $U_a((AB),\theta(s^*(AB))) \geq U_a((\emptyset),\theta(s^*(\emptyset)))$. (ii) Suppose $f_a(AB)<0$ then $U_a((AB),\#1)<U_a((\emptyset),\#1)$, but this contradicts $U_a((AB),\theta(s^*(AB))) \geq U_a((\emptyset),\theta(s^*(\emptyset)))$. (iii) The proof follows directly from $U_b((AB),\theta(s^*(AB)))\geq U_b((\emptyset),\theta(s^*(\emptyset)))$.

An (AB) offensive alliance can only be formed if the outcome to the corresponding conflict subgame is peaceful. Additionally A will never form any (AB) alliance if it is costly for A to do so. However, nation B maybe prepared to endure considerable costs in forming an (AB) alliance if this ensures B that it will not be attacked. We can think of B being prepared to pay off nation A to avoid being attacked. Figure 3 shows these conditions under which

an (AB) alliance can be formed. Since A receives a payoff of 0.05 if peace follows alliance formation, A will form an alliance up to the point where this 0.05 compensates him for the difference in expected utility between using violence and not.

Proposition 10.

Necessary conditions for the formation of an offensive (AC) alliance are:

i) $\theta(s^*(AC)) \in \{\#1,\#3,\#5\}$,

ii) if $\theta(s^*(AC))=\#3$ then $\theta(s^*(\emptyset))=\#3$, and

iii) if $\theta(s^*(AC))=\#1$ then $f_a(AC)\geq 0$ and $f_c(AC)\geq 0$ if $\theta(s^*(\emptyset)) \in \{\#1,\#2,\#5\}$.

Proof: Suppose not (i). Suppose $\theta(s^*(AC))=\#2$ if $\theta(s^*(\emptyset))\in\{\#1,\#2,\#5\}$ then $U_c((\emptyset),\theta(s^*(\emptyset))) = d_c > d_c - h_c(AC) = U_c((AC),\#2)$, if $\theta(s^*(\emptyset))=\#3$ then generically $U_c((\emptyset),\#3) > U_c((\emptyset),\#2)$, $U_c((AC),\#2) > U_c((AC),\#3)$, but $U_c((\emptyset),\#3)=U_c((AC),\#3)$ implies $U_c((\emptyset),\#2)>U_c((AC),\#2)$. If $\theta(s^*(\emptyset))=\#4$ then $U_c((\emptyset),\theta(s^*(\emptyset))) = (((w_b+w_c)d_c+w_c d_a)/(w_a+w_b+w_c)) - war_c > d_c = U_c((\emptyset),\#2) > U_c((AC),\#2)$. Hence $\theta(s^*(AC))\neq\#2$. Suppose $\theta(s^*(AC))=\#4$. If $\theta(s^*(\emptyset))\in\{\#1,\#2,\#5\}$ then $U_c((\emptyset),\theta(s^*(\emptyset)))=d_c \geq U_c((\emptyset),\#4) > U_c((AC),\#4)$. If $\theta(s^*(\emptyset))=\#3$ then $U_c((\emptyset),\#3)\geq U_c((\emptyset),\#4) > U_c((AC),\theta(s^*(AC))$. If $\theta(s^*(\emptyset))=\#4$ then $U_c((\emptyset),\#4)>U_c((AC),\#4)$. Hence $\theta(s^*(AC))\neq\#4$. (ii) Suppose not. If $\theta(s^*(\emptyset))\in\{\#1,\#2,\#4,\#5\}$ then generically $U_c((\emptyset),\theta(s^*(\emptyset))) > U_c((\emptyset),\#3) = U_c((AC),\#3)$, but this $U_c((AC),\theta(s^*(AC)) \geq U_c((\emptyset),\theta(s^*(\emptyset)))$. (iii) $U_a((AC),\theta(s^*(AC))) \geq U_a((\emptyset),\theta(s^*(\emptyset))) \rightarrow$ [if $s_a^*(\emptyset)=\emptyset$ then $f_a(AC)\geq 0$ and if $s_a^*(\emptyset)\neq\emptyset$ then $U_a((\emptyset),\theta(s^*(\emptyset)))\geq U_a((\emptyset),\#1)$] which implies $f_a(AC)\geq 0$. If $\theta(s^*(AC))=\#1$ then $U_c((AC),\theta(s^*(AC)))\geq U_c((\emptyset),\theta(s^*(\emptyset))) \rightarrow$[if $\theta(s^*(\emptyset))\in\{\#1,\#2,\#5\}$ then $f_c(AC)\geq 0$, if $\theta(s^*(\emptyset))=\#3$ then $f_c(AC) \geq (w_c d_b - w_b d_c)/(w_a+w_b+w_c) - war_c$ and if $\theta(s^*(\emptyset))=\#4$ then $f_c(AC) \geq w_c d_a - w_a d_c)/(w_a+w_b+w_c) - war_c$].

An offensive (AC) alliance can only form if it is reliable. Therefore the outcome can be peace, B surrendering or A and C forming a coalition against B. The war can only occur if the same war would have occurred without the presence of the alliance. If the outcome in the corresponding conflict subgame is peaceful then

alliance formation can not be costly for A and can only be costly for C if the alliance avoids C having to fight. This is demonstrated by the numerical example in figure 3.

Generalizing for both offensive alliance types, (AB) and (AC), form only when they are reliable. Additionally offensive alliance formation never increases the occurrence of violence. Walt [1987 and 1988] classified an alliance as offensive only if it actually behaved aggressively. Given that this paper proposes that the formation of an (AB) or (AC) alliance can only reduce the occurrence of violence, Walt's empirical evidence that offensive alliance were rare supports these propositions.

Proposition 11. (BC) alliance.

Necessary conditions for the formation of a defensive (BC) alliance are:

i) $\theta(s^*(BC)) \in \{\#1,\#4,\#5\}$.

ii) Generically, if $\theta(s^*(BC))=\#4$ then $\theta(s^*(\emptyset))=\#4$.

iii) Generically, if $\theta(s^*(BC))=\#5$ then $\theta(s^*(\emptyset))=\#5$.

Proof: Suppose not (i). Suppose $\theta(s^*(BC))=\#2$ then $U_c((BC),\#2)=d_c-g_c(BC)$. If $\theta(s^*(\emptyset))\in\{\#1,\#2,\#5\}$ then $U_c((\emptyset),\theta(s^*(\emptyset)))=d_c > d_c-g_c(BC)$, if $\theta(s^*(\emptyset))\in\{\#3,\#4\}$ then $U_c((\emptyset),\theta(s^*(\emptyset))) \geq U_c((\emptyset),\#2) > U_c((AC),\#2)$, hence $\theta(s^*(BC))\neq\#2$. Suppose $\theta(s^*(BC))=\#3$. If $\theta(s^*(BC))\in\{\#1,\#2,\#5\}$ then $U_c(\emptyset),\theta(s^*(\emptyset)))= d_c \geq U_c((\emptyset),\#3) > U_c((BC),\#3)$, if $\theta(s^*(\emptyset))=\#3$ then $U_c((\emptyset),\#3) > U_c((AC),\#3) = U_c((AC),\#3) - e_c(BC)$, and if $\theta(s^*(\emptyset))=\#4$ then $U_c((\emptyset),\#4) > U_c((\emptyset),\#3) > U_c((AC),\#3)$. Hence $\theta(s^*(BC))\neq\#3$. Suppose not (ii). Generically $\theta(s^*(BC))\neq\#4 \Rightarrow U_c((\emptyset),\theta(s^*(\emptyset))) > U_c((\emptyset),\#4) = U_c((AC),\#4)$. Which contradicts $U_c((BC),\theta(s^*(BC))) \geq U_c((\emptyset),\theta(s^*(\emptyset)))$. The proof to (iii) is similar.

Those defensive (BC) alliances that form in equilibrium must be reliable. With complete information no unreliable alliances should be formed. In addition I predict that those alliances

formed should either deter A from attacking or not alter the outcome of the conflict subgame. Given that alliances are reliable then these possible outcomes are #1 and #4 and #5, respectively. If the alliance has the ability to deter nation A from attacking then B and C can form alliances even when this is costly to do. Thus in the face of a threat even nations that are traditional enemies may form an alliance if it will successfully deter an aggressor.

Figure 3 show that a (BC) alliance can not be formed where the corresponding conflict subgame ends in alliance failure (#2 and #3). The alliance can not form when it destabilizes B's position and encourages it to surrender when unallied it would not have done so (#5). Even if f_b(BC) had been slightly negative a (BC) alliance could have been formed in the region where the presence of the alliance deters A. This instance may be thought of as B making side payments to C in order to ensure its support.

Conclusions and Discussion.

In this paper I have presented a simple model of warfare between three countries. Having analyzed the occurrence of conflict with respect to structural parameters such as the distribution of armaments and resources I considered how alliances affect outcomes in the conflict subgame. Given the outcomes that occur for different alliance states I was able to identify which alliances can form for a given set of structural parameters.

The primary result is that when alliance formation is endogenous in a model of war with complete information there are no

cases of alliance failure. Although reliability is common to all, alliances can serve different purposes. Firstly there are alliances that do not affect the occurrence of war or the coalitions that form. These alliances might be thought of as just coordinating the actions of potential coalition partners. Alliances can preserve peace. If a potential aggressor benefits sufficiently from the non-security externalities associated with alliance formation, then nations can form alliances with the aggressor, buying him off. Having formed an alliance I observed that potential aggressors are inhibited by the costs of alliance failure.

Alliances can alter the occurrence of conflict, making potential aggressors more prone to attack. However, these alliances only occur if the threatened nation is not prepared to resist the aggressor. These offensive alliances can better be thought of as diplomatic coalitions that pressure a nation into giving way. Since the formation of the alliance undermines the victim's will to resist, these alliances will rarely end in conflict. Finally, there are defensive alliances that genuinely deter aggressors from violence. By showing a consolidated front, through alliance formation, nations are able to prevent wars.

The formation of alliances occurs for different reasons under different circumstances. The inability of empirical studies to isolate the causes behind the formation of an alliance means that it is difficult to test individual hypotheses regarding the properties of alliances. Without knowing which of these possible

purposes an alliance serves, it is impossible to see if the alliance has fulfilled its purposes.

The model assumes complete information. Unfortunately, leaders do not have this luxury when making decisions. Leaders are also forced to deal with the prospect of change. Leaders can only make alliances based on their ex-ante expectations about the changes that may occur. Unfortunately, ex-post, leaders may make mistakes. Regime changes and incomplete information are important in the formation of alliances that in the long run may not fulfill the purposes for which they were created.

Given these considerations we should not be surprised that alliance failures do occur. If, ex-post, nations have formed the "wrong" alliances we might ask how this affect the behaviour of potential aggressors? Proposition 8 tells us that when unreliable alliances are formed there are a wide number of situations where a potential aggressor becomes likely to attack. The empirical results of Siverson and King [1980] indicate that alliances are unreliable (only 67 alliances are honoured out of 290 possible situation to honour alliances). The results of the model reveal that there may be sample biases as potential aggressors are more likely to attack an unreliable alliance than a reliable one.

Despite these difficulties in studying alliances there are empirical results that support the propositions here. Over time, structural and alliance parameters can vary. An alliance that was reliable several years ago may be unreliable now due to structural change during that time. In addition, regime changes may have

significant effects on whether an alliance will remain reliable. Empirically this is supported by Siverson and King's result that alliance reliability declines over the lifetime of an alliance. The model also predicts that offensive alliances should rarely be formed and this agrees with the empirical evidence observed by Walt.

Both theoretical and empirical studies could benefit from a fuller understanding of how alliances impose costs upon nations. This paper treats these costs are purely exogenous which is an unsatisfactory explanation. A complete theory of alliances needs to explain how the costs that compel nations within alliances are generated, whether they are reputationally generated within the international system or domestically generated by reselection struggles within a nation.

In conclusion, this paper demonstrates that alliance formation is endogenous to conflict. The reliability and the desires of nations to form alliances are functions of the possible conflicts that can occur. Theoretic and empirical explanations of the role of alliances in international relations that do not simultaneously consider alliance reliability, alliance formation and the role of alliances in the initiation and expansion of conflict will produce biased results.

Appendix.

The subgame perfect equilibrium that characterizes the behaviour of nations in a non allied situation and is used to support propositions 1-4. Since nation are not generically indifferent between actions then mixed strategies have been ignored. Throughout the whole paper it is assumed that if indifferent nations move towards the lower indexed terminal nodes.

$s_a(\varnothing)$= B if $[d_b > z_a]$ or $[w_a d_b > w_b d_a + (w_a+w_b)war_a,\ w_b(d_a+d_b) - (w_a+w_b)(war_b - z_b) \geq 0,\ war_c > w_c d_b - w_b d_c/(w_a+w_b+w_c)$ and $war_c > w_c d_a - w_a d_c/(w_a+w_b+w_c)]$ or $[w_a d_b > w_b d_a + w_a + w_b + w_c)(war_a),\ w_b \geq (w_a+w_b+w_c)(war_b - z_b),\ (w_a - w_b)d_c + w_c(d_b - d_a) \geq 0$ and $(w_c d_b - w_b d_c)/(w_a+w_b+w_c) \geq war_c]$ or $[w_a > (d_a + war_a)(w_a+w_b+w_c),\ (w_b+w_c)d_b + w_b d_a - (w_a+w_b+w_c)(war_b - z_b) \geq 0,\ (w_a - w_b)d_c + w_c(d_b - d_a) < 0$ and $w_c d_a - w_a d_c/(w_a+w_b+w_c) \geq war_c]$

= ø else.

$s_b(\varnothing)$= r if $[w_b(d_a+d_b) - (w_a+w_b)(war_b - z_b) \geq 0,\ war_c > w_c d_b - w_b d_c/(w_a+w_b+w_c)$ and $war_c > w_c d_a - w_a d_c/(w_a+w_b+w_c)]$ or $[w_b \geq (w_a+w_b+w_c)(war_b - z_b),\ (w_a - w_b)d_c + w_c(d_b - d_a) \geq 0$ and $(w_c d_b - w_b d_c)/(w_a+w_b+w_c) \geq war_c]$ or $[(w_b+w_c)d_b + w_b d_a - (w_a+w_b+w_c)(war_b - z_b) \geq 0,\ (w_a - w_b)d_c + w_c(d_b - d_a) < 0$ and $w_c d_a - w_a d_c/(w_a+w_b+w_c) \geq war_c]$

= ø else.

$S_c(\varnothing)$= ø if $war_c > w_c d_b - w_b d_c/(w_a+w_b+w_c)$ and $war_c > w_c d_a - w_a d_c/(w_a+w_b+w_c)$,
B if $(w_a - w_b)d_c + w_c(d_b - d_a) \geq 0$ and $(w_c d_b - w_b d_c)/(w_a+w_b+w_c) \geq war_c$,
A if $(w_a - w_b)d_c + w_c(d_b - d_a) < 0$ and $w_c d_a - w_a d_c/(w_a+w_b+w_c) \geq war_c$.

Normal form representation of the alliance formation game.

σ_A=ø	ø	σ_C AC	BC
ø	ø	ø	ø
σ_B AB	ø	ø	ø
BC	ø	ø	BC

σ_A=AB	ø	σ_C AC	BC
ø	ø	ø	ø
σ_B AB	AB	AB	AB
BC	ø	ø	BC

σ_A=AC	ø	σ_C AC	BC
ø	ø	AC	ø
σ_B AB	ø	AC	ø
BC	ø	AC	BC

The conditions required for various alliance formations to be strong equilibria.
(AB) alliance, $U_A((AB),\theta(s^*(AB))) \geq U_A((\varnothing),\theta(s^*(\varnothing)))$, $U_B((AB),\theta(s^*(AB))) \geq U_B((\varnothing),\theta(s^*(\varnothing)))$, $[U_A((AB),\theta(s^*(AB))) \geq U_A((AC),\theta(s^*(AC)))$ or $U_C((AB),\theta(s^*(AB))) \geq U_C((AC),\theta(s^*(AC)))]$ and $[U_B((AB),\theta(s^*(AB))) \geq U_B((BC),\theta(s^*(BC)))$ or $U_C((AB),\theta(s^*(AB))) \geq U_C((BC),\theta(s^*(BC)))]$. **(AC) alliance**, $U_A((AC),\theta(s^*(AC))) \geq U_A((\varnothing)),\theta(s^*(\varnothing))$, $U_C((AC),\theta(s^*(AC))) \geq U_C((\varnothing)),\theta(s^*(\varnothing))$, $[U_A((AC),\theta(s^*(AC))) \geq U_A((AB),\theta(s^*(AB)))$ or $U_B((AB),\theta(s^*(AB))) \geq U_B((AB),\theta(s^*(AB)))]$ and $[U_B((AC),\theta(s^*(AC))) \geq U_B((BC),\theta(s^*(BC)))$ or $U_C((AC),\theta(s^*(AC))) \geq U_C((BC),\theta(s^*(BC)))]$. **(BC) alliance**, $U_B((BC),\theta(s^*(BC))) \geq U_B((\varnothing)),\theta(s^*(\varnothing))$, $U_C((BC),\theta(s^*(BC))) \geq U_C((\varnothing)),\theta(s^*(\varnothing))$, $[U_A((BC),\theta(s^*(BC))) \geq U_A((AB),\theta(s^*(AB)))$ or $U_B((BC),\theta(s^*(BC))) \geq U_B((AB),\theta(s^*(AB)))]$ and $[U_A((BC),\theta(s^*(BC))) \geq U_A((AC),\theta(s^*(AC)))$ or $U_C((BC),\theta(s^*(BC))) \geq U_C((AC),\theta(s^*(AC)))]$.

1. Generally, the tangible goods could be land, capital, access to limited resources or the ocean. The concept need not be limited to tangible goods. For example, these resources maybe relative position in the hierarchy in power transition theories [Organski and Kugler 1980], or advantageous trade positions.

2. Bueno de Mesquita and Lalman use a similar set of costs associated with violence in their international interactions game [1992 p.40-46]. I refer those interested in a more detailed explanation to their discussion.

3. I have assumed that the alliance of the whole, (ABC) is equivalent to an alliance of no-one. Since alliances are created that are opposed to at least one nation then in a three nation model there are only bilateral alliances.

4. Nations will generically have induced strict preference over actions and therefore mixed strategies have not been considered. Given this we assume that if nations are indifferent between actions they move towards the lower indexed terminal nodes. Thus we assume that the SPE described is unique which is generically true.

5. Although this modelling style appears to predict that coalitions win everything or lose everything we do not insist that this is the case. War can result in numerous distributions of resources. What is important is that the expected utility summed over all the possible resource distributions equals the expected utility of either winning all or losing all.

6. The only exception to this is when s_c=A and $U_a((\bullet),\#4) \geq U_a((\bullet),\#5)$.

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Figure 1:

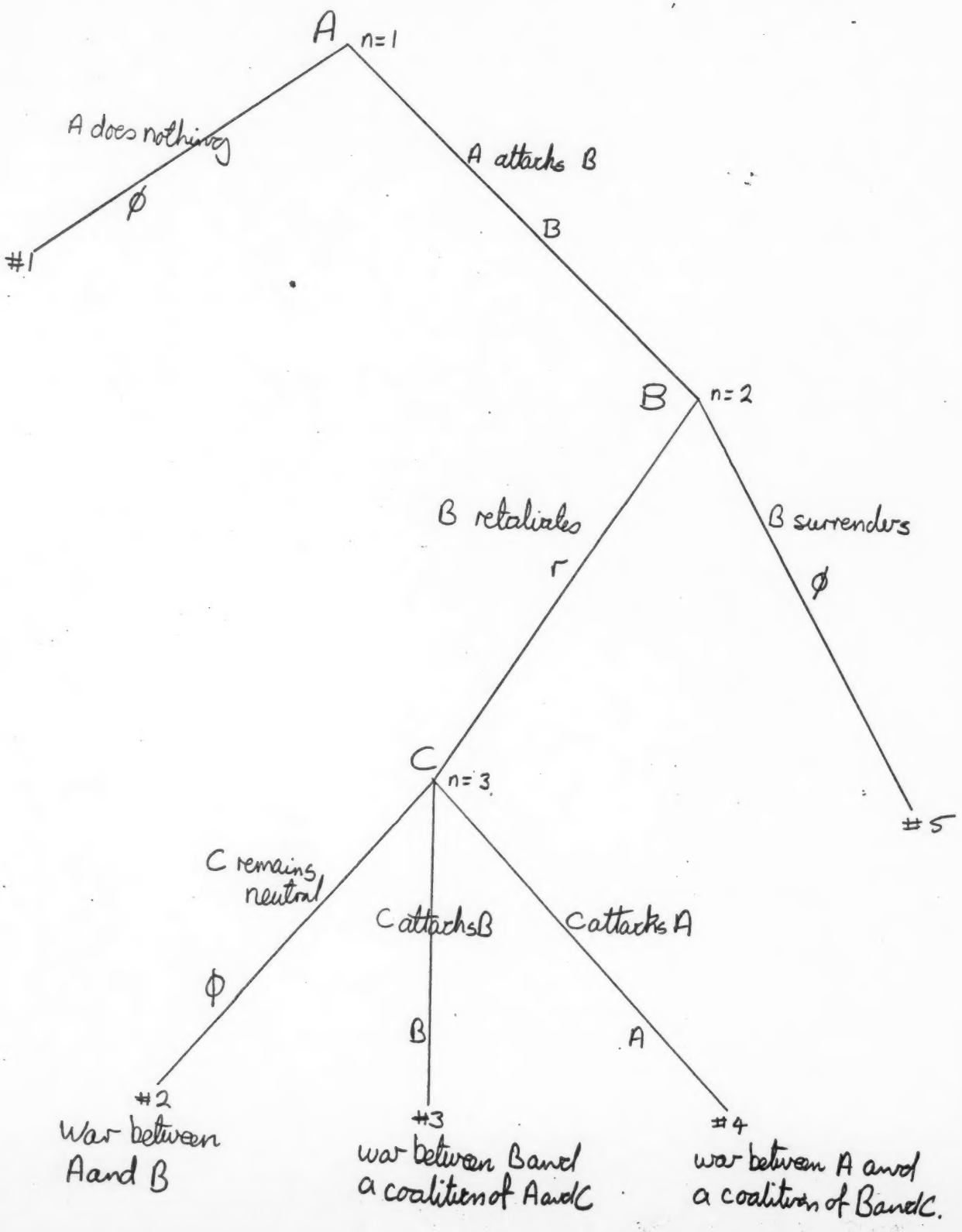

A
n=1
A does nothing
ϕ
#1
A attacks B
B
B
n=2
B retaliates
r
B surrenders
ϕ
#5
C
n=3
C remains neutral
ϕ
#2
War between A and B
C attacks B
B
#3
war between B and a coalition of A and C
C attacks A
A
#4
war between A and a coalition of B and C.

Figure 2. Outcomes of the conflict subgame for various alliance states plotted distribution of resources. These diagrams were calculated using the following parameters: $f_i(\cdot) = 0.05$, $e_a(AB) = e_c(AC) = 0.35$, $h_c(AC) = h_c(BC) = 0.25$, $i_A(AC) = i_B(BC) = 0.10$, $g_A(AC) = g_B(BC) = 0.05$, $w_A = w_B = w_c$, $wa_i = 0.25$ and $Z_i = 0.1$.

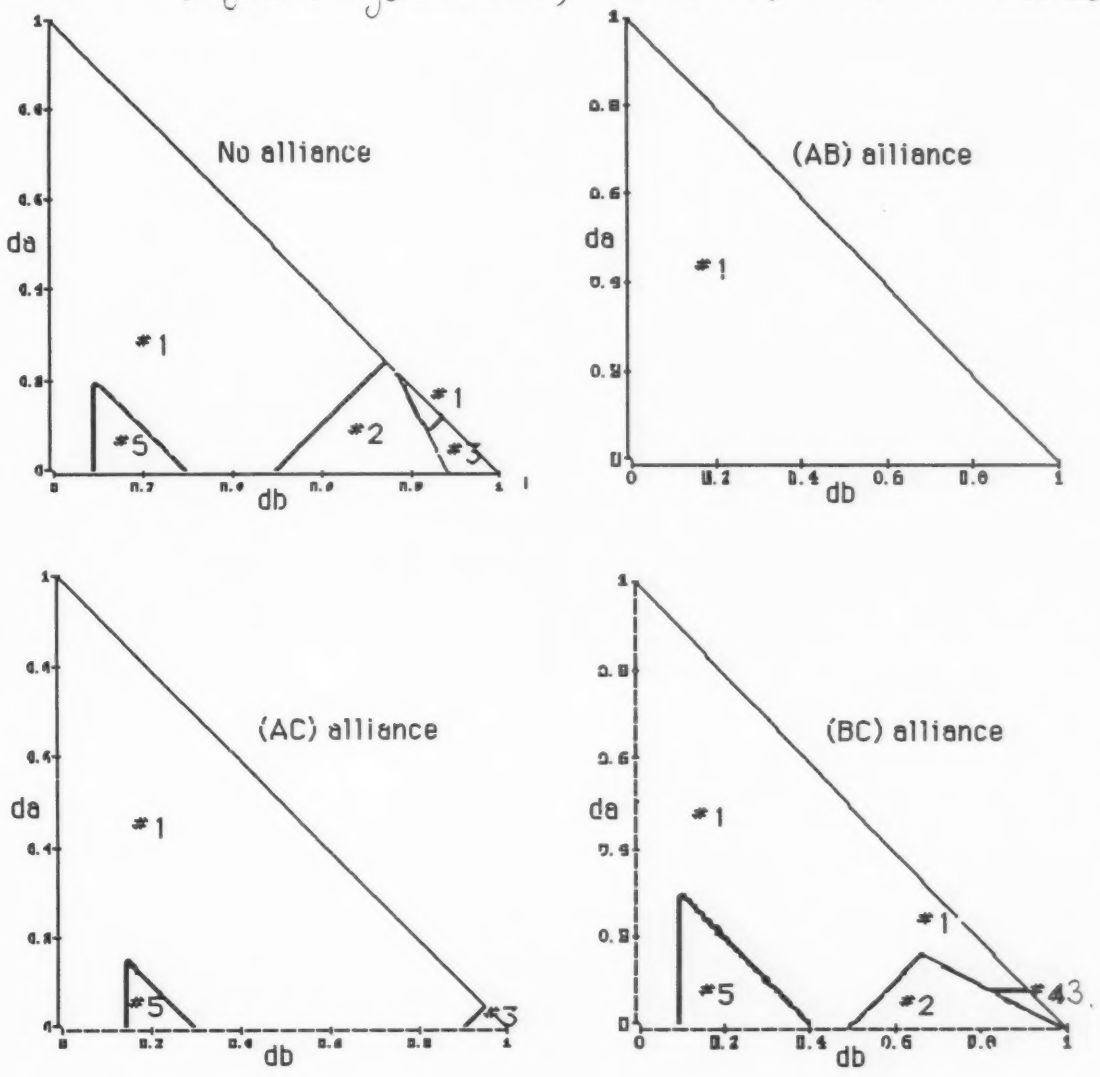
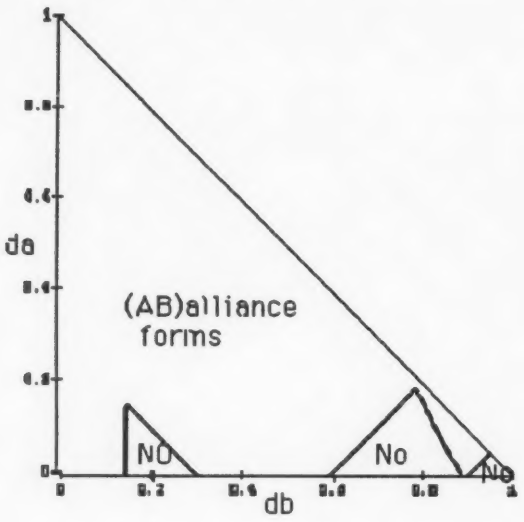
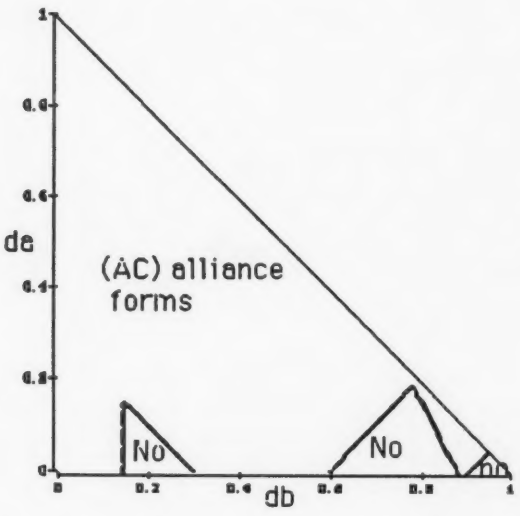
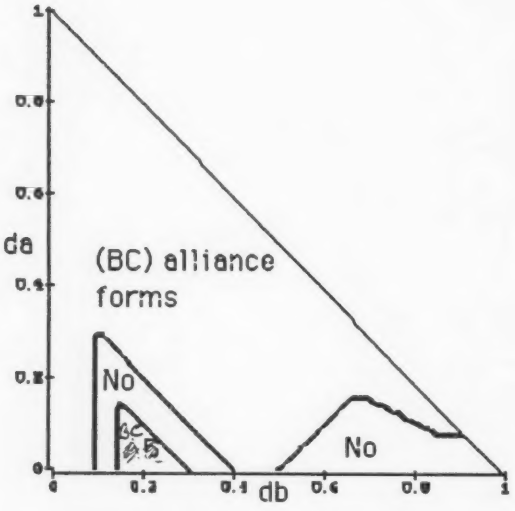


Figure 3 The results of the alliance formation game, showing under which distributions of resources the various alliances can be formed.







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PROLEGAMENA TO A POST-MODERN ENVIRONMENTAL ETHIC

Gregory Bruce Smith
The American University

- I -

Non imperium in imperio asserted Spinoza. But modernity substantially ignored that sentiment and set about carving out a human kingdom within the natural whole--indeed a human kingdom that was increasingly conceptualized as opposed to Nature as its "Other." We late moderns are left with the ramifications of that decision. At the heart of those ramifications are the issues that we address under the rough and ready rubric "environmentalism." But the central and unavoidable questions are philosophical. For example: "What should be the relation between man and the rest of the natural whole"? Only under the hegemony of a decidedly post-Kantian manifestation of modernity could it be thought irrelevant to link that question with its inevitable adjunct: "What is the relation between the human world and the rest of the natural whole"? But these are difficult questions for us to pose with clarity let alone answer. I will not presume to do so here as I have set myself a more modest propaedeutic task.

The possibility of clarity is even further complicated by the fact that almost all core philosophical questions have in the late modern world become almost hopelessly politicized. This very modern phenomenon is related to the issues we try to confront under the rubric "environmentalism." We have arrived at a point where it is fashionable to assert that the distinction between philosophy and politics, thought and action, is a meaningless one. The upshot is that we are encouraged to pick sides and join the fray: a choice which cannot avoid becoming a primarily aesthetic one--i.e., am I more "comfortable" with the crowd on the "right" or the "left." I will argue that the politicization of "envi-

ronmentalism" has had a significant effect in making the questions and issues that need to be addressed incapable of being clearly stated let alone "solved," should there turn out to be a "problem(s)." The real issues are ultimately philosophical. They involve questions like the relation between Identity and Difference, the difference between the human and the non-human, the relation between the human and the non-human, and even such seemingly pedestrian questions as what is a "fact" or a "thing," to say nothing of a "value." The pedestrian veneer peels away immediately as soon as we are determined to think rather than merely assert.

It is necessary to begin by stating the obvious: "Environmentalism" is a thoroughly modern phenomenon of recent origin. Furthermore, if one looks at the center of gravity of the present phenomenon "environmentalism," it is a phenomenon of the modern left. But this advances our understanding very little as terms like "right" and "left" have become increasingly meaningless in our time. How could it be otherwise for terms born during the fight for and against throne and alter and then deflected for use in the increasingly anachronistic confrontation between bourgeoisie and proletariat. We are left with the confusing spectacle of a "right" (a.k.a. conservatives) which at times mindlessly commits itself to the benignity of various "invisible hands"--a maneuver intellectually indistinguishable from the environmentalist faith in things like a "balance of nature" in the non-human arena. This abdication on the part of reason can eventuate in nothing but a growing autonomy for the juggernaut born of the convergence of commerce and modern technology, which in turn can lead to nothing but a constant revolutionizing of existence in a way that makes talk about "conserving" utterly meaningless whether we are talking about human traditions or that conceptual nightmare, an "ecosystem."

Opposed to this we have a "left" (a.k.a. liberals) which simultaneously advances the preservation of non-human ecosystems free from intrusion (frequently under the banner of defending natural "Difference," a.k.a. "biodiversity"), which simultaneously pursues the total destruction of all human customs and traditions as hopelessly sullied by this-centrism and that-phobia. This undertaking is almost always conjoined with an intrusion into the human ecosystems of birth and death, war and peace, plenty and famine, intellect and folly, joy and sorrow, striving and rest, and so on, that is

without any regard for natural limits or natural differences among individuals. Instead of such respect, we are encouraged to a pursue the actualization of a formless, contentless, universal self. The opposite side of this coin is the wish that "humans" recover the simple, ahistorical, unselfconscious existence of the animals--a.k.a. "deep ecology"[1]--on the assumption we will then be kinder and gentler to the environment. And all of this usually in the service of an enforced egalitarianism that can have no other outcome than the reduction of humanity to a suffocating, soporific, painless, passionless "Identity."

In what follows we cannot hope to resolve the issue of the increasing politicization of all human activity in the late modern world any more than we will bring final clarity to the fundamental question of the proper relation between humanity and the rest of the natural whole of which we are a part. But those are the kind of root questions that we would need clarity about before we could begin to seriously grapple with the issues posed by "environmentalism." Before that will be possible we require a step back and reflection upon all manner of prior issues. It is such a propaedeutic that I wish to offer. In so doing, I will argue that the "problem of environmentalism" is a fundamentally modern problem, and it cannot be confronted let alone solved by the application of modern ideas.

In what follows I will simply assert that the "problem of environmentalism" is identical to the problem of modernity; its solution lies beyond modernity. I will argue that that "beyond" is to be found in postmodernity not pre modernity in any of its manifestations. But I will differentiate what I mean by postmodernity from what is customarily discussed under the rubric postmodernism which is primarily a late, all too modern, phenomenon. Finally, I will assert that at the deepest level the problem of modernity is a philosophical problem. Hence one must try to grasp what is at the philosophical heart and soul of modernity--a much discussed and greatly vexed question.

I have used the ambiguous term "environmentalism" a number of times, as well as the phrase "the problem of environmentalism." I cannot here try to clarify the multiple uses of the term environmentalism.[2] Nor can I pause to show how simultaneously ambiguous and all-encompassing it frequently is in contemporary usage. I have italicized environmentalism to point to its multiplicity of meanings. For my purposes, environmentalism stands for an ensemble of ideas--not to be confused

with conservationism--which while manifesting some at least surface diversity, nevertheless--with certain exceptions--show a surprising underlying uniformity. For my purposes "environmentalism" also stands for a series of concrete policy issues that confront late modern humanity; some global, some local; some profoundly thought-provoking, many the product of a consciously constructed canard on the part of various self-appointed prophets who desire others to help them mount various ideological wish-horses--the rest of us are the horses they wish to saddle and ride.

As regards the concrete issues, the list has become familiar: It includes everything from overpopulation, possible and actual extinction of species, dwindling natural resources, destruction of wilderness areas necessary for everything from the production of oxygen to being the incubators of genetic diversity, pollution, growing problems with waste disposal to global warming and ozone depletion. I by no means wish to downplay or summarily dismiss these issues, but they will not be the focus of my remarks in what follows. I would argue that some are more substantial and intractable than others; several the product of a hyperbolic mode of speech that uses them as entering wedges for a primarily moral and political agenda. This distinction is clear to most observers. Since my point is that clarity on these issues requires that we step out of the modern perspective in which we presently confront them, I will step back from the important concrete discussion(s) to consider prior theoretical issues.

Environmentalism understood as a constellation of ideas is what will occupy my attention in what follows although it is not my intention to offer anything resembling a typology of the intellectual landscape. I will at present leave matters at looking at environmentalism as an ensemble of ideas. Again, it should not be controversial to note that environmentalism as a contemporary ensemble of ideas--focusing where there seems to be the most contemporary heat and energy--is a phenomenon of the political and moral left. As such it is altogether modern and shares a variety of modern premises. We may leave contemporary conservatives out of the present discussion as they have paradoxically yielded the field to their rivals. The fact that "environmentalism" has fallen to one side of the contemporary spectrum has, I believe, had a lot to do with why it has had less success than it might have and occasioned knee-jerk opposition where it need not have.

Finally, while various conservationist movements have roots going back at least into the last century, "environmentalism" as I am using the term is a phenomenon that can be traced back no further than the 1960's. It owes a great deal to the intellectual constellation of ideas known as the New Left, as can be seen from its almost universal commitment to egalitarianism (of a particular, modern, metaphysical variety), faith in the local and praise of participation, critique of modern liberal culture, belief in social and political experimentation and faith in the efficacy of transcending almost all manifestations of Tradition and natural difference. Needless to say, contemporary environmentalism has gone beyond its beginnings. Its instincts, however, remain clear in its repeated attempts to harness for use everything from Critical Theory to Marxism, Neomarxism, Socialism, Feminism, Anarchism, etc. But these are all modern phenomenon, and with these tools environmentalism will never escape the confining grip of the modern.

- II -

This leaves us to deal with the much vexed question of the meaning of modernity. At present I am not interested in the question of what modernity owes to pre-modernity nor whether or not it is "legitimate."[3] I am prepared to admit that modernity did not arise in a vacuum and it did not create the questions on which it "cut its teeth" ex nihilo. But modernity does represent a novel set of sentiments and a novel way of approaching the issue of the human good and of the relation between the human and the non-human. I believe that novelty can be articulated in a fairly clear fashion. While it will not be possible to go beyond a few general observations, that will suffice for present purposes.[4]

I accept the conventional wisdom that modern philosophy begins with Descartes and modern political philosophy begins with Machiavelli. They share the central philosophical instincts that are distinctively modern. They, and other proto-modern authors, share the self-understanding that they are making a conscious break with past thought and reality and that this is required to actualize the human good.[5] In every case, the archimedean point for this rejection of the past is a self-legislating, self-grounding conception of Reason. In Machiavelli's thought this is deployed in the service of the "Conquest of Chance."

According to Machiavelli, humanity remains in the clutches of Chance whenever it is not

ruled by consciously constructed "modes and orders." Hence the traditional world of the past must be replaced by a consciously projected world. It is necessary to quit the relatively small, homogeneous communities ruled by custom which Aristotle had praised and which Machiavelli admits are "natural."[6] One can become master in a consciously constructed kingdom--consciously constructed by "theorists" like Machiavelli who manipulate "new" princes, and eventual see to it that they become obsolete.

What one sees in Machiavelli is the beginning of modernity's distinctive anti-nature animus. The natural condition, here understood as Chance, is at odds with human well being. Through a conscious application of Reason one constructs an artificial arena that is allegedly superior in producing human well-being. Reason is also transformed into a manifestation of Will, no longer to be confused with pre-modern contemplation. And hence in Machiavelli we already see the first manifestation of the altogether modern dichotomy Reason (conceived as Will)/Nature(here conceived as Chance, later as Necessity). Reason is a tool used to stand outside the rest of nature.[7] The natural world is presented as if it is something that can be conceptualized as a whole despite the expulsion of one of its parts; i.e., man. Finally, with Machiavelli we see the emergence modern relation to temporality. The past is delegitimized. The present is put in the service of a transition to the future. From the very beginning, modern humanity has been "on the way." And hence from the beginning modern man has been expelled from the present. I will argue that only by again learning to live in the present will we be able to confront the problem(s) posed by environmentalism.

While Machiavelli's transition to a transformed and better human future required primarily a political program, Descartes sounds one of the first overt notes of the modern longing for the sublimation, indeed extirpation, of the political.[8] For Descartes, political competition is primarily conditioned by natural scarcity and human fear of death. Transcend those natural limitations and what passes for the political might no longer be needed. What is required is a new science not a new political science. To ultimately transcend natural limits one must first engage in the famous Cartesian suspension of belief in tradition, common sense, the data of the senses. In short, one must bracket everything which in the past passed for knowledge. Once again the past is delegitimized. But this

time the entire world as it appears for us in everyday life is delegitimized as well. Modernity never accomplishes a rapproachment with the world as it appears; indeed, as time passes it radicalizes the rift between the world of appearance and the one that is posited as the "real" world.

The empty, unencumbered self-consciousness of the abstract Cartesean ego becomes the abode of Reason; a Reason whose end is the manipulation and domination of Nature for the sake of overcoming natural limits so that we may become "masters and possessors of nature." The ahistorical, traditionless, worldless self dictates what will count as Being--via the projection of "clear and distinct" ideas as the ultimate substratum. Reality becomes a creation of the mind understood as self-projecting, self-legislating, self-grounding Will. Reality is posited by a great legislator, just as the new modes and orders would come to rest on Machiavellian "advisors" to new princes. As with Machiavelli, one sees in Descartes the elitism of the master theorist--the existence of subaltern theorists should not divert the gaze from the grand paradigm setter. Once again, one sees the modern instinct that conceives of Nature as it appears in itself as is an arena hostile to human well-being. Only an autonomous, disencumbered Reason can be the ground of human well-being. In Descartes's thought we see modernity's anti-nature animus and transformation of Reason into Will conjoined with the roots of the very modern longing for the abolition of the political--eventually consummated in the "withering away of the state."

The same fundamental principles resurface in the poetry of the State of Nature theorists who bring proto-modernity to its culmination. Again the natural state is seen as inimical to human well-being. Reason discovers laws that allow us to quit that state. In Hobbes's version, Reason is a trained capacity (presupposing primarily a shared method) for deducing what follows from definitions or names. Reason rests, therefore, on the legislative efforts of the name-giver or definition positor like Hobbes. Armed with laws of Reason so derived, we leave the natural state behind and launch a progressive transition toward the creation of a human world outside the larger natural whole. Once again, Reason is Nature's Other, the tool for the great escape from Nature.

With Hobbes we also see modernity's egalitarian bias emerge with singular clarity. In Hobbes's case, this egalitarianism is purchased through an assault on natural difference. Various types of

human beings must simply be suppressed. For example, the laws of Reason tell us that the natural love of honor--a manifestation of which, we are told, occurs even in laughter--must be sublimated if the human good--understood as involving the universal search for peace, comfort, considerable material consumption, and a relatively predictable existence--are to be ensured. Once again, to accomplish this an historically and naturally unencumbered Reason constructs its point of departure; obviously the point of departure carries with it the final destination. The whole enterprise is circular from the very beginning. Modern egalitarianism is purchased at the price of a radically disencumbered, abstract self completely alienated from Nature and natural Difference. Put another way, deep within the interstices of modernity is what Nietzsche would later call the "Spirit of Revenge," a subject to which I will return below. The Spirit of Revenge is at the very heart of the "problem of environmentalism."

With Hobbes we see with full clarity the hypothetical nature of the modern deployment of Reason. For example, Hobbes makes clear that his definitions or names do not correspond necessarily with anything in the natural world, i.e., the realm of appearance as it presents itself. True and false are related to speeches not things; they are as artificial as Hobbes's polity. Further, the possibility of the greatest good--peace, predictability and material progress--requires that Reason impose the same artificial whole everywhere--and that means universally. Hobbes purchases the human good, as he sees it, at the price of a dogmatic universalism--only one morality and one set of political arrangements are desirable everywhere and always. This dogmatic universalism rules throughout all later modern thought until Nietzsche.

Locke transforms, but in no way transcends, the proto-modern sentiment. In a way Locke radicalizes modernity's anti-Nature animus. For Locke, Nature is fundamentally valueless. Human transforming labor is the source of all value. We must produce our existence; Nature does not bestow well-being, or even survival, as a birthright. Nature is the valueless arena of harshness and scarcity. We must carve out a human arena with our labor. Nature has no independent dignity, it is for the support of man, an understanding shared completely by Marx. Marx merely added that as the "objectivizing," "outering" process of labor proceeds, alienation occurs--although Marx's version of

alienation requires a twist derived from Kant; it is "self"-alienation that is the primary problem, not alienation from "external" Nature which for Marx is all to the good. For both Locke and Marx, the production of the human good becomes primarily a technical problem, not a phenomenon of healthy praxis in the traditional sense or appropriate moral perfection. Both Locke and Marx presuppose the unleashing of an unlimited transforming technology.

With Locke, the proto-modern understanding reaches completion. The human good requires the escape from Nature. Nature is neither "balanced" in a way fruitful to man nor the basis of "value." Nature is not an ordered whole which supports the human good hence it must be transcended by Reason. Reason qua Will imposes its laws on Nature and thereby launches an endless pursuit of material progress, and an ongoing expulsion from the present which rejects the past and the present as they appear for all.

Proto-modernity was deflected by thinkers like Rousseau and Kant onto a different but still altogether consistently modern path. For example, while Rousseau rejected the bourgeoisification of modern man by proto-modernity, his critique of proto-modernity continues to use altogether modern tools in a thoroughly modern way. The path onto which proto-modernity is deflected by Rousseau is in the direction of "metaphysical freedom," an idea which in one permutation or another underlies almost all contemporary thought, including most environmentalist thought.

For Rousseau, man is metaphysically free because he is the one animal with almost no instinctive Nature. What man is is what he has become by imitation as well as at the hands of various historical accidents--and according to Rousseau all of prior history is an accident. Rousseau's insight was that if man can change over time, that process of change can be consciously shaped and hence all past accidents can give way to an artifact that is entirely the product of human Will--the Will, of course, of individuals like Rousseau. Rousseau is explicit that one of the ways to do that is to try to induce new forms of behavior and belief on the basis of hypothetically constructed histories--or as is now more fashionable, "narratives" (albeit contemporaries know we must eschew the dreaded "metanarrative"). As Nietzsche would observe, all of life becomes a fable, or more to the point, a competition of fables.

The altogether modern insight of the theorists of metaphysical freedom is that the truly human is not to be found in natural difference, but is based on self-legislating self-consciousness. The truly human is to be found only in that arena in which we give laws to ourselves. The natural realm is the realm of Necessity; the human realm is the realm of Freedom where we give laws to ourselves. This is our metaphysical freedom; to be able to stand outside Nature in self-consciousness and give laws to ourselves. Once again, the venue of the "outside" is the empty self-consciousness of a Reason that has been transformed into Will. The modern Reason/Nature split and transformation of reason into Will is given a novel twist in Rousseau such that the genuinely "human" good rests on moral and political progress rather that primarily technical progress. Nonetheless, it is clear that Rousseau in no way dismissed the discoveries of modern philosophy, he simply wanted them to remain the domain of a few rather that be publicly disseminated.

The idea of metaphysical freedom ran the risk of devolving into nihilism from the very beginning. Rousseau makes it clear that the primary Will at stake in proving our freedom was that of the theorist and "legislator" like Rousseau who posits the hypothetical history that would be instrumental in reshaping humanity and founding new nations. What lurks here is a potential battle of theorist titans to recreate humanity in their own image. Who is to say which titan is correct? The only limits to the potential free for all that Rousseau offers is the "General will." Subordination to a shared, national Volkgeist is the limit Rousseau offers for the seemingly unlimited tool he has unleashed. What simultaneously supports and limits Reason qua Will is public myth.

This was clearly unsatisfactory, as well as too politically demanding for most. Metaphysical freedom had to be made more palatable to the increasingly bourgeois tastes, egalitarian, hedonist sentiments and universalistic tendencies latent in modernity. In that light, Kant's work was a tour de force (albeit Kant himself would have desired a sterner morality than was his ultimate effect). Reason's self-grounding self-legislating status now becomes completely clear. Reason qua Will dictates what will be Nature for us. We simultaneously eschew the attempt to know the "thing-in-itself." We simply accept that we cannot grasp the world of Nature except qua Necessity, but that does not prove that Nature is in reality in the grips of Necessity rather than constant Becoming, or simple

Chance and indeterminacy. We will allow ourselves to "view" Nature in only one way; but thereby we may act as-if we were free beings because we cannot prove anything about the ineffable thing-in-itself. However, we can prove to ourselves that an act is free only if we can show that it is not a response to natural inclination. The only way to do that is will universal moral laws, universally applicable without regard to natural determinations based on the place we inhabit, climate, human diversity, etc. The realm of Freedom is in principal the negation of the realm of Necessity. We lay down the law to ourselves and Nature. The price paid for this maneuver is that both the natural realm of appearance and the human realm of values lose ontological foundations. They are both posited by Reason qua Will. And once again, we are delivered over to a dogmatic universalism.

If we are successful in deploying Reason in this fashion we will come to live in a human realm outside the natural whole. The concrete ramifications for which we may then hope are, perpetual peace consummated on a bed of universal, cosmopolitan, egalitarian, commercial republicanism made possible by modern science and technology, i.e., the modern longing in a nutshell.

Kant was not the end of modernity to date, but nothing simultaneously novel and thoroughly modern have announced themselves since. Hegel tried to give ontological credibility to the transforming march of Will through History. Marx tried to rethink the means to metaphysical freedom for all. Nietzsche stripped the Will of the need to will the universal. Now one could openly and with a good conscience create of man and the world anything one wanted in an unlimited exercise of the creative Will-to-Power. In the process, History ceased for Nietzsche to be progressive or meaningful, and human existence was delivered back to the contingency Machiavelli and Descartes set out to master. Heidegger stripped the Will of the possibility of self-consciousness and left us with the reign of a contingency and fate we could no longer master at all. In the process the way was paved for the anti-foundationalism and praise of blind "difference" of postmodernism. Modernity seems to have circled back on itself; it is unclear that there are any more modern moves to play in this game. Inadequate as this sketch is, we can stop here and consider the picture complete for our purposes.

- III -

Having delineated modernity in the fashion that I have, what would deserve to be called

genuinely postmodern? The genuinely postmodern alternative would have to be beyond metaphysical freedom. It would have to position itself beyond modernity's anti-nature animus. It would have to be beyond the glorification of rationality as autonomous, unencumbered self-legislating Will qua Nature's Other. Postmodernity would have to open itself to accepting the present which, I will argue shortly, will require emancipation from what Nietzsche called the Spirit of Revenge against "time and its 'it was.'" In short, postmodernity would have to quit the priority of the future which holds throughout modernity and which leaves us always in transition and thereby without a present. Postmodernity would have to open itself to the spontaneous occurring of natural difference in all its manifestations--although this need not imply a blind immersion in or total acceptance of all efficient causality. And it would have to find for itself a place to stand other than the gravity-defying mid-air tightrope of modern, self-legislating Reason. Finally, it would have to find a way to grasp the whole as a whole of which humanity is a part, although that whole need not be a completely ordered whole.

I will try to flesh out these intimations shortly, but it should be noted that the characteristics of the genuinely postmodern to which I have pointed have little in common with what customarily asserts itself under the rubric postmodernism. My understanding implies a distinction between postmodern and postmodernism.[9]

Postmodernism as it is associated with such names as Rorty, Derrida, Foucault, Vattimo, Lyotard, et al, and as used in conjunction with discussions in architecture, the social sciences, art, cultural criticism, etc is a decidedly post-Enlightenment, late- modern phenomenon. It rejects the possibility of the self-conscious, self-grounding, self-legislating self of modern thought. Hence given that there is no self-conscious ego--and no static Other either--it is impossible to posit the possibility of a linear, unidirectional motion for human History. Therefore, the central modern idea of Progress must be jettisoned as a chimerical idea as well as a policy goal.

Throughout postmodernism we hear the assertion (on postmodernist grounds what could count as a "proof"?) that reality is not fixed or static; it is asserted that it is evanescent, constantly changing, unknowable. This is true of both knower and know, "subject" and "object." As with metaphysical freedom, postmodernist reject the notion that man has a "nature," Nature itself does not

have a "nature." Reality, human and non-human, are constituted by our attempts to use, describe and understand what is. Indeed the traditional concept of Nature--that which is self-presenting rather than dependent on man--is jettisoned. In Derrida's version of the argument, all of reality is a text, constantly rewritten in the very act of reading. Consequently nothing in reality is entirely present--as with texts as conventionally understood, what is in the "margins" and between the lines carries meaning as much as the words. And a web of words is all that is ever present for us no matter how frequently we delude ourselves on this topic. All we are ever confronted with is "traces" of an absent source or foundation. Those traces continually reconstitute themselves.

Since reality is not fixed, it is a mistake to believe we can consciously or "rationally" control it. The modern dream of control slips away. With it any worries about closure or the "End of History" can be dismissed without being confronted. Life exists primarily on a surface that constantly reconstructs itself in unpredictable ways. There is no source or foundation, presence is determined by absence. When anything begins to rigidify in reality it is the duty of the deconstructionist to step forward and take it apart so that it can no longer be an object of attachment. Such attachment is allegedly the cause of all manner of evils. For the postmodernist this deconstructing must be constant, hence it never points toward reconstruction. What is needed is an urbane appreciation of "Difference" even though all difference is entirely contingent. Nonetheless, the flux of contingency is seen as central to the human good. How one knows this is unclear.

All of reality dissolves into an endless, arbitrary, contingent play of differences that occupy a surface beneath which there is nothing. It is entirely predictable that this understanding be conjoined with an attitude of irony; it is hard to see how it could possibly produce anything but an ironic relation to life. But with that irony usually comes cynicism as well. We bide our time, jaded and indifferent, the perfect citizens of the post-historical age in which we know that nothing is worthy of passion or commitment. It is not clear to me how one could construct a useful environmental ethic from this stance (except by sneaking in back door altogether modern commitments to which postmodernists are not entitled, as happens all too often in this literature).

Postmodern<u>ism</u> is an altogether consistent extension of modernity. It is the kind of under-

standing that presupposes that natural limits have been pushed back and that natural scarcity is not accepted as an inevitable given. Such an understanding presupposes a world where human labor has been successful in supplanting the natural realm of appearance. It also presupposes that human labor has been stripped of any rhyme or reason other than ongoing transformation. The entire ensemble of postmodern commitments from antifoundationalism to an-archic pluralism not only presuppose the liberal bourgeois world but represent the coming together of Marx's longed for "withering away of the state" and Nietzsche's understanding that all of life is interpretation (which is nothing but an extension of the modern understanding that we can know only what we make). The modern anti-nature animus is carried to a new peak--there is no "natural" foundation or source. There is nothing genuinely postmodern here. It is only the shortest of steps from proto-modernity's faith in the malleability and manipulability of nature, and metaphysical freedom's positing the non-existence or moral irrelevance of nature in man, to the evanesce of a world of traces.

The genuinely postmodern must construct a new relation to Nature that sees it as substantial, self-presenting, self-subsisting. This need not be a picture that is static, but it must take the realm of appearance seriously. And confronting the legitimate problems that come under the rubric environmentalism requires not that we continually deconstruct everything that presents itself but that we step back and allow something to congeal that will provide the basis of cross-generational perseverance.

- IV -

Where may we look to find the first notes out of which we might fashion a genuinely postmodern overture? To my mind the most promising elements are to be found in the work of Nietzsche and Heidegger. I would be the first to admit that both thinkers remain primarily within the orbit of modern thinking. For example, the priority Nietzsche puts on the Will-to-Will is modernity carried to a logical if frightening conclusion. But each author also articulates elements that introduce genuinely postmodern possibilities. I will focus on those elements, knowing the danger involved in abstracting them form the whole.

The postmodern elements in Nietzsche's thought are found in the central doctrine of the

"eternal recurrence of the same" and its linkage with the analysis of the Spirit of Revenge. The Heideggerian addition to and emendation of this analysis is to be found in the discussion of Being as physis, the discussion of "The Age of the World View," the discussions of the poetic revelation of reality, and the discussion of Gelassenheit.

Nietzsche presents us with the problem that on one level he simply carries the modern longing to its most extreme manifestation. In Nietzsche's thought the modern transformation of Reason into Will is raised to such a power that all of Being becomes Will-to-Power and man is justified in imposing his unlimited will on the rest of the world--human and non-human. Further, Nietzsche merely wills the inversion of the modern priority of the "human" over the instinctive animal in us, self-consciousness over consciousness, the realm of appearance over the true or ideal realm, and so on. But in the doctrine of the "eternal recurrence," which he asserted was his central and highest thought Nietzsche provides an opening to the postmodern

The doctrine of the eternal recurrence has been ignored by many scholars, or reduced to the banality of the understanding that as a fact of reality everything repeats. But Nietzsche intended it as a metaphor for a new relation to reality. The eternal recurrence is not presented as a metaphysical given, it has to be willed. Nietzsche's Zarathustra says of the eternal recurrence that it should be seen as our "last will." By that he did not mean our last will and testament, but that we should will the cessation of willing; that we should cease to operate in the realm of and under the hegemony of the Will. What this pointed to for Nietzsche was the "reintegration of man into nature."[10]

For Nietzsche, in perfectly Rousseauian fashion, all of past human history had been an accident. Nietzsche asserts that this becomes the ground of great distress--something eludes the Will. Since the present is a product of the past, man rebels against the present as well. He will not accept anything that is not the product of the human Will. The greatest affront to the will is "time and its 'it was'": i.e. that over which the Will can have no control. There is only solution to the problem, will that the past transpired precisely as we would have willed it. Then the past will cease to be the object of our anger and resentment. To prove that the past is just as we would have willed it, we must will that the future be a repetition of the past. In more concrete terms, we must will the return of the

hegemony of Nature qua instinct over the direction of the self-conscious ego. We must will that the abode of truth come to reside in the realm of appearance and not in some "real" or "ideal" realm that is "beyond" or "meta." We must will the overcoming of metaphysical man, and that means will the overcoming of the Realm of Freedom in favor of the hegemony of the Realm of Necessity. In Nietzsche's mind this implies the unleashing of a dialectic of the strong and the weak, of master and slave, of male and female; of nation and nation; in short, the unleashing of natural difference and an acceptance of the spontaneous outcomes that unimpeded interactions will imply. Needless to say, the implications could be harsh, and Nietzsche was by no means squeamish in this regard. Like a good Machiavellian, Nietzsche thought that foundings were always harsh. But upon a harsh foundation a new culture could be erected. That new culture would help humanity avoid the impasse characterized as the victory of the "last man": i.e. the End of History.

Nietzsche also characterized the refusal of the Will to accept time and its it was, as a manifestation of the Spirit of Revenge. For Nietzsche, all of past History, especially as it is conditioned by Christianity and Socratic rationalism, had been sullied by a revengeful relation to reality. Never yet have we been willing to accept reality as it presents itself; to accept that the whole is and must be constructed out of a balance of competing contradictory parts. Hence we have throughout time exacted our revenge against reality. We have been determined to transform the world as it presents itself and bring it in line with the wishes of our Will. In the process we have made life not only ugly, but threatened its cessation.

For Nietzsche, life grows out of a great cosmic clash of opposites. Willfully and revengefully destroying all manner of natural oppositions, clashes and confrontations, we have threatened to destroy life. According to Nietzsche, it is a mere prejudice to believe that the good is caused only by the good, that the beautiful is caused only by the beautiful, and so on. For example, using Nietzsche's understanding of Art, the most magnificent artistic creations are responses to the ugly, the threatening, the frightening. The higher is always born out of a confrontation with the low. Remove the low and you lose the high, the noble, the beautiful. Human greatness is born of facing challenges, overcoming hardships, confronting the base, the low and the frightening. If we revengefully remove all

obstacles humanity is not enhanced--as Hobbes would have it--but diminished to sub-humanity and banality.

To truly affirm life and be freed from the Spirit of Revenge it is necessary to affirm all of life in all of its mysterious, unfathomable diversity. And for Nietzsche that meant that one must affirm life in all its sorrow and joy, beauty and ugliness, strength and weakness, sickness and health, tyranny and magnanimity, and so on. To affirm all of life in a revenge-free fashion is to affirm the eternality of what is and to Will that one would want it no other way, for all of time. Hence one must be freed from the desire for a future that is different from all of the past, a future that rests on a progressive change and transformation of reality that culminates in what Nietzsche designated the "sabbath of all sabbaths." One must eschew the faith in History and Progress and affirm life in its infinite, mysterious, unfathomable circling and recurrence.

To say yes to life, to affirm it in all of its diversity--both the high and the low--is the human equivalent of affirming and nurturing bio-diversity. To be freed from the Spirit of Revenge requires emancipation from the desire to transform the world; and that would include the desire to transform the natural world for the sake of transcending all of the human limitations we refuse to accept. It means transcending the attitude that that the products of our Will are superior to the outcomes that come from the interaction of human diversity. A postmodern environmental ethic will have to be beyond the Spirit of Revenge. But it cannot selectively transcend that spirit. It cannot will that we cease our revengeful assaults on the non-human while we continue it with intensified force against the human.

It is my contention that Heidegger broadens and deepens Nietzsche's analysis of the Spirit of Revenge.[11] But our approach to Heidegger is made difficult by the obfuscations and cant that pass for Heidegger scholarship. Needless to say one must confront Heidegger's flirtation with Nazism.[12] But the real source of obfuscation surrounding Heidegger's thought emanates from the attempt to deflect Heidegger's teaching back onto the modern path--e.g. qua a pluralistic, anti-foundationalist, an-arche-ism in the service of further advancing the revengeful, comfortable self-preservation that sees death as the greatest evil and its avoidance at any cost as the greatest good. Heidegger himself

resolutely opposed the modern in all its manifestations--theoretical, moral and political.

Even when on the surface he overtly parted company with Nietzsche's rhetoric, Heidegger pursued an end similar to Nietzsche's. Heidegger pursued a rapproachment with a world that is self-presenting which we should affirm in all its diversity. It is the postmodern elements in Heidegger's thought--which I believe are substantially shared with Nietzsche--that I will stress. Central to Heidegger's teaching, from "early" to "late," is the discussion of Being. A central ontological intuition reigns throughout Heidegger's thought--Being is conceived as physis. Being is that which sends forth out of concealment into unconcealment while simultaneously holding back something in concealment. In more customary parlance, Being and the realm of appearance are intimately connected. What appears for us is the outer face of Being. But Being never completely reveals itself, and it reveals itself in a succession of different ways that are beyond our control. Heidegger--in a way that deepens the Nietzschean inversion of the real and the apparent--gives ontological grounding to what appears for us, and grounds it on something other than the human, positing Will. For Heidegger, Being is self-presenting and we must open ourselves to it. Unlike the modern understanding where what counts as Being is determined by a projection of our Will, for Heidegger, Being presents itself if we will open ourselves to it; albeit it does not present itself in a static fashion, and it is incapable of being grasped by us in its entirety. Given that Being always retains a concealed and mysterious element, it cannot be controlled and manipulated by us; it must be affirmed in all its mysteriousness.

According to Heidegger, the nihilism that engulfs us is--at least in one permutation of his argument--due to the fact that we have turned away from openness to that which presents itself. We live in the "Age of the World Picture." We impose our view on the world, and as a result we live in a time of competing world views. The world is no longer seen by us as self-presenting. The world has become our picture. Hence it has lost the dignity it has when it is imbued with Being. As a result, both Nature and man have become fundamentally inert and valueless for modern humanity. Man is transformed into a loborer and Nature is transformed into inert matter to be transformed at will and kept "standing by." Hence we feel no qualms about imposing various projects for transformation, manipulation and domination. The Age of the World View as Heidegger presents it, is the ultimate

manifestation of what Nietzsche called the Spirit of Revenge.

Any postmodern environmental ethic must stand beyond the belief that the world presents itself only after we impose our view upon it. We must open ourselves to that which presents itself, while remaining alive to the mystery at the core of all existence that we can never master. If that occurred we would open ourselves to the world as it appears and not try to transform it into what our Will wishes. As Heidegger puts the matter in the "late" discussion Gelassenheit, we must affirm "openness to the mystery," and "openness to things." This is identical to opening ourselves to the diversity that presents itself, while refraining from the revengeful imposition of our Will. And the diversity of Being for Heidegger presents itself in the midst of the same opposition and contradiction that Nietzsche depicts with greater poetic force.

But according to Heidegger, emancipating ourselves from the Age of the World View will be very difficult. In principle this cannot be accomplished by an act of the Will for that simply reproduces the problem. Herein lies Heidegger's deepest criticism of Nietzsche. One cannot transcend the hegemony of the revengeful, positing human Will by an act of Will. Further, we are so determined by the spirit of the revengeful technological world that it is a myth to believe that we can stand beyond or outside it. Everything that surrounds us, including ourselves, is revealed in the modern, revengeful technological fashion. All we can do is step back from willfulness, step back from projecting and positing world views. We must step back from the Will and await a new dispensation of Being, a new revelation of the realm of appearance. The prelude to that possibility requires a step back from willfulness; but we cannot predict when a new dispensation of Being will be forthcoming.

I am perfectly aware that these remarks are schematic, and at best inadequate from a hermeneutic point of view. But they are adequate for the present purpose of sketching the outlines of what I believe would be needed for a genuinely postmodern approach to the issues raised by environmentalism. First, we will have to stand beyond the Spirit of Revenge, beyond the desire to willfully impose our view on the world. Second, we will have to attain an openness to a world that presents itself, in all its diversity both human and non-human. I will close this section with one caveat: What I am discussing need not be confused with a blind and callous attitude that casts us adrift, to be swayed

by every vagrant accident, tyrannized by bullies and solicitous toward ignorance. What is implied is the emancipation of practical wisdom--a self-presenting phenomenon--from the willfulness and hubris of modern, abstract, theoretical Reason.

- V -

Where do these intimations take us in reflecting on environmentalism? They will certainly not take us in the direction of programs for immediate adoption; in fact no policy prescriptions necessarily follow in any fashion. In a significant way, the explosion of policy alternatives--and the general faith that enough clarity already exists to move immediately to projecting more or less grand, consciously constructed transformations of reality, is at the heart of the problem. The belief that we can and should, through an act of Will, impose our world view on reality is the faith the must be reconsidered. What is needed first is a new way of looking at things not a laundry list of prescriptions littered freely with our wish lists. We must accept that reality (qua physis) presents itself and does not demand the prior imposition of our view before we can approach it. Again, this represents a new stance toward reality, but it does not imply that we simply accept every vagrant outcome tossed up by Chance. But we must accept that appearance has solidity and is the abode of truth, ceasing thereby to continually transport truth to some other realm--whether that be some presumed "real" or human statements.

We must get ourselves beyond the attitude that it is not only legitimate but incumbent upon us to impose our Will. This spirit of revenge when directed against the non-human part of the natural whole is what leads to the concrete problem(s) of environmentalism in the first place. As man is part of the natural whole--and not as modernity would have it, a kingdom within a kingdom--this modern Spirit of Revenge cannot help but extend itself to man as well. It is beyond the theoretical hubris of competing revengeful views that an answer lies. With some exceptions, "environmentalism" as we have seen it up to now, is but another manifestation of the Spirit of Revenge which simultaneously argues for forcing man to step back from non-human Nature and allow it an unfettered arena to operate--for example in its "wilderness" manifestation--while projecting all manner of transformative manipulations upon man. First, it is inappropriate--although entirely modern--to view man as

something external to the natural whole. Second, this attitude sketched here almost always stands on a view of nature that is too static, and which fails to appreciate that what man is and does is as important to the ever chaning "balance" of the whole as the actions of a whale or snail darter.

It is almost impossible to find a manifestation of "environmentalism" that does not go hand in hand with a longing for a transformation of modern culture. But this longing for transformation remains altogether consistent with the modern longing. We must come to realize that a culture, in any meaningful, comprehensive sense, is a background phenomenon that loses its function precisely when we disinter it and bring it to the foreground. That is why modern man does not really have a culture, he merely lives eclectically--in the mode of postmodern pastiches and collages--off the cultural capital of the past. Cultures grow out of an indigenous experience of life, shared by a distinct group of people in a distinct place with a distinct history. Having a culture presupposes the exact opposite of being a disencumbered self. The cultural capital which comes to us from the past, while ennobling and invigorating to inspect, cannot be expected to be a living experience for individuals immersed in a present that is entirely different than the ones in which that cultural capital was generated. The ultimate modern longing for the hegemony of the cosmopolitan and the abstract universal destroys the rootedness that makes the "growth" of cultures possible. It is mindless to believe that we can will cultures to suit our tastes or presumed needs and impose them from the top down. They must be lived from the bottom up. It is precisely this possibility that is denied to us at present, and impeded by that modern willfulness that most contemporary environmentalism shares.

We must eschew faith in the totalitarian temptation and the belief that it would be efficacious to <u>impose</u> a new culture, one which, according to our theoretical lights, is more in line with the prospering of the non-human part of Nature. If we are to have a new culture which is not, for example, primarily a consumer culture, we must step back from the willful modern attempts that have transformed humanity into an increasingly uniform herd of laborer-consumers. That outcome is a modern phenomenon and rests on a distinctively modern attempt to suppress and ultimately transform the natural diversity of types of human beings that present themselves when we step back from revengeful attempts at their suppression.

It should be clear that this longed for modern transformation of humanity is the basis upon which we have presumed to be able to actualize the distinctive modern form of egalitarianism based on the abstract universal self. And it is only that self that can presume to engaged in "self-realization" in the modern mode of self-creation rather than self-discovery. We will have to reconsider these ideas--which does not mean we have to jettison all of the concrete outcomes we frequently wish to foster using such concepts as our means. We will also have to reconsider our modern prejudice against Tradition. The Enlightenment prejudice against traditions qua traditions rested on the belief that they are intrinsically bad because they limit self-realization qua self-creation ex nihilo--which rests on the modern longing to denaturalize man in favor of actualizing self-legislating Reason qua Will. But Tradition correctly understood is not reducible to the dead weight of blind oppressive past accidents. It is more closely linked with the distinctive way of doing things of a group in a certain place who have shared experiences over an extended period of trial and error. It is traditions so understood that make possible cross-generational perseverance and a more general concern for the future. It is traditions so understood that makes culture possible.

This argument is not a round about way of legitimizing past traditions, many of which emerged in the premodern world, and which are from an American perspective, on entirely different continents. What is required is that we step back from the modern universalist, dogmatic faith that there is only one correct and just way to do things everywhere. We need to step back and create the conditions under which the kind of positive and frequent interactions among individuals occur that allow such traditions to emerge and take root--e.g., we need to step back from bureaucratic planning. Finally, being beyond past traditions, new postmodern traditions would rest on a shared ethos that binds together old ethnic and racial groups into a new community. The politics of race and ethnicity, when it is dependent on old linkages, is atavistic.

My argument is that we will have to have the courage to step back from the modern longing to will outcomes to allow a postmodern alternative to present itself as it will, free from our revengeful projecting. If we are to unleash the natural from the revengeful theoretical transformations of modernity we cannot do it selectively according to our various priorities and agendas. While precise-

ly what is required is to allow something to emerge and present itself, I think this would occur within certain relatively predictable parameters which I will discuss shortly.

Under the rubric "The Tragedy of the Commons," it has been argued that individualism in an environment of consumerism leads to ruin. Hence it is concluded that individualism must be limited by elite cadres. By this argument, popular sovereignty must likewise be limited, if not jettisoned. The mechanics of these limitations are never made entirely clear, but the specter of self-selected and self-appointed elites is never far from the surface. This specter becomes even more menacing when it is asserted that the primary problems confronting us are global and hence will require global administration beyond the sovereignty of the nation state--again by self-appointed elites (In this regard, the name of Greenpeace in often repeated with almost religious reverence).[13] The prospect of global tyranny conducted in the name of a "Nature" from which man has been expelled should, in my view, cause a synthesis of anger, revulsion and disgust. This is the most dangerous specter of the modern instinct for control which is at the heart of the problems we need to confront.

The need for radical, imposed transformations is assumed to be not only logical and inevitable, but the only available option given that present manifestations of individualism and popular sovereignty will lead to mass universal consumerism, which will in turn make accelerated demands for economic growth, which it is assumed will require the transformation and using up of ever increasing quantums of limited natural resources. It is argued that there is no other way out of the vicious cycle that leads to inevitable ruin than through imposed limitations on freedom and consumption. But there is another, far easier way out, which is consistent with individualism and popular sovereignty which environmentalism never considers because of its modern myopia. Further, the anti-growth bias of environmentalism overlooks possibilities that can quite plausibly allow for economic growth without environmental ruin. And we need not turn to the frequently mentioned palliative of enforced equality of possessions (again implying greater centralized bureaucratic oversight and administration).

If overconsumption is the primary problem, then it is far more plausible to argue that what is needed is to give people something else to love other than consumption, not to forceable constrain

and administer their patterns of consumption. This never dawns on "environmentalism" because it is such a thoroughly modern phenomenon. Modernity was founded on the premise that material progress toward peace and comfortable self-preservation--as the only legitimate ends--together with political progress toward greater equality could only be had if various human inclinations and potentialities were suppressed and morally delegitimized. This is but one manifestation of modernity's reductionist, dogmatic, universalistic tendency. If consumerism is the problem, it is because of the victory of this unitary vision. What is needed is to relegitimize other ends beyond the pursuit of comfortable self-preservation. For example, to wealth could be added, honor, piety, excellence (and there is an entire pantheon of excellences with correspond with the various human capacities and potentialities--e.g., courage, artistic excellence, the pursuit of knowledge, spirited competition, etc.), to name but a few.

Modernity rests on an increasingly more powerful, revengeful attack on natural, human diversity and an attempt to reduce humanity to one universal whole. What we need to do is unleash human diversity. This is not tantamount to accepting a free for all, or a back door entree for neo-Social Darwinism. Human diversity may be balanced by practical wisdom in a variety of ways--but tortured, sublimated and transformed is an entirely different matter. Human diversity is part of biodiversity. Any balance of Nature implies the functioning of all the parts--the human included. Why, for example, is the spirited, honor-loving human being any less important to the whole than the spirited bald eagle? A postmodern environmental ethic would have to wean itself of its inclination to impose a unitary view of the human good in the name of the alleged well-being of the non-human half of the natural whole.

As I mentioned above, a postmodern environmental ethic must also wean itself of seeing the problem of Nature as being a problem regarding the well-being of everything that is not man and not man made. Why is an anthill natural (it is a product of labor not of biological reproduction) while a human temple is not? Why is a fishpond a mini-ecosystem while a human community authentically rooted in a specific indigenous place is not (reflect on the cliff-dwellers of the American Southwest in this regard). Why does the "balance of nature" require one and not the other. More to the point,

why do we begin by considering them different? Because we are still operating under the sway of modern prejudices--most specifically the modern Reason\Nature and Human\Nature dichotomies.

Take as another example of this point, the debate within environmentalism over whether one should adopt an ecocentric or anthropocentric view or orientation toward operative concrete issues and philosophic questions. Never mind for the moment that the issue is frequently adjudicated on the philosophically irrelevant basis of deciding which will be tactically more useful in winning political victories. The primary point is that it makes no sense to choose for the human or for the natural unless they are somehow two. However, there is no choice that needs to be made if they are part of the same whole. This is a false problem that flows through from a modern dichotomy. If Nature is not Nature until the last part is added--the human--then this issue never arises. As yet another example, take the approach known as deep ecology. Seeing the need to integrate man back into nature as a less self-conscious, willful animal with closer ties to natural rhythms once again implies that man is already outside Nature. Why is not man part of Nature precisely by being what he is--a rational, historical, cultural, political animal?

Finally, the issue of stepping back and allowing Nature to reassert its own alleged rhythms makes all manner of assumptions which are also flow throughs from modern conceptualizations. If we assume that if man is constrained to be integrated into Nature as an unselfconscious, ahistorical being like other animal species, it is assumed that a primordial state can reassert itself. This assumes an entirely too static understanding of Nature to fit the facts. Nature is ever changing, ever rebalancing. Why assume that there is some primary or primordial nature to return to, rather than an ever reconstituting whole of which man the historical, cultural being is a far better microcosm than any other species. We should rid ourselves of the modern, fundamentally Romanticist, longing for Arcadia. Were we to do that the poeticizing of the wilderness as a wonderful, refreshing, static, place that never changes and provides the eternal equivalent of a get-away weekend would sanguinely fade away. And the daydream that Nature in its simple wilderness manifestation is unmitigatedly supportive of human existence--without any cultivation--will slip away as well; and good riddence. These are nothing but extensions of altogether modern fables; more to the point, they are born of reactions

to modern conceptualizations at a time of increasing industrialization and urbanization. Nature is Nature only because man is part of it; man is man only because he is a historical, cultural, political being; man can be an historical, cultural being only if we step back from the modern revengeful assault on human diversity that attempts to reduce man to universal laborer-consumer qua abstractly identical citizen of a global polis.

If one opens oneself up to human diversity, beyond the modern Spirit of Revenge, the only meaningful basis of that diversity is the pursuit of a diversity of ends.[14] Among that diversity of ends will have to be excellence of one kind or another as an end in itself. Likewise, we will have to be open to the distributions of honors for excellence rather than for utility alone. That approach is in principle aristocratic, understood resolutely as implying a relation to arete. Put another way, if we open ourselves to ends other than utility, then we will inevitably open ourselves to pursuit of what Aristotle called the basis of the noble and aristocratic--i.e., the pursuit of the beautiful and the useless, that which is desired as an end in itself. Surely there is enough wealth and technical skill already available to make this pursuit possible, and for more than a small few--if they should freely choose it, and the society rewards it with honors. Without the later all pursuit of honor will have to be deflected onto the plane of utility by anyone with an even rudimentary acquaintance with reality and any self-love.

In a more aristocratic environment, the stark dichotomy between economic growth and environmental well-being could cease to exist. For example, if we become attached to products of high quality and potential longevity, and order our consumption toward quality rather than quantity, the transformation of far fewer natural resources is implied. In fact, recycling could be adequate to meet our needs. But this is ultimately dependent on the cultivation of an aristocratic taste. For example, a multiplicity of homes built quickly to house only two people, which have a planned obsolescence requiring destruction in 30-40 years requires far more lumber than larger homes built to stand the test of time that might house the postmodern version of the extended family. Consider the following possibility: a man and wife who have no children, one spouse's father, the other spouse's mother, an unmarried sister and her children, a gay brother of the other spouse who loves tending children, etc.

Such a family would not only fit in with coming economic realities, but would need a larger house rather than four, five or six dwellings. Houses built for such families could be built to stand the test of time and still be economically feasible. Take another example, what if we bought cars intended to last twenty years. Or, what if we bought clothes that were intended to last 15 years and not go out of fashion. In short, what if our tastes changed and quantity of consumption and mindless faddishness were eschewed. What if we quit that kind of individualism that is indistinguishable from an asocial atomism? I am not encouraging any specific changes, and certainly not arguing that they should be imposed. I am simply observing that if our tastes and ends change all manner of different forms of economic and social interaction are plausible. None of them require imposition from the top down. But as far as I can see they do require the legitimizing of an aristocratic taste. But that will take care of itself if we step back from the modern revengeful assault on human diversity. There is no reason that the problem of the environment has to be solved by giving in to the totalitarian temptation unless we are determined to continue to impose a modern all too modern view upon reality.

It seems to me that the kind of thing I am describing under the admittedly broad rubric aristocratic is what would also make possible the stability under which indigenous postmodern traditions could emerge and cross-generational perseverance become possible. It is the most logical way to assure a concern for the future and for the well-being of future generations. Only by giving people a present they can accept rather than revengefully attack, can they have a past they revere and a future for which they are concerned. That relation to temporality is fundamentally aristocratic.

Further, the implication of this series of thoughts is that the primary locus of our activities would become praxis rather than techne. In other words, we would again become genuinely political beings. A genuinely political situation is one where different individuals with different ends interact. The dynamic of that interaction can work itself out in a great variety of ways as any unbiased look at human history will show. When we simply compete over distributional issues we prove we all pursue the same end. Such interaction is economic not political in any serious sense. Economic interaction points toward mindless consumption conjoined with bureaucratic administration. Political interaction points toward face to face participation at some indigenous level capable of sustaining such

interaction.

The outcome of any genuinely political interaction cannot be judged in advance. It must grow out of the distinctive interaction itself. That is why it lends itself to the emergence of a variety of distinctive traditions rather than a dogmatic universalism. When the primary locus within which we play out our existence enlarges the political and contracts the economic, technical and utilitarian, we have a locus for human existence that is potentially far less devastating to the environment.

Genuine political interaction freed from the Spirit of Revenge will not eventuate in the kind of abstract egalitarianism that modernity has pursued, which most environmentalism is still determined to impose in the name of Nature. But this does not mean that we are forced to give up the belief--correct I believe--that the concepts justice and equality are inextricably linked in complicated ways. The issue of equality need only be disentangled form the desire to impose Identity. It needs to be made truly consistent with genuine diversity.

I do not doubt that the very word aristocratic will in and of itself raise hackles. This is partly because we are inclined to make the mistake of collapsing the terms aristocratic and oligarchic. Strictly speaking the one implies love of excellence the other love of wealth. Second, our modern world was carved out is conscious opposition to a manifestation of a decaying oligarchy that called itself an aristocracy. But the aristocratic need not align itself with the oligarchic, nor need it become inextricably linked with economic class divisions. We must recognize that the world that is coming will be increasingly classless by any historical standards. That does not mean it cannot have an aristocratic component.

Environmentalism offers a powerful new opening for political philosophy precisely because it forces us to reopen the question of Nature which modernity was intent upon closing; and which contemporary movements of thought from feminism to deconstructionism continue to assert out of existence as one of their opening premises. A postmodern environmental ethic must recover the question of Nature. Where exactly this will lead and what will follow I do not know; that is precisely the point. But the logic of the argument seems to me to point to an accentuation of the local over the global and the cosmopolitan.[15] It will have an aristocratic component--it would reward something

other than utility. It will open itself to the interaction of genuine human diversity. It will allow new traditions to emerge--the only plausible, non-totalitarian way to create concern for the future that is not the stale kind that is imposed from the top down. And it will be political in the full, architectonic sense rather than administrative and bureaucratic. Openness to the political points toward the local where more face to face participation is possible.[16] What is needed is to emancipate the love of ends other than utility, consumption and a quiet, predictable existence. Only then could we quit the modern manipulative stance, still shared by environmentalism, that believes we must will a cultural change from the top down, pursue enforced redistribution, willfully transform existing power relations (which still, in modern Newtonian fashion, forces us to conceive relations as power relations), etc. etc. Only beyond that modern mentality is there a hope for the health and well-being of the natural whole.

ENDNOTES

[1]Those interested in the philosophical antecedents of such ideas might start with Nietzsche's metaphor about "innocence and forgetting" in "Three Metamorphoses," Thus Spoke Zarathustra, Part I.

[2]A useful, if partisan, survey of the landscape can be found in Environmentalism and Political Theory: Toward an Ecocentric Approach, by Robyn Eckersley, (Albany: SUNY Press, 1992)

[3]See in this regard the debates surrounding Hans Blumenberg's The Legitimacy of the Modern Age, (Cambridge: MIT Press, 1991). One should also consider Amos Funkenstein's influential Theology and the Scientific Imagination, (Princeton: Princeton University Press, 1986).

[4]I have dealt with this at greater length in my Between Eternities: Deflections Toward a Postmodern Future, (Chicago: University of Chicago Press, 1994). See Part 1, Chapter 1.

[5]I reject Karl Loewith's contention that this self-understanding is a self-deluded myth. See Meaning and History, (Chicago: University of Chicago Press, 1949).

[6]See the discussion of old or "natural" principalities Chapter 2 of Machiavelli's The Prince.

[7]See my "Machiaveilli's The Prince and the Abolition of the Political: A Preliminary Reflection," in Machiavelli Studies (Vol II, 1988) for an elaboration of this argument.

[8]I return to this issue in Part V below as well as in Part Four of my Between Eternities. What I mean here by the political is not to be confused with the economic competition over who gets what, when, and how. Political competition is between different individuals with different ends.

[9]I have dealt with this issue at length in my Between Eternities, Chapter 1.

[10]See in this regard, Beyond Good and Evil, #230.

[11]For a more complete analysis of Nietsche and Heidegger see my Between Eternities. For an elaboration of Heidegger's thought see Part Three.

[12]For a discussion of this subject see my "Heidegger's Post-modern Politics?", Polity (Fall 1991).

[13]See for example William E. Connolly, Identity\Difference: Democratic Negotiations of Political Paradoxes, (Ithaca: Cornell University Press, 1991).

[14]If one assembles a group of ten people, of various melanin levels and dominant chromosomes, and they all pursue the same end--utility, consumption, wealth, manipulation and domination of nature--one has hardly accomplished diversity in any interesting sense.

[15]It is surprising how many postmodernists speak in favor of the local only to move immediately to will the universal and the cosmolitan. What is needed is to allow significant, novel, new local traditions to emerge, not use the local as the latest venue for the modern imposition of the universal.

[16]I hope my presentation will be spared the lame indictment of being "neo-conservative." Everyone from Habermas to Ferry and Renaut to environmentalists seem to fall back on this charge when confronted with a position that tries to be postmodern. It seems to be the last refuge of late-moderns. Every manifestation of this charge that I have seen rests on the modern prejudice--unannounced--that History moves in only one direction and can arrive at only one just outcome. This charge always assumes that there is nothing beyond modernity, and hence anything that challenges the modern understanding must be a reactionary sortie into the past. Armed with this piece of self-validating wisdom--and never admitting the End of History bias it implies--we then see the thoughtless maneuver that divides all possibilities into mine and everything else. Students of the Platonic dialogues will know that Plato long ago put the lie to this kind of maneuver when he lampooned such division by halves by showing how it could be used to show that man is essentially a "featherless biped"--i.e. a subsection of the class that includes chickens.

PRESIDENTIAL SACRIFICE CAMPAIGNS:

WHY FOLLOW OUR LEADER

Kathy B. Smith

Department of Politics

Wake Forest University

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Presidential Sacrifice Campaigns:

Why Follow Our Leader?

Kathy B. Smith

Wake Forest University

Individuals and nations periodically forego immediate need gratifications to attain a future goal. Millions of people trim their daily expenses to buy new homes, students postpone their entrance into the work force to achieve long-term professional and personal growth, and nations call on their citizens to sacrifice their personal interests for the greater good of the state.

Who "we" are as a community is determined partially by our conceptions of citizenship. The individual's relation to the state is the subject of a continuing debate in political philosophy. Individualists (Dworkin, 1977; Rawls, 1971) contend that the individual defines "self" and acts in rational ways, sometimes as part of a community. But because it is the individual's perspective that counts, it is rational for individuals to use the public arena to satisfy their personal needs and even to ignore the community's needs when they fail to address the individual's needs.

Communalists (Sandel, 1982; Taylor, 1973) respond that the individuals are defined by their relation to the state, and that community membership may be the essence of moral behavior. Communalist, David Miller (1992) argues that citizenship,

> is not just a matter of possessing rights, even if those are broadly interpreted . . . [One] must act as a citizen, that is as a member of a collectivity who is committed to advancing its common good. . . . [M]oreover, he [sic] cannot regard politics merely as an arena in which to pursue his [sic] private interests. (p. 96)

The individualist and communalist camps both offer strong arguments, which is why the debate continues. Each is an academic community united by its own interactions and shared disbeliefs. Moreover, each group needs the other because neither position makes

sense without the other: it is the rhetorical tension of the dialectic that sustains, verifies, and energizes them. So it is for society.

Each of us has individual needs, each of us has a sense of the shared needs of the various interpretive communities (individuals united by shared language, logic and values) to which we belong, and each of us has a grudging respect for the reasonable needs of others. So it is that we carry on the individualist-communalist debate in our own minds. We think in arguments: sometimes we know the philosophical bases, but usually not; sometimes our symbolization of the issues is well differentiated, articulated, and integrated, but more often it is anecdotal and clumsy.

There are times when the broader needs of the state take precedence over the individual needs of the citizen. The state has a right, even a moral obligation at such times, to promote actions for the good of the community that cause individual discomfort and sacrifice. But the terms and specifics are always arguable, and it is the interplay of arguments that influences social change. Sacrificing entails the giving up or foregoing of something valued for the sake of something greater. Individuals ultimately determine for themselves when a sacrifice is appropriate. But they reach that decision after communicating with others and after rehearsing and sorting in private the arguments they have learned.

Who speaks for the whole nation when a societal sacrifice is required? Rejecting Divine right and the rule of the jungle leaves a limited number of options. Religious leaders speak to their interpretive communities with various appeals for behavioral change and personal denial. But without an established religion we have no established clerics to speak for the nation. But there is the American civil religion with its "Bully pulpit" of the presidency (Bellah, 1967; Fairbanks, 1981). Our democratic creed teaches us to use votes to link the governors and the governed. Federalism has created a system of regionally based constituencies, but only the president and vice-president have a national constituency.

The President of the United States has the symbolic function of representing all Americans. As the sole elected official with a national constituency, he is able to articulate the dominant interpretation of the public interest and, sometimes, to establish an emerging interest as dominant. Additionally, the expanding nature of the modern presidency and the proliferation of interpretive communities has increasingly led Americans to look to the president for direction and priority setting. Indeed, that is the essence of the rhetorical presidency.

Constitutionally, president has substantial power to direct the executive branch. But to be a national leader the president must also encourage cooperation: from the rest of government, from non-governmental institutions, and from the people. Thus, when a national sacrifice is necessary, it is the president who is responsible for persuading citizens to act in the "public good."

This presidential responsibility occurs during peace and war. As the nation has moved from an era of gratifying abundance into a time of limited growth, some adjustments in life-style have become necessary. Government directed alterations in individual behavior are never easy to induce, but the promotion of a nationally oriented sacrifice program is particularly difficult when people are accustomed to self-interest and advancement.

Investigations of governmental attempts to modify mass consumption patterns can help us to identify the components of successful sacrifice campaigns. Specifically, President Truman's famine emergency plan and President Carter's energy plan will be considered as attempts to persuade Americans to sacrifice with respect to their consumption of scarce commodities.

STRATEGIES FOR INDUCING SACRIFICE

Mobilizing is persuasion. The mobilizer must attract, unite, organize, and orient people toward the attainment of a goal. The president as mobilizer must find the arguments or appeals to which the appropriate individuals will respond. Presidents can try to mobilize whole interpretive communities into coalitions or they can attempt to personally rally individuals. In either case, presidents and their surrogates create a cafeteria of rhetorical appeals from which citizens can find something to satisfy their individual and community needs.

The president as mobilizer cannot settle for ordinary political acquiescence. Instead, the mobilizing president must spur individual and collective action. They can induce these actions with either compulsory or voluntary strategies, but voluntary compliance is generally to be preferred. If millions of people are to voluntarily prefer concerted action to passivity, the new action will have to fulfill one or more of their personal needs. In other words, the rhetoric of mobilization must perform an array of psychological functions for citizens so that they will perform mobilization functions for the president.

Coercion, or pressuring strategies (Olsen, 1978). Such strategies involve a structural approach to change. They use laws or controls to compel individuals and groups to engage in the desired activities. The rationale behind this approach is that changes in laws lead to changes in behavior, and that behavioral change will encourage the attitude change that insures continuation of the desired behavior. Two examples of coercive strategies are food rationing during World War II and the 55 MPH speed limit to conserve energy. The coercive approach is a straightforward approach to change that utilizes the state's monopoly on legitimate force, but serious dangers inhere in coercion.

First, representative democracies should rarely need to force a majority of their citizens to do what the government deems necessary. Adequate communication between governors and the governed should serve an educative role, leading people toward cooperation in most instances (Smith, 1981). But even strategically, coercion will often prove ineffective unless a substantial commitment of resources is made to enforce vigilantly the regulations. At worst, the program will fail and the government's legitimacy will be challenged as well.

The irony is that even government coercion entails persuasion. The government must inform people of the mobilization campaign and its sanctions. It must persuade them of its ability and willingness to use those sanctions, and of its ability to achieve its goal, even over their opposition. This is not always easy. The rhetorical irony of coercion is this: successful coercion requires persuasion, so if the government is going to justify coercion with persuasion, it might better use persuasion to achieve voluntary compliance.

Voluntary compliance is the second approach to mobilization. It requires that the president be rhetorically attuned to the needs of people. That task is complicated by the fact that the incongruent interpretive communities respond differently to the same discourse. Thus to mobilize, the president must build a coalition of supporters with a successful public campaign. Whether coercive or voluntary, the public campaign needs to use a blend of five strategies of persuasion. The major strategies for inducing voluntary compliance are a self-improvement strategy, an exemplification strategy, an incentive strategy, the hanging sword strategy and a humanitarian strategy.

In the self-improvement strategy the government attempts to show how one can better fulfill one's personal needs by adopting new behaviors which, almost coincidentally, serve the public good. The needs of the individual and the community converge when understood in the new way. Such campaigns have transformed the status ascribed to driving large cars and drugs; and they have emphasized the health and beauty benefits of walking to satisfy people's personal needs for fitness and attractiveness, while saving gasoline in the process. The

self-improvement strategy addresses people who comply with government directives when the new behaviors provide personal need satisfactions, not because they can help other people or solve problems.

Exemplification necessitates that those who recommend a change enact it for the public. Thus, while President Truman called for a significant reduction in bread consumption, the White House reduced its own bread consumption (Lee & Cohan, 1946). The egalitarian theme in American political rhetoric makes it imprudent for leaders to ask more of their followers than they themselves are prepared to sacrifice. Furthermore, those setting the example need to publicize their actions and to indicate the continuing nature of their behavior, lest it be dismissed by the public as but a token act. Those individuals and groups who follow the directives can be used as models to indicate the program's success and to stimulate a bandwagon effect and a positive spiral of public opinion (Noelle-Neumann, 1984).

The third strategy for motivating the public is to provide economic incentives to sacrifice. Pricing uses cost as an incentive to achieve compliance with desired goals (Olsen, 1978). When the cost of non-compliance with a government campaign is unacceptably high, individuals should prefer cooperation. Following this strategy the rapid increase in the cost of heating fuel and gasoline should have produced a concerted effort by consumers to lower their home thermostats and to drive less. The Federal Energy Administration's 1977 national telephone survey concluded, in part, that rising prices were not enough to change consumption patterns (Milstein, 1978), but "higher fuel rates" was, nevertheless, the most frequent reason given by those who did conserve (Olsen, 1978). The lesson is that pricing induced many Americans to conserve because it addressed their needs, but it left many other Americans' needs unmet.

Tax credits for weatherproofing and certificates of achievement for energy efficient construction are other ways of applying the incentive strategy. Basically, voluntary cooperation results from individuals believing that they can reap greater personal benefits from compliance than from ignoring the government's advice. This motivational strategy can hurt the less affluent consumers, particularly when it proves ineffective.

The fourth strategy for promoting voluntary compliance is the hanging sword strategy, so named because it portrays doom as the inevitable consequence of non-compliance. Crucial to the success of this strategy are the credibility of the president and the citizens' belief that the danger is real. President Truman was probably credible when he told the nation on April 19, 1946 that, "We cannot doubt that at this moment many people in the famine-stricken homes of Europe and Asia are dying of hunger" (1946d, p. 215). But according to a New York Times

poll (Survey, 1977) only half of those surveyed believed that the oil-supply situation was as serious as Carter had reported. This strategy requires either a belief in, or some visible proof of, the threatened danger and its immediacy.

The final strategy, humanitarianism, also stresses danger and depends upon the credibility of the president, but it emphasizes the need for us to sacrifice in order to help others. To be effective this strategy must convince people (a) that a real need for sacrifice exists, (b) that their personal sacrifice will help significantly to alleviate that need, (c) that everyone in the society--individuals and communities--is sharing in the sacrifice. Failure to establish any of these three arguments weakens the persuasive effort. Relieving hunger was a problem that Truman properly couched in humanitarian terms. "We would not be Americans," said Truman, "if we did not wish to share our comparative plenty with suffering people. I am sure I speak for every American when I say the United States is determined to do everything in its power to relieve the famine of half the world" (1946d, p. 215). President Carter also used humanitarian appeals to conserve so that all Americans could have the energy they required. But his explanation of the program failed to meet the three criteria outlined above. Particularly, surveys found that many Americans believed that their group would be unfairly burdened by the energy plan (Gottlieb, 1978).

In sum, the need for sacrifice campaigns occurs periodically in the nation's history. These campaigns need to be directed by the people's national spokesman, the president. Both coercive and voluntary approaches can be employed to induce these society wide changes. Voluntary compliance can be sought through the self-improvement, exemplification, incentive, hanging sword, or humanitarian strategies.

SACRIFICE CAMPAIGNS

Truman's famine relief program and Carter's energy program were chosen as examples of large-scale campaigns that asked the American people for sacrifices. The food and energy plans share at least four significant characteristics. Both programs were identified with, and personally promoted by, presidents. In both cases, the public was asked to respond immediately to the directions being issued from the Executive Office to meet an imminent threat. Both plans required a sacrifice from the American people to reach a necessary goal. And, finally, although neither program relied entirely on voluntary cooperation, both stressed that success of the programs depended on the individual voluntary actions of the American people. Despite their similarities,

they also have glaring differences which should be noted before comparing them.

Perhaps the greatest difference between these two programs concerns the spirit of the times in which they were implemented. Truman operated in the immediate aftermath of World War II, a time of extensive national sacrifice. The public was accustomed to putting aside their personal desires for public needs, and they were accustomed to presidential directives. They had seen what the concerted effort of the American people could accomplish for the war effort, and they had little reason to doubt that individual efforts would produce results in peace as well. They believed that their government was legitimate and truthful, and that their new president needed their support. Indeed, when we compare the public approval levels of Presidents Truman through Reagan three months into their presidencies, we find that Truman's 87% was the highest of the group (King & Ragsdale, 1988, p. 294). All these factors point to a population which would respond well to one more request by a president for sacrifice.

On the other hand, these post-war Americans had been sacrificing, at times severely, for four years. Their lives had been restricted by numerous government policies that were just beginning to be lifted. For some, making one more sacrifice by not eating the foods that they could only now afford was quite difficult. Furthermore, some Americans felt that Americans had already sacrificed sufficiently to help the world. "No food for Germans!" wrote a New York City woman to President Truman to complain about his call for yet another sacrifice. "Haven't we lost enuf [sic] sons without adding our money. When Americans are bankrupt, who will feed us?" (McCarthy, 1957). Even in post-war America, Truman needed to mobilize the people behind the famine emergency program, because their support was not automatic.

President Carter spoke to a society in 1977 that was not accustomed to working together for a united purpose. Public attachment to the federal government in the aftermath of Vietnam and Watergate was much lower than it had been in the early Truman years. The energy plan's appeal for conservation was addressed to a population that turned a cynical ear to the president. Thus, the times in which the famine and energy programs were promoted were distinctly different.

The two programs also differed in their substance and implementation. There are differences between reducing the consumption of food and the consumption of energy. Although food is physiologically necessary and most energy consumption is not, one food can be substituted for another while most energy conservation leads to physical discomfort. In addition, President Truman directed most of the famine relief effort from within the executive branch, while President Carter's energy plan required substantial congressional action. Comparisons of

these two campaigns suggest the difficulties of presidential mobilization.

TRUMAN'S FAMINE RELIEF PROGRAM

The devastation of World War II left millions of people on the brink of starvation. President Truman responded with a nationwide famine relief program to supplement the relief efforts of the United Nations. On April 19, 1946, Truman asked the national radio audience to conserve food. This brief address included all of the sacrificing strategies discussed except pricing.

The April 19th address emphasized the humanitarian theme in lines such as: "Surely we will not turn our backs on the millions of human beings begging for just a crust of bread" (1946d, p. 215).

Truman cited the United States Government as setting a good example of exporting wheat and supporting conservation. But the hanging sword nevertheless dangled over the world. The United States was in danger because it could never be safe in an unsafe world. "Millions will surely die unless we eat less and a sound world order can never be built upon a foundation of human misery" (Truman, 1946d, p. 215).

But alongside these lofty goals Truman used the self-improvement appeal. "I am glad here and now to renew an appeal which I made the other day. I said then that we would be better off, physically and spiritually, if we ate less" (1946d, p. 215) Truman pressed on with specific suggestions for his listeners to adopt, such as consuming two days a week the amount of food eaten by "the average person in the hungry lands" and reducing "every slice of bread, ounce of fat and oil consumed" (1946d, p. 210). In sum, President Truman used a number of appeals to promote sacrifice. He emphasized not what he personally would do, but what the citizens needed to do.

The program was administered within the existing structure of the executive branch in conjunction with a series of temporary support groups. On February 27, 1946 Truman sent a telegram to twelve noted Americans which read in part, "I have directed the agencies of Government to do everything possible to this end [end famine]. But government is not enough. We cannot meet this situation without an aggressive voluntary program on the part of private citizens to reduce food consumption in this country" (1946b). This telegram invited the recipients to a Food Conference to be held at the White House the following week. The conference became the nucleus for the development

of a continuing organization called the Famine Emergency Committee (FEC).

The Committee was appointed by President Truman to "1) help bring about as much voluntary conservation of food by the American people as was possible and 2) to create a 'moral climate' that would permit the Government to institute even more drastic controls" (Famine, 1948). Former president Herbert Hoover was appointed Honorary Chairman with Chester Davis, president of the Federal Reserve Bank of St. Louis, serving as Chairman of the Committee. The illustrious members of the Famine Emergency Committee included representatives of businesses, universities, civic groups, and the mass media.

To achieve even broader public representation and involvement a National Famine Emergency Council was formed at the suggestion of the FEC and the personal invitation of President Truman. His telegram to about 125 leading citizens indicated the grassroots nature of the Council. Truman wrote on March 12, 1946 that a "General meeting of the Council is not to be called but you will be asked to serve in your community and organization to further objectives of emergency food program, and to submit your suggestions and recommendations" (1946c). Those invited to join the Council included representatives from labor, business, farmers, social groups, religious groups, veterans groups, and other assorted civic leaders.

On September 25, 1947 President Truman announced the appointment of a Citizens Food Committee "to advise on ways and means of carrying out the necessary conservation efforts." This non-partisan committee was comprised of 26 business, labor and public leaders. Headed by Charles Luckman, it was called upon to "develop plans for bringing the vital problem of food conservation to the attention of every American for action" (Truman, 1947). There was no federal funding for the committee, which was intended to act quickly and then dissolve (Food, 1947).

Within the more formal confines of the Executive Office Truman established a Cabinet Committee on Food in September of 1946. The three permanent members were the Secretaries of State, Commerce, and Agriculture with the latter serving as chair. The role of this committee was to keep abreast of the world food situation and to recommend government actions. President Truman asked that this committee develop a "coordinated information program" to keep Americans informed about the changing world food situation and the attendant actions which the government might take in the future (Anderson, 1946a). The Department of Agriculture particularly led efforts to promote, coordinate and implement the famine relief program. Structurally, Truman's famine relief program used the existing organization of the

Executive branch while emphasizing the role of voluntary, non-governmental groups in taking the program to the American people.

Some coercive strategies were applied to the growers, manufacturers and shippers of food, but the main thrust of the appeals to the people was voluntary cooperation. Several government orders were issued to increase the supplies of wheat, corn, and oats available for export. These orders included requirements that bakers reduce the weight of bread and rolls by 10%, prohibitions on the manufacture of flour of less than 80% extraction, and tighter restrictions on the licensing of wheat exporters. But Secretary of Agriculture Clinton Anderson was quick to add that, "These limitations are not a substitute for voluntary conservation efforts. On the contrary, vigorous self-rationing will continue to be necessary" (Anderson, 1946b).

All five of the previously discussed strategies for promoting voluntary cooperation--self-improvement, exemplification, incentives, the hanging sword, and humanitarianism--were employed in the famine relief program.

The self-improvement strategy was used to show the personal gains to be derived from the conservation of food. The Famine Emergency Committee suggested a number of retail advertisements geared toward personal gratification. When menswear stores promoted their lightweight summer clothes it was suggested that their customers could also eat lighter lunches--"all adding up to the formula for cool comfort" (Famine, 1946). The FEC also emphasized the slimming benefits of the emergency diet. An advertisement for men's suits mentioned that "stripes will produce an optical illusion on a fat man, but less wheat and fat will produce a lasting result" (Famine, 1946). Slogans such as "less bread, less spread," and "for a figure that's neat, go easy on wheat" were also promoted by the Committee.

Even a customer's complexion would be improved by the emergency diet. Cosmetic ads would sell their products along with the advice to "also live on this wonderful complexion-clearing diet that's so full of vitamins and so free of fats and starches that cloud your complexion. Pretty is as pretty eats" (Famine, 1946). Thus, following the emergency diet could make one cooler, slimmer, and generally more attractive.

The exemplification approach to conservation was also employed. Through radio and newspaper coverage the famine program stressed conservation by public officials and voluntary conservation by the general public. A CBS interview revealed that the White House served only one-crust pies (less flour and fat), saved bread by serving a Truman favorite "potato casserole," had one breadless day per week, saved crumbs for cooking, and did not serve bread at formal White House dinners (Lee & Cohan, 1946).

Federal government cafeterias promoted the program by placing on most tables double card posters that explained the "desperate plight of millions of starving people throughout the world," by making verbal appeals over the Muzak system, and by providing menus of the least restricted foods (U. S. Cafeterias, 1946).

Radio stations held contests to publicize the best food conservation ideas, with winners receiving both prizes and the opportunity to have their ideas publicized by the local press in columns like "Martha Ellyn's Platter Chatter" (Ellyn, 1946). Newspapers covered neighborhood block parties and other community efforts that raised food contributions.

Even a trip to a hotel restaurant reminded Americans that others were conserving food. Menu placards often indicated that "the usual second roll or slice of bread with each meal; and extra helpings of food-fat items, salad dressings and oils will be served only if you request it" (American Hotel Association, 1946).

Some appeals were also based on providing incentives to voluntarily conserve food. Since some wartime pricing restrictions remained in effect, the cost of restricted items was not drastically increased to reduce consumption. Rather, the pricing appeal was applied to the growers and manufacturers of food items. The Department of Agriculture offered a bonus of thirty cents above the market price on the date of delivery for each bushel of corn sold to the U.S. Commodity Credit Corporation (Famine, 1948). These plans were intended to provide farmers with an incentive to market their crops and not to use (or hoard) them for livestock feed.

The hanging sword appeal attempts to show the dangers of non-cooperation. The Famine Emergency Committee had a media division which produced and distributed newsreels and films. One of their four-minute messages included the following:

> Many are determined to forage for themselves in the sheer effort to keep alive--ready to pillage, rob and kill if necessary. How we treat these children today may determine the kind of world we live in tomorrow--a generation of peace loving people or another generation of storm troopers. The helpless of today may become the Hitlers of tomorrow. (Truman, 1946a)

The hanging sword was often found with the humanitarian appeal, as indicated by an excerpt from an address by Agriculture Secretary Clinton Anderson, "The desperate world food shortage and its consequences--hunger, misery, death and danger to the world's future--point unmistakably to the need for more effective action now" (Anderson, 1946b). Thus, the anti-famine campaign highlighted the dangers to world

stability and to peace for Americans if the world's need for food was not met by the United States.

Finally, the humanitarian appeal was a natural approach considering the central nature of food for human life. In his radio address to the nation, President Truman said that:

> It is my duty to join my voice with the voices of humanity everywhere in the behalf of the starving millions of human beings all over the world. We have a high responsibility as Americans, to go to their rescue. . . Now we cannot ignore the cry of hungry children. . . . Once again I appeal to all Americans to sacrifice so that others may live. (1946d, p. 215)

Newspapers carried cartoons of the grim reaper checking off lives as shoppers purchased bread and fat. Members of the FEC and the Council publicly related their personal experiences with hungry victims of war throughout Europe (Fenton, 1946). Movies like "Suffer Little Children" dramatized the problem and were distributed to schools, churches and civic groups. This appeal for voluntary cooperation stressing the benefits of conservation for others was a central part of the anti-famine campaign.

In summary, the famine program utilized some governmental coercion to meet the established food quotas. But voluntary cooperation and personal sacrifice were central to the program's success. All five strategies were used to induce compliance.

CARTER'S ENERGY PROGRAM

President Carter was not the first president to address the problem of energy conservation. But he was the president who "staked his reputation on the National Energy Plan, addressing Congress and national television audiences when he introduced it, defending it vigorously, (even emotionally) and dramatically postponing a foreign trip to be available" (Davis, 1979).

In his first televised address on energy policy, April 18, 1977, Carter said that, "I want to have an unpleasant talk with you about a problem unprecedented in our history" (1977a, p. 656) Few listeners flock to the prospect of an "unpleasant talk," yet so began Carter's dialogue with the American people on energy policy. Throughout the address Carter told the audience that the energy proposals would not be well received. Not content to state that "many of these proposals will be unpopular" (1977a, p. 656), Carter said that, "I'm sure that each of you will find something you don't like about the specifics of our

proposal. . . . To some degree, the sacrifices will be painful-- but so is any meaningful sacrifice. It will lead to some higher costs and to some greater inconvenience for everyone" (p. 661). This address ignored the humanitarian, exemplification and self-improvement strategies and it mentioned incentives only once. Instead, it focused on the hanging sword. According to Carter, "The most important thing about these proposals is that the alternative may be a national catastrophe. Further delay can affect our strength and our power as a nation" (1977a, p. 656). No specific suggestions for individual change are discussed in the speech.

Six months later, Carter again addressed the nation on the National Energy Plan. On November 8, 1977, the goal was to tell the American people "how serious the challenge is" (1977c, p. 1982). Using mainly the hanging sword approach again, Carter quoted the Secretary of Defense's remark that, "The present deficiency of assured energy sources is the single surest threat to our security and to that of our allies" (1977c, p.1983). In discussing the dimensions of the problem Carter spoke of how "we" are "proposing," "recommending," "using research and development projects." President Truman's "we" had connoted the unity of president and people, but Carter's "we" referred only to his administration. He further separated himself from the public by using "I" repeatedly and by asking for citizens' help only rarely. In concluding, Carter returned to the unpleasant nature of the choices to say that, "I'm confident that we can find the wisdom and the courage to make the right decisions - even when they are unpleasant" (1977c, p. 1987). Where Truman had taken an irritating everyday incident--a housewife unable to buy bread--and interpreted it as a positive sign that the grain was helping starving people, Carter emphasized the generally negative nature of the energy proposals.

Two years later, April 5, 1979, President Carter again addressed the nation on the energy problem. At this late date in his administration he still felt compelled to say that "the energy crisis is real" (1979a, p. 197). His main appeal was the importance of the passage of the Windfall Profits Tax. The address asked people, not to conserve, but to "please let your Senator and Representatives in Congress know that you support the Windfall Profits Taxes" (1979a, p. 612). The need for this appeal at this date was attributable to his rhetorical inattention to pricing as a legitimate strategy of conservation. He also asked citizens to honor the fifty-five mile per hour speed limit and to "drive 15 miles a week fewer than you do now" (1979a, p. 613).

The other sacrificing strategies were not used on April 5th other than as a continuation of the hanging sword approach. But the address was given by a president with very low public approval ratings on a topic that he had been addressing repeatedly with little apparent

effect. It was therefore unsuccessful in persuading citizens to act. Carter's public approval dropped to 37%.

Almost 150 advisors came to Camp David to advise President Carter before his next address, the jeremiad of July 15. Vice-President Mondale said in a subsequent interview that "I felt very strongly that the American people had to be approached in a positive, hopeful way" (Germond & Witcover, 1981, p. 31). But this good advice became a small part of the July 15, 1979 address. Carter gave the six points of his energy policy and pledged leadership, but he also lamented "a crisis of confidence that strikes at the very heart and soul and spirit of our national will" (1979b, p. 1237).

President Carter took the high moral plane in this speech to direct the country's attention to the meaning of our nation and our heritage along with the present problems. Significantly, Carter used the self-improvement strategy for the first time in his energy addresses. A solution to the energy crisis would not only "rekindle our sense of unity but it will give our nation and all of us individually a new sense of purpose" (1979b, p. 1240).

Carter talked about the comments of individual Americans and humanized what he had called the "invisible threat." Not only did he set out what he as president would do, but he also concluded with a specific painless request: "Whenever you have a chance, say something good about our country" (1979b, p. 1241). This speech promoted the need for a general national unifying effort of which the energy crisis would be a test, but it requested few specific sacrifices. The initial response to the speech was positive. It brought an eleven point increase in Carter's approval rating and a volume of (overwhelmingly favorable) mail to the White House that was more than had been received at any time since Ford had pardoned Nixon (Germond & Witcover, 1981). But Carter did not trust the usefulness of the speech without direct action, so he collected resignations from sixteen cabinet level officials and eighteen members of the Senior Staff of the White House. The public response turned dramatically negative.

In sum, Carter used public addresses to persuade the American people to follow his energy program. But his appeal stressed his own leadership role rather than the specific ways in which citizens could help solve the problem with voluntary conservation. Few of the sacrificing strategies were well applied to his programmatic ends. Structural and strategic problems also awaited Carter's energy campaign.

Structurally, American energy policy had been administered by the Federal Energy Office and the Federal Energy Administration prior to the Carter administration. These agencies lacked centralized direction, and they were often divided and ineffective. Soon after his election Carter

appointed James Schlesinger to head an Energy Task Force in the Executive Office of the President, and this later became the leadership group in the new Department of Energy (DOE). The new cabinet level organization was established by the Department of Energy Organization Act of August 31, 1977. A major goal of the new department was the centralization of government planning and activity in the area of energy policy.

President Carter's remarks on the establishment of the new Department of Energy foresaw the basic problem:

> The creation of a Department of Energy is an important step toward dealing with our energy problems. . . . But simply creating a department will not solve our energy problems. We will never do that without a clear will among government and our people to end waste, to use energy more efficiently and to look for practical new sources of energy. (1977f)

Three years later the "public will" was still not forthcoming, and the White House organized a communication and support plan for the DOE "Energy Conservation Visibility Program."

The White House plan outlined twenty-six major work areas to be covered by seventeen lead administration people (H. Carter, 1980b). As late as February 29,1980 the White House plan sought to "help DOE mobilize massive grass roots participation in the President's energy conservation programs" (H. Carter, 1980a). An effort billed as "continuing" the mobilization effort of the DOE would have been a more positive sign of the conservation efforts ongoing success.

Unfortunately, the cool James Schlesinger did not become a favorite with the members of congress who dealt with energy policy. The new department had frequent conflicts in congressional hearings over conflict of interest with their personnel, their inefficiency, and the lack of strict enforcement measures against oil executives (Mollenhoff, 1980). Secretary Schlesinger lost his position in the cabinet purge of July, 1979 and was replaced by Charles Duncan whose direct link to the White House diminished the Department of Energy's institutional initiatives. Duncan acted less as a spokesman for his department than as a presidential appointee perched on the back of a large bureaucratic organization.

Unlike Truman's vigorous attempts to involve many sectors of the society in the development of the food campaign, the Schlesinger task force on energy was secretive. Only after demanding entrance into the deliberations did representatives of the Treasury, the Office of Management and Budget, the Council of Economic Advisors, and the

National Security Council see the final draft of the energy plan (Davis, 1979).

The legislative package on energy policy became the centerpiece of what Carter called "an exhaustive fight" lasting over the years of his administration (Carter, 1982). This legislative struggle reduced the number of coercive measures available to the President, although he could still issue Executive Orders. But it did not strike directly at the heart of the program: voluntary conservation.

Various structures were used to foster conservation, including inter-agency committees and White House support groups. But all such groups worked under the DOE leadership. The viability of the new department, therefore, would affect the operations of all administration conservation efforts. Thus Carter attempted to centralize the energy plan in a new department, and he relied heavily on government promotion and implementation of the conservation effort.

The self-improvement approach was rarely used by the Carter administration to promote conservation. Although the DOE published numerous teaching pamphlets consumers ways to conserve, the rationale was usually either the national interest or thrift. Little attention was given to the personal benefits to be derived from reduced energy conservation.

Ironically, the Carter White House Staff Files contain examples of advice given to the Ford administration that highlighted a personally oriented strategy. The Gallup Poll prepared a report on consumer energy conservation for the Federal Energy Administration on March 26, 1976. Based on group discussions with teenagers, the report had concluded that, "Instead of the ineffective themes of self-denial, sacrifice, and patriotic duty, the positive rewards of energy conservation, that is, the development of a satisfying life style that can be 'fun',[italics added] might be an effective theme" (Gallup, 1976). Individuals would prefer to conserve because of the personal benefits and enjoyment they might achieve.

Two and a half years after Carter's first energy address the White House staff continued to grapple with the conservation program strategy. In a Memorandum for the President on August 14, 1979, Jack Watson observed that:

> We can only turn supporters into allies if we ask them to take specific, concrete actions which people believe others are also taking. This is true of both opinion leaders and the public-at-large. Giving them briefings is not enough. . . . Our energy goals should be translated into terms that better reflect the immediate concerns and daily activities of individual Americans.

> It's hard for people to identify with "barrels-per-day" savings. (Watson, 1979)

Unfortunately this astute memorandum on the need for an individual benefit strategy was not well received by Carter, who wrote on the memorandum, "we seem to be going backward from more specific to generalizations. . . . Enough W.H. memos" (Watson, 1979).

From the White House Press Office came a background report promisingly entitled "Energy Conservation The Individual" [sic] (Office of Media Liaison, 1979). The six-page report began with one and a half pages on the reasons for conserving before discussing the many ways in which the individual can help. But even that brief justification did not follow the self-improvement strategy. Five examples explained the benefits of conserving, but every example discussed solely national, rather than individual, benefits in statistical, rather than visionary, language. The examples included: improving insulation in homes to save enough national gas to heat an estimated four million homes; lowering household heating temperatures by six degrees over a 24 hour period to save over 570,000 barrels of oil per day; raising air-conditioning temperatures by six degrees to save the equivalent of 190,000 barrels of oil per day, doing household chores during off-peak hours to reduce public utilities' fuel use, and putting one more person in the average commuter car to save over 600,000 barrels of oil per day (Office of Media Liaison, 1979). The figures were impressive, but the strategy of emphasizing national public benefits instead of individual private benefits continued to prove uninspiring.

Conservation ideas could have been framed in a self-improvement strategy. Weatherization was promoted in order to "reduce the load on the heating and cooling equipment," but a more personal approach would have suggested the more comfortable, cozy home environment obtained by eliminating those nasty drafts of cold air. The appeal that reducing the use of hot water by using "half hot and half cold water for bathing . . . would save about five gallons of hot water each time" could have stressed a personal benefit by saying that the warm water would be less drying and better for one's complexion. Finally, the conservation promotion of "eliminating unnecessary car trips" by using the mail and telephones could have taken the next step of mentioning the precious time to be saved which could be used for personal enjoyment (Office of Media Liaison, 1979). A self-improvement strategy could also have emphasized the healthy effects of walking or cycling to work, or the beneficial effects of lower home temperatures on skin condition and house plants. In short, energy conservation could have been promoted as a source of numerous personal benefits for citizens.

The exemplification strategy was employed by President Carter and the executive agencies as they lowered thermostats, reduced the number

of federal employees entitled to government motor vehicles, and increased the number of fuel efficient vehicles in the government motor pool. Additionally, President Carter was frequently filmed in warm attire as he performed his White House duties. His televised fireside chats showed President Carter sitting in front of a roaring fire dressed in a cardigan sweater, presumably because of the lowered thermostats in the White House. But was this Carter's normal attire, or merely a staging device? Successful exemplification requires that the audience perceive the example as normal and routine. Some praised the anti-imperial nature of the setting, while others criticized the informal nature of Carter's presidential demeanor.

Within the executive branch, the postal employees cut their gas consumption by 7% in 1978 by using smaller vehicles and walking more. Unfortunately, the Department of Energy itself used 29% more fuel during the 1976-79 period than the agencies from which it was formed (Energy, 1979). Despite the DOE's example, the President and his agencies generally set an example of conservation.

The incentive strategy for encouraging voluntary conservation was often cited in the energy conservation campaign. The variety of monetary assistance programs in operation was a common theme of government brochures and reports. These programs gave citizens financial incentives to weatherize their homes, to conduct energy audits, and to invest in solar or wind energy. (Office of Media Liaison, 1979). Residential Energy Credits on federal income tax forms for the installation of approved home insulation provided another kind of pricing incentive. Separate publications on home insulation, driving techniques, and solar energy stressed the incentive to save money by conserving energy. The appeal was reinforced by continuing increases in the price of gasoline and other energy sources. By Executive Order Carter phased out controls on domestic crude oil, in 1979 allowing the prices to quickly rise. But according to energy experts, by the end of the Carter Administration "the failure of price controls and other regulations was taking hold" (Basile, 1982, p. 214).

As previously discussed, the hanging sword approach to conservation was used frequently to induce cooperation with the Carter program. He appealed to Americans to view the energy problem as a "moral equivalent of war" (Carter, 1977a, p. 656). The threats of worse days ahead included gasoline rationing, continued dependency upon foreign energy, and continued increases in cost. According to the President, "If we fail to act soon, we will face an economic, social, and political crisis that will threaten our free institutions" (1977a, p. 659). Similar examples of the hanging sword approach can be found throughout the energy address. Unfortunately, the Carter team had great difficulty persuading Americans that these threats were real, significant, and amenable to change through conservation. Moreover, he

failed to persuade the public that they were armed with the weapons needed to fight a moral equivalent of war.

Finally, humanitarian appeals to assist other people by conserving energy were not a major facet of the Carter campaign. This may seem surprising in light of the human rights theme of his administration. Actually, President Carter did discuss the humanitarian aspects of the energy crisis as when he said that, "I am even more concerned about the growing cost in human suffering that will increase if severe winter weather continues" (1977g, p. 6). But such references were rare, and they were not pursued by the public relations arm of the energy program apparatus. The effects of energy conservation on other people is more difficult to visualize than President Truman's, "saving food--saving lives." Nevertheless, this appeal would have been applicable as a national appeal when California and the Northeast were dangerously low on gasoline and/or heating oil and supplies elsewhere were adequate.

Symbolically, Carter proclaimed October, 1979 International Conservation Month and all of 1980 as the Year of Conservation to focus attention on his high priority issue of conservation. But the public perceived an abundance of words and a paucity of actions. Pollster Patrick Caddell (1979) wrote to Carter that, "You are seen at the moment as someone who talks a lot about the problem. Education is crucial. Speaking out is a vital leadership component. However, too much speaking without the support of actions/accomplishments runs the risk of being seen only in a PR or campaign posture." He added that, "You are seen as a president with programs that are (a) complicated, (b) long term, and (c) cause pain. What has been lacking has been an identification by [sic] you as being personally concerned with the impact of the energy situation on consumers and ordinary citizens" (Caddell, 1979).

Caddell not only criticized the President's personal stance, but his coalition building strategy as well. He described a significant problem in the conservation efforts when he wrote that, "What is lacking is a sense that we need and want real allies as opposed to supporters for this program. We are briefing, we are asking for support but we have not established the programs of involvement and participation that build true allies" (1979). Caddell realized that Carter had confused mobilization with acquiescence.

In summary, the Carter energy plan worked with a new Department of Energy and less reliance on existing community groups than had the anti-famine campaign. The techniques employed included both pressure tactics and appeals for voluntary compliance. But only the exemplary, incentive, and hanging sword approaches were utilized to any significant extent. The self-improvement and humanitarian strategies were largely ignored.

CONCLUSIONS

The president has a vital role to play in mobilizing the American people behind national campaigns. This task is particularly difficult when people are asked to sacrifice personal benefits for the broader national good. Truman's famine program and Carter's energy program both requested such alterations in the lifestyles of millions of Americans, but they met with different degrees of success.

The famine program was successful because its goals were met within the required time. Secretary of Agriculture Clinton Anderson told President Truman that:

> The 400 million bushel "bread" grain commitment for the year was met by June 30 . . . The real extent of this accomplishment in grain export is brought out by the fact that the amount shipped is nearly double the original requirement for the year which was presented to the Cabinet Food Board a year ago. (Report, 1946)

A 1948 report acknowledged that, "Conservation efforts, in response to our urgent request last fall, and careful handling of our supplies made it possible to set a new record of grain exports without putting any limitations upon the use of bread and other cereal products by United States consumers" (Cabinet, 1948).

President Carter's energy plan met with considerably less success. His congressional disappointments were compounded by the lack of voluntary conservation. In July, 1977 Carter observed that, "The public is not paying attention. . . I would say at this point, the public has not responded well" (1977b, p. 1391). He noted specifically that, "We've had in the first half of this year a rate of importing oil--it's higher than we've ever experienced in the history of our country" (1977e, p. 1599). This was necessary in part because "gasoline consumption was higher [in 1977] than it has ever been before" (Carter, 1977d, p. 1685).

Both structural and strategic elements for a successful sacrifice campaign can be inferred from these two programs. A sacrificing campaign needs to maintain the sense of urgency established by the president's first announcement of the problem. This requires the administration to act quickly and with unity. If time is short, establishing a new cabinet level department is rhetorically inappropriate and politically dysfunctional because of the attendant growing pains and jurisdictional battles. Formation of a new department

exonerates other parts of the executive branch from their responsibility to work on the problem. Since cooperation rather than rivalry is necessary between departments, the best approach may be to include various cabinet members in a joint committee to promote the campaign.

This principle of broadening participation and committing more factions to the campaign also applies to volunteer groups. In our pluralistic society, interpretive communities are sensitive to exclusion from government deliberation and implementation. People are most susceptible to persuasion from the people with whom they have frequent, positive contact: authority figures in their interpretive communities. Therefore the president needs to reach out and pull these grass roots communities into his programs, and to build broad based interpretive coalitions. As we have seen, Truman did this effectively, and Carter did not.

Strategically, presidents must sell the importance of their programs and solutions. But Carter learned that it is difficult to convince people of government's wisdom during a period of low confidence in government. This is complicated by the notion of a "Spiral of Silence" in which people are more likely to voice support for a president or policy that they perceive as popular (Noelle-Neumann, 1984). As his popularity declined, Carter compounded his difficulties by describing his policies as unpopular and his leadership as ineffective. A massive public relations effort was therefore needed to produce a "mood of acceptance" in the country for the specific governmental policies and regulations which Carter later issued. But Carter's rhetoric of unpopularity continued to confound his efforts. If active support cannot be mobilized, the president at least needs public acquiescence. But public acquiescence does not lower the thermostat.

Sacrificing campaigns need a coercive element to promote rapid responses and to establish the level of governmental commitment to the problem. But these regulations must be perceived as scrupulously fair to all elements of society if everyone is asked to sacrifice. The energy program suffered from the charge that the program burdened the poor and middle class more than the wealthy (Gottlieb, 1978), and Carter needed their support to be re-elected.

Coercion may begin a program, but voluntary cooperation by the people is essential for its success. Of the five strategies discussed, the self-improvement approach may be the most effective for producing public compliance, because it speaks to personal, everyday needs. This conclusion is based on the success of the Truman campaign, the failure of the Carter campaign, and on the temper of our times. When relatively few people can even remember a united national effort they may prefer appeals to help themselves, and if the country benefits in the process, so much the better.

The exemplification approach is necessary for any presidential campaign geared toward joint popular action. Presidents are generally expected to enact the same behaviors that they ask of their constituents. Therefore a presidential example is important whether or not it motivates people, because it protects the president from criticism such as President Clinton received from his well-publicized $200 haircut during a rocky economic period. Grass roots examples of conservation are also an important component of sacrifice campaigns because they are easier to identify and may imply a groundswell of support.

The incentive approach can be useful if the benefit received for cooperation is substantially greater than the perceived sacrifice. Studies applying this to gasoline pricing found that a dramatic increase in the cost per gallon was required before most Americans preferred to alter their consumption patterns. Program goals might, therefore, be met at an unacceptably high level of personal hardship and social inequality. Additionally, people are likely to return to their prior consumption patterns when they become accustomed to the higher prices. Pricing incentives may work better for short-term changes than for long-term adjustments, but short-term dramatic price changes can have long-term economic consequences.

The hanging-sword strategy will emerge in any sacrifice campaign because there should be a significant perceived danger before a president issues a call for action. But presidents need to be very cautious about overplaying this approach and losing their credibility. This is a primarily negative appeal based on fear. Short term responses may be forthcoming, but a continued effort to sacrifice will be difficult to maintain unless the threatened danger materializes.

Finally, the humanitarian approach can be a very effective strategy if the results of one's sacrifice are readily visible, if the requested sacrifice seems justified, and if the brunt of the sacrifice is fairly shared. For example, newspaper coverage of families that need clothing or shelter generally produce an outpouring of assistance from the citizenry, often more than the family requires. People may respond voluntarily to the needs of specific persons more readily than to the more abstract concept of "the national good."

One theme runs throughout this chapter: successful national sacrifice campaigns motivate the individuals who comprise the society. They must be motivated directly, personally and truthfully. To motivate millions of people directly, personally, and truthfully, the campaign must (a) offer a blend of all five rhetorical strategies, (b) coordinate existing interpretive communities, and (c) simplify the administration of the program. The best rationale for preferring to change one's personal lifestyle is personal, but personal needs will vary with the

times, and each president works within their unique temporal framework. Thus successful presidential sacrifice campaigns require that the president understand both the approaches to persuasion and the mood of the people. The answer many Americans may give in 1993 to the question "Why follow the president?" may be the straightforward but limiting response, "What's in it for me?"

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COMPARATIVE ENVIRONMENTAL PROGRAMS AND THE RISKY POLITICS OF SOLID WASTE POLICY-MAKING

Paul A. Smith and Ronald G. Ketter
Binghamton University (SUNY)

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Introduction

Problems of solid waste (trash) disposal are very familiar to most local communities in the United States--and in other countries as well. While these problems are not new, they have been exacerbated in recent decades by several developments. The first was a growing appreciation of the environmental threats associated with solid wastes. Actually, this is probably part of a more general and well known increase in environmental sensitivity that began in the 1960s and has continued since (Mitchell 1990).

The second development is the filling up of existing landfills as some reach their capacity while others are closed due to environmental threats. Solid waste industry representatives predict that about half of the 6,000 or so landfills currently in operation will close in the next several years (Chakravarty 1993, 97). The third, and closely related development is the loss of available space for siting new landfills (Ehrlich & Ehrlich 1991, 142). In some cases, physical space limitations preclude new siting while in others, local citizen or political opposition has blocked vacant land from being used for new landfills. A generation ago most landfills--especially those in rural communities and small towns--were called "dumps," and were treated with little regard for the environmental impacts noted above. In any case, landfills were virtually the universal mechanism for solid waste disposal, whether the community was New York City or a small town in Wisconsin.

Yet with these simultaneous developments of environmental sensitivity and space shortage there has also been a search for alternative methods of disposing of--or "managing"--solid wastes (Breen 1991b). Of course the wastes themselves are both quite common (e.g., food and newspapers) and highly varied (e.g., paint and insecticides and tires), partly because of their different sources. We can see this by comparing municipal, industrial, and other sources of waste. Municipal waste is the largest. While this is dominated by common and relatively benign elements, in its variety it obviously includes some that are hazardous (NYT 1/21/92; 4/13/93).

The second source is industrial waste, which tends to be more toxic since it includes large amounts of complex substances. The final source, or category of sources, includes such things as medical and federal nuclear facilities (NYT 11/28/91). All of these affect some local communities and require different types

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"Although this paper is devoted to solid waste policy-making in the United States, virtually all of the solid waste problems noted are present in other countries as well. Indeed, often they are worse. Landfill space, for example, is scarcer in Europe.

of disposal (NYT 10/11/92; 4/13/93). This is an important point, since some local policy-makers face waste disposal problems that go beyond those usually considered to be facing local municipalities, as those in Monmouth County, New Jersey (NYT 12/12/91).

Taking municipal waste alone, the last twenty years have seen a variety of disposal alternatives come and go as research and experience made them more or less promising. Resource Recovery (incineration), for example, enjoyed considerable popularity at the beginning of this period because the prospect of converting waste to energy appeared economically and environmentally attractive. Yet this method now faces intense opposition as communities fear both the environmental and health threats of polluted air and residual ash, and the enormous economic costs of construction (Breen 1991a).

Another result of the combination of increased environmental sensitivity and regulations, and the loss of space, has been the decline in the number of landfills (O'Leary, et al, 1988, 36). Al Gore points out, for example, that "Out of 20,000 landfills in the United States in 1979, more than 15,000 have since reached their permanent capacity and closed" (1993, 151). And, as noted earlier, about half of those remaining are expected to close in a few years. Yet as landfills have declined in number, their size and sophistication has grown (NYT, 1/6/92), as have the problems involved with their design, construction, and management (O'Leary, et al, 1988, 40-42).

These problems have been sharpened not only by increased local knowledge of environmental impacts, but also by new national and state regulations that reflect the same increase in environmental concerns (NYT 2/20/92). By and large, these regulations include restrictions on how landfills are constructed and operated; but they also establish a "hierarchy" of solid waste strategies that begin with waste reduction and proceed through recycling and composting, incineration, and end with landfilling. Thus landfills have moved from being the most to the least desirable alternative for solid waste disposal.

For community policy-makers, decisions about solid waste disposal or management must incorporate all the preceding developments. The closure of landfills by itself means that a growing number of local officials have solid waste on their agendas. We can place the problems they face into two interrelated categories. The first are the traditional threats to public health and the environment that are posed by the content and treatment of their solid wastes. This requires local officials to become knowledgeable about the nature of the dangers posed by various wastes and technologies. The second are the political problems they face as they deal with more or less environmentally sensitive and knowledgeable constituencies.

A useful way of understanding the way local policy-makers deal with these two types of problems is to see them as confronting interrelated risks. Following the same schema as above, one type of risk is environmental in nature--those affecting the quality of the air, land, and water--and the resulting dangers to public health. The other type is political--those affecting the relationship between policy-makers and their constituents, particularly in the form of elections. We note, in addition, that environmental risks are often used for political purposes (Sapolsky 1990).

The Analysis of Risk

While risk analysis is part of decision theory (a larger body of work), it is unusually variegated in itself. This includes the way it is conceptualized and the way the subject is organized (e.g., Andrews 1990; Shrader-Frechette 1991; Wildavsky and Duke 1990). Nonetheless, the concept of risk includes three essential elements:

1) The probability that a dangerous event will occur (e.g., the pollution of an aquifer by a landfill or of air and water by an incinerator).

2) The seriousness of the effects of the event (e.g., the harmfulness of the pollution to public health).

3) The extent or scope of the event's effects (e.g., the size of the area and population affected by the air and water pollution).

For each of these elements, the implication is that there is an objective measurement of it (Costanza and Cornwell 1992). One could argue that no truly objective measure of the probability of certain outcomes regarding solid waste management technologies can be obtained in the sense that we can determine the objective probability of getting heads from a single coin flip. Whether or not this is true, however, the more important factor in terms of public decision-making is how the risk is perceived. In this respect, a key distinction must be made between what may be called expert risk assessment on one hand and public assessments or perceptions of risk on the other. In the case of the former, assessments are based on analysis, opinions, and sometimes data of scientists, engineers, statisticians, and others who try to assign an objective value to both the probability of events and their seriousness. These assessments often carry substantial credibility among industry and government policy-makers (Ahearne 1993). Yet it is important to bear in mind that many of these estimates are derived from expert opinions, not empirical data.

Experts often base their risk estimates on technologies that have not been fully implemented, which means that little

empirical data exists. The public in general or specific opposition groups may question data on which these estimates are based, arguing that controlled or laboratory situation do not accurately reflect potential risks from implementing these technologies.

Public perceptions of risk often vary significantly from those of experts. Initially, these differences were explained as resulting mainly from a lack of understanding by weakly informed citizens (Ahearne 1993). But further analysis has indicated that, in many cases, the public's estimates of probability and impact of events is not substantially different from those of experts. The public, however, tends to be more "risk averse." They tend to reject activities that have small probabilities but catastrophic effects in favor of those having larger probabilities but less serious effects--even if the expected value of harm is greater for the latter (Tversky and Kahneman, 127).

Differences between expert and public perceptions of risk are highly relevant when it comes to assessments of alternative approaches to local solid waste disposal. Indeed, the phenomena of risk aversion has fueled a debate over whether public acceptance of different disposal technologies is "rational." Just as the public is willing to accept the risks of riding in an automobile over those associated with a nuclear power plant (Shrader-Frechette 1991, 161), local communities are inclined to accept the environmental risks of a landfill over those of a resource recovery facility--even though experts rate cars and landfills as more dangerous.

As we shall see later, differences in risk assessment can have powerful affects on solid waste policy-making in local communities, especially when political risks are involved. Similarly, such differences affect a rather specific area of solid waste policy that is becoming increasingly common--compensation packages awarded to those areas of a community where disposal facilities (e.g., incinerators or landfills) are located (Portney 1985). Justification for these "payoffs" is usually that they achieve a measure of intra-community equity and that they help overcome public opposition to the siting decision. The trouble is that publics in the vicinity of the facility are inclined to have a much deeper concern about the risks than policy-makers advised by experts. These differences can result in asymmetries between the willingness to pay compensation by those wanting to locate landfills and other noxious facilities in a particular community , and the willingness of that community to accept a specific compensation package for risks incurred (Smith and Desvousges 1986).

Compensation packages tend to take two forms. The first type provides direct benefits to compensate for the risk that the selected neighborhood will face as the result of siting the facility nearby. These benefits can range from direct payments to affected individuals to reduced tax assessments to the provision

of special services, such as parks or recreation facilities. The second type makes commitments to monitor and address specific damaging effects should they occur. Examples are testing groundwater or air, and providing corrective measures should pollution be found. Of course, compensations can combine both of these types. A recent study of compensation in the form of host community benefits found that compensation packages combined with citizen participation greatly facilitate the ability to site landfills and what would otherwise be locally undesirable land uses (Fort and Scarlett 1993).

Although we believe that compensation is an issue of increasing importance in the area of solid waste policy, we have too few cases of compensation in our data base to make further analysis practical.

Methodology

Our data base is of two types. The first consists of several New York communities (cities and counties) in which we were able to examine the dynamics of policy-making in detail. These data were the primary base for our hypotheses. The second type consisted of cases of solid waste management and policy-making from 1991 to the present reported in a variety of sources, such as the New York Times and other newspapers, and magazines and journals, such as Environment and Garbage. These cases ranged in detail from New York City, the solid waste trials and tribulations of which were followed closely by the Times and other daily papers, to Seattle, which, while mentioned infrequently, was covered in depth, to others that ranged widely in detail.

Altogether, the number of cases before us was roughly 85-100. We say "roughly" because there was such a range of detail that to claim more would be misleading. For example, a report on community recycling in northern New Jersey might mention half a dozen different communities, but only to illustrate certain problems or policies, and not to reveal details of the policy process. We emphasize, therefore, that our data base is not systematic; we took those cases that were reported and cannot say they are representative of all community solid waste experiences. But we have no reason to think they do not present a fair picture of what is going on in solid waste practices across America.

In any case, these data are used for rough tests of our hypotheses. For each hypothesis, we were careful to use only those cases that clearly are relevant and contain enough detail to support their application.

Hypotheses

(1) There is a clear difference between the perception of environmental risks by affected publics and by community policy-makers.

In addition to its theoretical base, this hypothesis follows for two reasons. First, community policy-makers must take into account not only the option being considered and how it affects a specific area, but also alternatives to that option and the how the entire community will be affected by them (Brion 1988, 451-52). Second, the policy-makers are likely to commission studies and hire experts (consultants) to assess environmental/ technological risks. The public, on the other hand, are likely to base their perceptions of how they personally will be affected only in part on such systematic assessments (Kraft and Clary 1991, 315).

(2) As solid waste technologies have increased in number and complexity, their perceived risks have also increased.

The public tends to associate complexity with risk of failure, a relationship that often holds true empirically. Since this empirical evidence will be known to expert advisers, it is reasonable to expect that policy-makers will also see more risks in complex than simple technologies, even though some--new landfill technologies, for example--are intended to reduce environmental risks.

(3) As differences in perceived risks of solid waste disposal have grown in local communities, so has community conflict over disposal options.

With growing sensitivities to environmental risks, and especially with differences in risk perception, it is inevitable that community conflicts over which disposal options should be selected and where placed will increase.

(4) The risks associated with new solid waste technologies have led to growing popularity of low-risk options, such as recycling.

This hypothesis follows naturally from the previous two. Recycling, for example, to the extent that it is perceived as low-risk, will be desirable not only for that reason, but also because it produces less community conflict.

(5) Although recycling is not perceived as very risky, its many interdependencies actually produce a high risk of operational breakdowns.

While many communities initially perceive recycling as a panacea, its success depends on the actions of many different actors, ranging from individuals who are responsible for separating recyclables from other solid waste, to those responsible for collection, to those involved with marketing or other disposal. And the last is at least partly beyond local control.

(6) The growing concern about environmental risks has led to an increase in the importance of scientific and technological knowledge for community solid waste policy-makers.

Since policy-makers must respond to a more sophisticated constituency demanding not only the delivery of public services, but also the protection of health and the environment, their need for information to cope with these demands has gone up sharply. Moreover, the threshold of safety has changed dramatically over the last half-century. Where risks of one-in-a-million were once thought to be well within the margin of safety, now these and even lower risks are routinely used to justify government intervention (Sapolsky 1990). Most of the knowledge underlying these factors is scientific and technological in nature.

(7) The political risks associated with solid waste decisions have led many local policy-makers to defer such decisions and to avoid high risk options.

Our model of policy-makers suggests that their interest in public approval, and specifically re-election, makes them reluctant to support policies not favored by their constituency. Some policy-makers may attempt to educate the public concerning the costs and benefits of various alternatives (Matheny and Williams 1995, 74). But solid waste disposal tends to be characterized by technological uncertainties. We therefore predict that policy-makers will be risk averse when it comes to disposal options, preferring low-risk options and delaying decisions when those of higher risk must be considered. The acronym "NIMTOFF" has been coined to described this "Not-In-My-Term-Of-Office" behavior.

Findings

Hypothesis (1). <u>There is a clear difference between the risks perceived by affected publics and by community policy-makers</u>. Perhaps the clearest evidence supporting this hypothesis can be found on Long Island, where various communities turned first to and then away from incineration (NYT 12/12/91; 12/18/91). Yet the predicted clear differences between expert and public risk perceptions are often not so clear. There appear to be several reasons for this that do not undermine the theory. One

is that community policy-makers usually are not "experts." Although we did not expect that they would be experts themselves, our hypothesis rests on the assumption that policy-makers would be advised by experts, and thus would be inclined to have different perceptions of risk than the general public. We think that such differences in perception do exist in the early stages of the policy process when officials are receiving information from consultants who are not communicating with the public.

However, in most cases it does not take very long before issues such as landfill siting, originating among small groups of "inside" policy-makers (e.g., in legislative committees) become more public. This is no accident, since it is in the interest of at least some of them to seek support from others. Furthermore, they will try to protect themselves among constituents who are likely to be opposed to the policy taking shape by going public with the issue. In short, as Elmer Schattschneider reasoned long ago, "inside" participants who are not doing well on an issue will try to expand the conflict in order to gain support (Schattschneider 1960, 2-5).

The result is that at least parts of the public will be alerted to the issue and will proceed to develop their own "partisan analysis" of the risks involved in order to make their opposition more effective (Braybrooke and Lindblom 1963, Ch. 5 and 235). Depending on how well these people are organized, and their other resources, they will become more knowledgeable about the issue (and risks) and let policy-makers know how they perceive matters (Ingram et al 1992; NYT 12/18/91). For their part, even if the policy-makers originally had a different perception of the environmental risks, their perception of political risks will cause them to move closer to the perceptions of their constituents.

Hypothesis (2). As solid waste technologies have increased, their perceived risks also have increased. Our data, drawn from the short period 1991-93, do not provide a very precise test of this "longitudinal" hypothesis. Nevertheless, our sources from the scholarly literature generally confirm it (Collingridge 1983). And among advanced technologies, those devoted to the disposal of hazardous wastes tend to the most complex. For example, the risks associated with hazardous waste incineration are perceived to be especially great (NYT 3/28/92; 12/20/92).

Studies going back ten or twenty years show, in addition, that new solid waste technologies tend to be more expensive. This is particularly true for new landfills and resource recovery facilities (NYT 1/6/92; O'Leary et al 1988), and can be seen in sharp increases in the costs of solid waste disposal, including "tipping fees." Of course, it has been argued that a large part of these costs (e.g., for cleanups and health effects) have been there all along without being appreciated as they are today.

Certainly, controversies over this new appreciation can be seen in almost all our cases (Breen 1991b). Even so, the increasing expense of new solid waste technologies are incorporated in this developing perception of costs and can be seen in community conflicts over what essentially is the tax bill. Thus without attempting to separate newly perceived environmental costs from the increased expenses for advanced technology, it is clear that this hypothesis is sustained.

Hypothesis (3). As differences in perceived risks of solid waste disposal have grown in local communities, so has community conflict over disposal options. The evidence related to this hypothesis is partly an extension of that just discussed, but with the added element of intra-community conflicts over such issues as siting (NYT 3/23/92). Good examples of this are controversies over resource recovery facilities and newly designed landfills, reflecting changing national and state regulations (NYT 1/6/92). Advancing public perceptions of the environmental risks of these facilities clearly have increased community conflicts over where they should be placed (NYT 12/12/91, 3/25/91). A recent study by the Reason Foundation provides some interesting findings that suggest that the use of compensation packages can soften community conflict (based on perception differences) over the siting of solid waste facilities (Fort and Scarlett 1993).

Hypothesis (4). The risks associated with new solid waste technologies have led to growing popularity of low-risk options, such as recycling. In almost all our communities recycling is seen as a benign option compared to landfilling or incineration (NYT 4/9/92). Moreover, recycling is perceived as requiring only rudimentary technologies (Holmes 1991, 42; NYT 1/1/92), and certainly as low risk compared to the high technology resource recovery. In fact, one risk associated with proposed incinerators is that the amount of waste they will require to operate efficiently will work against recycling programs (Breen 1991a, 49; NYT 1/5/92). Obviously, this risk is based on human motivations, and part of the community conflict hypothesized earlier involves incinerator supporters arguing that recycling will be encouraged while recycling supporters assert that the need to keep waste away from recycling is inherent in the incinerator's operation, whatever its supporters say.

The involvement of states complicates community decisions, since there are sharp differences between states in their support for recycling (Khator 1993). In those states that support recycling, local communities are encouraged to adopt such programs. Especially when these encouragements take the form of requirements or economic subsidies, they provide local policy-makers protection against the risk of recycling problems or failure.

Hypothesis (5). Although recycling is not perceived as very risky, its many interdependencies actually produce a high risk of operational breakdowns. With recycling perceived as the ideal solution to solid waste disposal, the difficulties of its implementation come as a shock to most communities (NYT 4/7/92). To make matters worse, in many communities the fact that recycling involves selling materials to buyers leads to an early expectation that it might be a money-maker. If newspapers and bottles and aluminum can be sold, for example, isn't it reasonable to expect that the income from these sales will offset the costs of the program (Holmes 1991, 39)? It turns out that available markets for recycled products have been quite erratic, making the economics of recycling more uncertain. The experience of market failure has led a number of small communities to organize "market cooperatives" in attempts to stabilize their situation (Holmes 1992).

An outstanding case is newspapers, which take a large amount of landfill space, and the sale of which seems particularly promising. But the newspaper market showed an early tendency to glut, and some communities faced the prospect of having to pay to have their papers accepted (Breen 1990). Tires are another example of a promising but difficult recycling target. They are a blight on the landscape, bad for landfills, and hard to process (Martin 1991; McPhee 1993). So recycling markets have proven to be a serious challenge for local recyclers to master.

Then there are the administrative difficulties of collection and processing. Recycled materials must be separated from regular trash and collected separately. New York City is a notable case of these difficulties being extremely hard to overcome (NYT, 1/16/92; 2/5/92; 2/20/93). New York, which even has had to fight off attempts by organized crime to exploit waste disposal (NYT 2/20/93; 5/20/93) also illustrates the extremely wide-ranging character of implementation difficulties in large cities (Magnuson 1990).

Seattle, a more successful case (NYT 4/20/93), has experienced similar problems (Kourick 1990). These difficulties of implementation have been confronted by virtually all recycling programs and, when combined with marketing problems, have led to many disappointed expectations (Khator 1993). As these difficulties have become better known, they have also led community policy-makers to realize that recycling programs have operational risks; that is, not risks of environmental impacts but of administration.

Hypothesis 6. The growing concern about environmental risks has led to an increase in the importance of scientific and technological knowledge for community solid waste policy-makers. Evidence supporting this hypothesis is derived primarily from those communities we have been able to observe directly. Issues of environmental impacts have invariably required the application of knowledge about science and technology. Persons with this

knowledge have become much more influential in the policy process than those without. One example of this is the growing use of expert consultants in community solid waste programs. Indeed, the Environmental Impact Statements required for most waste disposal projects are almost always farmed out to major consultants because of their technical complexities. And the local process of reviewing these statements (in draft form) tends to be dominated by arguments over technological effectiveness--such as of pollution control devices.

Hypothesis 7. The political risks associated with solid waste decisions have led many local policy-makers to defer such decisions and to avoid high risk options. Evidence for this hypothesis can be found in many local communities, although often it is subtle. In the first place, there is little doubt that policy-makers supporting options perceived as risky face political consequences. Good examples of such consequences are not hard to find. In the first referendum of its kind in New Jersey, the voters of Monmouth County rejected a proposed incinerator that had been planned--and approved--for almost ten years. "The whole thing was a case study in hysteria," said Robert Collins, the County Administrator (NYT 12/12/91). On Long Island,

> burning garbage has become the most powerful single [political] issue. Last month, Assemblyman Lewis J. Yevoli ran for Oyster Bay Supervisor with a solid promise: no new incinerators. A Democrat in a Republican fortress, he won handily. From Baltimore to Nashville and Boston to San Diego, any politician who supports the burning of garbage risks political death. (NYT 12/12/91)

Of course, this hypothesis states the policy consequences of such political risks--essentially that because decisions are risky, politicians will avoid making them. We already have some "backhand" support for this in the popularity of the low risk option of recycling. And it is also suggested in the reluctance of communities to abandon filled landfills if the alternative is a high risk option (NYT 3/18/92). But New York City provides perhaps the clearest case of decision avoidance. Late in 1991, the city's Sanitation Commissioner, Steven M. Polan, resigned in part out of frustration over his inability to enhance recycling or build incinerators. Within three months, mayor David Dinkins once again delayed the construction of a large incinerator in Brooklyn (NYT 3/25/92; 3/26/92).

Conclusions

We have used the case of local community solid waste management to show how two forms of risk--environmental and political--affect policy-making. In an ideal world, many environmental risks can be objectively determined. But we have

found that, instead, risk becomes one of many elements used by various partisans in the political process to obtain their desired outcomes. As opposition groups mobilize against a proposed solid waste alternative, they employ their own risk assessments to "arm" themselves against the risk assessments used by the other side(s). And policy-makers may soon find that it is in their best interest to adopt risk assessments from constituent groups instead of their own experts.

Driven by perceived environmental risks presented by advanced waste disposal technologies (e.g., incineration and landfilling), most local communities currently view recycling as the most benign option for solid waste management. Yet despite its supposed low-risk characteristics, in many ways recycling is the most technologically complex of all disposal options, with numerous chances of breakdowns and with many of its elements beyond local control. The high probability of such operational breakdowns--small and not so small--is seldom discussed in the local policy-making process.

Perhaps our most pervasive finding is the extent to which issues of solid waste disposal/management have become part of local community politics in America. This goes beyond the fact that decisions about solid waste confront local policy-makers with environmental risks, adding pain to their lives. But worse, often environmental risks associated with various solid waste options are translated into direct political risks for these policy-makers. We have noted the extensive use of environmental issues in community politics, including in electoral campaigns. One result of this is the deferral of decisions that will commit to high risk options. Another is an increase in the scientific and technological sophistication of community debates over waste disposal, whether or not in campaigns--the use and abuse of science!

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DE-TERRITORIALIZED NATION BUILDING: TRANSNATIONAL MIGRANTS AND THE RE-IMAGINATION OF POLITICAL COMMUNITY BY SENDING STATES

Paper prepared by Robert Smith

Research Director
Transnational Migration Project

Institute for Latin American and Iberian Studies
Columbia University
NY NY 10027
Telephone: 212 854-4643 (office) or 212 865-0245 (home)

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DE-TERRITORIALIZED NATION BUILDING: TRANSNATIONAL MIGRANTS AND THE RE-IMAGINATION OF POLITICAL COMMUNITY BY SENDING STATES[1]

In January 1993 I attended a dinner hosted by leaders of the Mexican community in New York City for Dr. Roger Diaz de Cossio, the Director of the Mexican Foreign Ministry's "Program for Mexican Communities Abroad." The dinner was an event intended to build links between the Program and the Mexican community in New York. Anticipating that we would pick up on an earlier conversation about how to explain the Program's mission, I had brought along a copy of an article by Bela Feldman-Bianco (1992) which discussed, among other things, the role of the Portuguese state in the creation -- through such organs as the World Ministry of Portuguese Communities -- of a "Portuguese 'global' nation." As we spoke, I pointed out the following sub-heading in the paper to him: "The Reinvention of Saudade and the Creation of a Portuguese 'Global' Nation." Upon reading this, he became quite excited and pounded his finger once on the page, saying in English: This is exactly what I am trying to do. This is my job: "to create the Mexican global nation."

This statement is emblematic of the Mexican state's attempt to re-imagine its political community to include transnational migrants and their children residing in the US. Put differently, the Mexican state is attempting to re-define its nation to extend beyond its borders, and to institutionalize this relationship through the Program for Mexican Communities Abroad.[2] Moreover, the Mexican state is not alone in attempting to re-negotiate its relationship with its emigrants and their children. [3] To varying degrees and at varying times, the Portuguese, Haitian, Colombian, Indian, Korean, Paraguayan, West Indian, Italian and (former) Yugoslav states have also extended themselves in similar ways. (Feldman-Bianco, 1992; Richman, 1991 and 1992; Glick-Schiller, et al, 1992a and 1992b; Jones, 1993; Lessinger, 1992; Kim, 1981; Riquelme, 1993; Sutton and Chaney 1993; Sutton and Makieksy-Barrow, 1987; Kasinitz, 1992; Heisler, 1986 and 1984) While each state has had particular reasons for doing so, these re-negotiations attest to three points: First, the extent to which migrants and their children have created a transnational space within which political communities form; second, the inadequacy of the classical model of political community which assumes that citizenship in a sovereign state is the only possible form of membership; and third, the uncertain resolution over struggles between migrants and states to define political community and decisive sites of political practice.

Political Community, Transnational Migration and the State.

The central empirical and theoretical question in this paper involves the state's relationship with political community. In particular, it regards how states attempt to construct nations, a particular form of political community. Historically, the problem has regarded how, in Anderson's (1991) words, the state attempts to persuade those residing in its territory to "imagine" that they are members of the state -- that they are, in a word, "citizens." The question here is slightly different. In the cases I am looking at, the state is attempting to persuade immigrants and their foreign born children living outside of the sending state's territory to believe and act as if they are still members of the national political community. While the task is the same -- fostering the imagination of a nation -- it is complicated by the fact that the state must operate in a transnational space. (Glick-Schiller et al, 1992 and 1993; Kearney, 1991 and 1993; Kearney and Nagengast; Goldring 1992; Smith 1992; Sutton et al 1987; Rouse 1992) This space has been created by the migrants themselves and represents in a significant way an alternative form of political community to that of membership in the state. How will the state accomplish its old task within this new space? Given this transnational setting, the theoretical problem, as it was neatly stated by Basch and Glick-Schiller (1993: p. 21), becomes "the need for a theory of nation building in the transnational era." [4]

This need for a theory of nation building in a transnational era becomes clearer when we look at the two alternative ways of looking at these activities by states. The first involves the classical model of citizenship, which defines membership in the nation in terms of membership in the state, or citizenship. This equation between the nation and the state is axiomatic in the classical model of citizenship (Brubaker, 1989) and is achieved through the concept of the sovereign state. (Walker, 1990) Inherent in the concept of sovereignty is a normative proposition positing the state's border as the line which divides "Us" from the "Other." Hence, a primary task theorized in the modernization literature was the state's crucial role in "building" a national identity. (Tilly, 1975; Bendix, 1964) Consequently, the world becomes divided into

mutually exclusive political communities called sovereign states. A second normative proposition, that political action must be pursued through the sovereign state, leads to the "reification of political community" as political practice is channeled through the state (Walker, 1990). Eventually, the state seems to become the natural container for politics, and in this way, nations seem naturally to express themselves through states. In this view, for individuals to act politically they must be citizens, the "molecular units of the state," in Kearney's (1993) words. It is this very naturalness of the state as the embodiment of political community inherent in the citizenship model of community which I challenge in this paper.

Criticizing exactly this view of migrants as "citizen-molecules", Kearney and others such as Rouse (1992) offer another way of looking which I call "Membership Before and Beyond Citizenship". This perspective argues that contemporary migrants have created transnational spaces which free them from the state's capacity to create political community. In the case of Mixtec Indians, Kearney (1993) argues that they have defined political community apart from the state for centuries even while existing within it, in a form similar to Wolf's (1957) "closed corporate peasant communities." This is Membership Before Citizenship. Moreover, now through their migration, these migrants have begun to imagine a pan-Mixtec consciousness which defines a political community autonomously from the state. These migrants have superseded and escaped from the state in defining their political communities. Kearney (1991) argues, "... national identities can no longer be constructed. In this post-national world, members of transnational communities... escape the power of the nation state to inform their sense of collective identity." This is Membership Beyond Citizenship.

Leaving aside for now the important differences between the empirical material Kearney and I are analyzing, I follow Glick-Schiller and Basch (1993) in arguing that this absolute alternative does not describe what I have observed. Rather, I concur that nation states have developed or are attempting to develop "new ways to encapsulate the identities and loyalties of transmigrants." (1993: p. 9) I conceptualize these attempts by the state to develop a deterritorialized nation as attempts to create a condition of "Membership without Residence." [5] "Membership Without Residence" involves a relationship between sending states and their emigrants that does not comport with the citizenship model, nor with the model of Membership Before and Beyond the State. [6] Rather, I argue that when sending state programs attempt to create Membership without Residence they are re-defining what it means to be a member of the nation. That is, they are attempting to re-negotiate the relationship between the state and its emigrants to form a deterritorialized nation. They attempt to do this through the creation, adaptation and institutionalization of practices which foster collective identities among emigrants focussed on the home state.

The current attempts of sending states to capture this transnational political space echo the successful efforts of European nation states during what the Tillys (1975) call The Rebellious Century (1830-1930) to supersede local power structures and sites of political practice. The Tillys argue that it was not the stress and strain of industrialization per se that yielded such political conflict in this century, but rather the "reorganization of everyday life (which) transformed the character of conflict..." and occasioned the "long-run reshaping of solidarities." As a result of this restructuring of everyday life, the locality became a less decisive site for politics and local solidarity a less decisive form for social and political conflict, while the structures which gave some control over national resources (electoral systems and parties, unions, the state) became more decisive. In this way the state captured the politics of that century and in the process eclipsed the locality as an important site for political action.

The Tillys' analysis has much to teach us regarding the current relations between sending states and migrants. Just as industrialization was an underlying but not determinative cause of the political conflict of that century, so the current globalization of the economy is a basic cause of migration and, subsequently, of the formation of transnational communities and struggle over the transnational political space we are observing. Yet, as with the Tillys' argument, globalization of the economy cannot explain the current transnationalization of political space and activity. Rather, it is the "reorganization of everyday life" for migrants that has made the local and communal again decisive in their political and social lives and which has prompted sending states to act again. Migrants had created a political space lying outside the control of the very sending states on which much of this politics focussed; states have attempted, as they did in the nineteenth century, to capture this space and substitute the state as a site of political practice, using its forms as well. The current struggle between the state and migrants echoes, with some modification, that

between localities and states at the outset of the rebellious century.

In the paper which follows, I analyze how several sending states are attempting to create and institutionalize Membership without Residence in the form of deterritorialized global nations which include foreign residing emigrants and their children. In Section II, I examine the case of Mexico in some detail. I argue that through the Program for Mexican Communities Abroad, the Mexican state is introducing itself into pre-existing meaning-creating practices by which migrants create transnational communities, and is also creating new transnational practices itself. In this way, the state is attempting to become, and with varying degrees of success, the organizer of a transnational space that previously was organized outside of its control. In Section III, I then compare the Mexican Program with similar though distinct efforts by five other sending states: Portugal, India, Haiti, Colombia and Italy. In Section IV, I comparatively analyze all six programs, focussing on certain consistencies in them, and where possible the different struggles between the migrants and their sending states in defining and controlling transnational political space; and the reversal of the presumed order in the agent-structure problematic in this new migrant-state relationship. Finally, I conclude with some brief remarks about models of membership and their relationship to transnational migration, the state and the de-territorialized nation; and the struggles between states and migrants over forms and sites of political practice.

II: THE MEXICAN STATE AND THE CREATION OF THE MEXICAN GLOBAL NATION: THE PROGRAM FOR MEXICAN COMMUNITIES ABROAD.

The Origin and Scope of the Program[7]

Created in February of 1990 by Executive Order in the Ministry of Foreign Affairs, the Program for Mexican Communities Abroad (referred to in the rest of this section as "the Program") represents both a continuation and an important re-orientation in the Mexican state's policy towards Mexicans and Mexican Americans in the US -- that is, to the Mexico de afuera.[8] The Program's closest historical referents are the "glory days" of the 1920s-30s, when outreach to Mexicans, and also Mexican-Americans, was part of the mission of the Mexican Revolutionary state. Such activity has been continued at a lower level since then, with a notable increase during the Echeverria administration (1970-76). (Zazueta, 1983; Garcia y Griego, 1993) As in the 1920s, the Program is an attempt to indirectly legitimize the Mexican state through its contact with its nationals abroad, and respond to events in the US which affect Mexico's interests. What differs from previous periods is the systematic intent of the Program to re-orient and institutionalize a new relationship between the Mexican state with Mexicans and Mexican Americans in the US.

According to La Paloma, the newsletter and newspaper which is the official "Organ of Diffusion" of the Program, the Program was created to answer the "requests made to President Salinas de Gortari by Mexican and Mexican-American groups during his campaign and his first year in office" for closer links with Mexico. (La Paloma, No. 1, p.1) While this is indeed true, it is not the whole story. Such groups had been around for a long time, and had not received so much attention since the 1920s. What had happened at this time to spur this new interest? Moreover, why was then Candidate Salinas "campaigning" for the Presidency of Mexico in California and elsewhere in the US?[9] The main reasons have to do with President Salinas's search for legitimacy as his Presidency began, and the potential effects of US immigration policy in Mexico.

As in the 1920s, a central intent of the Program is to garner legitimacy at home by attending to Mexicans abroad. (Zazueta, 1983: 461[10]) Whereas the Revolutionary state was consolidating its power, Mr. Salinas confronted a powerful opponent before the election and a substantial legitimacy "debt" after it. Cuahutemoc Cardenas' trips to the US during the 1988 campaign were often translated into impressive, sometimes largely spontaneous rallies, especially in Los Angeles, but also in places like San Francisco and Chicago. Cardenas explicitly reached out to US residing Mexicans, a strategy which has contributed to the larger trend in which Mexican politics increasingly includes campaign stops in important popular and academic sites in the US. The reports of widespread fraud and the convenient collapse of the computer system for counting the ballots during the 1988 election resulted in such a lack of legitimacy that there was widespread fear among the Mexican elite that the new President would not be able to govern. Moreover, the PRI was made nervous by Cardenas' apparent strength of support in the US and decided that decisive

action was needed to counter these efforts. The Solidarity Program in Mexico was the most important, and a quite impressive, response in Mexico. The Program for Mexican Communities Abroad -- which includes an International Solidarity program -- was the response, also impressive, abroad.

The other reasons for the initiation of the Program relate to Mexican response to changes in US immigration law in 1986. The legalization of almost 2 million undocumented immigrants, a majority of them Mexicans, under the Immigration Reform and Control Act shook the Mexican elite out of what one Mexican official called the "myth of return." That is, the Mexican elite had previously held the complacent assumptions, based on the experience of the Bracero program, that the migrants who left would come back, or were migrating circularly, or that the number of migrants who settled, if not small, was not too large. The legalization of so many Mexicans through the amnesty program made this myth increasingly untenable. The question then became how to relate to this extremely large and now seemingly permanent and growing Mexican population in the US.

Another effect of the amnesty program was the fear of the effects of massive return-migration if employer sanctions (which for the first time imposed penalties on employers of undocumented workers) were vigorously enforced. While such return migration never materialized,[11] the fear of it provoked a closer examination of the role of migration in Mexico's economy, and its dependence, especially on a regional level, on remittances from the US. While they had been seriously considering the possible effects of changes in US immigration policy at least since the early 1980s (Garcia y Griego, 1993), the 1986 Immigration law forced them to confront the fact that in many areas in Mexico the population depended more on what the job market was like in the US than in the immediate area.

The links with the Mexican and Mexican-American groups in the US offered another advantage for Mexico: they had many similar interests and could become allies in lobbying for these interests. The Program has cultivated strong links with organizations such as La Raza and the Hispanic Chambers of Commerce, and have lobbied jointly for the North American Free Trade Agreement (NAFTA) and other legislation. However, the Program is not simply a mechanism for more effective lobbying. While one of the ultimate goals of the Program is to get better US policies towards Mexico, the Program itself embodies an important change in the relationship of the Mexican state to Mexicans abroad that goes well beyond the goals of particular policies or foreign relations.

One measure of the profundity of the change in the orientation of the Mexican state towards Mexicans and Mexican-Americans in the US can be seen in the change in the current activities and role of the Mexican Consulates in the US compared to their immediate predecessors of the last ten to fifteen years. During that time, the Consulates and the Mexican government have been seen as being unresponsive to the needs of Mexicans in the US. Apart from the activism of the 1920s-30s, and to a lesser extent in the 1970s (Zazueta, 1983; Garcia y Griego 1993; Gonzalez, 1992; Gil, 1990), the Mexican Consulates have not systematically attempted to cultivate relations with Mexicans or Mexican-Americans in the US beyond their narrow duties regarding the protection of legal rights and the conferral of documents. Indeed, Program officials have often told me that when they began their outreach work, the first question they would always receive from the Mexican or Mexican-American groups was, Why, after so long, are you paying attention to us? What do you really want from us? They were, the officials said, understandably suspicious.

The role of the Consulates has changed since the Program began. They are one of the most important mechanisms through which the Program has cultivated links with Mexicans and Mexican Americans in the US. The Consulates have served as the agents attempting to makes the links between the Mexican state, through the Program, and the Mexican and Mexican American groups in the US. These activities include English teaching, cultural exhibitions, the donation of money or other things to one's community of origin, and others. While all or most of these activities by the Consulates have historical referents, their systematic pursuit with the intent of institutionalizing a new relationship is the aspect of the current situation which differs most profoundly from previous ones.

The important re-orientation that this indicates concerns the re-imagination of the boundaries of the Mexican nation to include ethnic Mexicans residing in the US. [12] The Program's re-imagination has several elements. First, the Program's work recognizes the important difference between the state (a territorial,

political unit) and the nation (a community of sentiment with no necessary territorial incarnation). Second, it recognizes the crucial importance of multiple identities experienced by contemporary migrants, and attempts to foster rather than fight this holding of a "portfolio" of identities. It does so in large part by recognizing that identities emerge and are maintained through practices which generate meaning. The Mexican state in the form of the Program has attempted to adapt or insinuate itself into existing practices or create new ones which afford it a more central place as an object of political identity.[13] Third, the Program has attempted to institutionalize these practices by making concrete links between Mexican and Mexican American groups within US civil society and the Mexican state at various levels. Taken together, these practices constitute the most extensive effort by the Mexican state not only to cultivate relations with the Mexico de afuera, but also to cultivate the idea of a permanent and sustainable Mexico de afuera in the US. Below, I analyze the practices which create meaning and identity and their institutionalization, organizing them according to their US and Mexico sites.

THE PROGRAM IN THE US: INSTITUTIONALIZING THE IMAGINATION OF THE MEXICAN GLOBAL NATION WITHIN A TRANSNATIONAL SPACE

My argument is that the Program is attempting to create and institutionalize the imagination of a Mexican global nation. I believe that it is doing so in several related ways through the institutionalization of practices which teach Mexicans and Mexican Americans in the US to feel themselves to be part of the Mexican nation and which create a relationship of Membership without Residence between Mexicans in the US and the Mexican state. More specifically, I argue that the Program is attempting to institutionalize this imagination of a global Mexican nation in two related ways: 1) by attempting to institutionalize certain existing meaning-creating practices, both local and transnational in scope, under the symbolic aegis of the Mexican state; 2) by attempting to create new practices which institutionalize new links between and Mexican-American groups within US civil society with the Mexican state. I discuss each of these in turn below.

Institutionalizing Existing Meaning-Creating Practices under the Aegis of the Mexican State

Dr. Diaz de Cossio noted that the two most important ways in which the Program has been able to gain access to and the trust of the Mexican communities in the US are through their (the US residing Mexicans) own strongest organizations: the sports leagues and the community of origin committees. These are organizations that draw on pre-existing identities, and which constitute themselves in the US over time. Indeed, these types of structures, built upon social networks, structure the constitution of immigrant communities in the US. Below, I examine how the state in the form of the Program has insinuated itself into these existing practices and how it has created new meanings and practices in the process.

One important set of meaning-creating practices which the Program has attempted to institutionalize are the Community of Origin Committees mentioned earlier. ("Communities of origin" normally refers to the municipios from which migrants hail, and to which the strongest attachment is felt.) It has not been able to affect the activities of all or even most of these Committees, but it has made impressive strides where it has tried. The institutionalization of the activities of these Committees is important because they represent practices affirming "Membership Before and Beyond Citizenship" as outlined in the introduction of this paper. That is, they represent the maintenance and cultivation of an identity for members of a municipio within a transnational context. By giving money for a public works project in your municipio, you demonstrate your membership and "exercise" this identity as a member of the municipio. Moreover, this identity and membership have most definitely not taken the state as their object; rather the municipio (or county) of origin has been the object.

However, the Mexican state, through the Program, has insinuated itself into these meaning-creating practices by providing technical and logistical assistance, and coordinating activities. For example, when US-residing members of a municipio decide to donate money or something else (say, an ambulance) to their home municipio, the Program can act as an intermediary between the US and Mexico residing members. (In at least one case, the Program offered to arrange for donations to the community of origin to be used for purchasing Mexican debt, which would convert their donation in the US into a more than equal sum in Mexico.) Moreover, it can act as an advocate for them with respect to other parts of the Mexican state,

particularly corrupt customs agents and federal police. They can help with everything, from getting the money or ambulance into the country, to arranging for technical assistance from the state or federal government in the execution of the public works project. Of particular importance has been the funneling of Solidarity funds for community of origin projects coordinated through the Program.[14] With the Program talking for the US-residing Mexicans, the Mexican bureaucracy listens.

The importance of the participation of the Program in both of these activities lies in how their meaning changes when the state becomes involved. Rather than being something which is outside two nation states and done by the members of municipios themselves in a transnational space they have created, the Mexican state in the form of the Program has entered into the picture: It presides over the ceremonies, disseminates the information through its newspaper[15], La Paloma, and in many other ways now also creates the meaning of the experience. While they are still operating within the transnational space which the migrants have been instrumental in creating, it is now a space which is less autonomous from the Mexican state than it had been.

Initiating and Institutionalizing Practices Which Form Links Between Mexican Groups in the US and the Mexican State Through the Program

An important new practice which the Program has initiated involves cultural, sports and social exchanges between US and Mexico residing Mexicans, and most crucially, their institutionalization so that they last beyond the Salinas sexenio (presidency). Among the most important of these involve the sports leagues and youth exchanges for Mexican and Mexican American youth in the US.

The youth exchanges are of at least two kinds. First, they mirror the adult exchanges in that they bring US residing Mexicans to Mexico to compete against Mexican teams residing in Mexico. These exchanges are organized through the National Commission on Sports, whose important role is discussed below. The other type of exchange is the National Encounter of Youth in Solidarity. In September 1992, 500 Mexican-American youth joined 4,500 Mexican youth at the second National Youth in Solidarity Conference held in Morelos, Mexico. As reported in La Paloma (No. 10, Sept. 1992), the youth attended lectures "mainly on themes pertaining to the Mexican nation...." and during the week toured various historically important sites and were treated to exhibitions of Mexican traditional events such as the lienzo charro ("a rodeo-like event").

Mrs. Salinas, the President's wife, hosted the Conference. La Paloma quoted this message from her to the US residing youth at the close of the conference, where she spoke after a chanting chorus of "Me-xi-co" had been "thud(ded) out" by the youth:

> You are invited to continue discovering your forefathers' country. Keep strengthening your relations with fellow Mexicans, take your experience of their unity and their fight for the preservation of Mexican culture home to your communities and country.

Another article in the same issue of La Paloma was written by Mexican residing youth who attended a "Future Leaders of America" conference in Washington.[16] In the article, three Mexican youths describe their initial trepidation at going to the US, but end up discovering that they are really part of the same community with the US residing Mexicans. They comment that: "It turned out to be a tough program, but the links we established with our Mexican American and Latino friends were just as intense. We learned a lot, but the most important thing was a new word: us. We were all one."

An important theme that runs through the articles is that the Mexico and US born Mexicans are still members of the Mexican nation, despite the fact of birth in different countries. They are "fellow Mexicans." By organizing such activities and then reporting about them, the Program is attempting to show and teach the next generation of US born Mexicans how to be members of the Mexican nation, and also to give them concrete practices to make this membership real to them.

The Program has attempted to institutionalize certain links between Mexican groups in the US and the Mexican state. One important example involves the new duties of the leaders of the newly created

Mexican Federation of Sports Leagues in the Northeastern United States, centered in New York. The repeated trips to Mexico by the leaders of the Sports Federation have helped them to establish contacts there. Most important, they now have direct relations with the members of the Mexican Commission on Sports, and indeed have been involved in planning events directly with them. The relations between these US residing Mexicans and the members of the state in Mexico no longer require intermediaries. They can contact the President of the Commission in Mexico and plan activities with him. The meaning of the activities of the NY Federation has changed too. When they plan an event now, for example, the travel of US residing Mexicans to compete in Mexico, they do so as leaders closely associated with the Commission.[17]

The second way the Program is institutionalizing these links involves the Community of Origin Committees. The Program is supervising the creation of what could be called Offices of Emigrant Affairs in each of the most important sending states of the country. They hope to institutionalize these links so that the leaders of Mexicans from a state in Mexico who reside in the US can have an on-going relationship with officials in this Office. I discuss this in the section which follows.

THEY ARE MEXICANS, NOT "POCHOS": THE ACTIVITIES OF THE PROGRAM FOR MEXICAN COMMUNITIES ABROAD IN MEXICO.

I begin my discussion of the activities of the Program in Mexico with a description of a scene from New York. At a dinner hosted by Mexican community leaders in New York City for Dr. Diaz de Cossio, he outlined his measure of what the Program had done. He said that the Program's biggest success has been in "changing the image of you there (in Mexico)...". The Program had changed "how they think of you" in Mexico, that "they know that you are not pochos" (defined in endnote #13),[18] but rather Mexicans too, even though you live in another country. Heads nodded quietly around the room. Dr. Diaz de Cossio's words had connected with his audience.

The view of Mexican immigrants in the US as pochos has been a common one among Mexico's elite. This has been a problem especially in the treatment of the returning immigrants by Mexican government officials, who have often ignored migrants' requests for services or straight-forwardly exploited them. Customs agents are most notorious. In short, they have been viewed as exploitable outsiders, as "second class Mexicans."

Changing this image has been a primary goal of the Program. In doing so, the Program also is also re-defining the Mexican political community. Dr. Diaz de Cossio and other Program staff have undertaken the dual tasks of "educating" (his word) the members of the Mexican state and elite about how to think about the Mexicans residing in the US, and of advocating on their behalf in Mexico. Through these two tasks, the Program is attempting to teach other parts of the state and the elite surrounding it to re-imagine the Mexicans in the US as part of the Mexican nation. Moreover, they have attempted to institutionalize the links which express this change. In so doing, they also change the meaning of membership in the Mexican nation.

The Program's "education" efforts have focussed on mainly on elected officials and members of the government bureaucracy (state and federal), but also on elite private groups. They have further focussed on the largest migrant states: Zacatecas, Guanajato, Michoacan, Jalisco, and Oaxaca. He said that in a recent meeting, he presented the issue to the Governor of Jalisco in this way:

> You have 5,600,000 inhabitants in Jalisco, and you have 2,000,000 in the US. What are you going to do for them? You don't have one single, solitary public servant in the state of Jalisco devoted only to them.

He went on to stress the economic importance of the Mexicans in the US, saying that in Jalisco they do not have any other source of foreign exchange that even comes close to the money remitted by US residing Mexicans. And he discussed Census figures which described the extent of the changes in population due to migration in Jalisco, and other issues.

The point of these education efforts is not just to inform, but to change the way of thinking and to institutionalize communication mechanisms between the US residing Mexicans and the Mexican state. With support from the President's office, the Program has instructed the Governors offices to set up what can be called Offices of Emigrant Affairs. The purpose of these was illustrated to me by Dr. Diaz de Cossio using the example of an ambulance that a group in Los Angeles wanted to donate to their home town in Mexico. They have problems getting it across the border, and once they get to the state there is not anyone from the government to officially receive it. With the creation of such an Office, however, there would be someone to receive it. More importantly, the groups in Los Angeles could call a person they know personally in the Office if there were problems. And over time, through the regular interaction of these groups with the Mexican state, the relationship would become institutionalized in a way that is more likely to last beyond one Presidential term. The Program is currently preparing an instructional package for the Governor's Offices in these states, describing various steps that should be taken towards the opening of such offices. The goal seems to be to create a relationship similar to the one they have created between the Mexican sports leagues in New York City and the Mexican National Commission on Sports.

Two examples of a more institutionalized, formal connection between groups in the US and in Mexico involve education. First, there is the close coordination between certain school districts in the US (mainly in California and one in Wisconsin), through which records for the school-age children of migrant farm workers are exchanged between the Mexican and US schools. These efforts pre-date the Program by many years in California, but the one in Wisconsin was established with its help. The second example involves links between Mexican American groups in the US with the Program and the Mexican state. For example, the program has stressed the importance of bilingual education in the US, and has even provided English teachers and other support through the Mexican Cultural Institutes in the US. More important are the links the Program has established with groups like the California Association for Bilingual Education, and other chapters of the National Association for Bilingual Education. The Program has attended the Association's meetings for several years and shares their concern for the promotion of bilingual education. The Program has met with the Mexican Secretary of Education in order to formulate goals through which the educational needs of Mexicans living in the US can be served.

A final note about the re-definition of what it means to be a Mexican involves the aspirations that the Program has for Mexicans in the US. Among the most important of these is that they do well in their adopted country. Put differently, success in the US is an important way in which one fulfills his duties as a Mexican living abroad. Program staff have outlined the logic to me this way: Mexico wants to have friends in the US. The most natural friends that Mexico has are the Mexicans, Mexican Americans and Latinos in the US. Therefore, we hope that they will succeed because it is better to have rich and powerful friends than powerless, impoverished ones. Hence the Program will do all it can to help the Mexicans and Mexican Americans in the US succeed. Such an attitude is reflected in the considerable effort they have put into educational programs in the US and between the two countries.

It is also reflected in the attention and respect accorded to Mexicans who have been economically successful in the US. In one case, a Mexican who had migrated as an undocumented worker to the US became wealthy there, and then invested a lot of money back in Mexico. Program staff enabled him to avoid paying millions of pesos worth of bribes, and speeded up his obtaining municipal services like water and electricity. At the opening ceremony of one of this plants in Mexico, he was honored for his initiative and drive, as a true Mexican who had not forgotten his roots. Privately, Program staff admired his business acumen in becoming a US citizen in order to take advantage of tax breaks. What seems most interesting about this account is that he was not vilified as a traitor to Mexico for giving up his Mexican citizenship to make money in the US. Rather, his succeeding in the US and then helping Mexico constituted an important part of his being a good Mexican abroad.

Theoretical Discussion

The Program's participation in the sports leagues and in the activities of Community of Origin Committees offer good examples of the analytical point of Basch and Glick-Schiller (1993). They take issue with Kearney and Rouse, whom they see as theorizing the emergence of transnational forms of community

which are so autonomous from the state and that they allow migrants to escape completely the capacity of the state to "inscribe" an identity on them. Basch and Glick-Schiller argue that while the transnationalization of community has indeed provided a space outside of the state for the cultivation of identities, this is not the end of the story. Rather, sending states have attempted, with some success, to insinuate themselves into these spaces and to coopt previously autonomous practices or cultivate new practices which reinforce one's political identity as a member of the nation based within a particular state. They cite the cases of politicians in the West Indian and Caribbean states pursuing politics in New York as a primary example: the "transmigrants" living in New York are approached as members of their sending states and asked for donations and other cooperation on the basis of their common membership as Haitians, Grenadians, etc. Donating or supporting the Grenadian or Haitian politicians or state members re-affirms the Haitian or Grenadian identity of these US residing "transmigrants."

In the case of the Program for Mexican Communities Abroad, we have a similar process at work. The state, in the form of the Program, has presented itself as an umbrella organization for sports leagues and for the supportive activities of US-residing Mexicans for their communities of origin. In this way, the state has become involved in activities which previously (according to my analysis at the beginning of this paper) were "Before or Beyond Citizenship" and thus has transformed them. Whereas these activities before were practiced independently of the state, especially the centralized, federal state, they now are being increasingly coordinated through the Program. In the practice of this coordination lies a great capacity to define and engender the meaning of a practice, particularly in terms of what the practice means for one's political identity. In the Tillys (1975) terms, it is an attempt to redefine the meaning of these events such that the solidarity that emerges reinforces the state's central position and its decisiveness as a site for political practice.

However, this is not to say that the citizenship model of membership tells the whole story either. Indeed, the very creation of the Program contradicts the classical theory of citizenship, in which the nation and the state must reside within the same territory. The state has attempted to modify its manner of inclusion of members. To the extent that it succeeds in "capturing" these transnational practices, it again asserts itself as the proper container for politics as predicted in the citizenship model of membership. We will return to these issues as we examine the comparative cases in Section III.

SECTION III - MEMBERSHIP WITHOUT RESIDENCE IN PORTUGAL, INDIA, HAITI AND COLOMBIA: THE PROGRAM FOR MEXICAN COMMUNITIES ABROAD IN COMPARATIVE PERSPECTIVE.

My argument in the first part of this paper began with the observation that the classical model of membership in a political community as citizenship in a sovereign state no longer fits with the practices of contemporary migrants and their states. Instead, I argued that states were attempting to create a relationship between themselves and their emigrant populations (and their children) which I call "Membership without Residence." This relationship has two elements: the re-imagination of membership in the nation to include emigrants and their children; and the institutionalization of these relationships by the state. In this section, I examine the ways in which five other sending states -- Portugal, Haiti, India, Colombia and Italy -- have attempted to re-define and institutionalize membership of their emigrant populations as membership in the nation despite their foreign residence. I compare their practices for redefining and institutionalizing membership in the nation with the Mexican case and with each other. In short introductory remarks for each case, I try to take into account the contexts of the migration and state policies, especially regarding the state's location within the global economy and geo-political system. [19]

PORTUGAL: The Ministry of Portuguese Communities and the Portuguese Global Nation

I began this paper by citing the impact which Bela Feldman Bianco's (1992) article had during my conversation with the Director of the Program for Mexican Communities Abroad. This impact was not without reason, because the Portuguese and Mexican programs are nearly identical in several respects, though the context of their conception and current operation are different. However, the programs are very similar in how they re-define what it means to be a member of the nation and then attempt to institutionalize

this re-definition as a relationship of "Membership without Residence."

The Portuguese state's efforts to create and institutionalize a global nation began in the 1960s and 1970s, as labor emigration increased and after Portugal lost its overseas dominions after the 1974 revolution.[20] Portugal's past as a seafaring, colonizing nation has provided it with a central concept which underpins its efforts at creating a global nation: saudade, which can be translated as "longing" or "nostalgia." This nostalgia for Portugal's past provides what Feldman-Bianco calls the "collective memory" that is drawn upon in the creation of a global Portuguese nation.

The Portuguese state, at various levels, has taken a very active role in re-defining what it means to be a member of the Portuguese nation. Recognizing the increasing numbers of Portuguese involved in international migration, the state moved to change the perception and treatment of Portuguese emigrants in society as well as their relationship to the Portuguese state. We can note the change occurring between the 1940s and late 1970s. In the 1940s, emigrants were still considered second class citizens and defined as "'those passengers traveling second and third class by boat'"; through the early 1960s emigration was considered a necessary evil, and illegal immigration "a serious crime.". (Feldman-Bianco, 1992: p. 149) In society, the "pocho syndrome" prevailed: returning emigrants were called "French" or "American," as if they were now only members of their adopted countries, and no longer Portuguese.

In the mid-1960s, the state began to completely change its relationship with its emigrants. By the late 1970s, it had created full-fledged framework for a global nation. After negotiations related to its entrance into the European community in 1965, the Portuguese state took on the responsibility of recruiting and placing workers. In the late 1970s, it gave Portuguese emigrants full dual citizenship rights, but also charged them with a "dual responsibility: 'to integrate in(to) the host society without assimilating and to establish the presence of Portugal in the world'". This change was captured in a poem by an emigrant poet with the line, "A Portuguese who is only a Portuguese is not a Portuguese." Most recently the word "immigrant" was replaced by the term "portuguese Abroad and portuguese spread throughout the world'" in Portuguese laws and state regulations related to emigration. (Feldman-Bianco, 1992: 180)

In addition to redefining how Portuguese emigrants were thought of, the state also created agencies to institutionalize the links between Portuguese abroad and the Portuguese state. The Ministry of Portuguese Communities in the Ministry of Foreign Affairs was created. Most recently, organizing has begun for a World Ministry of Portuguese Communities which will provide for the participation of representatives of the myriad Portuguese communities abroad. (Feldman-Bianco, 1992: p. 150) In addition to these federal projects, the regional governments of areas with high emigration (for example, the Azores) also have created such programs.

In addition to these state agencies, there are practices which institutionalize these links. For example, the President of the Azores visits Massachusetts at least four times per year, and there are other regular exchanges and joint celebrations between the Portuguese and US sides of the Portuguese (or Azorean) community. Moreover, frequent use of TV and radio keep Portuguese in Massachusetts and Portugal informed on the news and state actions in both places. The Portuguese state regularly bestows awards on leaders of the Portuguese community in Massachusetts. Together, these agencies and practices institutionalize the relationship between the Portuguese state and its Portuguese abroad.

The Mexican and Portuguese cases provide interesting comparisons because of how similar the programs are. Indeed, they virtually have the same names. One might speculate that these similarities have to do with the similarity of the migrations and their relationship to the global economy. That is, that both are primarily low-wage labor migrations to more developed countries, and in both cases the extent of migration is greater than for the other countries considered, with the exception of Haiti in which political factors outweigh the others. The granting of full citizenship rights to emigrants in the Portuguese case but not the Mexican case is an important difference in otherwise similar programs. These issues are discussed more in the comparative section which follows.

INDIA'S "NON-RESIDENT INDIAN" PROGRAM: Come Home, and Bring Your Money.

India's "Non-Resident Indian" program was conceived within the context of the economic modernization program begun in the 1970s. The new strategy shifted towards bringing in foreign capital for direct investment. Non-Resident Indians (commonly known as NRIs) were seen as an ideal way to do this because they allowed state planners to balance India's xenophobia with its need for foreign capital: NRI investment would be less foreign, and still foment development. That NRIs were targeted indicates how many of them are economically privileged, part of India's "brain drain" of doctors, lawyers, industrialists and businessmen. The idea was to make these foreign-residing Indian professionals also into domestic investors, and hence indirectly put Indian talent to work in developing the country.[21](Lessinger, 1992)

The Non-Resident Indian program differs from the Mexican Program in the scope of its redefinition of membership in the nation, and in its manner of institutionalization. One aspect of this difference is that rather than being a program for all Indians outside the country, as in the Mexican or Portuguese cases, it is a program aimed specifically at potential Indian investors. This reflects the different composition of migrants from India. However, we could also consider the Mexican case to be an "investor" program if we looked at remittances as investment.

A more important difference with the Mexican case lies in the kind of re-imagining being done by the Indian versus the Mexican state. There are two aspects to the Indian state's re-definition. First, the Indian state hopes through the fostering of investment in India by NRIs to induce them to return home. What I will call the "pochos syndrome" is very strong in the relationship between NRIs and the Indian state and society. NRI's of more than one generation's removal from Indian birth are generally viewed as being "not real Indians." (Lessinger, 1992: p.72) Hence it is hoped that those who are Indian born or first generation will return home and become "re-Indianized." In this way, the Mexican and Indian programs differ because the Mexican Program reaches out to all ethnic Mexicans, regardless of generation or territorial residency. Second, the Indian NRI program does not attempt to institutionalize and thus make permanent the definition of NRIs and their children as members of the Indian nation. This contrasts with the Mexican case, where Mexican ethnicity and desire to become more Mexican are the only criteria for participation.

The Mexican and Indian cases are similar in that the kind of membership offered in not full political membership. In both the Mexican and Indian cases,
the state has refused to grant dual citizenship, including voting rights, on the grounds that these privileges must be reserved for those residing inside the state. The demand for full voting rights has been made both by Indians and Mexicans abroad.

However, the Indian state's practices and intents are contradictory. That is, while the NRI program's intent is not to foster the permanence of Indian residence abroad nor to uphold the authenticity of Indian-ness outside of India, several elements of the NRI institutionalize conditions that do just that. The first regards how the Indian state defines who is an NRI: "'Indian nationals and foreign passport holders of Indian origin. They include even wives of Indian citizens and those whose parent/s or grandparent/s was/were resident in undivided India'." (Lessinger, 1992: p.56 source cited in India Today, which cited a Citibank pamphlet soliciting investments) The broadness of this definition includes as NRIs people who are not members of the Indian state. Another practice which acts to foster an Indian identity in NRIs is the publication abroad of several newspapers directed at Indians. One, India Abroad, has very close ties to the Indian state. Drawing on Anderson (1991), we know that newspapers are important mechanisms for fostering the imagination of community among groups of dispersed peoples. Finally, the state sponsorship of identity affirming events organized by NRIs themselves fosters the permanence of NRI status. The First Global Convention of People of Indian Origin was held in New York in 1989. An important sponsor was the State Bank of India, and high ranking government officials spoke at the event. Their presence contributed to the maintenance and institutionalization of Indian-ness abroad by "authenticating the event as an item of Indian cultural identity, in offering a channel for NRI contact with the Indian government, and in forming an audience for the event's assertion of a global Indian identity." (Lessinger, 1992: p. 73)

The Indian state also affirms and enables the holding of Indian identity through its concrete measures for attracting investment from NRIs. For example, NRI's receive tax breaks on investments and significant technical and financial assistance in setting up business ventures in India. Also, NRI's have special accounts where they receive higher than normal interest rates on remitted money. These accounts

are denominated both in US dollars and in rupees, making access to one's money equally easy from the US or India. These types of arrangements facilitate the maintenance of two lives, one as a professional in the US and the other as a businessman in India. In both cases, the NRI feels himself to be Indian, and practices a kind of "Membership without Residence."

As we have seen, these kinds of practices have been used in the Mexican Program as well, though they have been designed for a very different population of migrants.

HAITI: Aristide, the Tenth Department and the Deterritorialized Nation State[22]

The Haitian case is different from the others for several reasons. Here, we are not examining an on-going program, as such, which attempts to institutionalize a relationship of membership in the nation without residence in the state. Rather, we examine something which is more transnationalized than the other four cases we have looked at, with the possible exception of Portugal. Indeed, we could say that Haiti's political system cannot realistically be considered except with reference to the transnational actors who help constitute that system, nor can its economy be understood except with reference to its peripheral position in the global economy.[23] (Glick-Schiller and Basch, 1993; Richman, 1992; Chalmers, 1992) However, I focus here on Aristide's Campaign in the Diaspora and his creation of the Tenth Department, taking the former as examples of the de-facto imagination of a global, deterritorialized nation, and the latter as an attempt to deepen and institutionalize that relationship. Had Aristide's Presidency not been interrupted by the coup, we might today see in Haiti the most extensive institutionalization of Membership without Residency of our cases. The extant situation is less institutionalized, but not less transnationalized.

The evidence of a de-facto transnationalized nation in the election campaign is plentiful. Richman (1992) points out that Aristide's last-minute candidacy was greeted by massive grassroots movements both in Haiti and the US, especially in New York and Miami. These movements were known in Haiti as the Deluge (Lavalas) at Home and the Deluge for Home. The idea was that the Deluge of the people would sweep out the tyrants and sweep in the people's representatives. Moreover, Aristide campaigned a good deal in New York and Miami in person, and more extensively over the radio, raising a great deal of money for his campaign in the US. Similarly, he thanked supporters outside Haiti and promised renewal in his election-eve "Speech to the Diaspora." After the election, he appealed to the "Bank of the Diaspora" for funds to rebuild Haiti.

Aristide's creation of the Tenth Department of Haiti gave institutional form to the relationship of Membership without Residence. In creating the deterritorialized Tenth Department (the Haitian state has nine Departments), Aristide was explicitly accepting and embracing the transnationalized nature of the Haitian polity, and affirming the legitimacy of a "deterritorialized political entity" (Richman, 1992) within the state. Not only was this political entity announced, but it constituted itself in the US before the coup by electing representatives from the various districts which made up the Tenth Department. For example, there was a district from New York, one from Canada, one from Guadeloupe, etc. According to Richman (1992: p. 73), these same districts have "mobilized protest marches and fund raising campaigns to restore <u>their</u> president to power after he was deposed by the Haitian army..."

An important consideration in comparing the Haitian case with the others is that the other states are "more sovereign" than the Haitian one. This fact leads to two observations. First, the greater sovereignty of these other states makes it easier for them to re-define and institutionalize their relationship with their emigrant members. However, that all five of these countries are implementing (or implemented) some measures to institutionalize the membership of their emigrants underlines the importance of transnationalization as a force changing the conditions under which states negotiate their relations with "their" populations, resident and emigrant.

COLOMBIA: A Narrow, Politically Substantive Membership without Residence[24]

The Colombian government has not instituted a formal program for Colombians abroad, but still

provides an interesting case for comparison. We can characterize the Colombian state's re-negotiation of its relationship with its emigrants as re-defining political community more narrowly than in the Mexican or Indian cases, but institutionalizing it in a more politically substantive way. That is the Colombian state has granted full political rights to its citizens aborad, but has not re-defined its deterritorialized political community nation to include non-citizens as have Mexico and India. There are three concrete elements of the Colombian "program."

The first element is the practice of campaigning for Colombian Presidential (and other) elections in New York. For more than thirty years, Colombian politicians have been coming to New York to raise money and support for their campaigns back home. The traditional parties, the Liberals and Conservatives who alternate in power in Colombia, are also constituted here in New York, and control of the Consulate also changes when the party in power changes in Colombia. The second element is the legislation providing for the dual citizenship with voting rights for emigrant Colombians. Accordingly, Colombians living in New York have been able to vote in Colombian elections at voting places in Jackson Heights, Queens, and at the Consulate in Manhattan. Though only a small percentage of Colombians vote, there are several thousand who do, and the campaigning among the party members can be quite intense. The third and most recent is a Constitutional Reform made within the last year which provides for the election of a representative to Congress from abroad. While the enabling legislation for this provision has not yet been passed, when (and if) it is, it will ensure, for all intents and purposes, that there will be an elected representative from New York in the Colombian Congress. Each of these practices -- and especially the third -- institutionalizes the participation of Colombians living in the US in the governing process of the Colombian state and nation.

These elements add up to a more politically substantive Membership without Residency for Colombians Abroad than for Mexicans or Indians, but also one involving a narrower imagination or definition of community. The Colombian community does not include the second or third generation of ethnics, and hence the political community is re-defined only in terms of residence, not in terms of who is included. It is still a community of citizens and members of the state, even if they do not reside within the state. This is in contrast to the Mexican, Indian or Portuguese cases, where community membership is redefined to include non-citizens.

ITALY: Emigration and Return as State Strategies. [25]

The Italian case offers an interesting comparison because it can be considered the "original" program for communities abroad, and because its founding was part of the Italian state's strategy for consolidating its nation. Hence, no current re-imagination of the nation is necessary because the nation was founded with the notion of including "Italians abroad." Moreover, the links between the Italian state and Italians abroad have been institutionalized since shortly after the state's founding in 1871.

The new Italy faced the "southern question" -- how to deal with the disparity in development between the relatively prosperous north and the "backward" south. One answer was to actively promote both the emigration of Italians from the south to other parts of the world, and their return and repatriation to Italy. This allowed Italy to avoid the political instability that the "southern question" might cause, so that emigration would, as one contemporary observer put it, serve as "'a safety valve against class hatred.'" (cited in Heisler, BS: 1984: 330) In this way, Italy created a "new view of citizenship" resting on the assumption of both temporary emigration and eventual return.(Heisler, 1984: 330)

The first emigration laws were passed in 1888, but the real beginning of a program for Italians abroad began with the Emigration Act of 1901 which created the General Commission on Emigration. Its philosophy was that emigration was necessary and should be encouraged, but must also be temporary and periodic. To institutionalize this relationship, the Italian state set up an extensive network of state (or state-sponsored) agencies for its emigrants. These agencies have been active throughout this century, especially during the 1920s and during the great migrations to northern Europe in the 1960s and 1970s. These agencies include large consular staffs, a set of "patronati (helping institutions) administered by trade union federations but financed and juridically recognized by the state," and the Directorate (formerly the Commission) which works through two major organizations, the National Union of Emigrant and Immigrant

Associations and the Italian Federation of Emigrant Workers and Families. These institutions have provided extensive services and support for the needs of Italians abroad as well as their return home. For example, the Italian state has provided subsidized transportation for Italians to return home to vote. Heisler characterizes the result as twofold: it fosters isolation from the host society and "simultaneously reinforc(es) ties with Italy." Some studies have noted a 50% return rate among Italian emigrants. (cited in Heisler, 1984)

The Italian case offers an interesting comparison to the Mexican case and others for two reasons. First, there is not a contemporary "re"-imagination of the community in this case, because the first program for Italian communities abroad was initiated as one strategy of the Italian state to deal with the southern question, which is really a nation building question. Hence, the Italian notion of citizenship treats as normal the emigration, return and on-going participation of many of its citizens abroad. Moreover, it is different from the Mexican and Portuguese cases and similar to the Indian case in that it attempts to foster the return of emigrants to Italy. Unlike the Indian case, it has had some success in this endeavor. Second, and consistent with the first point, is that it has from the outset devoted considerable resources to institutionalizing the organic relationship between Italians abroad and the Italian state. These issues are discussed more below in the comparative section to which we now turn.

SECTION IV: COMPARATIVE ANALYSIS: STATES, MIGRANTS AND THE RE-NEGOTIATION OF POLITICAL COMMUNITY IN A TRANSNATIONAL SPACE.

We can make several general observations in comparing the above cases of "programs for members abroad" or "Membership without Residence." These observations lead us into a discussion of what I call the "pochos syndrome" and of the importance of the reversal of the presumed order in the structure-agent problematic in the relationship between states and migrants.

The first general observation we can make is that each of these programs (except the Italian one) attempts to re-define who is included in the "we" of a national political community. This re-definition has gone furthest in the Portuguese case, where full dual-citizenship rights are extended to Portuguese abroad, and the relevant laws have been re-written to abolish the term "immigrant" and substitute "Portuguese abroad." This redefinition has similar dimensions in the Mexican case, with the important exception of the failure of the Mexican state to include fully its "Mexicans abroad" in the political community by granting voting and other political rights, as in the Portuguese case. The Haitian case is different because of the coup, but still merits attention here. Aristide went very far in redefining who was inside the political community -- even to the point of providing for the election of representatives from the Tenth Department. Moreover, the difference between members residing inside and those residing outside the state seems to be the least consequential in this case because of the prior, extreme transnationalization of the political system. In the Indian case, the re-definition by the Indian state of who is inside and who is outside the political community includes non-citizens and foreign born, ethnic Indians abroad, and even non-Indians related by marriage to India. The Colombian "program" re-defines membership in the least radical way in terms of the state -- only Colombian citizens can vote or get special consideration -- but it is radical in its providing (at least in theory) for an elected representative from abroad (eg New York). The Italian case is different because the Italian state never stopped "imagining" that emigrants were part of its political community. Rather the Italian state actively promoted both their emigration and simultaneous inclusion in the Italian nation as part of its development strategy.

A second observation is that in at least five of the cases the programs were created in the midst of great searching about the meaning of national identity provoked either by changes in the nation state's relation to the world economy or its political relationship with its people. In the case of Mexico, the Program was initiated in response to the success of Cuahutemoc Cardenas in California, and the Mexican elite's realization of the permanence of US residency for many Mexicans and their importance to Mexico's economy. However, we can go deeper in looking for causes. One cause of the Cardenas phenomena was the abrogation of the implicit, post-revolution pact in Mexican political life beginning with President Miguel de la Madrid in 1982. The pact had been: the party-state of the PRI will provide steady growth in the

economy and an increasing pie to re-distribute, and in return it gets labor peace and near complete control over the electoral process. (Cornelius et al, 1988) The Mexican state's break (or at least important modification) of its traditional role as the protector of the national economy and popular sectors from outside economic forces inherent in its neo-liberal project was an important factor in persuading many that the bargain was no longer being kept. Cardenas' support in the 1988 election reflected this sentiment. Combined now with the logical extension of the neo-liberal project -- NAFTA -- Mexico has been searching to re-define its national identity over the past decade, to re-define what membership means in a Mexico which is increasingly integrating itself into the world economy.

The other cases have similar contexts. The Portuguese programs were begun after the 1974 Revolution and the loss of its overseas empire, which occasioned great debate in Portugal over the meaning of Portuguese national identity. The Indian NRI program was begun as a more palatable, "third way" of opening the economy to "foreign" investment. The Haitian program was initiated as an integral part of a wide-reaching democratization process which was attempting to change what membership in the Haitian state and nation meant for the vast majority of Haitians. Moreover, as the politics of Haiti have been practiced within a transnational context for quite some time, the formation of the Tenth Department was really an attempt to enfranchise de-facto members of the Haitian political system and nation. In short, we can say that each of these cases have involved the re-definition of political community by the state in response to crises in the meaning of national identity. The Italian program, as previously discussed, began as part of a strategy to consolidate the Italian nation.

One dynamic which recurs in these re-definitions is what I call the "pochos syndrome."[26] In a program of this sort, the state takes on the responsibility of attempting to reverse the perceptions of Mexicans/ Portuguese/ Indians etc abroad as "not real Mexicans/Portuguese/Indians etc" -- eg as "pochos." This perception is held both by those inside the state, and by members of civil society. In the Mexican case, reversing this perception has been a priority, as discussed above. In the Portuguese case, the re-writing of laws (to say "Portuguese abroad" and not "immigrant") as well as the extensive interchange between Portuguese in Portugal and those in the US offer evidence of a similar process. In Haiti, Aristide's direct appeals to Diaspora for money and support, and the creation of the Tenth Department attest to a marked departure from treating Haitians abroad as less Haitian than those at home.

In the Indian case, the reversal of this image is made more complex because of India's intense xenophobia and the NRI program's own contradictions. Its stated attempt is to induce both NRI investment and return migration, so that NRIs can be "re-Indianized." Yet, as discussed above, the program facilitates the maintenance of a community and an identity as an Indian abroad, both logistically and in terms of defining the community. The very designation of a program for "Non-Resident Indians" bespeaks its attempts to re-define the NRIs as members of India.

However, by talking of "the state's re-definition of political community" I do not mean to say that political community is all the state's to define. Rather, we must acknowledge that even where the state has been able to play an important part in re-defining political community to include in some way Mexicans/Portuguese/Indians etc abroad, this represents a response to an inversion of the "presumed" state-migrant relationship. That is, it represents an inversion of the normal assignment of positions for the state and migrants in the structure-agent problematic (See Mahler, et al, 1992): migrants here have created a structure and a space through their transnational practices, and states are attempting now to capture that space. The migrants are agents who have created a structure to which the state is responding, attempting to make that structure the state's in important ways.

This reversal is of more than academic concern. Leaving the Italian case aside for now, we can say that this reversal is reflected both in how the state is attempting to capture these structures and the practices which institutionalize them, and in the struggles between Indians or Mexicans etc. abroad and their states and societies of origin. For example, these programs for members abroad indicate that it is possible to live abroad and still be a good Indian, Mexican, Portuguese, etc by being successful in the host society and thereby directly or indirectly contributing to the sending state. The Portuguese case evidences this most explicitly. The Portuguese state charges Portuguese abroad with the responsibility of integrating without assimilating and thereby "establishing the presence of Portugal in the world." (Feldman-Bianco,

1992)[27] Mexican Program officials tell me that they want the Mexican American community, their "friends" in the US, to be prosperous and powerful, and hence they are attempting directly or indirectly, to promote the economic, social and political development of the Mexican American community in the US. Educational and business issues are among the most important. The praise of a Mexican who became a US citizen so that he could more profitably invest in Mexico is another example. The Indian NRI program has likewise amended the practices which manifest Indian-ness to include making money abroad and investing it at home in India. In Haiti, Aristide encouraged Haitians abroad to repatriate funds, and, more commonly, to return periodically and spend money like "'good homegrown Creole tourists'". (Richman, 1992: 195).

The sending states logic seems to be: since our emigrants have established themselves abroad and we cannot change that, we must do something to make them still "ours" and to benefit by their labor. Since we cannot tax them, we must induce them to spend or send money based on their membership as Haitians, Mexicans, Indians, etc. Since we cannot change the fact of their migration, perhaps we can change what it means and how it is practiced.

The Italian case is slightly different: it "sent" its emigrants abroad, but did so at least in part because of its position in the world economy. That is, the "southern question" is really a question of dependent development in an earlier period. Hence, the "new view of citizenship" based on temporary emigration on return can thus be seen as the definition of citizenship in one of the first dependent states attempting to develop economically and politically. While the logic of the migrant-state relationship is not reversed in the Italian case, this is because of the timing more than anything else. The same forces impelled the migration, and induced an initial imagination of community quite similar to the re-imagination which the other countries are experiencing now.

This reversal of the structure-agent problematic is also seen in the struggles between the Mexicans, Indians and Haitians abroad with the efforts of the home state to "capture" them and this transnational space through the programs for members abroad.[28] According to Lessinger (1992), the NRI program created a legal framework for defining who is an insider/outsider, which legitimized and catalyzed the resistance among Indians abroad to the dominant ideology which viewed them as less authentically Indian. (This resistance is especially significant in a culture which, Lessinger tells us, during the nineteenth century required purifying rituals for Indians returning from abroad.) The First Global Convention of People of Indian Origin in 1989 in New York City was an important example of Indians abroad asserting their identity as Indians, and the legitimacy of being Indian outside of India. The Convention also served as a platform for making demands on the Indian state, particularly for protection of Indians in other states such as Fiji and South Africa. Finally, a central theme of the Convention was the question, "'What is an Indian?'" (Lessinger, 1992: p. 73) By convening such a meeting, focussed around such a question, and using the occasion to make demands on the Indian state, these Indians abroad were asserting their authenticity as Indians living outside India. They are thus disputing the state's attempts to capture the transnational space in which they live, by not accepting the state's design of what the NRI program should be: a way of repatriating both capital and Indians. Rather, they have incorporated the NRI program into the Indian life they are constructing outside the Indian state in a transnational space they have in large part created.

This reversal of the structure-agent problematic is susceptible to an analysis similar to the Tillys' (1975) analysis of an earlier period of state-civil society conflict over the decisive site of political practice. Just as industrialization occasioned the "reorganization of everyday lives" which subsequently reorganized solidarities which then gave preeminence to national structures of power, so has the globalization of the economy been a basic but not determinative cause for the transnationalization of politics. As globalization in the economy "pushed" and "pulled" more migrants to the developed world, the everyday lives of these migrants were profoundly "reorganized." An important aspect of this reorganization was to enhance the importance of local level ties and community attachments -- which can be retained by migrants through the process of migration and thus the communities themselves are transnationalized -- through which a transnational space for politics was created. Stated another way, we could describe the story this way: local communities were captured by the state, as described by the Tillys; migrants from certain communities migrated to other states but still retained their attachment to their local communities, creating a set of forms and sites of political practice that transcend the state; the state has recognized these sites and forms and is attempting to capture them again. This, of course, will result in struggle over the control of these

practices.

In terms of struggles over the control of practices and politics in a transnational arena, the Mexican case is especially interesting. Because it is a case I know well, it permits me to refine my analysis. Moreover, it permits direct discussion of the work of Kearney (1993) and Kearney and Nagengast (1992), which conceptualizes the creation of an autonomous space through the creation of which migrants have "escaped" the state. While I have agreed in this paper with Glick-Schiller and Basch (1993) by saying that Kearney's formulation does not describe what I have seen, there are at least two ways in which I believe Kearney's argument (1991) will be born out. The first is that the state's ability to define the meaning of practices will vary according to a variety of factors, including the kind of activity which it attempts to capture. The second is that different groups from within Mexico will have different (or almost no) relations to the Program just as they had different relations with the Mexican state in Mexico.

In a somewhat counterintuitive fashion, I hypothesize (and preliminary evidence bears this out) that the Mexican state has been and will be more successful in "capturing" the processes of community formation based in the US first and then carried back into Mexico, as compared to those initiated autonomously in Mexico and carried into the US. This will be especially so when the state initiates a new practice or site rather than simply reacts to an existing site or practice. I have in mind here the differences between the state's involvement with the sports leagues and the community of origin committees. The sports leagues are US based, and while the particular teams are organized around membership in the communities of origin, when the teams come together it is an important exercise of Mexican-in-the-US identity. The state then adds another dimension to this identification through its current activities conducted by the Program: bringing Mexican sports personalities to the US and US based teams to compete in Mexico, and developing the links between leaders of the sports leagues and the members of the National Commission on Sports and other official Mexican organizations. The point is that the sports leagues cohere in an important way based on Mexican identity to begin with, so that it is easier for the state to act as a catalyst in promoting Mexican national identity through the Program. The state moves itself squarely back to the center as an object of political identity in this way.

This relationship is different than that which the Program has with the communities of origin. The Program's Director has noted that the identity as oriundos (people from a certain place) is attached mostly to one's municipio of origin, or perhaps sometimes to the home state (eg "state" of Guanajato, not Mexican state; this meaning of "state" is intended only in this one usage here.). One never speaks of an oriundo of Mexico, the country. My experience has been that members of some communities of origin may selectively resist the state's help (in the form of the Program or in other ways) because they view it as an imposition from above by "politicians." These state officials are viewed as being outside the community, and the members inside the community wish to maintain their autonomy relative to the state. I speculate that in a significant minority of committees of oriundos approached by the Program this will be the case.

This point brings us back to the work of Michael Kearney (1991). (See also Kearney and Nagengast,1990) Kearney has analyzed a condition I describe as Membership Before and Beyond Citizenship. In the case of Mixtec Indians, this is most clearly so: Mixtecs had constituted themselves as members of their own, indigenous communities before the establishment of the Mexican state, and continue to do so today even while being located within the state. Moreover, through their struggles as Mixtecs in each of the sites on their migration -- Oaxaca, the agricultural fields of northern Mexico, the border, and in US agriculture -- they have both been identified in their "foreign relations" (Suttles, 1968) and come internally to understand themselves as being "Mixtec." The result is that whereas before these folks thought of themselves primarily as members of a particular, village-level, community, they now have begun to also think of themselves as Mixtecs in the US and in Mexico, to be holders of a pan-Mixtec identity. (Kearney, 1993)

The point is that such a community identity -- conceived in opposition to the state -- is unlikely to be easily captured by the state through the Program. The Program may be able to initiate certain projects with the Mixtecs, but the fundamental relationship with the state will likely remain largely antagonistic. This is a very different story than the mestizo immigrants in New York I have been working with, who while they have a much stronger sense of being oriundos than of being Mexicans per se, do not attempt to hold

identities based so much in antagonistic objects. Their identities can take the village and the state as their objects in a reinforcing way, whereas for the Mixtecs these objects are antagonistic. These two identities can be complementary and are not inherently antagonistic as with the Mixtecs. In this way, Kearney seems to be on target when he argues that "national identities can no longer be constructed" and that migrants are creating identities for themselves within an autonomous, post-national, transnational space.

CONCLUSION: THE CITIZENSHIP AND TRANSNATIONAL MODELS OF MEMBERSHIP

In this paper, I have tried to analyze how contemporary sending states are attempting to re-define their political communities to include their emigrants abroad, and to institutionalize this new relationship through what I call "Membership without Residence." I posed these "programs for members living abroad" as problematic both for the citizenship model of membership and Kearney's model of transnational membership completely outside the state. In closing, I would like to highlight a few conclusions regarding these theories.

Regarding the citizenship model, the very re-definition of those outside the state as members directly and indirectly contradicts the citizenship model of membership in a political community. As stated in Brubaker (1989), only if the state and nation have a one to one relationship can the "nation's state be the nation state." This constitutes a direct violation of the model. The indirect contradictions stem from the kind of politics the state must practice with its members abroad. A corollary to the principle of sovereignty which underpins the citizenship model is that politics within the state is conducted according to a dialectic between civil society and the state, whereas politics outside the state is a matter of state to state relations, often in terms of war or the threat of it. (Walker, 1990) In the case of the activities of the Program, the state is involved in a dialectic with part of "its" civil society which lies outside the state. Moreover, this part of civil society is transnational and has not been created by the state. Hence, the state has in an important way acknowledged a change in the conditions under which it claims to be sovereign, and is conducting its politics in a transnational space created in large part by the migrants. Curiously, however, the state still has the same intent even as it operates in this transnational space: to channel, coopt, coerce, and otherwise control the participation of the migrants in the state and society of origin.

Regarding Kearney's transnational membership model, I would argue that there are in fact being created transnational spaces in which national identities are not being constructed or are more difficult to construct. Certainly, the case of the Mixtec Indians is very different from that of mestizos from Mexico which I have studied. My conclusion, however, considering Kearney's and Kearney and Nagengast's work, the work of Glick-Schiller and Basch (1993), and my own work, is that transnational space created by migrants will not necessarily remain autonomous of the state, but neither will it necessarily be "captured" by the state. Rather, there will be struggle between Indians, Mexicans and others abroad and their respective states of origin to define the terms on which they are members of their respective deterritorialized, national, political communities.

ENDNOTES.

1. I would like to acknowledge the generous support I have enjoyed in researching and writing up the material on which this paper draws. A significant part of the research for this paper was undertaken while the author held a Dissertation Fellowship for Research on the Urban Underclass from the Social Science Research Council with funds provided by the Rockefeller Foundation. Other research and write up was conducted during the author's tenure as a Visiting Research Fellow of El Colegio de la Frontera Norte in Tijuana with funds provided by the Tinker Foundation; my thanks to Drs. Jorge Bustamante and Luz Maria Valdez de Montano. Also, my thanks to Dr. Douglas Chalmers and Katie Roberts-Hite, the Director and Assistant Director of the Institute for Latin American and Iberian Studies at Columbia University, for logistical, intellectual and moral support. Finally, thanks to Drs. Christopher Mitchell for inviting me to present this paper and to Manuel Garcia y Griego for commentating at the seminar; and to the participants of the Seminar for their helpful comments.

2. Concretely, the Program has coordinated Mexican sports leagues in the US and sports-centered exchanges between US-residing and Mexico-residing Mexicans; has sought to create and institutionalize links between Mexican and Mexican-American groups in civil society in the US with the Mexican state at federal, state and local levels; publishes a bilingual newspaper distributed in the US and Mexico; has opened cultural institutes; and has pursued related activities. Each of these activities is aimed at fostering a greater sense of community both on the part of US-residing Mexicans towards Mexico and on the part of Mexico-residing Mexicans -- especially within the Mexican state -- towards US-residing Mexicans.

3. A note on usage regards the word "transnational". "Transnational" as I use it here does not actually mean "across nations" as its roots would have it, but rather "across nation states" or "across states." Hence, a more precise term would be "trans-nation-statal". I will use the term "transnational" in this paper because it has become standard usage, and the term is commonly understood to mean "across nation states/states".

4. We must bear in mind this discussion the distinctions between the terms "nation," "state," and "nation-state." Briefly, a "nation" is a group of people who speak the same language, share a common culture and feel themselves to be members of community of sentiment which unites them; they are also, by virtue of their status as members, possess certain political rights. In defining "the state" I follow Weber, who, in "Politics as a Vocation," describes the state in this way: the "state is a human community that (successfully) claims the monopoly on the legitimate use of physical force within a given territory." That is, the state is constituted by the coercive, corporate apparatus controlled by the government within a given territory. It is by necessity a territorially bounded entity, while a nation is not. A "nation-state" is what results when the state and the nation are coterminous: one nation, one state, occupying and defining themselves in one and the same territory.

5. In the larger work of which this is a part, I elaborate three ways in which the practices of contemporary migrants and their states do not comport with the classical model of citizenship in the sovereign state. These can be described as alternative types of membership: "Membership without Citizenship," (following Brubaker, 1989), "Membership Before and Beyond Citizenship," and "Membership Without Residence." (Glick-Schiller et al, 1992; Goldring 1992; Rouse, 1989; Kasinitz, 1992; Smith, 1992; Goldring and Smith, 1993) In "Membership without Citizenship," immigrants become incorporated into the social and economic spheres of society, but are not fully incorporated as members of the political community -- that is, as citizens. "Membership Before and Beyond Citizenship" refers to the ways in which contemporary immigrants create, through imagination and practice, an alternative political community which is transnational in scope but which co-exists with the political communities (eg of the nations states) between which they migrate.

6.It does not necessarily compete with Membership Before and Beyond Citizenship, but probably does in most cases.

7. This section has been significantly rewritten based on comments made during the Seminar on May 7, 1993, especially those of Manuel Garcia y Griego.

8. My use of "Mexican-Americans" as a term does not imply my acceptance of some of its political connotations, particularly in regards the assimilationism it seems to suggest. Rather, I use the term "Mexican Americans" to denote Mexicans who happen to be born in the US, to distinguish them from Mexicans born in Mexico. The notion of "Mexico de afuera" was created after Mexico ceded much of its territory to the US after the 1848 war. Zazueta identifies the efforts to protect Mexicans who were, in Manuel Garcia y Griego's words, "crossed by the border" in 1848, as the "beginning" of Mexican-Chicano relations. (Zazueta, 1983: 443)

9. Campaigning by Mexican presidential candidates is not without precedent. Indeed, Vasconcelos did so as an unsuccessful presidential candidate in the 1928 election (Garcia y Griego, 1993), and scores of revolutionaries, including Benito Juarez, have fled to the US for refuge and re-organization.

10. In Zazueta's words, "As several actions by the government during the 1920s show, it was sensitive to the domestic criticism that not enough was being done to protect the rights of Mexican citizens abroad, and it was astute enough to recognize the legitimizing function of certain activities which protested the violations of those rights or which served to defend the nation's dignity before the United States. Then, as now, symbolic responses were significant." (1983: 461)

11. There was both a small but significant return migration out of fear of how the Migra (the US Immigration Service) might make life unbearable for undocumented people, and a brief deterrence of new out migration from Mexico due mostly to the uncertainty of the enforcement of employer sanctions. (Cornelius, 1990; Smith, 1990; Massey et al 1989)

12. This re-imagination is clearly evident in comments made during several interviews and extended conversations I have had with the Director General of the Program, Dr. Roger Diaz de Cossio, in the US and in Mexico, since August 1991.

13. Beginning with the distinction between state and nation, the theoretical underpinning of the Program presupposes that many US-born children of Mexican immigrants hold what Dr. Diaz de Cossio called "double identities": one as Mexican, the other as American, or some other combination thereof. There are a series of hyphenated, identity possibilities: Mexicans, who are born in the US and think of themselves as Mexicans; Mexican-Americans, who are born in the US and think of themselves as both Mexican and American; and American-Americans of Mexican descent, who only think of themselves as American. A central point is that citizenship, or the fact of being born in the US, does not make one necessarily or only an American. Rather, Americans, like all members of nations, are made not born. Hence it is possible for people born in the US to identify themselves as members of the Mexican nation, and perhaps to identify themselves at the same time as members of the American nation. The distinction is a legal one, not one which turns on identity.

14. Denise Dresser (1992) has called the Solidarity Program a "Neo-Populist Solution to a Neo-Liberal Problem:" that is, the worsening of social conditions for the popular classes in Mexico that results from the neo-liberal opening is being addressed through a neo-populist, patronage and redistribution program (Solidarity). Dresser's logic has an interesting, if slightly cynical application here: Mexicans whose worsening social condition (an effect of the neo-liberal opening) drives them to migrate to the US will now be attended to more responsively through the Program, including its International Solidarity program.

15. The reporting of the event in the newspaper is important in light of the crucial role assigned by Anderson (1991) to newspapers in his analysis of the imagination of national political communities.

16. This presumably was not organized by the Program, and I do not know if they paid the expenses of the Mexican attendees. The point is that it is being reported in La Paloma.

17. This point was underlined to me in a small detail, when leader of the Federation gave me his business card. When I got home I took it out and compared it to the one he had given me the previous year. The old one, in black and white, had simply indicated that he was the President of the Mexican Baseball League.

The new one, in red white and green (Mexico's colors) had on it the imprints of both the Federation and the National Commission on Sports. The implication is clearly that he represents or is in some way closely associated with the Commission. So whereas before he represented Mexican immigrants New York, now in his capacity as President of the Federation, he represents Mexicans in New York to the Commission and the Commission to them. He is a link between them.

18. "Pochos" is a derogatory term used to describe a Mexican who is not considered to really be a Mexican anymore, primarily because they have migrated to the US. The word is sometimes used by Mexico residing Mexicans to describe US residing Mexicans, and sometimes by US residing Mexican immigrants to describe US-born second generation Mexican immigrants. The word implies that one has abandoned one's homeland, and perhaps one's family or other responsibilities. In its more derogatory usage, the term also implies a strong social disenfranchisement: whereas before you were a Mexican, a child and inheritor of the Mexican Revolution and Mexican traditions, now you are a nameless immigrant in America, a place with no values or culture. The term implies that one has chosen badly and been forever impoverished for it by losing one's Mexican-ness. Carlos Monsivais, in criticizing the perception of Mexican Americans and Chicanos as "pochos" describes this perception in the late 1970s in this way:"In the popular mind, the bracero is transformed into the pocho, the outcast, an almost always ridiculous figure that speaks both languages badly and who will never be respectable in either (society)... cited in Zazueta (1983:466).

19. In the Seminar, a question was asked regarding the importance of the relative peripheral-ness of each of the countries involved and the effect this might have on the kinds of programs it creates. While this is a good question, I will not develop the point here beyond saying that it seems clear that migration and hence these programs seem to be, at the broadest level of causality, the results of dependent development. Moreover, the extent of peripheralization of the economy and the degree of penetration and transnationalization of the political system will undoubtedly have an effect on the state's relations with its emigrants. These are precisely the issues which I argue make Haiti a special case.

20. The information used in this section is drawn from Feldman-Bianco, 1992.

21.The information about the NRI program in this section is drawn from Lessinger, 1992.

22. Most of the information in this section comes from Glick-Schiller and Basch, 1993; Glick-Schiller 1991; and Richman, 1992 and 1990.

23. See Chalmers, 1992, ("New Forms of Internationalized Politics in Latin America," paper presented at the American Political Science Association Meetings) for an analysis which argues that we must think in a similar way for all of Latin America.

24. Information for this section comes from telephone interviews with several leaders of the Colombian community in New York, and with Michael Jones, a Ph.D. student in Political Science at Princeton University who is writing his dissertation on immigrant politics in New York.

25. The information in this section comes mostly from Barbara Schmitter Heisler, 1986 and 1984.

26. I have not researched whether Italians abroad were also considered "pochos," but one can speculate that such tensions did emerge. Such an appellation was most probably directed at the sizeable number of Italians who did not return. I also have not information on this point for the Colombian case.

27. A more extreme statement of a similar sentiment was given by a Portuguese Civic Society in Massachusetts in the 1920s and 1930s, "' If you want to be a good Portuguese, become an American.'"

28. I do not have enough information on the Portuguese, Italian and Colombian cases to analyze the kinds of struggles which occurred, if any. We can suspect that struggles emerged, especially in the Italian case, between the autonomous organizations of settled emigrants and the state sponsored organizations for temporary emigrants.

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The Changing Politics of Need

By

Steven Rathgeb Smith
Sanford Institute of Public Policy
Duke University
Box 90244
Durham, NC 27708-0244
919-684-5876 (telephone)
919-681-6288 (fax)

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Introduction

In recent years, the post World War II welfare state has been in transition as governments are buffeted by calls for decentralization, greater consumer involvement in social policy, community control, and privatization. These trends, to varying degrees, are restructuring social welfare services in many countries including the United Kingdom, United States, Germany, the Netherlands, and France to name just a few. Given the extent of the change underway or contemplated in the welfare state, the role of intermediary groups such as political parties and voluntary advocacy organizations which define and articulate social needs is particularly important. This essay focuses on the latter and poses the following question: in the United States, it is far easier than in other countries to form voluntary organizations due to favorable tax laws and other public subsidies. What difference to social policy and government's response to need does it make that the United States has so many voluntary advocacy organizations?

The Puzzle

The level of participation in voluntary groups in the United States is actually on par with other advanced industrial countries if all types of voluntary organizations are taken into consideration. What distinguishes the United States is the much higher rates of participation in church-related and civic-political organizations.(Wilson, 1973, p. 78-79) According to theorists such as Mancur Olson (1965) and Wilson (1973), individuals are moved to join political organizations only if the benefits exceed the costs. Olson focuses on material benefits which Wilson expands upon to include solidary (friendship) and purposive (ideological) incentives as well. The puzzle stems from the continuing increase in the number of voluntary political organizations while at the same time the citizenry appear to be increasingly dissatisfied with the American political system as indicated by the large Presidential vote for Ross Perot, low election turnout, and low public esteem for politicians. If people see few benefits in terms of policy change from political participation in organized groups, why are so many groups continuing to form? What is the political significance of the continuing increase in voluntary organizations amidst high levels of alienation from politics?

This essay is based upon preliminary research by the author on the role of voluntary organizations in political advocacy in social policy.[1] This research is focused on the voluntary organizations that participate in political advocacy at the national, state, and local levels in substance abuse policy. However, the essay also draws upon previous work by the author on the political impact of government contracting for social services with nonprofit service organizations. The types of organizations investigated are the following: community coalitions and task forces at the local level, and national and statewide associations and coalitions of social welfare organizations and advocates. The basic argument of this essay is that the growth of voluntary advocacy organizations in social policy is linked to the transformation of the welfare state and the changing response of public and private organizations to social need. While this essay focuses on the United States, the analysis and conclusions are also relevant to other advanced industrial countries.

Background and Hypotheses

Most interest group studies have focused at national level policymaking.(Schlozman and Tierney, 1986; Heinz, et al., 1993; Berry, 1989) The approach of this essay is different; all three levels of government are analyzed to discern the differences in interest group activity and influence at these three levels. In this sense, this research builds upon the work of McConnell

(1965) and Peterson (1981) who have argued that business groups tend to be more powerful at the state level than at the national level. In their opinion, policies to benefit the disadvantaged are more likely at the national level.

The political scientist, David Truman (1951) offered the first comprehensive theory for the formation of groups in his book, The Governmental Process, where he suggested that groups arose in response to disturbances in the environment. Major economic reversals, an unpopular piece of legislation or a controversial Presidential decision might be sufficient to prompt individuals to come together to form a group to press for certain political goals. The difficulty with this explanation is that the steady rise in voluntary advocacy organizations in social policy appears unrelated to the level of societal disturbances.

This disturbance theory of Truman has been critiqued in Mancur Olson's pioneering work (1965) on collective action which points to the difficulties of forming groups because of the free rider problem. He argued that groups tend to be either small or use selective incentives to induce individuals to join and contribute to the work of the organization. To him, the political agenda of an organizations is often the by-product of group organized for other purposes (e.g. low cost insurance). While some advocacy organizations and political associations in social policy offer selective benefits, many do not (or they are so meager as to be insignificant). Thus selective benefits would appear to be incomplete as a explanation for the growth of political organizations.[2]

The work of Jack Walker (1989) suggests a variation of the by-product theory. Instead of politics as a by-product of a group organized for other purposes, the group is a by-product of the political activity of key members of a group. An individual agency executive might have a political agenda and believes that her chances of achieving passage of her agenda in the legislature may be enhanced if she forms a political organization. The scenario is consistent with the view that the decision to create a nonprofit organization reflects the calculation of key individuals on the merits of forming a particular organization.(Smith and Lipsky, 1993) This leads to the following hypothesis.

H1: Many of the new voluntary advocacy organizations are not membership organizations but are dominated by a few key people who create a voluntary organization as a way of enhancing their legitimacy and political influence.

Another line of explanation for the growth of voluntary organizations is also suggested by Jack Walker (1989) who argued that institutional patrons such as government and foundations are increasingly important in shaping interest group activity and formation. Robert Salisbury (1990) notes as well the greater presence of institutions such as state and local governments, universities and hospitals in Washington, D.C. as responsible for some of upsurge in interest group activity. However, Walker and Salisbury's work stops short of investigating the implications for the functioning and impact of interest groups of institutional patronage and participation. This leads to the following two hypotheses.

H2: The increase in voluntary organizations will represent direct or indirect patronage from government entities and foundations.

H3: The membership of the new voluntary organizations will not be primarily comprised of lay citizens but instead will represent public and private institutions (many receiving government funds) involved in a particular issue.

The work of Berger (1981), Offe (1981), Skowronek (1983), March and Olson (1989), Steimo, et al. (1992) and others stresses the role of political institutions in structuring interest group activity. This perspective would suggest that the increase in interest group formation is indicative of a change in political institutions and the opportunities they offer for interest group formation and influence. For example, the decentralization of social policy or the fiscal crisis of government could alter the perceived costs and benefits of interest group mobilization. A greater role for state governments in social policy might affect the calculus of citizens on the opportunity for influence thus affecting the likelihood of interest group formation. Also, structural changes alter the incentives of government officials and their relationship to private groups. This leads to the following hypothesis.

H4: Institutional changes in the welfare state have provided added incentives for government officials to facilitate the formation of private advocacy organizations. These officials view certain types of advocacy organizations as playing highly useful supportive roles for government officials in their relations with the legislative and executive branches of government.

Salisbury (1969), Berry (1977) and Moe (1983) point to the political entrepreneur as critical to interest group formation. In this view, the entrepreneur helps convince potential members that participation in the group or organization will yield significant benefits; they help overcome the collective action problem wherein citizens may be dubious about the potential benefits of organizational membership. This leads to another hypothesis.

H5: While changes in political structure or institutional patronage may help explain the growth of voluntary political organizations, the timing of organization formation will be affected by the presence of political entrepreneurs.

The proliferation of voluntary advocacy organizations has been greeted with alarm by many scholars. Samuel Huntington (1975) argued that America suffers from an "excess of democracy"; too many special interest groups exist, making comprehensive policymaking very difficult. Over time, governmental authority erodes because of a perceived lack of effectiveness. Richard Rose (1980) argued that America has too many sub-governments creating fragmentation and resistance to change. He suggested that the US try to borrow some ideas from parliamentary democracies to provide insulate political leaders to a greater extent from interest group pressure. Mancur Olson (1982), expanding upon his earlier work, observed that since political organizations tend to be organized for interests of their members, as opposed to the broad public good, the growth of these organizations poses a threat not only to democratic governance but to the overall efficiency of the economy.

Yet an alternative perspective on the implications of interest group activity comes from scholars such as E. E. Schattschneider (1975) who suggest that strong parties are essential if disadvantaged groups are to be adequately represented. In countries with weak parties, business elites are able to dominate the policy agenda. This view was echoed recently by Karen Paget

(1990) who expressed concern that the growth of citizen organizations was resulting in many relatively weak political organizations without the capacity to push for a progressive policies against the opposition of well-mobilized business and elite groups. This leads to the following hypothesis.

H6: Voluntary social welfare advocacy organizations will face great difficulty in initiating major policy change. Instead they will be most successful in preserving already won political gains.

Insight into the role of voluntary organizations in society is also provided the literature on political development. One definition of political development is the "capacity of a political system to both articulate people's needs and to respond to them effectively." (Pressman, 1975, p. 141) Voluntary organizations are critical to this process because they can serve as the vehicle to represent citizen interests. Political development strengthens to the extent that viable political organizations are institutionalized.(Huntington, 1965; Pressman, 1975) This perspective has found support in the recent work of Robert Putnam in Italy who concluded that the performance of governmental institutions was higher in regions of Italy with a greater level of community associations and groups.(Putnam, 1993)

In the United States, great variability exists across states and localities on the level of voluntary advocacy activity. The work of Pressman (1975), Walker (1989), and the neo-institutionalists such as March and Olson (1989) suggest that the relationship of government to the voluntary sector is a key determinant of the extent of political development in a particular area. This leads to the following hypothesis.

H7: States or localities with extensive contracting for services with nonprofit agencies will have more extensive and politically stronger networks of nonprofit advocacy organizations in the field of social welfare. State or localities with a greater reliance on public sector agencies will have smaller and weaker advocacy group networks. In other words, contracting acts as a strategy of political development. The capacity of the political system to respond to advocacy group demands will depend upon several factors including fiscal situation of government and the structure of political institutions.

One major theme of these hypotheses is that the focus on citizen demand as an explanation for the growth of voluntary advocacy organizations is insufficient to adequately account for the variation and timing of voluntary activity.(See Weisbrod, 1989; James, 1987; Salamon, 1987) Instead, political institutions and their relationship to voluntary organizations are also crucial in determining the shape and character of voluntary activity.

Research Method

The data used in this study was collected through archival research, detailed, semi-structured interviews, and participant observation of voluntary organizations. More specifically, the study included the following elements:

* Over 100 interviews were conducted with individuals representing voluntary organizations at the national, state and local levels.

* Detailed case studies of 21 community coalitions and partnerships involved in substance abuse prevention and advocacy. These case studies included interviews with key personnel and volunteers and analysis of organizational records.

* Interviews with government officials at the federal, state and local level.

* An analysis of government funding of substance abuse services and regulations affecting substance abuse programs.

* Research on government contracting with nonprofit agencies which included case studies of 30 nonprofit social welfare agencies receiving government contracts.

The remainder of this paper reports on the preliminary results of this research. The following three sections report on research at the local, state and national levels. The concluding section analyzes the implications of the rise in voluntary advocacy organizations for public policy.

Advocacy at the Community Level

In the 1960s, support for community-based organizations as a way to fight poverty, mental health and illness was widespread. The federal government created several new programs as part of their War on Poverty that relied almost exclusively on community organizations for their implementation including community mental health centers, neighborhood health centers, Headstart, and community action agencies. Some of these programs were conceptualized as primarily service delivery agencies such as Headstart but other agencies such as community action agencies were viewed by many policymakers as primarily organizations that would allow citizens--particularly poor people--to advocate for their own concerns. For example, these CAP agencies were required to reserve a certain number of slots on their board of directors for poor citizens of the agency's service area.(Marris and Rein, 1982; Peterson and Greenstone, 1977) Despite the good intentions of many individuals connected with community action agencies, many CAP agencies encountered stiff opposition from local political leaders and a variety of internal organizational problems. Over time, the advocacy component of their programs diminished as they focused on the provision of direct services such daycare and intervention programs for at-risk youth.

During the 1980s and early 1990s, a revival of interest has occurred in community advocacy organizations. President Bush in his now famous reference to the "1000 points of light" looked to voluntary organizations in the community to take the lead in addressing America's social problems. Again, part of the appeal was to community organizations as service agencies; but another aspect was the idea that community agencies could bring together disparate groups in the community and decide the appropriate response to local problems. Implicitly, these organizations would also try to initiate policy reforms if needed.

President Clinton has warmly supported community organizations through several proposals including national service and urban redevelopment.(Stanfield, 1993) Many advisors to the Clinton administration are also associated with the communitarian movement which regard community groups as a way of transcending the problems posed by either rampant individualism or a reliance on the state.(Etzioni, 1992) To them, community organizations are important for their political activity and the socializing role they play for the citizenry.

This vision of community organizations has been a source of motivation for the extensive network of community coalitions and partnerships to fight drug and alcohol abuse that were established in the mid to late 1980s across the country. Typical examples are the Durham (N.C.) Coalition on Chemical Dependency, the Buncombe County (N.C.) Drug Commission, and Project High Road, a program affiliated with the Fund for New York City Public Education. There are literally hundreds of these coalitions across the country. These substance abuse coalitions are particularly well-suited for analysis of the strengths and weaknesses of political advocacy by local voluntary organizations since the wide publicity given to drug and alcohol abuse would provide added incentives for citizens to join organizations. These coalitions offer at least theoretically some of the best opportunities for overcoming the collective action problem outlined by Olson and others.

Organizational Creation

These coalitions are created due to three different though sometimes related factors: government-initiation, direct foundation or government funding, or a political entrepreneur in the public or voluntary sectors. The first category occurred in 5 out of 21 organizations in the study. Usually, these coalitions are the result of political pressure on county or municipal government "to do something" about the escalating problem of drug abuse. Since most local governments do not have much discretionary money to devote to new programs (and may be at a loss on exactly what to do), government officials create a task force or coalition to investigate the drug abuse problem and make recommendations to the city or county on the best course of action. Some of these coalitions have small grants from the county or city to get started, with the assumption that the coalition will attract additional public and private funds to support the coalition on an ongoing basis. Other coalitions created due to government initiative have no public funding and must sustain themselves through volunteer effort and small cash and in-kind donations. These new coalitions can defuse neighborhood or citizen pressure on the mayor, city manager or county commissioners to combat drug abuse.

Coalitions are established through direct foundation or government funding. Thirteen out of 21 programs in the study were created in this way. Several funding programs exist to establish coalitions across the country. The most extensive funding source is by far the federal Community Partnership Demonstration Grant Program administered by the Center for Substance Abuse Prevention (CSAP) in the Department of Health and Human Services.[3] Since the program's inception in 1989, the Center has awarded $221 million in grants to approximately 250 community-based coalitions.(GAO, 1993, p. 2) Twelve of the 21 agencies in the study receive CSAP grants which are usually for 5 years on a declining basis. The range of annual funding among the study agencies in FY 1991 was from $136,000 at the Alamance County (N.C.) Coalition Against Drug Abuse to $722,903 for a three site coalition operated under the aegis of the New York City Fund for Public Education.(GAO, 1993, p. 37) Until recently, only 10 percent of the CSAP funds could be used for direct services; most of the money was required to be spent on planning, needs assessment and public education. CSAP programs are designed as primarily volunteer organizations with a small paid staff. Some CSAP programs evolved out of mayor's task force.

The other large pool of funds is from the Robert Woods Johnson (RWJ) foundation which has provided "a total of up to $48 million through one- or two-year planning grants awarded to 15 communities in 1990 and implementation grants for up to five years awarded to 13

communities in 1992."(Pacific Research, 1992, p. i) This community-based initiative is called the Fighting Back program. Its "goal is to demonstrate that by creating an intensive, community-wide system of prevention, early identification, treatment and after-care, communities can reduce the demand for illegal drugs and alcohol."(Pacific Research, 1992, p. 1) In contrast to the CSAP program, the RWJ implementation grants allow coalitions to spend money on direct services. Other foundations have supported coalitions on a more modest level, usually with short-term, start-up funds.

In addition, states run their own programs. Rhode Island has extensive subsidy program which encourages the formation of coalitions in every major community in the state. North Carolina has a $1000 challenge grant program for coalitions.

The CSAP and RWJ programs are designed to support programs with demonstrated support from community leaders. The funding was simply allow an existing community coalition to stabilize and expand its operation. But in practice the formation and establishment of these coalitions through CSAP and RWJ funding is more complex. In some cases, a mayor's task force on drugs might learn of a CSAP opportunity and then apply for the money. More typically though is the following scenario. An agency or group of substance abuse professionals learns of the CSAP or RWJ funding opportunity. This spurs the creation of a committee to apply for the money. Usually the committee is helped by consultants with extensive federal grant-writing experience. A successful grant award then spurs the organization to actually try to do community planning, outreach and advocacy. In other words, in many cases, a representative community coalition does not really pre-date the grant award.

Unsuccessful grant award applicants often struggle along or apply for additional funding. The current Durham (N.C.) coalition unsuccessfully applied for the RWJ money; it has struggled ever since without stable funding. The Fayetteville (N.C.) coalition failed to win RWJ money. It submitted a revised application to CSAP and was awarded a five-year grant.

Political entrepreneurs are often critical to local coalition organizing. Skilled professionals, ambitious, or charismatic individuals will convince people of the need to create a coalition to combat substance abuse. Sometimes they are part of government but they can also be part of existing voluntary organizations. The growth of the welfare state has increased the supply of these entrepreneurs which in turn has promoted more voluntary organizations. With increased funding for social welfare services, a leadership infrastructure has been created which previously did not exist. Many of these leaders are eager to capitalize on new funding opportunities for career advancement and/or enhancing the capacity of their organization to address a particular problem.

Indeed, an analysis of the leadership of community coalitions at their inception reveals that most coalitions are directed by professionals in the field of substance abuse. This includes individuals working in public and nonprofit treatment programs, school prevention programs, and the local housing authority, police officers involved in prevention work such as the DARE program,[4] and an assistant to the mayor or county commissioners. Occasionally, elected officials or departmental heads such as the chief of police will take an active leadership role. In the study sample, these professionals or elected officials comprised the majority of the founding members of the coalition board or steering committee.

With drug and alcohol abuse a widespread social concern, why were so few lay citizens involved in the founding of these coalitions? Several reasons appear to be responsible.

Time. Coalition organizing is time-intensive, making it difficult for people with normal 9 to 5 jobs to attend meetings. Substance abuse professionals can often integrate coalition meetings into their regular work day. Frequently, employers will also allow these professionals to use their office supplies and telephones; a major expense for fledgling coalitions. This is not to suggest that coalitions do not have evening meetings; however, many of the key meetings occur during the day. Indeed, in the formative stages of a coalition, all day meetings are not uncommon.

Information. Substance abuse professionals are part of the local network with access to important information relevant to coalition building. They are aware of various prevention activities and can take advantage of political contacts in support of the coalition. The potential for sharing information serves as a critical motivating force for these professionals. Participation in the coalition reduces the "transaction costs" of their work. They can learn of new service and career opportunities, exchange notes on problem cases, lobby a funding agency for more money, and publicize the services and activities of their organization.

Stigma. Drug and alcohol abuse evoke highly negative images among the populace. Many drug and alcohol programs such as needle exchange programs, methadone maintenance, and higher alcohol taxes are extremely controversial. Consequently, many citizens are reluctant to become involved in coalition activities.

Due to these three factors, the non-professional people involved in coalitions tend to be either people with an individual or family substance abuse problem, retired people or small business persons with substantial discretionary time. Involving neighborhood people from low-income communities affected by drugs and alcohol abuse is usually very difficult.

Organizational Development

Most of the major issues affecting coalitions as they develop are related to funding: How do they obtain it and what coalition projects are likely to receive a favorable response? Coalitions without public funding either fail after a short time or struggle at a relatively low level. For example, coalitions in Rockingham, Onslow, and Robeson counties in North Carolina started with bright promise. In Onslow, 150 people attended one of the initial organizational meetings. But without permanent funding, all three coalitions collapsed. Part of the difficulty faced by these coalitions is the reluctance of businesses, local foundations, and private individuals to donate significant amounts of money to coalitions. Typically, the only activities that business or individuals will fund are short-term, high-profile events that publicize the name of the business. And, without stable funding to hire a permanent executive director and staff, it is virtually impossible to sustain a coalition over time.

Some exceptions to this general proposition exist. The Chatham County coalition is basically designed to help fundraise for major drug and alcohol prevention activities in the local schools. It plays a decidedly support role to the professional leadership of the coalition. The Durham County coalition has survived with modest foundation funding, but its long-term viability is in doubt since most foundation grants to coalitions are non-renewable.

Coalitions with major CSAP or state grants usually rely heavily upon volunteers for the work of the coalition. Staff recruit and supervise community volunteers who typically work in one of several coalition committees such as prevention, ministerial, schools, treatment, and employment and business. The committee volunteers are supposed to decide on their priorities and seek funding for their implementation. Coordination and technical assistance is provided by the program staff. Great variation exists in level and type of volunteer activity, with the number of volunteers ranging from a few dozen to over two hundred. CSAP or RWJ funding appears essential to large numbers of volunteers since coalitions without major funding lack the staff capacity to effectively organize and recruit volunteers.

The legal form of these coalitions varies a great deal. Some coalitions such as the Onslow and Rockingham county coalitions that have no major funding were informal groups rather than formally incorporated nonprofit organizations. Many coalitions are operated through existing public and nonprofit service organizations. Other coalitions are separately incorporated nonprofit 501 (c)(3) organizations. No coalitions are operated as for-profit entities. One CSAP-funded coalition in Fayetteville, N.C. was originally part of the public mental health agency but is trying to become a separate 501 (c)(3) agency.

The experience of coalitions suggests that one reason for the growth of voluntary agencies is the relative ease with which a group of individuals can form a nonprofit. Obtaining 501 (c)(3) status requires competent legal help but it is not very expensive and relatively straightforward. The CSAP program and the private foundation programs encourage the creation of new nonprofits and the splintering of existing agencies. The absence of for-profit coalitions is due to two reasons: CSAP and private funders will only award money to nonprofit or public entities and contributions to for-profit entities are not tax-deductible, a major consideration for programs that depend heavily on volunteers and private contributions.

Organizational Activities

The Problem of Direct Services. Until recently, CSAP-funded coalitions were limited in the amount of federal funding they could devote to direct services. Consequently, most CSAP-funded coalitions focus on planning and needs assessment. Indeed, four out of the 12 CSAP coalitions in the sample are three years into the grant and still doing planning and surveys. This is typical of many CSAP coalitions.[5] The RWJ projects actually have money for direct services so after a two-year planning process, the Columbia, S.C. Fighting Back program is operating an extensive afterschool program. CSAP-funded programs in New York City are operating direct services but in these cases the nonprofit agency which received the CSAP grant leveraged its CSAP grant to obtain other public and private grants for direct services. For example, Project High Road in NYC runs an innovative peer counseling program with at-risk youth.

Coalitions without major direct service funding tend to focus on inexpensive prevention activities. These include: red-ribbon campaigns to call attention to alcohol and drug abuse, Project Graduation, an alcohol free graduation party for high school seniors, the distribution of educational material, and speeches to local schools. Due to the lack of major program money, many coalitions are also involved or in the process of developing Employment Assistance Programs (EAPs) for businesses. These programs usually involve confidential referrals for workers with substance abuse problems and drug testing of employees. The advantage for coalitions is that they are a low-cost programs since businesses bear the EAP cost. (Some

coalitions hope to operate EAPs themselves and thus make money for the coalition.)

The Advocacy Dilemma. Evaluating the advocacy efforts of coalitions is complex. To an extent, coalitions are advocating, by their very example, for a reduction in alcohol and drug abuse. For example, Project Graduation is a program which advocates alcohol abstinence during a year-end senior party. However, this definition is too broad to be useful analytically. This essay defines advocacy as an attempt to influence legislation or policy.[6] Using this definition, these coalitions do relatively little advocacy. Rarely do they focus on system change at the local level such as trying to reorganize the service delivery network to substance abusers to make it more effective or reforming alcohol laws.[7] Advocacy can be very controversial. Controls on liquor sales and restricting the number of retail liquor stores is plausibly a valuable strategy to curtail alcohol abuse. For most coalitions, this issue is too divisive. The non-professional volunteers of the coalition usually join due to a vague sense of contributing to the public good. Most of these volunteers do not want to be associated with controversy since this could disrupt many of their long-established community relationships and arouse powerful opposition in the community from small businessmen.

Advocacy on certain treatment and policy issues also risks dividing the service provider members of the coalition. Many service organizations participate in coalition activities is to prevent the coalition from infringing on what they deem to be their agency's turf as well as their general concern with substance abuse problem. Taking sides on treatment issues can be very fractious. Also, most coalitions are fearful that forceful advocacy could alienate potential funding sources, especially the local city or county.

One other advocacy dilemma is related to citizen empowerment. Many of the most vocal lay volunteers involved in coalition work are individuals with a personal agenda due to the impact of substance abuse on their personal lives. This agenda may be stiffer penalties for users and traffickers or it may be massive block sweeps and evictions. These activities fit with the communitarian agenda (Etzioni, 1992) because they represent the imposition of community norms and offer the opportunity to inculcate community responsibility and individual obligation for social problems. However, a growing body of literature suggests that these initiatives have only a fleeting effect on the drug problem (and do nothing to address alcohol abuse).

A small minority of coalitions have tried to do more classic community organizing focusing on political mobilization of poor or disadvantaged communities. The Providence and Pawtucket (R.I.) coalitions have created neighborhood associations throughout the city. The Greenville, S.C coalition is organizing in several low-income minority communities with serious drug and alcohol problems. The goal of these coalitions is to get local neighborhoods to mobilize and demand better services for themselves, to control the public services provided in their area, and to develop their own responses to substance abuse. These coalitions encounter serious problems in mobilizing and sustaining neighborhood involvement in coalition activities.

Coalitions are rarely a presence in state level policymaking. Occasionally, coalition leaders will meet on a statewide basis. But these meetings are generally to share information and listen to speakers on coalition building. Most coalition leaders are too busy trying to keep their coalition together to put much time in trying to influence state policy. Additionally, coalition leaders generally do not have political experience that would help them at the state level. Among the study sample, the only coalitions leaders with significant experience operating agencies were the New York City coalitions. More typically, coalition leaders tend to be either substance abuse

professionals or concerned citizens with good leadership skills. Since coalitions rarely get state funds, little incentive exists for them to get involved in state policymaking.

Recently, two national organizations -- Join Together, based in Boston and Community Anti-Drug Coalitions of America -- have been founded to provide technical assistance to coalitions and advocate for coalition concerns at the national level. These organizations were established with money from the Robert Woods Johnson foundation and other private donors.

Assessing the Community Coalition Movement

The political scientist, Hugh Heclo, observed once that "behavior connected with policy is dynamic; the phenomena at issue are moving events, routines, strategies, and adaptations."(Heclo, 1972, p. 106) So it is with community coalitions; they are constantly in the process of transforming themselves in response to changes in their political, social and economic environment. Any evaluation of coalitions must be accompanied by a caveat that indicates that coalitions as they evolve may turn into something very different. Community action agencies created in the 1960s as part of the War on Poverty are a case in point. Widely considered a failure as a vehicle to empower the poor; over time, some agencies have promoted citizen participation and mobilization in city politics.(Baker, forthcoming)

With this evaluation concern in mind, the potential of coalitions as advocacy organizations for policy reform remains largely unfilled, partly due to the structure of program as mandated by funding agencies are the internal politics of the coalitions which discourage active and aggressive advocacy action. But the proliferation of coalitions due to institutional direct and indirect support has had important symbolic functions since coalitions suggest by their very existence that meaningful policies to address drug and alcohol abuse are being developed when in fact coalitions focus on a mix of relatively non-controversial prevention activities. Community empowerment and neighborhood control of services remains largely elusive.

Significantly, the experience of coalitions to date confirms four of the initial hypotheses. The proliferation of coalitions is a product of direct and indirect government subsidies (H2). The membership of the coalitions is primarily comprised of institutional actors rather than lay citizens (H3). Related to H2, state and local officials face incentives are mobilizing coalitions at the local level.(H4) And, the timing of coalition founding is sometimes related to political entrepreneurs in the public and voluntary sectors.(H5)

Voluntary Advocacy at the State Level

Prior to the 1960s, state and local governments provided most of the spending on social welfare services. In 1960, for example, state and local government contributed 63.4 percent of all social welfare services such as mental health care, child protective services and residential care facilities for youth.(Bixby, 1992, p. 67) Publicly supported services tended to be provide through the public sector either in large congregate facilities such as state hospitals for the mentally ill or by state and local caseworkers. The universe of nonprofit service agencies tended to be quite small in most areas. These agencies include child and family service agencies, settlement houses, and child guidance clinics. Most nonprofit agencies did not receive public funds.(See Smith and Lipsky, 1993)

At this time, voluntary advocacy organizations at the state level were rare and quite weak politically. Since state expenditures were devoted primarily to public institutions and spending tended to be incremental, little reason existed for individuals or private agencies to mobilize to influence state policy. The small numbers of private agencies further dampened the motivation to participate in political advocacy. What state level activity that did exist tended to be cooperative efforts of concerned social welfare advocates and leading executives of private agencies. A paid lobbying and professional staff was unusual. Instead, advocacy depended on the willingness of private agencies and individuals to "donate" their time for policy reform. Typical of this era was the successful effort to revise the child welfare laws of Massachusetts in the early 1950s.

After 1960, federal spending on social welfare rose rapidly. From 1960 to 1980, federal spending on social welfare services increased from $416.7 million to $8.7 billion; at the same time, the federal contribution to social welfare services rose from 36.6 percent to 64.6 percent. Total per capita spending on social welfare services (in constant 1989 dollars) went from $24.64 to $88.23 during this period.(Bixby, 1992, pp. 63, 66)

The sharp and dramatic rise in federal spending transformed social welfare services across the country. Much of this federal spending was channeled to nonprofit social welfare agencies through government contracts either directly in the such cases as community mental health centers or community action agencies or through state and local governments which then distributed the money to an array of social welfare agencies, from child welfare agencies to emergency shelters for youth to drug and alcohol treatment agencies. Some of the funding to these agencies allowed an expansion of services to children and adults in need (e.g. more funding for residential care) while other funding created services such as alcohol and drug treatment services that did not previously exist except to a very limited extent.[8]

The federal funds and multiplicity of new agencies created a changed political environment for nonprofit agencies at the state level. States were now responsible for administering millions of dollars of federal money. They were also contributing more and more of their own money for social services even if the overall percentage of state contribution was dropping. State and local spending[9] on social welfare services almost tripled between 1970 and 1980, from $1.8 billion to $4.8 billion.(Bixby, 1992, p. 64) State and local responsibility increased even further in the 1980s when President Reagan reduced federal spending on social welfare and decentralized the responsibility for many federal grant programs to the states.(Gutowski and Koshel, 1982) The federal share of social service spending has been dropping ever since, from 64.6 percent in 1980 to 51.1 percent in 1989.(Bixby, 1992, p. 67)

State regulations have also increased in scope as the role of state administration and funding has grown. These regulations are sometimes required as a condition of receiving federal funds but many of the regulations are developed at the state level and pertain to virtually all fiscal and programmatic aspects of public and private service programs. As a result, nonprofit contract agencies have a great incentive to mobilize politically to advance their interests at the state level.

At the same time, state governments have an incentive to help organize the nonprofit community because of the great increase in the number of nonprofit agencies. Some large state departments of social service or mental health contract with hundreds of nonprofit service providers. From the state's perspective, a statewide association is a more efficient way of trying to negotiate rates and regulations than trying to deal with hundreds of agencies.

The New Organization of Nonprofit Interests

The continuing establishment of state associations representing nonprofit service agencies is a product of this interest of state officials and the pressure from below for more influence with state lawmakers on social policy matters. In Massachusetts during the mid-1970s, state officials created a statewide provider association with the cooperation of nonprofit providers in the state called the Massachusetts Council of Human Service Providers. Around the same time, Florida officials facilitated the creation of the Florida Alcohol and Drug Abuse Association (FADAA). It currently has 90 agency members and over 1400 individual members.(FADAA, 1992, p. 2) A variation on this effort exists in North Carolina where the secretary of the state Department of Mental Health organized a coalition of 16 statewide associations representing service providers and citizen groups in substance abuse policy called the North Carolina Substance Abuse Federation. The goal is the same as in the case of the FADAA--to provide state officials with an efficient way of receiving input from a fragmented, diffuse provider system.

The structure of these coalitions reflects in part the organization of state government because the perception of their own interest by nonprofit leaders is shaped substantially by state government. In Florida, the state department of substance abuse funds drug and alcohol treatment thus the association developed as one organization. By contrast, in New York State, two statewide associations existed until recently--one representing alcohol treatment providers and one representing drug treatment providers--because the state until a few years ago had separate agencies to fund and administer alcohol and drug programs. After the state agencies merged, the two separate state associations merged. In North Carolina, the state department of mental health has three separate divisions: mental health, developmental disabilities, and substance abuse. Advocates for programs funded by the three divisions organized a major lobbying effort for money called "Coalition 2001".

The increasing number of these statewide associations and coalitions illustrate the importance of state funding and regulations to nonprofit agencies and the entrepreneurship of leading state administrators interested in managing the far-flung service system. Additional confirmation of this point is provided by South Carolina. In this state, substance abuse treatment programs are administered by one state agency that has done very limited contracting with private nonprofit providers. Services are provided either by the agency directly or through local agencies affiliated with the state. The result is that no statewide association of drug and alcohol treatment providers exists. Indeed, there is no statewide association of any kind in the substance abuse field.

In a state with extensive contracted services, the actual number of associations and coalitions in a given state appears to be due to timing and entrepreneurship. To the extent a statewide association representing most of the providers in a given service category organizes early, this can preempt subsequent efforts by some nonprofit executives to create their own associations. In Florida, the statewide association was organized relatively early after the creation of the publicly funded, largely nonprofit treatment network in the mid-1970s. But in North Carolina, a unified statewide association was never really formed, resulting in the fragmentation of the advocacy community. In the last 10 years, four different statewide associations have been created, each with limited membership to advocate for the concerns of service providers in the state. These organizations tend to be created by a powerful nonprofit agency executive (or a few

executives) who view an organization as a way of obtaining greater political legitimacy and influence. It is in this sense that the group can be regarded as a by-product of an individual's political agenda.

One issue for further research is the extent to which associational fragmentation is related to the relative absence of state funding or direct funding cutbacks. That is, to the extent funds are rising groups with different agendas may put aside their disagreements to participate in one association or coalition. As funding stagnates or declines, more and more individuals will become impatient with the limitations of the one large organization and seek to create their own organization.

Consumer Advocacy

In the last 10 years, substantial interest has developed in trying to involved consumers of services in the governance and delivery of social services.(Potter, 1988; Morrison, 1990; Grunow, 1992; Mowbray and Tan, 1993) During the 1960s, the federal government promoted the participation of poor people in community action agencies. At the same time, the welfare rights movement advocated for the concerns of the poor, especially at the local and state levels. During the 1970s, this movement declined amidst a changing political environment and internal organizational problems. In the 1980s and early 1980s, consumerism in social policy has tended to be most prominently advanced in the mental health and developmental disabilities fields. The National Alliance for the Mentally Ill (NAMI) and its state chapters have had a profound effect on mental health policy, especially at the state level. Most state chapters are compromised of parents and other relatives of the seriously mentally ill. These chapters have successfully lobbied for a restructuring of publicly-funded services targeted on the seriously mentally ill.

More recently, the seriously mentally ill themselves have tried to create their own organizations, either to provide direct services (Mombray and Tan, 1993) or to advocate for their issues in the political arena. The major differences in advocacy between these consumer groups and NAMI and its state chapters are on the relationship to the state. Many NAMI chapters are in alliance with psychiatrists who favor revising current commitment laws to make it easier to commit a seriously mentally ill person to a psychiatric facility. Consumer groups have tended to be quite opposed to what they see as a threat to community living for the seriously mentally ill.

NAMI and the consumer chapters fit with the growing interest in self-help organizations as a way of responding to social need. The early self-help movements were, like NAMI, parent-run organizations focused on providing services to their children. Examples from the early post World War II period include associations of retarded citizens (now called simply the Arc) and United Cerebral Palsy.(See, Katz, 1960) In the last few years, the local Arc chapters have tried to promote the independence of the developmentally disabled in their own separate apartments and give them a greater role in making decisions about their own lives.

In substance abuse policy, Alcoholics Anonymous (AA) and now Narcotics Anonymous (NA) are the proto-typical, self help organizations: militantly non-professionals local AA and NA chapters are led by recovering alcoholics and drug addicts and dependent on the financial contributions of members for support. The chapters steadfastly refuse to accept public funds.[10] The AA philosophy--the famous 12 steps-- requires that AA chapters and members have "no opinion on outside issues; hence the AA name ought never be drawn into public

controversy."(AAWS, 1976, p. 564) Consequently, AA members tend to avoid politics although some AA members advocate for specific public policies that affect alcoholics as individuals as opposed to AA members. In part due to this AA orientation, consumer and citizen advocacy at the state level is quite limited. In North Carolina, two advocacy organizations exist that represent consumer or client interests: Citizens Against Substance Abuse (CASA) and the NC Association of Children of Alcoholics (NCACOA). CASA is a relatively new organizations started by a husband and wife team who had been personally affected by substance abuse. Their goals are increased public funding for services and reforms in the treatment system. But CASA is starved for funds since it relies upon private donations; it is currently operated out of the family home and has a small membership base. NCACOA was founded in the late 1970s by individuals whose parents had a history of alcoholism. It was the first state chapter in what has become a national movement. Most of the members were initially substance abuse professionals with a family history of alcoholism; over time, more lay people have joined although the organizational leadership is still primarily from substance abuse professionals. NCACOA has struggled with its own resource problems: initially it tried to operate an operate an ambitious advocacy and technical assistance program for members only to encounter financial difficulties and problems obtaining their tax-exempt status. Currently, NCACOA has no paid staff and all advocacy is done on a volunteer basis, making it difficult for them to be a major political force.

The experience of consumer organizations in substance abuse, mental health, and developmental disabilities suggests several generalizations about voluntary advocacy organizations. First, the collective action problem as described by Olson (1965) and Wilson (1973) remains strong. Most participants are family members or substance abuse professionals (who often are given release time from their employers for their organizational activities.) Few lay citizens take an active role in these organizations even though the platforms of these organizations could be regarded as in the public interest--i.e. more treatment funding, greater access, and early service intervention. Private donations are scarce. Not surprisingly, many consumer advocacy organizations eventually look to public patronage as a way of stabilizing an agency's finances and hiring a professional policy advocate to lead their organization. State chapters of NAMI have received public funds to hire an executive. In North Carolina, both CASA and NCACOA have investigated the possibility of receiving a state grant to fund their advocacy activities.[11] From the state's perspective, supporting consumer organizations such as NAMI can be an effective and popular way of responding to the emergent pressure to be more sensitive to consumer concerns. No doubt, state officials hope that the grant will channel the group's political advocacy into acceptable avenues.

Second, statewide political advocacy in social welfare services is dominated by voluntary associations representing provider groups. Most consumer organizations are small and politically weak unless they enter into an alliance with the state. Voluntary advocacy organizations comprised of non-consumers and non-providers in social policy tend to be even rarer. These organizations tend to be unattractive to state officials for funding because they do not represent a valued constituency. In North Carolina, the only advocacy organization of this type with any involvement in substance abuse policy is the N. C. Center for Crime and Punishment. Supported by foundation grants, this organization is primarily concerned with prisoner rights and death penalty issues. In New York State, the only major non-provider advocacy organization in substance abuse policy is the Legal Action Center which originally was focused on protecting the legal rights of addicted people although it is now involved in a wide variety of substance abuse policy issues.

Evaluating Statewide Advocacy

From one perspective, advocacy at the state level is more vibrant than ever. There has been an explosion of advocacy groups and coalitions in the states reflecting the increased importance of state government in substance abuse policy, direct and indirect funding of advocacy organizations, and the desire of state officials to mobilize organizations and individuals concerned with substance abuse issues.

In substance abuse policy, the dominance of provider groups and the weakness of consumer organizations contributes to the lack of change in the substance abuse service system. The provider organizations support existing programs without major pressure from consumer or non-provider advocacy groups. One consequence has been the ability of many treatment programs to resist major alterations in their programs in the face of changing demographics and new developments such as crack and AIDS.[12] Program changes tend to be in response to fiscal imperatives from government or insurance companies and usually involve program modifications such as shortening the length of treatment rather than developing new models. In general, new treatment models have been due to federal research and demonstration monies to local public and private treatment programs that represent "add-ons" to the existing system rather than a fundamental restructuring of the service system.

Policy Advocacy at the National Level

Many commentators on American politics including James Madison (1956) and Grant McConnell (1966) have suggested that diffuse interests such as the disadvantaged and the powerless will be more likely to have policy advocates at the national level than at the state level. This suggests that the interest group universe will be substantially different at the national level than at the state level with a greater number of organizations representing the disadvantaged. In substance abuse policy, this predicted situation does not exist. Instead, the interest group universe is dominated by provider interests.

Advocacy in Washington

Seventy very diverse organizations are listed as part of the Coalition on Alcohol and Other Drug Issues that represents national organizations interested in substance abuse issues, ranging from the American Psychological Association to the National Association of State Alcohol and Drug Abuse Directors (NASADAD) to the National Association of Black Substance Abuse Workers. But this array of organizations in this coalition masks the small number of organizations actively involved in substance abuse policy. Congress regularly debates and considers major policy issues such as treatment funding and regulations, the division between law enforcement and treatment funding, legalization, the connections between substance abuse and HIV, and now the place of substance abuse treatment within national health insurance. The major substance abuse treatment provider associations such as Therapeutic Communities of America (TCA) or NASADAD are involved in these issues. But the other organizations face great constraints to active participation in legislative advocacy on substance abuse issues. A brief look at different categories of associations helps explain this situation. Three basic types of organizations exist within the coalition: substance abuse providers such as NASADAD, non-provider substance abuse associations such as the National Council on Alcoholism and Drug Abuse (NCADA) and associations with only a tangential interest in substance abuse. The latter category are the most

numerous, but their focus is on the concerns of their members so they usually have little time to devote to substance abuse issues. The non-provider associations such as NCADA and the Alcohol and Drug Problems Association (ADPA) are continually faced with resource problems. Typically, they are financially insecure with only a few staff. For instance, the ADPA was forced to lay off its executive director until it could rebuild its finances. With inadequate resources, these organizations are not an active presence in Congress except for a few select issues that they decide is their top priority.[13] Even the provider associations tend to have only a few staff available to do advocacy. TCA has one professional, the executive director, who does advocacy as well as respond to the concerns of TCA members nationwide. NASADAD is the only provider organization with substantial resources. Consumer or parent organizations are virtually non-existent at the national level.

The weakness of interest group advocacy at the national level reflects developments in the American welfare state and the characteristics of the drug abuse issue itself. First, federal drug treatment funding is provided primarily through the alcohol, drug abuse and mental health block grant which gives substantial authority over spending decisions to state governments. To an extent, it has made interest group mobilization more difficult because the connection between federal block grant spending and local constituency groups is relatively weak. The exception is state substance abuse program directors who benefit from block grant spending. They are an active presence in Congress lobbying for more block grant spending and greater state control over federal funds. But as a measure of the influence of the state directors' association, block grant funding has declined significantly over the last ten years in real terms and more federal controls have been imposed on the distribution of block grant funds.[14] The latter is particularly significant because it indicates how Congress makes decisions on substance abuse services. Increasingly, block grants funds for substance abuse have been restricted to specific client populations such as IV drug users and pregnant women. These "set-asides" reflect the interests of influential Senators or representatives who may also be responding to constituency groups other than national substance abuse organizations. In short, Congress has felt at liberty to allocate funds according to their own agenda, unconstrained by the demands of advocacy groups from the substance abuse community.

Second, the federal government has been successful in controlling the agenda on drug policy through federal agencies such as the Office of National Drug Control Policy in the White House, and the Justice Department. This has tended to put many of the advocacy groups in drug policy on the defensive and make their efforts to mobilize much more difficult.

Third, the Reagan and Bush administrations tended to see their agenda in drug policy as at odds from most of the organized advocacy groups in substance abuse policy. Consequently, the administrations avoided active organizing of substance abuse advocacy associations and groups. As a result, national associations have not generally benefitted from the direct and indirect public subsidies or the support and cooperation of high-ranking federal officials.

Fourth, drug and alcohol policy is highly controversial and fraught with many religious, racial, and moral concerns. Many families and individuals affected by addiction are understandably reluctant to speak out or participate in organizations involved in substance abuse advocacy. Like other disadvantaged groups, the negative image of addiction tends to depress political participation.(See Schneider and Ingram, 1993)[15]

Appraising National Advocacy

While, the number of advocacy organizations in substance abuse has exploded in the last 15 years. Yet the political impact of these organizations tends to be only at the margins of policy--a slight change in a regulation or a shift in the formula allocating block grant funds. Major policy issues appear to be dominated by the Congress and the administration. The national organizations are either traditional trade associations focused on the concerns of their members and struggling, underfinanced advocacy organizations. The cutbacks in treatment funding and the decentralization of policy has further complicated national level advocacy by putting nonprofit associations on the defensive and diverting the attention of many of their members to the state level.

Consequently, the hypotheses presented in the initial part of the paper do not apply with the following exceptions. The national trade associations represent local service providers that are heavily dependent upon public funding. These national associations were not formed by government but instead represented the recognition by service providers such as therapeutic communities or methadone clinics of mutual interests related to government. This would partially support H2. Some of the non-provider associations such as the Alcohol and Drug Problem Association represent substance abuse professionals with an interest to influencing federal substance abuse policy. It is not a lay organization. This would partially support H3. Recently, former senator Harold Hughes established a national organization of recovering people called SOAR. This organization is primarily lay people but it is too soon to evaluate its policy impact or long-term chances of survival.[16]

Political Advocacy and Voluntary Organizations: Implications for Policy

Several scholars have called attention to the increasingly blurred boundaries between the public and private sectors in the welfare states in advanced industrial countries.(Heclo, 1975; Flora and Heidenheimer, 1981; Rein, 1982) This shift in welfare states is profoundly affecting political advocacy by voluntary organizations. It is providing incentives for voluntary agencies to organize and for government to facilitate the creation and maintenance of voluntary advocacy groups and coalitions through direct funding or help in organization building. The sharp increase in voluntary advocacy organizations reflects these changing incentives for both government and voluntary personnel.

The role of voluntary advocacy organizations in substance abuse policy also suggests that the relationship between government and voluntary advocacy organizations differs depending upon the level of government. At the state and local level, the mutuality of interest between state and local officials and voluntary agencies promotes government organizing of substance abuse interests, even to the point of trying to forge unity among conflicting interests. But at the federal level, this mutuality of interest does not generally exist; thus, federal officials have not tried to organize voluntary advocacy organizations. The decentralization of substance abuse programs has also shifted the attention of many advocacy organizations away from Washington. With the decentralization of programs, local substance abuse programs view Washington as largely irrelevant to their interests.[17] Many political entrepreneurs take advantage of the ease of incorporating as a nonprofit organization to create their own organization to further their political

agenda. This tends to be most characteristic of state level organizations since the states are viewed as the most important public funding agent in substance abuse policy.

Absent government funding or encouragement, representation at the national level in substance abuse tends to be by a small band of provider groups and an even smaller number of nonprovider advocacy groups. The limited influence of these groups on federal substance abuse policy suggests a broader lesson for political representation in Washington, D.C. Without outside support in the form of public grants or official support, political advocacy for disadvantaged and unpopular target groups is likely to be weak and ineffectual. However, consumer and client groups in AIDS, mental health and developmental disabilities have demonstrated that demonstrated that personal lobbying and testimony by persons with specific problems or diseases can be a very powerful way of overcoming the resource problems of non-provider groups and their limited political influence.

As voluntary advocacy evolve though, they are increasingly faced with a serious problem. Aggressive lobbying may have diminishing returns because this type of lobbying is at variance with the image of nonprofit service providers by lawmakers as charitable organizations interested in the public good. But without a forceful advocacy posture, legislators will not be respond favorably to the policy agenda of these nonprofit associations. It is for this reason that the involvement of client and consumer groups is so important if voluntary associations representing disadvantaged groups are to be effective politically.[18]

Finally, the surge in voluntary associational activity is only inexplicable if government and society are considered as separate and voluntary associations as comprised of citizens unconnected to government. But, with the restructuring of the welfare state, voluntary advocacy groups increasingly reflect either the interests of government subsidized organizations or coalitions and interests organized by government. This new advocacy activity can signify greater representation of diverse groups in society. The risk for these groups is that to the extent that they become tied to government they are susceptible to changing political priorities and symbolic politics. More policy advocacy by groups working on behalf of disadvantaged populations such as substance abusers may have limited impact unless these groups can mobilize citizens without direct ties to either the state or existing provider organizations.

Endnotes

1. The author is indebted to the Center for the Study of Philanthropy and Voluntarism at Duke University, the Josiah Trent Foundation, and the Aspen Institute for financial support for his research.

2. Another explanation for the growth of voluntary organizations is offered by Claus Offe (1990) and others who suggest that since the 1960s, advanced industrial democracies have witnessed the development of so-called "new social movements" which include groups or organizations associated with peace, feminism, social policy, and the environment. The distinguishing characteristic of these new movements is a qualitative change in the motivation of people participating in politics. In these new movements, citizens are committed to cooperative decisionmaking, decentralization, and an appeal to broad values rather than narrow special interests.(see, Handler, 1991, p. 35). Thus, the surge in voluntary organizations in social welfare policy would represent a major underlying value shift in the population. This perspective would fit with the work of James Q. Wilson (1973) who suggests that a commitment to a social cause or ideology (purposive incentives) or the prospect of fellowship (solidary incentives) serves as a key incentive for individuals to join an organization. In this view, individuals might participate in a political organization due to its political goals. For example, a person might join the National Organization for Women because of his or her commitment to women's equality. If indeed people's values and goals had shifted, the willingness to join a voluntary organization due to an ideological commitment would likely increase as well.

3. When the Partnership program was created in 1989, CSAP was called the Office for Substance Abuse Prevention (OSAP).

4. The DARE program is nationwide program with a structured prevention curriculum for elementary and middle school youth directed by police officers.

5. newspaper articles on Asheville and Whiteville.

6. This definition is close to the Internal Revenue Service's view of lobbying by nonprofits. The IRS regards lobbying as any expenditure by a nonprofit in support of activities to influence legislation.(Smucker, 1991, p. 66)

7. The inability to effect system change through local service integration efforts was noted by the General Accounting Office (1992).

8. In most of the nation, these services were sparse or nonexistent prior to the 1970s. The federal government operated two public institutions and some states operated public institutional programs for alcoholic patients. Many states offered little or no services for drug addicts. In North Carolina, drug addicts were sent to the federal institution in Lexington, Kentucky. Alcoholics without means were sent one of three public institutions, while alcoholics who could pay could go one of the few private programs. Federal money created an entirely new network of public and private treatment programs. Some of this money was given directly to treatment programs while some of the money was given to state and county governments for distribution to local treatment programs. Nationally, most public drug and alcohol treatment funds are spent by nonprofit agencies.

9. States spent far more than local governments on social welfare services although exact figures are unavailable.

10. Occasionally, AA and NA chapters will agree to hold their meetings on the premises of public programs so individuals in those programs can take advantage of the AA meeting.

11. This problem has also affected prisoner advocacy groups. In New York State, Prisoners' Legal Services of New York was started in the early 1970s with a federal grant; it was then supported by the state for 13 years and then transferred to a private voluntary organization. This support was cut off in 1992 and the agency has appealed to the state for support. Richard Perez-Pena, "Prisoner Advocacy Group Battles Financial Woes," The New York Times, 28 December 1992, p. B6.

12. For example, methadone programs were designed as a response to the heroin epidemics of the 1960s and 1970s. These programs have been very slow to change in response to the crack and AIDS epidemics.

13. The National Council on Alcoholism and Drug Abuse has lobbied for the several years for increases in federal alcohol taxes.

14. To an extent, the block grant is having the intended effect on interest group activity. Many conservative supporters of block grant programs hoped that it would reduce the interest group advocacy at the national level.

15. AA members are not prohibited from taking political positions as private citizens. In this capacity, many AA members or former AA members have worked to obtain more funding for treatment services or reform government regulations. However, these individuals tend to be the exception. It is also noteworthy that the national organization of AA is based in New York City and does not participate in any political activity on substance abuse issues.

16. Given the importance of state and local government to treatment programs, SOAR also faces a challenge in convincing recovering people that they need to join a national organization.

17. The exception would be community coalitions and partnerships funded by CSAP.

18. Of course, consumer and provider groups may diverge in their policy preferences. However, many mutually beneficial alliances have developed across the country.

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The Canadian Supreme Court and Provincial Charter Politics, 1984-1992

Shannon Ishiyama Smithey
University of Pittsburgh

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In April, 1982, Canada adopted a new constitution, the Charter of Rights and Freedoms. Prior to that time, Canada's constitution was still a statute of the British Parliament. By ratifying the Charter, Canadians gained complete institutional independence from Britain. For the first time in their history, they also received entrenched constitutional protection for their civil liberties and language rights, and a judicial system empowered to enforce these rights.

Prior to the Charter's adoption, most of the attention paid to the Canadian courts focused on their federalism decisions. Although the Canadian courts were generally dismissed as politically insignificant, lacking the power to forbid government actions entirely, they did have the power to determine whether a law was enacted by the appropriate level of government.[1] Laws which the courts found to have been enacted by the wrong level of government were declared ultra vires and therefore void. Even though the power to declare acts ultra vires is a limited form of judicial review, and even though courts were reserved in its application, it was the most significant review power that they possessed. When scholars wanted to study the political activity of the Canadian courts, they turned to their federalism decisions (see, for example, Hogg 1979; Vaughan 1975).

The Charter has effectively shifted scholarly attention away

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[1]The British North America Act, passed by the British Parliament in 1867, was Canada's first written constitution. The B.N.A. divided authority for different areas of public policy between the national government and the governments of the provinces.

from federalism to new judicial and constitutional issues. Judicial power and judicial interpretation of civil liberties and defendants rights have tended to take center stage. While these issues are certainly important, the Charter and its interpretation by the Supreme Court also have important implications for federal arrangements in Canada that should not be ignored. The application of the Charter to provincial law has added strain to the tensions caused by regionalism and the co-existence of French and English speaking Canada.

In this paper I discuss a number of issues of Canadian federation that are implicated in the Charter decisions of the Canadian Supreme Court. First, there is the conflict between the national and provincial levels of government. Second, there is the conflict between English Canada and Quebec, whose demands for recognition of its distinct culture have escalated from protecting the use of the French language to achieving partial secession. Third, there are regional differences and animosities to consider. The Charter and the Supreme Court's interpretations of it have a number of implications for each of these issues.

National Power versus Provincial Power

From its outset the Charter had ramifications for federalism as well as civil liberties. During the 1970's "virtually all of the provinces, no matter how economically dependent some of them were on Ottawa, began to seek expanded jurisdiction in some areas" (Russell 1992, 97). Pierre Trudeau and his allies took up the cause of a charter of rights, in large part because they sought

greater power for the national government over the provinces. With the Charter they hoped to foster the development of a stronger common identification with the nation of Canada for all Canadian citizens. Axworthy (1986, 21) puts it this way: "While not denying the diversity of Canada, federalist spokesmen argued that Canadians possess a common patrimony. They argued that while Albertans are distinctive from Nova Scotians and Quebeckers, as Canadian they partake alike in our country's heritage and destiny." Nationalists were also concerned with protecting language rights for "francophone" (French-speaking) Canadians throughout Canada. This was more than a civil rights issues; by ensuring the rights of francophones throughout Canada, Trudeau hoped to undercut the Parti Quebecois and its supporters by guaranteeing rights to speakers of French in all parts of Canada rather than by granting more power or special privileges to the province of Quebec (Russell 1992).

Leaders of eight of the ten provinces were initially opposed to Trudeau's proposal. Much of this opposition came from the perception that the proposal represented a decrease in provincial government power. Their rallying cry was parliamentary sovereignty, which would be infringed by the requirements of a Charter of Rights (Matkin 1986). A Charter would also have the centralizing effect of creating national standards for individual rights, regardless of province. This was an important symbolic departure from the former constitution which spoke only of national and provincial government rights. Only the leaders of Ontario and New Brunswick were willing to support the Charter.

Provincial leaders resented the fact that the new constitution was proposed without any input from the provinces. Trudeau also angered many by arguing that the constitution could be amended without following the constitutional convention of achieving unanimous provincial consent. Several provincial governments consulted their courts of appeal to determine whether this decreased role for the provinces was constitutionally acceptable. The Supreme Court made its first important contribution to the nationalist cause when it decided the issue in the Patriation Reference case [1981]. It decreed that "only a 'substantial degree' of provincial consent was required" to patriate the constitution and bind the governments of Canada to abide by the Charter (Russell 1992, 119).

In November, 1981, Trudeau obtained the substantial agreement he needed. The leaders of every province but Quebec negotiated a compromise that gave Trudeau most of what he wanted. The provincial governments had succeeded in adding two provisions to the Charter: Section 1, which proclaimed that Charter rights existed within those limits reasonable and justified in free and democratic societies; and the Section 33 override provision whereby the legislatures could exempt laws from Charter application for renewable periods of five years. Once this compromised had been reached, the Supreme Court's Patriation decision allowed the government to depart from the tradition of unanimity, and Quebec was unable to stop the Charter from taking effect.

The Charter was a victory for nationalist forces in the way

that it was adopted and in that it established national standards for civil liberties. It could also be construed to weigh in on the national side of the balance of federal power because of the role given to the Supreme Court. Under the Constitution Act of 1982, it is the courts which decide what is inconsistent with the Charter and what the impact of such inconsistency will be. The Supreme Court, at the top of the judicial hierarchy, has the final say in setting constitutional policy.[2] Thus, the Charter "transfers many areas of provincial jurisdiction to an institution of the federal government (the Supreme Court)" (Bzdera 1993, 13).

The provinces might well be concerned that increasing the power of the Supreme Court would further the cause of centralization. Bzdera (1993, 19) suggests, for example, that "federal high courts have generally favored the extension of central legislative power in the important cases concerning the division of powers." The Supreme Court's record in federalism cases in the era leading up to the adoption of the Charter is consistent with Bzdera's suggestion. From the end of 1949, when the Supreme Court became the final court of appeal for Canada,[3] until June of 1979, the Court demonstrated a tendency to be less supportive of provincial than national laws. In its constitutional cases during

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[2]Even though the provinces may override the judicial nullification of a policy, such action does not invalidate the Court's constitutional judgment. An override merely sets aside enforcement of judicial decisions for renewable periods of five years.

[3]Until December, 1949, decisions of the Canadian Supreme Court could be appealed to the Privy Council of the House of Lords in Great Britain.

that period, the Court invalidated 25 of 65 (38.5%) challenged provincial laws but only 4 of 37 (10.8%) of challenged national laws (Hogg 1979). This is consistent with Bzdera's argument (1993, 20) that

> the centralist tendency of federal high courts logically leads them to abandon effective judicial review of federal legislation while at the same time they continue to review and often invalidate legislation of the member states.

If this is true, increasing Supreme Court power would not seem to bode particularly well for provincial prerogatives.

All of this might lead one to expect that Supreme Court decisions in the Charter era to be more supportive of national than provincial authority. We can examine this hypothesis by comparing the rates at which the Supreme Court has supported the policies of each level of government in its Charter cases. Between 1984[4] and June, 1992, the Supreme Court decided 220 Charter cases, involving 91 national policies and 128 provincial policies.[5] If we compare the rate at which the Supreme Court upheld challenged actions of both levels of government, we find that the Court was generally supportive of state authority, upholding the actions of both levels of government in a majority of cases. (See Table 1).

Contrary to what we would expect from a national institution interpreting national Charter of Rights, the Supreme Court has not

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[4]Because it took some time for cases to work their way through the appeals system, the Supreme Court's first Charter decision was not issued until 1984.

[5]Two cases involved territorial policies, one from the Yukon and another from the Northwest Territories.

lived up to Bzdera's prediction. In fact, it has done the opposite, becoming a bit more supportive of provincial policies than the policies of the national government. The outcomes of the Supreme Court's Charter decisions have not helped to shift the balance of federal power to the advantage of the national government. The Charter may have subordinated the province's legislative authority to a national statement of rights, but it seems clear that the national government has not become the Supreme Court's constitutional favorite.

Table 1
Supreme Court Support for National and Provincial Policies
1984-June, 1992

	National Policy Challenged	Provincial Policy Challenged
Court Rules For the Government	62.3% (57)	70.3% (90)
Court Rules Against the Government	37.4% (34)	29.7% (38)
Total	100% (91)	100% (128)

The Supreme Court and Quebec

The Charter and the Supreme Court's interpretation of it have increased the divide between Quebec and the rest of Canada. The constitution "rubbed Quebec the wrong way" from the beginning. When Trudeau met with the ten provincial premiers in November of 1981, Quebec was initially joined by seven other provinces in opposing constitutional change. Many in Quebec still view the acceptance of the compromise package by the seven other objectors as a betrayal, referring to the evening the compromise was reached

as the "night of the long knives" (Russell 1992, 119). A certain amount of French animosity spilled over onto the Supreme Court when it undercut the claim that no constitutional amendment was possible without Quebec's approval. The Charter went into effect the following April, despite vocal Quebecois opposition.

Besides rejecting the process through which the Charter was adopted, the political leadership in Quebec rejected the Charter itself. The Quebec National Assembly voted against ratification. When that failed, its members automatically attached a Charter override to every piece of legislation it passed until the defeat of the Parti Quebecois in 1985 (Russell 1992, 145).[6] While Robert Bourassa's new Liberal government did away with the automatic override, it maintained the PQ's general objection to the Charter.

Quebeckers rejected the Charter as a whole, but they were most offended by the Charter's guarantee of equal treatment for both English and French. As Bickerton (1992, 285-6) suggests, "For the Quebec government, charter supremacy is viewed as a threat to the province's power to promote the French language and culture." By requiring equal treatment of both languages, the Charter limited Quebec's leaders ability to advantage the use of French. This was perceived as endangering Quebec's viability as a separate culture.

Attempts were made to reach another constitutional compromise that would address Quebec's dissatisfaction. In 1987, the provincial premiers met with Prime Minister Brian Mulroney at Meech

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[6]They preferred to rely on the Quebec Charter of Rights, which they insisted had primacy within the province.

Lake. The resulting Accord addressed several provincial concerns along side Quebec's. Meech Lake increased provincial control over immigration, allowed the provinces to opt out of certain national cost-sharing programs or substitute their own programs to achieve certain national policy objectives, and gave the provinces the right to submit a list of names from which Supreme Court vacancies would be filled.

Although these rights were guaranteed to all the provinces, Quebec's concerns did receive some special attention. The tradition that three Supreme Court justices should come from Quebec would be entrenched in the constitution. Quebec was also to gain recognition as a distinct society, albeit in a clause that was not as broadly phrased as the Quebecois might have wanted. The following clause would have appeared as the first substantive clause of the Charter: "a fundamental characteristic of the Canadian federation is the existence of French speaking Canada, centered in but not limited to Quebec, and English-speaking Canada concentrated in the rest of Canada but also present in Quebec" (Russell 1992, 138).

Reaction to the Accord was in many ways typical of the unity crisis facing Canada. Meech Lake encountered opposition from Quebeckers for being an insufficient protection of their rights and from English Canada for giving Quebec too much special treatment. Trudeau attacked the Accord for its increase of provincial power at the expense of the good of the nation. Others were afraid that allowing the provinces to pursue national objectives in different

ways could threaten social welfare policy or undermine the newly won Charter rights of women and minorities (Russell 1992).

At the end of 1988, the Supreme Court stepped into the process, incensing the Quebecois and sealing the fate of the Accord. On December 15, it reached a decision in the case of Ford v. Quebec [1988] 2 SCR 712. In Ford the Court was asked to consider the constitutionality of the Quebec Charter of the French Language, which forbade the display of public signs, posters and advertising in any language other than French. The Court held that the S.2(b) right to freedom of expression included personal and commercial expression in the language of a person's choice, and that Quebec's prohibition on the use of English was too sweeping to be justified as a reasonable limit in a free and democratic society. It was as if the justices had never heard that there was a constitutional crisis or that there was talk of secession in Quebec.

For the supporters of Meech Lake, it was not an opportune moment for such a ruling. In Quebec, there could be no opportune moment for such a decision. Ford sparked rallies in support of the French Charter, and the Bourassa government quickly invoked the override. This inspired a backlash in English Canada, including the rejection of Meech Lake by the legislatures in Manitoba and New Brunswick and its revocation by Newfoundland (Russell 1992). Russell concludes that the Ford decision helped kill Meech Lake. He writes (1992, 146-7)

> English Canada's wrath over Quebec's use of the override revealed the irony of the Charter of Rights. That

> Charter, Trudeau's Charter, designed to unify Canada, had become a profound source of disunity....It was not the substance of the Charter but the Charter as symbol, as icon, which in the heat and passion of mega constitutional politics became profoundly divisive.

The Charter was certainly instrumental to the conflagration. But is crucial to understand that it was not the Charter alone that so angered the Quebecois and set off the backlash throughout the rest of Canada. Focusing solely on the Charter's role omits an important part of the story. Constitutions do not interpret themselves.

It was the Supreme Court's interpretation of the Charter that caused so much controversy. The Court was not compelled to reach the decision it did in Ford. It could have relied on S.1, declaring the sign law to be a reasonable limit on expression rights in a free and democratic society. It did exactly that with a similar law in Devine v. Quebec, which it handed down on the same day. Instead, the Court struck at the heart of efforts to preserve francophone culture in a "distinct society." By rejecting the Charter of the French Language, the justices made a singular contribution to shaking the foundations of Canadian confederation.

From this discussion it would appear that the Supreme Court is opposed to Quebec's interests. Certainly the Court's most high profile case from Quebec worsened relations between Quebec and the rest of Canada. A look at the Court's overall treatment of Quebec, however, suggests a fairly balanced treatment of the province. Policies from the province have been challenged in 15 of the Court's Charter cases. The Court has upheld provincial action in

9 (60%) of them. While this is a bit lower than the mean rate of support for the provinces, it is similar to the treatment received by several other provinces. Ontario, Saskatchewan, New Brunswick and British Columbia receive higher rates of support than Quebec, but the province fares slightly better than Alberta (8 for 14) and Manitoba (4 for 7), and considerably better than the four Maritime provinces (a combined 6 for 13). In other words, the Supreme Court's support for Quebec is just about average.

Even in the sensitive area of language rights, the Supreme Court has not been completely hostile to Quebecois aspirations. The Court has decided four cases challenging language policy in Quebec. The Court ruled against Quebec in Ford and Quebec v. Quebec Protestant School Boards [1984] 2 SCR 66. It ruled for Quebec in Devine and MacDonald v. Montreal [1986] 1 SCR 460. It is clear that Quebec stands an even chance of succeeding at the Supreme Court, even in language rights cases.

The Supreme Court has also held the other provinces to the same standard it has applied to Quebec. In Quebec Protestant School Boards the Court invalidated a section of the French Charter that limited educational opportunities in English to children whose parents were educated in English in Quebec. The Court reached a similar decision in Mahe v. Alberta [1990] 1 SCR 342. In Mahe the Court disallowed the Alberta School Act requirement that French schools give 20% of their instruction in English. Both jurisdictions were required to follow through on the Charter's guarantee of bilingual education.

The Court also took similarly permissive positions toward Quebec and New Brunswick in cases concerning linguistic requirements in the administration of justice. In Societe des Acadiens v. Association of Parents [1986] 1 SCR 549, the Court upheld New Brunswick's practice of allowing judges whose first language was English to sit on panels hearing cases to be argued in French. The right to use both languages was construed not to include a reciprocal right to be understood in both languages. In MacDonald the Court upheld Quebec's issuance of an arrest summons written only in French. The administration of justice apparently need not adhere as strictly to bilingualism as other aspects of provincial policy. These cases suggest that the Supreme Court has taken an even-handed approach to evaluating the government of Quebec.

Why should the Court be perceived as an anti-Quebec institution if the Court treats Quebec just like the other provinces? The key point here is that Quebeckers are upset to the point of seceding because they do not want to be treated like every other province. Theirs is "une province pas comme les autres"--a province unlike the others (Dion 1992, 1). Unlike the other provinces, Quebeckers did not agree to the Charter; having it applied to them in the same way it applies to other provinces is insulting, not mollifying. This is particularly true in language rights cases, which raise issues that are central to Quebecois attempts to save their culture from assimilation with English Canada. Ford makes it clear that Quebec cannot achieve "distinct

status" if the Supreme Court applies Charter rights to laws in Quebec as if it were any other Canadian province. By choosing to treat Quebec like the others, the Court has in fact encouraged the belief that Quebec will have to weaken its ties to the rest of Canada if it wants to maintain its cultural integrity.

The Supreme Court and Regionalism

One can understand why much of the attention paid to the problem of Canadian unity focuses on the divide between French and English Canada. It is important to remember that Canada has its share of regionalism as well. Bercuson (1977, 1) argues that

> Canada is a country of regions....If the stubborn regional identification of British Columbians, prairie Westerners, and Maritimers could only be melded with the all too powerful and sometimes parochial "Canadian" awareness of Ontarians, the land could be neatly split between the French and the "English" of the bicultural illusion. That is the wish of some, but the ever-present reality is quite different. Regions exist, distinguished by geographical setting, economic role, history, culture, and even different ambitions for the same Canada to which they all belong.

Canada is normally considered to consist of two territories (the Yukon and the Northwest Territories) and five regions: Ontario; Quebec; British Columbia; the Maritime provinces of Newfoundland, New Brunswick, Nova Scotia and Prince Edward Island; and, the Prairie provinces of Alberta, Saskatchewan and Manitoba. Even though there are differences of opinion within these regions (see, for example, Milne 1992), each region has certain political and constitutional concerns in common, and together they have a decided impact on Canadian politics.

Regional concerns were clearly evident in the constitutional

debate and referendum that followed Ford and the death of Meech Lake. Western premiers, who had been asked to wait in pursuit of more equal representation in the Senate, insisted on its inclusion in the new round of constitutional making (Russell 1992). Quebec increased its demands for provincial autonomy. The Mulroney government tried to accommodate these concerns in the Charlottetown Accord. The Charlottetown package offered more independence to Quebec, self-government to Canada's indigenous peoples, and Senate reform to the western provinces ("New Framework for Canada," New York Times Sept. 25, 1991, A4). In a move that tried to placate earlier concerns for provincial autonomy, the Accord's acceptance was to be contingent on unanimous provincial approval.

The Charlottetown attempt to adjust the constitution to deal with regional tensions was resoundingly rejected by public referendum in October, 1992. In a process where only one province's refusal could kill the Accord, six provinces voted "No."[7] Not only was Charlottetown rejected, but the general process of constitutional reform seems to have engendered a great deal of ill-will between the different regions of Canada. The Maritimes, as the poorest provinces in Canada, are wary of attempts, like Charlottetown, to increases provincial authority, for fear that this might lead to reductions in the amount they received in equalization payments (Bickerton 1992). Much of

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[7]British Columbia, Alberta, Manitoba, Saskatchewan, Nova Scotia and Quebec voted "No." Newfoundland, New Brunswick, Prince Edward Island and Ontario voted "Yes." The popular vote for the whole country rejected the Accord, with 54% voting against.

English-speaking Canada has become less willing to give Quebec what it views as special (and therefore unfair) treatment, even as Quebeckers have become more adamant in its pursuit. A number of provinces were also opposed to the national government proposal for self-government for native Canadians. And, with Charlottetown's defeat, westerners were again denied an improved voice through Senate reform.

After Charlottetown, the odds against achieving some form of consensus seem even higher. It is ironic that each attempt to draw Canadians together through constitution making has pushed them farther apart. In 1980, surveys showed that the primary identification of 62% of Canadians was with the nation rather than their province; by 1990, national identification had fallen to 49%.[a] While other factors are surely at work here, each attempt at reform seems to aggravate rather than alleviate Canada's trouble getting along with itself. The Economist ("Glug, Glug," Oct. 31, 1992, 18) accurately portrays the situation as one of increasing discord:

> In the early 1980s, when the search began for a constitution acceptable to all Canadians, only one province, Quebec, was unhappy. Over the years, as efforts to satisfy Quebec, others have become disaffected, annoyed both by what has been offered to Quebec and by what has not been offered to them.

No one should claim that the Charter or the Supreme Court are alone to blame for regional resentments, but they have made their own contribution to Canada's unity crisis. It was the Charter, after all, that started Canadians off on more than a decade of

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[a]These data are from the Environics Poll of Canada, as reported in Swinton 1992, 122.

regionally contentious constitutional negotiation. It was adopted, with the help of a nationalist Supreme Court decision, despite regional and provincial objections. And, the Supreme Court has interpreted it in ways that served to exacerbate Quebec's feelings of resentment toward the rest of Canada, and the rest of Canada's resentment toward Quebec.

The Supreme Court's behavior in Charter cases also has the potential to contribute to the animosity between the center and the periphery in Canada. Resentment of "central Canada" (Quebec and Ontario) runs high in the Atlantic and the west. The Supreme Court can be viewed as a centrist institution since the provinces have no input into the selection of its members, and six of its nine justices are always chosen from Ontario and Quebec. If the Court favors the policies of the center over those of the Prairie and Maritime provinces, it may reinforce the perceptions of the latter that they are not equal partners in the Canadian confederation.

Given Canada's history and political arrangements, such perceptions are understandable. Ontario and Quebec have always had much greater populations than the other provinces. Together they have 174 of the 295 seats in the House of Commons. As a result, central Canada has been the "major beneficiary of national economic, cultural and social policies" (Bercuson 1977, 2). From the railroad and development policies of the late nineteenth century through the price controls on oil in the 1970's and 80's, Ottawa's "tariffs and transportation policies...were responsible for protecting industries at the centre, while impairing the

peripheries" in the Atlantic and the west (Arseneau 1992, 327). These provinces share the complaint that they lack "political voice in the central government. Whether rich or poor, the seven provinces experience the same feelings of political powerlessness" (Arseneau 1992, 328).

The Supreme Court's record in dealing with the claims of the different regions has the potential to reinforce the power of the center over the periphery. There has been no landmark case like Ford that pitted the center against the "hinterlands." Nevertheless, by comparing the treatment the Court gives to different regions we can look for the same center-periphery relations that are present in Canadian national politics at large.

We begin by examining the treatment the Court has given the policies from different regions. (See Table 2). With one notable

Table 2
Supreme Court Support for Regional Policies
1984-June, 1992

Region	Court Rules for Government	Court Rules Against Government	Total
Ontario	85.4% (41)	14.6% (7)	100% (48)
Prairies	65.6% (21)	34.4% (11)	100% (32)
British Columbia	61.9% (13)	38.1% (9)	100% (22)
Quebec	60.0% (9)	40.0% (6)	100% (15)
Maritimes	46.2% (6)	53.8% (7)	100% (13)
All Regions	69.2% (90)	30.8% (38)	100% (128)

exception, the Court is fairly even-handed in its treatment of the provinces. It upholds around 60% of the policies from the Prairies, British Columbia and Quebec. It is a bit less supportive of the Maritimes, but there have only been 13 cases from that region combined, so it is too early to say much on that basis. The number of cases from most of the provinces is fairly small, so one must be careful about attributing too much significance to small differences in the rates of judicial support.

Nonetheless, the data do reveal one clear favorite in the Court's first 220 Charter cases. The Court is much more supportive of Ontario than the other regions. Its approval rate for policies from Ontario far surpasses the support it gives to the other provinces. (See Table 3). Such overwhelming support for the policies of Ontario clearly indicates that the Supreme Court's Charter decisions favor the center.[9]

The Supreme Court treatment of the lower courts also reveals its impact on the tension between center and periphery. 204 Charter cases reached the Court on appeal from the highest ranking courts in the provinces.[10] The Supreme Court affirmed the decision of the

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[9]The average rate of support given to Quebec might be seen as working against the argument that the Court favors the center since in other areas central Canada includes Quebec. However, in Charter discussions, Quebec has not had the voice or the impact that is typical of its place in Canadian politics generally. Its demands have had little more success in the rounds of constitution making than those of the Prairies and or the Maritimes. In constitutional matters, then, Ontario is the true "center."

[10]One of the other 16 was referred directly to the Supreme Court by the national Governor in Council. The other fifteen were appealed from the Federal Court of Appeal, the courts of appeal from the territories, or the military courts.

Table 3
Supreme Court Support
for Policies from Ontario and the Rest of Canada

	Policy Upheld	Policy Overturned	Total
Ontario	85.4% (41)	14.6% (7)	100% (48)
Other	61.2% (49)	38.8% (31)	100% (80)

Chi square= 8.3936, df=1, p≤ .006

lower court in 133 (65%) of these cases. When we break them down by region, we find that the Court again gives the most support to Ontario, although it is almost equally supportive of British Columbia. (See Table 4).

The Court is least supportive of the Quebec Court of Appeal. It rejects that court's reasoning a substantial majority of the time (68%), although again the number of cases is fairly small for drawing airtight conclusions. This figure is nevertheless consistent with the Quebec Court's general success on appeal to the Supreme Court. Morton, Russell and Withey (1990, 9) report that the Quebec Court has traditionally lost more than half of the cases in which its decisions were appealed to the Supreme Court. The fact that the data here are consistent with a more general trend reinforces the credibility of the idea that the Court's Charter decisions are having a disparate regional impact.

Table 4
Supreme Court Support for the Courts of Appeal
1984-June, 1992

Region	Upholds the Appeals Court	Overturns the Appeals Court	Total
Ontario	77.2% (61)	22.8% (18)	100% (79)
British Columbia	75.0% (27)	25.0% (9)	100% (36)
Prairies	57.4% (27)	42.6% (20)	100% (47)
Maritimes	55.0% (11)	45.0% (9)	100% (20)
Quebec	31.8% (7)	68.2% (15)	100% (22)
All Regions	65.2% (133)	34.8% (71)	100% (204)

Before translating judicial rejection of regional court decisions into disapproval of regional policy, however, we need to investigate which litigants are winning when the Supreme Court overturns the lower courts. Some lower court decisions have found Charter violations and invalidated provincial policies. By overturning these decisions, the Supreme Court is actually supporting provincial policy. On the other hand, if the Supreme Court upholds such a lower court decision, it is in fact acting against the provincial interests discussed earlier in this paper.

In the case of Quebec, the Supreme Court is more likely to save Quebec policies than invalidate them when it overturns the Quebec Court of Appeal (it does so in 9 of 15 cases). This is not the case for any of the other regions. In each of the other four, the Supreme Court is more likely to reverse the lower courts for

not being active enough in enforcing Charter rights.[11] Perhaps the Court ought not be considered to be so hard on Quebec after all. The Supreme Court could be viewed as protecting Quebec policy from too much Charter activity on the part of its own Court of Appeal. For obvious reasons, however, Ford being first among them, this opinion is not likely to be widely subscribed to in Quebec.

The most complete picture of the Supreme Court's impact on the regions comes from measuring the combined success of provincial courts and provincial policies before the Court. To retrieve this information we divide the cases into four categories: the Supreme Court upholds the lower court in supporting the government; the Supreme Court upholds the lower court in supporting Charter rights; the Supreme Court overturns the lower court to save the policy; and, the Supreme Court overturns the lower court to invalidate the policy. Cases that fall into the first category indicate a "double dose" of support from the Supreme Court. The province with the highest percentage of its cases in this category should be considered most in line with the thinking of the justices on Charter issues.

On the basis of this analysis, Ontario again stands out as the Court's favorite. (See Table 5). With 65% of Ontario's cases falling into the first category, it clearly receives the highest degree of combined support of all the regions. British Columbia is

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[11]The Supreme Court reverses the Court of Appeal in favor of the Charter right with the following frequency: Ontario, 13 of 18 cases; B.C., 7 of 9 cases; the Prairies, 15 of 20 cases; and the Maritimes, 7 of 9 cases. All are in the neighborhood of 75%.

not far behind with 58%, but it is telling that Ontario is at the top of every list of regional preference indicators.

Table 5
Supreme Court Support for Provincial Courts and Policies
1984-June, 1992

Region	Lower Court & Policy Upheld	Lower Court & Charter Rt. Upheld	Lower Court & Policy Overturned	Lower Court & Rights Claim Rejected
Ontario	51	10	13	5
B.C.	21	6	7	2
Prairies	21	6	15	5
Marits.	8	3	7	2
Quebec	4	3	6	9
All Regions	105	28	48	23

The data seem to bear out the hypothesis that in deciding its Charter cases the Court is favoring the center over the periphery. The Prairies and the Maritimes are the most peripheral regions in Canada. The Supreme Court only affirms 57% and 55% of their appeals court decisions, compared to 77% of Ontario's. Less than half of their cases fall into the category of combined appellate and policy support, compared to Ontario's 65%. These provinces seem to be on the judicial, as well as the political, periphery.

The rates at which the justices of the Supreme Court cite the decisions of the lower courts is also relevant to our evaluation of their impact on the conflict between center and periphery. Courts in common law systems like Canada's issue opinions to explain their decisions. In these opinions they include references to previously

decided cases to help justify their conclusions. Reference of one court by another is considered a sign of influence.[12] Even if the citation is really only added "for show," it is an indication of the esteem in which the source is held; why cite an "inferior" prestige court to strengthen an argument? Courts that are cited more frequently are considered more influential than those that are cited less frequently. (See generally, Merryman 1954, 1977; Friedman et. al. 1981; Caldeira 1988). By comparing the rates at which the Supreme Court cites the provincial courts, we determine which provincial courts may be influencing the development of Canadian constitutional law, and whose opinions are valued by the Supreme Court.

Comparison of the rates at which the lower courts are cited is very revealing. (See Table 6). Those regions that resent their lack of voice in general politics are similarly quiet in the Court's Charter opinions. The Supreme Court's low citation rate of the Prairies and the Maritimes can only serve to reinforce their complaints. Quebec, with its civil law tradition, is cited less than any other region (although P.E.I. is the least influential province, with only 6 citations in all 220 cases). British Columbia and the Prairies do a bit better in securing the Court's notice, but far and away the most notice is given to Ontario. It monopolizes the Court's attention.

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[12]To be aware of a case in another jurisdiction and then to form an opinion of its relevance to the case at hand requires consideration of another's ideas. Borrowers are exposed to the reasoning of others, which may influence their own reasoning and result in similar case outcomes.

Table 6
Supreme Court Citation of the Provincial Courts
1984-June, 1992

Region	Number of Citations	Number of Citations Per Case
Ontario	438	19.9
Prairies	174	0.8
B.C.	159	0.7
Maritimes	81	0.4
Quebec	65	0.3
All Regions	917	4.2

This finding is not really surprising given the greater population and the higher rate of litigation in Ontario. There are clearly more cases from Ontario for the justices to choose from. Three of the justices also come from Ontario, which surely contributes to a greater number of citations of that province, even though the same number of justices comes from Quebec and it is not similarly influential. However, we should not dismiss Ontario's influence over the Supreme Court just because the system is set up in ways that make such influence predictable.

In its Charter decisions the Supreme Court has given the advantage to central Canada (in this case, Ontario) over the periphery. While it would have been remarkable to find another province with as much influence, it is undeniable that, whatever the cause, the Supreme Court pays a great deal more attention to the courts of Ontario than to those in any other province. Whether the justices find Ontarians extremely convincing, know the case law

because there is more of it, or appreciate Ontario citations for their value as "window dressing," it is precedent from Ontario that appears so frequently in the Canadian Supreme Court Reports. The Charter opinions of the Supreme Court are peppered with references to Canada's constitutional center.

Conclusions

Our discussions reveal that constitutional change and constitutional interpretation have significant implications for the Canadian unity crisis. The Charter embodied nationalist hopes for increasing Ottawa's power over the province. After the Patriation reference, people might have expected the Supreme Court to use its expanded power to promote national government power at the expense of the provinces. Instead, the Court has made Charter decisions that maintained a balance of federal power similar to the one that existed prior to constitutional change.

The Charter was promoted as a document that would pull Canadians together because it secured full national independence from Britain and created a common set of rights and liberties. It was hoped that one set of rights, those guaranteeing bilingualism throughout Canada, would pacify separatists in Quebec by satisfying francophone demands for the protection for both Canadian cultures. In fact, the Supreme Court egalitarian approach to the Charter's language rights has had exactly the opposite result. Obviously, things do not always turn out the way we plan.

The Supreme Court has also reinforced the power gap between the Canadian center and periphery in its Charter decisions. It has

done so by strongly favoring the policies and appellate courts decisions of Ontario. The influence of the center is also seen in the permeation of Charter decisions by Ontario's judicial reasoning. Although this sort of favoritism is much less likely to receive the public attention of the language rights cases, it has significant implications for constitutional development. And, since the Court, through judicial interpretation of Charter rights, now has the power to veto provincial policy, this favoritism also has significant implications for conflict between the Canadian center and periphery.

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THE ASYMMETRY OF RACE AS A POLITICAL ISSUE: PREJUDICE, POLITICAL IDEOLOGY, AND THE STRUCTURE OF CONFLICT IN AMERICAN POLITICS

Paul M. Sniderman
Stanford University, Survey Research Center and
Institute for Personality and Social Research, University of California, Berkeley

Edward G. Carmines
Indiana University

Philip E. Tetlock
University of California, Berkeley

Anthony M. Tyler
University of California, Berkeley

THE ASYMMETRY OF RACE AS A POLITICAL ISSUE: PREJUDICE, POLITICAL IDEOLOGY AND THE STRUCTURE OF CONFLICT IN AMERICAN POLITICS

A longstanding and rather obvious hypothesis holds that, the more whites dislike blacks, the more likely they are to oppose policies to help blacks. In contrast to this view that prejudice shapes political preferences, the current article tests the hypothesis that political preferences determine when prejudice becomes politically consequential. Our argument unfolds in several empirical steps. First, we develop and validate a measure of negative racial stereotypes. Second, we demonstrate that the impact of prejudice on policy preferences is much larger among political liberals than it is among conservatives -- a finding that holds up against both statistical counterarguments and substantive objections such as "are anti-black liberals truly liberals?" and "are conservatives who say they like blacks sincere?" We eliminate these latter objections by drawing not only on traditional self-report data, but also on reaction time and experimental data collected in a representative sample survey. We conclude by commenting on the broader political implications of our finding that prejudice is most politically potent where it is least suspected: namely, on the left.

THE ASYMMETRY OF RACE AS A POLITICAL ISSUE: PREJUDICE, POLITICAL IDEOLOGY, AND THE STRUCTURE OF CONFLICT IN AMERICAN POLITICS

Prejudice represents a deep and continuing strain in American culture. It surely has diminished since the days that blacks could be jailed for drinking from a "white" fountain or sitting on a "white" seat in a bus or picnicking in a "white" park. But just as certainly prejudice has by no means disappeared, and it manifestly is of the first importance to establish the continuing power of racial bigotry to shape the reactions of ordinary Americans to public policies dealing with blacks.

A broad interpretation on the role of race in American politics has emerged (Carmines and Stimson 1989). Beginning in the early 1960s, the issue of race moved to the center of American politics, partly in response to structural changes in the American economy and the consequent outflow of blacks from the South (Lemann 1991), still more in response to the success of the civil rights movement in dramatizing the violence and hardships suffered

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by blacks in the South (Woodward 1983). Having again become salient, the issue of race served as a fulcrum for a realignment of the party system, a realignment which got underway with the Johnson-Goldwater presidential contest in 1964 but which has proven to be an enduring and pivotal feature of American politics (Carmines and Stimson 1989). The Republican party, which had been the champion of racial liberalism under Lincoln, became the party of racial conservatism under Goldwater. The Democratic party, which had been a bulwark of racial conservatism, became the champion of racial liberalism under Johnson.

It would be a mistake to suggest that race was the only dynamic factor, producing all on its own a realignment of American politics. But it has come to such prominence, it is now agreed, because cleavages over race coincide with rather than cut across cleavages over ideology and partisanship. For a variety of historical and cultural reasons racial politics in America has been rooted in the deep and often irrational feelings and stereotypes whites have harbored toward blacks. But, increasingly, ideology and party have come to reinforce the impact of prejudice. On issue after issue --from government spending to improve the social and economic position of blacks, through regulatory oversight of employment practices, through busing and affirmative action -- the political left, liberals and the Democratic party, have championed the use of government to come to the assistance of blacks, and the right, conservatives and the Republican party, have stood consistently in opposition (Carmines and Stimson 1989; Edsall and Edsall 1991; Sniderman et al. 1991a).

Racial prejudice, it thus appears, plays its largest role on the right. Ideology and prejudice are independent forces, but politically they seamlessly

reinforce each other, both encouraging whites to oppose public policies to help blacks whatever the policy's specific objectives or strategy. Indeed, so naturally and intimately do prejudice and ideology complement one another that the shape of contemporary racial politics has been said to be defined by the "conjunction" of conservatism and antiblack affect (Kinder and Sears 1981).

The view of prejudice as exerting its force chiefly on the political right we shall call the "prejudice-on-the-right" thesis. It is based, we shall show, on a misspecified model of reasoning about political choices. The misspecification arises from the analysis of citizens' choices as though they have no political perspective -- the "view from nowhere" as we call it -- on the political issues they confront. That certainly applies to some in the mass public, but by no means to all. And to understand how they make political choices it is necessary to understand that they approach them as political choices. A liberal and a conservative often and appropriately approach public choices from different perspectives. What is expected of them in making a public choice need not be the same. Their choices about public policies are political -- that is, to be made in the light of their political commitments.

Choices about public policies can be political choices even for (substantial parts of) mass publics, and without proceeding from an appreciation that citizens sometimes are -- and understand themselves to be -- making a political choice, a causal account of how they go about making such choices is irremediably misspecified. The misspecification, moreover, is doubly misleading when it comes to issues of race. It is misleading, first, because it underestimates the importance of prejudice on political thinking and, second, because it mislocates its impact. Properly specified, we shall

show that the impact of prejudice on political reasoning is larger than it initially appears to be, and contrary to the prejudice-on-the right thesis, we shall demonstrate that racial bigotry has its largest impact on the political landscape not on the right but rather on the left.

More broadly, this paper weighs two contrasting views about the nature of mass politics and hence of the role of prejudice in political thinking. The classical view proceeds from the assumption that ordinary citizens are apolitical: they approach political issues from a point of view outside politics -- the view from nowhere -- taking the choice before them to be the same choice whether they see themselves on the left or on the right. On this view, the more whites dislike blacks, the more likely they are to oppose policies to help them. As against this view that prejudice determines their politics, we want to explore whether it is their politics that determines whether their prejudices are relevant. What is at issue, in short, is whether the analysis of public opinion and politics reduces to a branch of applied social psychology or represents instead an autonomous body of knowledge, to be understood in its own terms.

We shall first show how the accepted view of race and political thinking has gone wrong in failing to attend to the constitutive role of politics and then demonstrate empirically that the impact of prejudice on political thinking is larger, sometimes by a factor of four or more, on the left than on the right. With the basic results in hand, we want carefully to weigh a pair of objections. On the one side, it could be questioned whether liberals who defect on racial policies really are liberal; on the other, it could be doubted whether conservatives who say they like blacks really do. Having critically evaluated both objections, we shall close by discussing the larger

implications of our findings on the asymmetry of prejudice, political ideology and racial policy preference, paying particular attention to the abiding quandary that the issue of race poses to the left in American politics.

The View From Nowhere: Racial Affect and Racial Policy Reasoning

The classic account of the connection between the positions that whites take on racial issues and the feelings they harbor toward blacks runs as follows. The average citizen, it is argued, doesn't have to know much about particular racial issues in order to see which side he or she wants to be on; all they have to know is how they feel about blacks. As Converse remarked, for the average citizen questions about different racial policies:

> "would tend to boil down for many respondents to the same single question: "Are you sympathetic to Negroes as a group, are you indifferent to them, or do you dislike them?" The responses would be affected accordingly. (1964, 235)

Here, exactly expressed, is the idea we mean to explore: the positions whites take on issues of race follow directly from their feelings toward blacks -- positive if their feelings are positive, negative if their feelings are negative.

What is, or ought to be, most striking about this interpretation of racial politics is the irrelevance of politics. Indeed, politics is irrelevant twice over: first, public policies -- including both the objectives they aim at, and the means they advance to accomplish them -- do not inform or constrain the reactions of ordinary citizens; second, the political orientation or beliefs of the citizen do not inform or constrain their reactions to racial policies. Instead, on this account, issues of race all "boil down" to citizens' feelings toward blacks -- Whether and how far they are sympathetic to them? Whether and how much they dislike them?

Our objective, in contrast, is to demonstrate how politics defines the relevance of racial affect for racial policy preferences. Put in broad enough terms, most people would concede the importance of taking politics into account. Manifestly, no commentator on problems of race and politics proceeds from complete disinterestedness or absolute neutrality. What everyone sees of the politics of race depends on where they are situated politically. In the analysis of public opinion, however, it is routinely assumed that the reasons whites take the positions they do on issues of race can be identified on the assumption that everyone is situated alike whatever their political orientation. Hence the standard practice of regressing racial policy preferences on, for example, ideological self-identification and feelings toward blacks. Hence also the standard finding that the more conservative a person is, the more likely he or she is to oppose the proposal to increase government spending for blacks, and that the more negative his or her feelings toward blacks, the more likely he or she is to oppose more government spending for blacks (e.g. Sears, Hensler, and Speer 1979). But conservatives and liberals bring to issues different presumptions; they see the same issues from different perspectives. One and the same issue can represent quite different choices for those on the left and those on the right. From the point of view of a thorough-going conservative, making a decision about whether welfare assistance for blacks should be expanded or whether racial quotas should be imposed is easy; easy because, just insofar as a person is politically conservative, he or she will object to government activism of this stripe however he or she feels about blacks. In contrast, issues of race can be hard for those on the left precisely because they are vulnerable to being pulled in opposing directions depending on their feelings toward blacks, inclined to

favor government activism to assist blacks because they are liberals but tempted to oppose it if they dislike blacks. In a word, liberals are cross-pressured in their attitudes toward racial public policies in a way that conservatives are not. There is is then, we would hypothesize, a significant asymmetry to the politics of race. The left should find it more difficult, the right easier, to mobilize support. Liberals should be more likely to defect insofar as they dislike blacks; conservatives, more likely to stay in place even if they like blacks. Prejudice will play a major role in shaping the thinking of those on the left, a minor one in shaping the thinking of those on the right.

Prejudice, Ideology and Racial Policy Preference

Previous research certainly has shown or implied an association between negative stereotyping of blacks and ideological orientation (Adorno et al. 1950; Sears, Hensler and Speer 1979; Sniderman et al 1991b), and it is part of the broader lore that conservatives are more likely than liberals to evaluate blacks negatively, and perhaps particularly with respect to the (perceived) failure of blacks to uphold the tenets of the Protestant Ethic (Kinder and Sears 1981; Sniderman et al. 1991a). Popular impressions notwithstanding, however, studies of the distribution of racial stereotypes in the general population are notable chiefly by their absence.[1] Accordingly a major objective of the Race and American Politics Project[2] was to establish the actual frequencies with which a representative cross-sectional sample of white Americans endorse negative stereotypes of blacks. Following the path of Rothbart and John (1932), the Project developed a battery of racial stereotypes canvassing a range of negative characteristics commonly attributed

to blacks. In all five stereotypes were covered -- namely, whether blacks tend to be "aggressive or violent," "lazy," "boastful," "irresponsible," and "complaining." Given the desirability of avoiding either-or choices which require unconditional acceptance or rejection of a stereotype, respondents were instead asked to indicate how good a description of blacks each of these characterizations were; the higher the score, which could range from 0 to 10, the more accurate they believed the negative characterization to be. Table 1 describes the percentage of the white population as a whole agreeing and disagreeing with negative racial stereotypes[3], plus the percentages of (self-identified) liberals, moderates, conservatives, and those without an ideological identity agreeing with them. In addition, responses to the five negative stereotypes have been summed to form the Index of Negative Stereotypes,[4] and the scores of all groups on the trichotomized Index are also presented.

Insert Table 1 About Here

Are conservatives markedly more likely than liberals to agree with negative stereotypes of blacks? Conservatives are always more likely than liberals to indicate a negative characterization is an accurate description of blacks as a group, although those who characterize themselves as either middle-of-the-road or as lacking an ideological orientation altogether are still more likely to view blacks negatively. But although we would emphasize the consistency of these differences, we must also point out their weakness. Of the five observed differences, only two are statistically significant -- "lazy" and "complaining" -- and in each case the difference between (self-identified) liberals and conservatives is by no means enormous -- about one half a scale point. It is necessary to recognize both that conservatives are

(slightly) more likely to accept negative characterizations of blacks and that a substantial number of (self-identified) liberals accept a substantial number of negative characterizations of blacks -- very nearly half of them describe blacks as aggressive or violent, four in every ten of them describe blacks as boastful, and three in every ten describe them as complaining. Differently put, the most striking result is the sheer frequency with which negative characterizations of blacks are quite openly expressed throughout the white general population. Quite simply, in every instance but one, at least as many whites accept a negative characterization of blacks as reject it.

Our central concern, however, is not the relative frequency of racial stereotyping among white Americans but their importance in shaping their thinking on racial issues. Table 2 accordingly reports the correlations, depending on ideological self-identification, between the Index of Negative Stereotypes and positions taken on an array of specific racial policies, including more jobs for blacks, fighting discrimination, welfare, fair housing vs. property rights, employment quotas, and affirmative action in higher education. Taking the public as a whole, issue positions and racial prejudice are only modestly connected. Prejudice's impact is largest for the issue of government spending to promote black employment, but even here -- at its largest -- the correlation is conspicuously modest ($r=.20$), and across the full array of different formulations of racial issues, from social welfare through affirmative action, the mean correlation between policy position and racial prejudice is small indeed ($r=.12$). On the basis of the modesty of these zero order correlations, it is surely tempting to conclude that prejudice has been reduced to a minor force in shaping the views of ordinary Americans about contemporary issues of race. Tempting but wrong: if prejudice

plays only a minor role in the public as a whole, it is a major factor shaping the thinking of liberals. On the issue of government spending for black jobs, for example, the correlation between issue positions and prejudice is .39. Indeed, across a number of issues, the role of prejudice in shaping the political thinking of liberals is striking, including fighting racial discrimination in employment (r=.36), when property rights and fair housing explicitly conflict (r=.34), welfare (r=.27), when quotas should be imposed on companies that discriminate (r=.31), and when preferential treatment should be given to blacks in university admission (r=.32). In contrast, correlations between issue position and prejudice among conservatives are to all intents and purposes negligible. The largest is .12, and the mean is .07. By way of corroboratory evidence, Table 2 also reports correlations between prejudice and issue positions by partisanship.[5] The pattern of results for partisanship matches exactly those for ideology.[6] Prejudice is markedly more important for Democrats than for Republicans; indeed, correlations between prejudice and policy preference are larger for Democrats than for Republicans by nearly a factor of three.

Insert Table 2 About Here

Issue positions are recorded in pro-con form, and given that the dependent variable is dichotomous, a logit regression analysis has been performed. Table A(ppendix)1 reports the beta coefficients and associated standard errors from this analysis. These coefficients, comparable to slope coefficients in ordinary least squares regression, further confirm that prejudice has a significant effect on racial policy preferences among liberals (and Democrats) but not among conservatives (and Republicans). Since summary measures can be ambiguous, and more particularly since correlation

coefficients comparing different subgroups of an overall population can be misleading, Table 3 presents a further analysis documenting the asymmetry of race as a political issue and driving home its political complications. The table compares the mean position on an array of racial issues of four groups of white respondents: liberals who like blacks, liberals who dislike blacks, conservatives who like blacks, and conservatives who dislike blacks.[7] Looking first at the conservatives, one can see that anti-black conservatives, not surprisingly, seem to be less supportive of these racial policies than pro-black conservatives. But the key point is that these differences are exceedingly small. In fact, not one of these mean differences is statistically significant, as revealed by the t tests in column 5. How conservatives feel about blacks is virtually irrelevant to the stand they take on government assistance to blacks. Conservatives who like blacks are just as likely to take conservative stands on racial issues as conservatives who dislike blacks. By contrast, white liberals who like blacks take more liberal stands on racial issues than white liberals who dislike blacks -- and, in this instance, the t values in column 6 indicate that all but one of the mean differences reach statistical significance. In short, the camp programmatically committed to government assistance for blacks is split by a cleavage defined by their feelings about blacks, with those who like them on one side of the political divide and those who dislike them on the other.

Insert Table 3 About Here

How deep is this cleavage? Comparing the racial stands of liberals who dislike blacks and conservatives who like blacks, Column 7 shows that not a single one of these mean differences is statistically significant. Liberals with negative feelings toward blacks take positions across an array of racial

issues indistinguishable from those assumed by conservatives -- even conservatives who like blacks. Table 4 presents comparable analyses, substituting party identification for ideological self-identification. Democrats who like blacks are the politically isolated group -- the only group that consistently supports these racial policies. As the t tests make plain, Democrats who like blacks are significantly more likely to support these racial initiatives than anti-black Democrats. Regardless of their feelings toward blacks, they consistently oppose these policies; and the measure of their defection is, quite simply, that they are as likely as Republicans to take an opposition stance on racial issues. There is of course no comparable division among Republicans, and the result is that prejudice among Democrats bolsters support for conservative positions whereas pro-black sentiment among Republicans provides no additional support for liberal positions.

Insert Table 4 About Here

All these results demonstrate the asymmetry of race as a political issue. On issues of race, the right seems to enjoy its own strength plus a portion of the left's. But perhaps the appearance of a cleavage on the left is more illusory than real. In particular, a pair of contrasting counter-arguments deserve consideration. On the one side, the appearance of cleavage on the left may be illusory because liberals who dislike blacks are liberal in name only. On the other side, the lack of cleavage on the right may be illusory because conservatives who like blacks and nonetheless take conservative positions on racial issues only <u>say</u> that they like blacks.

We will take up the two questions -- Are liberals who dislike blacks really liberal? Do conservatives who say that they like blacks really like them? -- in order.

Cleavage on the left: illusion or reality

The ideological labels that ordinary citizens pin on themselves can be misleading, notoriously so, and it is, in consequence, not difficult to imagine that many of those who dislike blacks and yet describe themselves as "liberal" in their political orientation may be liberal in name only. If so, the cleavage on the left is more illusory than real, a byproduct of a wish by some to see themselves -- or to be seen by others -- as adhering to the left when in fact they belong to the right. In assessing whether their adherence to liberalism is indeed sincere, we shall consider two quite different kinds of evidence -- one conventional and overt, the explicit positions that liberals take on a range of issues, the other more novel and covert -- the length of time they take to answer a racially charged question.

Table 5 accordingly compares the positions, first of liberals and conservatives, then of Democrats and Republicans, on mainstream social welfare issues, depending on their feelings toward blacks. The issues include government spending to reduce unemployment, narrowing the gap between rich and poor, caring for the homeless, providing medical insurance for the unemployed, and repealing tax breaks for the rich. The results are striking and consistent. Liberals who dislike blacks are just as likely to believe that government should offer spend more money to reduce unemployment and should narrow the gap in income between the rich and the poor; just as likely, also, to attach importance to taking care of the homeless; and just as likely, finally, to get angry over special benefits like tax breaks going to the richest people and biggest businesses and the lack of affordable medical care for people who don't have jobs. In short, on bread-and-butter social welfare

issues, liberals who dislike blacks are just as liberal as liberals who like blacks; they are not liberals in name only.

Insert Table 5 About Here

But their social welfare liberalism goes hand-in-hand with a pair of concerns that define two of the most prominent features of white reaction since the eruption of race riots in the mid 1960s and the emergence of affirmative action in the early 1970s -- a concern over law and order and anger and resentment over never-ending (in their eyes) black complaints of unfair treatment. The Race and Politics Study has a triad of measures of a concern for order -- the importance people attach to strengthening law and order, to ensuring respect for authority, and to maintaining respect for America's power in the world -- and as Table 6 shows, all three (and particularly the first of the three) are markedly correlated with disliking blacks among white liberals. In addition, agreement with negative stereotypes is also markedly correlated, again among white liberals, with anger over giving blacks and other minorities special advantages in jobs and schools and -- above all -- with anger at spokesmen for minorities who are always complaining that blacks are being discriminated against. Regressing the Index of Negative Stereotypes on all the indicators shown in the upper panel of Table 7 drives home the absolutely dominating role of anger over "spokesmen for minorities who are always complaining that blacks are being discriminated against." It is not merely that this item has the largest coefficient but -- still more strikingly -- none of the other beta coefficients even attains statistical significance. We shall return to this result in the conclusion, paying particular attention to the light it throws on the politicization of race as a political issue. Here, however, we want to consider a new form of

evidence that race has become a hard issue for those on the left caught between the pull of their political convictions and the push of their dislike of blacks.

Insert Tables 6 and 7 About Here

If race is indeed a "hard" issue for some on the left, then they should take longer in coming up with a response to an issue of race. The faster the response time, other things equal, the easier the issue; the slower, the harder the issue. Taking advantage of computer-assisted interviewing, response time was measured in the hundredths of seconds between the time that the interviewer finished reading a target question and the respondent began to answer. Reaction time was measured in response to a question which asks about support for job training and welfare programs, with the beneficiaries of the program for a random half of the sample being "blacks and minorities," and for the other half, "new immigrants from Europe." Since this question occurs very near the beginning of the interview, and (for half of the sample) constitutes the first mention of race, respondents have not yet been had an opportunity to rehearse their responses to issues of race. If race is indeed a harder issue for liberals who dislike blacks, they should find the question harder -- hence, take a relatively long time to respond -- when it refers to blacks and minorities and find the question easier -- hence take a relatively short time to respond -- when it refers to new immigrants from Europe.

Table 8 presents the mean reaction time[8] controlling simultaneously for ideological self-identification and affect toward blacks and comparing (in the upper and lower panels, respectively) response time depending on whether the issue is racial or not. As the figures make plain, in taking a position on whether blacks and minorities should be given assistance, liberals who dislike

blacks are approximately one half of a second slower than are liberals who like blacks. But it is not true that liberals with negative feelings toward blacks are -- for whatever reason -- slower in answering any question whether it refers to blacks or not. As the results summarized in Table 8 clearly show, liberals who dislike blacks are nearly a second faster (x=109.6) in answering the question when it is asked in terms of new immigrants from Europe receiving assistance than when it is phrased in terms of blacks and minorities benefiting (x=206.3). Liberals who dislike blacks find race, as the response time results make plain, a hard issue for them.

Insert Table 8 About Here

What, then, can and should be said about conservatives who say they feel positively about blacks? Are they only saying what they think they ought to say, or is there reason to think that they are being sincere? For that matter, may conservatives who like blacks conform all the same to a conservative line on racial issues not because their positive feelings toward blacks are a sham, but because they are superficial and lack the power to influence their behavior? The crux of the matter is conservative opposition not to the new agenda of race policies like affirmative action, which have a character and politics of their own (Sniderman and Piazza, 1993), but to longstanding government efforts to improve the social and economic position of blacks. Is the conservative opposition born of a political conviction that such social welfare policies are ill-designed to remedy problems of poverty? Or is it driven by ill-will and lack of sympathy for blacks? The "government dependency" experiment is designed to determine to what extent conservatives' opposition to government assistance is driven by considerations of race. Very briefly, in the first -- or "poverty" -- condition a (randomly selected) set

of respondents is asked to respond to the following statement:

> "Most poor people these days would rather take assistance from the government than make it on their own through hard work."

In the second -- or "race" -- condition a second (randomly selected) set of respondents is asked to respond to the statement:

> "Most blacks these days would rather take assistance from the government than make it on their own through hard work."

Finally, in the third -- or "combined" -- condition, yet another (randomly selected) set of respondents is asked to respond to the statement:

> "Most poor blacks these days would rather take assistance from the government than make it on their own through hard work."

It should be emphasized that the three statements are exactly alike but for the variation in the description of recipients. Given our particular interest in whether conservatives who say they like blacks are being sincere, we shall concentrate on the responses of conservatives (and Republicans), although for the sake of completeness the responses of liberals (and Democrats) will also be reported.[9]

The reason for the absence of defection on the right comparable to the one on the left, we have suggested, is not that conservatives who report relatively positive feelings toward blacks are being insincere but rather that these feelings are, from their perspective as conservatives, irrelevant to taking a position on a racial policy issue. After all, from the perspective a person on the right, government should be restricted to a narrow social welfare role and it ought to be so restricted whether the group to benefit is blacks or women or whoever. But if this reasoning is correct, then even though conservatives who like blacks do not deviate on issues of public policy, they should respond markedly more positively to blacks outside of the context of the government's agenda than their fellow conservatives who dislike

blacks. In terms of the "government dependency" experiment, conservatives with relatively positive feelings toward blacks should be markedly less likely than those with relatively negative feelings toward blacks to agree that blacks "these days would rather take assistance from the government than make it on their own through hard work." For if they are not less likely to stigmatize blacks, it must be accepted that they do not mean what they say when they say they think highly of blacks. In addition, and more subtly, if conservatives who score as positive in their feelings toward blacks are opposing government assistance for blacks out of political conviction and have not merely simulated a positive regard for blacks, then two things should follow. They should manifest their conservatism by characterizing the "poor" who avail themselves of government services as people who "would rather take assistance from the government than make it on their own through hard work;" and, indeed, in the identical circumstances, they should respond more negatively to a person who is poor than to one is black.

Insert Table 9 About Here

Table 9 shows the percentage of whites saying that "poor people," "blacks," or "poor blacks" would rather take assistance from the government than make it on their own through hard work depending on their feelings toward blacks and their ideological (or partisan) orientation. Two aspects of the results deserve to be underlined. First, the more positive whites' feelings toward blacks -- whether described simply as blacks or as poor blacks -- the less likely they are to say they want to exploit government assistance; and this is just as true for whites on the right as for those on the left. By way of example, 78 percent of Democrats -- and 79 percent of Republicans -- with relatively negative feelings toward blacks believe that poor blacks exploit

government assistance, compared to only 31 percent of Democrats -- and 39 percent of Republicans -- with positive feelings toward blacks. The second result is still more striking. If conservatives who say they like blacks are engaging in a sham, and they do not genuinely feel positively toward blacks, there is no mystery at all about why they oppose government assistance for blacks. The "government dependency" experiment provides a severe test of whether a sham is being perpetrated. For one test of whether conservatives who say they feel positively toward blacks mean what they say is whether they respond not simply as positively to blacks as to people who are poor, but whether they respond even more positively to blacks than to people who are poor -- but not necessarily black.[10] And, indeed, as Table 9 shows, conservatives who like blacks are more likely to believe that the poor take advantage of government assistance than that blacks do so. Specifically, 47 percent of them believe that poor people prefer to take advantage of government assistance than to take care of their problems, as compared to only 22 percent of them who believe the same about blacks.

Even so, it could be argued that the results of the government dependency experiment show not that conservatives who say they like blacks should be taken at their word, but rather that such conservatives are sensitive to social desirability pressures. They are indeed consistent -- saying they like blacks when asked to describe what blacks are like, and they are less inclined to describe them as parasitic on government assistance: but perhaps they say both of these things to present a socially desirable image of themselves?

Arguments invoking considerations of social desirability are notoriously difficult to assess empirically, but the "government dependency" experiment

was designed to provide a honest check on impression management. It accordingly contrasts three conditions -- when the beneficiaries of government help are described as "poor people," "blacks," and "poor blacks," respectively. Notice that, in Table 9, conservatives who like blacks are as likely to say that poor blacks take advantage of government assistance as do poor people. They are thus not unwilling to express negative reactions to blacks. As conservatives, they are apprehensive about the abuse of government help and they express this apprehension as readily when blacks are involved as when they are not -- as long as they are poor. In short, the trigger that leads to increased apprehension among pro-black conservatives is "poor," not "blacks."

All the various lines of evidence, then, converge: all run against the suggestion that conservatives who score low on the Index of Negative Stereotypes are saying not what they think but what they think they should say.

Conclusions

A generation ago, at the height of the civil rights movement, the politics of race was captured in Philip Converse's (1964) classic study of American public opinion. Whites, Converse argued, were driven by their feelings toward blacks. They took the stands they did on issues of race, not because of their convictions about the aims of particular racial policies, not even because of their views about the methods by which particular policies proposed to accomplish their objectives. On the contrary, from the point of view of the ordinary white, they all boiled down to "the same single question:" how whites felt about blacks. A generation later, our results

suggest, there has been a fundamental change. It is not that prejudice has disappeared or that it no longer matters. But rather than prejudice defining the politics of race, politics now defines the role of prejudice.

What does it mean to say that the clash over race is now, at its core, an argument over politics? Most crucially, the apparent eclipse of prejudice itself as a force propelling white reactions to issues of race is clarified. Prejudice gives the appearance of having dried up as a wellspring of white reactions, judged by the strikingly modest correlations between how whites -- taken as a whole -- feel about blacks and the positions they take on issues of public policy dealing with blacks. But that only appears to be the case, as we have seen, if no attention is paid to what citizens -- as political actors -- believe is expected of them. Race has become a hard issue for those on the left, an easy issue for those on the right, and failing to realize this results in markedly and systematically underestimating the continuing importance of prejudice in the political thinking of white Americans.

There is now a fundamental asymmetry to the politics of race. Prejudice remains a politically significant factor, but its influence is now most pronounced exactly where it is least suspected. It is common to think of the politics of race as defined by an alliance between conservatism and racism, but an alliance in which ideology has been buttressed by serving as a screen for bigotry. It has been natural to view prejudice rather than conservatism as the driving force in part because of the debunking thrust of public opinion research. The ordinary American, we have been repeatedly assured, knows and cares little about larger political ideas; indeed, is, in a striking phrase, "innocent of ideology" (Kinder, 1983). But part of what we mean by asserting that politics shapes the contemporary argument over race is that substantial

numbers of Americans see issues of race as presenting political choices -- that is, choices they approach in the light of their larger political commitments. From the point of view of a person who has made a commitment to a conservative perspective, a suggestion that still more government money be spent or yet another governmental agency be established to assist blacks will not seem a surpassingly sensible idea; and it will not appear more sensible even if he or she quite sincerely rejects the ragbag of stereotypes about blacks. And, as we have seen, what white conservatives think about blacks -- even if they harbor no hint of prejudice toward them -- does not affect their position on racial positions. They remain largely opposed to such policies precisely because they are conservatives. Conversely, prejudice is politically strongest just where it is supposedly weakest -- on the left, in the ranks of liberals and Democrats. It is politically strongest there, precisely because those on the left know they ought to support an unqualified effort to overcome racial inequality and to a remarkable extent <u>do</u> throw themselves behind a legislative program to assist blacks. Yet a sizeable minority of white liberals now seem to sufficiently dislike blacks that they no longer support the liberal racial program. They may be liberals but they are not racial liberals.

In a word, politics matters more than many students of politics have appreciated. Political considerations count in and of themselves, and count yet again insofar as they define the relevance of other considerations. Prejudice counts for more politically on the left than on the right, not because the left is more prejudiced than the right -- if anything the opposite is true -- but because politics determines when prejudice matters.

Indeed, it is only against a background of politics that the deeply

paradoxical character of race as an issue in American public life makes sense. "White flight" has become a pervasive theme in the study of race. Quantitative analyses of elections, both national and local, emphasize the defection of whites who once belonged to the liberal, Democratic coalition (Huckfeldt and Kohfeld 1989; Edsall and Edsall 1991), while ethnographic studies detail a kaleidoscope of traditional Democratic party constituencies, elderly Jews in Canarsie, Irish Catholic parents in Roxbury, working class whites in rustbelt cities, who see themselves as having been deserted by the Democratic party and left to bear the brunt of housing projects, busing, and residential integration (Rieder 1985; Levine and Harmon 1992). This story of Democratic vulnerability to defection on the basis of race has become part of the conventional wisdom of American politics, and indeed, has become one of strategic principles defining Democratic electoral strategies, most obviously but by no means exclusively at the presidential level. Yet, the "white flight" theory has paradoxically carried with it an implicit note of reassurance. The vulnerability of the left is only temporary; it would -- indeed, it necessarily must -- diminish as those most susceptible to racial appeals crossed over from Democratic to Republican ranks.

Our results suggest that race is likely to prove a continuing quandary for the left. On one side, whites on the left who have a negative view of blacks are as far to the left on bread-and-butter elements of social welfare liberalism as are those who have a positive view of blacks: they cannot readily move permanently to the right, even if they give their vote from time to time to candidates on the right; they are held in place by their political convictions. On the other side, the general thrust of liberal opinion, together with the rise of black leadership, above all, in the Democratic

party, have fixed attention on racial inequity and fixed also the terms of its public discussion; in turn, the very success achieved in this has reinforced the reaction of some white liberals against blacks -- as we have seen, anger and resentment at "spokesmen for minorities who are always complaining that blacks are being discriminated against" is far and away the most powerful correlate of negative stereotypes among white liberals. And the clash between these two sides is unlikely in the near term to ease, and may well worsen, because the dilemmas of race in American life are rooted fundamentally in the abiding meanness of life for many blacks -- in the mounting violence, the increasing poverty, the sheer tenacity of the prejudice that scars so many of their lives. The fact that liberalism now finds itself partly stymied by prejudice on its own side of the political aisle is thus not just a new datum about contemporary America but a fundamental feature of our political life.

APPENDIX

SAMPLE DESCRIPTION

We shall rely on data from a new national telephone survey -- the Race and American Politics Study -- to explore these issues. The survey, funded by the National Science Foundation, was carried out on a nationwide random-digit telephone sample that the Survey Research Center of the University of California, Berkeley designed. The target population for the study is all English-speaking adults, 18 years of age or older, residing in households with telephones, within the 48 contiguous states. An unusually large number of interviews, 2223, were completed, with a 65.3% response rate.

Because the telephone interviews, which the Survey Research Center of the University of California also conducted, were computer-assisted, we were able to randomize many elements of the questionnaire, including some items discussed in this paper. The interviewing was implemented using the CASES software developed by the Computer-Assisted Survey Methods Program of the University of California, Berkeley.

The sample of telephone numbers for this survey was generated using a new stratified two-phase procedure that produced a high proportion of households in the sample, yet did not require the replacement methodology of the two-stage Mitofsky-Waksberg method. A discussion of the sampling methodology used for this study can be found in R.J. Casady and J.M. Lepkowski "Optimal Allocation for Stratified Telephone Survey Designs," Proceedings of the Section on Survey Research Methods, American Statistical Association, 1991. The sampling was carried out in the following steps:

1. The area code and prefix combinations on the AT&T Bellcore tape were ordered geographically, and a large first-phase sample of those combinations was selected with systematic random sampling. Four-digit random numbers were appended to the area code and prefix combinations to generate complete telephone numbers.

2. The selected first-phase telephone numbers were compared with a tape created by Donnelley Marketing Services, which gives the number of listed residential telephone numbers in each series of one hundred numbers -- that is, how many residential telephone numbers in phone directories begin with the same eight digits. Based on this information the selected telephone numbers were placed into two strata -- telephone numbers from series with no residential listings, and telephone numbers from series with at least one listing.

3. From the stratified pool of first-phase selections, a second-phase sample was drawn. Many replicate samples of telephone numbers were drawn from the stratum containing telephone numbers from series of numbers with at least one residential listing; a random sample of telephone numbers was also drawn from the other stratum, but with a smaller sampling fraction. This method of disproportionate sampling resulted in the selection of a second-phase sample in which approximately half of the selected telephone numbers turned out to be households. The difference in selection probabilities between the two strata is compensated for by using weights. Only four cases were completed from the zero-listing stratum, but they receive weights of 10.3, relative to cases in the main sample.

4. A small supplementary sample of telephone numbers from new prefixes was also drawn, to compensate for the fact that the major sampling work

described above was carried out several months before the beginning of this study. A new Bellcore tape was obtained, and 761 area code and prefix combinations that had not appeared on the older tape were identified. A sample of 102 such prefixes was selected at random, and four-digit random numbers were appended to each selected prefix to generate the supplementary sample. Of those 102 numbers, 6 turned out to be households, and interviews were completed at 5 of them. Those completed cases receive weights of 3.0, relative to cases in the main sample.

In addition to the weighting adjustments for selection probabilities already mentioned, the weight used for analysis incorporated adjustments for number of telephone lines and number of eligible adults in the household. The final weight also included poststratification adjustments for gender, race, age, and education. The variance of the weight is .45 for all cases; it is .42 for whites alone.

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Notes

1. In their seminal study, Schuman, Steeh and Bob (1985) exhaustively combed the files of the principal longitudinal surveys -- the National Election Studies, the General Social Survey and Gallup -- and were able to identify only a handful of questions dealing with how whites felt about blacks, only one of which matches the definition of a stereotype. Until recently, the only validated studies of racial stereotypes held by white Americans were confined to sample of college undergraduates (Katz and Braly, 1933; Rothbart and John 1993). What has passed for measures of racial stereotypes have been negative characterizations typically taking the form of statements like "Most blacks on welfare could get a job if they really wanted one," a statement conservatives are more likely to agree with if only because they are more likely to believe that everyone on welfare could get a job if they really wanted one. See below for results on the "government dependency" experiment for a demonstration of this.

2. The details of the survey are reported in Appendix A.

3. Disagreement is defined as assigning a score of 0 to 4, neutral as assigning a score of 5, agreement as assigning a score of 6 to 10.

4. The mean intercorrelation of the five negative racial stereotypes is .45, and the correlation between the overall Index of Negative Stereotypes and an index of Anti-Semitism is .39.

5.. Following Keith et al. (1992), party identification takes the standard measure and classifies "leaning" Democrats and Republicans as partisans. Exactly the same pattern of results is observed, it should be added, if leaners are classified as Independents.

6.. The consistency of the pattern is striking, although the absolute size of the coefficients tends to be smaller for partisanship (Democrats) than for ideology (liberals), which is just as it should be, since partisanship is a more indirect (and less valid) measure of political orientation than ideology.

7.. "Liking" and "disliking" blacks is a measure derived from the Index of Negative Racial Stereotypes. Respondents were divided into equal thirds depending on their score on the Index. Those scoring in the highest one-third are considered to dislike blacks or are anti-black whereas those scoring in the lowest one-third are considered to like blacks or are pro-black; the middle third of the respondents is excluded from the analysis since we have no expectations about how their attitudes toward blacks would affect their policy attitudes.

8.. Following convention, outliers are chopped off; see Bassilli and Fletcher, 1991.

9. Responses are scored in a modified Likert format: strongly agree, somewhat agree, somewhat disagree, strongly disagree.

10. For the record, there is no significant difference between conservatives and liberals who like blacks in the percentage of the poor who they believe to be black.

Table 1. Percent Agreement with Negative Stereotypes

by Ideological Self-Identification -- Whites Only

	All (N=1742)	Lib (N=222)	Mod (N=375)	Con (N=388)	None (N=688)
Negative Stereotypes					
BLACKS ARE:					
Aggressive /Violent					
Disagree	21.9%	27.8	25.2	20.0	19.2
Neutral	26.6	27.7	28.6	29.1	23.7
Agree	51.5	44.5	46.2	50.8	57.1
Lazy					
Disagree	36.1	47.9	41.5	37.8	28.1
Neutral	30.2	33.2	27.0	28.4	31.8
Agree	33.7	18.9	31.5	33.8	40.1
Boastful					
Disagree	24.9	32.6	27.7	26.1	20.0
Neutral	30.0	26.4	31.3	30.2	30.2
Agree	45.2	40.9	41.0	43.7	49.8
Irresponsible					
Disagree	42.8	49.9	45.9	45.9	36.9
Neutral	35.9	32.9	37.0	33.7	37.7
Agree	21.4	17.3	17.1	20.5	25.4
Complaining					
Disagree	28.8	38.7	28.9	30.2	25.0
Neutral	30.4	29.1	30.1	30.0	31.6
Agree	40.8	32.2	41.1	39.7	43.4
Index of Negative Stereos.					
Low	31.5	44.7	36.4	34.0	23.0
Middle	33.7	27.7	34.7	32.2	36.1
High	34.8	27.6	28.9	33.8	40.9

Table 2. Correlation of Negative Stereotypes

and Policy Preferences by Ideology and Party--Whites Only

	Lib	Mod/ None	Cons	Dem	Indep	Rep	All Whites
Racial Policies							
Spend more for jobs	.39	.18	.07	.28	.24	.10	.20
	(120)	(463)	(170)	(331)	(32)	(354)	
Fight discrim	.36	.11	.11	.28	.02	.01	.16
	(114)	(458)	(212)	(345)	(40)	(376)	
Welfare	.27	.09	.05	.25	-.21	.01	.13
	(256)	(1011)	(427)	(733)	(80)	(811)	
Property rights	.34	.00	.12	.24	.27	-.09	.09
	(92)	(357)	(137)	(250)	(29)	(299)	
Quotas for discriminating companies	.31	.06	-.03	.22	-.36	-.04	.08
	(105)	(334)	(134)	(262)	(27)	(258)	
Preferential Admissions	.32	.04	.02	.24	-.05	-.02	.05
	(126)	(502)	(214)	(361)	(37)	(416)	

Table 3. Means on Racial Policy Preferences of Liberals and Conservatives who Like and Dislike Blacks and t-tests Between Selected Groups.[1] Whites only.

	LIBERALS		CONSERVATIVES		T-TEST BETWEEN GROUPS		
	Dislike Blacks	Like Blacks	Dislike Blacks	Like Blacks	T^a	T^b	T^c
1. Spend More	3.33 (24)	1.90 (60)	3.85 (59)	3.41 (59)	-1.24 (.217)	-3.25* (.002)	-.15 (.881)
2. Fight Discrim	3.06 (31)	1.67 (54)	3.78 (69)	3.35 (74)	-1.30 (.197)	-3.45** (.001)	-.63 (.532)
3. Welfare	2.08 (36)	1.70 (81)	2.39 (79)	2.19 (85)	-1.48 (.140)	-2.40* (.018)	-.64 (.521)
4. Property Rights	2.27 (22)	3.75 (48)	1.96 (46)	2.36 (47)	1.07 (.287)	3.05* (.003)	-.18 (.858)
5. Job Quotas	4.02 (57)	2.86 (125)	4.37 (134)	4.05 (148)	-1.68 (.094)	-3.78** (.000)	-.14 (.891)
5. Special Preference in Admissions	3.32 (57)	2.32 (124)	3.72 (134)	3.47 (149)	-1.08 (.280)	-3.23** (.001)	-.50 (.615)

* $p \leq .05$

** $p \leq .001$

T^a = T score of conservatives who like blacks versus conservatives who dislike blacks.

T^b = T score of liberals who like blacks versus liberals who dislike blacks.

T^c = T score of liberals who dislike blacks versus conservatives who like blacks.

[1] Cell entries under Liberals and Conservatives are the means of each group on the policy item. The number of cases is in parenthesis. Entries under t-tests are the t values for the difference of means with standard errors in parenthesis.

Table 4. Means on Racial Policy Preferences of Democrats and Republicans who Like and Dislike Blacks and t-tests Between Selected Groups.[1] Whites only.

	DEMOCRATS		REPUBLICANS		T-TEST BETWEEN GROUPS		
	Dislike Blacks	Like Blacks	Dislike Blacks	Like Blacks	T^a	T^b	T^c
1. Spend More	3.63 (76)	1.99 (73)	3.91 (77)	3.11 (88)	-2.64* (.009)	-5.50** (.000)	1.67 (.097)
2. Fight Discrim	3.38 (79)	2.00 (74)	3.41 (112)	3.30 (87)	-.39 (.699)	-4.42** (.000)	.25 (.800)
2. Welfare	2.04 (89)	1.65 (95)	2.29 (110)	2.18 (123)	-1.01 (.313)	-3.46** (.001)	-1.27 (.204)
3.							
Property Rights	2.05 (61)	3.38 (52)	1.91 (75)	2.25 (67)	1.16 (.247)	3.78** (.000)	-.63 (.528)
4. Job Quotas	3.99 (163)	2.97 (152)	4.16 (199)	4.16 (196)	.05 (.964)	-4.83** (.000)	-.95 (.343)
5. Special Preference in Admissions	3.53 (163)	2.54 (151)	3.35 (199)	3.56 (197)	1.05 (.292)	-4.52** (.000)	-.15 (.880)

* $p \leq .05$

** $p \leq .001$

T^a = T score of Republicans who like blacks versus Republicans who dislike blacks.

T^b = T score of Democrats who like blacks versus Democrats who dislike blacks.

T^c = T score of Democrats who dislike blacks versus Republicans who like blacks.

[1] Cell entries under Democrats and Republicans are the means of each group on the policy item.

The number of cases is in parenthesis. Entries under t-tests are the t values for the difference of means with standard errors in parenthesis.

Table 5. Mean Support for Social Welfare Policies by Negative Stereotypes and Ideology (or Party) -- Whites Only

	Lib	Mod/ None	Con	Dem	Indep	Rep
Spend More to Reduce Unemployment*						
I.N.S.						
Low	2.5	3.0	3.3	2.7	3.4	3.3
Mid	2.5	2.9	3.3	2.7	2.7	3.2
High	2.6	2.8	3.6	2.7	2.9	3.3
Narrow Gap Between Rich and Poor*						
I.N.S.						
Low	2.2	2.9	3.8	2.5	2.6	3.6
Mid	2.1	2.9	3.5	2.6	2.7	3.3
High	2.7	2.5	3.6	2.4	2.7	3.2
Caring for the Homeless**						
I.N.S.						
Low	8.8	8.5	7.9	8.6	8.4	8.2
Mid	8.5	8.3	7.8	8.7	8.8	7.9
High	8.6	8.6	8.1	8.8	7.3	8.4
Tax Breaks for the Rich***						
I.N.S.						
Low	8.3	8.0	7.3	8.5	7.5	7.4
Mid	8.5	8.4	7.3	8.8	7.9	7.8
High	8.5	8.7	7.8	8.8	8.3	8.1
No Medical Insurance for Unemployed***						
I.N.S.						
Low	8.7	8.2	7.7	8.4	8.0	7.9
Mid	8.7	8.2	8.0	8.5	7.8	8.2
High	8.5	8.3	7.4	8.3	8.6	8.0

* Scores range from 1 to 7; ** Scores (indicating degree of importance) range from 0 to 10; *** Scores (indicating degree of anger) range from 0 to 10.

Table 6. Correlation Between Index of Negative Racial Stereotypes and Seven Attitudes: White Liberals Only

	R	N
Strengthen Law and Order	.338**	270
Respect for Authority	.330**	270
Respect for American Power	.301**	270
Emphasize Excellence on Job	.239**	270
Following God's Will	.254**	269
Minority Advantages: Anger	.292**	270
Minority Spokesmen: Anger	.505**	270

** $p \leq .01$

Table 7. Regression of Index of Negative Racial Stereotypes and Seven Attitudes: White Liberals Only

	Beta	SE(Beta)
Strengthen Law and Order	.14	.077
Respect for Authority	.11	.074
Respect for American Power	-.10	.086
Emphasize Excellence on Job	.09	.060
Following God's Will	.03	.069
Minority Advantages: Anger	.02	.063
Minority Spokesmen: Anger	.42	.066**

Multiple R = .55
N = 255
** $p \leq .01$

Table 8. Mean Elapsed Reaction Time[a1] to Question About Governmental Assistance Programs by Ideology and Level of Negative Stereotypes--Whites Only.

	Liberal	Moderate/None	Conservative
A. Blacks and Minorities			
Negative Stereotypes			
Low	149.7 (68)	155.0 (155)	173.1 (72)
Middle	184.4 (36)	149.4 (195)	173.3 (82)
High	206.3 (32)	150.1 (184)	152.4 (60)
B. New Immigrants From Europe			
Negative Stereotypes			
Low	131.2 (52)	181.7 (136)	178.5 (71)
Middle	179.0 (33)	158.6 (158)	131.7 (50)
High	109.6 (25)	162.5 (150)	189.4 (63)

a Elapsed time measure is reported in hundredths of seconds

Table 9. Percent Agreement with Statements Asserting Welfare Dependency for Contrasting (and randomized) Groups by Level of Negative Stereotype, Ideology, and Partisanship--Whites Only.

	Lib	Mod/None	Cons	Dem	Ind	Rep
A. Poor People						
Negative Stereotypes						
Low	21.2% (37)	33.8% (120)	46.6% (53)	37.0% (94)	27.3% (13)	34.4% (92)
Middle	52.1% (24)	57.6% (133)	72.8% (57)	57.0% (81)	56.6% (9)	65.0% (115)
High	68.6% (26)	73.8% (130)	73.0% (45)	70.6% (93)	86.5% (7)	78.7% (94)
B. Blacks						
Negative Stereotypes						
Low	20.7% (45)	31.0% (96)	22.3% (61)	35.5% (90)	6.2% (14)	23.1% (95)
Middle	34.1% (28)	58.4% (128)	61.8% (50)	47.2% (85)	51.0% (9)	63.8% (106)
High	69.1% (15)	78.1% (122)	82.0% (50)	79.4% (75)	63.1% (7)	74.8% (94)
C. Poor Blacks						

Negative Stereotypes						
Low	14.3% (43)	36.6% (84)	51.5% (37)	30.7% (74)	25.3% (9)	38.8% (75)
Middle	54.7% (21)	61.3% (111)	69.5% (33)	56.6% (69)	54.0% (9)	66.8% (75)
High	54.7% (18)	82.5% (95)	84.4% (41)	78.1% (75)	100.0% (3)	78.7% (70)

Appendix A1. Logit Coefficients of Negative Stereotypes and Policy Preferences by Ideology and Party--Whites Only

	All Whites	Lib.	Mod.	Cons.	Dems.	Ind.	Reps.
Policy Questions							
1. Jobs							
a. Spend More	.0557** (.0090)	.0795** (.0240)	.0652** (.0193)	.0163 (.0176)	.0865** (.0182)	.0457* (.0151)	.0444* (.0160)
b. Do More	.0440** (.0085)	.1002** (.0271)	.0597* (.0198)	.0263 (.0183)	.0763** (.0179)	.0546** (.0153)	.0066 (.0136)
2. Welfare	.0198* (.0086)	.0198 (.0230)	.0405* (.0182)	.0146 (.0159)	.0306 (.0174)	.0096 (.0163)	.0180 (.0132)
3. Home							
a. Neutral	-.0294* (.0092)	-.0475 (.0258)	-.0554* (.0209)	-.0106 (.0194)	-.0452* (.0169)	-.0322* (.0157)	-.0107 (.0161)
b. Property Rights	-.0354** (.0102)	-.0829* (.0258)	-.0556* (.0224)	-.0229 (.0207)	-.0624* (.0205)	-.0418* (.0183)	-.0094 (.0174)

4. Job Quotas	.0368**	.0609**	.0061	.0180	.0590**	.0592**	.0019
	(.0062)	(.0146)	(.0138)	(.0139)	(.0117)	(.0114)	(.0115)
5. University Admissions	.0156*	.0491**	.0011	.0133	.0495**	.0103	-.0089
	(.0056)	(.0141)	(.0121)	(.0119)	(.0112)	(.0096)	(.0098)

Entries are the logit coefficients. Numbers in parenthesis are standard errors.

* $p \leq .05$
** $p \leq .001$

Ns range from 589 to 1700

WESTERN SPACES AND DEMOCRACY: RESISTANCE AND ACCOMMODATION IN REFUGEE AND IMMIGRANT MOVEMENTS

Nevzat Soguk
Department of Political Science
Arizona State University
Tempe, Arizona 85287-2001

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Introduction

This paper explores the impact of refugee movements on the perceptions and practices of democracy and its proper subjects in the Western spaces such as France, Germany, England, the Netherlands, Switzerland, and Austria . The underlying argument of the paper is that refugees and immigrants have increasingly become by virtue of their mobility and visibility the objects/subjects of change in the construction, and re-conceptualization of the notion of democracy, democratic practices, their scope and meanings. Their subjectivity is both resistant and accommodative, and finds expression in the middle of increasing agitation and incitement around their names.

Refugees and immigrants are resistant in so far as they transgress political and cultural borders and boundaries, and undermine familiar meanings of democratic life and its institutions as the domain of "citizen". Their movements partake in the activities that construct and negotiate new identities for the subject of democracy in the Western spaces. They are also accommodative or recuperative of some of the conventional practices of democracy in as much as they participate in the exclusionary legal, cultural, political and economic practices of a specific kind of democracy (which privilege citizen as the proper entity adequate to the task democracy and the sovereign territorial state as the facilitator of the conditions of democracy).

Against such a background, this paper has two overlapping and ontologically linked objectives. The first is to analyze the significant impact of refugees and immigrant movements on the rethinking and reconceptualizations of the traditional citizen-oriented conceptions of democracy in the contemporary times in the Western spaces.
To the degree that the conventional conceptualizations of democracy and democratic practices are predicated on the existence of a well-bounded, sovereign, territory under the control of the forces of the modern state; the second objective then, is to study and understand the reconceptualizations of democracy and democratic practices *vis a vis* refugee and immigrant movements as activities that simultaneously problematize--undermine and/or reaffirm-the images of modern territorial state. A claim is made here that the reconceptualizations of democracy are reconceptualizations (problematizations) also of the modern state, and its territoriality.

The notion of problematization is crucial for this study. Problematization is defined by Michel Foucault as "the totality of discursive and non-discursive practices that introduces something into the play of true and false and constitutes it as an object for thought (whether in the form of moral reflection, scientific knowledge, political analysis, etc.) (Foucault, 1988: 257).

Informed with this meaning of problematization, the paper starts with some reflections on the proliferation of activities around the names of the

refugee and immigrant in order to point out the referentiality of the paradoxical--resistant and accommodative -- nature of the refugee and immigrant movements. The proliferation of activities are understood as the activities of problematization that introduce refugee and immigrant categories into the politics of (writing) democracy and state sovereignty as both objects and subjects, that is, as elements that are exploited for the affirmation of the discourse of democracy as simultaneously also the discourse of sovereign territoriality.

Elaboration of the notion of problematization is followed by a section in which the paper explores the connections between the notion of citizen-oriented democracy and sovereignty. The section builds on the ideas of William Connolly on democracy and territoriality. However, it attempts to advance Connolly's arguments on two different fronts.

First, the paper introduces the linkage between refugee and immigrant discourses and the question of the territorial democracy; a linkage that hardly figures in the studies on the discourse of democracy. Second, the paper argues that deterritorialization (or "disaggregation") of democracy under postmodern pressures is not free from the challenges of the recuperative strategies of the territorial statism. Accommodative activities and problematizations of refugees and immigrants, in terms that privilege integration, citizenship, are explored as examples of sovereignty practices that continually attempt to produce, transform and stabilize specific aspects of what it means to claim to be the sovereign state.

Finally, in the last section, problematizations of the notion of democracy and democratic practices are grounded against the occurrences in the European spaces and their connections with the notion of state sovereignty explored. The paper establishes that politics of problematization, that is, constructing and maintaining fields of refugee and immigrant identity, and continuous activities in/around them, far from being humanitarian and managerial issues of marginal importance, are crucial to the hierarchy of State/Nation/community/ citizen. All of which is done by way a series of interpretive readings rooted in problematization as a strategy of knowledge and praxis.

Refugees, Immigrants, Identity Politics and the Paradox of Refugeeism:

In recent years, the refugee and immigrant phenomena have unmistakably come to the fore. Contributing to this visibility is the mobility of millions of people across the globe from the Middle East to the former Soviet Union and Yugoslavia, and to regions of Africa and the Americas. Suffering or affected by poverty, famine, natural disasters, military coups, civil wars, slow-working societal disjunctures, or enamored of the "imagined possibilities" of other homelands in distant places, a steady flux of people adds up to the world's "refugee" and migrant population. The enormous political, social, and technological changes and transformations trigger mass movements of people in search of "better" and "safer" places. Ironically, in

the case of refugees, it is also the immobility of people that is increasingly becoming an element in the accentuation and visibility of "refugee" situations. The case of Bosnia and Herzegovina, with thousands of people "immobilized" in towns like Srebrenica, Tuzla, and Sarejevo is a testimony to the visibility of immobility as an element of refugeeness.

Seeing the world as a continuous space with countless imagined possibilities, many in Sri Lanka, Turkey, or Algeria turn into immigrants, refugees and strangers in their inertia in the midst of their native places. Movements of the mind, driven by the double desires of better and safer places outpace the movements of the body as people consider the possibilities of other homelands in distant places. Concomitantly, refugee and migrant images, thriving in scenes of movements and "non-movements", continue to proliferate in the face of the traditional conceptualizations of refugee and immigrant gradually blurring the imagined clarity of identity borders and boundaries.

The questions as to "who is a true refugee, and who is a true immigrant"? are confronted with unsure explanations. Although numerous familiar definitions are in circulation, there is also an increasing agitation and incitement around the names of refugee and immigrant in the quest for new images, definitions, and labels. All the while, parties, whether governments or not, express their confusion as to how to distinguish a "real" refugee from an immigrant or the political refugee from an economic refugee (who is also an immigrant), or the forced migrant (who is also considered a refugee) from a voluntary migrant, or an involuntary migrant from an internally displaced person, and on and on. Yet this seeming confusion seems also the source of all kinds of activities that are intent on "rewriting", or in Michel Foucault's terminology, problematizing the refugee and immigrant categories in order to service a multitude of interests. The activities of writing refugee or immigrant increasingly command a central place ever-more and ever-intense than in any period in memorable history.

I

Now, take the issue of defining and determining who is a real refugee, and the difficulties of the agitation become manifest.

At first, it seems hardly any difficult for one to distinguish a bus full of Bosnian or Kurdish "refugees" from a bus full of "tourists", or, in a similar way, the inhabitants of a Mediterranean Club on the Turkish coastline from the inhabitants of a barbed-wired "refugee" camp on the Turkish borderline with Iraq. But questions as to the politics of labeling in the midst of seeming confusion loom larger and heavier. By whose vocabulary and by way of what practices are tourist marked as tourists and refugees as refugees? Is so marking just a practical exigency of life without power implications? What are the implications of those vocabularies and practices around the corner once it is out of sight?

To intimations revolving around these questions, there is the quick reply that starts with a "lesson" on the distinctions between "economic refugees" and "political refugees". This distinction underlines what nowadays

is the "privileged", idealized refugee category as written in the conventions and protocols of the United Nations, OAU (Organization of African Unity), OAS (Organization of American States), European Community and so on. According to the idealized definition of "refugee phenomenon", refugee is an individual who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country." (Mayotte, 1992: 3)

If you ask the Bosnian woman in the UN truck leading out of Srebrenica, she confesses to her unawareness of the reasons and requirements of the idealized definition. For her, refugee is a person (herself) who very desperately wants to get in that UN truck into "relative safety" out of a death zone. She whispers hurriedly, "that is all I want to be for now, that is all I can afford to be, for I want to 'live'". In that sense, "refugee" might just be a person whose "usual" everyday sources of identity are no more possible to invoke effectively, and for whom, not only the epistemological and ontological instruments/technologies of "usual self" are rendered ineffective, but also the possibilities of physical existence are greatly curtailed. Put simply and succinctly, refugee becomes a person (or a person becomes a refugee) who is "on the run" from some danger, however the danger is perceived.

If you ask Julia Kristeva, "we are all refugees and immigrants", that is, we are all strangers first and foremost to ourselves in the heart of this identity we call community (Kristeva,1991 and 1992). Preceding Kristeva, Nietzsche (1987) forcefully argues the same point in On the Genealogy of Morals. William Connolly (1987) takes up his line to suggest that we are deeply "homesick" for the identity "homes" (of cultural, political and aesthetic nature) that we have never had but, have always been in search of. In other words, insomuch as we are not the "men of knowledge" with respect to ourselves, whether we are in that bus out of Srebrenica or in the Mediterranean Club on the Turkish coastline, we are all wanderers, only of different concerns and circumstances, in the shifting terrain of imagined identities (Warner 1993; Kristeva 1992).

Meditations on the question of "refugee" continues unabated. If you ask Lynelyn (1993), the answer turns existentialist, prodding one to look for some sort of "refugee consciousness" that recognizes itself as that of refugee. For Lynelyn Long, refugee exhibits a "hegemonized" consciousness in the face of the dominant consciousness of the "non-refugees". Concomitantly, being a refugee is a manifestation of "a defeat" in the networks of ethnologies of power (p.7).

If you ask Pierre Bourdieu (1986), the proposition that "we are all refugees" is not, and does not have to be, exclusive of the sensitivities, concerns and experiences of a Kristeva or an Algerian immigrant in France, a Turkish "Gastarbeiter" in Germany or a Kurdish exile in Sweden or the women in the U.N. truck in Srebrenica. For Bourdieu, what is imperative to recognize is the temporally and spatially unique/distinct/discursive qualities

of the experiences that color the taste/pain/hope of experiences. This recognition will then reveal the convenient yet arbitrary and "passing" quality of the "refugee" or " immigrant" categories to which people turn in order to make sense.

If you ask the professional politicians, the German Interior Minister or the Home Secretary of Britain, there is really no such thing as a "real refugee" but all illegal immigrants whose presence in "German soil" or in "English territory" spell out a clear danger to the security and stability of the authentic community, that is , Germany or England. If you listen to a young German in a CNN or NPR special on Immigration, refugee or immigrant is" the scum that roams the earth" who in the processes also "steals" 2000 Marks every month form the deserving true citizen-Germans like himself. Solution? Kick them all out!

If you ask the former Prime Minister of France, Jacques Chirac, immigrant or refugee is the smell and noise that is non-French, while the current Interior Minister, Charles Pasqua, argues that an illegal immigrant could be anybody reading the English edition, International Herald Tribune on the street. Expected action? Stop and check their identity and determine their Frenchness!

II.

In the face of this plurality of images as to who is a refugee or immigrant and who is not, while the uneasy scholar frantically cries out pointing to the problematic nature of the attempts to attribute "essences" to refugee and immigrant situations, agitation around the names of refugee and immigrant continues. The name of the refugee and immigrant is summoned to speak of "security", "political stability", "democracy", "human rights", and "sovereignty" (Weiner, 1992; Loescher, 1992, Frelick, 1992). As Weiner (1992) affirmingly suggests, "Heads of states, cabinets, and key ministers involved in defense, internal security, and external relations focus their attention more on refugee and migration issues" (p.91).Think-tanks, bureaucracies, centers for international studies, policy groups on immigration and refugee issues, IGOs and INGOs, international financial and corporate institutions (Der Derian, 1993) turn to "refugees" and immigrants as proper subjects of new political and social "science". Scholarly and/or governmental conferences and meetings convene with a converging view to "study", "fully comprehend" and to "treat" the "refugee" "problem" or immigrant "invasion". Amendments and revisions in the relevant constitutions, laws, documents and declarations on refugees and immigrants are made so that the new aspects of refugeeness and immigration are safely covered.

Now, the curious question still waiting to be asked here is: "Why is all that agitation and incitement around the terms of refugee and immigrant just in these times and just in these ways?"

One answer to all such questions would be to argue that there are now more refugees and immigrants than ever before, and that this requires a high level of response. It is, it could be suggested, necessary to curb "illegal immigration" as the receiving countries cannot shoulder anymore the heavy,

unbearable social and economic burdens associated with immigration and refugeeism.

Without contesting the claim that there are many more millions of "moving" people in the world, I would like to try here to read a little more into the politics of new agitation around the names refugee and immigrant. I would like to do this by suggesting that, in the midst of this seeming confusion, there exists a myriad of activities working not so much to control the flow and mobility of peoples (for the people flow into and out of spaces in the face of all kinds of barriers), but to control the representations (images) with which political, social, and cultural images, and identities of community, non-community, belonging/citizenry, non-belonging or strangeness/refugeeness are constructed and maintained.

Such are the activities (of the control) of representations, that aim primarily at a fixed understanding of space, territory, and identity in the quest for constructing "representable" images, meanings, identities and cultures as belonging to a clearly and unambiguously demarcated territory (territorial state). In this sense, these activities are engaged not only in the construction of "referable" national physical borders and boundaries but also in the construction of "representable" cultural, political, economic identities (of bodies/spaces), ostensibly overlapping with the physical borders (Soguk, Forthcoming in Michael Shapiro, ed.).

These effects (nation, community, identity) are realized through the production and effective circulation of exclusionary definitions (representations) of world as consisting of "culture/nation gardens separated by boundary values" (Malkki,1992), and manifested in various aspects of state sovereignty. At a more visible level, the most effective of the sovereignty practices is the (re)inscription onto space/body dividing lines, imaginary or physical, separating those that belong to "us" and those that do not: foreign, unfamiliar, strange, alien, dangerous, and refugee (Ashley, 1989; Walker 1990 and 1991; Gupta and Ferguson 1992).

It is precisely at the juncture where a variety of identities (of community, non-community, home, exile and familiar and non-familiar) are negotiated, mediated, and represented as such that, I suggest, we might just be able to read that "little extra" into the politics of refugeeism and immigration.

My contention in this paper then is that these and other similar practices enable specific acts of problematizations; the totality of discursive and non-discursive activities that works to establish the boundaries re/constituting inside/outside, hierarchy/anarchy, citizen/refugee, security/danger-refugee, and democracy/non-democracy-refugee. In such problematizations, "refugee" and immigrant representations become instrumental in the boundary-establishing "identity" activities governed by a peculiar rationality which may have its stated as well as unstated objectives. While, for instance, the stated objective of the activities staged on refugee and immigrant bodies by states could be given as refugee protection, an unstated objective might just be to salvage the increasingly difficult claim by

the state that it is in control of its designated sovereign domain in the face of the movements of refugees and immigrants that challenge and expose the (non)-truth of that claim. I suggests that the presence of the bodies of those people marked as refugees and immigrants empower specific acts of problematizations by just being. This seemingly paradoxical situation can in fact be further explained with what I call the "Paradox of Refugeeism"[1] which is also applicable to the term illegal immigrant (Soguk, Forthcoming in Michael Shapiro, ed.).

According to the Paradox of Refugeeism, "refugee" bodies are seen simultaneously as undesired and desired objects . On the one hand , "refugees" are perceived and indeed represented as undesired bodies to the extent that they (refugees) undermine the images of "sovereign" site(s); the security, stability, relative homogeneity, democracy and so on. On the other hand, it is precisely in the event of representing the "undesirable" that "refugees" turn also into desired/ desirable subjects. Their desirability inheres the usefulness of a refugee category for a variety of sovereignty practices trying to recuperate that which is already under challenge, that is, the name and the image of the " territorial sovereign state" as the facilitator and even embodiment of security, stability and democracy.

Thus the supposedly neutral and marginal refugee category, in fact, remains rooted in the intersections of power relations. The presence of groups of peoples marked as "refugees" becomes party to a specific problematization; the interplay of "connections, encounters, supports, blockages, plays of forces, strategies and so on which at a given moment establish what subsequently counts as being self-evident, universal and necessary (Foucault 1991, 76) with respect to an issue or issues (such as the meanings and practices of democracy and their connections to the context of territorial governmentality). Put more specifically, the site of refugee conceived in a variety of activities, becomes the site of identity politics known also to be the site of the territorial sovereign state. Two interpretive instances of such politics should exemplify the dynamics of this kind of politics.

Consider the first instance in which the governments of Mexico and the United States use the Chinese people in the vessels off the coast of California to represent the dangerous "other" in the form of illegal immigrant. The effect here is to equate the "sovereign" inside of the US with a supposed "self" which is confronting a possible danger from the Chinese "other", or the illegal refugee or the immigrant that overflows, spills over, identity borders and political boundaries. Here the sovereign territory

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[1] The Paradox of Refugeeism is not to be understood as a paradigm that governs the sensitivities of this study. Nor is it to be construed as referring to a stillness in terms of the identities and events of refugeeism. Contrarily, the Paradox of Refugeeism, by referring to ongoing problematizations, accentuates the historical-constructedness and contingency of the identities that are suggestive of the paradox itself. At its most assertive moments, the paradox of sovereignty is to be seen as informing interpretative critical postures reflecting on the dynamics of specific problematizations of the refugee.

becomes the body of the citizen-self while the Chinese bodies represent the supposed anarchy of the without.

Consider also Witold Pawloski 's observation of the "undesirable aliens": "Every state avoids the refugees like plague, even if they travel in escorted carriages.... All over the world the problem of refugees, or concern for the refugees, is a kind of tax levied on democracy and prosperity" (Polish News Bulletin, February 25, 1993). Hence, "refugee" is (written to be) perceived as "plague" devastating prosperity and democracy, undermining the security of the community. In this game , refugees become reference points or signifiers as well as signified by which an aspect or aspects of the territorial context, in this instance, of democracy and security, are reconstituted. Such instances and practices of identity crafting become possible through what Michel Foucault called "Problematization" as a strategy of knowledge with real power effects "out there".

Problematization As a Strategy of Knowledge

III.

I suggests that all the agitation and incitement around the issues of immigration and refugeeness can best be understood as strategies of problematization understood in the sense as Michel Foucault has understood it . "Problematization", wrote Foucault,

> does not mean representation of a pre-existing object, nor the creation of, by discourse of an object that does not exist. It is the totality of discursive and non-discursive practices that introduces something into the play of true and false and constitutes it as an object for thought (whether in the form of moral reflection, scientific knowledge, political analysis, etc.) (Foucault, 1988: 257).

Problematization is a "knowledgeable" activity of the true and false play that incorporates a series of life activities into the play for consideration. It continually defines their dynamics of existence, their objects and subjects, and their supposed ontological connections to the field of activity, all the while embedding their logic of existence in a particular epistemology, in a particular possibility of knowledge.

As such, problematization, though rooted in praxis, is a thought process (as an activity) that constructs its field of activity, its subjects and objects in the form of problems to which responses are given by differentiating and hierarchizing the contingencies of the past and present. Problematization is the totality of the simultaneous activities which produces not only the field of possible activities in the form of problems, but also simultaneously the field of possible responses to the problems . Foucault argues that this is the point in which the simultaneity of the two moments of problematization -- the moment of translating the difficulties of a particular issue area or practice

into problems/questions and the moment of conditioning the possibilities of responses to these problems/questions -- are rooted and made viable in spite of their differences and contradictions (Foucault, 1987: 389).

It is crucial to stress here that problematization is not an activity that works in a vacuum without a memory of the pasts and a knowledge of the presents. Contrarily, problematization, as an activity of production, is rooted in a specific temporality and spatiality with countless variety of difficulties which human beings have to consider and tackle. It is at the moments of consideration of the difficulties that problematization, as one of many life activities, takes place. Problematization introduces and reintroduces these difficulties into the play of true/false, into the play of power relations, as a set of questions with a distinct vocabulary, peculiar objects and subjects and their possible identities and meanings.

Problematization is then the art of asking questions and formulating problems by which an ongoing process of constituting the fields/domains of identities and governance is made possible. It is through ongoing constitution of these domains /fields that the categories of identity -- safety, stability, security, freedom as well as danger, instability, and insecurity -- become viable and profitable in the nexuses of power relations. So, the crucial activity here is not so much to produce and stabilize the meanings of the categories of safety and danger as to produce and stabilize a domain/field of activity where it then becomes possible and profitable to engage in the politics of identity construction on an ongoing basis.

This is so, for the sources of identity activities are historically bound. That is why identity activities themselves must be and, in fact, are temporary and contingent, always adapting to emergent exigencies of "identity-crafting". It is the stabilization of the field of identity in/through problematization, not an everlasting stillness of identities themselves, that makes possible the continuous articulations of the categories of identities in the face of changes and transformations. In fact, problematizations in the face of changes and transformations leave open the possibility for the formulations of new problems/questions and responses though, as Foucault suggested, new formulations that arise from current problematizations remain connected to the old problematizations, modifying only several of the postulates or principles of the previous ones (Foucault 1987, p. 390).

Problematization, then has many facets and aspects. It has many participants who in their significant and not so significant ways contribute to the making and transforming of identities, their meanings and strategies, however temporary and fluid they might be. Problematization is a sort of power activity in which identity practices, whether oppressive or resistant, are always mediating one another. There, resistance, whether effectual or not, is always at work in the face of oppression or exploitation. Or, regimentation, formalized in many practices and institutions, is almost already nested in resistant activities. Overall, problematization is the totality of discursive and non-discursive activities by which an economy of desire, resistant and accommodative, disruptive and regimenting, is continually produced. It is

there that the boundaries of the desirable and undesirable, unhurrriedly and publicly construct the images of the inside versus outside, hierarchy versus anarchy, citizen versus refugee or the immigrant or democracy versus non-democracy.

Once recognized, problematization activities remind us that the effects of a multitude of activities that seem not immediately related or connected to one another might in fact be quite effectual in one direction or another. Or their effects in the field of identity construction could be deployed to empower and give content and voice to a variety of actors and their objectives. It is precisely this that (a paraphrased) Mikhail Bakunin might have had in mind when he said: "The source of all order is indeed disorder or ordeal."

In what follows, an attempt will be made to demonstrate the ongoing problematizations of identity generally and those of democracy specifically in Western Spaces *vis a vis* the the bodies of those people who are marked as refugees and immigrants. As the aphorism by Bakunin intimates, It will be argued that specific problematizations and their convergent effects on the notions and practices of democracy are realized by playing the forces of ordeal and disorder.

Problematization, Citizen-Oriented Democracy, and Sovereignty: IV

The overall argument advanced here with respect to the practices of democracy[2] in the Western spaces is that refugees and immigrants have increasingly become by virtue of their mobility the subjects and objects of the discourse on democracy and its peculiar citizen-oriented practices and subjectivities. The Paradox of Refugeeism suggests that the refugee and immigrant bodies are significant elements in the ongoing problematizations of citizen-oriented democracy discourse.

One of the most interesting, and certainly most significant effects of the ongoing problematizations is the continuous reaffirmation of the citizen-oriented meanings and practices of democracy by further expanding the contextual and thematic scope of the original exclusionary practices of democracy.

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[2] In this paper, I shall make no sustained attempt to define what democracy is or should be. I agree with R.B.J. Walker that "The meaning of democracy has become more obscure and contentious, because the interpretation of specific events, claims about grand philosophies of history, and accounts of what democracy has now become are all caught up in fundamental uncertainties about the direction and significance of contemporary trajectories. (Walker, 1991:247) Although it is a significant concern, here, I am not just (solely) interested in what democracy becomes or what becomes of democracy. Rather, I am more interested in the question of "How, by way of what practices (whatever) democracy becomes what it is." In this sense, the fact that the citizen is the privileged agent of democracy is not necessarily of primary concern to me. Instead, I would like to know how the citizen has become and remains to be the privileged agent of democracy. Furthermore, I would like to know the linkages of just such privileging with other categories of identities and experiences and its implications on the possibilities of democracy.

These practices of exclusion are realized in terms of membership in a community via participation and representation. In the conventional foundational meanings and practices of the contemporary notion of democracy, citizen occupies the central place as the constitutive element of community in the territory/space of the state. It is that community of citizens that empowers the state, and it is the community of citizens that the state claims to represent and protect within that clearly demarcated territory. It is within that space that democracy, that is, participation, representation, accountability, creativity, and change, becomes possible. The territorial state becomes the provider and protector of that space, which could then be designated as the space enabling both citizenship and democracy. As R.B.J. Walker stresses, "The legitimacy of the state depends in the final instance on the claim that it, and it alone, is able to allow the citizens of particular states to participate in broader humanity" by making possible the presence of the particularity of the inside.(Walker, 1991:252)

To the extent that possibility of "true" citizenship is predicated on the exclusionary presence of a space of particularity, the contemporary practices and meanings of democracy reflect the limits and prejudices of the modern territorial state, most specifically, in organizing life experiences along the dichotomy of inside versus outside. The citizen remains the undisputed legitimate/privileged agent of democracy which links the possibilities of democracy to the claims of the modern territorial state.

Although the globalizing challenges of recent times, radical extra-territorial, supra-territorial democratic movements of environment, human rights and so on, are exposing these limits and prejudices to new tests, the proponents of these limits too are busily devising counter strategies of new problematizations to respond to these challenges. In fact, citizen-orientedness democratic practices and meanings remains as intact as ever.

Furthermore, indications are such that the space for tolerance within the space of the citizen-oriented democracy is dwindling *vis a vis* the interplay of the alarmisms/chauvinism of the territorial nativist movements and the deterritorializing postmodern pressures that question the conceptualization of the symbiotic relationships among state, nation, and citizen. Put differently, while the meanings of the citizen-orientedness of the original exclusions are oscillating in orientation between the ascriptive (learned) and hereditary (acquired) rights to citizenship[3] and democracy, the space in between the two orientations is becoming ever more intolerant of the presence of any subjectivity other than that of citizenship. Increasingly less space for refugees and less tolerance for immigrants are becoming the reality in that space between the two moments of citizenship. An appropriately symbolic manifestation of intolerance is reported to have taken place in the

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[3] For a thought provoking exploration of the connections between the evolution of the concept of citizenship and refugee and immigrant movements into European spaces, see Jurgen Habermas (April 1992). "Citizenship and National Identity: Some Reflections On the Future of Europe.". Praxis International 12, No.1: 1-19.

city of Dolgenbrotdt near Berlin in Germany where the people allegedly hired an arsonist to burn down a designated refugee house even before the refugees had arrived.(The New York Times, August 25, 1993, p.5)

The hectic activities, all across Europe, especially in Germany and France, but also in many other countries in Europe[4], are generating ever-more restrictive and exclusionary policies and positions with a view to further sharpening the contra-subjectivity of citizenship vis a vis the refugee and immigrant subjectivities. Put in most simple terms, certain problematizations of democracy are attempting to write more restrictive, repressive and intolerant versions of democracy. In the middle of all that are the refugees and immigrants who continue to navigate the spaces designed and reserved exclusively for the citizen and her/his versions of democracy (Tololyan, 1991: 4).

Refugee and immigrant presence in those spaces is both resistant and accommodative (recuperative) as intimated in the Paradox of Refugeeism.

They are resistant insofar as they transgress political and cultural borders and undermine the conventional narratives of democratic life as the domain of citizen and domestic community of citizens. Refugee and immigrant bodies, by moving into the space of the citizen, disrupt the seeming tranquillity and order of that space, thus forcing once comfortable positions and postures to recognize drastically unfamiliar forms of otherness and subjecthood, be it in terms of language, skin color, mores, or as the former Prime Minister of France, Jacques Chirac put it, in terms of "the smell and noise". Or as Gunter Grass points out, they become "irritants to the rigid orders of the self", reminding constantly how meaningless borders are in terms of imagining/creating new homes once the willingness to do so exists. (Grass, 1993 :178). As such, refugee and immigrant movements are constructing and negotiating new identities for the consideration of democracies in the Western spaces, though they may not be the most powerful mediators of the new directions of democracy.

In the problematization of their activities and their presence, refugees and immigrants are also inevitably accommodative of some of the

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[4] Still, the most controversial of the recent activities/developments have taken place in Germany and France. In Germany, the constitution was amended to drastically restrict the refugee and asylum status. The editorial in The Frankurter Rundschau, for instance, called the changes a "big mistake" and turning blind eye to the "truth" of immigration. It further stated that the major parties " have not linked their policy on foreigners to the fact millions of people have already immigrated and that the mechanism... must continue to run so that society remains capable of functioning. For many reasons, including racial ones, targeted and planned immigration did not appear on the agenda". (German Information Center, May 28, 1993) In France, the country's National Assembly passed equally restrictive laws supposedly discouraging immigration. The goal of the new law was stated by the Interior Minister Charles Pasque as "Zero Immigration". Coming in the immediate aftermath of the Nationality Law which had already narrowed the interpretation of the French citizenship, the immigration laws further complicated the political/cultural identity plane. (The Christian Science Monitor, June 21, 1993, p.3)

conventional practices/understandings of democracy, for, as I noted above, the practical meaning and force of their presence is mediated , coopted, and deployed as a referential resource with which other categories of life activities are constituted and empowered. Referentiality of refugee and immigrant partakes in legal, economic, cultural and political activities that are ontologically and epistemelogically rooted in the conventional practices that privilege the citizen as the most proper agent adequate to the task of democracy, the sovereign state as the facilitator of the conditions of democracy, and finally, the sovereign territoriality as the *sine qua non* for the possibility of democracy. If nothing else, given the opportunity, refugees and immigrants do not remain aloof to the enticements of citizenship. At least historically they have shown a willingness to integrate into the citizenship category, fulfill its demands dutifully and help stabilize its privileged, but never finalized content.

Consider , for instance, the case of the now "legal immigrant" in the town, El Centro, the regional headquarters of the Immigration and Naturalization Service in California whose bumper sticker read: "My child was the proud recipient of the good citizenship award.". If nothing else, the stamp of the state seems to afford a license for more "legitimacy" to enjoy the late afternoon Sun.

In fact, the name of the citizen stands at the heart of identity politics organized around the modern notion sovereign territorial state, for it is by constructing and reaffirming the voice and content of the citizen that various manifestations of the notion community, us/them, inside/outside and democracy/non-democracy, are imagined, and questions of membership within the perceived community resolved (Connolly, 1991: 472).

It is here, in the moments and events of constructing the citizen, as constitutive of domestic community, that the names of especially refugees and also immigrants turn resourceful. Activities that construct an image of the citizen with peculiar characteristics and content are also activities of constructing the non-citizen supposedly lacking those essential characteristics. Or, as William Connolly put it, they are activities that construct the identity "walls" which separate "us" from "them", safety from danger, citizen from non-citizen, stranger or refugee.

In these moments of identity constructions as boundary constructions, refugees and immigrants, situated against the postulated normalcy of the lives of citizens as the agents of democracy, appear to be paradoxical supplements. On the one hand, their presence testifies to the completeness of the category, citizen . On the other hand, it signifies their own aberrance and ineffectuality *vis a vis* the posited qualities of the citizens. Such moments of supplementarity are also moments of problematization, no less important in their total/convergent effects on the transformations of the meanings of the category of the citizen and the notion of democracy than the effects of the French Revolution on the emergence of the citizenship and democracy themselves. How does this suplemantarity work? The politics of the refugee category proves further insightful here.

In its most comprehensive form, refugee problem is comprehended in terms of the sovereign territorial state and its counterparts, the nation and the citizen. In effect, the so called refugee problem is understood in terms of a postulated ensemble of agents and identities that spans the state, as authoritative agent representative of a sovereign territory and people, to the citizen, as the proper subject of this territorial space. the refugee is defined as one who, by virtue of some event of exclusion, lacks the citizen's unproblematic grounding within the territorial space of the sovereign state and, so lacks the state's effective representation.(Ashley, 1993) The term refugee, then, refers to an aberration of the proper subjectivity of citizenship, which is also the proper subjectivity of a viable democracy.

In short, refugee and immigrant bodies become profitable reference points for new problematizations of a variety of issues and practices, but, most unexpectedly, they simultaneously become resources for new problematizations of the contemporary notion of democracy as rooted within the framework of the sovereign territorial state.

V.

The links between the new problematizations of democracy discourse and the problematizations of the territorial sovereign state should not be surprising since, in the modernist conceptions of democracy, the very possibility of democracy has always simultaneously been linked to the supposed presence of a well-bounded territory patrolled by the forces of the sovereign state. Therefore, neither the problematizations of state nor the problematizations of democracy are secondary, or tertiary, to one another; rather, they are enabled simultaneously through the same practices. It is the "writing" of the notion of the territorially-bounded space that allows for, makes possible, the "writing" of a community of citizens as forming the perceptual infrastructure-- "Frenchness", "Germanness" or "Englishness"-- of the modern state. The community of citizens constitutes the sovereign space for the realization of democracy and empowers the state forces for the organization and protection of democratic forces and practices. In other words, such notions as stability, security, community, democracy, the stability and security of community and democracy are linked to one another through continuing and necessary rearticulations of the notion of sovereignty through a variety of sovereignty practices.

Put succinctly, if it were not the successful reaffirming/projecting of the notion of the territorial sovereignty of the modern state through times and across spaces, the conventional theories and praxis of democracy would have been drastically different from what they are in these times. Thus, it is imperative to study and understand new conceptualizations and articulations of democracy as linked to new articulations of territoriality and modern state-crafting.

The argument that I advance here is simple. I contend, by undertaking that "extra" reading, that the ongoing new problematizations of the discourse on democracy are not attempts solely to clarify the concept of democracy, or

make its practices more efficient in the face of emergent exigencies. Surely, these objectives are part of the problematization activities, since problematizations are reconsiderations of the difficulties of a particular practice or set of practices. It may, for instance, be absolutely imperative to deal with the rise of neo-racism and xenophobia for any form of democracy to remain viable. Therefore, my argument is not that reconsideration of the emergent difficulties of democratic practices has nothing to do with the vitality and viability of the notion and practices of democracy. Rather, I suggest that reconsiderations of the emergent difficulties of democracy in the face of refugee and immigrant bodies are also ontologically related to the difficulties of sovereign statehood. At times, they are, in fact, the difficulties that the practitioners of the territorial state must conceptualize as problems of the sovereign state and to which they must respond. This linkage is clearly manifest in the German Chancellor Kohl's reaction to the prevailing climate of hostility and tension in the country in the face of "foreigner problem" when he declared in December 10, 1992 that "The Federal Republic is a democracy that knows how to defend itself and will prove it. (Klusmeyer, 1993:104)

It seems appropriate then to urge that the discourse on democracy and its transformations, whether more restrictive or more open and less territorial as Connolly (1991) and Walker (1991) would desire to see, has to be studied and understood simultaneously as the problematizations of the notion of sovereignty, since the notion of democracy is predicated on the presence, or at least representation, of a well-bounded territory within which the formulation of the notions of security (national security, of which citizen is the supposed primary beneficiary) and community (nation, of which the citizen is a supposed constitutive member) is realized. Thus, the ongoing transformations/ problematizations of democracy discourse constitute one of many "activities of alignment", to barrow from William Connolly, trying to rewrite the images of security, community, and stability, so that these images continue to coincide with "the high degree of alignment projected by the image of the sovereign, democratic, national territorial state" (Connolly, 1991: 464).

The following report from The Irish Times (June 4, 1993: 4) might perhaps be insightful as an example of "alignment" activities as sovereignty activities that attempt to stabilize a specific representation of the state, its territory and the nature of practices within. The author suggests that

> "the review of immigration policy [by EC officials] was the culmination of several months' work...., The review was originally seen by officials as a polite exercise, but one stressed that the whole thrust of EC immigration policy has changed since the election of the centre-right government in France. 'The French basically rewrote this report', said the official. 'In some ways it simply restated

> what we are already doing to curb illegal immigration. But for French domestic reasons, there is much stronger language. The French want to show that they are getting tough and the Germans are ready to row in.'"

It is clear that the rewriting of the review is not just oriented to address the announced primary problem, that is, curbing immigration, but also rewriting the image of France as a territory of a community of citizens, entry into which can and must only be permitted by the legitimate agent of that territory, the state. Since the countries are already doing all they can to "regulate" immigration to service a variety of interests and needs[5] (to address the labor shortage for low skilled industries and so on), what other purpose could one think of than that of "alignment" between what is claimed by the participants of statist democracies -- Germany or France as a space of the citizen organized around/by the state-- and what is real out there -- Germany and France considered as possible new homes for a multitude of desiring subjects? A report in the Independent on June 6, 1993 points to this alignment aspect of statist practices exemplified in the collaboration of the European Community countries. "A prominent refugee advisor says he was told by EC officials that the recent agreement on immigration was 'mainly for show', and there are doubts about its effectiveness and legality."(p.6)

Further examples as to the reworking (problematizations) of the discourse on democracy from "the Western Spaces" should speak to the rather unconventional connections that I have been making here among

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[5] Interestingly, many on the ruling intersections of politics and economy acknowledge without hesitation that Europe is in need of continuing immigrant infusion in order to stay alive both economically and socially. This widely shared view is reflected in the following account in Carla Rapaport's report: "Looking ahead, some demographic experts argue that Europe will need the workers it now rejects. According to Bernd Hoff, an economist at the German Enterprise Institute in Cologne, Germany's workforce started shrinking in 1988 because of low birthrates. Says Hoff: 'The Germans have decided to die out.' He figures that Germany needs 300, 000 immigrants a year to keep the work force stable....Other European countries face shrinking work forces as well. Belgium, Denmark, Holland, Greece, and Spain will start seeing their work forces shrivel within this decade'....Horst Kramp, president of the Berlin Chamber of Commerce, says : 'There is no room for hardheaded reservations against foreigners, even if they come from alien cultures.' "(Fortune, July 13, 1992, p.96). In short, European spaces need immigrants who largely do the "dirty" and "undesirable" jobs which are nonetheless indispensable for the survival of individual countries such as France, Germany, Spain, and so on. The contribution of "foreign workers" are thus crucial to the viability of the European spaces as European Spaces. For example, Steger and Wagner (1993) report that the "immigrants produce a minimum net gain of fifteen billion dollars a year in increase productivity in Germany. (p. 65; See also, Schnapper 1991). Thus, the question for Europe seem not whether or not to permit immigrants and / or refugees, but how best to control and regulate their movements within an economy of problematization that makes it possible to speak of Europe or France, or Germany or England in the face of the accentuation of differences (of identity / becoming) within.

sovereignty, territoriality, nation, community, citizen, security, inside, outside, identity borders and boundaries, and democracy.

Refugees, Immigrants and Problematization of Democracy in the Western Spaces

V.

In the beginning of the paper, I referred to the increasing incitement and agitation on the issues of refugeeness, asylum and immigration. Such activities are especially intense in the Western Spaces as those spaces are argued to have been the targets of most human movements in the form of immigration and asylum. Despite the fact that these largely European spaces are not[6] necessarily the centripetal vortex of human migrations, discussion of the refugee and migration issues in these spaces exhibit a deep-running alarmist quality hitherto unobserved. Interestingly enough, this alarmism is reflected in the wire-reports and the titles of policy outlines of both the governmental and non-governmental sources. Just such headlines sufficiently reflect the contours of the form as well the content of the discussion on refugeeism and immigration in Western spaces. The headlines are also suggestive of the complexity and plurality of both the discursive and non-discursive activities that go into new problematizations, both of democracy and the state sovereignty.

Here are select few of them which portray the the context of the Western Spaces vis a vis refugee and immigrants[7]: "Europe slams doors on immigrants", "CSCE leaders paint a dark future of refugee wave from East.", "Invisible Barriers are going up as European borders open.", "Even as the

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[6] Preoccupation of the Western Europeans with the refugee and migration movements in European spaces obscures the dimension of similar population movements in Africa, the Middle East and Asia. In fact the World Refugee Survey of 1991 reports that the largest, most dramatic mass population movements have been the estimated 30 million internally displaced people in the Non-European spaces. Even when the internal displacement turn into international, cross-border, refugee situation, the majority of people merely move into the adjacent countries. In recent years, approximately 10 million Southern Africans, 7 to 8 million Afghanis, 2 million Sudanese, 2 million Ethiopians, and 2.5 million Kurds became refugees within their own regions (World Refugee Survey, 1991, p.14). The World Refugee Survey of 1992 reports similar numbers. According to the report, the total number of refugees and asylum seekers in need of protection in Europe and North America as of December 31, 1991 was 677,700. For Africa the number was 5,340,800, while the Middle East and South Asia had 9,820, 950 people in need of protection. (World Refugee Survey, 1992, pp.32-33).

[7] These reports appeared in the following sources in the respective order as presented above. Reuters, June 8, 1993; Reuters, November 21, 1990; Reuters, May 14, 1991; Los Angeles Times, December 15, 1990; The Irish Times, June 4, 1993; Agence France Press, May 31, 1993; The Independent, May 27, 1993; Reuters, June 29, 1993; The Guardian , June 2, 1993; Australian Financial News, June 3, 1993; Atlanta Journal and Constitution, May 26, 1991; Seattle Times, March 21, 1993; Inter Press Service, August 28, 1992; The Reuter European Community Report, February 26, 1993; The Economist, December 5, 1992; Washington Post, December 20, 1992; The Independent, June 19, 1993; Fortune, July 13, 1992; Reuters, May 7, 1993; Agence France Presse March 16, 1993; Reuters, March 16, 1993; Toronto Star, June 19, 1993; Los Angeles Times, February 23, 1992.

iron curtain has been lifted, the West is erecting its own barrier-- this one to bar migrating poor from Rumania, Hungary and other nations."; "Looking increasingly like fortress Europe."; "E.C. gears for meeting on immigration policy."; "Protests erupt over vote to limit refugees; German MPs forced to run gauntlet of demonstrators to enter parliament for debate on constitutional amendment"; "French confirm trains may be used to expel immigrants."; "E.C. Ministers agree moves to reinforce fortress Europe."; "E.C. gets tough with unwelcome immigration."; "West discards welcome mat for refugees: hopes dashed for many fleeing east bloc."; "Targeting foreigners -- searching for Germany's soul."; "Germany: racism brings refugee rights and democracy into focus." ; "European Parliament debates rise of racism, xenophobia and extreme right." ; "At the Gates" ; "Refugees challenge a continent's stability." ; "France curbs immigrant under new law." "Them" ; "Germany, Poland sign agreement to curb refugee flow." ; " Six central European countries to sign migration pacts." ; "Germany to help Czechs to control refugees."; "Roumanians become stateless in Germany to avoid expulsion."; "European walls of prejudice unlikely to halt the flow of refugees.", and "Influx of North Africans arouses doubts for France's melting pot; immigration: wrenching questions about xenophobia, racism, citizenship, assimilation and national identity come to surface."

The vocabulary with which the discussion goes on is even more suggestive of the general convergent effects produced through such seemingly disparate places and events throughout Europe. The qualifiers that are used the most are those that certainly connote an underlying economy of desire. Words like wealth, poverty, Europe, the Third World, the South countries, refugees, illegal immigrants, tide, rush, flood, frontier, border, territory, barrier, wall, fortress, foreigner, citizen, right of blood, right of birth, security, lack of security, stability, distabilization, burden, welfare, warfare, plague, invasion, smell, noise and many more all converge to produce images of two desire-worlds which stand in contradistinction to one another. One is the prosperous, secure and democratic world of the West European, the other is an amorphous tide, a flow, that is besieging Europe from all directions and forcing it to become a fortress in self-defense.

Also constructed in contradistinction to one another are the postulated desiring subjects of these conflicting worlds. On the one hand is the citizen -- Pierre, Hans or Cecile -- the proper subjects of the democratic European spaces. They are equipped with "creative energy" and "healthy skepticism"; characteristics that cultivate the conditions of democracy within community. On the other hand is the stranger, refugee or immigrant who is just a part of the tide without any mentionable individuality. He/she appears to have only a collective content and voice: a refugee or an immigrant, not Ravi, Hasan or Jose with memorable individual histories. Here, the problematization of the encounters between the citizen and non-citizen places the citizen self against the amorphous flood, the other, in defense of the borders and boundaries of democracy.

The stories of this flood of people, who the West now faces, are told as the stories of political, economic, and moral "warfare" and "damage" in the heart of the host communities (Rudge, 1988: 11). Faced with this "tidal wave" of the unfamiliar other, the once generous West is now forced to consider its own survival. Thus, the questions as to citizenship, community, national identity and democracy gradually become the high issues of the day.

Those questions of identity are finding increasingly a more fertile and a profitable space in the politics of problematizations of a group of moving people as refugees and immigrants with specific characteristics. In this space, simultaneously, the difficulties and challenges of "being" (German or French, secure and democratic) or "becoming" (German or French, secure and democratic) are being problematized by way of a multitude of discursive and non-discursive activities and practices that do not necessarily announce themselves as pure activities of security or democracy, but are interlocked and bound up with each other. Even if an activity announces itself as specific (security) this or (democracy) that, it certainly will have implications on a variety of other issues and phenomena. For instance, it would be rather naive to suggest that the latest change in the German Constitution with a view to "regulating" asylum is just that, and has no significant implications for the perceptions of security. Consider what the German Interior Minister said in the aftermath of signing a treaty with Poland to curb refugees: "Illegal population movements represent a threat to political stability in Western Europe." (Reuters, May 7, 1993). Listen also to the British Home Secretary Kenneth Clark who said that " good race relations and a healthy sense of community depend on an effective system of strict immigration control" (Washington Post, December 20, 1992: A1). Could we then deny here that "a healthy sense of community" and "good race relations" inevitably implicate the projects of democracy and their relations to issues of migration? Perhaps this was the question in mind when Ulrike Klose, the German Social Democratic leader suggested that "Unregulated immigration endangers the stability of democracy and only serves right-wing rabble-rousers (Manchester Guardian Weekly, June 6, 1993: 1).

Aware of the multiple effects of identity activities, problematizations, that is, rearticulations and reconceptualizations of democracy, also have to be interrogated at the intersections where the effects of many discursive and non-discursive activities in a variety of fields -- security, human rights, humanitarian intervention, community, citizen -- converge to suggest, point to and even exemplify the changes and their directions. Imagine then the possible total effects of the following examples all of which speak of activities on refugee and immigration issues.[8]

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[8] The work of Roland Barthes on the strategies of textual representation is informative in terms of understanding the dynamics of "convergent effects" which are created as a result of a wide variety of activities. Barthes suggests that although many voices inhabit a text, every text has a direction imposed on it by the utilization of "a number of textual codes and signs (hermeneutic, narrative, semantic, cultural, symbolic) that invite a certain interrogation of

In France, the new Nationality Act of 1993 (for all practical purposes, an Immigration act) proposes identity spot-checks for anybody who does not look French. In Austria, an official of the Interior Ministry rewrites the security discourse by referring to 'illegal immigrants" as "Submarines" working under the imagined open seas of Vienna (Reuters, May 14, 1991). In a similar tone, Timothy Garton Ash remarks in The New York Times Book Review: "Yesterday the experts were counting warheads; tomorrow they will be counting refugees." Meanwhile, in Russia, the strategist for the Interior Ministry's Refugee Department, Col. Zbigniew Skoczylas speaks of "his" refugee wars. " I treat it like a war" he concludes his session, referring to his strategy to deal with refugees (Atlanta Journal and Constitution, May 26, 1991: 1). Under a rather telling headline, "Them", Carla Rapaport writes of the fears of "many Europeans" who, in the face of European unification, fear that the rights of the immigrants and their children will be further extended to voting and citizenship (Fortune, July 13, 1992: 96-97). In the same report, "many experts and academics" such as Jean Claude Chesnia, head of demography at the National Institute for Demographic Studies in Paris warns about the "start of a long period of chaos...in the wake of the wave of political and economic refugees who are expected to crowd into Western Europe in the few years to come." Erwin Faul, a German academics, writing in German Comments, an English language daily linked to the ruling Christian Democrats, expresses his fear of the rise of multiculturalism in the following fashion. "If the right to participate in politics is granted, ethnic groups will attempt to gain decisive influence on immigration policy and open floodgates, thus withdrawing sovereignty from the traditional leading group"(Repeated in the Independent, April 11, 1992: 17).

Consider also the concern of this ordinary Parisian women in her 70s who complains: "There is not enough wine in the glass and [my] benefits are in danger because the government is spending so much to help immigrants" (Los Angeles Times, February 23, 1992: 31). Could she, one of the 71 % of the French people who think that "their country has too many Arabs"?. In the German town of Rostock, as the neo-Nazi youth were attacking a refugee hostel, reports contended that the ordinary people in the neighborhood stood by and applauded the ravaging youth. Some were also heard to have been

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that text. " The range and effectiveness of the codes and signs are mediated by the contingencies of the times and places. However, there are certain common strategies to imposing a direction on the text. "What questions or enigmas are posed, answered, or avoided? What snares are set, false or partial leads implied, delays construed for effect and tension? What themes are suggested by images, figurations and ...flicks of meanings? What sets of knowledges, literature , and science are invoked? (Fortin, 1989:191). By asking these questions it is possible to identify the closures in the text and perceive the imposed direction on it. Similarly, the discourses on the refugee and immigrant, taken as texts, have certain directions imposed on them through the realization of a multitude of activities and a number of textual codes. The examples given in this paper should be considered in light of such textual practices that write a particular refugee and/or immigrant (defined largely in terms of ontological 'lack') instead of the refugee or immigrant with other qualities and subjectivities.

yelling: "Foreigners out. They are not people, they are pigs." (Inter Press Service, August 28, 1992). Consider also the case of Hautmont, a small town in France's depressed northern industrial region. The citizens of the town organize a referendum on immigration to show how very displeased they were by the government's loose policies on immigration.(Agence France Press, June 28, 1992). The results of the referendum were expected to produce a clear "No" to immigration.

Surely, those hostile expressions and occurrences are not the only ones that could be heard and witnessed in the Western Spaces. As always, resistances to the intense hostility against the stranger, the refugee and the immigrant are present throughout Europe both by refugees and immigrants themselves and by the "citizens" of Europe. First, as indicated before, the very presence of refugees and immigrants in the space of citizen is an effective act of resistance to the degree that it disturbs the familiar juxtapositionings of identities, their images and meanings. There exists a variety of human rights groups across Europe which have had limited yet significant effects in promoting more inclusionary and cross-cultural perceptions of democracy. France's SOS Racism, Britain's Anti-racist Alliance, Germany's BundesDeustchland SOS Racism, Belgium's Anti-racist group MRAX ,and Spain's APDHE (Spanish Human Rights Asssociation) are among that spectrum of organizations.

In addition to those already existing, many more come into existence in the face of practical necessities. For instance, as a response to the proposed changes in the French Nationality Law, Harlem Desir, the founder of SOS Racism, launched a new political grouping in 1992 appropriately named " the Movement". The movement's participation in the processes of new problematizations of democracy is different from that of SOS Racism in that "the Movement" attempts to open up a space within the official space (parliament) to promote non-citizen voices. It plans to do so by fielding 50 candidates in the national elections as well as in the elections for the European Parliament in 1994 to contest the rise of racism and xenophobia (Reuters, June 16, 1992).

Many such formal and informal groupings are becoming more active in the political terrain in the Western Spaces, constantly injecting new meanings and nuances into the discourse of the theory and praxis of democracy. For instance, on June 19, 1993, thousands of people demonstrated against the controversial immigration bill, bringing together about 100 organizations across the spectrum --"anti-racist groups, immigrant support groups, trade unions, foreigner's associations and left-wing parties"(Agence France Presse, June 19, 1993). Similar demonstrations took place in Germany after the arson attack that killed 5 Turkish citizens, three of whom were children born and brought up in Germany. More than three hundred thousand people took to the streets in Bonn to demonstrate their solidarity with the "foreigners. Rather interesting acts of solidarity were staged throughout Germany. Taxi drivers put signs on their cars declaring that "their friend is a foreigner." Soccer teams played friendship matches with

"foreigner" teams. Turkish and German youth gangs have started collaborating to exact vengeance on the neo-Nazi gangs. Celebrities, academics and intellectuals have produced shows, papers and articles stressing the dangers of the direction. The German novelist, Gunter Grass, summarized the conditions of Germany in the heading, "On Loss".

Pierre Bourdieu (1986) points out that similar life positionings or the similarities of the mediating experiences of life create contingent alliances out of seemingly disparate and distant lives. In Italy, the long-standing Jewish community marched along with Arabs and Palestinians in condemning racism that hardly seeks nuances to the world of hatred (National Public Radio, November 14, 1992). Meanwhile Romanians in Germany started relinquishing their citizenship in order to avoid expulsion from Germany (Reuters, March 16, 1993).

Words on (In)Conclusions

What then to make of all this agitation and incitement around the name of refugees and immigrant in terms of their implications, if any, on the conventional notions of territorial democracy?

With these examples in mind, allow me to go back for a moment to two points of the paper. The first is about "intersections" where I said that the effects of many discursive and non-discursive activities in a variety of fields -- security, human rights, humanitarian intervention, community, citizen -- converge to suggest, point to and even exemplify the possibilities of living. The second point has to do with problematization. I interpreted problematization to be a thought process rooted in praxis that constructs a field of activity, its objects and subjects, in terms of problems and difficulties, and then produces responses to the difficulties. I also argued that differentiating and hierarchizing of contingencies of the present are crucial to problematization in that their focus and intensity condition and mediate the effects of the responses produced.

These two moments of the paper are suggestive of the most insightful interpretive direction that this discussion can take in the in lieu of conclusions. They suggest that we look for in problematization the intersections where the activities of differentiating and hierarchizing amongst objects and subjects of a field of activity produce specific identity effects. It is those identity effects that stabilize, destabilize and again stabilize what it means to be that momentary self --citizen, refugee, immigrant, democrat -- that has to keep reconsidering itself in view of the availabilities and expectations of resources. When seen from this angle, the above-mentioned activities around the issues of refugeeism and migration and democracy lend themselves to several possible readings.

First and foremost, it could be argued that convergent effects of the differentiating and hierarchizing activities increasingly speak of more restrictive and exclusionary democracy. What makes that direction possible is the continuous stabilization through ongoing problematizations of the

exclusionary domain/field of identity where the hierarchy between the categories of the citizen and refugee or immigrant maintained. The citizen represents the qualities of the inside, intelligence, stability, security, cooperation and democracy while the refugee or the immigrant represents the loss of all these qualities since they are not rooted in an "inside". Once they move into the space of the citizen uninvited, refugees and immigrants undermine and even truncate the capacities of the inside to maintain a viable community, cooperation, solidarity among the citizens, and democratic organization of the polity. In addition to emitting "bad odors" and "unpleasant noise", they become economic burdens, by being either 'lazy bums on welfare' or 'stealing jobs'. The convergent effects of a variety of activities around that hierarchy is to prod many towards embracing more exclusions, differentiating and hierarchizing. Hence, the unceasing hostility towards refugees, immigrants and "strangers", open or subtle racism, discrimination, exclusion, marginalization and new restrictive laws and practices. Above all, those convergent effects feed into the birth of a new normative identity, a mixture of Europeanism and citizen-orientedness of democracy, that recognizes itself as the rational, moral, and universal hegemon capable of "adjudicating" the values and labels of humanity (Said, 1993: 45-46).

In the final analysis, this reading argues that the presence of the "foreign" bodies which are marked and so recognized as refugees and immigrants are thus exploited in the Western Spaces in order to rewrite limited versions of conventional democracy as a convenient instrument of maintaining Europe's relative economic, political and cultural privilege. Between the images of the besieged "Fortress Europe" is a projection of a normatively hegemonic Europe (imagined European self) that wants to see itself as hegemonic.[9] It wants to colonize, but does not want to be colonized, it wants to import/impose its culture, but refuses to consider the legitimacy of the other cultures and identities. It sees itself as the tourist with an inherent right to go anywhere in the world and play ethnography and anthropology, but insists that each and every non-European must be either a refugee or an

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[9] In a special issue of International Journal of Sociology on the question of "European Identity, the authors John Fells and Jozef Niznik suggests (based on their findings from a nine country survey including France, Germany, The United Kingdom, Poland Lithuania, Austria, Australia, USA, The Netherlands) that "European identity is a fact without doubt", although the basis of European identity is difficult to define. However, values as "civil liberties", "democracy", and "tolerance" are considered to be the most important constitutive elements of an imagined European identity. According to the survey results, three countries, Germany, France, and the United Kingdom, constitute the core of Europe with the other European Community countries as members of an outer circle around that core. An interesting indication of the results is that on the Europeanness of Russia, those from the Western European countries such as The United Kingdom, France and Austria, were ambivalent, while they hardly considered the former Eastern European countries as party to that European Identity. See John Fells and Jozef Niznik. (Spring-Summer 1992)."Conclusion: What is Europe?", International Journal of Sociology 22, No.1-2: 201-207.

illegal immigrant trying to sneak in. For that imagined Europe, there seem to be just two meaningful categories of moving peoples: European tourist self and the non-Western refugee other. Its democracy reflects this mentality in its treatment of the refugee and immigrant other.

A second reading starts from the same premise of increased agitation and incitement , but derives more optimistic intimations. It is a reading that recognizes the agitation and incitement as a manifestation of the disturbances in the once supposedly secure and stable categories of identities in the Western Spaces, now that the space of identity is penetrated by refugees and immigrants. William Connolly suggests that

> "democracy needs common points of reference through which issues can be defined and pressures for action can be organized....it is an egalitarian constitution of cultural life that encourages people to participate in defining their own troubles and possibilities.... It is moreover, an ethos through which newly emerging constellations might reconstitute identities previously impressed upon them, thereby disturbing the established priorities of identity/difference through which social relations are organized"(Connolly, 1991: 476-77).

Hence the possibility of enlarging the meaning and scope of democracy as a variety of groups, refugees, immigrants, and citizens, participate in the construction of "adjusted" identities which recognize themselves as contingent and necessary responses to the drastically different difficulties of living. Such are the radical problematizations in which participants are willing, and, in fact, are forced, to reconsider the familiarity of the strategies and perceptions of selfhood and otherness, belonging and strangeness, possession and loss (of identities), community and outside in the face of changes and transformations. All that takes place in spite of the territorializing moves of the modern state, and its claims on the identities of territories called France, England, Germany, Poland, Austria or Europe. Then, as Connolly suggests, it might just be possible that that common point of reference, the bodies of refugees and immigrants, serves as the instrument for the "disaggregation of democracy in order to escape the confines of the territorial state....Today", Connolly stresses, " a decent democrat must sometimes be disloyal to the state that seeks to to own her morally and politically" (Ibid, 478-79). The examples in Western spaces of the resistances to exclusionary and restrictive projects of democracy (such as by SOS Racism in France which is able to make extra-territorial connections establish cross-cultural solidarity as well as by refugees and immigrants themselves) are ample demonstration of the possibilities of problematization that will create new openings and possibilities of democracy across spaces and cultures. This might mean a renewal of democracy albeit in different forms and meanings.

A third but not the last possible reading tends to study the new problematizations of democracy as yet one more field of problematization where its activities are geared to fulfill a double functions: reproduce the image of the state while rethinking democracy. In premise, this reading shares with the second one the understanding that across the globe novel conditions unleash forces that challenge, undermine, and , in fact, escape the exclusive claims of territorial states over the images and possibilities of living.

However, such challenges do not necessarily herald the demise of statist sovereignty practices. Indeed, as explained in the Paradox of Refugeeism, some of these true challenges, their force, are coopted by the proponents of the territorial state to stabilize an aspect of the state, the community of citizen in which democracy is realized. In other words, the very challenges advanced *vis a vis* the claims of the territorial state always run the risk of lending themselves to political maneuvers recuperating the state as yet a significant and necessary element of intelligent, secure, and democratic living. Nowadays, for instance, it is partially by reference to the refugee and immigrant bodies that the rearticulations of democracy in the Western Spaces work to reaffirm the primacy of the territorial state, for the epistemic logic and ontology of democratic projects remain rooted in the premise of the world as consisting of discontinuous, separate, "culture/nation gardens" with positively distinct identities that should not and can not be mixed. On the basis of this premise is presumed the presence of the territorialized order of sovereign states. The difficulties of mounting the kind of challenges to the territorialization of the possibilities of democracy and democratic practices is indirectly, but, skilfully implicated by Edward Said in the following words.

> When we ask ourselves, "Whose human rights are we trying to protect? we need to acknowledge that individual freedoms and rights are set irrevocably in a national context. To discuss human freedom today therefore is to speak about the freedom of persons of a particular nationality or ethnic identity whose lives are subsumed within a national territory ruled by a sovereign power. It is also true that withholders of freedom, its abusers so to speak, also belong to a nation, most often also a state, that practices its politics in the name of that nation's best, or most expedient interests (Said, 1993: 46-47).

In an article curiously entitled "A Host Country of Immigrants That Does Not Know Itself", Dominiqeu Schnapper argues that the best possible solution to the questions of immigration is integration. In the case of France, this means an integration into France defined by the Jacobin Tradition. If particularisms of the immigrants maintain a bifocality, that is, if they insist

on clinging to a culture of another territoriality(difference), thus undermining the culture/tradition that defines France, their particularisms become unacceptable. "France cannot call into question this tradition without calling into question its very existence as a state. No nation can have suicide as a vocation (Schnapper, 1991).

There is no question that identity problematizations on/by reference to the bodies of people marked as refugees and immigrants remains to be one of the most profitable fields of activity in terms of identity construction and negotiation. Proliferation, intensity and scope of the activities therein are a testimony to the profitability of the field. Despite such a proliferation of activities, studies exploring the role that the ongoing problematizations of the refugee and immigrant play in the politics of the territorial state -- the notion of sovereignty, and its manifestation in various fields of activities such as in that of democracy -- are rare at best. It has been the primary objective of this study, however preliminary, to initiate a dialog precisely on this and related concerns.

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STATE-LOCAL RELATIONS IN CALIFORNIA: WHAT HAPPENS WHEN THEY TAKE AWAY THE PROPERTY TAX?

Alvin D. Sokolow,
University of California, Davis

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Abstract

STATE-LOCAL RELATIONS IN CALIFORNIA: WHAT HAPPENS WHEN THEY TAKE AWAY THE PROPERTY TAX?

Alvin D. Sokolow, University of California, Davis

Without strong revenue authority in the hands of city councils, county boards, and other local elected legislative bodies, home rule is a hollow structure. Such is the generalization offered by this study of fiscal and policy change in California local government since the passage of Proposition 13 in 1978. The famous initiative of course substantially reduced property tax revenues for the state's local governments. But more significant for home rule was its elimination of local control over the annual tax rate, a traditional and continuing feature of the property tax elsewhere. California's experience illustrates the centrality of the property tax to this connection between fiscal discretion and home rule

Following a summary of the home rule status of cities and counties in California, this paper traces the effects of property tax restrictions on local finance and programs over the 15 years since Proposition 13. A major element of the story is how state government frequently changed the rules governing local finance during these years, culminating in the property tax transfers of 1992 and 1993. Also of note is the impact of the fiscal restrictions on nonfiscal actions, especially the land use strategies of cities and counties driven by more competitive pro-growth policies.

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Alvin D. Sokolow, University of California, Davis

"While most states are making mincemeat of their aid payments to local government, it is a bit bizarre to see a state taking away the locals' tax base. But that's California for you." (Peterson, 1993)

It was not a typical populist crowd that gathered on the west steps of the California state capital on May 19 earlier this year, carrying placards and shouting demands at the Legislature and the Governor. Instead of the usual assembly of school teachers, state employees, welfare recipients, tax cutters, health care providers, abortion rights advocates, right to lifers or AIDs activists, the more than 1,000 demonstrators were local government officials. They were elected and appointed city and county officials--mayors, councilmembers, supervisors, managers and administrators. In place of their usual style of lobbying state government--quiet, dignified representations in committee hearings and state offices--the local elected officials and bureaucrats were making their case in Sacramento in a very visible and argumentative fashion. Like other special pleaders who march on Sacramento, they were angry with the state and wanted the media and the rest of the world to know about it.

The immediate cause of the demonstration was Governor Pete Wilson's plan to transfer $2.6 billion in property taxes from counties, cities and special districts to school districts, to help state government solve its latest budget crisis. More basically, the demonstrators were expressing the frustration of having to govern their communities with a revenue authority that had been eroding for 15 years. Their ultimate target really was Proposition 13, the 1978 ballot measure that fundamentally altered the nature of the property tax and hence the mix of state-local power in California. By reducing yields and eliminating local control over the tax rate, the 1978 constitutional amendment shifted power from local governments to the state. This scenario was merely confirmed by the proposed (later enacted) transfer in property taxes for the 1993-94 fiscal year, following a similar transfer of half as much the year before. With the loss of local government control over the rate and with the state able to change allocations yearly, it is stretching to continue to characterize California's property tax as a <u>local</u> revenue source.

Local revenue authority is the dominant issue of state-local relations in California and it has been since Proposition 13 came on the scene. California is a still a strong home rule state in nonfiscal terms--in the organizational flexibility, spending authority, and regulatory scope enjoyed by city and county governments. But as the constraints on fiscal discretion implicit in the limited property tax spill over to policy and programmatic arenas, it becomes evident that home rule without strong revenue authority in the hands of city councils, county boards and other local legislative bodies is a hollow structure.

California's experience illustrates the centrality of the property tax to this connection between fiscal discretion and home rule. Following a summary of the home rule status of cities and counties, this paper traces the effects of property tax restrictions on local finance and programs over the 15 years since Proposition 13. A major element of the story is how state government frequently changed the rules governing local finance during these years, culminating in the property tax transfers of 1992 and 1993. Also of note is the impact of the fiscal restrictions on nonfiscal actions, especially the land use strategies of cities and counties driven by more competitive pro-growth policies.

Home Rule in California

California local governments have long enjoyed a great deal of freedom from state control, according to conventional standards. California was one of the first states to give its cities home rule, in the 1879 constitution that prohibited special legislation. Since that time municipal powers have proliferated (Martin, 1984). Charter status is available to both cities and counties. But as the Legislature steadily liberalized the service delivery and regulatory powers of all such governments, the authority gap between charter and general law cities and counties became almost imperceptible in everyday practice.[1] Today, there is little reason for communities to adopt charters if the intention is to increase governmental flexibility. Indeed, the argument is made that charters often have excessively detailed language that stifles organizational and policy change and that needs to be frequently amended by the voters.

ACIR's recent review of state laws dealing with local government structure confirms this generalization for California, especially in noting the "broad functional home rule" possessed by counties and cities in this state (U.S. Advisory Commission, 1993, 20,22). Formal home rule on structural matters overlaps into policy and programmatic discretion. California cities and counties are not bashful about exercising their corporate and police powers to operate a very diverse and large set of municipal programs. Counties in their local capacity, governing unincorporated areas, have virtually identical service delivery and regulatory powers to cities. The major difference with cities concerns the counties' other role as administrative agents of the state for social services, health, and other countywide programs, a mandated relationship that severely reduces county government discretion.

Another aspect of the flexibility available to California communities for public sector purposes are the numerous special district options. While California special districts lack the ordinance-making and other regulatory authority possessed by cities and counties, they have extensive corporate or service delivery powers. Most major municipal services--fire protection, parks, water supply, sanitation, transit,etc.--delivered by cities are also part of the repertoire of California special districts (Senate Local Government Committee, 1991). Most are single purpose units, but California law also provides for the organization of multi-purpose agencies--Community Service Districts with separately-elected boards and County

Service Areas governed ex officio by county boards of supervisors. In some unincorporated but highly urbanized areas, CSDs with multiple programs are like "mini cities".

The ACIR inventory is confined to specific organizational and procedural powers.[2] An alternative approach to measuring local discretion is to examine in qualitative terms the mix of flexible and restrictive components found in broad functions or programs. Table 1 makes this comparison for several select areas of community governance in California, including aspects of citizen control as well as organizational and policy features of local government. Discretion obviously differs from one area to another. One striking contrast in local control is between planning powers and the authority over K-12 education. While city councils and county boards of supervisors can legislate the rate, direction, and form of development in their jurisdictions, school district boards have only minimal authority over the educational matters of curriculum, personnel, and textbook selection.

Some indicators of local discretion recorded in Table 1 do not reflect the powers of formal governments per se. Rather, they suggest the empowerment of other local parties who frequently have an adversarial relationship with formal governments--citizens who are policy opponents in the case of the direct democracy devices of recall, referendum and initiative, and public employees in the case of collective bargaining. Such empowerments of course frequently restrict the actions of elected legislative bodies, the city councils and county boards who the formal power and legitimacy to represent and make policy for their communities. . At issue perhaps is the clarity of the "local control" concept. Must it be confined to what the elected bodies and their formal organizations can or cannot do? Or does it also extend to the broader local polity, the electorate itself?

In California as in other states, the dimensions of local government discretion are continually evolving. The courts, Legislature, and voters are major parties in the process. California courts have not explicitly rejected Dillion's Rule about the strict construction of delegated power to local governments (Sato, 1984). But in many areas they have steadily affirmed the expansion of local activities, such as in community planning and land use regulation. The courts frequently turn in the other direction, however, when citizen rights in relation to local government authority are at issue. Examples include open meeting requirements, the sanctity of the initiative and referendum, and the environmental review of projects approved by local governments.

The greater threats to local government discretion in California, however, originate with the Legislature or the statewide electorate. Campaign money and lobbying often bring about legislative proposals (not always enacted) to restrict local powers in specific ways. In recent years this has included efforts to: (1) Overcome in individual communities the denial of specific development projects, (2) Restrict the ability of cities and counties to regulate the sale of fireworks, (3) Limit county control of agricultural pesticides; and (4) Prohibit local legislative bodies from enacting stringent no-smoking ordinances. When given wide exposure in newspaper articles and editorials, such proposals rarely progress past the full house or the Governor's desk.

Table 1: LOCAL GOVERNMENT DISCRETION IN CALIFORNIA FOR SELECT FUNCTIONS OR PROGRAMS

Function/Program	Nature, Degree of Discretion
ORGANIZATIONAL OPTIONS	Optional city and county charters adopted by local voters. Varied structural possibilities--manager, administrator, non CAO--for cities and counties. No city and county classifications. Numerous enabling acts for special districts.
PROGRAM FLEXIBILITY	Cities and counties have broad corporate and police powers, including for counties the full range of municipal service powers. Counties are limited by state-mandated responsibilities. Special districts can deliver almost all municipal services, but lack police powers.
MUNICIPAL INCORPORATION	Minimum population of 500 registered voters. Voter or landowner petition. Requires feasibility study, reviewed by boundary commission with approval and revision power. Final voter approval.
MUNICIPAL ANNEXATION	Initiated by voter or landowner petition, or by local government resolution. Review, with approval and revision power, by boundary commission. Election required for inhabited annexation with minimum voter or landowner protest.
INTERGOVT. AGREEMENTS	Flexible joint powers mechanism permitting any local governments to engage jointly in virtually any public service or administrative activity permitted individual units.
STATE MANDATES	Reimbursement program requiring filing of claims.
PERSONNEL MANAGEMENT	Local governments can engage in collective bargaining with all classes of employees.
DIRECT DEMOCRACY	Local recall, referendum, initiative with stiff petition requirements. Initiative limited to "policy" questions.
LAND USE PLANNING & REGULATION	Counties and cities have equivalent powers in their respective jurisdictions. State-required general plans with specific elements, plan-zoning compatibility, and environmental review of projects. But considerable local discretion in plan content and policies, especially relating to development.
K-12 EDUCATION	School districts have little authority in curriculum, personnel, textbook selection, and building standards.

Prepared by Al Sokolow, Cooperative Extension, ABS, UC Davis, August 1993

California voters over the years have faced a number of initiatives intended to restrict local government in one way or another. The subjects have included rent control, compensation of officials, fair housing ordinances, teacher employment, and liquor regulation (Allswang, 1991). It was the approval of such an initiative, Proposition 13 in 1978, that had the most negative impact on local government discretion in the state's history.

Proposition 13 And The Property Tax

The changes brought about by Proposition 13 are the major exception to the substantial local authority described above. The authority to spend, and otherwise provide services and regulate private behavior, is still extensive and firmly established among California local governments. But the companion authority to tax is severely constrained, thereby affecting how nonfiscal powers are exercised. By altering in a fundamental way the property tax, traditionally the dominant local revenue source, the 1978 initiative cut deeply into the programmatic as well as fiscal discretion of local governments in California. It was passed by a 65 percent voter majority in the June primary. Voters were largely reacting to the rapid escalation of property values and subsequent tax increases that occurred in the 1970s (Sears and Citrin, 1985).

The property tax generates income by applying the tax rate set by local governments to the value of privately-owned property, as assessed for tax purposes. Proposition 13 altered both components--the rate and the assessed valuation. The total tax rate in an area in the state was capped at one percent of market value. Assessed values were rolled back to 1975-76 levels and future increases were limited to two percent a year (or the rate of inflation if lower) for property retained in the same ownership. Reassessment at market value occurs for property changing hands or newly constructed. Proposition 13 also imposed a two-thirds voter requirement for approving local "special" taxes.

The immediate effect was a drastic reduction in local government income. Statewide, total property taxes collected by cities, counties, school districts, and special districts decreased from $11.7 billion in 1977-78 to $5 billion in 1978-79, a decline of about 57 percent. The impact on individual budgets was severe, since the property tax was the top revenue source for California local governments. At that time it accounted for almost 40 percent of their total revenues; a majority of school district income came from this one source. As property tax income decreased by more than half in 1978-79, California local governments collectively lost about a fifth of their total revenues.

In home rule terms, however, the even more critical impact of the initiative was the elimination of the property tax as a discretionary revenue source. Control over the property tax rate had been the most potent fiscal tool for local governments. In determining the annual rate in pre-13 years, a local governing board was able to use its budget to establish policy and programmatic priorities for the community. The rate and hence the property tax

yield could be varied from year to year, depending on overall spending needs, other revenues, assessed valuation trends, and constituent pressures. Typically, setting the rate was the highlight of the budget process and the singlemost important action taken each year by thousands of city councils, county boards of supervisors, and other local legislative bodies throughout California. It was a supremely political and accountable action, closely watched by citizens in each community.

This is the continuing and familiar routine for local governments in most other states. But that variability and local control no longer exists in California. The maximum one percent rate under Proposition 13 effectively is a fixed rate. At the time of the initiative's passage the total rate (the combination of the rates used by all local governments in an area) in virtually every California community substantially exceeded the 1 percent level. Since 1978 the property tax rate throughout the state has remained at the same one percent level, with the exception of small increases for voter-approved general obligation debt. Local budgeting as a result is vastly different than before, exhibiting less flexibility on the part of decisionmakers and less attention from local publics.

Post-13 Revenue Trends

The fiscal impacts of the property tax restrictions are easily traced. As compared to the 1970s, increases in local government revenues and spending slowed down considerably in the years after the initiative was approved:

	Fiscal Years 69-78	Fiscal Years 78-87
County Revenues	+ 154.4%	+ 86.4%
County Expenditures	150.7	82.9
City Revenues	186.3	92.0
City Expenditures	185.0	104.8
California Consumer Price Index	+ 72.8%	+ 82.4%

Source: State Controller annual reports on financial transactions of counties and cities..

Reduced by both rate and assessed valuation caps, the property tax became far less significant in the total revenue picture of California local governments. After dropping

precipitously in 1978-79, the year after Proposition 13 passed, total property tax income for all local governments in California began a gradual increase due to new construction, other reassessments of real estate, and the two percent allowable increase in valuations, as Figure 1 shows. But not until ten years, in 1988-89, did the statewide total reach the $11.7 billion level recorded in the year of the initiative. While the property tax had accounted for 40 percent of all local government revenues ten years earlier, in 1988-89 it generated only about 18 percent of all such income.

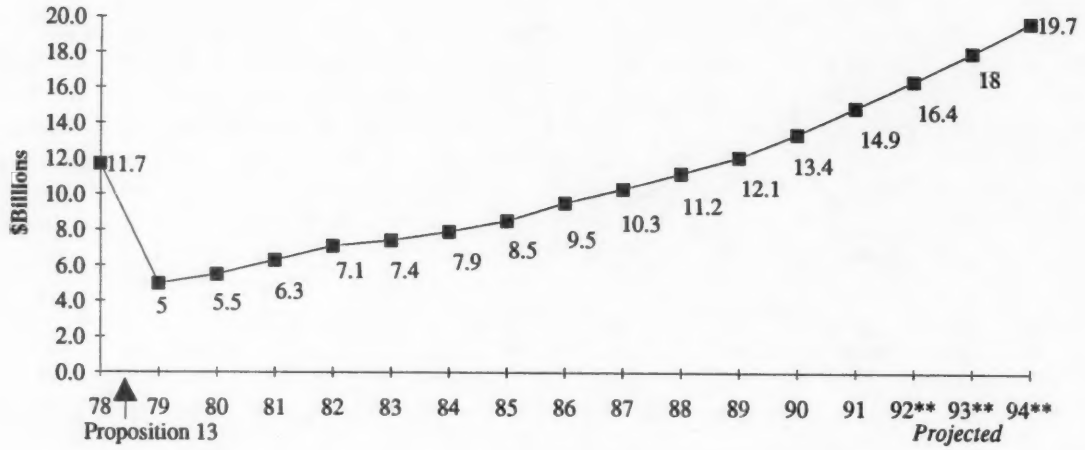
What has replaced the once dominant property tax in the local government revenue mix? State aid, service charges, and other local taxes now take up the slack in various ways for the different types of California local governments. Figure 2 identifies the changes in the revenue mixes for counties, cities, school districts, and non-enterprise special districts between 1977-78 and 1990-91. During this 13-year period, counties and school districts became much more dependent on state aid. Cities greatly expanded their use of service charges, non-property taxes, and other local revenues. Counties also increased their use of service charges as a percentage of total revenues.

However, no single local revenue source succeeded to the primacy of the pre-13 property tax, either in its revenue generating or discretionary importance. The increase in all other local revenues for cities and counties combined in the 1980s did more than make up for the loss in property tax income. In 1984-85, for example, cities and counties earned about $9 billion more in other local revenues (including sales tax, various other local taxes, service charges and other local income) than they had collected in 1977-78. Foregone property tax revenues for the cities and counties in 1984-85, projected from the Proposition 13 reduction, were about $6 billion, a third less than the increase in other local revenues.[3]

These figures obscure important differences between California cities and counties in adjusting to the property tax loss in the years after 13. Cities were relatively successful because they had access to a wide range of local revenue sources (Reid, 1988; Sherwood-Call, 1987). They diversified revenues in several ways--shifting costs from general fund accounts to user charges and adopting or increasing a variety of non-property taxes and revenues, including business license, utility user, and hotel occupancy taxes. These revenue sources are discretionary in part, because cities have some control over rates and can decide whether or not to adopt them. Still, these sources lack the flexibility and yield of the old property tax. User charges, for example, are limited to the actual cost of delivering the service and the business license tax is generally imposed as a flat rate on business activity.

California counties, the other general purpose type of local government, coped only poorly. Initially, the principal limitation was the relatively restricted revenue authority of counties. Until 1990 the counties lacked the power to tax local business activity and utility bills. Even today, with the counties recently given legislative authority to apply such taxes in unincorporated areas, they are relatively unproductive for county governments because taxable commercial activities in California are located primarily within city boundaries. With less access than cities to other local taxes, counties continue to depend more heavily on

Figure 1: THE CALIFORNIA PROPERTY TAX: TOTAL YIELDS AFTER PROPOSITION 13
(in billions)



SOURCE: Annual summaries, Governor's Budget; State Controller annual reports.

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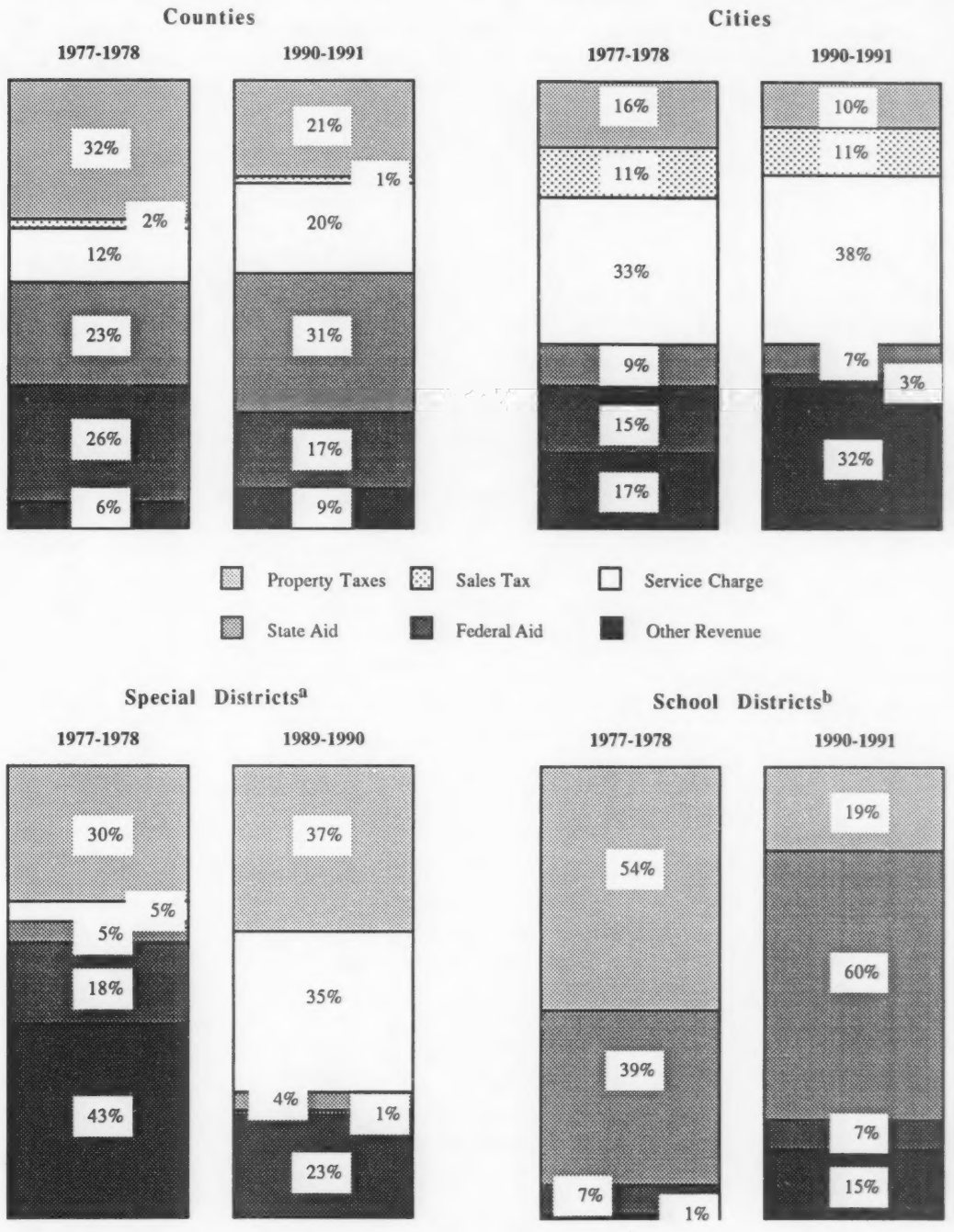
Figure 2: REVENUE SHIFTS IN CALIFORNIA LOCAL GOVERNMENTS: 1977-78 to 1990-91



[a]Special districts do not have access to the sales tax.

[b]School districts do not have access to the sales tax and service charges.

Source: California State Controller, annual reports of financial transactions.

Prepared by Jennifer Swenson, Anita LaViolette, and Al Sokolow, Cooperative Extension, ABS, UC Davis, August 1993

the property tax (21 percent of total revenues for counties in 1990-91 as compared to 10 percent for cities), although to a lesser extent than before Proposition 13.

Further fiscal restrictions for California counties are inherent in their close programmatic relationship to state government. The counties are as much administrative arms of the state as they are true local governments. About 60 percent of total county spending statewide is in mandated health, welfare, and criminal justice programs. The perennial problem is the underfunding by state government of the mandates, requiring counties to make up the shortfall from own-source and other non-earmarked revenues. The reduction in property tax revenues, combined with periodic declines in state funding in the 1980s, increased the mandate problem through the 1980s (Raymond, 1988). The proportion of non-earmarked revenues devoted to paying for state mandates steadily increased during the decade, reaching 55 percent statewide in 1987-88 (California Legislative Analyst, 1990; Simpson and Jung, 1990). As a result, county spending on local programs--such as parks and recreation, libraries, basic law enforcement and planning--declined. The accumulation of these factors brought unprecedented fiscal stress to most California counties in the late 1980s and early 90s, marked by wholesale employee layoffs, elimination of programs, and discussions about the possibilities of bankruptcy (Simpson and Jung, 1990).

Changing the State Rules

State government leaders were certainly sympathetic to the plight of local governments in the aftermath of Proposition 13. They could afford to back up their sympathy with action, since at that time the state had a budget surplus of almost $7 billion. Expressing parental-like concern for the situation facing their local creatures, state leaders initially accepted some responsibility for cushioning the fiscal blow. But in later years, depending on the state's fiscal condition, revenue givebacks from local government alternated with revenue giveaways.

Immediately after the passage of Proposition 13 in June, 1978, Governor Jerry Brown and the Legislature enacted an emergency, one-year "bailout", using their surplus funds. State block grants totalling $3.3 billion were allocated among local governments according to relative property tax losses, and the state assumed for the year certain county health and welfare costs (Simpson and Jung, 1990, 74-75).

A more permanent response to the problem was crafted the next year with the passage of Assembly Bill 8, establishing a formula for allocating the remaining property tax collections among local governments.[4] A major feature of the AB8 formula was the transfer of about a quarter of school district property tax funds to the other local governments--counties, cities and special districts. The state in return increased by a comparable amount its direct aid to schools. The proportion of the total property tax statewide distributed to school districts thus declined to 33 from 44 percent.

In the following years, as Table 2 summarizes, California made numerous changes in local government funding through legislation, constitutional amendments, and the courts. Continual tinkering with the state rules governing local revenue yields and authority produced diverse effects. In some cases the state added to local government income and discretion, while other changes took away revenue and powers. The changes affected several types of local fiscal patterns: (1) Tax and other revenue-raising powers; (2) Property tax coverage; (3) Shared state-local revenues; and (4) State aid to counties for mandated programs.

(1)Revenue Authority. Local revenue powers were expanded several times during the 1980s. The state permitted the use of parcel taxes (taxing real estate according to some basis other than ad valorem or market value) to fund development-related services and improvements (1982), gave general law cities taxing powers comparable to those only available previously to charter cities (1982), and allowed counties to increase countywide sales taxes for transportation and other purposes (1987 and 1990) and to use several municipal taxes (1990). By and large, however, these changes did not enlarge directly and unambiguously the discretion of elected governing boards. Implementing the added revenue authority in most cases required the city councils and other local legislative bodies to seek voter approval under the letter of Proposition 13. Indeed, a 1982 court interpretation of Proposition 13, that permitted governing boards to impose certain "general purpose" taxes without local voter approval, was reversed by an initiative sponsored by taxpayer groups and passed in 1986.

(2) Property Tax Coverage. Adding to the limitations on property tax assessments given by Proposition 13, a later series of seven constitutional amendments in 1980-86 provided exemptions from reassessment for specific categories of real estate. Included were replacement housing for disaster victims, seismic safety and fire prevention improvements, and homes transferred from parents to children. Resulting decreases in statewide property tax yields were estimated at that time to be minimal, reaching $17 million annually in the case of one exemption.

(3) Shared Revenues. City and county shares of revenues collected and disbursed by the state were revised several times. The biggest local revenue gain of all in the post-13 era occurred in 1986, when a constitutional amendment guaranteed cities and counties all income from the motor vehicle license fee, less state administrative costs, confirming allocation changes made by the Legislature in 1984.[5] Earlier, in 1981 and 1983, the Legislature had sharply reduced local allocations from this source. Local governments permanently lost their portions of the liquor license fee in 1981 (a total loss of about $15 million statewide) and of the cigarette tax in 1991 and 1992 (a statewide loss of about $50 million). An action that indirectly protected levels of state aid to local government was the legislative repeal in 1984 of the "deflator", an AB8 provision that allowed the state to reduce local assistance if state revenues were reduced by certain amounts (Smith, 1991, 66-68).

(4) County Aid. County governments were especially buffeted by the changes in state fiscal rules, as assistance for their mandated programs fluctuated often in the years after

Table 2: AFTER PROPOSITION 13: CHANGES IN STATE FISCAL RULES AFFECTING CALIFORNIA LOCAL GOVERNMENT REVENUES, 1979-1993

Type of Change	Details--Year, Source[1]
REALLOCATION OF PROPERTY TAX	1. Shift of portion of property tax from schools to counties, cities, and special districts, combined with increased state aid to schools (1979)--Legis 2. Reverse shift of portions of property tax from counties, cities and special districts to schools, combined with decreased state aid to schools (1992 and 1993)--Legis
RESTRICTIONS ON PROPERTY TAX	1. Exemptions from reassessment for various categories of property, including replacement housing for disaster victims, seismic safety and fire prevention improvements and parent-children transfers (1980-86)--Const
NEW OR ADDED REVENUE AUTHORITY	1. Special taxing districts for development-related services and improvements, using parcel tax (1982)--Legis 2. Local boards can impose "general purpose" taxes without voter approval (1982)--Judic 3. General law cities given tax powers of charter cities (1982)--Legis 4. Property tax increase permitted for GO bonds approved by 2/3 of voters (1986)--Const 5. Countywide sales tax, with voter approval, permitted for transit projects and other purposes (1987, 1990)--Legis 6. Counties allowed to use several municipal taxes (1990)--Legis 7. Counties allowed to charge city fees for booking and tax administration (1990)--Legis
OTHER REVENUE ENHANCEMENTS	1. Increased aid to counties for health and welfare (1979)--Legis 2. Earmarking of motor vehicle license fees for cities and counties (1984)--Legis, (1986)--Const 3. Repeal of state aid "deflator" (1984)--Legis 4. One-time grants to counties (1984-88)--Legis 5. Stabilization of mandate funding for counties (1987), Trial court funding for counties (1988)--Legis
OTHER REVENUE RESTRICTIONS	1. Repeal of local allocation of liquor license fees (1982)-Legis 2. Declining state aid for mandated-programs in county government (1982-83)--Legis 3. Reduction of motor vehicle license funds (1981 and 1983)--Legis 4. Majority voter approval required for "general purpose" taxes, reversing 1982 court ruling (1986)--Init 5. Elimination of cigarette tax revenue (1991 and 1993)--Legis 6. Reduced state funds to counties for mandated programs (1989-93)--Legis 7. Repeal of city and county share of the cigarette tax (1991, 1993)--Legis

[1] Source of change: Legis--statute enacted by the legislature; Const--constitutional revision placed on the ballot by the legislature and approved by the voters; Init--constitutional revision or statute approved by the voters as a result of the initiative process; Judic--state court ruling.

Proposition 13. Several developments illustrate these up and down trends. In 1982 the state shifted full responsibility for administering medical aid to indigent persons (the MIA program) to the counties, with state funding amounting to 70 percent of local costs. By 1990, however, the state was providing only 45 percent of MIA costs. In several other program areas, including trial court funding and special aid to counties with sharply increasing mandate costs, the state in 1987 and 1988 established new assistance formulas intended to provide permanent funding increases. Also in the 1984-88 period, there were one-time infusions of cash to "distressed" counties. But this generosity ceased by 1990, when county aid was cut by more than $780 million, including for programs that had been promised stable funding (Simpson and Jung, 1990, 76).

What drove these changes, more than other factors, were the varying conditions of state finance. The Governor and the Legislature were generous to local governments primarily in the late 1970s and in 1984-88, periods of relatively flush state budgets. At other times after the passage of Proposition 13, in the early 1980s and the early 1990s, California experienced economic difficulties and declining state government revenues. Searching for ways to relieve the pressure on their budgets, the Governor and the legislature in these years dipped frequently into local government aid and the local portions of shared revenues.

The result for local governments, counties more so than cities, has been a fiscal rollarcoster ride. With the state rules changing in important ways virtually every year, there is little stability in California local government budgeting. Furthermore, the sense of local control in fiscal matters has severely declined. Annual budgets adopted by county boards of supervisors, city councils, and other local governing boards are as much a product of state as of local decisions. California cities were told by their state association in early 1993:

> "Your city council has grown by at least two members--your representative in the California Assembly and your state senator. Decisions are being made or at least agreed to by these state elected officials which have a direct and immediate effect on the services your city can provide. As a matter of fact, the decisions of the state Legislature and the Governor in the near future may have more important implications for local services than decisions made in city hall" (Steinbakken, 1993).

Finalizing Property Tax Centralization: The Tax Shifts of 1992 and 1993[6]

If California local officials still believed that they had some control of the property tax and a significant measure of fiscal discretion, those perceptions were shattered by state government in 1992 and again in 1993. Facing very large and continuing budget deficits,[7] Governor Pete Wilson proposed and the Legislature approved in both years substantial

reallocations of the property tax. School districts gained and all other local governments--counties, cities, special districts--lost in the shift of $1.3 billion in property tax revenues statewide in 1992 and a doubling to $2.6 billion in 1993. But the shifts enabled the Governor and the Legislature to reduce direct state aid to school districts by the same amounts, thus providing a significant amount of budget relief.

It was a reversal of the reallocation that had shifted property taxes from schools to other local governments 13 years earlier, under the ostensibly "permanent" formula of AB 8 of 1979. The state then was flush; in the early 1990s it was broke.

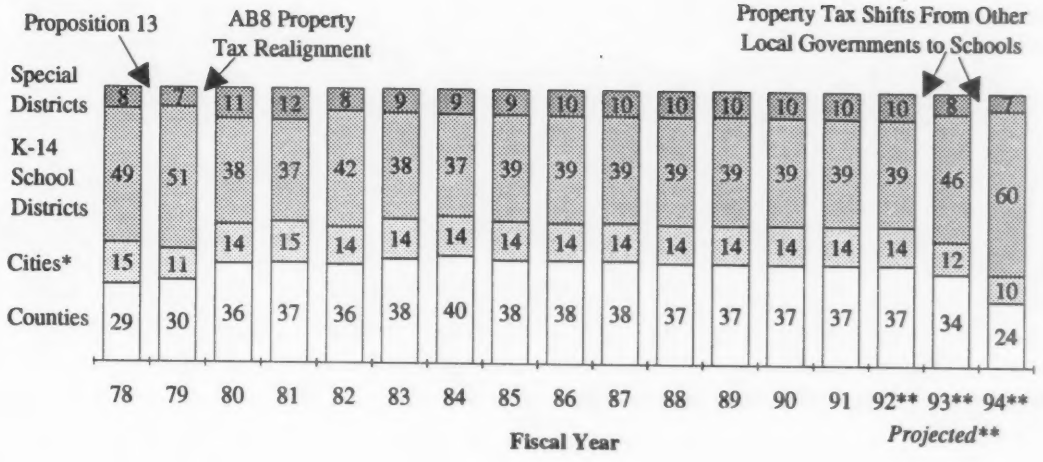
The new reallocations represented about 8 percent of total property tax revenues statewide for the 1992-93 budget year and about 16 percent for 1993-94. For individual local governments, they were the largest revenue decreases since Proposition 13 itself. County governments took the largest hit in the property tax reductions for each year:

	1992-93	1993-94
Counties	$ 525 mill	$2.2 bill
Cities	200 "	245 mill
Redevelopment Agencies*	200 "	65 "
Special Districts	375 "	90 "
Total Reduction	$1.3 bill	$2.6 bill

*Most redevelopment agencies are operated by city governments.

State Options and Local Reactions. Local government funding lost out to other, more pressing state priorities. Politically, tapping the property tax was a relatively easy option for the state to help solve its fiscal problem. Republican Governor Wilson was firmly opposed to tax increases, closing tax loopholes, and to cutting into prison operations, the most rapidly increasing area of state spending. There were legal as well as political reasons for maintaining support for K-12 education at current levels, since a 1988 initiative approved by the voters required spending a minimum of 40 percent of the state's general fund on this purpose. For their part, majority Democrats in the legislature were especially interested in limiting spending cuts in social services and other areas of state government. In 1993 they were pushed into reaching an early agreement with Wilson's fiscal proposals, including the

Figure 3: PROPERTY TAX ALLOCATIONS BY PERCENT OF TOTAL PROPERTY TAX YIELDS



* Includes Redevelopment Agencies

SOURCE: Annual summaries, Governor's Budget.

Prepared by J. Swenson and A. Sokolow, Cooperative Extension, ABS, UC Davis, August 1993

property tax shift, to avoid a repeat of the embarrassing impasse of the earlier year that had delayed enactment of the 1992-93 budget for a record two months beyond the constitutional deadline.

Local and state government views about the choice obviously differed. To distressed county and city officials, the property tax shifts were an unconstitutional grab of local funds. They violated what had been assumed to be the permanent arrangement under AB8 of 1979 for allocating property tax funds. Furthermore, it was morally wrong for the state to dip into local funds to solve its fiscal problems, when state government agencies had not matched the painful program cuts carried out by local governments in recent years. Emphasizing this comparison, an editorial in the monthly journal of the League of California Cities lectured state government on creative techniques for downsizing operations (Benninghoven, 1993).

According to the Wilson administration, on the other hand, state government had the constitutional authority to shift the tax allocations. The property tax was not a guaranteed entitlement for local governments, in the state's view. And while local agencies for many years had enjoyed the post Proposition 13 "bailout" provided under AB8, the Governor's staff maintained that this was a form of largesse that the state could no longer afford.

Local governments were sorely angered by the property tax shifts, more so than in response to earlier state rule changes. Largely spared the fiscal problems experienced earlier by counties, city governments joined with the counties in 1993 to battle the shifts. This effort produced the May demonstration on the capital steps. It also led to the work of a statewide committee of county administrative officers and city managers that prepared a set of state budget alternatives. Boards of supervisors of most counties in the state passed ordinances or resolutions ordering their county auditors (a dubious instruction since the duties of the elected auditors are defined in state law) not to transfer the property tax funds to school districts. Explained one Sacramento County supervisor:

> "We want to send a message to the state that we believe they are unlawfully diverting funds that are rightfully ours. Our intention is to withhold funds. We are strong in our resolve." (Sacramento Bee, 5/17/93)

Several county governments filed suit against the state in early 1993, arguing that the legislation improperly used local funds to satisfy the state's general fund obligation to maintain support for K-12 education. Unfortunately for the local litigants, the first court decisions on the matter, in May and July, rejected the general fund argument and affirmed the state's constitutional authority over the property tax.

New State Promises. Local government lobbying and litigation did not block the property tax shifts, but it caused the state to promise some fiscal relief. Late in the 1993 budget process, Governor Wilson presented a revised budget that included the possibility of a half-cent sales tax increase for county and city governments. This would continue a temporary statewide half-cent that had been imposed in 1991 for earthquake relief and that

was due to expire on June 30, 1993. Earlier in the year Wilson had rejected proposals to extend the half-cent tax to help solve the state's fiscal problem. The plan now was to make it a "local option" tax--to put the decision about continuing the tax in the hands of local voters and county boards. As approved quickly by the legislature, the relief measure continued the half-cent for another six months (through the end of 1993) and provided for a special election in November at which voters statewide could, by majority approval, make this a permanent increase in the sales tax for local programs.

For an individual county government and the cities within the county to benefit from the extension, however, the rules had a complication. Local approval would be required in one of two ways: (1) A resolution by the county board of supervisors placing the item on the ballot, or (2) Majority approval by the county's voters in the November election.

Lest there be any doubt about how much discretion local governing boards would have in spending the revenues from the additional half-cent sales tax, Wilson insisted that the funds be devoted entirely to public safety programs. With a group of county sheriffs and district attorneys at his side in a press conference, the Governor proposed a constitutional amendment to make public safety the top spending priority for counties and cities. He warned local governments not to engage in a "shell game" to shift funds to other programs, a reference to extensive reductions then being made in the budgets of sheriffs and district attorneys.

In his 1993 budget revisions, Wilson also promised to repeal a number of state mandates on counties and cities that were not directly related to public safety. The list included optional Medicaid benefits, school crossing guards, mental health programs, and retirement benefit levels for public employees.

Local government reacted with hostility to the sales tax and mandate promises. Four major criticisms of the plan were expressed by local officials:

(1) The Governor was merely passing the political buck, asking local governments to make unpopular tax decisions that he and the legislature were not willing to take on.

(2) The constitutionality of permitting a simple voter majority to extend the half-cent tax could be challenged in court by taxpayer groups, based on the two-thirds requirement established by Proposition 13 for "special" taxes. Certainly this would be the scenario if the revenues were to be earmarked for public safety purposes as the Governor was insisting.

(3) Taken together, the half-cent sales tax and mandate relief would not match the $2.6 billion reduction in property tax revenues. A half-cent sales tax statewide would produce only $1.4 billion annually. And the administration's projection of an annual $500 million savings in mandate relief was excessively

optimistic; some local officials saw in the plan only about $50 million in savings.

(4) Indeed, some county officials argued that a number of the mandates proposed for elimination ***should be continued***. The relevant community service needs and demands would not disappear, and in some cases the courts would probably require the continuation of the mandates. (A surprising local reaction perhaps, according to the conventional local view of the burdensome character of intergovernmental requirements, but one suggesting that some California local government leaders over time had accepted the value of certain mandates.)

The additional sales tax revenue and mandate relief then were not seen by local governments as effective solutions to their fiscal and control problems. Local officials would bear the political costs of implementing these rules. And even if implemented, the changes would only partially offset the property tax loss. Certainly, there would no gain in local revenue discretion.

Again, state rulemaking left counties and cities hanging in the wind. But what other short-run options existed for local fiscal assistance? Seeing none in the summer of 1993, most county boards of supervisors in California dutifully followed the new state rule and voted to place the sales tax extension on the November ballot.

Policy and Organizational Consequences

Losing control of the property tax had far more than fiscal consequences. It greatly affected the behavior and policies of California local governments, even before the property tax reallocations of 1992 and 1993. Proposition 13 in 1978 scored a direct hit on the policy discretion of city councils, county boards of supervisors, and other elected governing boards at the local level. Without the revenue authority implicit in control over the property tax rate, their ability to translate constituency priorities into policies and programs became tightly circumscribed. Elected officeholding in California local government became a more frustrating and onerous experience. A common response to constituents' demands these days, especially from county and school boards, is to plead either lack of funds or local control. A veteran county supervisor, who was first elected in the early 1970s, noted the enlarged gap between expectations and capacity:

"After Proposition 13 there was a significant shift in power from the county to the state. I think that many Californians have grasped this shift intellectually, but they haven't accepted it emotionally. Our constituents still want us to be do everything that we could do before Proposition 13. They want us to fund new and innovative programs. They want us to have our county offices open

> all day, every day, and to open new branch offices in the cities. They want us to provide health care to all the people who cannot afford it, using county-owned and -operated facilities...We no longer have strong, independent local government that can respond to these citizen interests." (Hahn, 1988, 39.)

In policy terms, the most striking change in local government was a more aggressive promotion of community growth and development during the 1980s. Now that the property tax no longer provided a steadily increasing income stream for local budgets, hungry local governments--cities much more so than counties--turned to growth as the principal generator of new revenue.

This strategy substituted one kind of control for another. With the property tax fading as a flexible tool for revenue production, entrepreneurial local governments turned to their arsenal of nonfiscal powers. State rules give California cities and counties considerable control over planning and land use matters. Increasingly in the 1980s the most aggressive governments used their general plan, zoning, land division, and infrastructure powers to influence the rate, type, and location of development within their borders. The goal of such actions was to transfer private development into public dollars.[8]

Local pro-growth policies were made possible by the state's extraordinary population and economic expansion of the 1980s. California added six million new residents during the decade, a 25 percent increase. A frenzy of development converted thousands of acres of rural land to homes, businesses, and urban parks. The hottest growth regions of the state were the eastern fringes (Riverside and San Bernardino counties) of the Los Angeles metropolitan area, the Sierra foothills, and the agricultural Central Valley.

It was not new of course for California communities to pursue urban development. But in the post-13 era, the chase for development and public revenues took on a greater urgency and intensity. Many municipal officials saw this strategy as a virtual imperative for fiscal survival.

Several new twists separated the local pro-growth policies of the 1980s from earlier versions: (1) Local governments became much more selective about the type of development to pursue. The reduced significance of the property tax as a revenue-generator increased interest in the sales tax. Residential development, especially low- and moderate-cost housing, became less attractive and the attention shifted to commercial development--especially regional shopping centers, auto malls, and factory store outlets (Detwiler and Sanders, 1991; Senate Local Government, 1989, 3). (2) The tendency increased on the part of city and county governments to make land use decisions according to their revenue consequences rather than according to environmental and quality-of-life considerations. Some observers refer to the "fiscalization of land use" or "zoning for dollars" to characterize the widespread practice of using planning and other land use actions to carry out fiscal policy (Misczinski, 1986; Detwiler and Sanders, 1991). (3) Local government fees imposed on new development grew substantially in the years after Proposition 13. By the late 1980s,

development fees of as much as $15,000 per residential lot were common in California communities (Brooks, 1988). It had long been standard policy to have new construction pay for some of its immediate public costs, but the added fees in some places also were used to help fund communitywide improvements--thus shifting public costs from established property owners to new homebuyers and businesses. Stimulated by post-13 obstacles to borrowing for capital improvements,[9] this strategy also helped to preserve diminished general fund revenues. (4) As a major part of their expansionist policies, California cities annexed vast amounts of land in the 1980s, most of it farmland or otherwise unoccupied acreage slated for development. The pressure to secure revenues for local services in the post-13 era also generated a large number of new city incorporations throughout the state--41 alone in 1978-90 as compared to 26 in the comparable period of 1965-77. These municipal formations reflected the desire of urbanizing communities to capture from county governments local revenues and control of development. The 1978 property tax restrictions actually helped the cause of cityhood in many places by eliminating the tax increase argument that opponents in earlier years had used to block incorporations (Sokolow and Martin, 1983).

Of course not all communities or local governments can profit from such pro-development strategies. Even California has a limited number of shopping center, office park, and other major development opportunities. County governments generally are less successful than municipalities in luring growth to their unincorporated areas. They tend to be less aggressive in promoting economic development and many have land use policies that direct growth to cities in order to protect rural lands. And private developers often prefer to locate their projects within city boundaries where infrastructure is more readily available (Sokolow, 1993). Wide variations in the ability to generate revenue from private development also exist among cities in California, with a few extremely entrepreneurial municipalities capturing the lion's share of commercial projects.[10] What serves to widen the revenue gap between economically successful and unsuccessful local governments local governments is the zero-sum nature of the sales tax and other public dollars generated by development. Under California law they are in-situ revenues, accruing only to the jurisdictions where development occurs, regardless of the costs imposed on nearby locations (Chapman, 1991).

The pro-growth strategies of the 1980s had major intergovernmental effects--particularly the escalation of city-city and county-city conflicts over land and revenues. Pressured by Post-13 revenue needs, cities and counties competed more vigorously than before for the limited public revenues and development opportunities in their regions. The competition most often centered around municipal annexation proposals, since such territorial adjustments produce a substantial transfer of sales and other taxes from county to city governments--an example of the zero-sum game. But the specifics of the revenue shifts can be negotiated, as a few counties have attempted. In the most notable instance, Fresno County held up the annexation efforts of its 15 cities for three years in the late 1980s before securing a comprehensive set of revenue-sharing agreements with the municipalities (Sokolow, 1993). Other fiscal considerations also contributed to the growing intergovernmental tensions of the 1980s. As a means of funding capital improvements, cities

greatly increased their use of redevelopment financing in the years after Proposition 13, thus capturing from counties and other local governments all or most of the future growth in property tax increments in the redevelopment areas (State Senate Committee on Local Government, 1989). Reversing the benefit-cost ratio, the Legislature in 1990 gave counties the authority to charge municipalities for jailing their arrestees and for tax administration--a rules change strongly opposed by cities.

Despite their widespread use to promote development, the controls over planning and land use are not as powerful as a discretionary tool for counties and cities as was the previous authority over the property tax rate. General plan policies and zoning changes do not produce revenue directly. Yet they share one important element with the old tax rate--a great deal of visibility and a certain degree of public accountability. City and county growth policies generate enormous controversy. They are the most volatile political disputes in many California communities, dominating local agendas much as the property tax did in the years before 1978. Growth issues take top billing in electoral campaigns. Citizen groups frequently use the ballot to challenge local policies, either through the inititiative process or by attempting to recall incumbent officials. More than 450 growth-control or growth-management measures were legislated through the ballot in California communities during the 1984-89 period (Glickfeld and Levine, 1991).

Conclusions: The Centrality of the Property Tax

Revenue authority is critical to local government discretion, this paper argues. And central to any strong measure of revenue authority is local control over the property tax. More than its productivity as the leading own-source revenue for local governments throughout the nation, it is the local rate-setting variability of the property tax in most states that gives it value as an element of local government discretion.[11] Representative democracy is enhanced by this process. For when elected local governing boards are able to control the rate, they have the capacity to use their budgets to represent community priorities and pressures.

California's abandonment of local control over the tax when Proposition 13 effectively established a fixed statewide rate thus was a remarkable action. Few if any other states in recent years have taken away so much local revenue authority.[12] The 1978 constitutional change altered fundamentally the ways in which California local governments operate, in policy as well as fiscal terms. It also substantially revised the state-local relationship, making local governments more vulnerable to frequent state changes in the rules governing local finance. The property tax shifts of 1992 and 1993 merely demonstrated how the California property tax had lost its local character and had become a tool of state fiscal policy.[13]

A revealing aspect of the changed relationship was the different reactions of local and

state officials to the property tax shifts. While upset county and city leaders saw them as an unprecedented usurpation of traditional local authority, the Governor and legislative leaders viewed the shifts as entirely within the scope of state power.

To replace the reduced income of the property tax, California counties and cities turned to larger amounts of other revenue sources--increased state assistance, sales taxes, service charges, and local taxes on business and utility use. However, no other single source or combination of sources was an equivalent substitute for the old property tax as a discretionary and accountable fiscal tool. Other local revenues lack the flexibility previously available to elected governing boards in California when they were able to set annual property tax rates.[14] Also they do not generate the same degree of citizen attention and oversight that property tax rate decisions would stimulate, because the other revenue sources have less widespread an impact on taxpayers and typically are not subject to annual changes.

What also limits the discretionary nature of most non-property local taxes in California is the voter approval requirement--two-thirds for "special" and a simple majority for "general" taxes. (Ad valorem property taxes, fixed by the constitution at one percent, lack even the potential for voter-approved increases, with the exception of general obligation debt.) Subjecting virtually all local legislative decisions to increase or impose new taxes to extraordinary or simple voter majorities gives a different twist to the concept of home rule. Certainly it undercuts the authority of elected boards, the key figures in representative democracy. Local electorates are not corporate bodies like city councils and other elected governing boards. Rather, they are ad hoc collections of individual voters who are motivated by self-interest. Whether a majority electorate can speak for a community or home rule interest is an intriguing question deserving further contemplation.

Notes

1. Municipal law specialists still detect some important implicit differences in that charter status is specified in the California constitution and that "municipal affairs", referring to the scope of charter city powers in relation to state control, remains a cloudy concept subject to continuing interpretation. See Sato, 1984; and Strauss, 1986.

2. Some of the details about California law in the ACIR report seem inaccurate as to current patterns. . For example, California does not classify cities for legislative purposes (p. 22) , does not have a minimum area requirement for city incorporations (p. 22), and does establish methods for local property tax assessments (p. 40).

3. Projections of the annual "tax relief" for property owners (and tax losses for local government) provided by Proposition 13 were prepared through the mid 1980s by the California Legislative Analyst and the Department of Finance. In 1984-85, the estimated total relief (and total loss for all local governments--schools and special districts, as well as cities and counties) was $11.8 billion. For the entire seven-year period since Proposition 13, the cumulative relief then was $63 billion (California Tax Foundation, 1985) .

4. Annual property tax collections essentially were allocated among the different local governments (county, city, special districts) operating in a specific tax area according to their pre-13 shares of the total property tax. School districts were given smaller shares than before as a result of increased state aid. One consequence of this reallocation was to eliminate the meaning of property tax rates for individual governments. With a statewide cap of one percent of market value applying statewide, individual local governments actually receive different shares of the total property tax in different tax areas according to the mix of governments operating in each area. For an analysis of the consequences of such varied allocations, see Smith, 1991.

5. As a result, total county and city revenues from this one source increased by about $600 million in 1984-85. In recent years the motor license fee has returned annually about $1.2 billion to counties and $800 million to cities, making it the third most productive revenue source for counties (after property taxes and service charges) and the fourth top source for cities (after sales taxes, property taxes and service charges).

6. The following summary of state budgeting in 1992 and 1993 is largely draw n from accounts published by the *Sacramento Bee* and several *California Journal* articles.

7. Anticipated deficits at the start of the state budgeting process were $6 billion for 1992-93 and $8.6 billion for 1993-94. Total annual state spending was in the $50-$60 billion range. Coping with large deficits has been a feature of each legislative session since 1989, when declining state revenues and increasing spending demands signalled the start of a recession in California. The largest anticipated deficit during this period was the $14 billion projected for 1991-92.

8. At least one commentator sees the land use impacts of Proposition 13 as more significant in the long run than its fiscal effects (Chapman, 1991).

9. When enacted in 1978, Proposition 13 removed from local governments the ability to raise the property tax to repay bonded debt. This power was restored by constitutional amendment in 1986, but the requirement that general obligation bonds had to approved by two-thirds voter majority remained as an obstacle to local governments.

10. An illustration is provided by the contrasting fiscal experiences of the nearby cities of Fairfield and Vallejo, both located in northern California's Solano County. Fairfield (1990 population--79,000) in the 1980s was more aggressive than the older Vallejo (1990 population--112,000) in obtaining commercial development, including a large regional shopping center that shares profits with the city. Per capita sales tax revenue was $117 for Fairfield in 1990 and grew by 154 percent in the 1980s, as compared to the respective numbers of $84 and 106 percent for Vallejo.

11. In defining fiscal flexibility, Cigler emphasizes the variability of revenue production: "Flexibility results from having authority over sources of significant revenue potential than can be varied over the years in response to changing demands for services and new circumstances" (Cigler, 1993, 16).

12. A 1984 national survey of procedures for enacting or increasing local taxes found that California was the only state with a constitutionally-imposed maximum rate for the property tax. In four other states (Mississippi, New Hampshire, North Dakota and Wyoming) the rate was controlled by the legislature. In all other states, local elected officials or local voters controlled the rate--35 in which local legislative bodies had this power

unilaterally (California Tax Foundation, 1984).

13. Smith makes a different and more technical argument about how local discretion is harmed by the legislative implementation of the property tax restrictions of Proposition 13. Instead of emphasizing the effects on representation and community priority-setting, he notes a disruption of the tax situs and uniformity provisions of the California constitution that require the taxes paid by individual property owners to fund only the programs of local governments that serve them. The allocation under AB8 of property taxes among different units violates these provisions, according to Smith, because it varies the proportion of total property taxes received by an individual government from one tax area to another. A portion of the taxes paid by an individual property owner, consequently, may be received by a government that does not serve him (Smith, 1991).

14. While the sales tax is considered a "local" revenue source, the basic rate for cities and counties is set at one percent by state law; countywide sales taxes of one-half or one percent can be added with voter approval. A service charge is generally limited to the cost of providing the specific service. Other local taxes, including the business license fee and utility tax, are usually based on fixed rates that are seldom changed.

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Is This the End? Biracial Coalition in the 1993 Los Angeles Mayoral Election

Raphael J. Sonenshein
Department of Political Science
California State University, Fullerton

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Introduction

The prospects for interracial coalitions - political alliances among minorities and whites - remain the subject of intense debate. The view that, except under very strictly defined conditions, such coalitions are likely to be undesirable and unsuccessful was championed by Carmichael and Hamilton in their classic Black Power (1967). Their view was challenged indirectly by Browning, Marshall and Tabb's study of minority power in ten northern California cities (1984). Browning et al. found that minority political success depended on a combination of minority unity and mobilization and alliance with liberal whites.

Those who follow the Black Power school focus almost entirely on alliances of self-interest, and disdain coalitions based on shared liberal ideology. Those who admire biracial coalitions focus largely on shared beliefs, and tend to underplay the role of self-interest either as a source of alliance or a cause of conflict. Few on either side pay much attention to how leaders can shape interests into alliance or conflict, or to how coalitions change over time.

But the prospects for interracial coalitions are not quite so black and white. Coalitions are dynamic phenomena. They can rise and fall, even in the same city over time. Mollenkopf's analysis of New York City (1990) has shown that the "rollback" of minority gains is always a possibility. As moderate or conservative mayors begin to supplant Black mayors in Chicago,

Philadelphia, Los Angeles, and perhaps soon in New York City, the question of rollback has moved from the theoretical to the urgently practical.

I have been exploring the conditions that make interracial coalitions succeed and fail (Sonenshein 1990). My research calls attention to three critical factors, and the interplay among them: ideology, interest and leadership. While ideology provides the fundamental grounding for biracial coalitions, interest plays a very important and often unrecognized role. Powerful interest conflicts can override strong ideological predispositions. But the reverse is seldom true: barriers of racial ideology can rarely be overcome by common interests strong enough to create a coalition.

I further argue that interests are not simply objective; their shape can be greatly influenced by leadership over time. Following Hinckley's view (1981) that the human element is crucial in coalitions, and that coalitions have a history that both constrains and empowers them, I study the historical evolution of coalitions.

The outcome of this debate is extremely important in the practical world of politics. Theory influences practice. Those who take the interest perspective tend to prefer rainbow coalitions, in which the role of whites is highly limited and coalitions of color and class are emphasized. The best known examples are, of course, Rev. Jesse Jackson's presidential campaigns. Those who prefer the ideology model promote biracial

or interracial coalitions, in which whites have a more prominent role than in rainbow coalitions. The path chosen helps determine the tactics adopted, and in turn the tactics adopted help shape the success or failure of the coalition.

Rising multiethnic populations in major cities have added a new wrinkle to the debate. The increase of Latino and Asian-American populations has seemed to augur a new type of politics. Which model - rainbow or biracial - would be the best way to incorporate new groups into urban politics?

This debate has been largely conducted within the progressive camp. In the midst of this lively interchange, it is all too easy to forget that there is a third model waiting in the wings, and increasingly finding its own success - the conservative coalition. The conservative coalition, unlike either the rainbow or the biracial models, begins not in the African-American community, but among whites. It seeks to win power by holding a majority of whites and picking off pieces of various minority constituencies - the mirror image of the progressive coalition.

The case of Los Angeles has become increasingly important in the debate over interracial politics. The second largest city, Los Angeles has been home to a durable and powerful biracial coalition - the twenty year alliance that sustained Tom Bradley's mayoralty. Principally built by African-Americans and liberal Jews, the Bradley coalition grew to encompass business and labor, Latinos and Asian-Americans. In a debate dominated by the polarized experiences of New York City and Chicago, the Los

Angeles case offers a different, western perspective of crossover politics (Sonenshein 1993). The inclusion of Los Angeles in the debate on interracial coalitions allows a broader view of the prospects for biracial coalitions.

But Los Angeles itself has changed dramatically in recent years. In the wake of devastating civil violence in 1992, the Bradley coalition - already deteriorating - fell from power with the election of a conservative Republican as mayor in 1993. The Black and white populations of the city were challenged by a huge rise in other groups, particularly Latinos and Asian-Americans. Thus, Los Angeles has now moved from the model of biracial politics to the more problematic center of multiethnic political theorizing, severe social conflict, and the rollback of minority gains.

What does the 1993 election have to say about the prospects for biracial coalitions in a city like Los Angeles? What does the Los Angeles case have to tell us about the prospects for such coalitions in other communities? How might they relate to the ongoing mayoral campaign in New York City and to the rise of urban conservatives in other cities?

In this paper I will analyze the 1993 election from three perspectives: ideology, interest, and leadership. The specific research incorporates several different methods. The voting analysis includes the examination of <u>city council districts,</u> preliminary results of a more elaborate ecological analysis of <u>census tracts and precincts</u>, and <u>public opinion polls.</u> <u>Los</u>

Angeles Times Poll reports have been analyzed along with information graciously provided by polling consultants for both the Riordan and the Woo campaigns. Finally, I have relied on newspaper articles and attendance at candidate debates. The research is still in progress, and this paper represents an interim report.

Background

The context for the 1993 elections was the inexorable decline of the Tom Bradley coalition that had ruled Los Angeles since 1973. While the coalition had been in failing health since 1985, events moved more quickly after the 1991 videotaped beating of Rodney King. Bradley's support steadily fell - especially among whites - as he sought to remove Police Chief Daryl Gates from office and to institute police reforms. These victories were extremely costly to Bradley among white voters. Table 1 shows the decline in Bradley's popularity over the two-year period between the beating of Rodney King and the runoff election in May 1993.

Table 1.

Bradley Approval, 1991 - 1993, LA Times Poll

March 1991 (a)	61
March 1991 (b)	57
April 1991	53
July 1991	48
May 1992 (a)	44
May 1992 (b)	38
February 1993	39
May 1993 (a)	33
May 1993 (b)	38

An indication of Bradley's political problems was that in the second May 1993 poll he was supported by only 26% of whites, 43%

of African-Americans, and 39% of Latinos. By the time of the 1993 election, Bradley's political capital was virtually exhausted.

To the surprise of very few people, Bradley announced in September, 1992 that he would not run for re-election to a sixth term. For the first time in over 50 years there would not be an incumbent in the mayoral race. For the first time since 1957, there would be a mayor who was neither Sam Yorty nor Tom Bradley.

Under the nonpartisan rules of California city elections, an open primary would be held for all candidates on April 20th, 1993. If no candidate received a majority, a runoff would be held between the two leading candidates on June 8th. There had been no mayoral runoff in Los Angeles since Bradley's 1973 defeat of Sam Yorty.

A huge field of mayoral candidates appeared, but a number of very strong candidates remained out: Latina county supervisor Gloria Molina, Jewish city council member Zev Yaroslavsky, and city attorney James K. Hahn among them. The leading contenders among those who did enter were city council members Michael Woo, Joel Wachs, and Nate Holden, state assembly member Richard Katz, deputy mayor Linda Griego, attorney J. Stanley Sanders, and millionaire businessman Richard Riordan.

Woo was the early favorite. A Chinese-American elected in 1985 to represent Hollywood's 13th district, Woo was the natural successor to Bradley. He was young and liberal, a crossover minority candidate, and had built bridges to the African-American

community through his public calls for Gates's resignation. Woo also had substantial financial resources, drawn in significant part from the growing Asian-American community. As an Asian-American, he seemed the perfect vehicle to take the biracial coalition into the multiracial era. To all appearances, it was his race to lose.

Wachs and Katz were centrists, cut from similar cloth - Jewish moderates with bases in the San Fernando Valley. Holden and Sanders, African-Americans, were only moderately well known, although Holden had run for mayor in 1989. Griego was the best-known Latino in the race, but was still barely recognized.

The great unknown factor was Riordan. A venture capitalist with an estimated $100 million fortune, Riordan had long been a familiar figure at city hall. He had given campaign funds to a wide range of politicians, with the largest amount going to Tom Bradley. Bradley had appointed him to the Recreation and Parks Commission. Known as a business conservative, Riordan was not particularly ideological. With his ability to place unlimited funds into his campaign, he could not be ruled out even with his extremely low name recognition.

The 1993 election seemed likely to introduce Los Angeles to a new rainbow age. The population was now two-thirds minority. But when it came to the voters, the image of a rainbow Los Angeles evaporated. Eligible voter proportions had stayed stable, while demographics changed rapidly. Although Los Angeles has become more multiethnic than ever before, the electorate

constitutes virtually a different city from the population (see Table 2). Two-thirds of the city's residents are minorities; two-thirds of the voters are white. One third of the city's adults are not citizens (Pactech 1992).

Table 2. Population vs. Registration

	Population	Registration (est.)	Perc of Votes in 93 prim	93 gen
Whites	37.3	65	68	72
-- Jews	7.0 (est)	15	16	19
Blacks	14.0	15	18	12
Latinos	39.9	11	8	10
Asian-Amers	9.2	4	4	4

Sources: Population, U.S. Census; registration, summary of various estimates; vote in 1993 from LA Times exit polls

To show how this dynamic plays out with actual voters, Table 3 displays the highest and lowest participation city council districts: the First, a Latino district on the eastside; and the Fifth, the westside liberal Jewish district (Table 3)

Table 3.

The Mobilization Gap, 1992-1993

	Population	18+ Pop	Citizen 18+	Reg Vot	Cast 4/93
1	228,695	160,576	58,547	36,804	10,118
5	236,423	203,451	174,199	151,020	53,018

Source: Pactech Consultants, report to the Los Angeles City Council 1992; votes cast, from city clerk election division.

Table 3 clearly shows the hole in the electorate. Age opens up an important gap; the Latino community is much younger. But the huge drop is citizenship, reducing the potential voting bloc in the First district to only one-third of that in the Fifth. Then registration and voting bring it to only one-fifth of the Fifth district's vote per population. Standard turnout figures obscure this difference. While each district had about a one-third turnout of registered voters in the April primary, there were more than five times as many voters in the Fifth.

Indeed, despite the enormous demographic changes in Los Angeles, the political community today looks remarkably similar to what it was when Tom Bradley fought Sam Yorty in 1969 and 1973: a white majority, a stable one-sixth Black base, and a significant but surprisingly small Latino sector.

Whoever won the mayoral election - whether the older white businessman or the young Asian-American council member - would be elected by a majority of a minority in the new Los Angeles.

Ideology

Riordan did exceptionally well in the primary, finishing first with 32.0% of the vote. Woo finished second with 24.5%, and Wachs and Katz finished third and fourth, evenly splitting another 20.2% of the vote. In the general election, Woo and Riordan faced off, and Riordan was the solid winner, taking 54% of the vote.

There was significant evidence of damage to the Bradley coalition even in the primary. Woo failed to hold key areas of coalition strength. The results showed some interesting changes from previous patterns, as well as some continuity. I have examined four key council districts in elections covering several decades (Sonenshein 1993). They are presented below in Table 3 and on the accompanying map of the city:

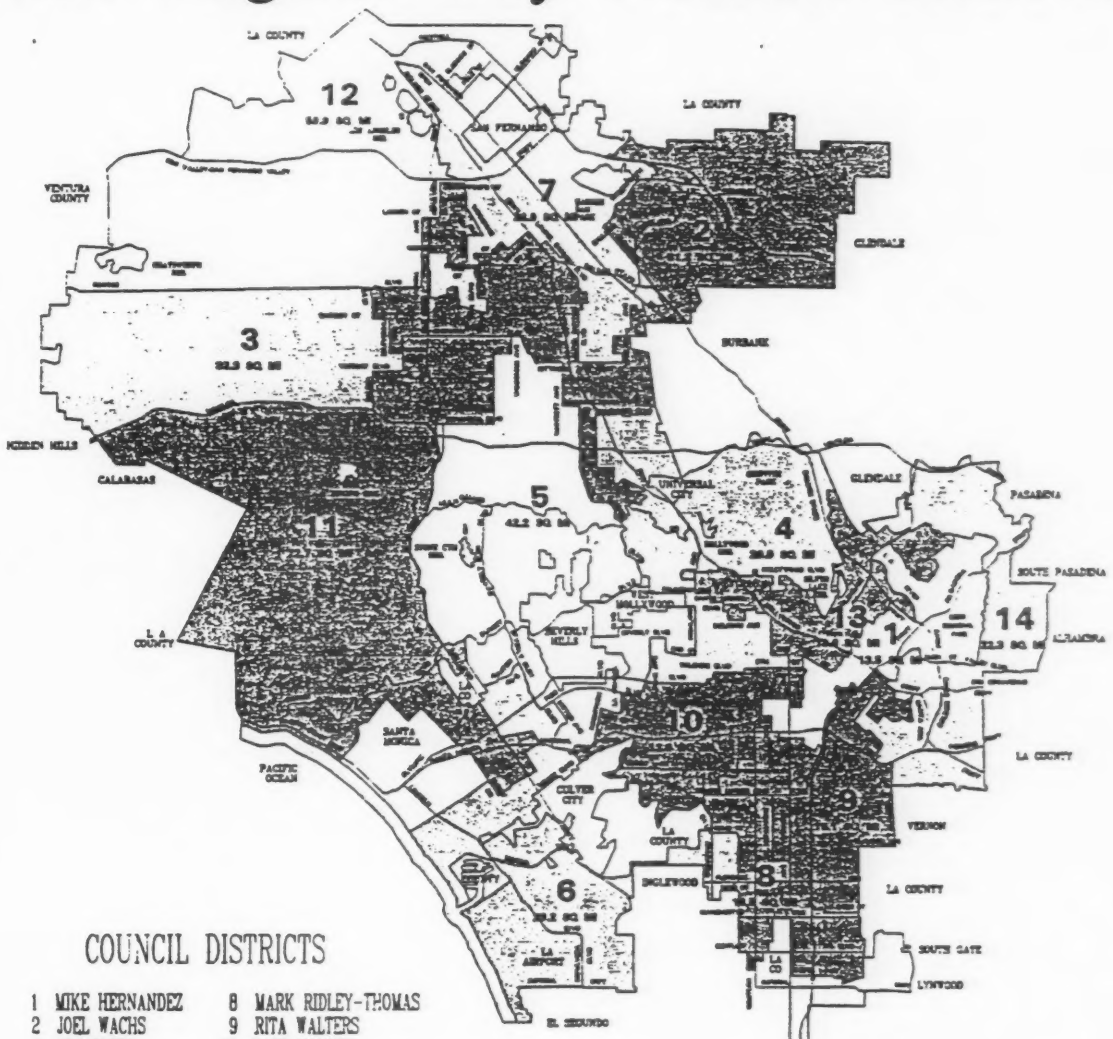
Table 3.

Four Key Council Districts, 1992

	White	Black	Latino	Dem Reg	Med Inc	CollGr
5	81.0	3.3	9.8	61.4	62743	41.1
8	4.6	64.1	31.4	87.7	23317	10.2
12	68.5	3.2	17.1	44.0	58270	29.7
14	13.1	3.8	73.4	65.8	27290	11.7
City	37.3	14.0	39.9	61.3	37762	23.0

Source: Pactech, op cit., 1992

Los Angeles City Council Districts



COUNCIL DISTRICTS

1	MIKE HERNANDEZ	8	MARK RIDLEY-THOMAS
2	JOEL WACHS	9	RITA WALTERS
3	JOY PICUS	10	NATE HOLDEN
4	JOHN FERRARO	11	MARVIN BRAUDE
5	ZEV YAROSLAVSKY	12	HAL BERNSON
6	RUTH GALANTER	13	MIKE WOO
7	ERNANI BERNARDI	14	RICHARD ALATORRE
		15	JOAN MILKE FLORES

TOTAL SQ. MI. = 468.8 (MAY 7, 1992)

BUREAU of ENGINEERING
MAPPING
GEOGRAPHIC
SECTION
LAND DEVELOPMENT and MAPPING DIVISION

ORD	157983	JUNE 8, 1992
ORD	157994	JUNE 12, 1992
ORD	157995	JUNE 12, 1992
ORD	162273	OCTOBER 16, 1992

Street Centerlines
Courtesy of
Thomas Bros. Maps

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Of the four districts, two are white and affluent, but are very different politically. Among white majority areas, one is the most liberal (#5) and the other the most conservative (#12). The Fifth district is 30-40% Jewish, by far the largest Jewish bloc of any council district. The other two districts are heavily minority, poor and working class. The 8th is a good predictor of Black voting because so many of the Latinos who live there are not citizens. On the other hand, the 14th is a more tentative measure of Latino voting, since there is a large white population with a higher registration/population ratio than Latinos. Votes from the 14th district tend to underestimate Latino Democratic identification and liberal voting.

The primary vote in the four key council districts is shown in Table 4. I joined together the Wachs and Katz vote as "centrist".

Table 4.

Primary vote by key council district

	Riordan	Wachs + Katz	Woo	Votes	Turnout
5 White Liberal	29.8	33.9	18.5	53,018	35.1
8 Black	4.3	4.1	47.6	26,818	24.9
12 White Cons	48.9	23.0	11.2	48,028	37.6
14 Latino	28.6	15.4	27.7	17,512	27.7

The Los Angeles Times exit poll for the primary presented another view of the vote (Table 5).

Table 5.

Times exit poll, primary

	Riordan	Wachs/Katz	Woo	% of votes
White liberals	11	34	30	16
White moderates	42	32	11	24
White conservatives	78	11	2	19
Blacks	4	5	52	18
Latinos	20	19	30	8
Jews	21	52	14	16

Woo fought his way into the runoff with a very solid showing among African-Americans, a respectable bloc of Latinos, but with relatively few Jewish backers. Most Jews were drawn to Wachs or Katz. Woo did well with white liberals, but shared that bloc with the "centrist" candidates. The implication was clear - a rainbow alliance would not be nearly enough to win a majority without substantial support from whites drawn to centrist politics. It was also disturbing news for Woo that the turnout was so low in the minority neighborhoods, but was vibrantly high in the San Fernando Valley. The stakes were being seen as much higher in Riordan territory than in Woo's strongest areas.

Woo's electoral weaknesses were deepened in the battle for general election endorsements. J. Stanley Sanders shocked political experts when he backed Riordan in the runoff. Riordan also claimed Joel Wach's endorsement, and the support of Latino council member Richard Alatorre. Thus he was heavily backed by a

political figure from the African-American, Jewish, and Latino communities. City council president John Ferraro not only supported Riordan, but derided Woo as "a snot-nosed kid."

Woo won the important endorsement of county supervisor Gloria Molina, but failed to gain the backing of Congress member Maxine Waters - perhaps the most influential Black elected official in the area. After heavy lobbying, Woo finally gained President Bill Clinton's endorsement, but Riordan's close ties to the administration led to a tepid presidential statement of support. Richard Katz and Zev Yaroslavsky, Jewish elected officials who could have helped Woo substantially, remained neutral.

In the June runoff, Riordan trounced Woo with 53.8% of the vote. He swept the Valley, where turnout was high, broke even among Jews and Latinos, and lost only Blacks decisively. Results in the four key council districts are displayed in Table 6.

Table 6

General Election

	Riordan	Woo	Votes	Turnout
5 White lib	57.0	43.0	66,016	45.8
8 African-Am	14.1	85.9	34,669	34.4
12 White cons	75.3	24.7	61,527	49.9
14 Latino	46.3	53.7	23,607	39.2

Riordan and Woo percentages are calculated as share of two-candidate vote; votes cast are all those who came to the polls including a small number who did not vote for mayor.

How do these results compare with long-standing patterns in Los Angeles? There were major changes in each of the four areas. First, the conservative Valley simply exploded. It had always been the most conservative, most anti-Bradley, most anti-tax area of the city, but it was way above its usual levels of conservative support - a crest not seen since Sam Yorty's 1969 defeat of Tom Bradley. The long years of political marginality under the Bradley coalition had generated a furious, highly mobilized charge.

The Latino Fourteenth district had become a bastion of Bradley's political strength, but Riordan was nearly even with Woo there. The district's councilman, Richard Alatorre, was a strong backer of Riordan. The Black percentage for Woo was very respectable - although lower than Bradley usually received - but the turnout was substantially lower than would be expected. For the first time in a generation, the Valley conservatives outmobilized the minority communities and their white liberal allies in a mayoral election.

The most striking, indeed shocking development was Riordan's victory in the bastion of white liberalism, the Fifth council district. The Fifth is heavily Democratic, about one-third Jewish, and has long been the most reliable white liberal area in the city. In every mayoral election between 1965 and 1989, the Fifth backed the liberal candidate (Table 7). It has always been very far from the 12th district's conservative position.

Table 7

The 5th vs. the 12th

	The Fifth's Choice	5th	12th
1965	James Roosevelt	48.0	19.5
1969	Tom Bradley	50.7	30.6
1973	Tom Bradley	58.0	44.0
1977	Tom Bradley	61.7	40.3
1981	Tom Bradley	68.7	44.3
1985	Tom Bradley	71.6	49.4
1989	Tom Bradley	51.8	39.1
1993	Michael Woo	43.0	24.7

The loss of the Fifth council district doomed Woo's candidacy. Riordan's ability to carry that district, usually the highest turnout area in the city, undid the Bradley coalition at a crucial juncture. Because of the pivotal role of the Fifth district, I have performed some preliminary analysis of the mayoral vote within its borders, with the assistance of Pam Singh.

The Fifth district can be divided into four areas: the San Fernando Valley, the affluent hillside, the urbanized Westwood/Cheviot Hills area and the older Fairfax area. The map on the next page shows the rough division. Demographically, the hillsides are the wealthiest, and Fairfax the least affluent.

CITY COUNCIL DISTRICT NO. 5

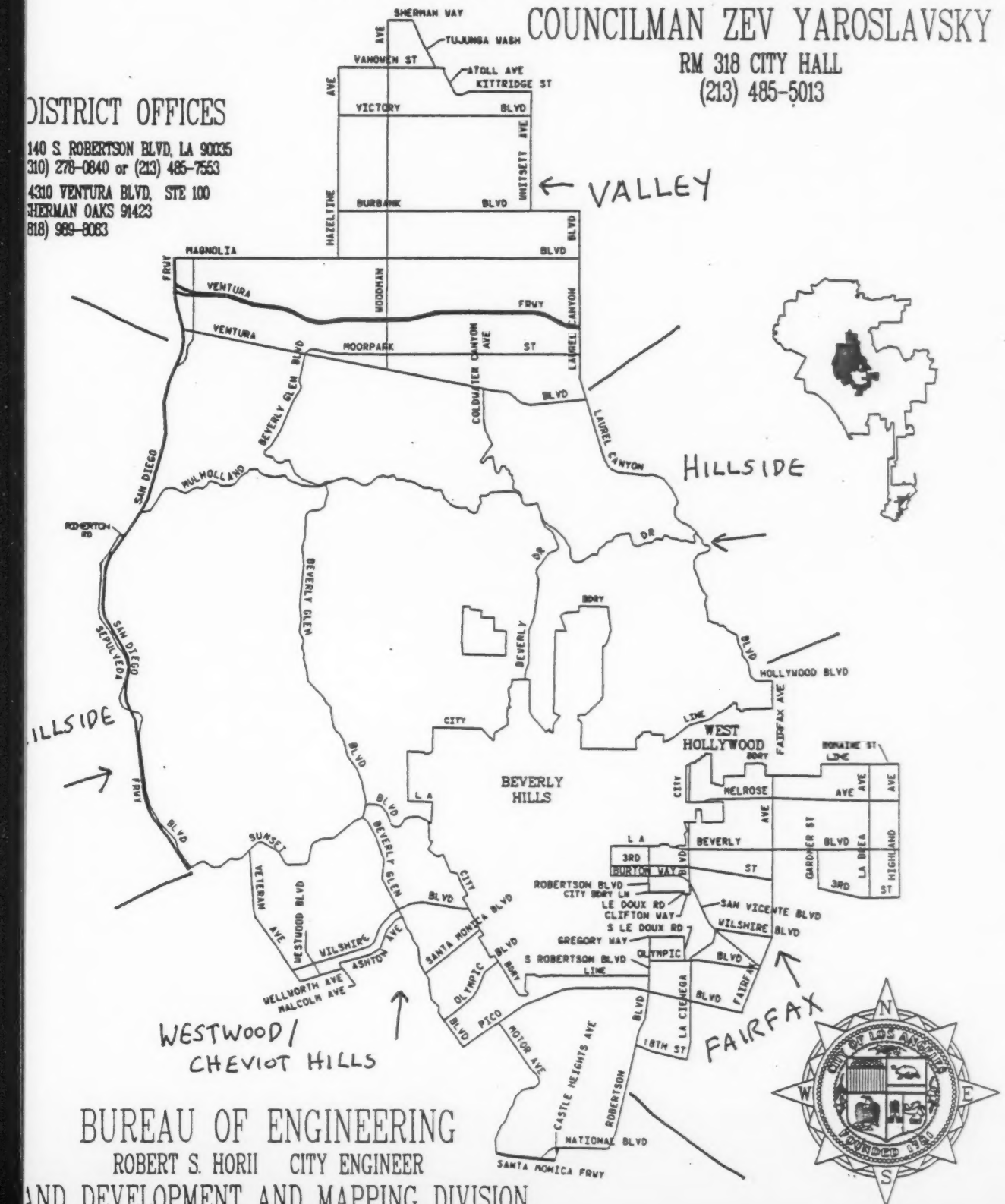
COUNCILMAN ZEV YAROSLAVSKY

RM 318 CITY HALL
(213) 485-5013

DISTRICT OFFICES

140 S. ROBERTSON BLVD, LA 90035
310) 278-0840 or (213) 485-7553

4310 VENTURA BLVD, STE 100
HERMAN OAKS 91423
818) 999-8083



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Street Centerlines

ORD 167983 JUNE 8, 1992

Table 8. Sections of the 5th district

	DemoReg	Income 1,000	Educ collgrad	Elderly 65+	Riordan Percent
Valley	57.5	51.4	32.1	14.7	58.6
Hillsides	55.2	110.1	54.0	17.8	60.1
Fairfax	71.4	49.1	39.8	20.1	43.1
West/Chev	58.2	76.8	52.4	18.7	51.6

Source: calculations based on data from Pactech, op cit, 1992; Riordan percent from city figures.

Riordan's strongest vote in the 5th district was in the affluent, well-educated hillside, followed closely by the Valley. Westwood/Cheviot Hills broke even, and Woo won a majority only in heavily Democratic Fairfax. What is striking is that the affluent, Jewish movers and shakers who live in the hillsides were pillars of the Bradley coalition (Sonenshein, chapter 8). Perhaps what we see here is the self-interest of business-oriented upper-status people who found Riordan an acceptable alternative in a way that Sam Yorty's gritty urban conservatism was not.

But why did Woo do his best in Fairfax, where fear of crime is pervasive, and there is an older, more traditional Jewish population than in Westwood/Cheviot Hills? Did Riordan's business ties bring forth a working-class liberalism among Jewish voters in Fairfax that tends to be obscured in city elections with racial overtones? Or are there more political liberals in

the Fairfax area than in the hills? The answers must await a more detailed census tract analysis that is being presently conducted.

The evidence thus far points to a major shift in mayoral coalition strength, as the conservative alliance of whites, some Jews and Latinos defeated the minority-liberal coalition of minorities and liberal whites, including Jews. Because the two candidates so neatly portrayed the left and right in Los Angeles, no new ground was carved out for a third type of coalition. It was a defeat of the liberal coalition by the conservative coalition rather than the creation of a new coalition.

In that sense, there was substantial continuity with the past. The white conservative area was the heart of the Riordan victory, and it was some distance from the white liberal area. Woo's polling showed persistent and large differences between Jews and white Gentiles (Maullin interview). Riordan's polling showed a very large gap between Jews and white Protestants (Steinberg interview). The Times exit poll showed the same type of liberal-conservative gap (Table 9). What seemed to appear was a general shift rightward by everybody but African-Americans, who listlessly held up an unenthusiastic left end.

Table 9.

Ideological Differences Among Whites

	General			Primary		
	Riordan	Woo	% of voters	Rior	Woo	% of
White liberals	31	69	22	11	30	19
White moderates	75	25	31	42	11	28
White conservs.	92	8	20	78	2	22
Jews	49	51	19	21	14	16
White Protest.	80	20	28	56	10	26
White Catho.	78	22	14	61	12	15

Source: Los Angeles Times exit polls

Table 9 reveals that left-right differences among whites endured. Jews still were distinctive from other whites; Jews cast their votes as a group in between liberal and moderate ideology.

Other studies indicated that Jews were geographically divided. More than two-thirds of westside "urban" Jews voted for Woo; the same proportion of Valley Jews voted for Riordan (Meyerson 1993). And the overall range of Jewish voting still needs to be determined. The Times found an even split between Riordan and Woo, but Riordan's polling found Woo receiving a majority of the Jewish vote by the end of the campaign. Riordan's polling also showed that Jews were divided by gender, with men evenly split and Woo carrying Jewish women by substantial margins (Steinberg interview).

The mayoral race then, seemed to indicate a collapse of the biracial coalition as an electoral majority, but patterns of group behavior showed remarkable consistency with previous elections. With the exception of the African-American community, there was a general shift to the conservative candidate. While the white liberal and white conservative vote remained far apart, both were very far from the African-American position.

Rainbow politics, a potential alternative to minority-white coalitions, did not prosper either. Riordan's success in carrying a significant share of the Latino vote was very much out of line with the steady support among Latinos enjoyed by Tom Bradley since 1973. The only other minority group to vote heavily for Woo were Asian-Americans, but that support most likely arose from ethnic loyalty and might not have been available to a different liberal candidate.

On the surface the Riordan coalition looks like the Yorty coalition that won in 1969 (Pettigrew 1971; Hahn, Klingman and Pachon 1976; Halley, Acock and Greene 1976; Maullin 1969). In that race, Jews split, and Latinos strongly backed Yorty, together ensuring Bradley's defeat. Yorty's victory was part of a major conservative backlash to liberal politics locally and nationally. A number of ballot measures for public expenditures were defeated in the 1969 primary, and school board races favored conservatives (Sonenshein 1993, chapter 6; Halley, Acock, and Greene 1976; Hahn, Klingman, and Pachon 1976). So was 1993 really 1969 redux? The evidence suggests that it was not.

Riordan's conservative victory in the mayoral race, striking as it is, appears more anomalous than was Yorty's in 1969. For example, in June 1992 - only two months after the civil disturbance - city voters approved a very strong police reform measure (Proposition F) with over 60% of the vote. In November 1992, the city voted 62% for Bill Clinton. On the same ballot, over 60% of the voters agreed to pay higher property taxes to fund more police. In each case, the conservative Valley was outvoted by an alliance of inner city and white liberal voters. Table 10 shows the vote pattern in the four key council districts - and it is a very familiar pattern in the history of the Los Angeles coalition (Sonenshein 1993).

Table 10. Key Races in 1991, 1992

	Prop F	Clinton	Prop N
5 White liberal	71.1	67.6	65.3
8 African-American	92.0	85.4	71.0
12 White conservative	46.3	43.8	52.4
14 Latino	65.4	61.5	57.8

Private polling (Fairbank, Maslin and Maullin) on both Proposition F and Proposition N reveals some interesting patterns. Support for Proposition F did not erode after the civil unrest. Indeed it remained completely stable throughout the year. Support for Proposition N was very solid - even though it fell short of the needed two-thirds majority.

By contrast, Woo never had a solid foundation. In a baseline poll taken for Woo in January 1993, 33% of voters said they would vote against him, and another 18% probably would. Only 32% said they would vote for him. Riordan's polling showed Woo with a 25% negative rating at the start of the campaign. As Riordan's pollster Arnold Steinberg noted, "It was really remarkable to run against a candidate who had so many people who from the start would not vote for him." (interview) As Hollywood's councilman, Woo had made many enemies during battles over the area's redevelopment.

In other words, there are a lot of people in Los Angeles who backed Bill Clinton for president, voted for police reform in the face of conservative and police opposition, and supported higher taxes for public services - and then went out and voted for Richard Riordan for mayor over liberal Mike Woo. That was quite a bit different from what happened in 1969.

Even if the Riordan election was a sort of ideological anomaly, it was nonetheless very important. It marked a powerful shift at city hall from a westside-minority coalition to a Valley-centered regime with limited minority power. A feature of the Bradley years had been the dominance of city commissions by liberals from westside and minority areas (Sonenshein, 1993: chapter 9). Riordan was in a position to change the direction of the government, and more important, to establish the leadership credibility of the conservative side. If he were to succeed, he would place progressives in a weakened position for some time to

come. And in time this might lead to a more conservative electorate.

It was not the general end of progressive ideology that doomed the biracial coalition. What then was it?

Interest

As a factor in the rise and fall of biracial coalitions, "interest" reflects a more practical view than ideology. Racial ideology is a lens that helps interpret political events in a particular way regardless of their actual impact on self-interest. Interests are concrete, such as jobs, money and power.

Conflicts of interest can create severe, nearly unsolvable coalition problems. For example, Black-Jewish coalition politics in New York City suffered nearly irreparable harm from the 1968 school strike (Harris and Swanson 1970). African-American parents supporting community school boards were in direct and open opposition to Jewish teachers and their union. Both jobs and power were crucially at stake, and this workplace struggle quickly drew in wider constituencies outside the schools.

By contrast, the Los Angeles biracial coalition was greatly assisted by a strong alliance of interest between African-Americans and liberal Jews, both alienated from the conservative Los Angeles political system. As political outsiders, forcefully attacked by Sam Yorty, the two groups had excellent practical reasons for joining forces - in addition to a powerful ideological affinity (Sonenshein 1993).

But interest is not always quite so clear. Ideology can be measured by opinion polls and electoral behavior. Leadership is a matter of careful analysis of elite actions. There is always a temptation to posit interest after the fact, to suggest that interests are real when they may not be. It is even trickier to

make assumptions about how people and groups perceive their interests. But interests are too important to avoid trying to specify them.

Finding a clear interest explanation for what happened in the June election is not a simple matter. One place to start is the perception held by various groups of the condition of the city, and by implication their sense of their interests being attended to. The Los Angeles Times Poll regularly asks its respondents to assess the condition of the city. Subtle differences between African-Americans on one side and other groups emerge from this question.

Table 11 presents this question at three crucial moments: shortly after the Rodney King controversy erupted in 1991; immediately after the civil unrest of 1992; and just before the 1993 general election. By the election, only 21% said that things were going well; 76% said things were not going well. The negative attitude was remarkably multiracial; 79% of whites, 78% of Blacks, and 76% of Latinos picked the negative view.

Table 11 suggests that the civil unrest had a huge impact on citywide perceptions of the state of the city in a way that the Rodney King case itself did not. After the King beating, African-Americans were more negative about the city's condition than other groups. The biggest shift toward the negative came after the civil unrest, first from whites, then from Latinos, two groups whose ambivalence cost Woo severely. In other words, the Rodney King beating did not lead an electoral majority to see the

whole city going down, but the civil unrest did. Even a year after the violence, the negative results had barely improved on the eve of the mayoral election - not good news for the liberal candidate to succeed the incumbent progressive regime.

Table 11.

How do you feel things are going in Los Angeles these days?

	March 1991		May 1992		May 1993		Change
	Well	Badly	Well	Badly	Well	Badly	in Well
All	40	55	13	85	21	76	-19
Whites	44	51	11	88	18	79	-26
Blacks	28	66	11	88	21	78	- 7
Latinos	39	56	19	79	19	76	-20

Source: Los Angeles Times polls, #247, #281, #311.

By 1993, the public's perception of life in Los Angeles had reached critical lows, moved steadily along by fear of crime and disorder, and then exponentially by the civil unrest of 1992. Los Angeles was a very unhappy city, not just in the inner city where unhappiness was well documented but in the mid-city areas and certainly in the suburban San Fernando Valley. White disaffection with the status quo was less visible, but given the white dominance of the voter rolls, it carried a great electoral kick.

Interminority conflict had been growing as well for a number of years, as the city became more crowded, grittier, more crime-

ridden, and as groups contended over spaces that had previously been separate. Approximately 400,000 more people lived in Los Angeles than a decade before. The engine driving the population increase was immigration by Latinos and Asians. Suddenly the immigration issue became explosive.

All this took place in the midst of a blistering recession that hit Los Angeles and all of California extremely hard. A major proportion of all jobs lost nationally were lost in California, and particularly in Southern California. The exodus of jobs and future prospects were devastating, and set the stage for anti-immigrant rhetoric and intergroup hostility.

South Central Los Angeles, once the Black bastion, is now contested among Blacks, Latinos and Korean-American storekeepers (Oliver and Johnson 1984). Koreatown is now divided between Korean-Americans and Latinos. The near San Fernando Valley, once all-white, is now heavily Latino. The notion that Los Angeles was living a charmed urban life immune from the difficulties of other big cities was destroyed in the violence of April 1992. African-Americans attacked Korean-American stores in South Central, and Latinos attacked Korean-American stores in Koreatown.

Blacks and Korean-Americans fought bitterly over liquor stores in South Central los Angeles, virtually a life and death struggle (Sonenshein 1993a). Blacks and Latinos fought over construction jobs in the rebuilding after the civil unrest, and the immigration issue was never far from the surface. These were

truly conflicts of interest. Some Latinos - such as councilman Richard Alatorre - were amenable to Riordan's blandishments. Would Asian-Americans, increasingly concerned about the problems of Korean-American storeowners, have voted so heavily for the liberal candidate if he had not been Asian-American?

Numerous criminal trials - the LaTasha Harlins, the Rodney King, and the Reginald Denny cases - raised sensitivities to a high pitch. The increasingly crowded city was becoming more intense and uncomfortable. There was no escape from gunfire, whether in your neighborthood or on the evening news, and gang graffiti sprang up everywhere. The line between real fear and symbolic issues became obscured, as local television news was dominated by crime stories.

The civil unrest added to the feeling of despair and threat. Unlike the geographically confined Watts uprising of 1965, the 1992 violence spread wildly, and news reports showed no real barriers to its expansion. Self-protection became a major concern in a city threatened and insecure.

Ironically, this feeling of general threat coexisted with a more progressive set of attitudes than in 1965. After the Watts uprising, Chief William Parker received overwhelming support from whites and Latinos, and almost total dislike from Blacks (Sears and McConahay 1973). By contrast, few in any group felt that the acquittal of the police officers in Simi Valley had been justified, and Chief Gates was widely disparaged citywide. Near the end of his tenure, his disapproval rating reached 81% in the

Los Angeles Times Poll (Los Angeles Times, 15 May 1992).

Jews were particularly ambivalent about the violence. There were significant efforts within the Jewish community to provide aid to the South Central community after the violence (Rubin 1993). Jews had been among the strongest opponents of Daryl Gates from the start, and were very strong supporters of police reform. But the plight of Korean-American storeowners raised unavoidable parallels with an earlier generation of Jewish shopkeepers burned out in 1965, and the fear of civil violence added to the fear of street crime to make the Jewish community edgy.

Latinos were also ambivalent. While much was made of the "rainbow riot", the main Latino community on the eastside was not a part of the uprising. Its leaders were careful to make that known within the city. In the aftermath, the great attention paid to South Central Los Angeles detracted from the problems of the eastside, and opened up further possibilities for conflict.

In the aftermath of the civil disturbances of 1992, there was a widening potential for interest conflict among potential allies. Conflicts among African-Americans, Latinos and Asian-Americans were widely discussed, but few were aware of the growing alienation of the group most able to make it count at the ballot box, namely whites. At the same time, the city was ideologically more progressive than it had been in the past. What had developed was an opening for leaders to bridge the interest conflicts and offer reassurance and practical solutions.

In the troubled Los Angeles of 1993, such leadership was hard to find.

Leadership

The 1993 mayoral election coincided with the sudden disappearance of a whole generation of leaders. Within a very short span, Mayor Tom Bradley, Police Chief Daryl Gates, District Attorney Ira Reiner, and county supervisor Kenneth Hahn left office. Those who remained in power were either too raw and new, or too tied to their own communities to yet build coalitions. Others made their deals with Richard Riordan. Few who would lead at the grass roots had the clout or the interest in building citywide coalitions. Never in the 30 year span of biracial politics had there been so few well-known people trying to do this work.

Beyond the fall of these leaders, there was the loss of confidence that was created by the devastating violence of 1992. The Watts uprising of 1965 brought confidence to progressives. They were out of power, and could view the violence as a failure of the conservatives in power. No such view could be credible in 1992, after nearly twenty years of biracial liberal rule. The fiasco of turning over the reconstruction of South Central to businessman Peter Ueberroth bespoke a sense of weakened legitimacy at city hall. And would that not be indirectly an argument for the election of a businessman like Riordan a year later?

The loss of power and confidence by citywide leaders allowed others more attuned to confrontation to take center stage. Xavier Hermosillo of NEWS for America, a conservative Latino

political organization, generated publicity with comments that offended many African-Americans. Danny Bakewell played a similar role in the African-American community, forcing contractors to replace Latino workers with Blacks after the civil unrest. Indeed, they took each other on publicly.

During the height of the Bradley coalition, such ethnocentric leaders tended to be left in obscurity, but now there was nothing to impede their messages. In this empty space, the question of leadership came down to the choices presented to the voters in the runoff election in June.

Surprisingly for a winner, Riordan was not a great candidate. He had a personal fortune but commissioned television commercials that were at best silly, and at worst embarrassing. He was a Princeton graduate, a lawyer, and by all accounts a bright and inquisitive man, but as a public speaker he was turgid and uninspired, leading the listener to wait in agony for the completion of his thought. His staff had little confidence in his ability to answer questions and shielded him from the press.

He had numerous liabilities, including building a fortune in association with Michael Milkin, giving money to pro-life groups, and a series of drunk driving arrests that nearly derailed him at the end. He had a tendency to issue blanket denials of all charges some of which later had to be admitted.

But his strengths were more than enough to win the election. Had he been a better speaker and communicator, he might have won a crushing victory. He had business experience, an open and

friendly manner, unlimited money to produce and deliver a wave of first-rate direct mail, an outstanding absentee ballot effort, and a simple slogan that dominated his campaign: "Tough Enough to Turn LA Around."

Riordan's long experience in Los Angeles politics gave him a legion of friends in politics, including a number of city council members and a raft of liberal Democrats to whom he had given campaign money. He was user-friendly in a city that would be reluctant to back a right-wing ideologue.

In his own awkward and choppy way, Riordan spoke to people's real and media-induced fears - of being a crime victim, or random violence, of communities out of control. In one debate, I heard him recite the list of urban fears, all of which seemed to come from a summary of the local TV news: drive-by shootings, gang violence, ATM murders, drugs in the schools. It was a very effective recitation.

But unlike Yorty, Riordan did not cast the choice ideologically, or as an assault on liberal policies, only at city hall policies. His slogan provided an ideologically neutral connection to the alienation so many felt from the condition of Los Angeles on election day. This gave people a way to vote for him to turn the city around without turning themselves around ideologically. While his ideas often seemed impractical, such as leasing the airport to hire more police, the focus on proposed policies contrasted with Yorty's cavalier disdain for government when all he needed was demogoguery.

The conservative victory was made possible in no small part by the weakness of the liberal candidate. Arnold Steinberg, Riordan's pollster, commented that "we were blessed to be running against Michael Woo...any one else would have been more difficult." (interview) One journalist noted (Meyerson 1993) that the Woo campaign "can establish an institute on how not to run for mayor." Among other sins, Woo failed to expend all of his campaign money by election day (Ibid.)

In the key area of leadership, Woo was never as close to Riordan as the final results indicated. The Woo campaign's late May tracking poll found some very disturbing results. On many key measures of leadership, Riordan was swamping Woo. The gap was much greater than the horse race indicated. Those results suggested that many people were sticking with Woo out of liberal habit, without feeling positively about his leadership ability.

Table 12

Selected leadership indicators, Private Poll

	Woo	Riordan
looks and acts like a mayor	20	43
will divide LA	30	33
tough on crime	21	46
attract jobs/industry	25	46
good for my community	36	35
will get things done	28	42
will expand LAPD	21	40
out of touch with working people	21	37

Woo's key appeal was that he could hold the city together, but he reached only a virtual tie with Riordan on this issue. The only place where Woo might have made progress was by tying himself to working people - but it was middle class people who dominated the electorate. This may help explain why Woo's campaign devolved into declaring Riordan unacceptable.

Woo lost the edge of racial harmony by his lackluster attempts to appeal to white voters. He was well-regarded among Jews, but he failed to match Riordan's warm concern for that community (Marks 1993). Few in his campaign had a sense of Jews as a community separate from other whites, or even from white liberals. Caught up in the rainbow model of progressive politics, Woo's campaigners were much less effective than Riordan's at massaging subtle differences among whites.

His campaign spokesman uttered perhaps the truest expression of the campaign's sloppy underlying assumption: "Los Angeles will never elect an old rich, white Republican as mayor." It was as close to a slogan as Woo ever came, and the campaign's most appropriate epitaph.

An indefinable aspect of Woo's campaign was the poor impression he made in public. I attended a public hearing during the primary sponsored by Congress member Maxine Waters, primarily aimed at the African-American community. While this should have been Woo territory, he faced numerous hostile questions without any change of expression or variation of his voice. Later I heard him at a candidate debate in the Jewish community where he

used numerous opportunities to make personal attacks on Riordan. These charges, while effective, made him look petty and harsh in comparision to the calm, mature, avuncular Riordan. Even for those who shared his philosophy, Woo was not an easy candidate to enjoy.

Riordan's pollster found "when I went to parties and did not tell people I was polling for Richard, I would ask liberal Democrats about the election. They had a lot of negative feelings for Riordan, but they had a very high discomfort level with Woo as well. They often said they didn't like the way he talked...His chemistry didn't work." (interview)

As a coalition builder, Woo was extraordinarily successful in bridging serious conflicts between African-Americans and Korean-Americans, two pillars of his campaign. This took place in particular in the liquor store controversy (Sonenshein 1993b), and he deserves major credit for brokering some agreements between these highly opposed groups. In a conflict in which there seemed to be no middle ground, Woo helped push through city hall funding for the conversion of some liquor stores to laundromats.

But the crucial Black-Korean conflict was only one element in coalition politics, and fell far short of a citywide majority. Woo needed two other groups with whom he was much less successful: Latinos and Jews. The narrowness of seeing coalitions as settling inner-city minority conflicts failed to reach to the heart of success: cross-racial citywide coalition

building. While the progressive candidate slipped between rainbow and biracial strategies, the conservative candidate made his way more clearly along a very different coalition path.

For progressives to have prevailed in post-violence 1993, they would have needed a very different sort of candidate. Steinberg said that the ideal person to beat his candidate Riordan would have "a Valley base, be Jewish, a Democrat, moderate and for the death penalty." He perceived both Wachs and Katz to be serious threats. The only minority candidate that he felt could have beaten Riordan was maverick county supervisor Gloria Molina because of her "crossover" appeal as a reformer (interview). In each case, a new sort of liberal/moderate coalition would have been created to challenge the emerging conservative base.

Centrist candidates, however, failed to capitalize on their opportunity. Wachs and Katz neutralized each other, and with two in the race, neither could set out a powerful identity. Katz held back his resources until after Riordan had already established his own name recognition. According to Woo's polltaker, as a result of "this major strategic blunder," Katz could not gain similar recognition after that opening closed up (Maullin interview).

On the leadership front, then, two things were happening. Those leaders with experience at building citywide crossracial coalitions - people like Tom Bradley, Ira Reiner, James K. Hahn - either left the scene or stayed out of the race. Dynamic

candidates who could have learned to do so stayed out - Gloria Molina and Zev Yaroslavsky. The candidates who remained looked great on paper, but did not campaign effectively. For many voters, who might well have remained in the moderately progressive camp, there was no choice from the progressive side that appealed to them. Many voted for Woo out of ideological loyalty, others went over to Riordan, and many others stayed home.

In the short term, the leadership problem for biracial politics in Los Angeles is likely to get worse. Riordan's victory presents a dilemma, for its very moderation, that Sam Yorty's did not. Yorty was a clear enemy, and even though he won in 1969, the progressive forces couldn't wait to get at him in 1973. He excluded the minority and progressive forces very effectively, helping to build their morale and unity for another battle and, eventually, for governing.

Things are quite different today. Riordan has not acted as a hard-core conservative, and he has brought in a number of progressive people along with his conservative white and Latino allies. Shortly after his election, he marched in a gay rights parade and was photographed hugging a participant. When California Governor Pete Wilson launched a demogogic attack on immigrants, Riordan spoke up against denying services even to illegal immigrants. He has built a base on the city council, and has brought potential foes like Yaroslavsky into the budget process at a high level. Despite the crowing of national

Republicans over his victory, Riordan went to Washington to jog with President Clinton.

Riordan may have a tin ear for minority concerns. During the campaign, he drew derisive laughs at a Black church when he tried to decide what to label the violence of 1992. He needlessly provoked a council revolt when he tried to appoint Xavier Hermosillo to the important Fire Commission. After the lenient federal sentence given to the police officers in the King case, he said the justice system had worked and that healing should begin. But there is no comparison to the hateful, vitriolic anti-Black words of Sam Yorty or Police Chief Parker in the 1960's.

Operating as he does, Riordan is likely to provide nothing like the unifying symbol that Yorty was. In that way, he is likely to be somewhat like the new breed of conservative/moderate mayors of both parties running Chicago, Philadelphia, Cleveland, and perhaps even New York City after November. That rising group may alter some of the discussion about minority politics in coming years.

In the longer run, the leadership gap in Los Angeles coalition politics may be filled not only by politicians, but by activists at the grass roots level. Union activists organizing janitors in Century City; African-Americans trying to reach agreements with Korean-Americans about liquor stores in South Central Los Angeles; ministers and rabbis seeking to build cross-racial understanding; college students meeting in small groups to

puncture stereotypes and build more positive images of each other; Latinos seeking to advance citizenship and political mobilization within their community. Perhaps the next stage for Los Angeles's urban progressives is not to win elections, but to solve community problems.

Such meetings are going on all around the city, and their very obscurity provides a ray of optimism; perhaps people will feel less bound to take confrontational stances if they are not publicly appealing to their own constituencies. Xandra Kayden has called these people "translators", and notes that while they cannot yet deliver their communities, "they are L.A.'s best - maybe only - hope." (Kayden 1993). Even these leaders will have to work through the pros and cons of rainbow and biracial coalitions, as well as the best balance between human relations and conflict resolution.

Conclusions

The 1993 election of Richard Riordan was a powerful defeat for biracial coalition politics in Los Angles. Already fading as the new decade came in, the coalition lost its way completely after the civil unrest of 1992. With its leaders aging or leaving office, with an electorate disenchanted with government policies and with the state of their city, circumstances favored the conservative outsider with unlimited funds and a simple message.

But the meaning of the election was much more complex than a shift to the right. The ideological basis of coalition politics remained intact, and in that sense the Riordan campaign represented an accomodation to the overall liberal/moderate nature of the city's voters. Even an ineffective liberal candidate got 46% of the vote. That ideological potential also counted for less than in the past, now that the city was filled with interest conflicts and uncertain leadership. After Yorty's 1969 defeat of Tom Bradley, liberalism was weaker as an electoral base than it is today but leadership and interest were far stronger in the direction of successful coalition and victory.

In theoretical terms, the "rollback" of minority gains in Los Angeles politics was not due to the breakdown of ideological alliances between minorities and whites. It was the result of growing interest conflicts and profoundly weakened leadership in the face of an effective and timely conservative challenge well positioned to create that rollback.

The defeat of the coalition was hastened by a progressive campaign that failed to energize either the rainbow or the biracial potential of the progressive coalition. The result was the victory of the conservative coalition - one that isolates the African-American community and the working-class base of the Latino community. The persisting debate between rainbow and biracial coalition politics finally led to the defeat of both. And if progressives concede the white vote to the conservatives, then they will be facing defeat for a long time to come.

While people on the progressive side debate which of these two coalition models is better, the conservative model has snuck right in, and promises to continue to do so. Conservatives profit from this philosophical confusion among urban progressives. That is what Riordan did in Los Angeles, and it is a nationwide trend.

Los Angeles progressives have reached a very important turning point in political history. That which was is dead and gone. The new governing establishment is moderately conservative, but unlikely to mobilize constituencies in clear opposition. It is probably time to go back to the drawing boards and ask what government can and should do in Los Angeles, to propose ideas, to organize the grass roots, to build new unions, and to forge alliances even in the absence of an immediate electoral target.

Is this part of a national trend toward the end of an era of minority politics and biracial coalition? With the New York City

elections coming up in September and November, urban progressives need to be concerned that urban conservatives have been threatening to take hold of the center - an area thought long gone - in urban politics.

White candidates have begun to learn how to play the coalition game against Black opponents. In the old days, the Sam Yorty and Frank Rizzo style was to brazenly stir up white racism. But in the 1990's there is less tolerance for openly divisive campaigns and - not to be forgotten - the long decades of racial polarization have made them sadly unnecessary. Those voters who intend to oppose the African-American candidate no longer require anyone to light a fire under them.

Nowadays, against a minority candidate, a white candidate will have the conservative vote already locked up. White conservative or moderate candidates are freer to spend their time courting Latinos and white liberals. They preach harmony, and reach out to leaders of these swing groups. They present themselves - as Black mayoral candidates once did - as models of competence and efficiency. They go after two edges of Black mayoral candidates - managerial capability and healing - while resting comfortably on the crime and disorder issues.

This approach makes them a devastating threat to take control of the center. And the center matters again in urban politics; if progressives want justice, and conservatives want peace, the balance of power increasingly rests with those who want both justice <u>and</u> peace.

To hold power, progressives need to realize that the other side is more formidable than in the past. Conservatives have gone beyond trashy demogoguery - or they do not need to prime the pump anymore - and are arguing that they can govern. They seek a political more than an ideological victory.

In New York City, Rudolph Guiliani is running the modern conservative campaign. He is avoiding the old-fashioned appeals to racial feelings, although he still has a harsh edge that appears in spite of himself. He is picking up endorsements from enough groups to start isolating the African-Aemrican community. Herman Badillo, possibly Ed Koch, and other Democrats give him a centrist edge he lacked when he lost to Dinkins in 1989. And, of course, the Crown Heights violence and the report of Governor Cuomo's commission place Dinkins's leadership credentials at serious risk. His Jewish support - already less than Bradley enjoyed in Los Angeles - is in serious jeopardy.

It is possible that the era of Black mayors and the biracial coalitions that sustained them is drawing to a close after a 25 year run, just as their rise marked the end of the old-style political machines. If that is so, then minority politics will soon be at a major turning point once again and the whole question of coalition politics will be rethought. Urban politics could change dramatically if Clinton-style Democrats - white or minority - run from the center, rather than beginning with the African-American community and then branching outward.

In the broadest sense, the 1993 Los Angeles election shows

the importance of the debate between biracial and rainbow models of minority politics. If both ideology and interest matter greatly, then the search for a single winner of the debate needs to be replaced by a deeper examination of how coalitions actually rise and fall. In the long run, the cost of unexamined assumptions on this question may be profound - the rollback of hard-won minority political gains.

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CIVIL-MILITARY RELATIONS IN THE U.S.

AFTER THE COLD WAR*

David S. Sorenson
Air War College
Air University
Maxwell AFB, AL

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CIVIL-MILITARY RELATIONS IN THE U.S. AFTER THE COLD WAR

At the end of January 1993 many who wore the uniform of the U.S. military began to privately express some real concerns about their new president, the first since World War II to have never worn their uniform. He had reportedly expressed anti-military sentiments, and was now promising to reduce the defense budget by record amounts. He introduced plans to integrate homosexuals legally into the military for the first time. For the military professional, four long years loomed ahead with a president whose attention seemed focused on everything but the military, who had not filled senior Defense Department posts months after his inauguration, and was now freezing military pay just like his most recent Democratic Party predecessor. It was little wonder that some mistakenly referred to him as "Carter."

The American military's initial negative reaction to President Clinton is hardly unique, though. The Constitution and its provisions for civilian control of the military almost guarantees that tensions will exist between the Commander-in-Chief and the soldiers who serve under him. Those tensions can be different in wartime than in peacetime, though. War and peace have their own similar potential for civil-military tensions - uniformed abidance with civilian strategic decisions, control over weapons acquisition, and so on. But peacetime can bring about its own set of stresses, including differences over the adequacy of defense

spending, the type and quality of personnel eligible for military service, and alternative duties outside traditional bounds for military personnel. This paper focuses on the potential dynamics of post-Cold War civil-military relations in the U.S. The particular emphasis is on the contest for authority on the making of "military policy" in the areas of personnel and weapons acquisition, and in the assignment of roles and missions.

APPROACHING CIVIL-MILITARY RELATIONS.

The field of civil-military relations is rich in paradigms, ranging in spectrum from military control of the polity to civilian control over the making and execution of military policy. The former field has received most of the attention as an area of study, producing what has now become classic scholarship. Yet the potential for civilian intrusions into the making of "military policy" has been a significant political issue, particularly in recent decades, but it has not received as much scholarly attention as has the first area.

During the bulk of the twentieth century, military regimes were relatively common, and it is unsurprising that so much attention has been devoted to studying them. But as the twentieth century draws to a close, so does the book on military regimes. They exist today only in a few nations (Myanmar, and Ghana, for example) which are poor, violently unstable, and lacking traditions of civilian rule. It may be that a generation's worth of

scholarship has paid off and now is no longer needed. Instead, the concerns about encroachment run in the other direction - civilian encroachment into what is regarded by military professionals as "their territory." It is the latter area that this paper will focus on. Several questions can frame the inquiry:

1) Where are the boundaries between "political" and "military" policies?

2) Where does the authority of the president and his civilian agents start and stop on the making of military policy?

3) Does this line of authority differ in wartime from peacetime?

Tensions between the military and the civilian political leadership structure seem an endemic part of American political history. They are intertwined with a long-standing tradition of civil supremacy over the professional military, which has worked to set the parameters of the debate.

INSTITUTIONAL ENCROACHMENT INTO TRADITIONALLY EXCLUDED ARENAS.

One way to think about civil-military relations is through a framework of institutional boundaries. There are two types of boundaries, formal and informal, where formal boundaries are

established by law or contract, and informal boundaries are established by tradition and by professional identity. Formal boundaries are almost always codified in some way (though not always specific in what they do and do not allow), while informal barriers are rarely so specific. The very uniform of the military professional is one boundary -- so is the habit of the Joint Chiefs of Staff of meeting in what is known as "the tank" -- a secure room in the Pentagon. There are in fact many secure rooms in the Pentagon, but the tank allows the JCS to meet privately without the presence of the secretary of defense. When the secretary (or some other ranking civilian official) tries to meet with the chiefs, they suddenly have nothing important to discuss, as McNamara found out when he arrived there without an invitation.

There are several reasons for the formation of institutional boundaries, whether formal or informal. One basis for institutional boundaries is to wall out incursions against organizational autonomy. Organizational "turf" may be protected by boundaries generated from within, or established by outside authority, but the presence of perimeters helps to protect self-rule and noninterference from outside.

Boundaries circumscribing institutional power are established traditionally in liberal democracies to prevent the concentration of institutional political power. Constitutionally-imposed limits on the scope and functions of political institutions one example, where the boundary prevents institutional power from spreading outside certain confines. Presidential spending power, for example,

is restricted by both the Constitution and by legislation (i.e. the Congressional Budget Act of 1974) that clarifies those limits.

Institutions can also establish their own boundaries in less formal ways. Those boundaries may be less tangible than in the formal case, but they can also be just as salient to the limits on power. Such boundaries are frequently established under conditions of institutional competition for governmental resources. It can be argued that in a world of scarce resources, institutions will seek a greater share of the resource base by gradually expanding their authority to appropriate such goods. In some cases the expansion may be sudden and dramatic, resulting in the wholesale capture of one institution by another -- a successful military coup, for example. But perhaps more common is the gradual pushing out from the institutional parameters to gradually poach into another institution's territory of responsibility. The CIA, for example, was prohibited by its founding statute (the National Security Act of 1947) from encroaching into domestic law enforcement, the traditional province of the FBI. But the CIA was able to gradually push beyond its formal statute limitations to penetrate U.S. college campuses in the 1960's. The Joint Chiefs of Staff came to a temporary agreement in 1948 on post-World War II roles and missions, but shortly after the agreement was reached the Air Force and the Navy began competing for air power capability that continued on throughout the Cold War period.

Sometimes clear delineations exists between institutional boundaries. But more often a gray area exists between boundaries,

in ways that obfuscate control over resources. Figure I shows a concept of "political territory" with a gray area between strictly defined boundaries. There are some clear lines of authority between each sector -- the military has authority to make decisions on tank maintenance policy; and Congress has authority to pass legislation on federal income tax rates. But the existing situation is not quite as neat as Figure I implies. While Congress may be able to legislate conditions under which tanks are maintained (through contract civilian maintenance, for example), the military cannot pass tax legislation. Each side may engage in forays into the "gray area" to try and locate the limits of intrusion.

This example highlights another aspect of civil-military boundaries - what might be called "asymmetrical intrusions." Civil authority can reach much farther into the arena of military policy making than the military can reach into civil policy making. When the President of the United States selects specific targets to be bombed as Johnson did in Vietnam, he is reaching into the core of what the military strongly regards as its turf. It would be, however, almost inconceivable for the military to engage in the making of "civilian policy." So forays by civilian political leadership have penetrated far into what the military regards as its territory, largely because the military has few avenues of response when poaching occurs. They may leak negative information about the officials involved in the excursions into their policy territory, or even protest directly to the officials involved. But even such limited behavior can carry costs -- when Chief of Naval

Operations Admiral George Anderson protested McNamara's close control over naval operations during the Cuban Missile Crisis, he was not given what otherwise would have been a normal reappointment to the post.[1] Even an single unseemly remark can quickly terminate an otherwise distinguished career -- witness the firing of Air Force Lieutenant General Charles McDonald over what he thought was a private critical description of President Clinton in 1993.

Can all this help in understanding civil-military relations in the post Cold War era? Perhaps, if civil-military relations can be viewed as involving the potential for conflict over the boundaries of authority between political civilian leaders and military professionals. The tension areas are not over keeping the military in the barracks, but over keeping the civilians out of them.

ISSUE AREAS

There are a number of issue areas involved in the civil-military area, but three will form the focus of this paper. They are 1) Control of military weapons acquisition, 2) Control over military personnel acquisition, and 3) control over the formation of policy on roles and missions.

1) CONTROL OVER WEAPONS ACQUISITION.

The weapons acquisition policy area has probably invoked more

tension between civilians and the military than most other issue areas. The agreed upon positions by both groups are clear -- weapons must fit the national security strategy, which is determined by civilian political leadership. On the other end of the spectrum, most military would argue that they should control the details of procurement. The problem is defining and agreeing upon exactly what those details might be. It is generally agreed that civilian leadership has the ultimate authority to determine the fit between weapons and the national strategic objectives of the nation. But traditionally the military have participated almost exclusively in determining the requirements for, and the number and types of military weapons purchased. The actual authority to purchase supplies and equipment has shifted between civilian and military authority for most of the nation's history. A reform of the Army's organization in 1821, for example, placed purchasing authority in the hands of a civilian, who reported directly to the secretary of war, a situation which produced some resentment by line officers because of such independence and lack of accountability to them.[2] Since that time the authority has shifted back and forth. After World War II, though, uniformed officers negotiated directly with the producer on such matters as performance, cost, and delivery schedule. While this has not been the case, and not all military professionals have stated that it should be the case (Alfred Thayer Mahan claimed that civilians should direct the Navy's bureaus).[3] But in general the practice has been to leave acquisition in the hands of the users. In 1946,

for example, the Air Force had almost sole authority to purchase aircraft. Three Air Force organizations, the Strategic Air Command, the Air Material Command, and Headquarters Air Force made the most critical decisions, for example, on the design, capability, price, contractor, and delivery date for the manned strategic long-range bombers that were deployed in the 1950's. When a choice was made, the Secretaries of the Air Force and Defense simply initialed their approval. There were exceptions -- President Truman canceled the Navy's request for the carrier USS United States in 1948, but those exceptions were so unusual that in this case the Navy leadership "revolted" in a public attempt to get the carrier reinstated.[4] Congress too did not influence the military's role in acquisition either. Congress did not appropriate procurement funds by line item attached to programs, so Congressional control over acquisition was largely limited to occasionally holding hearings after some public procurement scandal and recommending reform measures. This is not to imply that Congress was a passive spectator on the sidelines of acquisition. Congress has periodically issued acquisition guidelines in the form of legislation practically since the first cannon was bought. But the day-to-day decision making involving procurement was largely left to the uniformed services.

Before service unification under the National Security Act of 1947, each service maintained its own development and acquisition bureaucracies. The Army maintained an arsenal system for the production of weapons, and the Navy maintained a bureau system for the same purpose. After the development of military aviation began

to revolutionize modern warfare, each service created new organizations to develop and purchase air power. The Navy's Bureau of Aeronautics and the Army Air Corps Air Material Command served as focal points for two functions - the development and acquisition of service aircraft and as mechanisms for military aviators to try and wrest resources from the other service bureaucracies.

But beginning in the early 1960's, control over the military acquisition system passed from military to civilian control, and now an entire layer of civilian acquisition bureaucracy at the Department of Defense level lies over the uniformed military. The process had begun even earlier, in 1958, as the Defense Reform Act increased the authority of the Secretary of Defense to oversee procurement.[5] McNamara used that authority to greatly increase the sweep of authority that the Secretary of Defense had over acquisition. He did it by a combination of extension of authority through expertise and criticism of what was argued to be a highly parochial service-led acquisition system. McNamara's lieutenants were experts in the social sciences who acknowledged that while they were not infallible, they did not carry the preferences developed by long military service careers.[6] The consequence of this intervention in weapons acquisition was the wholesale cancellation of a number of military programs (primarily those developed by the Air Force) and the introduction of some new ones favored by McNamara. Some of these decisions were made on the grounds that McNamara's new management techniques justified the program changes, but others were in fact ways to change military

doctrine; something that had previously been left to the military for the most part. The most interesting case was McNamara's decision on the F-111, which was made for two reasons - first to force the Air Force and the Navy to adopt joint fighter/attack aircraft procurement and, second, to get the Air Force to adopt McNamara's ideas of close air support.[7]

The Nixon administration did decrease somewhat the procurement authority captured by McNamara, but at the same time cut back real growth in procurement, so there were fewer dollars and new programs to direct. It has been suggested by Perry that Secretary of Defense Melvin Laird agreed to interfere less with the work of the services (including acquisition) if the JCS members in turn would support a policy withdrawing forces from Vietnam.[8] President Carter, though, increased presidential control over acquisition when he canceled the Air Force B-1 bomber and several ships for the Navy, including a nuclear powered carrier.[9] The Reagan Administration increased to a degree the extent to which civilians influenced the acquisition process, particularly after the release of the Goldwater-Nichols defense reform act of 1986. The Bush Administration further increased civilian oversight of weapons procurement by enforcing the authority of the "acquisitions czar" (officially the Under Secretary of Defense (Acquisition)) and the role of the Under Secretary of Defense. The Clinton Administration appears to be continuing the practice of strengthening civilian control over acquisition. Acting Air Force Secretary Michael said recently that "Several trends...are emerging in the civilian personnel arena even

as we downsize. The first is the potential for civilians to take on a few of the roles and responsibilities currently held by uniformed members."[10]

Congress has always been involved in acquisition, but before the 1960's congressional influence came largely from two sources - acts of Congress mandating certain performance (such as more competition in contracting) or the private wishes of members of congress wishing to support their states and districts. But in general Congress was willing to leave the details of procurement to the services. But beginning in 1962 Congress began to require annual authorizations over the five major components in the defense budget. In 1961 Congress required that only two percent of the defense budget be authorized, but by 1983 all of it required authorization.[11] This means that in addition to the appropriations committees in both sides of Congress, the legislative committees now have line-item scrutiny over the defense budget, permitting them much greater control over the details that were previously left to the services.

It is debateable whether or not growing civilian involvement in weapons acquisition has in fact led to a better acquisition process. A thorough analysis remains to be done, but a cursory cut suggests a mixed record at best. In the military aircraft area (one of the most controversial) the Air Force bought some of the most successful aircraft it operates under a system largely under military control. Those included the B-52, the C-130, the F-86, and the A-1 (bought jointly with the Navy). The "post-McNamara" period

was marked by the problems of the F-111 (grounded repeatedly in Vietnam), the B-1B (grounded now, even after being in the force for 9 years) the C-5A, and the C-17. It is true that the Air Force uniformed procurement officers also bought some less than adequate aircraft (the "Snark" cruise missile, the B-58 bomber, the F-89 fighter, for example) and the later civilianized acquisition system bought some success stories, such as the A-10, the F-15, and the F-16. It can probably be concluded that there is no hard evidence that civilianization of defense acquisition has produced a acquisition system or better weapons.

Nonetheless it is likely to continue to tilt towards more civilian control in the post Cold War era. If in fact the present administration and its successors want to push the military towards more "nontraditional" missions (see below) they will want to push the weapons acquisition system in that direction. That will mean fewer aircraft carriers, fewer heavy tanks, fewer advanced fighters like the F-22, and more systems that can support post-Cold War missions. Those would include more strategic lift (transport aircraft and ships), more weapons suitable for counter-terrorist or counter-drug operations (like the AC-130 gunships or a reduced version of the AWACS aircraft), and more small naval vessels capable of coastal patrol. Professional senior military officers whose careers were largely formed during the Cold War will probably find such missions as a distraction rather than a primary objective, and resist therefore a new weapons agenda. These same officers tended to resist strategic lift capability for years since

it could be seen as drawing resources from fighters, bombers, and destroyers -- weapons they tended to prefer.

2) CONTROL OVER PERSONNEL ACQUISITION.

"Each service has the right to choose its own enlistment policies," wrote Bernard Trainor in the August 13 1993 issue of the New York Times. But, in fact, this is an area where there is considerable debate over where the boundaries are between political and military authority. It can be argued on the one hand that there are some personnel acquisition decisions that are political in nature, and as such fall under the purview of the president. If, for example, in 1948 the federal government is no longer prepared to defend racial segregation, then it cannot tolerate at the same time a racially-segregated military. If in 1993 the federal government is prepared to eliminate barriers to persons based on sexual preference, then an arm of the federal government cannot at the same time bar admission to homosexuals. So President Truman's 1948 decision to racially integrate the U.S. military and President Clinton's 1993 decision to drop the prohibition on homosexuals in the military were based on the same argument -- it is the president's duty as the nation's chief political officer to implement and enforce what he regards as political priorities.

Having said this, the decisions of both Presidents Truman and Clinton ran against another tradition. Normally the military has had almost exclusive power to determine the type of person who was

eligible to join the military, and has considerable leeway over their treatment once they are in the military. In 1948 that precedent was initially broken when President Truman ended racial segregation within the military. Truman's action was met initially with some resistance within the military, but the policy took hold, and racial integration in the military was successful enough to become a model for the 1954 Brown vs. Board of Education case.

The desegregation of 1948 was an exception to the normal practice of allowing the services considerable leeway in determining admissions and retention standards. The services continued to exclude women from combat roles, and homosexuals from service at all. Such exclusions continued under both Democratic and Republican administrations without much challenge until 1993, when combat limits for women were dropped by the Navy and Air Force, and the policy on barring homosexuals was modified. In a compromise with the military, the Clinton Administration dropped a campaign promise to integrate homosexuals into the military, and instead agreed to allow the services to continue to define homosexuality as incompatible with military service.

That compromise on the homosexual issue puts civil-military relations on personnel admissions at a crossroads. On the one hand the Clinton Administration positioned itself to alter admission standards set by the services, and on the other it compromised with those standards. The controversy that the issue created may serve as a deterrent for further civil encroachment into service admissions policy, and the Clinton Administration appears to have

withdrawn some of its early impulse to enter into the policy area. But a brief skirmish occurred in mid August 1993 when Commandant of the Marines General Carl Mundy announced that as of September 1994 the Marines would no longer accept married persons as recruits. He was promptly overruled by Secretary of Defense Les Aspin, though the issue has not been laid to rest. In fact Trainor's quote above related to this issue, where he argued that there is no room for married junior enlisted personnel in the Marine Corps (or any other service) and that service requirements should prevail. But that is unlikely to happen, and in fact there may be more incursions by civilian leadership into this area. It is possible that this leadership may require the military to accept physically handicapped individuals for limited duty, using the same line of argument that accompanied the racial desegregation of the military decades ago. The military should not be a bastion for exceptions when the rest of society is now being asked (or required) to accept persons regardless of -- among other things -- physical handicap. After all, it could be argued, such people could be assigned specific and limited duties that would keep them from combat but allow them to work in an office environment.

The military may find itself under pressure to accept persons from other groups as well. For example, it has become fashionable for states and municipalities to create "boot camps" for juvenile offenders as an alternative to prison. Whether or not such camps will produce better results than the penal system for the long term probably remains to be determined. But the system has become

popular with members of the Clinton Administration, and the President's annual crime message called for federal funds to assist states in establishing and maintaining juvenile boot camps.

Some if not most states, however, may find it difficult to build and run juvenile boot camps. A number of states have been hard hit by recession, and, not surprisingly have higher crime rates on a lower tax base. So it may fall to the federal government and the military to operate these facilities, and, given the investment in them, the military might come under pressure to induct their "graduates" into the service. After all, basic training costs could be saved, and, moreover, it could be argued that sending these ex-offenders back to their neighborhoods would only increase the probability to their returning to crime. It might be seen as safer to send them to, say, Korea instead for several years.

The prospects for such a policy may seem remote now, but it should be recalled that Secretary of Defense Robert McNamara pushed "Project 100,000" onto the military in the 1960's, which would have taken economically disadvantaged youth and placed them into the military for "rehabilitation." It could happen again, particularly from an administration that appears to be committed to battling both crime and poverty while trying at the same time to cut the federal deficit and justify some minimum size for the military.

If the military finds itself having to take in persons with low skills and levels of education, it might not be simply because of a policy decision to engage the military in "youth retraining."

Rather it could happen as an unintended consequence of military personnel policies now being pursued. The Clinton Administration has tried to freeze pay for a year, and limit pay increases subsequently for all federal employees, including of course the military. While the policy may be challenged by Congress, it seems clear that the large pay increases of the Reagan years that are supposedly responsible for the end of the "hollow army" of the late 1970's are over. This, combined with a belief that the military may not want many new recruits (it in fact needs over 200,000 per year) and the sense that the military is no longer very important may keep otherwise talented potential recruits from joining. Then the potential quality slide may begin, and perhaps already has. The percentage of high school graduates accepted by the military has dropped from 99 percent in 1992 to 95 percent in the first months of 1993. Now 95 percent is still pretty good, but if the trend accelerates there could be trouble for the military. More importantly the "premier" recruits (high school diploma plus a score in the top fifty percent on the intelligence test) have dropped from 85 percent in 1992 to 76 percent in 1993. It is quite unlikely that the military will return to the disasters of the 1970s (which were probably a function of Vietnam, civil disorder, drug acceptance, and so forth) but it is quite likely that the military will attract more persons from low income groups lacking enough formal education than they did in the Reagan years. There may then be some pressure from civilian leadership for the military to provide these persons with the kinds of skills and education

that were also the goals for Project 100,000. This pressure could come in particular from Congress, and from the Chair of the House Committee on Armed Services, Ronald Dellums (D-CA), who has made a career of looking out for disadvantaged blacks in the military.

3) CONTROL OVER DETERMINATION OF ROLES AND MISSIONS.

Some of the more important conflicts in civil-military affairs have occurred over determination of roles and missions. With many of the traditional roles and missions of the Cold War in disrepair and disuse, there is ample opportunity for a re-engagement of this conflict.

The concept of roles generally referred to the medium of conflict (i.e. the Army fought on the ground, the Navy at sea, the Air Force in the air, etc.). Of course it has not been so simple, especially since the development of combat aviation. But even up to and including World War II, there was surprisingly little disagreement over roles. It is true that the Army contested with the Navy in the 1930's over coastal defense (where two mediums come together) but the most significant disagreements came after World War II with the advent of nuclear weapons. The Army, Navy and Air Force all equipped their forces with a variety of nuclear weapons for a assortment of roles, but the mission dispute was the fiercest between the Air Force and the Navy. The Air Force wanted to dominate the nuclear mission by delivering them by long range bomber, while the Navy wanted to sail its carriers close to the

Soviet homeland in order to have carrier planes in range of Soviet strategic targets.[12]

Military missions usually refer to the mechanism of combat: close air support versus air superiority, for example. The disagreement over missions surfaced most dramatically at the time of the Korean War. The Truman Administration had defined the conflict as "limited" in terms that violated the professional sense of most senior military officers of the time. While General Douglas MacArthur was most vocal and visible in his opposition to the limits Truman imposed, almost all the top military leaders disagreed with the principle of limited war as applied to Korea.[13]

It could be argued that Truman was acting within the traditional framework of civil-military relations in that he was making a strategic decision about conflict objectives in Korea. It is true that after the Chinese Red Army intervened in Korea in November, 1950, Truman not only monitored but controlled the tactics that his theater commander was allowed to employ[14] and thus crossing the boundary into an area of authority traditionally controlled by the professional military.

How will roles and missions debates unfold in the post-Cold War era, and how will they effect civil-military relations?

Who controls the assignment of tasks? And what tasks are appropriate for the military to perform? There is nothing unusual in assigning the military to "non-traditional missions. In the early to mid-point of the nineteenth century, the Army in

particular provided planning, coordination and often labor in the construction of a national economic infrastructure. Roads were built, canals dug, and railroads laid across wide expanses of wilderness.[15]

The military had also played roles as enforcers of domestic tranquility. Frequently throughout American history they were called upon to intervene between hostile forces, sometimes as a neutral party -- and sometimes as advocates. For example, some soldiers began to assume protective postures against Native American tribes people who were being victimized by white settlers. As one officer put it, "Who will say that it is not the duty of the American people to do all this and more for these helpless remnants of races which we have slaughtered, oppressed, and driven off from all the best of land..."[16] From that point on the military has been used in a variety of domestic peacekeeping duties, including the breaking of strikes and control of urban disorder. It has also been used for disaster relief and law enforcement (integration of the University of Mississippi, or riot control in Detroit, for example).

These non-traditional roles are not popular with professional military leaders, and for understandable reasons. They detract from preparation for more conventional missions in a number of ways. Training missions cannot be accomplished by troops performing hurricane relief, for example. In fact the normal peacetime accomplishment of a myriad of tasks (maintenance of equipment, filing of reports, cleaning latrines, and so on) cannot be

completed by the distractions of nontraditional deployments.

Such missions also cannot make use of the array of modern weapons and the supporting equipment that the military has invested billions of dollars on. An F-117A is of little use in south central Los Angeles, nor a Los Angeles class submarine much good against drug smugglers. The Defense Department has a long list of weapons improvements waiting in the wings, including the B-2 bomber, the F-22 fighter, the C-17 transport, roll-on/roll off sealift vessels, and lots of smaller programs. None of these weapons systems, all of which cost billions of dollars to procure and maintain, can play much if any role in the conduct of nontraditional missions. It is little wonder that the military leadership is less than enthusiastic about such tasks.

It is also important to note that long drawn out deployments of forces in the conduct of nontraditional missions can sap military morale. So of course can combat missions, but there is a special problems associated with nontraditional missions. Peacekeeping in particular can be a dangerous mission that runs counter to military training and doctrine for combat. Combat requires, under normal conditions, that forces must take the offensive, and the advantage goes usually to the force that strikes first. The rules of engagement for peacekeeping usually prevents troops from taking the offensive, and rather requires them to take defensive positions and take no decisive action unless or until attacked. The results of such rules was brutally demonstrated in Beirut in 1983, and U.S. forces have looked at that event ever

since as a model of the downside of peacekeeping rules. More recently the U.S. did apply firepower against hostile Somalian forces, but only after those forces had killed 23 Pakistani peacekeepers. Only if the ROE can be changed to allow preemption against potentially hostile forces will U.S. military leaders consider peacekeeping as a potentially viable mission. This is especially true when there is little peace in the region to keep. It is one thing to send troops in to maintain an already established peace agreement, as was the case in Cyprus and in the Sinai desert after 1973. But the events in Somalia and Bosnia are different in that there is no peace agreement in place at the present time, even though peacekeepers are on duty in those nations. In Somalia they are increasingly caught in a cross fire between rival warlord armies, and in Bosnia between three ethnic groups with a centuries-long history of enmity. In Somalia the role of peacekeeping has turned to peacemaking as UN troops find themselves in pursuit of a warlord leader believed responsible for attacks against peacekeepers.[17]

There are other problems with peacekeeping as well. Long deployments in hostile or remote areas can lead to boredom and loss of morale. Such seemingly small problems can accelerate into health problems that may debilitate the force.[18] Bunking down in areas filled with a hostile or indifferent population, few if any amenities, and surrounded by dust, insects and heat is not conducive to good esprit de corps. The dangers of chance bad encounters with the population are reasonably good; in an

unfriendly area troops are more prone to shoot first if they suspect trouble. The Marine Corps sergeant who shot a young Somali for trying to steal his sunglasses was only one case in point. Surrounded by a mob of Somalis, the Marine claimed that he truly believed that his life was in danger, and probably followed the pattern that he had been trained for under such circumstances. As more armed peacekeepers are interjected into unfamiliar populations the probabilities of such tragedies will increase considerably.

Of course peacekeeping tours of duty can be shortened by more frequent rotation, but that in turn means higher costs of transport, record-keeping, premium pay, and perhaps an even greater pool of troops who have been put off by peacekeeping and whose attitudes may not be healthful for the service that they return to.

Civic Actions

There are other nontraditional roles and missions that could be assigned to the military. They include what have been labeled "civic action" missions, and generally involve the military acting at the domestic level. Such missions include disaster relief, crime prevention/restoration of civil order, and even civil engineering and construction. There have been ample cases of such activities recently -- troops deployed to south central Los Angeles during racial turmoil and troops sent to Florida and Louisiana in the aftermath of Hurricane Andrew in 1992. Still there is an inconsistent pattern of deployment here -- while a considerable force was sent to South Florida after Hurricane Andrew, relatively

few federal forces were sent into the flood-ravaged Mid-West in the summer of 1993. A recent editorial in one of the area's leading newspapers asked directly why so few troops were sent to Iowa and Missouri and so many sent to Somalia.[19]

The establishment of domestic order through police work or riot control is another dimension of civil action. These duties are normally shunned by the professional military for several reasons. First they fall within the realm of Posse Comitatus and are probably illegal unless ordered specifically by the President. Second they involve the military in what could be construed as political actions, particularly if the group they are attempting to control is advocating a political cause. The military not only shy away from political causes because of their professionalism, but also because they are aware that political currents can change and they could find themselves serving under civilian leaders who espoused the very causes that the military were trying to control previously.[20]

The role of the military in the so-called "drug war" is instructive. It is one thing for the military to use its equipment in an effort to locate and capture drug smugglers. It is another thing for the military to develop methods of dealing with drug abuse itself through strategies of prevention and rehabilitation. As Peck noted a few years ago, there could well be a shift in priorities so that the military reaches beyond rehabilitating its own abusers (far more then than now) and use that knowledge and experience to rehabilitate abusers outside of the military.[21]

Who Should Determine Roles and Missions?

There is a final point about post-Cold War civil-military relations and roles and missions that must be made, lest the above be interpreted as a plea for less civilian involvement over what are "military affairs." It is true that civilians can direct the military down policy paths that can have the consequences of weakening the military's capacity to perform traditional military missions. It is also true that the military's own conceptions of its traditional missions can become a substitute for national policy if there is no clear national policy direction from civilian leadership. That danger may exist today.

It has been widely noted that the U.S. entry into the Spanish-American war came not at the instigation of President William McKinley, who opposed it, but rather through a aroused public through a lurid press. There was at that point no political "grand strategy" for the military to follow. The "strategy" that ultimately led in particular to the Battle of Manila Bay and the U.S. conquest of the Philippines came instead from a naval disciple of Alfred Thayer Mahan, the pre-eminent naval theorist. But as Hendrickson has noted, "..."once the military was in possession of the Philippines it proved impossible to leave, and thus the United States came to hold a piece of territory that immensely complicated the strategic equation in the Western Pacific for the next four decades.[22] The problem was that "naval strategy" had substituted

for "national strategy," yet the two were not compatible. For the Navy, control of the sea and in particular the naval bases that allowed it was critical to naval victory, according to Mahan. But what was holding the Philippines (at some considerable cost) worth to the United States? The problem was that in 1898 there was no real answer. In a similar sense the same could be said to be true of the strategic bombing strategies developed by the U.S. Air Force in the late 1940's. In 1946 the Air Force began designing the B-36 and B-52 bombers that would play such a preeminent role in U.S. strategy. But before April 1950 and the creation of NSC-68, there was no national strategy on how such weapons might be used. Containment had not been finalized in terms of why or where, or even how. NATO had not become a reality. But the Air Force, in absorbing lessons learned at the tactical level over the skies of Europe and Japan, was already developing strategic bombing in ways that would bind the U.S. later to a heavy reliance on bombing.

The point that might be taken from these cases is that military doctrine can replace strategy where there is either no strategy, or where there is one which is so weakly and abstractly articulated that it becomes impossible to link doctrine to.

There was a set of strategic objectives for the Cold War -- deterrence through graduated threats against Soviet penetration of areas considered vital to the U.S. was a means to enforce containment of Soviet power. The military could and did disagree about how to best deter Soviet power, but they could also agree on the national strategic objective. That objective has now expired

along with the Cold War, and yet no new national debate has engaged policy makers, leaders, and citizens as did the debates on strategy that marked the beginning of the Cold War. In the absence of a consensus on a new set of strategic principles for the U.S., the military can again bring to bear its own doctrines as a substitute. That may not be any more desireable now than it was after the Spanish American War, for the same reasons.

At the same time it should be noted that there are lines between areas of responsibility, but they are difficult to locate. As Hendrickson correctly observed, Huntington drew the line too high when he argued that military professionals have the right to determine strategic considerations, and McNamara drew it too low when he interfered with tactical details.[23]

CONCLUSIONS.

The end of the Cold War has already signaled changes in civil-military relations in the U.S. Civilians can be expected to increase their present authority in some traditional areas of military responsibility, such as in weapons and personnel acquisition and in the determination of roles and missions. The consequences of this incroachment should not be over-estimated. It is unlikely to bring about resignations in protest from more than a handful of military professionals. It will probably not bring much public comment from either the professional military themselves, or their supporters. But such involvement by civilian

leaders can still have some negative consequences.

Acquisition policy making in its ideal form should involve a partnership between the military operators and civilian acquisition specialists. But as military operators get increasingly squeezed out of the acquisition process (as happened in particular under McNamara) the danger increases that weapons systems will become less responsive to their needs. If personnel acquisition becomes more reflective of some of the priorities of the Clinton administration or of certain key members of Congress, military efficiency and morale can suffer. And finally, if the military is pressed into even more non-traditional roles and missions, military readiness for more traditional conflict may decline. These consequences in and of themselves will probably not push the military into condition critical, but coupled with the other problems the military is facing as a consequence of the end of the Cold War, they will be potentially serious enough to hopefully limit civilian excursions into what the military understandably regards as its own decisional territory.

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*This paper does not necessarily reflect the views of the Air War College, Air University, the U.S. Air Force, or the Department of Defense.

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FIGURE I
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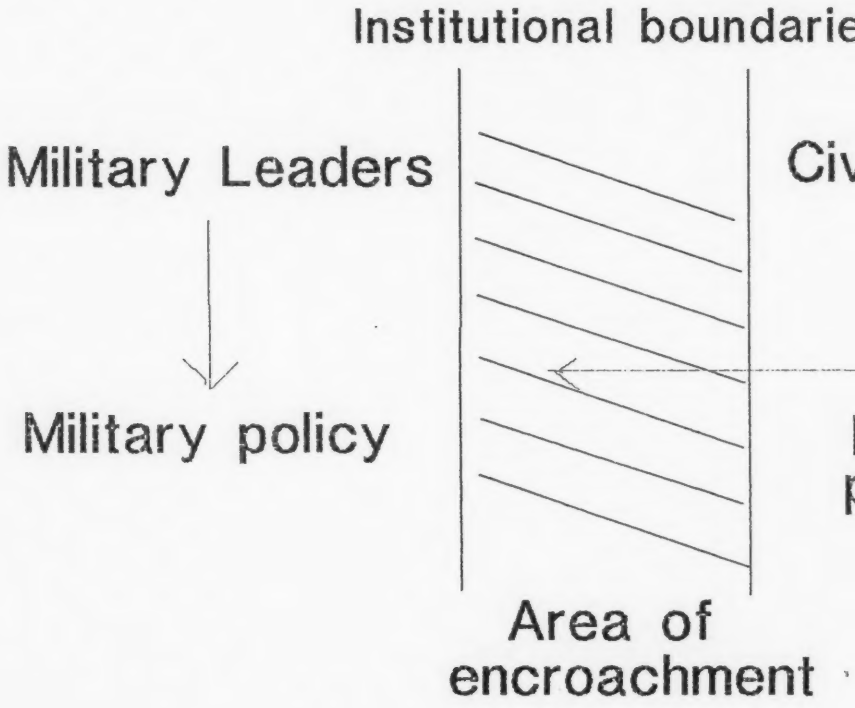

RITORY

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Civilian Leaders

Domestic national
political system

"The President and the Bureaucracy: Strategies for Influence"

By Frank M. Sorrentino, Ph.D.

St. Francis College

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Introduction

The purposes of this paper are: 1) to present a framework for the understanding of Presidential-Bureaucratic relations; 2) to develop a meaningful threefold typology of Presidential strategies in dealing with bureaucratic power; 3) to evaluate the costs and benefits to the President in the employ of each strategy; and 4) to raise the question to what degree is the President responsible and accountable for bureaucratic activity.

The paper begins with an overview of the essential characteristics of bureaucracy and its relative advantages and disadvantages. This will be followed with a discussion on how the American Political environment affects these positive and negative attributes. The first two sections are for establishing the background on the theory. They may be read quickly if one wants to move to the new elements of the model.

In the next section, a systems framework will be established using the functional requisite analysis that was developed by Talcott Parsons. This framework establishes the need for organizations to respond to changes in their environment while at the same time attempting to maintain their existing patterns of operation and their own goals.

The concept of rationality will then be introduced which will lead to the proposition that individuals, and as a consequence organizations, prefer the status quo to change. This is because change can be and very generally is, both costly and highly disruptive

The paper then attempts to establish a meaningful threefold typology of Presidential Strategy in dealing with bureaucratic power. This typology's purpose is to facilitate the analysis of Presidential-Bureaucratic relations and the potential impact of the Presidency on bureaucratic behavior.

Lastly, the paper recapitulates the essential aspects of the model and evaluates the costs and benefits to the President in the employ of each strategy.

THE BUREAUCRACY

The term bureaucracy is one that immediately evokes a negative response in the United States. In the land of Horatio Alger and the rugged individual, the bureaucrat is no hero. However, the concept of bureaucracy is central to any discussion on organizational behavior and it becomes imperative to offer a definition.

Max Weber, the German sociologist, believed that the goal of Western societies is to achieve social and economic goals with the greatest degree of efficiency. He saw the development of rational legal bureaucracy as the ultimate mechanism of rational thought.

Weber constructed an ideal-type model of bureaucracy. The ideal type is not intended to mirror the real world or to prescribe a specific way of creating an organization, it simply extracts the key components of a given phenomenon for analytical purposes.

The key elements of Weber's model are:

1. division of labor, with areas of competence legitimized as official duties and powers;
2. hierarchical arrangement of offices or positions;
3. written rules for carrying out assigned tasks;
4. impersonality - officials are to act according to established norms of conduct in their contact with others inside and outside the organization;
5. the selection and assignment of officials on the basis of technical competence and not on considerations such as social status or political affiliation (Weber 1946, 185).

Bureaucracy is, therefore, an organization having these characteristics to a greater or lesser degree and exist in "large scale private organizations in parties and armies, as well as in the state and church" (Parsons 1960, 310). According to Weber, "[Bureaucracy] was the most rational known means of carrying out imperative control over human beings" (Weber 1946)

The positive dimensions of bureaucracy were explained by Weber:

> It is superior to any other form in precision, and in its reliability. It thus makes possible a particularly high degree of calculability of results for the heads of organization and for those acting in relation to it. It is finally superior both in intensive efficiency and in the scope of its operations, and is formally capable of application to all kinds of administrative tasks (Weber 1946, 330).

Although bureaucracy does provide advantages, it also creates its own disadvantages. The two basic disadvantages or problems which will be discussed in greater detail are: one, the problem of control of organizational behavior; and second, the problem of effective internal decision-making.

The problem of control is central to any organization. How do the leaders of an organization get its members to act in ways consistent with the goals of the organization? For this to occur the individuals should be totally cognizant of the expectations that are placed on their performance. Members should know how they are to carry out their tasks, how their roles relates to others in their subunits and how the function of the subunits relate to the overall goals of the bureaucratic structure. The goal of any organization then is to limit or narrow as much as possible the discretionary freedom of its members. However as an individual's responsibilities increase and become more complex, it becomes more difficult to limit his or her discretion. This leads organizations to proceed along a second path of control, to socialize the member into the correct organizational preferences. This can only be

accomplished if:

1. The individual has a clear concept of what is preferred;
2. He clearly perceives the resources available to reward or punish him;
3. He is convinced that the risks involved in deviating from his expected behavioral pattern outweigh any advantage that may be incurred (Gawthrop 1969, 12).

In reality this state is never achieved, the individual is, therefore, more loyal to the subunit rather than the organization. The individual perceives the rewards and punishments as coming from the subunit.

In addition, in any large complex bureaucracy, organizational goals can rarely be stated in precise terms. Organizational goals are generally broad generalizations which are ambiguous in content, and easily applicable throughout the organization such as "quality education." It is the task of each subunit to translate these broad goals into specific meaning. Therefore, one could conclude that the perception of a large bureaucracy being rigidly controlled is a distortion of reality. A large organization is controlled by its subunits and forms a composite of them.

The second major problem is that of effective internal decision-making. It was once believed that decision-making was the exclusive domain of the top level elected official and that the bureaucrats provided a value free, impersonal, expert objectivity.

However, bureaucrats have become important participants in decision making because of the complexity and sophistication of the tasks to be performed, and the need for information to perform these tasks. Yet communication of this information requires definite cost (Blau and Scott 1962 116-139). Anthony Downs expands on this point:

> Every message involves the expenditure of time to decide what to send, time to compose the message, [and] the resource cost of transmitting the message. Also if the message passes over a channel operating near capacity, it may cancel or delay other messages. Since the time of each official is limited, the more time he spends in searching or communicating, the less time he has for other types of activity (Downs 1957, 112).

To achieve reasonable efficiency:

> The communications network in any organization must not normally load any individual beyond his saturation point. If he becomes overloaded, he will be unable to comprehend

> the information given to him well enough to screen it efficiently or to use it.(Downs 1957, 112).

Since information must be filtered upward, there must be a discretionary judgment of what information should be passed on. So potentially important information may be considered trivial or it may be synthesized to the point where its true significance is lost or distorted (Gawthrop 1969, 18). Furthermore, there are many individuals who are not trusted subordinates and therefore do not share all the same goals of the one immediately on top. All large organizations are not teams, but coalitions. A team is a group of persons working together who have identical goals. A coalition is a group of persons working together who have some but not all goals in common. They need not give their common goals the same weight in their individual preference structures. Each official in a bureau has a set of specific goals connected with his or her own self-interest. Therefore, the goals of every bureau member are different, to at least some degree, from those of every other member. Thus according to Gordon Tullock, the greater the hierarchical structure the greater the distortion (Tullock 1965, 137-141).

One can see that keeping information channels open to the top of the organization is a fundamental problem facing every complex structure, and therefore must be considered a major disadvantage of bureaucratic organizations.

The Political Environment of American Bureaucracy

In terms of democratic theory, it is usually conceded that the bureaucratic structures should be accountable to the elected political authorities. However, the very nature of bureaucracy prevents absolute control. In addition, the American political structures create an environment that exacerbate this inherent disadvantage of bureaucracy.

The Constitution has had a significant affect on the structure of American bureaucracy. It explains the major differences between American bureaucracy and those of many other societies.

First, the Constitution was actually ambiguous as to who was to control the executive branch. The ambiguity stems from the general separation of powers, rather than the specific provisions designed to fragment control of the executive branch.

Alexander Hamilton, in "Federalist 72," believed in the concept of presidential responsibility.

> The persons, therefore, to whose immediate management these different matters are committed, ought to be considered as the assistants or deputies of the chief magistrate, and on this account, they ought to derive their offices from his appointment, at

> least from his nomination, and ought to be subject to his superintendence. This view of the subject will at once suggest to us the intimate connection between the duration of the executive magistrate in office and the stability of the system of administration (Hamilton).

This has usually been translated to mean that the president is to be responsible for administrative action as long as he is in office. However, the Constitution has also given Congress significant powers in relationship to bureaucracy. It can create and destroy agencies and determine where they are to be located. It has the power to determine its general jurisdiction and appropriations. Furthermore, it has the power to confirm presidential appointments and to oversee its operation. Clearly, the Congress can and does play an integral part in the administration of the American Bureaucracy.

In addition to the Separation of Powers, Federalism has had a profound effect on the bureaucracy. The central government frequently cooperates with state agencies to implement national goals. This cooperation has fostered a decentralized federal bureaucracy and an emphasis upon federal field organizations. Due to distance and the need for political support for program implementation that may not accord with central directives and policy, this has led to autonomy. "The effect of the Constitution is to fragment the bureaucracy. Lines of control are blurred and organizational patterns are diverse and in general unity is absent" (Woll 1963, 52).

In addition to the Constitution, there are political factors that have affected bureaucratic structure. Some of these political factors derive from the Constitution, but others are independent. According to Peter Woll:

> The Constitutional system discourages the development of any unified source of political power in the form of disciplined political parties, with the ability to control the entire governmental system. This enables portions of that system to be governed by "factions" or political interest groups. Federalism and the separation of powers have prevented the creation of disciplined national parties by giving primary strength to state political organizations and by preventing any kind of effective cohesion at the national level (Woll 1963, 27).

This situation is aggravated by the fact there are a great variety of interests throughout the country and this is reflected politically, which results in the exertion of diverse pressures on the bureaucracy by groups of all kinds. This kind of pressure is

more significant because of the lack of administrative unity and because the bureaucracy is deeply involved in the policy process. There is no single focal point of control for the administrative branch, and the way is clearly for disjointed control by interest groups in proportion to their political power (Woll 1963, 53).

According to Kenneth J. Meier:

> Politics, the unifying force in English government and American cities with political machines is not a unifying force in American national government...American parties are broker parties; that is they are broad coalitions more concerned with winning office than enacting specific policies...Without the disciplinary authority to purge mavericks and deny pary nominations, the parties remain loose coalitions incapalbe of unifying the fragmented American policy process (Meier 1993, 51).

This political environment contributes significantly to the first major disadvantage of bureaucratic structure. Since he or she receives contradictory demands the bureaucrat does not have a clear concept of what is preferred. Also since there appears to be no unified majority that can manipulate the rewards and punishments of the Federal structure, he or she is willing to take risks in deviating from the pronounced behavior expected by various groups.

This situation does not exist for every bureaucrat; but generally for the bureau chief. For a small subunit, the lower level bureaucrat has a clear concept of what is expected, and perceives the resources available within the subunit to reward and punish. He or she is convinced that the risk involved in deviating from his or her subunit superior outweighs any advantage that may be gained. Therefore, one can understand the paradoxical development that freedom or discretion for a bureau is actually freedom for its chief, and simultaneously, a system of repression for the subordinates within the bureau. As a result, the loyalty of the members of particular agencies are to the subunit and not to the entire bureaucratic structure.

One must keep in mind that this is a general tendency. There may be other circumstances that may change this tendency in a particular situation.

ln terms of effective decision making as a major problem in bureaucratic structure, one must be concerned with two major variables: the size of the organization; and the level of specialization.

The size of the organization is usually related to layers of hierarchy, and as Gordon Tullock has demonstrated, the longer the hierarchical chain the greater the distortion in information. Furthermore, the size of the Federal bureaucracy creates a scope beyond the capability of control by an individual at the apex of

the system. There are fourteen department secretaries who report directly to the president in addition to the Vice President, the Director of the Office of Management and Budget and the Director of Central Intelligence. This results in a minimum of seventeen people reporting directly to the president; in reality no president has been able to reduce his direct supervision to seventeen individuals. Thus, the communication system becomes overloaded easily. Furthermore, each of the fourteen departments are huge entities unto themselves, on a level with the large corporations in America.

Within each department the Secretary has one or in some instances, two immediate subordinates who are ranked as either Deputy or Under Secretaries. The next lower level in all departments is filled with varying members of Assistant Secretaries who may be responsible for the operations of a major departmental subunit, or who may have overall departmental responsibilities (Gawthrop 1969, 51).

> The bureau chiefs are, for the most part, thoroughly competent and proficient specialists who direct the vital subunits of the various executive departments. However, because of the civil service status and or their extensive seniority they must be viewed in dual perspective as being both part of and apart of the President's executive team (Gawthrop 1969, 67).

Bureau Chiefs may be either career civil servants or political appointees depending on the legal requirements. In actual practice, however, three types of persons become bureau chiefs. Approximately one-third are politicians who are appointed by the president. Another one-third are career civil servants, although many hold positions that are designated as political appointments. The remaining one-third of the bureau chiefs may be termed "professionals." The professional pursues a scientific or technical career outside of government. After establishing reputations in their professions, these individual are appointed to top level bureau positions, moving up to bureau chief in a few years. (Meier 1993, 24).

The political appointees appear to lack the expertise, the reputation and the civil service protection and are usually less effective in establishing a policy impact. In addition, the average politician spends less than two years in the top position. During the Reagan administration, the average political appointee served only 12 months as a bureau chief (Ban and Ingraham, 1990).

The relationship then between the bureau chief and the political superiors is delicate. In order to receive and interpret the information effectively, the nominal superiors must be competent in those areas. Operating effectiveness within any organization is directly related to the degree of stability evidenced within a bureaucratic structure. Stability, experience, and cohesiveness are important functions of any organizational structure.

While the average tenure of an American president compared to a corporation executive is not significantly different, two important distinction exist. First, the president of a corporation has generally come from the ranks of the organization and is usually familiar with the operation of the organization. The likelihood is that the executive may have held several bureau chief positions before assuming the top position. Second, his or her chief aides are generally thoroughly familiar with the organization, and are able to interpret and assimilate information at a higher rate of efficiency. Of course, in the American governmental system, this is not the situation. The President and his cabinet come from outside the Federal Bureaucratic structure and therefore, as a result, never achieve the same level of efficiency.

It can, therefore, be concluded that the political environment in which the governmental bureau operates exacerbates the two disadvantages of bureaucracy, namely, the problem of control over bureaucratic behavior and efficient and effective decision making.

This is not to say there is no control over the bureaucratic subunit. What this means is, that if the Chief Executive or his or her subordinates attempt to impose regulations that the subunit considers inimical to its best interest, it has other alternatives beside reluctant acceptance or delay. It could employ the services of an external group which could intercede on its behalf.

The two major external groups are the Congressional Committees or subcommittees that have jurisdictional oversight, and interest groups who are part of the subunit's constituency that is those who benefit or suffer directly by th functions of the bureau.

The relationship between a bureau and the Congress is extremely complex (Cater 1964; Freeman 1965). There are jurisdictional and appropriation committees in each house that directly affect the activities of a bureau.

The members of a Congressional committee benefit from a close relationship with the bureau by obtaining the necessary substantive information that allows them to perform their Congressional role competently, without a significant investment of the scarce resources of time and energy by Congresspersons who have heavy demands; and by obtaining various services that contribute to their effectiveness as constituent representatives (Gawthrop 1969, 67).

The Congresspersons seek to form an alliance with the subunit. A relationship with a Departmental Secretary or Deputy Secretary is more authoritative, however, these administrators lack expertise and their tenure is temporary. Therefore, a more productive relationships would be with the bureau chief. The bureau chief is a high level civil servant who has authority, expertise and long-term security. In return, the bureau chief expects a certain amount of political protection and other considerations.

The second major external group are interest groups which are concerned with the various policy outcomes or decisions that affect their business or movements. In exchange for these desired policy outcomes, the bureau receives access to various publics that can be mobilized on its behalf by these various groups, a move that the

bureaucratic subunit would find difficult to do legally and politically by itself.

Together congressional subcommittees, interest groups and bureaus have all the necessary political resources to satisfy each other's needs, as long as other political actors acquiesce. Bureaus supply services or goods to organized groups but need resources to do so. Congressional committees supply the bureau with resources but need electoral support to remain in office and political support to members of Congress. The interest groups provide political support to members of Congress but need government services to satisfy members' demands. The result can be a tripart relationship that has all the resources necessary to operate in isolation from politics if other interests are not adversely affected. The subsystem, therefore, can continue to satisfy each member's demands only if extensive political interest is not focused on the policy area. It is, therefore, in the best interest of all subsystem participants that they resolve all disagreements within the subsystem and limit the scope of any conflict (Meier 1993, 52).

The openness of subsystems to outside influences is a key variable in policymaking. The structure of these subsystems have changed over the years because a variety of political actors have become interested in subsystem decisions. Hugh Helco has termed this involvement as an "issue network," which includes state agencies, journalists, other federal agencies, academics-policy analyst, key executive branch personnel such as the OMB and congressional staff members (Helco 1978). This conceptional approach suggest that there are likely to be several points of view on policy questions within the subsystem.

The question is which characterization is more accurate. It appears that policy subsystems are more likely to dominate because of the increase in decentralization by both the Congress and the entire policymaking process tends to produce an homogenization of policy views. In addition, the requirement of consultations by the bureau allow it to develop a coalition of groups with interests similar to its own. The net result is more likely to be a policy subsystem than an issue network (Meier 1993, 53).

Thus one can conclude that there a high degree of cohesiveness between the executive subunit, the Congressional subcommittees and the interest groups.

Bureaus are thus able to utilize several political strategies which allow them greater flexibility. They can engage in a form of political entrepreneurship which allow them to create various coalitions. This flexibility keeps each member of the group capable of the coalition, somewhat reluctant to antagonize the bureau for fear of being left out.

Other avenues of independence open to the bureau will be developed later in this paper.

Systems Framework

In the preceding two sections bureaucracy was analyzed first in its generic form, and secondly, within the American political environment. With this essential background established, it is now possible to develop the theoretical aspects that this research will employ.

The model will posit a systems framework which is defined as "Any set of variables with regularized patterns of interrelationships" (Easton 1965, 22). Within this framework, the theoretical underpinnings of Talcott Parsons' functional requirements for organizations will be utilized.

Parsons stated that every organization must meet four basic functional requirements. They are:

1. The ability to maintain, preserve, and reproduce the organization's basic patterns of behavior (pattern maintenance).
2. The ability to adapt to environmental change (adaptation).
3. The ability to achieve organizational goals (goal attainment).
4. The ability to minimize intra-organizational disruption and conflict and to maximize intra-organizational stability and cooperation (integration) (Parsons 1961, 30-79).

Thus, there are two forces of change: integration and adaptation. They will be discussed in greater detail.

> Every organization, no matter how hard it may try to maximize internal stability is forced to respond to certain forces of change simply to survive as an organization. One reason for this is the rather obvious fact that no organization is able to exert complete control over its external environment and second, the external environment of all organizations are themselves in a constant state of change. Thus the changes that occur in the external environment create pressures on the organization to respond in the form of organizational change (Gawthrop 1969, 175).

In addition, if it is to survive as an organization, every bureaucracy, no matter how hard it may try to stabilize its internal structure and operations, is forced to respond to certain forces of change originating in its external environment. The extent to which an organization is able to respond successfully to changes in its external environment shall be referred to as its adaptation ability. As Louis Gawthrop explains:

> Similarly, it may be stated that no organization can prevent changes in its own internal hierarchal structure, and as a consequence the same internal forces of change applies when one is considering internal aspects of change; namely every organization, no matter how hard it may try to stabilize its internal structure and operations is forced to respond to certain forces of change originating within its internal environment if it is to survive as an organization (Gawthrop 1969, 173).

There are two internal causes of change. The first is inevitable internal turnover. Every organization is constantly adjusting its allocation of personnel to organization roles. Because new members and younger people replace older ones, impersonal relationships replace personalized friendships. Thus, the simple process of maturation and subsequent aging causes adjustments which lead to major changes in organizational behavior. No two people have exactly the same capabilities, personalities and friends, so the shifts in role players alter the performance of roles. Since power tends to be concentrated disproportionately in a few key roles, the precise ways in which they are performed may have profound consequences for the whole bureau. As Kenneth Boulding explained:

> The inevitable succession of persons in the top roles brings changes to the character of an organization that are the result of the personality of the occupant rather than that of the role structure itself...Where the occupants of top roles are drawn from a small, self-perpetuating oligarchy, the character of the organization is likely to be fairly stable ...where, however, the occupants of top roles are selected by the processes in which change plays a large role, it is quite possible for the role to be occupied by a succession of very different personality types, each of which will give his distinctive stamp to the role and therefore to the whole organization (Boulding 1963, 156-157).

One could demonstrate this point by investigating the FBI under J. Edgar Hoover (Sorrentino 1985) and comparing it to the time when L. Patrick Gray became Acting Director (Proveda 1990).

The second internal cause is the development of internal technical changes. New ways of performing the tasks assigned to a bureau may cause profound changes in its behavior, rules structure and goals (Downs 1967, 192). For example, the development and the

deployment of nuclear weapons have significantly changed the goals and operations of the United States Military Establishment. The size of the Armed Forces has significantly declined as an asset, while the technological sophistication of the military personnel has significantly risen. This point can be further buttressed with the development of Smart weapons as demonstrated by the Gulf War and the subsequent attacks on Iraq by the Bush and Clinton Administrations, which allow a great degree of accuracy in targeting an enemy. This may increase the demands placed on the military by political leaders who might perceive fewer risks in terms of American and civilian casualties by using these weapons.

It has been established that within a systems framework, a bureau must react to changes in both its internal and external environments. However, in responding to change precipitated by either external or internal actions, some degree of internal organizational conflict is virtually inevitable. It will occur because even the most insignificant change will elevate the degree of personal anxiety and tension for those individuals who will be affected by the change. Perceived in this context, it can be stated that the extent to which the organization can effectively avoid the development of an internal conflict situation while adapting to the forces striving for change shall be referred to as its integrative ability (Gawthrop 1969, 177).

The successful organization, therefore, must be able to keep these two interrelated variables at some equilibrium point. In order to survive, an organization must adapt to changes from both external and internal sources. While the demands from these sources may be inevitable, so will be the internal response to this adaptation. Thus an organization must adopt to change and must minimize the degree of intra-organizational disruption and resistance that is associated with change. To do this it must be able to integrate the new with existing behavioral patterns (Gawthrop 1969, 177).

Two of Parsons' functional requisites - adaptation and integration - must be accomplished by every bureaucratic organization. The degree may vary but no organization can refused to either adapt or integrate.

To understand how an organization behaves, it is necessary to describe how the constituent elements of the organization behave. It is at this point that the concept of rationality will be introduced. Its central premise is that bureaucratic officials are significantly - though not solely - motivated by their own self-interest. The model will borrow Anthony Downs' three basic assumptions about bureaucratic behavior. They are:

1. Bureaucratic officials (and other social agents) seek to attain their goals rationally. They act in the most efficient manner possible given limited capabilities and the cost of information.
2. Bureaucratic officials in general have a complex set of goals, including: power, income, prestige, security, convenience, loyalty (to an idea, an institution, or the

nation), pride in excellent work and a desire to serve the public interest.

3. Every organization's social function strongly influences its external behavior and vice versa (Downs 1967, 2).

With the introduction of the concept of rationality, it becomes easier to explain why large organizations and bureaus are notorious for their inertia.

The first major cause of inertia is that self-interest motivates officials to oppose any changes that cause a net reduction in things that they personally value. Change will represent a "cost" to the individuals involved and not to the society as a whole. Most of the items personally valued by officials are related to the amount of resources under their control. These include personal power, organizational power, income, prestige, and security (Downs 1967, 196). There are few situations where these values can be enhanced by a decrease in the resources available. One can conclude, therefore that officials are not going to recommend changes that adversely affect their resources and there is an active constituency that will fight any change.

While there are forces and incentives for change, such as the desire to do a good job, the desire for aggrandizement and the desire for self-defense, these forces must contain significant benefits not only to an organization but to key personnel within the bureau. Decisions are made on a cost-benefit analysis based on the utility or benefit to the individuals involved and not for the organization as a whole. While a bureau may adapt changes that have strong negative incentives, it is only done when there is a consensus of its external agents (interest groups, Congressional subcommittees and the Executive); however, this seldom occurs. Therefore the task of the bureau is to promote change that maximizes the positive effects. The tremendous inertial forces in bureaus make this particularly difficult, for every change generates negative incentives by forcing officials to develop new formal and informal arrangements (Gawthrop 1969, 177).

Adding to the difficulty of bringing about change is the likelihood that the proponents of change are not always aware of all the effects of their proposals. Many of the proponents are at a lower level at the operation level or external agents and are thus unable to observe all of the repercussions of their suggested changes upon other bureau sections. Furthermore, officials usually promote innovations that are designed to improve their own section or themselves, since these are the ones they most care about.

James Q. Wilson concludes:

> To the proponent of change, the perspective benefits are direct and easily conceived; the costs are remote, something "the organization" will deal with. To organization members who will be affected by the change, the costs to them are likely to be directly and immediately

> felt; the benefits are something that will accrue remotely to "the organization" (Wilson 1963).

Therefore, one can conclude that the proponents of change often fail because they do not consider the entire cost of their proposals.

In addition, a significant reason for this inertia is that the established processes represent an enormous previous investment of time, effort and money. This investment constitutes a "sunk cost" (March and Simon 1958, 173) of tremendous proportions. It has generally taken years of effort, many decisions, and wide experience to undertake the behavior patterns that the bureau is presently utilizing. In addition, it took a significant investment to get the bureau's members and clients to accept and become habituated to its behavior patterns (Downs 1967, 201). Therefore, if one could demonstrate that the proposed manner of doing something is superior to the status quo arrangement, it could still not be in the interest of the bureau to adopt it. The benefits must outweigh the cost of change incurred in retraining and internal discord. This could lead to lower productivity.

One could therefore, see that the proponents of the status quo represent a function, similar to Parsons' first functional requirement, pattern maintenance, which is viewed by top level organization officials as an all important goal to achieve. The proponents of change represent a characteristic similar to Parsons' third functional requirement of goal attainment, since the establishment of goals satisfied both internal and external demands by key organizational officials. It has thus been established that bureaus prefer the status quo to change.

Presidential Strategies

It has now been established that the federal bureaucracy is an integral part of the American Political System with independent sources of power. Consequently any attempt to alter bureaucratic behavior would require a use of power, a scarce resource, on the part of the President. Presidents, if they are to be successful in achieving those political objectives that require bureaucratic cooperation, must develop strategies which will maximize their power resources. Professor Richard Neustadt states, "The power of the Presidency is the power to persuade," and "that this is no place for Amateurs" (Neustadt 1990, 3). This is a strong admonition to those who undertake this challenge.

I will develop a three fold typology of Presidential Strategies in dealing with bureaus. They are namely: 1) President as Politician; 2) President as Balancer of Power; and 3) President as Ideologue. it must be stated that this typology is not exhaustive but merely suggestive of the different techniques that may be used in Presidential-Bureaucratic relations.

President as Politician

This is the traditional prototype in which the President engages is various quid pro quo arrangement with the bureau whose behavior the President seeks to change or the Congressional Committee members who have oversight jurisdiction over the bureau. The traditional tools involve patronage, vote trading, negotiation, veto and reorganization. The president can exert some leverage against the bureau if he utilizes these resources to the maximun. The basic problems with this strategy are that it is expensive. The President has only 5200 patronage positions and many are needed to satisfy the electoral needs of the President. The veto power can cost the President many political enemies and could be diluted if various unrelated bills are combined because of the absence of the item veto. Reorganization is generally too cumbersome and is only done periodically and it generally involves change across several agencies. In addition, it is subject to Congressional approval. Negotiations, which may include several of the above techniques in the addition to the exchange of interests. The President may concede on one policy in exchange for cooperation on another policy. President Nixon sought the cooperation of the Department of Defense for Salt I and in exchange was willing to support a higher defense budget. President Clinton sought the support of the Department of Energy and Western Congresspersons for his budget proposals and quickly reversed his proposal for a BTU tax. This cost Clinton $50 Billion in revenues which had to compensated by additional taxes and spending cuts. In addition, this compromised his goal of using the tax as a policy tool for energy conservation and environmental improvement.

Vote trading is also a common technique in which Presidents seek to influence bureaucratic behavior through legislative measures. Here a President will support measures that are of importance to members of Congress in exchange for budget or other measures which impact on the bureau.

Presidents who follow this traditional strategy find that changing bureaucratic behavior requires highly selective system of priorities and a very expensive expenditure of scarce power resources. While this strategy may be successful, the benefits may be less than the costs, particularly if the bureau believes that it is involved in a vital interest and decides to use the resources at its disposal to challenge the President.

President as Balancer of Power

The President in this strategy chooses his priorities on the basis of when bureaus and their control agents, such as Congressional Committees and Interest Groups, are in disagreement or when two or more "subsystems" are fighting each other. An example of the first instance would be the Environmental Protection Agency which had several interest groups that were in policy disagreement. The environmentalist saw the role of the agency to reduce air and water pollution while many industrialists saw its role in light of deregulation to decrease industry's cost and thereby increasing the nation's competitiveness in the

international marketplace.

President Reagan's Administration attempted to side with industrial interests particularly in the area of toxic dump sites and the Superfund regulations. According to this strategy, one is selective in the political battles that are to be fought. The President should choose to fight in only those instances where a moderate use of power resources can tip the balance of power in his policy favor.

An example of the second situation is when two "subsystems" are conflict can be manifested by the rift between NASA and the Department of Defense. NASA desires a monopoly on all space exploration including defense, commercial and scientific activities. The Defense Department seeks greater control over its operations and more flexibility, such as the use of unmanned rockets to propel satellites and other defense related paraphernalia.

According to this strategy, Presidents must be selective in their political priorities. They realize the limits of their political power and chooses which battles are to be fought largely on the basis of where few resources will be most efficacious. The benefits of this strategy are obvious, one gets more milage out of limited political power resources that are available to the President.

However, there are serious drawbacks to this strategy. First, the President does not choose his political priorities on the basis of national needs or his personal agenda. Second, Presidents may appear in the public eye as an opportunist and as inconsistent. Presidents could loose a significant amount of their moral authority. Lastly, Presidents need excellent political intelligence to make sure that the forces that are fighting each other are of roughly equal political strength. In the example of the E.P.A., the Reagan Administration overestimated the willingness of industry to make this a political priority and wage an all out battle. The Administration had to engage in a strategic retreat. It wasted its resources and did not achieve its objectives. In addition it was perceived as ineffective and anti-environmental. It had achieved the worst of all political worlds.

<u>President as Ideologue</u>

Presidents in this strategy stake out an ideological or philosophical position. This ideology will reflect the value priorities of the President. In addition, it will contain certain characteristics: 1) it will emphasize the positive benefits that can accrue from the President's program and de-emphasize the cost of achieving it; 2) the ideology will emphasize the benefits for the society as a whole or for large numbers of the citizens, rather than those benefits provided for special interests; 3) the ideology must remain rather general; and 4) the ideology should be easily be translated into symbols. This symbolization allows for the general public to become psychologically dependent on the President.

The conversion of ideology into symbols is an important

dimension of this role. As Murray Edelman states:

> Men dwell on lore about the state what it is and what it should be. This includes much that is vague, yet comes to have a powerful emotional pull. it includes much that is plainly contrary to what we see happening. Yet the myth is all the more firmly believed and more dramatically passed on to others because men want to believe it and it holds them together (Edelman 1972, 1).

Men, therefore need to develop symbols to cope with the complexities and the dangers of the modern world which he does not understand. He has to develop techniques of orientation which may be fallacious or crude that help him find his way through the dark. The manipulation of symbols makes it possible for members of the society to believe that they live not in a jungle but in a well organized society (Sorrentino 1985, 7-37).

Presidents performing this role seek not to persuade, rather they seek unambiguous alignment with one group or set of ideas. The function of such alignment is to polarize and not to persuade. If there were no differences on the threat or the method of copping than there would be no issue. It is the polarization that pits dogma against heresy that enables Presidents to play their role the greater the polarization the more convincing the role.

The Presidents seek to become symbols. The perception of the Presidents as leaders who are willing and able to cope against the forces of evil allows them to play the roles of righteousness and stability. As Hugh Duncan states, "A leaders's dramaturgical joust with public problems make the world understandable and conveys the promise of collective accomplishments to the masses who are bewildered, uncertain, and alone" (Duncan 1953, 107).

Presidents in this strategy actually take on bureaus. They will put their policy preferences as truth and the bureaus preferences as heresy. When successful in employing this strategy, Presidents are able to move a significant portion of the population into intense opposition to the bureaus in question.

This strategy has been used by many Presidents in recent year. President Reagan used this approach in dealing with many welfare programs and with housing programs. He attacked them as anti-family and as anti-American. President Carter attacked the CIA for its covert activity as an enemy of American democracy. President Clinton attacked the Department of Defense for its ban on homosexuals in the military as a violation of basic liberties. He later retreated from this strategy.

Presidents who engage in this strategy have significant leverage against a bureau or a series of bureaus whose policies they seek to change. The Presidency is the greatest and most visible symbol of American society. The opportunity of a President for influencing public opinion is unmatched by any other political actor or organization in the American political system.

The problems with this strategy are many. First, it tends to oversimplify problems which make them more difficult to solve. Second, it raises expectations that can rarely be met. Third, this strategy employs a sledge hammer approach which does not allow for fine tuning in the compliance area. The bureau is either evil or its personnel are misdirected, there is no middle ground.

Presidents who engage in this strategy may find that they will get little if any cooperation from bureaus in any other area. This would force the President to redirect other pet programs to other agencies which in turn will increase their political power in relationship to the President. This strategy while effective can not be used alone, rather it must be used in conjunction with the other two.

Conclusion

Bureaucracies are powerful political institutions based on their own qualities particularly their power of expertise. This factor is exacerbated by the decentralized nature of American politics. Bureaucracies have two legal authorities, the President and the Congress. The President's power is furthered weakened by decentralized political parties making the President one of the weakest Executives vis-a-vis the bureaucracy in the world's industrialized democracies.

Presidents if they are to be successful must engage in strategies to at least partially secure compliance by the bureaucracies to their policy priorities. I have developed a threefold typology which attempts to analyze the various Presidential strategies in dealing with Bureaucratic power. They are namely: President as Politician, President as Balancer of Power and President as Ideologue. Each of these strategies has its strengths and weaknesses. However, each recognizes the fundamental weaknesses of the Presidency in dealing with the bureaucracy. Each strategy is based on maximizing the effectiveness of the scarce resources available to the President.

This typology is suggestive in nature, others may enlarge it or come up with a different set of qualities for each. The underlying question of this paper is to what degree is a President responsible and accountable for the actions of the bureaucracy. The preliminary conclusion is that Presidents can not for the most part be held accountable for the actions of the Bureaucracy. It could be argued that the most incompetent, misdirected or egregious actions of a bureau should require Presidents to use their scarce power resources to seize control them during their watch. This, however, does not deal with the overwhelming amount of bureaucratic behavior which operates within a medium range. This important question, however, will require more inquiry.

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Partisan Divisions and Voting Decisions: U.S. Senators, Governors, and the Rise of a Divided Federal Government

Joe Soss
David T. Canon

University of Wisconsin, Madison

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Abstract

This paper argues that existing research on divided government has ignored the intergovernmental dimensions and implications of this phenomenon. We address the intergovernmental case by exploring the historical rise and micro-level foundations of divided outcomes among same-state U.S. Senator and governor pairs. The electoral results for senator-governor pairs lie at the intersection of state and national-level divided government, and are subject to the same historical and electoral forces that have shaped these other divided outcomes. We trace the historical rise of split outcomes in these contests, outline the theoretical and policy implications of these results, and offer an analysis of individual-level voting behavior intended to test three competing explanations for divided outcomes: the "party decline model," the "party balancing model," and our own "comparative informational relevance model."

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It is ironic that in the field of political science issues that are often emphasized in introductory courses as central to any understanding of American government are promptly overlooked in published research. Unfortunately, such an approach has, until quite recently, characterized scholarly treatment of the implications of federalism in the United States. Empirical researchers have generally overlooked the importance of federalism when framing research questions -- not only in their explorations of the policy process [see Hamilton and Wells 1990, 1; Krane 1993], but also (and to a greater extent) in their inquiries into political institutions and mass political behavior. Such omissions ignore the fact that the government of the United States must be understood as one in which power is fundamentally divided -- not only "horizontally" among institutions, but also "vertically" between the state and national governments comprising the federal system.

As students of American politics have long recognized, a central consequence of these divisions of power is that policy making and administration in the U.S. are characterized by continuous, and often complex, processes of cross-institutional and intergovernmental communication. Indeed, it is precisely this necessity of cooperation and communication in U.S. politics, and the difficulty of its attainment, that underlies recent concern over the rise of divided government. In short, control of institutions by opposing political parties must be of central concern in any polity that depends so heavily on the cooperation of those institutions. The recent outpouring of research on this subject has provided contradictory accounts of the complex policy consequences of divided government [Sundquist 1988; Mayhew 1991; Jones 1991b; McCubbins 1991; Kernell 1991; Ginsberg and Shefter 1990]. In addition, scholars continue to debate the implications of divided government for democratic theory and the potential for governmental accountability [Fiorina 1992b; Jones 1991a; Sundquist 1988; Petracca 1991; Cutler 1988, 1989].

However, research on the origins and implications of divided electoral outcomes in the U.S. has thus far followed the broader pattern of research on U.S. politics by treating this phenomenon as if it were devoid of implications for intergovernmental relations and their policy consequences. In response to this omission, we explore the rise and origins of divided senator-governor pairs in electoral politics in the United States. Same-state senators and governors lie at the intersection of state and national-level divided government, and have been subject to the same historical and electoral forces that have shaped other divided outcomes. In this paper, we chart dramatic changes over the course of the twentieth century in the incidence of divided senator-governor pairs, and outline the importance of this electoral development for intergovernmental relations. In response to these historical patterns and theoretical concerns, we then assess several micro-level explanations for the origins of these divided outcomes. Our empirical analysis of this question draws upon theoretical frameworks inherited from existing works on divided government, and offers a new framework for understanding divided outcomes based on the comparative informational relevance of party cues. We conclude that future discussions of the origins and consequences of divided control in the U.S. must address its intergovernmental features, and must do so in light of more realistic portrayals of the political thinking and action characteristic of voters.

The Rise of Split Senator-Governor Pairs

Since the mid-1960s, American elections have become increasingly likely to produce divergent partisan pairs of important elected officials: presidents and congressional representatives [Sundquist 1988], governors and state legislators [Fiorina 1992b, ch.3; Key 1956, ch.3], and U.S. senators from the same state [Shapiro, et al 1990]. Morris Fiorina has recently argued that these trends must be viewed as

connected, and has urged scholars to examine divided government in a more integrative manner. He concludes, "...divided government is not a simple phenomenon. It is a condition that occurs on the state as well as the national level, it is correlated across the two levels, and it may be related as well to such things as the increasing party splits in Senate delegations" [1992b, 44]. Interestingly, Fiorina also points out the possibility that this logic may be extended to U.S. senators and governors representing the same state, noting that, "United States senators are chosen in state-wide elections to serve in the national Congress. As such, one might expect them to have something in common with other statewide elections, such as those for governor" [1992b, 41-42]. Indeed, senatorial and gubernatorial elections are characterized by concurrent campaigns and simultaneous vote choices for national and state-level offices representing identical state-wide constituencies. Consequently, while the federal system itself may be divided, there are quite logical reasons to expect the results of same-state senatorial and gubernatorial races to be linked. As V.O. Key noted, "The governmental system is federal but the voter in the polling booth is not. Evidently great upsurges of sentiment are not often accompanied by widespread popular differentiation between state and federal politicians" [1956, 33].

Indeed, recent research has provided strong empirical evidence that gubernatorial and senatorial elections are often driven by the same national forces rather than being distinguished on the basis of state and national issues. For example, John Chubb [1988] finds little evidence that voters hold state politicians responsible for state economic performance -- rather national forces are seen as central. Robert Stein [1990] finds that economic variables have nearly the same impact on senatorial and gubernatorial elections;[1] and Tom Rice concludes that "essentially the same forces impinge on statewide primary competition" in gubernatorial and senatorial elections [1985, 444]. Hence, elections for senators and governors not only share common temporal and geographical contexts, they also are characterized by vote choices that are responsive to similar motivating forces. Based on these characteristics alone, there is little reason, a priori, to expect vote choices in these simultaneous elections to diverge along partisan lines. It is not surprising, then, that for most of U.S. history these paired electoral contests have been characterized by consistently unified partisan outcomes. However, as we demonstrate below, during the most recent "era of divided government," voters have increasingly cast split ballots producing divided outcomes consisting of a governor and a senator from opposing political parties.

The paired offices typically understood as constituting the broader pattern of divided government in the U.S. (president/House, governor/state legislature, and split Senate delegations) share a distinguishing historical trend: Electoral outcomes for these offices that were predominantly of the same party in the pre-1960 period exhibit a dramatic shift after the early 1960s toward divided partisan results. To explore the extent to which such a pattern might also be characteristic of the inter-governmental case, we calculated the proportion of states with divided senator-governor outcomes in each election between 1914 and 1992.[2] Table 1 shows the clear differences between the pre-1960 and post-1960 periods. In

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[1]See especially Table 5, p. 43. Once the elections are disaggregated by party (Tables 6 and 7), differences between the offices are evident. However, given the inconsistent question wording for the two offices, similarities in the determinants of vote choice are striking.

[2]Proportions are based only on those states holding both gubernatorial and senatorial elections. The year 1914 was chosen as the beginning point because it is the first year in which all senators were popularly elected. Data for elections from 1946-1992 were compiled from the Guide to U.S. Elections and Congressional Quarterly Weekly Reports. Data from 1914-1944 came from DeVries and Tarrance [1972]. The results from states that hold their gubernatorial elections in odd years (currently there are

fact, the distribution of the proportion of states with split outcomes from 1914-1960 barely overlaps with the distribution from 1962-1992. Overall, only 18% of all elections produced split senator-governor outcomes in the earlier period, but since 1962 the average proportion is nearly 47%! The difference between these two periods is statistically significant ($t = 8.58$, $p < .0001$), and hence, the hypothesis that the later period has not experienced a higher incidence of split senator-governor outcomes may be rejected. It is also interesting to note that the distributions around these mean proportions of the two periods are very similar. As Table 1 indicates, the ranges (i.e. the maximum proportion minus the minimum proportion) and standard deviations from the two periods are nearly the same despite the dramatic rise in the average proportions.

--- Table 1 and Figure 1 about here ---

These historical patterns are difficult to reconcile with the argument that recent divided outcomes are merely electoral "accidents" [Sundquist 1988]. If this argument were true, one would expect a transition from homogeneous unified results to an era of heterogeneous results which occasionally happened to produce larger numbers of split senator-governor outcomes. On the contrary, the evidence presented here indicates that after 1960 the American polity experienced a consistent and dramatic increase in the frequency of these divided outcomes. We interpret this evidence as being more consistent with the assertion that something systematic has changed in the American system that goes beyond mere volatility, and most likely cannot be "cured" by constitutional reform or erased by the occasional election of a unified government at the national level.

The Significance of Split Senator-Governor Pairs

Based on these empirical results, split senator-governor pairs appear to be a dramatic recent electoral development that may be linked in systematic ways to the more general phenomenon of divided government. However, the policy implications of this intergovernmental dimension of divided government remain less than self-evident. Does it matter that voters produce governors and senators of different parties? While this paper follows existing research on divided government by focussing on the description of and explanations for this phenomenon, the novelty of the intergovernmental case requires that we briefly indicate theoretical reasons for concern over the rise of split senator-governor pairs. We argue that such divided pairs have consequential implications for the policy making process and may undermine accountability.

The significance of divided senator-governor pairs flows directly from the dispersion of power within and across levels of government under our federal system. The framers hoped that the "double security" of the federal system would control majority tyranny and the "violence of faction." As Madison argued in a famous passage in Federalist 51:

> In the compound republic of America, all the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself [Madison et al. 1981, 161].

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four such states) were coded as if they occurred in the following "normal" election year. The individual-level model presented below only includes simultaneous senator-governor elections.

Significantly, the framers envisioned a system in which the states might exert a check over the national government -- and specifically, a system which included a strong relationship between state governments and the U.S. Senate. In this regard, Federalist 62 argued in favor of the selection of senators by state legislatures because this practice could be understood as "giving to the State governments such an agency in the formation of the federal government as must secure the authority of the former, and may form a convenient link between the two systems" [Madison et al. 1981, 182].[3] Federalist 39 makes clear the significance and intentional nature of this linkage. While the House of Representatives "will derive its powers from the American people," the Senate "will derive its powers from the States, as political and coequal societies" [Madison et al. 1981, 115].

As one might expect, divided senator-governor pairs were extremely unlikely under this constitutional process of selection. State governments (the state legislature and governorship) were typically controlled by a single party, which in turn selected a senator from their own party. During this period, however, unified partisan teams did not translate into control of national government by the states. After 1860, state legislatures were far less able to control their senators, though they routinely instructed them to take specific positions [Riker, 1955, 456].[4] Moreover, the popular election of senators further weakened the linkage between the Senate and the states. Most importantly, however, under the system of "dual federalism" *state and national governments simply had relatively little to do with each other*.[5]

Thus, during the first 150 years of U.S. history, divided senator-governor pairs were not only an extreme rarity, they were also relatively inconsequential in a system of dual federalism in which senators and governors had little incentive to interfere with one another's sovereign spheres. However, beginning with the New Deal legislation of the 1930s [especially in the area of labor law, see Kincaid, 1993, 173-75], and accelerating with the explosion in grants-in-aid to the states during the 1950s and 1960s [Howitt, 1984, 8-9], cooperative federalism emerged as the dominant mode of intergovernmental relations [Elazar, 1962]. Relationships between elected officials across the state and national levels have closely followed the relationships between state and national governments; and in the current period, as one close observer recently pointed out, "interdependence among governments, always great, constantly grows" [Derthick, 1992, 674]. Within this interdependent system, governors have seen the need to assert themselves more forcefully in national politics.

There is an irony in the simultaneous historical evolution of intergovernmental relations and rise of divided outcomes in our federal system: *when senators and governors were elected from the same*

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[3]Charles Jones [1991a, 151] notes that the Founders were so strongly committed to the division of power in the political system and to the "diffusion of responsibility" that they may have been comfortable with modern divided government, something the critics of recent patterns of governing often overlook.

[4]We thank Charles Jones for bringing this article to our attention.

[5]This is not to say that the states never attempted to influence the national government. There are many examples of such attempts. Jefferson and Madison's battle against the Alien and Sedition Acts in 1798 and 1799, attempts to control the national bank, John C. Calhoun's ideas of nullification and concurrent majorities, and of course, the secession of the Confederate states, are all prominent examples. However, the interdependence of the states and the national government during this period was not nearly as great as in recent times; and attempts by the states to exert their power over the national government (such as those listed above) generally failed.

party, this fact was largely irrelevant because of the distinct boundaries between levels of government under dual federalism. However, now that state and national governments are more interdependent, and the policy-making process requires greater intergovernmental communication and cooperation, more senator-governor pairs are elected from opposing parties. In short, historical developments may have simultaneously produced a greater need for intergovernmental communication and more significant partisan obstacles to its achievement. In this era of cooperative federalism, the significance of split senator-governor pairs has been further enhanced by recent actions taken by the courts, the institutionalization of intergovernmental relations, and the importance of communication and negotiation in intergovernmental relations. Taken together these factors point to the increasing interdependence of state governments and the U.S. Congress, and to the possibility that states with senator-governor pairs from the same party may have substantial institutional advantages over states with split pairs.

In a series of decisions beginning with *Garcia v. San Antonio Metropolitan Transit Authority* (1985) [also see *South Carolina v. Baker* (1988) and *South Dakota v. Dole* (1987)], the Supreme Court has made it clear that the states must pursue their interests in Congress rather than the courts [Zimmerman, 1993, 178; Kincaid, 1993, 175-76].[6] However, Congress has not been a particularly hospitable climate for the states, as the "preemption revolution" has slowly eroded state power, even amidst the continuing rhetoric of a "new federalism" intended to do precisely the opposite [Zimmerman, 1993, 178]. Between 1970 and 1991, Congress enacted more than half of all the federal preemptions of state law in the nation's history (53%, or 233 explicit preemptions in this period; Kincaid, 1993, 173, citing Zimmerman, 1991]. In fact, according to Michael Reagan, this trend has ushered in a new era of "permissive federalism," in which the states exercise power at the permission of the national government [cited in Walker, 1991, 105].[7]

In response to this pattern of congressional activity, and to judicial decisions directing them toward congressional politics, the states have increased their presence in Washington and pursued greater institutionalization of intergovernmental relations. Beginning in the 1960s, governors attempted to increase the "size, capability, and versatility" of the National Governors Association staff in Washington [Beyle, 1988, 149]. This growth provided governors with greater leverage over the increasing array of

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[6]This does not imply that the courts have become minor players in the battle to define the boundaries of federalism. Indeed, the number of preemption cases decided by the Court and the number of local, state, and federal laws struck down exploded between 1970 and 1990 [Kincaid, 1993, 173]. Derthick [1992] claims that the courts have been the primary beneficiaries of recent developments in federalism.

[7]It is interesting to note that cooperative federalism emerges in the 1930s during a period of unified party control at both the national level of government and among senator-governor pairs. With the shift to permissive federalism and federal preemption of state laws in the late 1960s, the relationship becomes more conflictual precisely as greater numbers of split senator-governor pairs appear. While we do not investigate (or claim) a causal relationship here, the pattern of covariation remains striking. It is certainly possible that senators (and members of Congress generally) are less likely to delegate power to the states if the governorship is controlled by the opposing party. The literature on roll call voting in Congress on federalism issues reveals that party and ideology are the primary determinants of votes [Hero, 1987; Malaby and Webber, 1991; Webber, 1989]. However, no one has examined the impact of divided government in our federal system on the willingness of Congress either to delegate power to the states or to preempt existing state powers.

federal programs that affected their states. As a result, governors have played important roles in shaping national policy in at least nine different issue areas [Wright, 1988, 275, cited in Krane, 1993, 187; Howitt, 1984, 24]. In addition, regional governors' associations were also formed to tackle specific issues, such as agriculture in the Midwest and economic development in the South. These organizational efforts were accompanied by greater collective attempts by governors to cultivate and utilize lines of communication with members of Congress. As Beyle concludes:

> . . . the governors of the fifty states and the several regions did band together and become part of the national policymaking process in order to overcome the decisions (or lack of decisions) made by those who supposedly represented their states in the Congress, namely their U.S. senators and representatives. In a word, the governors have had to undertake new and innovative steps to provide their states with representation in the national policy process [Beyle, 1988, 149].[8]

Within this new era of intergovernmental relations, the quality of communication between governors and members of Congress has become a matter of critical importance. Zimmerman supports this conclusion, noting preemption relief for a given state is more likely if the governor is an effective lobbyists: "The current system of preemption relief appears to be based upon a leadership-feedback model with Congress leading by enacting new preemption statutes and amending them on the basis of adverse feedback, if any, from the states [Zimmerman, 1993, 179]. More generally, states rely heavily on federal money for programs in many important policy areas including health, welfare, and transportation. Consequently, governors frequently lobby Congress to save programs or to argue for more generous support -- and the offices of same-state congressional representatives often provide the first and most important points of access and communication for a governor seeking to represent her or his state's interests. In fact, interviews with staffers for Gov. Tommy Thompson (R-WI) revealed that the governor contacts U.S. Senators Kohl and Feingold on a weekly basis in the peak of the legislative season, and staff members are in constant contact when the need arises.

Such communication between governors and senators is hardly surprising if one views the federal system as implying not only relationships between the national and state governments, but also power relationships among the states in the context of scarce national resources. As Krane points out, "policy models that assign federalism to a contextual role which only creates complications or obstacles to action miss the fundamental fact that subnational officials [i.e. governors] are actors whose preferences embody the interests of a particular jurisdiction. Put more simply, American federalism is more than maze of institutions; it is a matrix of reciprocal power relations." Indeed, within this matrix of power relations, communication and cooperation between same-state governors and congressmembers may be a crucial link determining the articulation and representation of state interests at the national level. As Derthick notes, "Under federalism, advantage flows to those interests or institutions that are able to collaborate

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[8]Interestingly, while governors increased their presence in Washington in the 1980s, Congress was scaled back its commitment to intergovernmental relations. In 1985, Congress phased out general revenue sharing, cut the appropriations to the Advisory Commission on Intergovernmental Relations by 52% over four years, and realigned subcommittee jurisdictions to give intergovernmental relations a less prominent role [Kincaid, 1993, 176].

across the intergovernmental divide" [1992, 673].[9]

Our argument is simply that students of the policy process must seek to understand how these "leadership-feedback models" and "reciprocal power relations" characteristic of modern federalism intersect with political parties and the partisan outcomes of electoral contests. Put simply, political parties matter in American politics -- and there is little reason to expect intergovernmental politics to be an exception to this rule. In the current period of federalism, it also appears that senator-governor relations are important. It requires only a very small effort at integration to conclude that there are theoretical reasons to suspect that the partisan composition of senator-governor pairs may be consequential in the policy-making process: Senators may simply be more willing to listen to governors of their same party -- and they certainly are more likely to share similar policy views. In addition, communication between the two offices may also be facilitated by their linkage in the political career structure; governors frequently run for the Senate and occasionally the reverse occurs [Schlesinger 1966, chap.6; Canon 1990, 50-53]. As such, there may often be extensive cross-fertilization of senators' and governors' staffs, which would aid communication, though we know of no studies that demonstrate this point.

Finally, divided intergovernmental outcomes are not only important for their potential impact on the policy making process, they also may undermine democratic accountability in a federal system by obscuring responsibility and confusing voters. As Martha Derthick argues:

> ... [T]he dominant pattern of policy making in our federalism of pervasively shared functions seems to me, not so much checking and balancing by design of the people, but opportunistic cost shifting and benefit distribution by design of elected officeholders in the context of a general obfuscation of responsibility and the constitutionalization of everything. The upshot is that the electorate can have no idea who is in charge, and is caused either to cease caring and lapse into "universal silence and insensibility," or, if it dares to care, to become disillusioned ... [Derthick, 1992, 675].

Thus, like more traditional examples of divided outcomes, split senator-governor pairs may not only be products of the electoral system, they may also have important implications for the nature of that system itself.

In sum, (1) in contrast to earlier periods in U.S. history, the current era of federalism places a premium on relations between state and national governments; (2) recent court actions and institutional developments have combined to make communication and cooperation between same-state governors and members of Congress especially consequential in the policy process; and (3) there are strong theoretical reasons to suspect that communication between governors and U.S. senators from the same party may encounter fewer obstacles than communication between split senator-governor pairs. In light of these arguments and the historical rise of split senator-governor pairs described in the previous section, we consider an investigation of the origins and consequences of divided intergovernmental outcomes in partisan elections to be overdue. The remainder of this paper takes up the first of these two challenges.

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[9]She argues that intergovernmental linkages are more important for judges and administrators, but clearly the observation holds for governors who would like to be more successful in the national arena.

Explaining Split Senator-Governor Outcomes

One obvious place to seek out explanations for split senator-governor pairs is the rapidly growing body of literature seeking to account for the origins of divided government. Unfortunately, many of these explanations are intended to address only the single case of divided government at the national level, and hence, are extremely difficult to adapt to the intergovernmental case. For example, some observers have argued that the Democratic party's heterogeneous national coalition [Petrocik 1991] may pose few obstacles in congressional elections, while placing them at a disadvantage in presidential races because of the potentially divisive nomination process [Polsby 1983]. Alternatively, other commentators have asserted that redistricting by predominantly Democratic state legislatures may create a Democratic bias in congressional elections that prevents the Republicans from gaining unified control of government. In addition, incumbency advantages flowing from campaign finance, constituency service, and congressional perquisites may insulate predominantly Democratic congressional incumbents from national trends [Erikson 1972; Mayhew 1974; Bauer and Hibbing 1989; and Ansolabehere, et al. 1992], and hence, similarly frustrate Republican strength in the electorate. Finally, Gary Jacobson [1990] has suggested that divided government at the national level may result from voters engaging in purposive "party-institution matching" -- voting for Republican presidents on the basis of collective goods such as a strong economy, foreign policy leadership, and lower tax burdens, while voting for Democratic members of Congress on the basis of responsiveness to local constituencies, preservation of government services, and a tendency toward more equitable distributions of costs [see Alvarez and Schousen, forthcoming, for micro-level evidence].

Regardless of the relative merits of these structural, institutional, and purposive theories at the *national* level, none of them offers a satisfactory account of the *broader patterns* of divided government. These idiosyncratic explanations can account for neither the frequency of divided outcomes at the state level nor the increases in and persistence of divided Senate delegations [for extended critiques, see Jacobson 1990; Fiorina 1992b]. As Fiorina notes, "Explanations tailored for specific cases fail to generalize convincingly to the larger set of cases" [Fiorina 1992b, 62]. More importantly for our purposes, however, none of these explanations appear to offer any theoretical leverage on the origins of split senator-governor outcomes.

By contrast, Morris Fiorina provides a more promising general explanation for divided outcomes [1992a 1992b]. His purposive theory of voter behavior, the "policy-balancing model," ascribes divided outcomes to moderate voters' attempts to secure moderate government in an era of perceived party polarization. The model assumes that voters are minimally aware that policy outcomes are the products of compromise between institutions, and are interested primarily in the final products of such bargaining [Fiorina 1992b, 75]. While Fiorina admits that the model makes some assumptions about voters that are "unlikely to be satisfied in large numbers," he nevertheless asserts that "the electorate in the large seems to behave as if it were balancing the policies or ideologies of the opposing parties by placing them in control of different institutions" [1992b, 73].

The policy-balancing model is part of a long line of spatial models [e.g. Downs 1957] which place voters and parties on a single left-right dimension, and assume that the relative proximity of parties and candidates to a voter's ideal point is a central determinant of voting choices. In addition, the model assumes that vote choices for different offices do not occur in isolation from one another. As a result, voters perceptions of the positions of the parties relative to their own may, under some circumstances, lead to rational split-ticket voting intended to achieve preferred final policy outcomes. Figure 2 below

illustrates the basic logic of the model [see Fiorina 1992b, 74].

--- Figure 2 about here ---

According to this model, spatial placement relative to the positions of the Democratic (D) and Republican (R) parties is the central determinant of the likelihood of any given individual splitting his or her ballot between candidates of the two opposing parties. Voters with ideal points to the right of the "cutting line" (CL) perceive themselves as closer to the Republicans, while those to the left of CL perceive themselves as closer to the Democrats. For voters with more extreme preferences than either party (V1 and V4 in Figure 1), rational voting will yield a unified ticket in favor of the more proximate party (i.e. for the party on the same side of CL). However, for those voters lying between the positions of the two parties (V2 and V3 in Figure 1), rational decision-making will yield more complex vote choices.

These more moderate voters prefer some positions advocated by each of the two major parties, and ideally prefer an outcome that is more moderate than that which is offered by either party taken alone. Based on Fiorina's assumption that voters possess a minimal comprehension of institutional compromise, it follows that these voters possess a rational motivation to split their tickets: the desire to moderate and mingle the positions advanced by the two polarized parties. Fiorina argues that this model is quite robust, providing explanations for divided outcomes at the state level as well as for divided Senate delegations. Across a variety of electoral contexts, rational moderate voters located between the parties will vote for overall tickets that reflect their moderate ideological preferences, and hence, will split their ballots between the two parties. Fiorina concludes that, in an era of polarizing candidates such as Goldwater, McGovern, and Reagan, when "activists tried to impose principled programmatic government, voters responded with divided government" [1992b, 78].

Researchers thus far have found little micro-level evidence supporting the model at the national level [see e.g. Alvarez and Schousen, forthcoming]. However, the policy-balancing model can be adapted quite easily to provide a purposive explanation that is both less demanding of voters and a potential explanation for split senator-governor pairs. If one leaves aside the image of voters seeking specific final policy outcomes, we are left with a quite plausible model in which moderate voters perceiving themselves to confront polarized partisan choices opt not to identify themselves completely with one party or the other. Whether their motivations spring from policy goals or simply from personal political identity, moderate voters in what we might call a general "party balancing" model may respond to polarized choices by rejecting the "choice" itself: they may split their ballots rather than choosing between the polarized options. In this manner, the balancing model is easily extended to provide a potential explanation for senator-governor pairs.

A second potential explanation for divided senator-governor outcomes may be derived from the writings of more severe critics of divided control in U.S. politics. Observers such as James Sundquist [1988], have argued that there is little mystery at all in the rise of divided outcomes: such arrangements are simply "accidents of history" in an era of declining partisan loyalties. According to this "party decline" thesis, the historical rise of divided outcomes may be ascribed to the general demise of political party organizations and loyalties during the twentieth century. The voters producing divided outcomes are simply those identifying less strongly with either of the parties; and there is little beyond this fact that is systematic (let alone, purposive) in the voting patterns producing divided control.

In addition to the inherited "party balancing" and "party decline" models, we offer a third explanation for divided senator-governor outcomes -- the "comparative informational relevance" model.

Literature on split-ticket voting since the 1950s has traditionally emphasized the ways in which voters lacking strong partisan ties may rely on alternative sources of information to structure their voting choices. While more pessimistic views of these citizens emphasize the unpredictable nature of these influences in contrast to presumably more desirable partisan cues [see eg. Campbell and Miller, 1957], observers holding more optimistic impressions of split-ticket voters have also emphasized the ways in which divided ballots result from the influences of information sources beyond partisanship. For example, DeVries and Tarrance conclude that ticket-splitters are more likely to "draw their attitudes about candidates and their positions on issues from the media (principally television) and interpersonal relationships (family and friends)" than from political parties or group affiliations [1972, 115].

Both of these approaches to ticket-splitters share an orientation toward the *comparative relevance* of party labels as cues for voters surrounded by a diversity of information sources. Not surprisingly, these works indicate that while partisan cues are extremely relevant to the decision-making of straight-ticket voters, they are far less relevant to the voting choices of split-ticket voters. From these patterns it is possible to speculate that split ballots result when voters do not perceive party labels to carry information that is relevant for the vote choice. In fact, such an explanation is largely consistent with the historical trend toward more frequent divided outcomes in the post-1960 period. As Wattenberg [1990] has persuasively argued, the declining partisanship of this period has been characterized not so much by dissatisfaction with (or negative affect toward) the parties as by growing numbers of voters for whom the parties appear to be irrelevant. Put simply, as the number of voters perceiving party labels as less relevant has increased over the past three decades, so too have the numbers of split ballots and divided outcomes.

However, what these patterns of perceived party relevance lack as an explanation for divided outcomes is precisely an account of *when and why* voters perceive party cues as less central to their voting decisions. The comparative informational relevance model transforms the question of "when do we get split ballots?" into the prior question of "when do voters perceive party labels as less relevant to their vote decisions?" In this sense, the model is really an extension of the simpler "party decline" model: it accepts the importance of party decline as an underlying source of divided outcomes, yet rejects the conclusion that there are no systematic factors beyond partisanship which can distinguish voters who cast unified and split ballots. Specifically, this model asserts that voters are more likely to produce split ballots not only when they have weaker loyalties to the parties, but also when they perceive only minimal partisan elements to the choices which confront them: *when voters perceive few ideological differences between the parties, or perceive local candidates' ideological positions to be unrelated to these parties, they may become more likely to disregard party labels when casting their ballots.* In this regard, the comparative informational relevance model provides an account of the origins of divided outcomes that is the inverse of the party balancing model: while the latter model asserts that split ballots are responses to salient information about party polarization, the informational relevance approach asserts that they are a product of voter decision-making in which partisan information has become less salient. The next section of the paper presents empirical tests of these three theories: the simple party decline model, the party balancing model, and the informational relevance model.

Testing Explanations for Split Senator-Governor Pairs

Data and Variable Descriptions

The data used in the following analyses are taken from the 1990 Senate Election Study.[10] The sample includes 495 respondents, all of whom voted in both the senatorial and gubernatorial races in their states.[11] Of these 495 respondents, 171 (.345 of the sample) split their tickets, while the remaining 324 respondents cast unified ballots. Among the 171 voters casting split tickets, 89 voted for a Democratic governor and a Republican senator, while 82 voted for a Republican governor and a Democratic senator. Although a number of cases were lost due to missing data, the sample of voters used in the following analyses is closely representative of the larger sample. Appendix A provides more detailed information on the characteristics and representativeness of this sample.

The dependent variable is whether or not the respondent split their votes for governor and senator between the two major political parties. This variable, SPLIT, is coded 0 for unified ballots and 1 for split ballots.

PARTY WEAKNESS is constructed from the standard seven-point (0-6) party identification scale, "folded in half" so that independent voters take on a maximum value of three and strong partisans take on a minimum value of zero.

PARTY DISTANCE is a measure of each respondent's subjective perception of the ideological distance between the Democratic and Republican parties. It is computed as the absolute difference between the respondent's placements of the Republican and Democratic parties on identical seven-point ideological scales ranging from "extremely liberal" to "extremely conservative." Hence, a maximum value of six indicates a perception of extreme party polarization, while a minimum value of zero indicates a perception of identity in the ideological positions of the parties.

BETWEEN is a dummy variable that is coded one for respondents who locate themselves between the parties on the seven-point ideological scale and zero for respondents who locate themselves outside one or both of the parties or the same as one or both of the parties on the seven-point scale.

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[10]Miller, Kinder, Rosenstone, and the National Election Studies, American National Election Study, 1990: Senate Election Study (Ann Arbor: University of Michigan, Center for Political Studies). Inter-University Consortium for Political and Social Research (distributor).

[11]Because previous research has ignored the intergovernmental aspects of divided government, scholars have missed a unique opportunity to explore both the contours of split-ticket voting and the origins of divided government. In the elections examined here, voters are required to make *simultaneous* choices for an executive office and a legislative office for the *same state*, thus connecting the vote choice in both time and space. Other categories of divided government exhibit linkages on one of these dimensions but not the other. Unlike research exploring divided outcomes for the presidency and Congress (or for a governorship and state legislature), investigations of split outcomes with regard to senator-governor pairs are able to control for the confounding effects of constituency differences. While analyses of split-Senate delegations also possess this feature of congruent constituencies, these investigations suffer from a lack of simultaneity in the choices made by voters.

BETWEEN*DISTANCE is an interaction term that takes on maximum values for moderates perceiving greater distances between the parties, and takes on minimum values for ideologues perceiving less ideological difference between the parties.

The four variables labelled ___ ___ DISTANCE are measures of each respondent's perceptions of the ideological distances between the candidates in the races confronting them and the national party associated with each candidate. The party of the candidate (Republican or Democrat) and the office sought by the candidate (governor or senator) are indicated by abbreviations in each of the four variables. For example, DEM GOV DISTANCE represents the absolute distance between the respondent's perception of the ideological position (on a seven-point scale) of the Democratic gubernatorial candidate in her state and this same respondent's perception of the ideological position of the Democratic party.

The four variables labelled ___ ___ MODERATE extend the logic of the previous four variables by offering indicators of the direction in which candidates are perceived to differ ideologically from their parties. Once again, abbreviations indicate, respectively, the party of and office sought by the candidate. These four variables are all coded 1 for candidates perceived as more moderate than their party, 0 for candidates perceived as ideologically identical to their party, and -1 for candidates perceived as more ideologically extreme than their party.

Theoretical Expectations

We test the three theoretical models by estimating the following equation using logistic regression (due to the dichotomous nature of the dependent variable, unified ticket or split ticket).[12]

$$\text{Log}[\Pr(\text{SPLIT}=1)/\Pr(\text{SPLIT}=0)] = \alpha + \beta_1\text{PARTY WEAKNESS} + \beta_2\text{BETWEEN} + \beta_3\text{PARTY DISTANCE} + \beta_4\text{BETWEEN*DISTANCE} + \beta_5\text{REP GOV DISTANCE} + \beta_6\text{REP SEN DISTANCE} + \beta_7\text{DEM GOV DISTANCE} + \beta_8\text{DEM SEN DISTANCE} + \beta_9\text{DEM SEN MODERATE} + \beta_{10}\text{DEM GOV MODERATE} + \beta_{11}\text{REP SEN MODERATE} + \beta_{12}\text{REP GOV MODERATE} + \epsilon$$

As outlined above, the "party decline" model makes the straightforward prediction that voters with weaker loyalties to the parties will have a greater likelihood of splitting their ballots ($\beta 1 > 0$), and that the remainder of the variables should have no systematic relationships with the likelihood of split ballots ($\beta 2$ to $\beta 12 = 0$). By contrast, the party balancing theory predicts that ticket-splitters come from the central, moderate range of the ideological spectrum. "More extreme voters cast straight tickets, while moderate voters are more likely to split their tickets" [Fiorina 1992b, 77]. Specifically, it is the intersection of moderate voter preferences (lying between the parties) with the "crucial" [Fiorina 1992b, 82] ingredient of polarized party positions. Thus, the theory predicts that voters who locate themselves between the two parties will be more likely to split their tickets than those who locate themselves on or outside the parties' ideological positions ($\beta 2 > 0$). Furthermore, it predicts that split-ticket voting will be more likely to result from perceptions of greater party polarization, especially among moderate voters. Hence, we would expect the combined coefficients for PARTY DISTANCE and BETWEEN*DISTANCE to reveal a positive main effect for perceived party polarization ($\beta 3 > 0$) and/or for party polarization

[12]For a more comprehensive discussion of this method see Aldrich and Nelson, 1986, 115-155.

for voters who locate themselves between the parties ($\beta 4 > 0$).[13] While it is not a central variable for the party balancing model, the theory is consistent with the expectation that PARTY WEAKNESS should be positively related to split ballots ($\beta 1 > 0$).

Our equation also includes the eight candidate-based variables tapping the voters perceptions that candidates may be "atypical" of their party label. The party balancing model makes no prediction with regard to perceptions of absolute distance between candidate and party (i.e. no prediction for $\beta 5$ to $\beta 8$). However, to the extent that candidates are relevant to the vote decision, a balancing model would lead us to expect that, if anything, perceptions that candidates are more extreme than their parties should be positively associated with split ballots ($\beta 9$ to $\beta 12 < 0$).

Finally, several specific empirical predictions may be derived from the comparative informational relevance model as well. Insofar as party cues may be expected to be less relevant for voters who have weaker loyalties to the parties, this model predicts that weak partisanship should be associated with a higher likelihood of splitting one's ballot (ß1 > 0). However, the emphasis of this approach on the *choices* confronted by voters, rather than on the relative self-placement of the voter, implies that being an ideological moderate and/or being between the parties should have no bearing (direct or indirect) on the likelihood of a split ballot (ß2, and ß4 = 0). With regard to the variable PARTY DISTANCE, the comparative informational relevance model makes a prediction exactly opposite to that of the party balancing model: voters will perceive party cues as less relevant information, and hence will be more likely to split their ballots, when they perceive the parties as presenting less ideologically distinct choices (ß3 < 0). Furthermore, this model predicts that voters will be more likely to split their tickets if they perceive the candidate choices in local elections as failing to reflect the "actual" ideological positions of the parties -- greater disparities between local candidates and national parties simply makes the party label less relevant information for the vote choice (ß5 to ß8 > 0). This relationship is expected regardless of the direction of the candidate deviation (i.e. no prediction for ß9 to ß12).

Empirical Results

Before considering logistic regression results, we can arrive at a rough assessment of the party balancing model by considering some simple descriptive statistics. Table 2 divides our sample of 495 respondents into three categories: those voters placing themselves at an ideological position *between* the locations they attribute to the two parties; those placing themselves at an ideological position *identical* to one of the two parties; and those who place themselves *outside* of both parties. The policy-balancing theory, of course, predicts that the first group of voters should be most likely to split their ballots; it makes no predictions with regard to the second category; and it predicts that the third category of voters should be least likely to split their tickets. The results do not support these predictions. In fact, the proportion of split-ticket voters in each of the categories barely deviates from the proportion of split-ticket voters in the entire sample (34.55%). The Pearson's Chi-square test statistic shows that the data

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[13]This might occur in any of several ways. For example, the coefficient for PARTY DISTANCE might imply a strong positive relationship with split-ticket voting, with the interaction of this relationship with ideology proving not to be significant. Alternatively, the overall effect of PARTY DISTANCE might "wash out" (due to the inclusion of non-moderate voters in this main effect), with the interaction term indicating that the expected relationship does obtain for moderate voters. Either of these results could be interpreted as supporting the predictions of the model.

presented in Table 2 do not even begin to approach patterns that would allow rejection of the null hypothesis of no relationship. Voters perceiving themselves between the ideological positions of the parties are no more likely to split their tickets than voters who place themselves outside the parties.

--- Table 2 about here ---

However, while this simple comparison is revealing, a multivariate analysis is needed to control for potentially confounding influences, and to allow for a systematic comparison of the three models. Table 3 shows the estimates for the multivariate equation outlined in the previous section. Taken as a group, the estimates for this equation are easily significant, with a model chi-square of 73.39 (12 df, $p < .0001$). As predicted by all three theoretical models, weak partisanship appears to be something of a "necessary condition" for split-ticket voting. Indeed, the exponentiated coefficient for PARTY WEAKNESS indicates that the odds of an independent voter (PW=3) splitting her or his ticket are 5.74 (i.e. 1.79^3) times greater than the odds for a strong partisan (PW=0). Stated in terms of probability, if strong partisans have a .25 probability of splitting their tickets, then the expected probability of a split ticket for an independent voter would be about .65.[14]

--- Table 3 about here ---

However, the overall results presented in Table 3 do not support the party balancing model. To begin with, the coefficient for BETWEEN does not even approach significance (p=.74). In other words, once the effects of partisanship and the other variables in the equation are taken into account, voters who locate themselves between the two parties are no more likely to split their tickets than those who are right on or outside the parties. While this result is consistent with the party decline and informational relevance models, it is inconsistent with the expectations of the party balancing model. More damaging to this theoretical perspective is the following result: perceptions of party polarization have a significant effect on the likelihood of voters splitting their tickets (p=.022), but the sign of this coefficient is *in the direction opposite to that predicted by the party-balancing model*! A person who sees the parties as maximally polarized on the seven-point ideology scale has odds of splitting her or his ticket that are actually only .15 (i.e. $.73^6$) times the odds for a person who sees no difference between the two parties. In other words, to obtain the odds of casting a split ballot for a person perceiving maximal party polarization, we would need to divide the odds for a person perceiving no difference between the parties by 6.67.

While these results are certainly not expected from the standpoint of the party balancing model, it is possible that the predicted effects of moderate ideology and perceptions of party polarization may be entirely captured by the interaction term. That is, party polarization may only matter for those voters who locate themselves between the parties. However, this variable also fails to achieve statistical significance (p=.61). The negative main effect for perceptions of greater party polarization on the likelihood that a voter will split her or his ticket is not diminished for voters placing themselves between the parties. Furthermore, the more candidate-centered balancing hypothesis (i.e. that voters may split their tickets in response to perceptions of polarized candidate choices) also fails to receive support, as the four ___ ___ MODERATE variables reveal generally insignificant and minimal relationships with the dependent variable. Only one of the four coefficients for these variables is statistically significant, and

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[14]Odds = P/(1-P), so when P = .25, Odds = .33. Thus, the odds of an independent splitting his or her ticket is 0.33*5.74 = 1.894. Solving the equality 1.894 = P/(1-P) yields P = .654.

its sign is in the wrong direction. Thus, the overall pattern suggests that, if anything, perceptions that candidates are more moderate than their parties may even increase the likelihood that voters will split their ballots. Consequently, these empirical results taken as a whole offer little support for the party balancing theory.[15]

Similarly, the simple party decline thesis does not fare well in our empirical analysis. According to this theory, the significant results of the overall model should be driven by a single variable -- strength of partisan identification. Indeed, as noted above, this variable has a strong and significant effect on the likelihood of a split ballot. However, a more exacting test for this thesis is provided by a comparison of the overall model to a baseline model containing only PARTY WEAKNESS and a constant term. When tested against this constrained model, the estimates for the full model still improve the fit provided by strength of partisan attachment alone (Improvement chi-square=36.19, 11 df, p=.0002). In short, there are systematic relationships underlying split ticket voting that go beyond its covariation with strength of partisanship. Moreover, the variables included in this equation appear to capture at least some of these systematic relationships. While weak partisan loyalty certainly accounts for some of the variation in split ticket voting, we cannot conclude that such ballots are merely "accidents of history" that defy further explanation.

In contrast to the party balancing and party decline explanations, however, the informational relevance approach receives some support from these empirical results. As noted above, weak partisanship is positively related to the likelihood of a split ticket; and the ideological location of the voter relative to the parties appears to be unrelated to split senator-governor ballots. More importantly, the fact that perceptions of greater ideological difference between the parties have a strong negative impact on the likelihood of a split ticket not only undermines the party balancing model -- it supports the informational relevance explanation. The negative coefficient for PARTY DISTANCE is consistent with the interpretation that voters perceiving minimal differences between the parties treat party cues as less relevant information in the vote choice, and hence, become more likely to split their ballots.

In addition, removal of the four variables measuring perceived ideological distances between candidates in state-wide races and their national parties (___ ___ DISTANCE) significantly diminishes the fit of the overall model (Improvement chi-square=19.21, 4 df, p=.0007). The coefficients for all four of these variables are positive, with two of the four measures of candidate-party ideological difference proving significant (and one other that nearly reaches significance). This pattern indicates that voters who perceive their state-wide candidates as deviating from the ideological positions of their national parties appear to be more likely to split their ballots. In other words, voters are less likely to restrict themselves to voting for a single party when they do not perceive the candidates in their state to be meaningfully connected to the ideological positions of the parties whose labels they carry. Hence, this

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[15]It might be objected here that our model does not truly test the balancing thesis insofar as it includes only a measure of placement between the parties rather than a measure of moderate ideology per se. Since a voter could presumably be between the parties yet still remain quite extreme in ideological placement, a model including the main and interaction effects for actual ideological self-placement might be viewed as desirable. Results for such a model are not presented here for two reasons: (1) Inclusion of this variable and its interaction with PARTY DISTANCE, both in lieu of BETWEEN and in a model containing both variables, proved to yield no significant effects and/or changes in our conclusions. (2) We feel that the variable BETWEEN is slightly more faithful to the theory itself. Hence, given the irrelevance of the choice for our conclusions, we have opted for this variable.

set of coefficients is consistent with an informational relevance perspective arguing that split ballots result from perceptions which diminish the salience of party cues as information relevant to vote choices.

In sum, then, the logistic regression results presented here fail to support party decline and party balancing explanations, yet are quite consistent with our expectations based on an informational relevance perspective. However, the validity of these findings rests, as always, on the quality of the model used to generate them. Before concluding that this model provides a proper test of the theories, it should be compared against alternative specifications. A variety of different specifications show that our model is remarkably robust.[16] The inclusion of several demographic characteristics in the equation does not significantly improve the overall fit of the model (Improvement chi-square=5.81, 4 df, p=.214). Similarly, variables measuring affect toward the four state-wide candidates do not significantly improve the overall fit of the model (Improvement chi-square=2.29, 4 df, p=.683). Finally a battery of seven variables measuring whether or not respondents saw either of the parties as superior to the other on specific policy issues also failed to significantly improve upon the fit provided by the basic model (Improvement chi-square=6.22, 7 df, p=.514).[17]

That none of these modifications significantly improve upon the fit of the model enhances our confidence in the adequacy of the equation presented here as a test of these explanatory theories. *Moreover, none of these alternative specifications produces any changes in the signs, magnitudes, or significance levels of the coefficients that could be classified as more than trivial.*

Discussion and Conclusions

In this paper we have offered empirical evidence and theoretical arguments indicating the historical rise and potential political significance of split outcomes among same-state U.S. Senator and governor pairs. During the first half of this century, senators and governors from a given state were usually members of the same party. However, since the early 1960s, voters have increasingly tended to split their vote for these two offices -- sending divided partisan representatives to the governor's seat and the chambers of the U.S. Senate. This historical pattern parallels closely the historical rise of divided government at the state and national levels, and like these other developments, may be cause for some concern. Indeed, we have outlined a number of contemporaneous developments that have led to a policy system in which intergovernmental relations are crucial, and in which senator-governor relations may be of some considerable importance to state government influence at the national level. While an empirical exploration of the consequences of split senator-governor pairs is beyond the scope of this paper, we have also indicated some preliminary reasons why one would expect important differences between the

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[16]It is also worth noting that because many of the variables included in the model are based on respondent ideological placements, we tested for possible multicollinearity. These diagnostics were negative.

[17]The demographic variables included age (v517), education (v521), family income (v541), and race (v547). The candidate variables included the "feeling thermometers" (v84, v85, v93, and v94) for each of the four state-wide candidates. The policy variables included the following issues: inflation, unemployment, social security cuts, tax increases, the federal deficit, foreign affairs, and environmental policy (v192 through v198). Only one of individual coefficients for these variables reached statistical significance (race was significant at the .10-level; minority voters were more likely to vote straight tickets than white voters).

relationships of unified and divided partisan pairs in these offices. We conclude that research on divided government, like many other subfields in political science, has overlooked the existence and potential consequences of the intergovernmental dimensions of this phenomenon. We urge researchers to address the importance of the federal nature of our political system in future research on the origins and consequences of divided government.

A second goal of this paper has been to assess three competing explanations for the origins of divided outcomes in the intergovernmental context. Two of these models are inherited from existing literature on divided government: the party decline thesis and the party balancing model. Our empirical investigation finds little support for either of these theories. The party decline thesis is contradicted by our findings concerning the systematic relationships between split-ticket voting and voter perceptions concerning the nature of electoral choices. The party balancing theory does not fare any better. Voters locating themselves between the perceived ideological positions of the parties appear to be no more likely to split their ballots than voters locating themselves outside of the ideological positions of the parties. Moreover, the evidence presented here indicates that perceptions of party polarization are associated with increased odds of *unified* voting. In short, our findings not only fail to support the policy-balancing theory, they contradict it.

By contrast, the results presented here offer encouraging evidence for a comparative informational relevance perspective on divided outcomes. As this model suggests, perceptions of greater partisan ideological *similarity* are associated with split-ticket voting behavior and this pattern is no less characteristic of voters who locate themselves between the parties than of voters who locate themselves outside the parties. In addition, we find that the likelihood of split-ticket voting is enhanced by voter perceptions of ideological differences between state-wide candidates and their political parties. In both instances, perceptions which one would expect to be associated with a diminution of the relevance of partisan labels in electoral choices turn out to be positively related to the casting of a split ballot.

The perception that parties are irrelevant is not held by all voters. For many, parties and party stereotypes continue to function as crucial informational shortcuts and cues simplifying and structuring the voting decision [see Rahn, 1993]. For others, partisanship remains a long-term psychological attachment capable of consistently guiding vote choices. However, this reliance on partisan cues and attachments is simply not characteristic of all voters. For a critical segment of the American electorate, the relevance of party labels as sources of information in voting decisions is not a foregone conclusion. The evidence presented here implies that, for many of these voters, the relevance of party cues is somewhat context-specific.[18]

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[18]In this regard, our comparative informational relevance model is consistent with dual-processing models of social and political cognition [for a review of such models see Fiske and Taylor, 1991]. Dual-processing models imply that party stereotypes may be expected to have diminished effects on information processing and decision-making by voters when either party labels are less available or information about parties and candidates is extremely inconsistent [see Rahn 1993, 477]. Our informational relevance model similarly relies on the availability of meaningful stereotypes (i.e. perceptions of the parties as "typically" differing) and the consistency of information (i.e. perceptions of candidate-party ideological differences) as factors guiding the relative likelihood of party stereotype-based voting. For this same reason, our model is also consistent with findings that split ballots are positively correlated with higher candidate visibility [see Beck, et al, 1992] -- insofar as greater candidate visibility may be expected to enhance perceptions of differences between the candidate and the party stereotype.

When voters perceive the parties as offering divergent ideological choices, and perceive candidates on their ballots as accurately reflecting these differences, they appear to be willing to make simplified choices in favor of one of the two parties. However, voters perceiving few differences between the parties are left to grapple with their electoral duties in the absence of such a simple and meaningful cognitive rule. Similarly, voters who perceive the candidate choices confronting them to be decoupled from the ideological agendas of the national parties also possess few informational or motivational directives to use party labels. In short, when voters perceive their immediate electoral decision-making tasks to be grounded in real partisan differences, they make these choices based on partisan lines. However, when they perceive only "echoes," or perceive candidate choices to be unrelated to partisan ideological positions, they respond with divided control.[19]

The "comparative informational relevance" model is consistent with historical trends, and capable of providing a plausible explanation for micro-level differences between split-ticket and straight-ticket voters on the basis of understanding when party cues are meaningful guides to vote choices. This type of explanation is neither as elegant as a rational party-balancing model nor as apocalyptic as pronouncements that voters cut loose from partisan moorings now provide us with what appear to be "electoral accidents." The image of voters presented in this theory is neither one of heroic capacities, nor one of cognitive incompetence. Rather, it relies on a portrait of voters as uncertain individuals confronting consequential decisions in an all too distant area of social life in which they frequently possess little interest and even smaller quantities of meaningful information. When party labels are readily available and perceived as impinging upon the decisions at hand, they may provide just the sort of information needed to orient voters toward a simplified path of action. However, when these cues are perceived as less meaningful or relevant, they may be ignored by a critical minority of voters in favor of alternative sources of information which are less likely to facilitate unified electoral outcomes.

One must consider the possibility that the electoral dynamics underlying divided control may be considerably less dramatic than many of the theories used to explain them. It is likely that the recent patterns of voting that have produced more frequent divided outcomes are neither wholly random nor wholly rational. On the contrary, they may simply reflect the fact that political action is based on "meaningful information"; and what information is "meaningful" varies across both citizens and electoral contexts.

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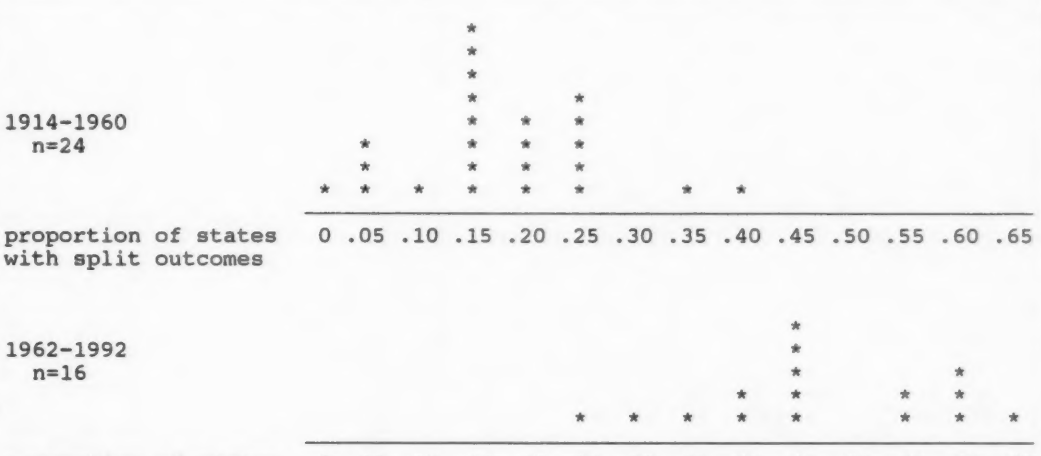
[19]It is worth noting here that this point has interesting implications when combined with arguments made earlier about the possible implications of divided control for electoral accountability to the citizenry [Derthick, 1992, 675; Fiorina, 1992, 109-111]. Typically, critics argue that obscuring effects of divided control pose obstacles to citizens' attempts to hold their government accountable. When combined with a comparative informational relevance perspective, this argument implies the possibility that the relationship may be circular: Voters under divided government may have greater difficulty distinguishing which policies are linked with which parties. This lack of differentiation may decrease the relevance of party cues to the vote choice, and hence, increase the likelihood of the split-ticket voting which leads to divided outcomes. The pattern may then repeat itself until some external shock (e.g. a polarizing national candidate) differentiates the two parties once again.

Figures and Tables

Table 1: Comparison of Proportions of Split Senator-Governor Outcomes, 1914-1960 and 1962-1992



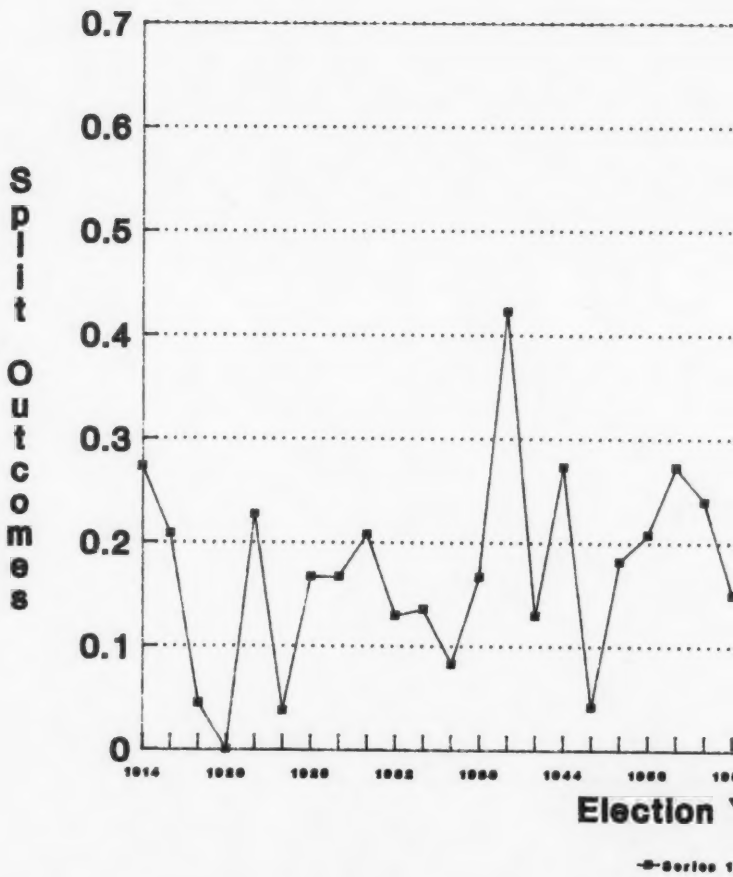
* = one election year

Summary of split senator-governor elections:

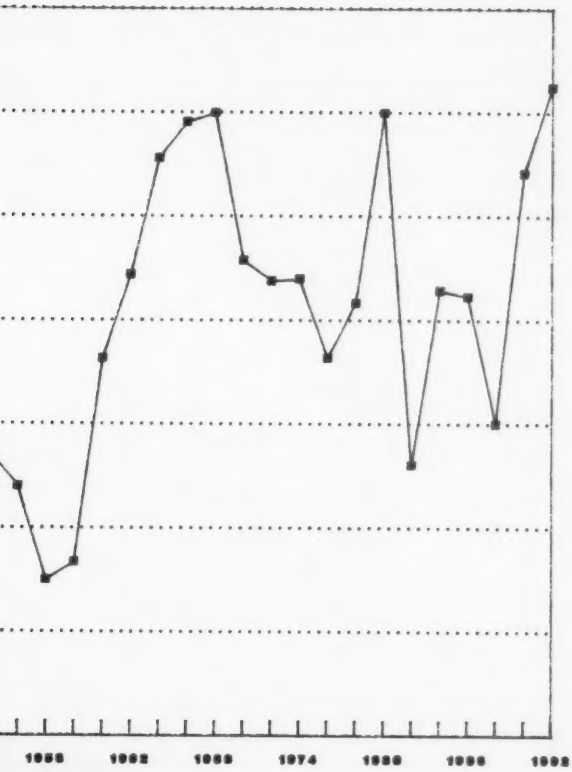
	N	Mean Proportion	Standard Deviation	Minimum	Maximum
1914-1960	24	0.179	0.101	0.000	0.423
1962-1992	16	0.468	0.109	0.261	0.625

T-test for differences of means: t = 8.58 p < .0001

The Rise of Split Sena



enator-Governor Pairs



1950 1962 1968 1974 1980 1986 1992

on Year

ries 1

Figure 2: The Policy-Balancing Spatial Model

Table 2: Proportions of Respondents Casting Split Ballots by Ideological Self-Placement Relative to the Parties

Ideological Self-Placement	Percentage Split	N
Between the Parties	35.46%	141
Identical with One Party	33.17%	199
Outside both Parties	35.48%	255
Total	34.55%	495

Pearson Chi Square = .28 (2 df, not significant)

Table 3: Logistic Regression for the Policy-Balancing Model of Split-Ticket Voting

Variable	Expected Direction			B	Sig.*	Wald	Exp(B)
	Party Decline	Balancing	Information Relevance				
PARTY WEAKNESS	$\beta > 0$	$\beta > 0$	$\beta > 0$	.58 (.11)	.00001	27.15	1.79
BETWEEN	$\beta = 0$	$\beta > 0$	$\beta = 0$	-.23 (.70)	.74	.11	.79
PARTY DISTANCE	$\beta = 0$	$\beta > 0$	$\beta < 0$	-.32 (.10)	.001	10.41	.73
BETWEEN* DISTANCE	$\beta = 0$	$\beta > 0$	$\beta = 0$	.096 (.19)	.61	.25	1.10
REP. GOV. DISTANCE	$\beta = 0$		$\beta > 0$	.025 (.11)	.80	.07	1.03
REP. SEN. DISTANCE	$\beta = 0$		$\beta > 0$	.19 (.10)	.048	3.92	1.21
DEM. GOV. DISTANCE	$\beta = 0$		$\beta > 0$	.19 (.09)	.031	4.65	1.21
DEM. SEN. DISTANCE	$\beta = 0$		$\beta > 0$	.17 (.10)	.083	3.01	1.18
DEM. SEN. MODERATE	$\beta = 0$	$\beta < 0$		.31 (.13)	.019	5.48	1.37
DEM. GOV. MODERATE	$\beta = 0$	$\beta < 0$		.17 (.14)	.22	1.49	1.18
REP. SEN. MODERATE	$\beta = 0$	$\beta < 0$		-.11 (.14)	.44	.61	.90
REP. GOV. MODERATE	$\beta = 0$	$\beta < 0$		.20 (.15)	.18	1.76	1.22
Constant				-1.36 (.31)		19.29	

Likelihood Ratio Chi-Square (null baseline) 73.39 12 df; $p < .0001$
Likelihood Ratio Chi-Square (Party W. baseline) 36.19 11 df; $p < .0002$
Correct Classification 69.7%

* (two-tailed test)
Standard errors are in parentheses. Number of cases = 495.

Appendix A--Representativeness of the Sample

	Full Sample of Senator/Governor Voters	Sample used in Logistic Regression
Partisanship (folded scale)		
Strong party attachment	29.5%	30.7%
Weak party attachment	32.8	30.7
Leaning to one party	25.5	29.9
Independent	9.3	8.7
Missing	3.0	--
Self-placement, relative to parties ("Between" in regression analysis)		
Between parties	25.6	27.7
Outside the parties or the same as one party	61.5	72.3
Missing	12.8	
Ideology		
Liberal	21.4	27.3
Moderate	21.6	20.2
Conservative	52.8	52.5
Missing	4.1	
Education		
No High School Diploma	8.1	4.8
High School Diploma	29.2	28.5
Some College	18.2	16.6
Jr. or Comm. Coll. Degree	10.9	10.5
BA level Degrees	20.2	24.0
Advanced Degrees	10.5	13.3
Other	3.0	2.2
Race		
White	89.8	89.3
African-American	3.8	3.2
American Indian / Alaskan	1.2	1.4
Asian / Pacific Islander	2.1	2.6
Other	2.0	2.2
Don't Know	.2	.2
Refused	.9	1.0
Age	49.6	46.1
Family Income (V541)	14.2	14.2
Number of Cases	1,045	495

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SOCIAL INFLUENCES ON POLITICAL ATTITUDES:

THE ROLE OF IMAGINED COMMUNITIES

Joe Soss
Diana Mutz

Department of Political Science
University of Wisconsin-Madison
110 North Hall
Madison, WI 53706

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SOCIAL INFLUENCES ON POLITICAL ATTITUDES: THE ROLE OF IMAGINED COMMUNITIES

Abstract

This study is designed to investigate an important, yet poorly understood form of social influence on political attitudes. In contrast to social influences that occur through interpersonal discussion or group identification, this form of social influence derives from people's perceptions of imagined communities, that is, large-scale collectivities that exist outside the realm of interpersonal contact (see Anderson 1983). After outlining the social and historical bases for the importance of social influences of this kind, we link these concerns with an empirical exploration of the social psychology of this phenomenon. In addition to investigating the extent of social influence that stems from imagined communities, this study is explicitly designed to tap the underlying psychological processes responsible for such effects.

SOCIAL INFLUENCES ON POLITICAL ATTITUDES: THE ROLE OF IMAGINED COMMUNITIES

An important force in contemporary political life derives from people's perceptions of others' attitudes, beliefs or experiences. "Others" in this case refers not to the close friends and acquaintances that concerned the authors of classic works such as The People's Choice and Personal Influence, but rather to groups of anonymous "others" outside an individual's realm of personal contacts. Anderson (1983) has termed these impersonal, nontraditional groups "imagined communities." Imagined communities are perceived only at the distant end of what Calhoun (1991: 101) terms "regions of increasing anonymity." Influences that derive from imagined communities are impersonal in two important respects: they are generally mediated social influences that do not involve face-to-face interpersonal communication; and they involve information about the attitudes, beliefs and experiences of collectives outside of an individual's personal lifespace.

As early as the 19th century, Tocqueville observed that "the more equal the conditions of men become . . . the more easily do they give way to the current of the multitude, and the more difficult it is for them to adhere by themselves to an opinion which the multitude discard" (Tocqueville 1835: 205). Rather than aspire to the opinions of a higher social class, Tocqueville suggested that people would look instead to the opinions held by large numbers of others. Over a century later, Riesman and colleagues (1950) expressed similar concerns about "other-directed" people whose "contemporaries are the source of direction for the individual -- either those known to him or those with whom he is indirectly acquainted, through friends and through the mass media" (p. 37). This same idea persists today as a major concern in the scholarly study of public opinion, particularly with respect to media-generated representations of mass opinion (see, e.g., Marsh 1984; Noelle-Neumann 1974).

Despite this tradition of concern over the influence of generalized others, scientific investigations of social influence primarily have focused on the level of personal acquaintances and group influence. The research program on personal influence carried out at the Bureau of Applied Social Research in the 1940s and 50s touted social influences close to home as the primary influence on political attitudes and behaviors. The legacy handed down by Personal Influence (Katz & Lazarsfeld 1955) and related work was that trustworthy sources of information in the individual's own personal lifespace -- friends, relatives and acquaintances -- were paramount to the formation and change of political attitudes. People's perceptions of the attitudes of more distant, anonymous others were considered to be of little theoretical or practical interest.

Nonetheless, a variety of contemporary theories and research findings point to impersonal others as an important influence on political attitudes and behavior (see Mutz 1993a for a review). While this shift may partially reflect internal changes in academic interests over time, more socially significant underpinnings of this transition lie in dramatic social and historical developments that have occurred during this period. Although such concerns were apparent to some 19th century social observers, as the end of the 20th

century draws near, the political and social climate of the United States comprises a confluence of conditions ripe for imagined communities to play a substantial role in influencing political attitudes and behaviors. As a consequence, impersonal social influence processes are now especially worthy of attention, both because of their impact on current political processes, and because of their potential to expand the boundaries of our understanding of social influence processes.

THE GROWTH OF IMAGINED COMMUNITIES & IMPERSONAL SOCIAL INFLUENCE

Two large-scale social transformations have facilitated the growing importance of imagined communities. Impersonal social influence requires both mediated social relationships and the communication of social information across boundaries of traditional social interaction. Two parallel 20th century social trends, the proliferation of indirect relationships and changes in the structure of social interaction, have contributed greatly toward these two requirements (see Calhoun 1991) and hence toward the enhanced importance of imagined communities in the formation and change of political attitudes.

The proliferation of indirect relationships. Impersonal social influence is only possible when political communication is mediated, and thus indirect. For this reason, it is significant that 20th century western societies have been characterized by a proliferation of indirect relationships (Calhoun 1991; Habermas 1984, 1988; Coleman 1980). In fact, most theorists of 19th century social transformations note a shift away from communal, person-to-person relationships toward such indirect associations with others (see Beniger 1987 for a review). These indirect relationships differ from relationships involving face-to-face interpersonal communication insofar as they involve the mediation of communications technology, markets, or other complex organizations. Whereas political and economic affairs used to be organized on the basis of local community and face-to-face economic exchange, direct interpersonal relationships now organize less of American public life (Calhoun 1991).

As people increasingly interact through these mediated systems, their need for information about systemically remote and anonymous others also increases. Media and markets provide two prominent examples of such systems. The decision-making practices of citizens participating in politics through a mediated system have become similar to those characterizing traders engaging in economic exchange through a market system; "The right price, after all, depends primarily on what other people, not just you yourself, think that price should be" (Heilbroner 1991: 70; see also Keynes 1936). In both politics and markets, people are now more likely to communicate through impersonal means than they were a century ago. And just as indirect economic signals representing the collective behavior of others communicate crucial information in markets, characterizations of the opinions of imagined communities may communicate information that guides those who observe them in the political arena. Just as some traders may "free ride" on better-informed traders by watching stock prices, citizens may also "free ride" on those more politically informed by relying on representations of the collective opinions and experiences of others.

In addition to facilitating greater dependence on representations of distant others, indirect relationships may also have enhanced the importance of impersonal social influence by attenuating the linkages between personal experience and political behavior. While it is clear that people continue to have meaningful interpersonal relationships, the proliferation of indirect relationships in this century has been accompanied by a growing gap between the worlds of direct and indirect experience. Calhoun (1991), for example, argues that distinctions between "everyday life" and "the big picture" used in common parlance are indicative of "divergent ways of trying to understand the social world" and "an experiential and intellectual split": "We contrast the quotidian no longer with the extraordinary days of feasts and festivals so much as with the systematically remote, with that which 'counts' on a large scale" (p. 96). Thus the impersonal has not replaced the personal as *gemeinschaft* is said to have replaced *gesellschaft* (Tonnies 1940); rather an increase in the number of indirect relationships has made the worlds of direct and indirect relationships more compartmentalized. Social theorists such as Habermas (1984), Coleman (1980) and Calhoun (1991) concur that a fundamental characteristic of modern social life is this increased split between the world of direct interpersonal relationships and large-scale social systems, or what Habermas refers to as "the systemworld and the lifeworld."

In political science, a large body of empirical evidence supports the existence of a gap between personal experience and social judgments. Surprisingly, even people's personal financial experiences and perceptions of national economic conditions are maintained largely independent of one another (e.g., Kinder 1981; Kinder & Kiewiet 1981). In addition, while personal experiences tend to be disconnected from the political world, people's perceptions of collective economic conditions reliably influence their political attitudes (e.g., Kiewiet 1983; see Monroe 1979, or Kiewiet & Rivers 1985 for reviews). Consistent with these findings, a large accumulation of evidence across a variety of issues shows that personal experiences are rarely connected to political judgments (see Sears & Funk 1990 for a review).

Some evidence suggests that by providing a technological means by which indirect relationships can be conducted, mass media may contribute to widening the gap between personal and social levels of judgment (see Mutz 1992; Weatherford 1983). Cross-national evidence supports the idea of a linkage between the rise of mediated communication systems and the compartmentalization of personal experience and political attitudes: while citizens in countries with less well-developed national media systems exhibit a consistent link between personal sense of well-being and attitudes toward government (e.g. Hayward 1979), in many western democracies with well-developed national media systems there is a split between personal experience and perceptions of collective experience (e.g. Eulau & Lewis-Beck 1985).

Influence that flows from imagined communities may or may not reflect the dominance of the impersonal systemworld. It is possible that such information is simply more highly valued when it comes to orienting one's self in the political arena. This argument might be seen as an individual-level analogue for what some postmodernist

observers of history have termed the "death of the social," in which the lifeworld is annihilated as a real and consequential referent for social thought and action (see e.g. Baudrillard 1983). Alternatively, the influence of imagined communities may arise out of an interaction between systemic information and information gleaned from everyday life. While information from personal experience may be less important for political evaluations than collective information, individuals may still draw on their previous experiences and prior knowledge to give meaning to representations of the impersonal collectivity. Shils argues that "direct relationships are extremely important in the constitution of imagined communities" (1991, p. 129). According to this view, people do not passively accept system-level information, but rather actively construct and reconstruct these messages in light of their own experience.

In sum then, the 20th century has witnessed a proliferation of indirect relationships, and the mediated systems through which these relationships occur contributes to the rising importance of impersonal influence in two ways. First, these systems have established both the possibility and need for steady flows of information about distant others. Second, these systems have contributed to a cleavage between the personal and political worlds which further enhances the potential effects of imagined communities.

Change in the structure of interaction. Media tend to influence social behavior "by changing the 'situational geography' of social life," rather than through content (Meyrowitz 1985: 6). However, media content may also contribute to widening the gap between personal and social levels of judgment by providing information about distant and impersonal others. The existence of media alone probably would not alter perceptions of the social environment unless their content included fairly large quantities of non-local social information. Thus change in the structure as well as the type of social relationships has been central to the creation of a social context open to impersonal influence. Indirect relationships are different from direct ones not just in the sense that they are mediated; they also transcend locality in a way that is typically not possible with direct interpersonal relationships. A shift in the structure of interaction has thus furthered the potential for social influence from imagined communities.

In the 1920s, 30s, and 40s, the structure of social interaction shifted from an emphasis on the local and personal, to one centered on impersonal, national interactions. Coleman (1980: 340) describes a variety of trends that contributed to this change, including the transformation of manufacturing from a local to a national basis and the emergence of national media that lent themselves to the marketing of goods manufactured on a national basis. World War II further encouraged rural-urban migration, breaking down ties to local communities by moving people away from their place of birth. The sum total of these changes "shifted the nation from a set of local communities, largely internally focused, to a nation in which the focus was no longer local, but national" (Coleman 1980: 335).

These changes in the nature of social interaction have been further facilitated by nationalization of the structure and content of mass media. The structure of mass media

has changed substantially since the days of the penny press that was locally based and geared to parochial interests (e.g., Bagdikian 1983, 1987). As locally-based media organizations have become giant corporations and conglomerates, the audiences to whom they direct their information have become increasingly national. The development of electronic media has led the nation to communicate on an ever more national, mass basis since it eliminates the need to physically transport information, and thus makes it easier to reach populations distant from the original news source. More importantly, centralization of ownership has changed the conceptualization of news from one that was locally dominated to one that is national and international in scope (Abramson et al., 1988). The local community focus of the past has been largely displaced by a focus on imagined communities that are less geographically or interpersonally bounded.

In addition, during the 20th century the norm for mainstream journalism has moved toward a more objective style of reporting (Schudson 1978; Roshco 1975) and this shift has encouraged greater homogeneity of media messages. Even across media, most studies find high levels of homogeneity in the presentation of news (Patterson 1980; Graber 1980; Patterson 1989). Under a system of competing partisan newspapers, journalists had incentives to differentiate their reporting from the competition. These same incentives do not exist in single newspaper markets. The current emphasis on non-partisan, professionalized news is more congenial to presentations of the opinions and beliefs of mass others. Coverage of this kind distances the reporter from the opinions expressed since they are not the reporter's opinions or those of some particular individual, but rather those of some objectively-defined mass collective. In its most extreme form, such information may take the form of a generalized representation of consensus among impersonal others -- with little or no differentiation of this imagined community into identifiable groups characterized by contrasting attitudes or behaviors.

The changing nature of social interaction is particularly relevant to social influences on political attitudes because social theorists have generally assumed a trade-off between population size and the degree of social control (Beniger 1987). Interpersonal communication in small communities was assumed to afford a high degree of social control, while mass communication networks linking large populations produced less control. However, to the extent that mass collectives are perceived and responded to as imagined communities, population size may no longer be as relevant as it once was. These forms of social influence are not constrained by population or geographic boundaries, nor do they require interpersonal social contact. In fact, the sheer size of the collectives may even contribute to furthering their power and influence (e.g., Mutz 1992a).

The potential persuasive influence of imagined communities can be seen in countless contemporary political controversies, both national and international in scope. For example, what effect, if any, did people's perceptions of so-called "world opinion" have in shaping American attitudes toward the Gulf War? While the potential for influence is clear, the extent of influence, the processes through which it occurs, and its normative implications are not. In order to fully understand the implications of these phenomena for the political

system, it is essential to understand the actual mechanisms by which such influence occurs.

THE SOCIAL PSYCHOLOGY OF IMPERSONAL SOCIAL INFLUENCE

A primary goal of this paper is to explore the social-psychological rationale for the influence of imagined communities on the formation and change of political attitudes. Why is it that people are often influenced by their perceptions of the opinions of diffuse and anonymous collectivities? Past research has been geared toward understanding social influence in primary group contexts, or the effects of positively or negatively valenced reference groups (e.g., Kiesler & Kiesler 1969). But theories of social influence grounded in the world of direct interpersonal contact adapt poorly to the impersonal contexts suggested by the theories outlined in the previous section. In early studies of the effects of representations of mass opinion, a link was forged with studies of majority influence in small group settings. However, many of the key factors influencing the extent of conformity in laboratory contexts are missing from the situations in which these influences occur. In fact, most small group research suggests that this kind of influence should not be sustained with the vast and undifferentiated reference public suggested by mediated reports of mass opinion. The "group" in this case is not particularly attractive, cohesive, nor interdependent as is typically necessary for normative social pressures to operate (Ross, Bierbrauer & Hoffman 1976).

In short, studies of group influence provide little guidance in understanding shifts that result from representations of the opinions of the psychologically distant and anonymous others that comprise imagined communities. There remains, however, tremendous potential for informational, as opposed to normative, social influences upon individual judgment. While normative social influences stem from a desire to conform with the positive expectations of others, informational social influence occurs because people accept the opinions of others as information about social reality (Deutsch & Gerard 1955). Informational social influence should be particularly likely in the case of political judgments: since no basis in physical reality exists for the establishment of the validity of one's belief, people should be more likely to rely on guidance from social reality, that is, the beliefs or experiences of collective others (Festinger 1950).

Information about the opinions of mass collectives is ideally positioned to create informational social influences on political judgments. News of this kind is widely disseminated by the mass media. Furthermore, journalists perpetuate the existence of imagined communities by reifying these concepts by writing extensively on topics such as what the American public thinks, where world opinion stands on various issues, and so forth. These concepts are amorphous and ill-defined from a social scientific perspective, but they are a widely accepted part of contemporary political discourse.

The notion of informational social influence better fits the context of social influence derived from imagined communities, but it does not provide an explanation for such effects in and of itself. In this study we draw on closely-related research in social psychology to

examine two potential explanations.

Cognitive Response Theory

One important reason people may respond to information about the opinions of distant, impersonal others is because of the thoughts people generate in response to learning what others think (see, e.g., Petty & Cacioppo 1981, 1986). What is alternatively referred to as persuasive-argumentation or cognitive response theory suggests that one reason attitudes may shift when people learn of others' views is because knowing the opinions of others induces people to think of arguments that might explain those others' positions. By rehearsing these arguments, people engage in a process of self-persuasion whereby their own attitudes move in the direction of the arguments that have been primed by others' views -- arguments that would not otherwise have come to mind (Burnstein & Sentis 1981, Burnstein & Vinokur 1975, Burnstein, Vinokur & Trope 1973).

For example, when individuals hear that "most people" now support a constitutional amendment to prohibit flag burning, they are likely to mentally rehearse the possible reasons that would have led "most people" to support that position. If a person is not strongly committed to a particular view, the thoughts that then pass through the individual's mind are likely to be supportive of the position held by the imagined collective. By means of the pro-flag burning amendment thoughts generated by information about consensus views, information about mass opinion influences the development of the person's own viewpoint; arguments in favor of a flag burning amendment are now more salient and well-rehearsed in the person's mind than those in opposition.

Evidence for this theory comes primarily from experimental studies in which people are systematically exposed to information about the positions of others, and then either distracted from generating thoughts in response to these cues or allowed to cognitively elaborate. Only when respondents both knew and thought about others' positions did the manipulations have any effect. Furthermore, the more arguments that came to mind explaining why others might have taken the positions they did, the more likely the individual was to revise his or her own attitude accordingly (Burnstein, Vinokur & Trope 1973; Burnstein & Sentis 1981; see also Tesser 1978, Tesser & Conlee 1975; Perloff & Brock 1980).

The attitude shifts suggested by cognitive response theory are not unidirectional; the model predicts movement both toward and away from the direction of others' opinions, based on the extent to which an individual is committed to a pre-existing position. When exposed to the contradictory opinions of others, a person strongly committed to his or her viewpoint would be most likely to generate counter-arguments defending his or her initial position. By rehearsing these arguments, the person's own opinion polarizes, intensifying in the direction of the original viewpoint and away from the opinions of others (Petty & Cacioppo 1979b, 1981).

The predictions of cognitive response theory jibe well with evidence from

experimental studies in which the impact of knowing the opinions of others is contingent upon the level of commitment to an issue position. Shifts in the direction of majority opinion are most likely among citizens with little information or commitment to their positions, while boomerang or underdog effects are more likely when people are strongly committed to their views (see, e.g., Kaplowitz et al. 1983; Geer 1989; Patterson 1980).

This interpretation also provides a potential explanation for the consistently inconsistent findings in research on so-called "bandwagon" effects. Cognitive response theory suggests that information regarding majority views could result in movement in the direction of majority or minority opinion, depending upon the intensity of people's views on a given issue or candidate, and on the availability, direction and persuasiveness of the pool of arguments speaking to each alternative (Burnstein & Sentis 1981). In short, cognitive response theory does not suggest that attitude change should result from perceptions of consensus views in all situations. The amount of change that results from cognitive elaboration depends upon characteristics of both individuals and the political environment. In the aggregate, these effects may even cancel one another out so as to create the impression of no influence at all (e.g., Marsh 1984; Henshel & Johnston 1987).

The "conversations with ourselves" implied by cognitive response theory suggest a process whereby individuals actively give personal meaning to impersonal information; although the consensus cue may trigger attitude change, that influence is entirely dependent upon the meaning the individual gives to the new information. This interpretation is analogous to Gamson's recent conclusion that interpersonal discussions of political issues are often characterized by "integrated strategies" which blend media discourse with experiential knowledge (1992: 129). Likewise, the intra-personal discussion of political issues may also involve the active integration of mass mediated information about the opinions of distant collectives with more personal, experiential knowledge.

The Consensus Heuristic

Although the cognitive response explanation for impersonal influence fits the accumulation of findings to date quite well, there are other possibilities that offer somewhat simpler explanations. Most notably, the heuristic model of persuasion suggests that information about consensus views may trigger a socialized tendency for people to associate the popular with the good or intelligent choice (Chaiken 1987; Axsom, Yates & Chaiken 1987). This is also the logic behind the reasoning that if so many people support some candidate or issue, surely all those people cannot be wrong (see Bartels 1988). Contextual cues indicating a consensus surrounding a candidate or issue may serve as simple cognitive shortcuts indicating that a viewpoint is probably valid.

While both cognitive response theory and the consensus heuristic have the potential to account for impersonal influence, the consensus heuristic accounts for it through a more direct psychological mechanism. According to the consensus heuristic, people are socialized to use information about consensus views to make decisions, mainly under

conditions of high uncertainty and little information. These cues are quick, efficient mechanisms that do not require any additional cognitive processing to take place. By contrast, cognitive response theory suggests that additional processing must transpire; the consensus cue must trigger thinking about reasons to support or oppose a political position which in turn alter the person's attitude.

Evidence documenting a consensus heuristic is admittedly sparse (see, e.g., Nisbett & Ross 1980; Axsom, Yates & Chaiken 1987), particularly in political contexts. Although the absence of evidence does not necessarily lead us to conclude that no such heuristic exists, evidence to date is generally more consistent with a cognitive response interpretation, particularly in that it is better able to account for evidence of backlash or boomerang patterns of influence, whereas the consensus heuristic cannot. Moreover, the larger problem is that cognitive response and heuristic processes are very difficult to distinguish on the basis of the evidence available in traditional survey data. In this study we use a hybrid survey-experimental design that makes this distinction possible.

METHOD

There are two general advantages to the methodology used in this study. First, the survey-experimental design allows much stronger causal inferences to be drawn than is typically the case in non-experimental research. Random assignment to experimental conditions controls for most plausible rival hypotheses that must be individually identified and ruled out in more traditional survey designs. This advantage is particularly important for assessing the causal relationship between people's perceptions of imagined communities and their own views. In this area of inquiry, the traditional problems of causal inference associated with cross-sectional survey research are exacerbated by an inability to distinguish impersonal influence from "false consensus" -- the well-established tendency to project one's own views onto others. Our design incorporates direct manipulations of opinions ascribed to imagined communities rather than relying on the more ambiguous relationship between respondents' issue positions and their perceptions of collective opinion (see e.g., Fields & Schuman 1976; Mendelsohn & Crespi 1970; Marks & Miller 1987).

A second advantage to the hybrid design concerns the external validity of findings. Over four decades ago, Campbell (1951) advocated experimental designs to disentangle processes of projection and influence. While experimental approaches have allowed for considerable progress in establishing causal relationships, they have also brought their own difficulties. Many experimental studies have sacrificed generalizability by relying on college student subjects. Student samples may be a useful population for studying some psychological processes, but levels of student political interest and involvement make them problematic for studies of public attitudes. Our research combines the rigor of an experimental design with a representative national population by embedding our experiment within a rolling cross-sectional telephone survey conducted by the Letters and Sciences Survey Center of the University of Wisconsin-Madison.

The design of the study is a fully crossed 3 by 3 by 2 between-subjects experiment. A three-level factor was used to manipulate awareness of collective opinion within imagined communities. Respondents were divided into three groups which respectively received no cue (control condition), a positive consensus cue, or a negative consensus cue for the relevant issue.[1] A second three-level factor randomly assigned respondents to one of three different issue controversies. These issues included (1) whether girls should be allowed to join the boy scouts, (2) whether federal laws should require affirmative action programs for women and minorities provided there are no rigid quotas, and (3) whether there should be a constitutional amendment making it a punishable offense to burn the American flag.[2] Since the persuasiveness of cues is often moderated by the extent to which people have strong pre-existing commitments to their issue positions, the policy issues were chosen to represent a range of levels of issue commitment based on a pretest including a variety of issues.

A third experimental manipulation randomly assigned respondents to one of two conditions in which they were either given no instructions prior to receiving an issue question or were instructed to "feel free to take a moment or two to think about it before answering." The purpose of this manipulation was to systematically induce greater thinking on the part of the respondent before answering the question. If cognitive response theory is correct, greater attitude change should generally results when respondents have more time to mentally elaborate. After the experimental manipulations, respondents were asked for their own issue preferences.[3] This was immediately followed by a question asking for the level of commitment to their issue preference.[4] Pre-test evidence on the range of levels of commitment to these issue positions was corroborated by a manipulation check. In both instances, the flag burning issue elicited the highest levels of commitment; the boy scout issue elicited moderate levels of commitment; and the affirmative action issue had the lowest levels of commitment of the three. These differences in issue commitment were statistically significant ($F(2,679)=15.76$, $p<.001$).

Since the processes through which individuals arrive at opinions often are difficult to discern from conventional survey data, we extended a technique from laboratory settings for use in this survey. By incorporating a question similar to the "thought-listing" items commonly used in psychology experiments (Brock 1967; Greenwald 1968; Petty & Cacioppo 1981), we gathered considerable information on what was passing through respondents' minds during the survey interview. Thought-listing procedures are typically administered with paper and pencil, but a recent study suggests that they adapt well to the constraints of a telephone interview (see Mutz 1993). Immediately after eliciting an issue position, interviewers asked open-ended questions inquiring of respondents, "As you were thinking about whether _____, what kinds of thoughts occurred to you?" Interviewers then recorded responses verbatim.

Later these responses were "unitized" (Meichenbaum, Henshaw, & Himmel 1980) into individual units of cognitive response by dividing the verbatim comments into individual thoughts or ideas. These units were then further coded into ideas or arguments

(1) consistent with the public opinion cue received by the respondent, (2) inconsistent with the public opinion cue received, i.e., counter-arguing, (3) neutral with regard to the issue, or (4) irrelevant thoughts and arguments. Message-irrelevant responses were not included in the analyses presented here. One summary measure was calculated for the total number of thoughts generated by each respondent, and a second that represented whether the balance of cue-consistent thoughts minus cue-inconsistent thoughts was positive or negative.

Two additional items were included in the study because of their hypothesized connection to the extent of cognitive response. After issue preference and elaboration questions, we also asked respondents to assess their own level of knowledge concerning these issues.[5] We deemed self-perceived knowledge more important than a measure of actual knowledge since whether one turns to external cues ought to be more closely related to how self-confident a person feels about a given issue position than how much actual information he/she has.

The second item hypothesized to be related to the extent of cognitive elaboration is an individual trait known as "need for cognition." This individual difference refers to a personal tendency to invest greater thought and mental energy in tasks (Cacioppo and Petty 1982). Four questions which had already been extensively evaluated by others for reliability and validity were adapted from a larger battery of items designed to efficiently measure need for cognition[6] (see Cacioppo, Petty and Kao 1984).

Finally, a series of demographic questions also included measures of education and party identification which were included in the analyses of issue preferences. By controlling for variance due to these individual differences, we were able to get a closer look at differences brought about specifically by the experimental manipulations.

To summarize our hypotheses specific to each manipulation, first, the induced pause in the survey is expected to generate greater cognitive elaboration on the issues. According to cognitive response theory, greater cognitive elaboration should, in turn, generate greater attitude change. The direction of that attitude change will depend on whether the elaboration is predominantly cue-consistent or whether counter-arguing takes place. On the other hand, to the extent that those who do not elaborate are most influenced by the cues, the evidence may be seen as indicating the use of a cognitive shortcut, and hence, as supporting the consensus heuristic.

If a consensus heuristic is being used by individuals when responding to representations of imagined communities, the consensus cues should have a direct impact on issue preferences. By contrast, cognitive response theory suggests that these cues should interact with measures of cognitive elaboration in influencing political preferences. While measures of cognitive elaboration are also likely to have significant direct effects due to rationalization of issue preferences, according to cognitive response theory, the interaction should be a significant predictor even after controlling for direct effects.

Cognitive response and heuristic interpretations also suggest differing hypotheses with respect to the manipulation of issue commitment. According to the consensus heuristic, the greatest influence on issue preferences should occur for low commitment issues. For these issues, individuals should not have strong or well-informed positions, and hence, should be more likely to rely on the opinions of others as a shortcut. According to cognitive response theory, greater influence should occur for the moderate or high commitment issues since individuals must have pro and con arguments in mind in order to self-persuade in response to consensus cues.

RESULTS

Table 1 confirms that the pause manipulation did in fact prompt respondents to rehearse a greater number of thoughts than in its absence. On average, people in the Pause condition generated 2.05 thoughts relative to 1.69 in the No Pause condition. As expected, those with a higher level of Need for Cognition generated a greater number of thoughts, as did those who perceived themselves to be highly knowledgeable. But even after controlling for Need for Cognition and Issue Knowledge, those in the Pause condition still generated a significantly greater number of total thoughts.

Table 2 shows the means for each experimental condition. To distinguish systematic patterns, we conducted a multivariate analysis of variance. Four factors were included in the analysis including the three experimental manipulations, plus the variable representing whether cognitive elaboration was predominantly cue-consistent, predominantly counter to the cue, or whether there was no elaboration at all. Two covariates, education and party identification[7], were also included in the analysis in order to absorb some of the error variance due to individual differences.

Table 3 summarizes the major experimental findings. The main effect for Issue simply indicates that the extent of favoring and opposing views differed by issue, and hence, is of little theoretical interest. Similarly, and as hypothesized, Cognitive Elaboration also had a significant main effect. Not surprisingly, people who favored an issue position were more likely to list thoughts consistent with that position than thoughts inconsistent with it.

Of greater interest, however, is the finding that the favor and oppose cues had modest but statistically significant direct effects on issue preferences. On average, those who received favor cues were more favorable toward the issue ($x=2.43$) than those who received oppose cues ($x=2.30$). The main effect indicates that the representations of consensus had some direct influence on attitudes, and thus is consistent with the use of a consensus heuristic.

Nonetheless, the hypothesis suggested by the cognitive response model is also confirmed by the strong interaction between direction of cue and cognitive elaboration. As illustrated in Figure 1, the favor cues produced greater movement in a favorable direction

when people generated cue-consistent thoughts, but greater movement in the opposing direction when accompanied by counter-arguing. The same pattern obtained with the oppose cue: it produced movement in that direction only when accompanied by cue-consistent thoughts, and produced movement in the opposite (favorable) direction relevant to control conditions when accompanied by counter-arguing. Those who did not elaborate at all fell in between and were not significantly different from the control group means. This pattern of interaction directly contradicts the expectations derived from the consensus heuristic. Rather than relying on consensus cues in the absence of other information, it is precisely those individuals with additional thoughts in mind who appear to be most influenced.

Finally, the significant three-way interaction in Table 3 indicates that the relationship illustrated in Figure 1 works differently for different issues. Table 4 breaks down the interaction separately for each issue in order to observe these differences. As shown in the third column of Table 4, the largest differences between favor and oppose conditions and the control means were for the high-commitment, flag burning issue while the smallest differences were for the low commitment, affirmative action question. This pattern is again consistent with a cognitive response explanation for persuasive effects.

DISCUSSION

Several methodological concerns need to be addressed before evaluating these findings. Foremost among these is the validity of the measures of cognitive response. How confident can one be that the thought listing measures truly tap respondents' internal dialogue that occurs before expressing an issue position? Past research on the use of thought-listing measures has examined both reactivity and rationalization as potential problems with measures of this kind. In this study, issue preferences purposely were assessed before eliciting cognitive responses in order to prevent possible reactivity (see Cacioppo & Petty 1981). It is still possible, however, that the cognitive responses represent post hoc rationalizations of issue positions: mass opinion cues could influence feelings toward the issues which, in turn, influence cognitive responses as respondents attempt to construct a line of reasoning after the fact. In fact, the main effect of Cognitive Elaboration does suggest that some rationalization is taking place, but that is clearly not the whole story.

Path analytic studies of cognitive response generally have concluded that cognitive responses mediate affective responses rather than the other way around (e.g., Cacioppo & Petty 1981; Insko et al. 1974; Osterhouse & Brock 1970). Findings specific to this study also suggest a mediating role for cognitive responses in influencing attitudes toward candidates; the interaction between cognitive elaboration and the direction of the experimental cue indicated that the cues were far more effective when accompanied by the rehearsal of cue-consistent thoughts. If rationalization alone were at work, it should be equally likely across all experimental conditions, thus producing strictly main effects. The

direction of experimental cues had only moderate direct effects on issue positions in this study, but very pronounced effects in interaction with cognitive elaboration.

One final methodological concern involves the generalizability of this research setting. The subject pool and setting of this study make its findings more generalizable than most found in experimental research, but the manipulations occur directly before issue preference is assessed. The immediacy of the cues may have created significant short term changes that evaporated shortly thereafter. On the other hand, these quick, one-shot cues had to compete with an ongoing stream of information about these issues in the day-to-day political environment.

The most straightforward point to be made about the evidence presented here is that the results of this study suggest that imagined communities may play an important role in the formation and change of political attitudes. As the first section of this paper indicated, the 20th century has been characterized by a proliferation of indirect relationships and changes in the structure of social interaction which have combined to create an environment which is more conducive to the influence of undifferentiated collectives on political attitudes. The results of this study offer empirical support for this proposition: representations of consensus in imagined communities had significant influential effects on political attitudes in our sample.

Nevertheless, the processes underlying the influence of imagined communities remain less clear cut since findings provide some support for both consensus heuristic and the cognitive response explanations. The moderate direct effects of the consensus cue indicate some support for a consensus heuristic explanation. When other factors are held constant, information about diffuse consensus does appear to offer some guidance to individuals articulating political attitudes.

However, evidence for the cognitive response process remains comparatively stronger and more consistent. Consensus information had strongest effects on attitudes when accompanied by issue-relevant thoughts. Moreover, the direction of effects elicited by the cue depended heavily on the cue-consistent or cue-inconsistent nature of the thoughts produced by the individual. Finally, the effects of this interaction of consensus information and cognitive elaboration is considerably enhanced for higher commitment issues. All three of these results are consistent with a cognitive response interpretation of the role of imagined communities in political attitude formation and change, and cannot be reconciled with a consensus heuristic explanation.

The main effect for direction of cue indicates a minimal baseline effect of consensus information. However, further evidence directly contradicts the expectation derived from the consensus heuristic that the greatest effects should occur for low commitment issues and/or respondents who did not elaborate. One would expect to see this pattern if consensus information is used by individuals as a cognitive shortcut in situations of low information or involvement. Thus while the main effect is not predicted by cognitive

response theory, it is evidence of a consensus heuristic only by default, in the absence of alternative mechanisms to explain direct reactions to consensus cues.

Perhaps the important implication of these results is that people's political attitudes are not dominated by their perceptions of imagined communities. The image of the citizen offered by a consensus heuristic explanation is one in which largely passive individuals are first socialized to value consensus information and then led in sheep-like fashion to adopt attitudes characterizing the imagined community. On the other hand, the picture that emerges here is one of citizens actively interpreting these cues rather than passively accepting them as information about social and political reality.

Clearly, perceptions of imagined communities are consequential for the dynamics of political attitudes. However, strong effects tend to result from this information only when individuals actively respond with thoughts of their own. It is tempting to interpret these results as indicating that individuals respond more "rationally" to consensus information than is often implied by popular "bandwagon" theories. Alternatively, one might be tempted to conclude that information concerning generalized consensus is only effective when it resonates with more personal experience -- that the influence of imagined communities arises out of "integrated strategies" (Gamson 1992) in which individuals blend mediated and experiential knowledge. Without attempting a normative evaluation of the quality of citizens' thoughts, the evidence nonetheless indicates that the influence of imagined communities arises out of active processes of interpretation rather than passive submission to the consensual attitudes of anonymous others. In fact, citizens exhibit considerable abilities to reflect, integrate, and even contradict when they perceive consensus within imagined communities.

ENDNOTES

1. Respondents were told, "Recent evidence indicates that most citizens (favor/oppose) _____". See endnote 2 for wording for each specific issue.

2. Exact wording of favor/oppose cues was as follows: "Recent evidence indicates that most citizens (favor/oppose) (allowing girls to join Boy Scout and Cub Scout troops/ federal laws requiring affirmative action programs for women and minorities provided there are no rigid quotas/ a constitutional amendment that would make it a punishable offense to burn the American flag)."

3. "How about you? Do you favor or oppose (allowing girls to join Boy Scout and Cub Scout troops/ federal laws requiring affirmative action programs for women and minorities provided there are no rigid quotas/ a constitutional amendment that would make it a punishable offense to burn the American flag) ? Would you say you strongly (favor/oppose) this or only somewhat (favor/oppose) it?" Responses were coded on a four-point scale from strongly oppose (1) to strongly favor (4).

4. "When you say you (favor/oppose) (randomly selected issue), how committed are you to your stand? On a 1 to 10 scale where 10 means completely committed and 1 means not at all committed, how committed would you say you are?"

5. "How well informed would you say your opinion is on this issue? Would you say you are extremely well informed regarding this issue, fairly well informed, not very well informed, or not at all informed?" Responses were used to form a four-point scale.

6. These items were as follows: "Please tell me how well each of the following statements describes you: a) I really enjoy a task that involves coming up with new solutions to problems. Would you say this statement describes you very well, somewhat, not very well, or not at all well? b) I only think as hard as I have to. (Scale repeated as needed.) c) It's enough for me that something gets the job done; I don't care how or why it works. d) I like tasks that require little thought once I've learned them. The four items were used to form an additive scale where question a) was reverse coded.

7. In order to include party identification in the model, the direction of coding for one of the issues -- flag burning -- needed to be reversed so that a high score was consistent with a partisan direction. Thus favoring allowing girls in the boy scouts, favoring affirmative action, and opposing a constitutional amendment to ban flag burning were expected to be consistent with Democratic partisanship.

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APPENDIX A

Survey Sampling Procedures

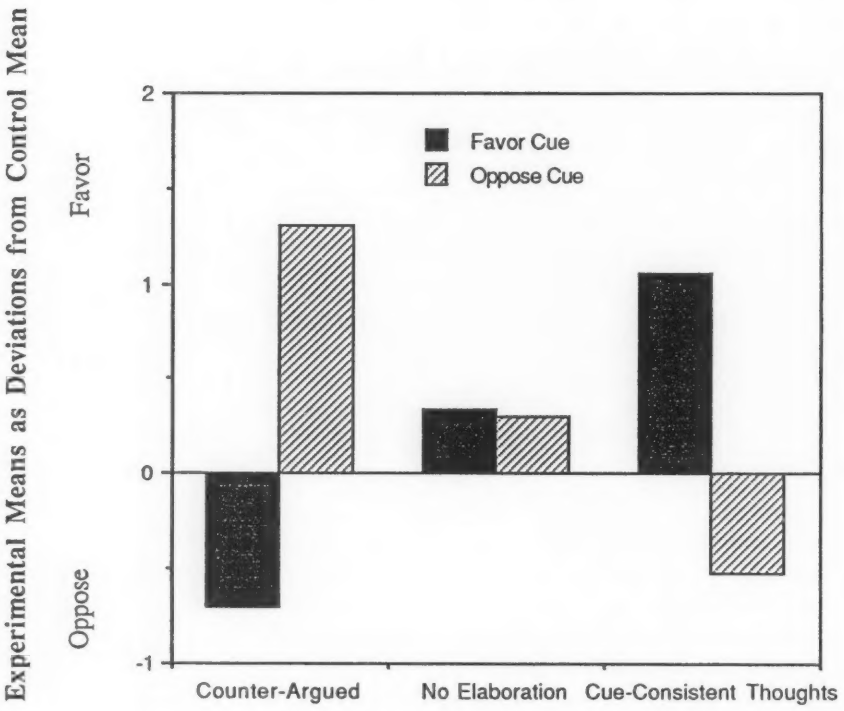
The Letters and Science Survey Center (LSSC) at the University of Wisconsin-Madison runs a continuous national telephone survey that begins with a sample of telephone numbers representative of currently working residential telephone numbers in the continental United States (including both listed and unlisted numbers) purchased from Nielsen Media Research.

One person is selected at random from among the adult (age 18 or older) members of the sample household. The interview is conducted using a Computer-Assisted Telephone Interview System. Each sample number is called up to ten times, using a "day of the week" calling strategy. Each day's interviews constitute a random sample of the population on that day. This requirement means that it is necessary to deal with the problem of nonresponse in a special way, using a procedure first suggested by Kish and Hess (1959) and elaborated upon by Madow, Hymann and Jessen (1961). The procedure depends on replacing current not-at-homes with not-at-homes saved from previous sample draws. Because the kinds of people not home on one day of the week may be different from those not at home on another, the replacement scheme is day-of-the-week specific. Some measure is added to the variability of the resultant estimates. Nonetheless, each day's interviews can be aggregated with those for other days to produce a probability sample for arbitrary contiguous blocks of time.

To assess the quality of the survey, the distributions of social and demographic characteristics of the Survey Center's respondents were compared with those of the CPS and the National Survey of Families and Households. The Letters and Sciences Survey Center's response rate is approximately 52% if one includes both refusals and unresolved numbers in the denominator. This is considerably lower than the CPS and the NSFH; however, comparisons suggest that distributions of respondents are quite similar with respect to major demographic variables including household size, region, age, sex, household income, marital status, religious preference, unemployment and church attendance. Differences result from the fact that LSSC is a telephone survey which consequently under-represents minorities. Educational comparisons are difficult because the LSSC uses educational classifications based on the 1990 census concept; however, it appears to under-represent those with less than 12 years of education, again due to the prevalence of telephones.

Figure 1

Effects of Mass Opinion Cues by Cognitive Elaboration



Means are shown as deviations from the control mean so that positive scores indicate more favorable views than the control mean, and negative scores indicate more negative views relative to the control mean.

Table 1. Effects of Experimental Manipulations on Extent of Cognitive Elaboration.

	Sum of Squares	(df)	F-value
Covariates:			
Issue Knowledge	43.73	(1)	25.73***
Need For Cognition	30.52	(1)	17.96***
Experimental Manipulations:			
Cue	3.09	(2)	.91
Pause/No Pause	20.71	(1)	12.18**
Issue	6.11	(2)	1.80

Note: The dependent variable is the total number of cognitive responses for each respondent. All interactions were suppressed since they were not significant.

Table 2. Mean Issue Preferences By Experimental Condition.

	Issue			
	Boy Scouts	Affirmative Action	Flag Burning	
No Cue	2.40/2.18	2.69/2.82	2.06/1.79	(260)
Oppose Cue	2.06/2.26	2.76/2.96	1.97/2.02	(252)
Favor Cue	2.13/1.88	2.96/2.94	2.20/2.59	(271)
(n)	(255)	(234)	(236)	

Note: Cell entries represent mean response for each condition where favor/oppose is on a four-point scale from strongly oppose (1), to strongly favor (4). The number preceding the slash is for the "no pause" condition, and the mean for conditions with a pause follows. Sample sizes are indicated in parentheses.

Table 3. Effects of Mass Opinion Cues on Issue Preference.

	Sum of Squares	(df)	F-value
Covariates:			
Education	12.30	(1)	17.86***
Party Identification	23.72	(1)	34.44***
Main Effects:			
Issue (commitment)	47.19	(2)	34.26***
Direction of Cue	2.69	(1)	3.91*
Pause/No Pause	1.01	(1)	1.46
Cognitive Elaboration	9.27	(2)	6.73**
2-Way Interactions:			
Issue by Direction	3.54	(2)	2.57
Issue by Elaboration	1.05	(4)	.38
Issue by Pause	1.18	(2)	.86
Direction by Elaboration	142.10	(2)	103.17***
Direction by Pause	.29	(1)	.42
Elaboration by Pause	1.18	(2)	.86
3-Way Interactions:			
Issue by Direction by Elaboration	8.38	(4)	3.04*
Issue by Direction by Pause	.51	(2)	.37
Issue by Elaboration by Pause	3.60	(4)	1.31
Direction by Elaboration by Pause	1.34	(2)	.97

Note: The dependent variable is a four-point favor-oppose scale. Those who responded "don't know" or who did not respond are not included (n=448).
*p<.05, **p<.01, ***p<.001

Table 4. Effects of Cognitive Elaboration and Issue Commitment on Reactions to Mass Opinion Cues.

High Commitment Issue (Flag Burning)

Cognitive Elaboration:	Favor Cue	Oppose Cue	Mean Difference
Counter-arguing	-.71	1.73	-2.44
No elaboration	.43	.47	-.04
Cue-consistent	1.40	-.22	1.62

Moderate Commitment Issue (Boy Scouts)

Cognitive Elaboration:	Favor Cue	Oppose Cue	Mean Difference
Counter-arguing	-.77	1.37	-2.14
No elaboration	.17	.11	.06
Cue-consistent	.91	-.60	1.51

Low Commitment Issue (Affirmative Action)

Cognitive Elaboration:	Favor Cue	Oppose Cue	Mean Difference
Counter-arguing	-.23	.77	-1.00
No elaboration	.16	.20	-.04
Cue-consistent	.74	-.66	1.40

Note: Cell entries represent the mean for each experimental condition as a deviation from the control mean for that issue. Control means were 1.96, 2.30, and 2.76 for flag burning, boy scouts and affirmative action, respectively. The mean difference is the difference between means for the favor and oppose conditions.

The News Media, the Executive Branch, and the Gulf War: An Institutional Perspective

B. H. Sparrow
Department of Government
University of Texas, Austin
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Abstract

The news media's coverage of Desert Shield and Desert Storm has come under considerable criticism. This critism is misplaced: the production of news by journalists and media organizations requires the use of institutionalized practices in order to counter the uncertainty pervasive in newsmaking. The presence of these patterned behaviors and set constraints automatically and consistently affects the political communication of news concerning the executive branch of U.S. government. This paper explores three institutionalized practices present in the production of news on the Gulf conflict.

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The News Media, the Executive Branch, and the Gulf War: An Institutional Perspective

> Generally, when it comes to matters of national security and matters of war and peace, basically it is what the government says is happening [that] is the predicate and subject of the story.[1]
>
> Charlton Heston commenting on CNN's Bernard Shaw's claim to neutrality: "Who does he think he is—Switzerland?"[2]

The *Saturday Night Live* television show of February 9th, 1991 was a test of sorts for the Bush administration, one it passed with flying colors. Neither the Bush administration nor the Defense Department, for that matter, needed to worry about the unprecedented restrictions being put on the news media during the U.S. and allied attack on Iraqi positions in Kuwait: journalists—and not the military's public affairs officers—were the target of *SNL*'s ridicule (DeParle, in H. Smith 1992, 381). Yet the late-night skit reflected a sober reality for journalists, civil libertarians, and advocates of the news media: the vulnerability of the news media vis-a-vis a White House, State Department and Department of Defense intent on running as popular a war as possible.

By many accounts, the news media poorly served the American public and the cause of democratic government in the period between the Iraqi invasion of Kuwait (August 2, 1990), and the declared allied victory (February 27, 1991) (Dennis et al., 1991; Fialka 1992; Kellner 1993; MacArthur 1992; H. Smith 1992; J.E. Smith 1992; Taylor 1992; Yant 1992). Crucial stories were either overlooked, presented one-sidedly, or wrong. Consider that it was not until well after the war, on March 18, 1991, that the *Washington Post* reported the fact that some 70 percent of the 88,500 tons of bombs dropped on Iraq and Kuwait missed their targets. Despite the prowess of the precision-guided weapons that were shown repeatedly on video—weapons that went down chimneys, into hangers, and through doorways—only 7 percent of allied ordnance was of this type (Gellman, in H. Smith 1992, 197-98; MacArthur, 172; Taylor, 220; Yant, 212).

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[1] Everette E. Dennis, Executive Director of the Freedom Forum Media Center, cited in Gene Ruffini, "Press Failed to Challenge the Rush to War," in H. Smith 1992, 287.

[2] Katherine Seelye and Dick Polman, "Hindsight: Can the Press be Free in Wartime?" in H. Smith, 371.

Consider also that the news media grossly underplayed the horror of the war. The ground war was almost invisible; the Mutlah Gap slaughter was not publicized until days afterwards (and days after the ceasefire); and there was virtually no coverage until Saturday March 2nd of the killing of another 2,000 Iraqis attempting to flee Kuwait (Taylor, 259-63; Coll and Branigan, in H. Smith 1992, 204-09). With estimates of Iraqi dead varying between 40,000 and 250,000 persons (compared to the loss of 322 Americans lives) the Gulf conflict was hardly a war, it has been suggested, but a massacre.[3]

The news media failed yet again in their overestimation of the threats posed by Iraq. All the major news media—the *New York Times, Washington Post, Wall Street Journal* and the AP, the three major newsmagazines, and the three main television networks plus CNN—missed out on the *absence* of a quarter-million Iraqi army in southern Iraq (conscripts supported by the "elite" Republican guard) (MacArthur, 172-78; Armstrong, in H. Smith, 294; Yant 91-92; Freedman and Karsh 1993, 390).[4] In addition, all the major news media accepted the story of Iraqi soldiers killing Kuwaiti babies in their incubators, even though the first three supposed witnesses to the killings did not give their last names and five of seven witnesses at a U.N. hearing gave false names. Neither did the news media report that the public relations firm of Hill & Knowlton was orchestrating the publicity campaign, on a $5.6 million retainer from the Kuwaiti government (via the U.S.-based Citizens for a Free Kuwait). The myth went unchallenged until a January 17 story in the *Los Angeles Times* (MacArthur, 46-77; Yant, 54-61).

Then there were other stories missed: the various initiatives for Iraq's negotiated withdrawal from Kuwait as proposed by Jordan's King Hussein, by Gorbachev, and by the U.N.'s Perez de Cuellar (Armstrong, in H. Smith 1992, 294-95; MacArthur, 203-04; Taylor, 85); the intention of the Bush administration from almost immediately after the Iraqi invasion of Kuwait (from August 4) to destroy the Iraqi military (J.E. Smith, 92-93, 222; Taylor, 270-71); and the intimate relations between Saudi Arabia and its Washington ambassador, Prince Bandar, and senior Bush administration officials (MacArthur, 3-7; Armstrong, in H. Smith 1992, 235-36, 294; J. E. Smith 1992, 78-79; Woodward 1991). There were still others (Ahmad in H. Smith 1992, 277-81; Kellner 1993).

Political communication clearly and critically affected American foreign policy: war was more palatable if it could

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[3] The U. S. Department of Defense, wanting to avoid the parallel "body counts" of Vietnam, refused to release estimates of killed Iraqis.

[4] I adopt this list from Stephen Hess's list of "inner ring" newspapers, while adding the Associated press, the major newsmagazines, and the television networks in addition to CNN (Hess 1981, 24-27).

be presented as being neat and sterile; war was more acceptable if American and allied technology could lead to a quick victory; and the use of military force was more attractive if Iraq appeared to be a formidable foe and if Saddam Hussein could be likened to Adolf Hitler. Little surprise, then, that many have written about the crucial role played by the news media in the Gulf war (Dennis et al.; Kellner; MacArthur; H. Smith 1992; Schwartzkopf 1992; Taylor; Yant).

What various critics of the media have not made sufficiently clear is that individual journalists and the separate news organizations cannot have been expected to act any different. That is to say that the defects that a Hedrick Smith, John MacArthur, Philip Taylor, Martin Yant or others find in the news media's coverage of the Gulf war are not the result of the deficiency or incompetence of reporters, editors, producers, publishers and news executives, but the matter-of-fact outcome of the news media's institutional practices. These institutional features of the production of the news precluded the news media from operating other than they did.

This paper explores three institutional features of political communication. The argument here is that the operational conventions of journalists in combination with the constraints experienced by journalists in reporting news from the executive branch accounts for what has been viewed as the news media's deficient coverage of the Gulf war.

Research on political communication has curiously neglected what is the first half of a two-stage process. Most research has focused on political communication once it has been printed or broadcast—the second stage of political communication—instead of on the process by which news is collected and fashioned into stories prior to publicization—the first stage. The evidence of the emphasis on this second part to political communication can be seen in the voluminous research on agenda setting, the different effects of the various news media, and the effect of political communication on public opinion, individual voters, and democratic government (e.g., Iyengar and Kinder 1987; McCombs 1992; McCombs and Shaw 1993; Iyengar 1991; Lichtenberg 1990; Neuman, Just and Crigler 1992; Noelle-Neumann 1984; Patterson 1980; Zaller 1992).

This has meant a relative lack of study of the first stage of political communication, however: the collection and production of news about national politics and American government. Doris Graber's chapter in *The State of the Discipline* is exemplary of this neglect. While Graber herself is cognizant of the biases and silences of research in political communication [Graber 1993, 306, 312, 316]), there is scant discussion of the actual construction of political communication through human and organizational actions. Leon Sigal's and Ben Bagdikian's work are mentioned

only very briefly, and Mark Hertsgaard's (1988) and Mark Fishman's (1980) studies are not cited at all.

The argument at present is that there is sufficient coherence to news media's behavior to warrant the application and further examination of the term "institution."[5] While "institution" can of course mean many things, the focus here is on institutions as sets of rules (generally defined) by which humans and associations of individuals overcome uncertainty (March and Olsen 1989).

Because of uncertainty—the condition of being without a basis with which to calculate probable outcomes (to be distinguished from risk, where only the probability of a fixed set of outcomes is unknown)—individuals are unable to optimize means-end calculations for the realization of their preferences, rather, they do what is appropriate. Said differently, individuals so not so much exert their preferences on other individuals and organizations as individual preferences are themselves formed by human socialization among others and within organizations. Individual preferences are not exogenous to organization and circumstances, but endogenous to organizations and circumstances (March and Olsen 1989).

What institutions do in conditions of rampant uncertainty is to offer a basis for individual and organizational action. Institutions reduce the comprehensiveness of an individual's and an organization's world; they condense complex and diverse data into distinct and pre-set categories; they prevent individuals (and organizations) from collapsing under the complexity, confusion, and conflict otherwise present in daily life (March and Olsen 1989). Institutions may be organizations, but institutions may also span organizations or connect individuals both in and out of formal organizations. Institutions are both structural and phenomenological. Ronald Jepperson gives the examples of capitalism and Catholicism (Jepperson 1991).

The news media manifest such institutional features. They operate under conditions of pervasive uncertainty, uncertainty not only about making deadlines, getting headlines, and improving bottom lines—the professional norms, organizational constraints and business of newsmaking—but also about what the news in fact is. In the myriad changes in day-to-day political life, what qualifies as "news"? What turns political information into a news story? This fundamental uncertainty for journalists is qualitatively distinct from the uncertainty faced by real estate agents (who know homes and commercial property), stockbrokers (who

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[5] Even those who do refer to the news media as an "institution" do not explain what they mean by the term (Halberstam 1971, 1979; Wicker 1975; Powe 1987; H. Smith 1988; Evensen 1992; Squires 1993).

know share appreciation and futures options), or baseball players (who know hits and runs), for instance.

As Leon Sigal noted in *Reporters and Officials,* the uncertainty of political communication elevates the importance of organization in the production of the news and of the given practices that "yield certified stories," "authenticate the news," and legitimate "their procedures for obtaining" the news. Thus it is that the routines, values and standards of newsmaking—however "insular and self-reinforcing"—are "precisely what newsmen need" to "provide them with a modicum of certitude that enables them to act in an otherwise uncertain environment" (Sigal, 181). The rules, routines, and processes of newsmaking, as well as the news organizations producing political communication, may be considered institutions.

Yet the pervasive uncertainty (and thus the institutional label) does not apply equally to all political communication, for the simple reason that political information is unequally distributed and controlled. Uncertainty is greatest in the production of news concerning the "golden triangle," as Stephen Hess calls it: the domain shared by the White House, State Department and Pentagon. Here, political communication is centralized, "discussed behind closed doors" and restricted. Political information on presidential political strategy, diplomatic affairs and national security is typically monopolized by only a few actors—who may or may not cross organizational lines—and most of this information is classified or held confidentially. The political information of other federal agencies and of the members of Congress is, in contrast, dispersed (rather than being concentrated), discussed in open rooms and hallways (not behind closed doors) and is generally accessible (as opposed to kept secret) (Hess 1986, 104-07; Hess 1991; Wicker 1975, 76-77).

This paper uses "executive branch" (as in its title) to refer to the political communication of the White House, State Department, Defense Department and related agencies—recognizing that the following generalizations do not extend across all federal bureaus or in all policy domains.

The News Media, the Executive Branch, and the Gulf War

This paper focuses on three institutional features of the production of political communication: the competition for news stories; the dependence of journalists on executive branch officials; and the ambiguity of the news. In each instance, reporters, editors, producers and news executives engage in consistent patterns of behavior—professional and organizational rules—in order to mitigate uncertainty. In each instance, these institutionalized processes are both structural (based on organization or tangible practices) and phenomenological (based on intersubjective norms, meanings,

and expectations). Incidents supposedly exemplifying defects of the news media's performance in Desert Shield and Desert Storm are consistent with the institutionalized processes of news production, based on the requirements and constraints of the news media producing the news.

1. News Competition

Most elementally, the journalists and organizations of the news media are tremendously competitive. Job promotions, revenues and prestige go to the winners in the competition for stories among reporters and their news organizations, whether newspapers, newsmagazines, or television networks. As James Reston put it, "the question on the minds of scores of newspaper correspondents" at the end of the day is not "'what fresh insights into the endless adventure of government did I bring to my readers today?' but 'did I make page one?'" (Reston 1966, 81).

Hard and fast measures of the quality of news reporting are elusive and the standards for judging the quality of reporting are not agreed upon, given the uncertainty of what news is and what makes a good story. As a result, "editors and producers and consequently reporters themselves tend to fall back on an index of reporting skill: who gets stories first" (Sigal, 72; Hertsgaard, 340-41). As David Wise has it, "reporters seek to excel for reasons of pride, recognition, and financial reward....There is great self-generated pressure on a reporter to break the big story, to get the news *first*, and to gain recognition by, if not the Pulitzer jury, at least the public, his peers, and his employers" (Wise 1973, 453).

With the exclusive based on information that the journalist "alone receives," reporters and their editors "are tempted to print it before its source dispenses it to their rivals as well. They have little time and less inclination to check the story with other sources" (Sigal, 72). The pressure to break the exclusive—to be first with the news—may make reputations and win prizes, but it also inhibits the ability of journalists to digest the avalanche of information available, analyze the mass of incoming political information or get the big picture (Wicker, 172; Salisbury 1980, 441-42).

The *New York Times*'s Tom Wicker testifies to this behavioral pattern. Wicker observes that "producing a good story, covering different sides, and getting quotes, and pulling if off in due time is not the same as writing an in-depth story intelligently and thoroughly" (Wicker, 174). Wicker admits that "I have on too many occasion responded like one of Pavlov's dogs when summoned to the august presence of a White House official." Whatever was available, he confesses, "I usually grabbed and ran [with]—motivated more by the reporter's fierce desire for a good story, particularly if it was an 'exclusive,' than by any hard and objective judgment about the material thus foisted on me, or why it had been" (Wicker, 79).

But Wicker was only being more candid than most. Tim Crouse reports that the *New York Times*'s R. W. "Johnny" Apple so much wanted to be out front with the story that both Robert Kennedy's aides and Nelson Rockefeller's staffers were able to play him "like a yo-yo" (Crouse 1972, 73). Indeed, one *Boston Globe* reporter observed that "[i]t's so important for the *Times* to be first that they throw their standards out the window" (Hertsgaard, 59). But what holds for the *New York Times* probably applies only slightly less for those in other media organizations.

Media Competition in Wartime

So it was in the Gulf War. John Fialka of the *Wall Street Journal* describes the intense pressure in the print pool (and there was also a television pool, a photographer pool, a newsmagazine pool and a radio pool.) Everyone wanted to get out in the field, but all but about 192 of the 1,400 journalists in Saudi Arabia at the time of the start of the allied ground attack had to stay in the hotels: "There were 39 print reporters in the field, and at least twice that number wanted to go out. Editors of little papers were fuming. They had spent enormous amounts of money to get reporters to Dhahran, only to have them wait in hotel rooms" (Fialka, 39; Taylor, 52).[6] "Bitter cat fights emerged in Saudi Arabia among organizations trying desperately to land the few places on pools, something military press officers undoubtedly enjoyed watching" (Getler in H. Smith 1992, 167). One journalist concluded that all told, "reporters seemed to spend more energy fighting each other than fighting pool restrictions" (Taylor, 52).

Given the importance of the war—war being the ultimate news story (Dennis et al., 2-4, 45-50)—the competition in the news media was tremendous.

- All but one of a group of 13 media representatives accepted the Pentagon's pool system and news restrictions—no doubt because they were being treated as major players by the Bush administration and the Pentagon, and were thereby at a comparative advantage vis-a-vis other journalists and other news organizations. But when the Defense Department expanded the select group by more than fifty (less eminent) journalists, the atmosphere grew heated and journalists got angry (MacArthur, 29-30, 152-56). It was not that reporters were coming under greater restrictions, however, or that they now being subject to tighter controls by the military.

- Robert Fisk of the London *Independent*, a "unilateral" (out in the field but not assigned to a pool), reports how he was told off by an NBC pool reporter, Brad Willis, when he

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6 The major news organizations making up the "Sacred Ten" and then the "Sacred Sixteen"—those in Saudi Arabia the longest—were able to exclude the newcomers from the combat pool assignments. But even the *New York Times* was put out because it could only have one pool representative, despite the "platoon of reporters" it sent over.

(Fisk) attempted to cover the battle of Khafji on January 31, 1991. Willis yelled at him: "You asshole; you'll prevent us from working. You're not allowed here. Get out. Go back to Dhahran." Willis proceeded to report Fisk to the marine public affairs officer (PAO) on hand, who told Fisk: "You're not allowed to talk to U. S. Marines, and they're not allowed to talk to you" (MacArthur, 181; Taylor, 142; Lapham in H. Smith 1992, 259-60).[7]

• Peter Arnett, one of the media heroes, went on the air on January 20 to claim that his CNN team of three were "the only western journalists still in the country." But a representative of Spain's *El Mundo*, Alfonso Rojo, was still in Bagdad. And Arnett refused to let Rojo use CNN's phone link for filing a story (Taylor, 102-03).

• When the coordinator of the print pool, Nicholas Horrock, had to forming a new print pool for the U.S. Marines, he put a *Chicago Tribune* reporter on the pool instead of a Pulitzer prize-winning reporter from the *Dallas Morning News*. But Horrock himself was already from the *Tribune* (Fialka, 42-43). This type of incident caused Bob Davis of the *Wall Street Journal* to note that the "incredibly competitive" news organizations working in the pools resulted in "clearly some disgusting self-dealing—with people in positions of authority favoring reporters from the own organizations. It was not journalism's finest hour at all" (cited in Dennis et. al., 29).

• A number of television network crews raced to be first to Kuwait City: one, CNN, was stopped on the Kuwaiti border by American forces; another, ABC, could only proceed after buying a diaper delivery truck off the street to replace their own truck (which had been refueled with an engine-ruining mixture of gas and sand); and a third, CBS, had to claim that they were a different network, ITN—and ITN was was being detained by Saudi Arabian forces at the time (Fialka, 49-53).

In short, the competition among wartime journalists in the pursuit of breaking stories resulted in behaviors that might seem destructive of media solidarity, deserving of the scorn of the military and the public alike, or merely absurd.

2. The Structure of Government-Media Relations

A second set of institutionalized practices arises from the structural relationship between journalists and executive branch officials. Journalists need the political information monopolized by just a few executive branch officials—their sources—since news from the executive branch is usually of national significance, but governmental officials do not equally need any one journalist or news organizations. In

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[7] Willis would later say that the deal for setting up the pools "should never have been made....It was a mistake." Willis thought that the pool system was an "effort by the military to manipulate and control coverage in the name of 'operational security'" (Dennis et al., 28).

fact, executive officials usually want to keep their inside information, and they are able to put up legal obstructions blocking access to information for precisely that reason.

Government officials thereby have a decided structural advantage over journalists. They can release information to a number of media outlets (journalists not having alternate supplies of information on the executive branch) and they can resort to legal sanctions or coercion (legal tools that journalists have to a much lesser degree, especially in diplomatic and security matters). Executive branch officials array of tools available for getting the kind of political communication they desire ranges from offering the carrot of furnishing access to information or releasing material, to threatening the stick of denying access to information or imposing sanctions.

One aspect of journalists' dependence on information held by executive branch officials is the symbiosis that emerges between reporters and their sources. Because the beat reporter is in "direct daily contact with officials in one department and out of touch with other parts of government," he or she is easily coopted; the beat reporter "gradually absorbs the perspectives of the senior officials he is covering. This absorption is not as much due to the attitudes he brings to his job as it is necessary to his performance on it" (Sigal, 47).

This relationship "becomes particularly problematic for agency beat reporters whose stories have political implications. They can make news out of inside information that aids an agency in its competition with other agencies or helps it get its message into the White House, but they cannot so easily propose stories which can hurt an agency" (Sigal, 72). A reporter "may hesitate to take a critical view of regularly tapped sources for the very human reasons that he prefers to be greeted pleasantly when he walks into an office, rather than to be treated as though as he were poison" one Pentagon correspondent finds. "His vested interest is maintaining a pleasant atmosphere" and to "curry favor among sources on his beat, especially senior officials in the government," given the reporter's need for exclusives (Sigal, 46-47). Accordingly, "beat reporters must often practice self-censorship, keeping their most sensational stories to themselves, in order to protect their beat" (Gans, 133).

In short, the reliance of journalists on sources for new political information, the aversion of journalists to cutting off a supply of political information, and the need for journalists to be able to get along with those on their beats combine to result in "an institution-based press" of journalists who respond passively to political information coming from respectable sources (H. Smith 1988, 408; Fishman 1980). Contrary to myth, reporters are not the adversaries of government but their collaborators (Broder 1987, 149; Reston, 64).

A second aspect of journalists' dependence is that reporters are without the knowledge possessed by executive branch officials, and are thereby vulnerable to what top government sources decide to focus on and what news they want to avoid. Official sources are assumed right and given the benefit of the doubt, and journalists are rarely, if ever, in a position to establish the truth about an issue for themselves (Wise 1973; Wicker 1975; Fishman 1980). Lacking "the technical competence to evaluate evidence with any authority," they therefore "almost entirely dependent on self-interested 'sources' for the version of reality that they report"—for the "facts" (Epstein, 3, 7).

The result is that "[t]he whole method of news operation tends to give the government the advantage. Anything that is an institution gets quoted—government, or a corporation, or a university. But it's hard to get the other side" (Wise 1973, 452). As Wicker observes, a journalist "is far more likely to be sold a self-serving bill of goods in a White House interview, particularly one sought by an official, than he or she is to extract objective information—let alone anything damaging to or surprising about the president or the administration" (Wicker, 78-79).

Journalists can also be stonewalled, given their dependence on the executive branch. Government officials can simply withhold information that would otherwise remain confidential (Salisbury, 557). The Reagan administration, for instance, made "a consistent and organized effort...to reduce the flow of government information" says William Kovach, the former Washington editor of the *New York Times*. "There is no area of government where information is harder to get for us here, harder to get now than it was when I was here in the Nixon and Ford years" (Broder, 186).

Then there is the recourse to sanctions. Executive branch officials can leak to other reporters or news organizations in retaliation to stories they don't like; they can discredit news stories and thereby impugn the competence of reporters or news organizations; and they can revoke access or complain to editors and publishers (Sigal, 54-55; Wicker, 241).

President Kennedy was known to complain to CBS President Frank Stanton as well as to NBC if there were stories he did not like. And when Lyndon Johnson was president, CBS's Stanton received calls from Johnson "so often that if the phone rang after 7:30, Stanton's wife would say: 'It's Lyndon.'" NBC's John Chancellor says that he got "fifteen or twenty" phone calls from LBJ during the period when he was covering the White House (Wise 1973, 369-72). More recently, the Reagan administration regularly harassed the television networks, *CBS News* especially, in order to influence what topics were being covered as well as the networks' own views on a topic (Hertsgaard, 28-31).

Presidential administrations can try to remove offending reporters and their stories. President Kennedy tried to convince *New York Times* publisher Sulzberger to pull reporter

David Halberstam from Vietnam and to get then-Washington bureau chief Reston to kill a story about Cuban exiles training in Guatemala (Halberstam 1979, 446-48). Nixon aides tried to get CBS executive Richard Salant to take Dan Rather off the White House beat (Wise, 1973, 379-82), and Nixon's communications director, Chuck Colson, did succeed in getting CBS's William Paley to cut the second part of television story on Watergate in half; the story subsequently lost much of its effectiveness (Crouse, 175; Halberstam, 656-57). The Reagan administration was able to get Raymond Bonner of *New York Times* pulled from El Salvador, transferred back to New York City; Bonner resigned from the *Times* shortly thereafter (Hertsgaard, 186-191, 196-200).

Government officials can retaliate against journalists who do not "go along" by restricting who goes in the White House press "pool." Wise tells of the *Los Angeles Times*'s Stuart Loory being bumped from presidential trips and of James H. McCartney of Knight newspapers also being systematically discriminated against by Nixon aides (Wise 1973, 353-56). They can retaliate in another way by impugning reputations. Top Kennedy aides and Pentagon spokesmen smeared the *New York Times*'s David Halberstam and Neil Sheehan for being politically radical and treasonous. Other reporters criticizing the Administration's policies on Vietnam were said to have no stomach for the grit of war—bursting into tears when shown pictures of Viet Cong bodies (Halberstam, 450).

Then there is legal coercion, as when the Internal Revenue Service is used against particular journalists and news organizations (Wise 1973, 324-25; Crouse, 225), or when criminal investigations are conducted against journalists (as the Nixon administration did against Daniel Schorr and the Reagan administration did against Navy official Samuel L. Morison).[8] But the government's ultimate power—over radio and television at least—"is its ability to take away a license at renewal time and give it to someone else. The fact that the FCC has rarely done so does not entirely diminish the threat," although Presidents Kennedy and Nixon both threatened to do so (Wise 1973, 369-70, 402; Wicker, 240).

As former NBC president Julian Goodman put it: "the government places pressure on a television network for much the same reason that a baseball player argues with the umpire: 'They don't expect to win the argument but they hope to make us think twice the next time'" (Wise 1973, 401). The

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[8] Morison was arrested under the charge of espionage for the sale of classified satellite photographs of a Soviet aircraft carrier to *Jane's Fighting Ships* (where Morison worked as a part-time editor). It was not that Morison endangered national security (since the Soviets already knew of the capabilities of our satellites), it was rather that the White House wanted to use the case to deter other government officials.

government may affect political communication through intimidation.

Even when journalists get confidential information, however, "they become, in a very real sense, agents for the surreptitious source," as Edward Epstein comments. "Even if the disclosure is supported by authoritative documents, the journalist cannot know whether the information has been altered, edited, or selected out of context. Nor can he be certain what interest he is serving or what will be the eventual outcome of the leak" (Epstein, 13). It was precisely because Bob Woodward had the confidence of William Casey when writing *Veil*, for instance, that Woodward missed Casey's orchestration of the Iran arms deal and the diversion of funds to the Nicaraguan *Contras* (Hertsgaard, 304-05; Woodward, 1987).

Then there is the mystique of classified information on national security (Wicker, 187-99). Top government officials can appeal to the values and identities of journalists in writing stories; journalists are exposed to psychological pressure. For a journalist to print or broadcast classified information related to "national security" is to be unpatriotic and irresponsible; it is to risk the national well being or to abet treason or espionage (Wicker, 187). Sigal is to the point:

> The reporter's conception of himself as a patriot still inclines him to put consideration of national interest ahead of those of news. "We are, we believe, good citizens as well as good journalists," says the Washington bureau chief of *Time* magazine, John L. Steele. "There are some things you happen on you simply don't report." What these things are newsmen often let officials determine. (Sigal, 84)

Appeals to the citizenship, loyalty, and responsibility of reporters, editors and producers by government officials often preclude the need for more overt pressure.

The New York Times engaged in precisely such voluntary cooperation when it published its series on the CIA in the 1960s and when it was considering stories on U-2 flights, the Cuban missile crisis, and Operation Jennifer (the raising of a sunken Soviet submarine by Howard Hughes's *Glomar Explorer*). The editors and executives of the *Times* consulted repeatedly with White House and top CIA officials (Wicker, 217-35). More recently, Mark Hertsgaard tells how both NBC and the Associated Press suppressed stories on a space shuttle flight, how all networks (including CNN) obeyed government subpoenas for "outtakes" of coverage of hijacked TWA flight 847, and how the *Washington Post* withheld for six months and then "published a highly sanitized version of a story describing information given to the Soviet Union by accused spy Ronald Pelton" (Hertsgaard, 225-26). In consequence, both the FBI and CIA have been able to use the

news media for their own purposes (Wicker; Wise 1973, 1976; Salisbury).[9]

Suggested by the centralization of control by the executive branch over political information is that news will emerge only when top government officials disagree and are willing to go public with their disputes. Those in the know, happy with things as they are, want to keep the information loop small; those unhappy with the status quo and willing to act on that discontent seek to expand the loop (H. Smith 1988, 84; Schattschneider 1975). But the implication of the fact that dissenting officials can release information taken from behind closed doors is the dependence of journalists on the executive branch is not absolute.

Reporters, editors, producers, and news executives have advantages of their own in political communication. The news media can be an ally for those in the White House or elsewhere who, unhappy with the status quo, want to reveal formerly confidential information. Hence whistleblowing, embarrassing White House leaks, revelations of policy initiatives and disclosures of personality differences. Journalists themselves have some leverage insofar as the news media may be a resource for executive branch officials.

Furthermore, executive branch officials depend on the news media. As Stephen Hess remarks "[t]he national media—notably *The New York Times* and the *Washington Post*—become major movers of information around the golden triangle, almost like journalistic bumble bees spreading pollen from the White House to the State Department to the Pentagon to State to the White House" (Hess 1986, 106-07). Sigal similarly observes that the "*Times* and *Post* function something akin to house organs for the political elite....Washington's agenda becomes the newsman's headlines; its outlook, his news content" (Sigal, 47). The size and diffuseness of the federal government implicate the news media in the day-to-day political processes of government.[10]

In short, the need of government officials for additional resources (provided through publicity), the outlet

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[9] Unfortunately, and particularly painful to journalists, is the recognition by journalists that they cooperated in their own deception by being insufficiently skeptical, by being unwilling to look behind official statements and claims, by readily linking the possession of office with responsibility and knowledge, and by assuming official virtue (Wicker 1975, 61; Wise 1976, 200-201).

[10] Conversely, when the White House wants to influence public opinion, it "concentrate[s] its efforts on the big-circulation outlets: the major networks, the wire services and the big papers. 'Anybody else," noted CBS White House correspondent Bill Plante, 'can whistle 'Dixie''" (Hertsgaard, 55). Bruce Evensen tells how President Truman concentrated on winning over *The New York Times* to his early Cold War policies (Evensen, 128); Truman, like any president, did not have to work with all of the news media to achieve his ends.

that the news media offers for unhappy officials, and the limited number of influential media outlets means that journalists are by no means completely dependent on official sources. Although governmental sources may "hold most of the chips," the news media are not unarmed. They have "the power to define reality, to say what was—and what was not—important at any given time," *Washington Post* executive editor Ben Bradlee comments. "The major television networks, in particular could cause big trouble for the White House virtually anytime they wanted simply by focussing sustained attention on any of the scandals, inequities, dangerous or bankrupt policies or other shortcomings common to every Washington administration" (Hertsgaard, 54). The threat is always there—at least in abstract.

Government-Media Relations in Wartime

News coverage preceding and during the Gulf war was indicative of the imbalanced relationship between the news media and the executive branch. The news media depended on sources inside the Bush administration, State Department and Pentagon for stories and access to stories. But given the executive branch's monopoly of information and its ability to use sanctions, journalists were the ones that had to adopt: they could choose between close cooperating with their sources or making challenges to U.S. officials. If they challenged, however, executive branch officials had the decided advantage.

Journalists were caught both ways. They depended on the government for securing visas, for transportation, for sending their stories off, and, most of all, for protection in combat (little turning out to be necessary, of course). At the same time, however, the Defense Department restricted media coverage by subjecting copy to "security review," by delaying transmission of stories two or three days until the news was stale (and less incendiary), and by severely limiting journalists' access to people and places.[11] The Defense Department had a great deal of discretion in its relationship with the news media; the reverse did not hold. The statement of a top Air Force official is apocryphal: "I am not a great fan of the press and I want you to know where we stand with each other. I suppose the press has its purpose. But one thing is certain: You can't do me any good and you sure as hell can do me harm" (Yant, 208).

The following were reflective of this asymmetrical relationship between the executive branch and the media:

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[11] The pool system did not always operate as planned, however, and unilaterals scored some major scoops: they were the first to explain the fighting at Khadji; the first to show allied forces in action in the ground war; and the first to show the liberation of Kuwait City—beating pool reporters "by a full day—an eternity in the age of electronic journalism" (Fialka, 46). But even the scoops of the unilaterals were only bit pieces in the media coverage and possible only because the Pentagon did not enforce pool guidelines once the ground war progressed.

• The military briefers were professionally trained to handle the news media; most journalists had no prior combat experience or particular expertise on military matters. Indicatively, Pentagon officials referred to journalists as "tourists," and the sign in the Pentagon's press room read: "Welcome temporary war experts" (Denton in Denton, 36).

• General H. Norman Schwartzkopf used interviews with the news media as a lever of control: "reporters whose stories he liked got interviews. Those whose stories didn't pass muster with the general often found the opportunity postponed, sometimes indefinitely" observed John Fialka (Fialka, 33). And Schwartzkopf played favorites. He granted Joseph Galloway of *U.S. News & World Report* a combat slot where none existed and where Pentagon policy was to let the journalists themselves determine who was to be in the pools. Galloway's copy got back immediately from the front (when most correspondents had great trouble sending off their stories); Galloway found the performance of the Army's 24th Mechanized Infantry Division to be "miraculous," to be engaged in the war's "toughest mission" and to be leading "the greatest calvary charge in history" (despite the fact that another report found that the 24th encountered "few Iraqi tanks, troops, or bunkers" and no obstructions such as razor wire or mines); and Galloway wrote of Schwartzkopf as "a general who knows soldiers and loves them, who knows war and hates it" (Fialka, 34-35). Galloway explained his obvious violation of the pool system in terms of the news media's institutionalized competition: "a guy hands me this, and I'm not going to say no" (Fialka, 35).

• Susan Walker of Copley Newspapers was so favored by Maj. Gen. Paul Funk, commander of the 3rd Armored Division—"about whom she'd written several flattering reports—that [the Joint Information Board's] military coordinators couldn't pry her out. She even refused a summons from her editor to leave." In a separate case, Ronald Martz of Cox Newspapers "had a secret deal with the 24th commander, Gen. Barry McCaffrey," and was thereby also able to circumvent the pool system (Fialka, 41, 34-35).

• Two days after the invasion of Iraq, on August 4, 1990, the Bush administration leaked stories to the news media about Iraqi troops massing on the Saudi border. Both the *New York Times* and the *Washington Post* carried front-page stories that Iraqi forces were poised to attack Saudi Arabia, even though the evidence was by no means clear that Iraq intended to invade Saudi Arabia (Freedman and Karsh, 86-89; Kellner, 17-29; J.E. Smith 1992, 78-79). The two front page stories were all that were needed to make the news stick nationally.

• In late November 1990, only President Bush, National Security adviser Brent Scowcroft, other Administration spokespersons and "secret sources" spread the story about an imminent nuclear capacity by Iraq—despite the fact that the

best information pointed to Iraq being years away from such capability (Yant, 107-09; Dennis et al. 74). The claims being made by the President and his National Security Adviser went unchallenged in the major news media.

• Secretary of State George Schultz charged that Iraq used chemical weapons against the Kurds in 1988 and had it repeated widely in newspapers and on television, even though studies by the U. S. Army War College and an independent expert concluded that it was "impossible to confirm the State Department's claim" (Yant, 109; Lapham in H. Smith 1992, 261; Ahmad in H. Smith 1992, 280-81).

• American reporters were consistently prevented from doing their jobs. Tony Clifton of *Newsweek* said that in "twenty years, the only nation I've found to be more restrictive—and not much more restrictive—was Iraq." Clifton reported that he "certainly saw more action with the Iraqis [against Iran] than now with the Americans." And Mort Rosenblum, an AP reporter, said that he had "covered wars for twenty-five years and the first time I'm held prisoner is by my own military." A photographer with *Time*, Wesley Bocxe, was found to be taking pictures of a tank convoy and to be traveling without an escort. He was detained for 36 hours, was "spread-eagled across a Humvee and searched and blindfolded." MPs accused Bocxe of spying for Iraq and faking his press credentials. CNN's Christianne Amanpour noted that reporters were "barred from even the most basic access." They were not allowed to report the news, and what news was stumbled across could not be used because it had to be cleared (Yant, 31-34). And *Newsweek*'s retired Army Col. David Hackworth commented that the media "were like animals in a zoo, and the press officers were zoo-keepers who threw us a piece of meat occasionally." Hackworth said that he "had more guns pointed at [him] by Americans and Saudis who were into controlling the press than in all [his] years of actual combat" (Yant, 208-09).

• Pete Williams, speaking for the Department of Defense, said that it had been "the best war coverage we've ever had" (Taylor, 268; MacArthur, 205), worked both sides of the street. On the one hand, he had "candy in his suitcase" as John MacArthur put it, "come-ons, enticements, and rewards." Williams voiced sympathy for reporters, appeared to understand their concerns, and could offer access to others in the military. On the other hand, Williams provided "obfuscation, meetings and memoranda." Williams participated in the planning for and execution of the severe restrictions on print and broadcast reporters; he deliberately misinformed reporters; and he lied frequently (MacArthur, 24, 27).[12] When

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12 Williams told numerous lies: that the news media would be able to cover the War without substantial impediment (MacArthur, 26); that news coverage would have three phases—even though the last phase of open and unilateral coverage was never to be realized; that there were 540,000 Iraqi troops in and around Kuwait as of early January 1991—the actual

members of the news media got mad at Williams for misleading them, Williams said, revealingly, that "he never considered them equal partners." Decisions on media coverage, as Williams put it, were not being made by committee (DeParle in H. Smith 1992, 26).

Journalists who challenged the military's and the Administration's version of the war were attacked.

• When *Army Times* photographer Steve Elfers found the body of an American soldier who was apparently killed by a U.S. Air Force antiradiation missile, the regiment's executive officer led Elfers away from the site with false information—saying that some Iraqis had been taken prisoner nearby. Elfers then had his film confiscated by the 1st Cavalry Division's top public affairs officer, Lt. Col. James Gleisberg. Not until four days after the event was Elfers able to get the pictures and story of the friendly fire casualty back to Dhahran (Fialka, 58-59). And when the *New York Times*'s Chris Hedges interviewed Saudi shopkeepers without escort (in a story about price gouging), U. S. military personnel grabbed him and took away his press credentials. At least 24 American journalists were forcibly detained during Desert Storm (Schanberg in H. Smith 1992, 49; MacArthur, 202).

• General Schwartzkopf (who had a photographic memory) made sure that Dan Rather paid for broadcasting a story critical of the allied commander in chief. Soon after troops started arriving in Saudi Arabia, Rather quoted Schwartzkopf as saying that laundry "isn't important." Rather reminded the General, however, that it is uncomfortable for infantrymen to "walk in filthy, sweat-permeated and salted fatigues that cut and chafe." The *CBS News* anchorman concluded that Schwartzkopf should do less storming and more thinking and doing. Schwartzkopf was outraged, according to accounts. So months later, when Schwartzkopf went to meet with the defeated Iraqi commanders in Safwan, he personally intervened to make sure that the *CBS News* team was initially included in the pool going to the historic meeting. But Schwartzkopf then pulled Rather and the CBS team out of the pool (Pyle in H. Smith 1992, 113-114).

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number was in all likelihood less than half that (MacArthur 173-75); that it was "crazy" for the DIA to suggest that 100,000 Iraqi's died, while Williams himself gave an absurd figure of 457 Iraqi dead "because that's how many we buried" (MacArthur, 201-02, 245-46 n.1); that the military did not discriminate against stories that were embarrassing—even though stories were routinely delayed or altered because they disclosed soldier discontent, profanity, the use pornographic films for the relaxation of flight crews, and so forth (Taylor, 52; Yant, 29, 207); that when the Pentagon buried actual (and ugly) combat footage, Williams would say in "innocent forgetfulness" that "[t]hat's one that fell through the cracks" (DeParle in H. Smith 1992, 387).

• When John Balzar of the *Los Angeles Times* viewed an Army videotape filmed from the gun camera of an Apache attack helicopter, he wrote that "one by one [Iraqi soldiers] were cut down....Some were blown to bits by bursts of 30-millimeter exploding cannon shells. One man dropped, writhed on the ground, then struggled to his feet; another burst of fire tore him apart." After the story was published on February 24, however, "Balzar found the military far less cooperative" than they had been previously. Balzar would see "no more combat and spent much of the ground offensive sitting around in a tent." And top military officials steadfastly refused to release additional Apache footage, despite the repeated requests by print and broadcast reporters (DeParle in H. Smith 1992, 387; Fialka, 59; Hanson in H. Smith 1992, 133; MacArthur, 163).

• When AP photographer Scott Applewhite arrived at the site of the Scud hit on the Dhahran military barracks—the Scud missed by two nearby Patriot missile batteries—"15 U.S. and Saudi military officers descended upon him. He was handcuffed, beaten, and had one of his cameras smashed as he stood his ground, insisting that he was an accredited U.S. journalist and had every right to be there." When Applewhite asked why the press was being barred, a U. S. officer replied, "Host-nation sensitivities." But when Applewhite asked a Saudi official for a lift through the cordon around the building, the Saudi prince waved him into the car. It was American MPs who forced Applewhite out of the car and it was a U.S. JIB major who escorted him away (Fialka, 57).

• When CNN's Peter Arnett reported on the U.S. and allied bombing of a baby formula factory outside Bagdad, Marlin Fitzwater insisted that it was a biological weapons facility. The White House claimed that CNN was the dupe of Iraq, a conduit for propaganda against the United States. Later, Fitzwater stated that the Iraqis hid the true purpose of the plant as a form of disinformation: "they have fake buildings, they have fake weapons, they have fake production plants." The Chairman of the Joint Chiefs of Staff, Gen. Colin Powell, also attacked the CNN report, stating that "it is not an infant formula factory, no more than the Ratba chemical plant in Libya made aspirin. It was a biological weapons facility, of that we are sure—and we have taken it out."

Three different Administration officials, asking to remain unidentified, gave three different accounts of the camouflaged milk plant (most likely to obscure American intelligence operations): one said that the plant was converted last fall to a biological weapons facility; another said that it was a backup biological warfare plant; a third claimed that it made products that could later be used in the production of biological weapons (Kamen in H. Smith 1992, 354-55; Taylor, 112-116; Yant, 48-51).

The Republican National Committee also mailed preprinted letters denouncing the news media to half a million

contributors so that the letters could be then sent to the editors of local papers. But independent indicators (including a U.N. commission) pointed to the plant in fact being a baby milk factory; indeed, a former director of the Defense Intelligence Agency, Leonard Perrots, admitted to the mistake (Arnett in H. Smith 1992, 322-24; Taylor, 113-15, 179, 182-83; Yant, 49-50).

In sum, the news media more or less transmitted the Bush administration's version of Desert Shield and Desert Storm. "Despite the existence of well over a thousand journalists in the Gulf from a wide variety of news-gathering organizations with different editorial styles and journalistic practices," as Philip Taylor reports, "they were all essentially dependent upon the coalition military for their principal source of information" (Taylor, 268). The news media publicized what information was passed along by President Bush, National Security adviser Scowcroft, Defense Secretary Cheney, General Schwartzkopf, and General Powell.

But with the executive branch's monopoly of information, control of access and available sanctions, the news media had little choice: journalists could not get competing information from the Congress (members of which knew little), from dissident Administration officials (the Bush administration was good at keeping its secrets and at hiding any political dissension), from the military (there were set military-wide policies on handling the media), or even from individual soldiers (since troops were supervised and since journalists usually had escorts, individual soldiers and their commanding officers faced repercussions from DOD should they complain or openly question their mission [MacArthur, 167-68]).

The executive branch, not the news media, had the discretion about how pooled reporters would be treated. Journalists pooling with the U. S. Marines, for instance, were much better treated and had a much more easier time filing stories than did those pooled in Army units (Fialka 1992). The simple fact of the new media's subordinate position in terms of the possession of and access to information on the war goes far in explaining why the news media was so pliant and susceptible to manipulation (Dennis et al., 16-20, 26-33, 66-67).[13]

Consistent with the importance of national security issues and how the identity of journalists as Americans in times of war cross-cuts professional identity, news reporters were overwhelming loyal—despite Schwartzkopf's fear that "our own newspaper and TV reports were Iraq's best source of

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[13] Explanations that the news media suffered in their relations with the government because of the contrasting journalist and the military cultures, as some contend, are insufficient (Allen in H. Smith 1992, 264-270). Explanations for the news media's coverage hinging on the war's brevity (which, if prolonged, would have been unsustainable) are also unnecessary for an explanation of the news coverage from the Gulf (Dennis et al, 70; Woodward 1991, 315).

military intelligence" (Schwartzkopf 1992, 381). There were only five stories that had to be referred to clearance in Washington among the tens of thousands of stories sent in from the Gulf (MacArthur, 192); journalists consistently censored themselves on matters sensitive to military planning and special concerns of Saudi Arabia, for example; they kept secret Schwartzkopf's "left hook" ground attack; and they were supportive of the war (about which, more later).

As for the claim that the military needed the news media more than the news media needed the military, this position seems amiss. *Newsweek*'s Jonathan Alter, for one, says that "[a]t bottom, the military needs TV to build and sustain support for the war even more than TV needs the military to build up ratings"—the argument being that TV networks could have shown scheduled entertainment programs instead (Taylor, 273). Yet not only do the TV networks need the credibility afforded by the professional coverage of wars (as a basis for present and future revenues), but as it was, the Pentagon easily fed its videotapes and its prepared briefings into news broadcasts and newspapers. As Taylor comments: "When the authorities can speak directly to the audience via live television, rather than indirectly via the interpretations with which journalists have traditionally informed their readers and viewers of what was going on, the gap between government and the governed is narrowed substantially. What role is therefore left for the media?" (Taylor, 272).[14]

3. Storytelling

A third feature of political communication is the media's creation of news stories out of an ambiguous, complex reality. Reporters and their editors and producers have to tell conventional and convincing stories about politics and political order, this in the face of masses of available information and ever-present change. "Of the strains that newsmen experience on the job," Sigal observes, "none is as poignant as their uncertainty about what news is and what it means" (Sigal, 92).

This storymaking has at least two dimensions. One is the shaping of an ambiguous and inchoate reality into coherent stories. News follows narrative forms (Gans 1979; Schudson 1982). These stories, or narratives, are divided into three phases: (1) the presence of an initial puzzle, problem or issue (the enigma); (2) the building up of tension and the development of possible resolutions to the problem (the suspension of the enigma); and (3) the conclusion or satisfactory settling of the problem (the resolution of the enigma) (Dobkin in Denton, 110).

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[14] Neither did the threat by the *New York Times*'s R. W. Apple to have Defense Secretary Cheney fire JIB director Colonel William Mulvey (if Col. Mulvey did not get the *Times* a better combat pool slot) have any effect, despite the fact that Apple the *Times*'s bureau chief in Dhahran at the time (Fialka 15, 40).

The second dimension to storymaking is that the news stories have have to fall within known boundaries, build upon accepted meanings, or reinforce existing understandings. Key in filtering successful, publicized stories from rejected ones is what other journalists and news organizations accept as "conventional wisdom." As one international correspondent found: "Most reporters and policymakers quickly learn that they frustrate the expectations of their publics at their own peril. That is why a commonly held wisdom forms the boundaries within which reporter and policymaker comfortably operate....To be premature or late may be as deadly a sin as getting it wrong" (Evensen, 5).

The uncertainty of the news, especially with the potential stakes in terms of national politics and individual careers for stories on the executive branch, cause journalists to rely on each other for determining what the stories are. The psychological experiments of Asch, Sherif, and Festinger have shown with the impact of reference groups on individuals, and these findings become more compelling when individual subjects are deprived of objective standards and are unable to establish causal relationships. Journalists experience exactly such situations on a daily basis. Reporters, editors and producers, and news executives therefore seek a consensus when reporting on politically sensitive and complex topics (topics typical of information about the executive branch). In order to find such a consensus, they use external referents; they follow cues.

This consensus is led by the journalists and news organizations who, and which, have proven reliable in the past—the Johnny Apples, the Bob Woodwards, the Seymour Hershes (Halberstam, 679; Schudson, 110-111; Sigal, 40). Neither do many news organizations have the resources and experience to be dependable indicators of what the news story is, hence the particular importance of the *New York Times* and *Washington Post* among the news media organizations. As many have observed, if neither *The New York Times* nor the *Washington Post* carry a story, too often there <u>is</u> no story (Wicker, 179; Crouse, 73; Halberstam, 528; Gans, 180-81; Hertsgaard, 196, 339). Moreover, "[m]ost network news stories began their lives as a story that morning in *The New York Times* or *The Washington Post*" (Hertsgaard, 123).

Consider the importance of cue-taking with respect to Seymour Hersh's reporting in the *New York Times* on My Lai, Walter Cronkite coming out against the Vietnam war in 1968, and the *Washington Post* and Woodward and Bernstein taking on President Nixon. In each instance a individual journalist or single news organization was able to influence the course of U. S. political history. But it took widely respected journalists or prominent news organizations to break such stories. These stories that are taken up by other news organizations may be contrasted with many if not most of the stories—even extremely important ones—publicized by less prominent journalists or released in less prestigious news

organizations. These other stories die, never to reach the requisite Washington and national audience.

The corollary to this use of external referents is that few journalists, editors, producers or publishers want to be outliers, to feature stories that the rest of the news media can ridicule or ignore. The *Washington Post* was greatly relieved when others picked up the story, for instance, and when *Time* magazine was in the lead on chasing the Watergate story, it was "uneasy about being first and being alone on a story" (Halberstam 1979, 668).

But even the *New York Times* or the *Post* may have their stories shunned by others in the news media. When the *Times* published a series of stories about the CIA's activity in Chile and the CIA's domestic operations (domestic operations in clear violation of its mandate), for instance, Washington rumor had it that Hersh had overwritten the story and had not done his homework; the *New York Times* had gone out on a limb (Salisbury, 534). The Iran-*Contra* stories of summer 1987 by Walter Pincus and Dan Morgan in *The Washington Post* were also widely criticized by the Washington press corps. The *New York Times*'s Craig Whitney joked that "the *Post* often printed the same story three separate times on the front page in the same," CBS's Brian Healy said that the story of September 6th "came very close to being a made-up front-page story," and the *New York Times*'s Joseph Lelyveld believed the coverage "tendentious"—printing what the reporters thought had happened "rather than their knowledge of what did happen." The most common complaint was that the *Post* had overplayed the story (Hertsgaard, 338-39).

In short, the uncertainty of the news means that individual reporters, editors and producers will seek uniformity in the definition and handling of the news; few journalists will want to stand alone. Doris Graber's research on the 1968 presidential election found this to be exactly the case: "the study revealed an astonishing similarity in the campaign news presented to readers throughout the country by each of the twenty newspapers....The nature and distribution of stories, with few exceptions, varied within an extremely narrow range. This held true even for stories which were not taken from shared wire services of syndicated columnists" (Graber 1971, 171). More recently, Russell Neuman, Marion Just and Ann Crigler found consistent overall agreement in stories on SDI, South Africa, the stock market, drug research and AIDS (Neuman, Just and Crigler, 117). This convergence by the media on news stories—pack journalism—has been noted widely (Gans; Dennis and Mitchell 1984; Noelle-Neumann 1984; Sabato 1991).[15]

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[15] These findings are further consistent with Edward Herman and Noam Chomsky's research on how the U.S. news media treated the assault and murder of a Polish priest far differently than their treatment of the

Storytelling in Wartime

The Iraqi invasion of Kuwait and the American responsibility for responding to that invasion was, as we might expect, made into an accessible story with a clear narrative form. First there was the enigma of whether or not the United States would respond to the invasion of Kuwait ("Would the United States go to war with Iraq?"); the invasion of Kuwait disrupted world peace, and the United States, as the world's lone superpower, had to stand guard and prepare its options.

Second, there was the suspension of the enigma, with speculations about when force would be used and about the various scenarios for military action. During the second phase, President Bush's steadfast qualities and international experience were contrasted with the tyranny and perversion of Saddam Hussein. Tension also increased over the possible fate of the father/mother/son/daughter/husband/wife/friend/neighbor/colleague serving in the Gulf.

Third and finally, the United States acted to convincingly and satisfyingly resolve the initial problem. And while the news media were criticized for being "cheerleaders," welcoming American attacks on Iraqi positions, Bethami Dobkin notes that television news casted U.S. military aggression in defensive rather than offensive terms: the United States was defending Kuwait, it was protecting innocents, and it would restore the Middle East to the *status quo ante*. Even the use of napalm by American forces was, according to CNN, a necessary response to the Iraqi ground forces (Dobkin in Denton, 111-17).

The following appear to be consistent with the Iraqi invasion of Kuwait and the American response to the invasion being put in a streamlined, narrative form:

- Many in the U.S. news media used the possessives "we" and "our" to report American and allied military actions (Seelye and Polman in H. Smith 1992, 372).
- At the beginning of Desert Shield, the *New York Times*'s Apple euphorically wrote of the nation's capital as it prepared to defend Saudi Arabia and show its force in the Middle East: "In news bureaus and Pentagon offices, dining rooms and lobbyists' hangouts, the fever is back—the heavy speculation, the avid gossip, the gung-ho, here's-where-it's-happening spirit, that marks the city when it grapples with great events" (MacArthur, 102).
- According to Fairness and Accuracy in Reporting (FAIR), "the three major TV networks devoted less than 1

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murder of four nuns in El Salvador (Herman and Chomsky 1988). The priest story fit into a prevailing frame (the Cold War) far more easily than did the rape and murder of the nuns in Central America.

Herman makes the same point in a comparison of the *New York Times*'s treatment of the Nicaraguan and El Salvadoran elections, and in documenting the difference between how the U.S. news media handled Cambodia and how it treated Indonesia and East Timor (Herman 1985).

percent of their airtime to organized popular opposition to the Bush administration's Gulf policy" during Desert Storm. Between August 8, 1990, and January 3, 1991, only 29 minutes out of a combined coverage on ABC, NBC, and CBS dealt with organized dissenters, and no foreign policy experts associated with the peace movement appeared on any network TV news during this period. Neither did any TV network quote the Rev. Jesse Jackson upon his return from his peace mission to Iraq (La Marche in H. Smith 1992, 119; Ruffini in H. Smith 1992, 283).

• On the first day of bombing, CBS's usually serious Dan Rather gushed during a basketball half-time update: "The allied fast-break offense is running, gunning and going good" (Yant, 45-46). Later, on the fourth day of U. S. and allied bombing, Rather asked broadcast-partner Connie Chung to join him in a salute to the troops watching, whereupon Rather "raised his right hand to his forehead in a slightly awkward but unmistakable earnest military salute" (Lapham in H. Smith 1992, 257). ABC's usually surly Sam Donaldson enthused over the accuracy of the Patriot missile: "Bulls-eye! No more Scud" (MacArthur, 162). And NBC's Tom Brokaw warned American viewers (being easily misled) that "we must point out again and again that it was Saddam Hussein who put these innocents [i.e., Iraqi citizens] in harm's way" (Taylor, 45).

• With the start of the ground war "the networks paraded a veritable *Who's Who* of the Bush administration and congressional leaders to defend the massive military effort." But anti-war demonstrations being held during the war received negligible attention; the Military Families Support Network (critical of the war) could not get its 30-second spot on CNN or any of the three network stations in Washington, D.C.; and the Los Angeles chapter of Physicians for Social Responsibility could not place an anti-war commercial on CNN or the New York and Los Angeles affiliates of ABC or CBS. But a pro-war commercial was allowed to run on 17 stations ranging from New York to Los Angeles (Ruffini in H. Smith 1992, 283-85; Yant, 46).

• After Desert Storm, Andy Rooney told some 19 million viewers of "60 Minutes" that "the war is over everywhere and we feel together....Our hearts beat faster. Our senses are sharper....This war in the Gulf has been, by all odds, the best war in modern history, not only for America, but for the whole world, including Iraq, probably" (MacArthur, 105).

Consistent with the imperative that the news media present a non-tragic, even romantic, narrative of the U.S.-Iraqi conflict, the news <u>was</u> presented in large part as a story of good versus evil, of "us versus them." The morally justified and technologically advanced United States was pitted against the totalitarian ruler of a barbaric and backward country, one who could resort to crude "weapons of terror" (Swanson and Smith in Denton, 185-88; Lapham in Smith, 258-63; Dennis et al., 41-42, 65-66).

Neither was there much divergence in how the major U.S. media handled Desert Shield and Desert Storm—the second dimension of storytelling under uncertainty:

• The major news media omitted serious discussion of the "containment" option in the months following the Iraqi invasion of Kuwait and before the subsequent United States-led offensive on January 17, 1991. The *Washington Post*'s Bob Woodward sat on a story that Gen. Colin Powell preferred to wait out the sanctions and not to use force. Woodward justified his non-reporting by saying that "if there was something that was so crucial that I felt that this had to be in the newspaper right away, I would have gone to the sources I have and said that. Happily, that wasn't the case." When pressed about the potential impact of the story that an expert, well-respected military man—the ranking military official in the country—was cautious on the use of force whereas the civilian President was spoiling for war—Woodward responded that unlike Watergate there were "no crimes. There's no portrait of somebody with their hand in the cookie jar or doing something illegal. There's a lot of emotion, there's a lot of debate and...anxiety, uncertainty" (MacArthur, 203-05). Yet Woodward was one of the few reporters who could singlehandedly influence other journalists.

• Of the twenty-five largest newspapers in the country, only one, Denver's *Rocky Mountain News*, generally opposed the use of American force in Kuwait (Ruffini in H. Smith 1992, 286; Dennis et al., 52-64).

• No news organizations would follow the lead of the *St. Petersburg Times* and talk about the Pentagon's inflated estimates of Iraqi forces. *ABC News*'s Mark Brender explained that to pick up the story, "you would be bucking the trend. If you were going to buck the trend you better be right. If you're going to stick your neck out and say that the number of Iraqi forces may not be as high as the Administration is saying, then you better be able to say how many there are" (MacArthur, 174). Sam Donaldson used similar grounds to defend ABC's decision in an interview with John MacArthur:

> "You keep citing the *St. Petersburg Times*," he said to me with annoyance. "I think it's a pretty good paper, but how many newspapers and magazines are there in the country? You summon as your witness the *St. Petersburg Times*, as against my judgment and the judgment of my colleagues at ABS. Where are the others? All of them are on my side." (MacArthur, 175)

The Associated Press twice turned down the story, and the Scripps-Howard News Service (of which the *St. Petersburg Times* was a member) also declined to run it. As a result, the story about the non-existent Iraqi forces "sank like a stone." Yet once the war was over, experts confirmed that the number of Iraqi troops in Kuwait were at levels far below

the figures that the Pentagon had given out (MacArthur, 175-78; Yant, 90-92).

• None of the television networks ran the video shot by Ramsey Clark (the former Attorney General) and Jon Alpert (a freelance video-photographer). Clark, a peace advocate, and Alpert shot the video in their tour of Iraq in order to document the actual extent of the war's "collateral damage" on civilian targets and on Iraqi citizens. Despite the news potential of Clark's footage, "American networks would not touch his film" (Taylor, 181-83).

• None of the major media would join in a lawsuit, filed on January 10, 1991, arguing the constitutional basis for overturning the wartime media controls. The lawsuit was filed by the Center for Constitutional Rights on behalf of 11 news organization and 5 writers, including *Harper's, The Village Voice, Mother Jones,* and *The Nation.* Neither did the major media even deign to report the existence of the lawsuit. Although the *New York Times* did mention the lawsuit in two paragraphs at the end of long piece datelined Riyadh, the citation misstated the lawsuit's purpose (Schanberg in H. Smith 1992, 55-57; Dennis et al., 20-21; MacArthur, 202).

In sum, given the uncertainty of the news and the stakes at play in the Gulf war, the news media played it safe. The leading news organizations did not want to run stories not being printed or broadcast by other news organizations. The result was an image of a clean, easy, United States victory. But as the BBC's Mark Urban noted once the war ended, it was "undoubtedly true that the greatest failure in the reporting of the war was the impossibility of showing the reality of what the air forces were doing to Saddam Hussein's armed forces, because that really was where the war was won, and that was the reality of probably 90-95% of the killing which went on" (Taylor, 277-78).

Conclusions

The circumstances of the news media's existence—in intense competition with each other for political information, in a structurally disadvantaged position vis-a-vis the executive branch, and needing to fashion news stories out of a complex reality and in the face of uncertainty about what stories will work—dictate that journalists and their news organizations have set practices and standardized procedures. The sections above show how the institutional features of the news media were manifest during the Gulf war, and thus how the criticized performance of the news media may be all too understandable. As the aggregate of individual journalists caught up in their workaday routines, career expectations, organizational obligations and structural

positions, the news media were essentially captive to the executive branch's propaganda.[16]

The presence of other patterned and persistent features of the news media strengthens the above contentions about the news reporting on the Gulf war being consistent with the news media's institutional qualities. They include the practices that emerge from the existence of news organizations as business corporations (Bagdikian 1992; Squires 1993); the personalization of the news, thanks television and video technology (Meyrowitz 1984; Masters 1990); and the status of leading journalists as political and governmental insiders (Broder 1987; Kurtz 1993; Parry 1993). In each instance, the various rules of media operations—whether for reasons of an economic, technological or social nature—have a consistent affect on political communication, away from questioning or critical reporting.

Economics may best explain the refusal of the major media to enter the lawsuit challenging the Defense Department's pooling system. Robert Ingle, executive editor of Knight-Ridder's *San Jose Mercury News*, explained that "newspapers all over the country, including the *New York Times*, the *Los Angeles Times*, and all the others, are terribly concerned about losing touch with the readers and losing the support of their readers...You have to keep in mind that this was a terribly popular war by all of the polls I've seen...I think the conflict between needing to stay relevant and in touch with the readers, and independent of those readers, is a terribly difficult one" (MacArthur, 21). The *New York Time's* Craig Whitney also notes that if you force an opinion or judgment on the public, "you risk losing the trust of people who hold differing views. We sell a million copies of this paper every day" (Hertsgaard, 340-41).

Although the television networks lost "tens of millions" on their coverage of the war (with NBC losing $55 million—$35 million in extra production costs and $20 million in lost advertising), CNN—the overwhelming winner among television news teams—experienced "a 500 percent increase over prewar audience shares; the company was charging $20,000 for the same 30-second commercial that went for only $3,500 before the bombs began to fall" (MacArthur, 220-21; Kamen in H. Smith 1992, 356). There was money to be gained. That CNN was perceived as the most credible newscaster led to better

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16 "Propaganda"—a term derived from the Catholic Church's religious battles against Protestantism—is used neutrally here, to refer to a process of persuasion, a means by which political views are disseminated for domestic and international purposes. Propaganda may be contrasted with advertising (which has economic objectives) with overt coercion (propaganda is covert), with lying (propaganda is not necessarily untruthful), and with education (education is the instruction of how to think, propaganda is the instruction of what to think).

ratings, higher prestige, and millions of dollars in advertising revenues in the near- and intermediate term.[17]

Concerning the personalization of the news, consider the news media's lionization of Schwartzkopf. Schwartzkopf was the "biggest celebrity in the world" by the end of the war (MacArthur, 107-09), and the respondents to a Times Mirror poll gave him a 62 percent "very favorable" rating—the highest by far in the poll's history (Yant, 204). Likewise President Bush received the lion's share of news coverage stateside as Congress receded from view (Shaw and Martin in Denton, 50-51). Conversely, Saddam Hussein was transformed into another Hitler in a few days' times.

The insider status of elite members of the news media is exemplified in MacArthur's account of the White House Correspondent's Association dinner after the end of the war: holding court in the *U. S. News & World Report*'s hotel suite was none other than General Schwartzkopf—hero, celebrity, and sex symbol—the guest of *U.S. News* publisher Mort Zuckerman. Prominent journalists from *U. S. News*, the *New York Times*, and other news organizations paid their respects and even asked Gen. Schwartzkopf for autographs (MacArthur, 226-29). Another example of the insider status of prominent Washington journalists is the close tie between George Schultz and reporter Don Oberdorfer of the *Washington Post*.

It is not that any one personal tie (or business interest or personalization of an issue) necessarily results in a certain story or particular spin on the news, of course. But the scale of the financial interests of news organizations, the impetus for the personalization of the news, and the extent of social connections between top politicians, appointees and journalists have systematic effects on news production—away from news that threatens business interests, away from complex or slowly changing stories (unamenable to pictures), and away from news critical of executive branch officials and elected politicians.

These institutional features of news production (the three above as well as the three discussed earlier) are "institutional" to the extent that they mitigate the uncertainty of newsmaking: uncertainty about where individual journalists and news organizations stand in relation to each other; uncertainty about where and how closely guarded information on the executive branch is available; uncertainty about what the news is and what news stories will fly; uncertainty about the bottom line; uncertainty about the accessibility of the news; and uncertainty about the status of individual journalists in Washington.

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[17] As a small example of the business of newscasting, CBS "reassured sponsors that war specials would be tailored to provide good lead-ins to commercials with 'upbeat images' prior to station breaks" (Denton in Denton, 32).

Consistent with the institutional quality of the news media—that individual preferences are formed endogenously by individual position and organization rather than exogenously—are two behaviors evident in journalists commenting on the news media's coverage of the Gulf war. One is the contrast between journalists' daily behavior and their later perspective on past action, where the behavior of many journalists on the job, covering the White House, diplomatic and Pentagon beats, was excused or even contradicted by their subsequent late-night, weekend or leave-time reflections on that coverage. A second and related contradiction was a tension between private and public action. Individual journalists frequently complained and even regretted the news media's coverage of the war when they spoke in private, even though these same individual journalists often defended their own performance and that of their news organizations when speaking in public (MacArthur, 152-62, 212-17; Dennis et al., 32-33, 65-66, 70-76).

Further consistent with this institutional perspective is that the combined behaviors of journalists covering the Gulf war secured the place of the news media (and of its attendant features) in political communication on the executive branch.[18] A *Newsweek* poll done after the war had it that 59 percent of Americans thought better of the news media than they did before the war, and an NBC survey found that 40 percent of Americans had a greater respect for the news media after the war—double the 20 percent with the opposite view. And a *Los Angeles Times* poll found that 62 percent of Americans believed the news media to be "unbiased" in their war coverage (Yant, 204). Per Jepperson's point that by enacting *institutions individuals reproduce institutions, the* operations of the news media facilitated its continued existence and presence in American national politics (Jepperson 1991). That is to say that while the behaviors of journalists bent to the exigencies and constraints of the moment, the institutions continued on, and the news media even thrived.

If the highly criticized performance of the news media in relations to Desert Shield and Desert Storm can be explained by professional norms and practices, organizational processes and structural conditions, why, then, do so many complain about the news media? Why do we expect differently? I think that here are two main reasons: one is Watergate; the

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[18] This is not to say that the reproduction of institutions is assured. Political orders do not inexorably perpetuate themselves, and institutions do not exist for the sake of their own continuance: organizations may compete with each other, procedures and rules may conflict, and world views may be contradictory.

other is the newness of contemporary political communication.[19]

Watergate promoted the image of a skeptical and powerful news media, able to act independently in national politics and able to protect American democracy. Yet several factors suggest that Watergate raised undue expectations. One is Watergate's place in political time: coming after the disenchantment with Vietnam—indeed, Nixon was still involved in Indochina and himself contributed to the disillusionment about U.S. government—and coming on the heels of the idealism of the late 1960s. Watergate exemplified another betrayal of American government and democratic values.

Another reason for the false hopes raised by Watergate was the presence of the serious internal divisions within the White House (like the later years of the Vietnam war). As Edward Epstein (1976) and Len Colodny and Robert Gettlin (1991) point out, the success of the *Post*'s Woodward and Bernstein, cub reporters both at the time, was only possible through the cooperation of key White House actors (John Dean and Alexander Haig especially) and other government officials willing to leak information and to confirm or deny stories.

A final unique quality to Watergate was that the Nixon administration had succeeded in antagonizing most of the major news media. President Nixon, his Vice President, and his aides had made continual and heavy-handed attacks on the news media since first coming to office in 1968 (as mentioned above). The result was that from reporters to top executive, most in the news media had grounds for at least considering stories damaging to the President—in contrast with the gentle and enticing (and more successful) tactics of the Reagan administration (Hertsgaard 1989).

The upshot is that even while the news media (and popular culture) have extolled the place and importance of journalism in the protection of American government, Watergate was in fact a freak event, possible through a unique combination of distinct factors and highly unlikely to be duplicated.

The second reason for the undue expectations from the news media may be the result of the very newness and quick evolution of political communication. It is only recently that news corporations have been free from the direction of their founders (MacArthur, 138-45) and that news corporations and media empires have enjoyed anything like the scale they now reach (many are in the Fortune 500).

Corresponding with these organizational, economic and technological developments has been an evolving and increasingly sophisticated relationship between the government and the news media, with specific personnel and

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19 I am grateful to Rebecca Schiff for stressing the singular importance of Watergate. Imagine someone today with a car bumper sticker reading: "And thank God for the *Washington Post*."

practices employed for handling public relations—that is, the news media. The Bush administration brought in Roger Ailes to sell the war, instance, and apparently did so successfully. Once the war started, "White House, Pentagon, State Department, and CIA officials" met every morning "before dawn to plot the 'spin' for the day. Administration officials understood that the United States is engaged in a PR battle as well as a real one." And every morning, the Administration settled on a "message of the day," and faxed out "talking points" to friendly party leaders, business executives, and religious figures (McDaniel and Fineman in H. Smith 1992, 154-55).

Similarly, the military learned from its Vietnam experience, borrowed from the British experience in the Falklands, and copied tactics used in invasions of Granada in 1983 and Panama in 1989 in order to execute the Gulf war (Dennis et al., 8-16, 41-42; Summers in H. Smith 1992, 84-87). Given the almost immediate impact of the news media on politics, government and public perception, the increasing political sophistication of political communication is to be expected.

The consequence of the increasing scale and sophistication of political communication and of the unique confluence of events leading to Watergate is the engendering of false hopes for the news media in maintaining accountable and democratic government. The reality is that the professional, financial and political stakes in reporting on the executive branch have become overwhelming, thus making mistakes more costly and independent and critical reporting all the more less likely. And the empire builders—the William Paleys, Henry Luces, Katherine Grahams, Arthur Sulzbergers and Colonel McCormicks who directly intervened in Washington politics in the past—are either no longer around or no more disposed to act on their own (MacArthur 1992).

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Presidential Choice in Macroeconomic Policymaking

Constantine J. Spiliotes

The University of Chicago
Department of Political Science
5828 S. University Avenue
Chicago, IL 60637

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Abstract

Politico-economic research studies the movement of economic aggregates as the basis for theorizing about the nature of presidential preferences in the macroeconomic system. Researchers hypothesize about patterns of movement in economic indicators and view their detection as evidence of strategic policy decisions by the president at the outset of the policymaking process. This paper argues that in theorizing backwards from economic outcomes, these empirical models do not provide an accurate gauge of the president's macroeconomic policy preferences. The paper employs a time-series of macroeconomic policy choices made by presidents during 1954-1984, in order to test two leading politico-economic theories, the partisan differences model and the political business cycle model, respectively. This analysis seeks to identify patterns of macroeconomic policy choice over time that are compatible with the patterns of outcomes uncovered in the politico-economic research. The test results lend support to the partisan differences hypothesis, but find little additional confirmation of the political business cycle model beyond the mixed results found in politico-economic research.

Introduction

Few policy domains are more complex and contentious in nature than macroeconomic policymaking. The president, as the nation's chief macroeconomic policymaker, faces competing ideological, electoral, and institutional imperatives when selecting (or "choosing") his macroeconomic agenda. These macroeconomic policymaking considerations are manifold; the president's desire to implement his ideological vision for the economy, his concern with winning reelection, and his need to shepherd legislation through Congress, all factor into the policymaking calculus. The president must balance responsibility to his party, to the electorate, and to other relevant institutional actors when making macroeconomic policy choices. The list of imperatives can be staggering for one institutional actor.

Not surprisingly then, there are almost as many approaches to the study of macroeconomic policymaking as there are presidential imperatives for that process. Scholars employ a variety of methods in focusing on specific components (e.g., president, legislature, bureaucracy, voter, economy) of this complex process, or on the numerous interactions between them. In modeling some component(s) of the process, scholars make working assumptions about each of the others. Thus, most models posit a function for the president as macroeconomic policymaker.

For one particular approach to the study of macroeconomic policymaking, referred to herein as "politico-economic," presidential policy preferences or "choices" are a primary input into the process and, as such, are assumed *a priori* into the models. The politico-economic rubric encompasses two well-known variants of the general model, namely the partisan differences and political business cycle models. Both variants hypothesize "rational" or "strategic" behavior by the president

as he pursues either ideologically or electorally favorable economic outcomes, respectively.

This paper will use the theoretical underpinnings of the politico-economic literature as the foundation for an alternative approach to understanding the link between presidential preference and economic outcome. Although politico-economic research assumes presidential policy choice into models of macroeconomic policymaking as an *a priori* signaling of rational goal-oriented behavior, the research, by virtue of its analytic structure, can make only tenuous causal claims about these choices, based upon analysis of aggregate economic indicators. Presidential choice of macroeconomic policy is hypothesized to be the catalyst for the process, but is relegated to the margins of most empirical analyses. As a result, it remains a largely untested theoretical construct

To this end, the paper will first offer a review and critique of the politico-economic literature to establish the rationale for an alternative approach to the study of presidential preferences. The paper will then test partisan differences and political business cycle hypotheses by attempting to identify the relevant patterns of macroeconomic policy choice by presidents over time. While in keeping with the spirit of politico-economic research, this approach represents a theoretical and empirical shift in focus from the former's study of aggregate economic outcomes as indicators of the strategic nature of presidential policy choices. Of course, how outcome is defined depends upon the goal posited for the policy choice. A presidential choice, itself, could be viewed as an outcome of some prior institutional or psychological process. Nonetheless, research in the politico-economic tradition views predicted movement in the economy as the significant outcome and draws a crucial

theoretical link between that outcome and the macroeconomic policy choices made by the president. Therefore, it is from this specific notion of outcome that the paper draws its rationale.

Thus, there is a need to model the macroeconomic policy choices made by presidents. The goal of this paper is not to discredit politico-economic research, but instead to adapt its basic logic to an alternative empirical test that might lend further credence to the macroeconomic system it describes. A closer analysis of presidential choice in macroeconomic policymaking over time would provide an improved theoretical framework for politico-economic scholars interested in furthering partisan differences and political business cycle research, by allowing them to critically assess whether presidential behavior concurs with the stories told by their models.

Politico-economic Models

A substantial body of empirical literature in the social sciences measures the causal relationship between fiscal and monetary policymaking and economic outcomes.[1] In general, these models (termed "politico-economic" or "politometric") hypothesize relationships between government, electorate, and economy, and econometrically estimate their magnitude. More specifically, the models posit an electorate which demands favorable economic outcomes from government as a requirement for perpetuation of the latter in office. The policymaker (or president, as he is modeled in the majority of U.S. cases) reacts by choosing the macroeconomic policy best suited to meet the demands of his electoral and/or ideological constituencies. Election returns, public opinion polls, economic policy

[1] See Frey and Schneider 1975; Nordhaus 1975; Hibbs 1977b, 1983, 1987; MacRrae 1977; Frey 1978; Tufte 1978; Beck 1982ab, 1987; Alt and Chrystal 1983; Alesina 1988; Woolley 1988; Williams 1990; notably, among many others.

instruments and indicators (relative levels of/changes in) gauge how effectively these needs are being fulfilled. Thus, this influential approach to the study of macroeconomic policy pinpoints presidential choice as the nexus of interaction between the electorate and the economy.

The politico-economic literature is both voluminous and highly technical in nature. Advances in this field have been complex and incremental over time. Its theoretical specifications and empirical results have been greatly contended over the past several decades with no particular viewpoint or scholar dominating the field. Thus, some care is taken below to develop its central tenets and major points of contention.

Two variants of politico-economic models dominate the literature, namely, the partisan differences (PD) and the political (or presidential) business cycle (PBC) models. The PD models are driven by an ideological incentive for presidential behavior, while the PBC models instead posit an electoral incentive. For the sake of clarity in exposition, the two models will be dealt with separately below, although they overlap significantly in the literature. Scholars often test both PD- and PBC-derived hypotheses by making small adjustments to the specification of a single politico-economic model.

To understand these models, one should be acquainted with a theoretical building block which the two share, that is, the vote as an economy-determined act.[2] Both the PD and PBC models implicitly accept this idea, clearly restated by Lowery (1985), that voters respond to changes in economic conditions when evaluating incumbent parties and officeholders. If voters do not evaluate parties/politicians in this manner, then there is little incentive to manipulate economic conditions,

[2] See Downs 1957; Kramer 1971; Stigler 1973, 1975; Arcelus and Meltzer 1975; Bloom and Price 1975; Meltzer and Vellrath 1975ab; Tufte 1975; Fair 1978; Fiorina 1981; Chappell 1983; Kiewiet 1983; Chappell and Keech 1985.

and both models break down (Lowery 1985:429).

It will be argued, following the literature review, that, although political incentives are integral to the idea of choice, the manner in which these incentives are analyzed in the literature does not offer an effective test of presidential preferences. Thus, while the notion of incentive-driven strategic behavior is theoretically fruitful, politico-economic models do not allow for valid empirical conclusions about the relationship between political incentives and presidential choice.

The Partisan Differences Model

PD models look for systematic differences in the aggregate economic behavior of political parties. The models hypothesize that the Democratic and Republican parties (in the U.S. case) pursue economic policies designed to serve the ideological and class interests of their respective constituencies, rather than the need for electoral advantage (which is the case for PBC models). Democrats, representing the working class, pursue economic policies designed to expand employment opportunities, even at the risk of increased inflation. In contrast, Republicans, responding to the investment-oriented behavior of the upper class, enact policies designed to check inflation at the risk of causing a rise in unemployment.

Scholarly debates in this literature are highlighted by the work of Hibbs (1977b, 1983, 1987), Tufte (1978), and Beck (1982ab). Employing the aforementioned notion that different parties serve different clientele, Hibbs finds that, for the U.S. and western Europe (in the postwar period), left-wing parties are associated with more inflation and less unemployment than are right-wing parties. He quantifies this relationship as a 2.36% two-term, inter-administration difference in government-induced

unemployment levels (1977b:1486).

Tufte (1978) takes an American party perspective, and further substantiates Hibbs' claim that the parties differ on the relative desirability of unemployment and inflation, and that these differences correspond to the preferences of their respective clientele (p. 347). The author provides documentation of this claim through an examination of party platforms, presidential statements, Council of Economic Advisor reports, and stated preferences of party rank and file. Tufte concludes that Republican ideology places a higher priority on low inflation and Democratic ideology on low unemployment (pp. 71-88); the two parties manipulate policy instruments available to them in accordance with these preferences (p. 348).

Beck (1982ab) offers a scathing attack on Hibbs (and indirectly on Tufte). He argues that although party affects the level of unemployment, the magnitude of that relationship is less than half that estimated by Hibbs. More damaging to the PD thesis, however, is Beck's finding that presidential administration (postwar) is a better predictor of the unemployment level than is presidential party. He estimates that intraparty, inter-administration differences in unemployment rates are often larger than inter-party differences in those same rates. As a result, Nixon looks like a Hibbs Democrat, and Kennedy and Carter look like Hibbs Republicans (1982a:84). Beck connects this result to a theory of politics as a series of impermanent coalitions between various sectors of society, with elections serving as a choice between temporary alliances. A president may manipulate the economy, but his party affiliation is not a good predictor of the outcome. (1982a:90-93).

More recent incarnations of the PD model generally confirm the model's central hypothesis, albeit with various refinements. Alt (1985)

strengthens the case for the PD model with a closer look at the timing of shifts in unemployment and by factoring in the constraints of an open economy (also, see Weatherford 1988 for this discussion). Woolley (1988), Alesina (1987, 1988), and Alesina-Sachs (1988), all find that the differences in levels of unemployment and output between parties are only significant during the first half of a given four-year administration; the parties are economically indistinguishable in the second half. Williams (1990) seeks evidence of partisan differences in the area of monetary policy, and finds sizable differences with respect to real income (Lowery 1985 does not find a similar PD effect for fiscal policy).

The Political Business Cycle Model

Unlike the divergent ideological/partisan economic goals of the PD model, the PBC model posits an incumbent solely motivated (in most cases) by the desire for reelection. The president, therefore, seeks to manipulate macroeconomic policy (showing scant regard for ideological consistency) with the goal of cranking up the economy just prior to the election. The PBC model is structurally more demanding than the PD model, for it leaves no theoretical doubt that the president, himself, is working the policy levers, rather than the possibility of other institutional actors within his party.

Nordhaus (1975) and MacRae (1977) present early systematic attempts at the PBC model. Both authors argue that unemployment affects money wages, which in turn affect prices. Given this lag in the tradeoff between unemployment and inflation, the short-run impact of macroeconomic tinkering will be seen primarily in increased economic growth and reduced unemployment, rather than in increased inflation (Nordhaus 1975:169). It follows, according to the PBC model, that the president will attempt to

expand the economy just prior to the election, since the deleterious inflationary effects of economic expansion will not be in evidence until his second term.

Nordhaus looks at annual unemployment rates for nine countries for the period 1947-1972. For the U.S., his data conform (in PBC fashion) to the elections of 1948, 1952, 1956, 1964, and 1972. Nordhaus concludes that the president's term in office has a predictable pattern of macroeconomic policymaking, beginning with relative austerity in early years, and ending with booming economic growth just before the reelection bid (pp. 185-187). MacRae, in contrast, looks only at the pattern of unemployment and inflation for the U.S. during the four presidential election periods from 1957-1972, and detects an effect similar to that estimated by Nordhaus for the second and third administration periods only.

Frey (1978), Frey and Schneider (1975, 1978a, 1979), and Tufte (1978), expand upon the original model. In Frey and Schneider (1978a), the authors test a PBC model with quarterly data for the U.S., from 1953-1975. They find that the likelihood of reelection is significantly reduced when the rate of unemployment and/or inflation rises, but that it is significantly increased when the growth rate of private consumption rises (all of this in keeping with an economy-determined vote). When the probability of reelection is low, the president tries to expand the economy in order to increase his chances of winning. Frey and Schneider's significant contribution to the literature is the idea that incumbents pursue ideologically-oriented policies (regardless of the popularity of these measures in the electorate) when reelection is likely (p. 174). This conclusion builds a useful theoretical bridge between the PD and PBC models.

Proceeding from the myopic voter assumption employed by both Nordhaus and MacRae, Tufte (1978) claims that PBC behavior has caused substantial macroeconomic fluctuations in the U.S., from 1948-1976 (with the exception of the Eisenhower administration). The author finds a two-year cycle in the growth of real disposable per capita income, with acceleration in even years and deceleration in odd ones. He also sees a four-year presidential cycle in the unemployment rate, with downturns in unemployment in the months before the presidential election and upturns in the unemployment rate usually beginning from 12-18 months after the election (pp. 26-27). Tufte posits that the modus operandi for these cycles is an increase in transfer payments (e.g., social security, veterans benefits, etc.) in the months preceding a presidential election; these transfers directly and immediately affect real disposable income. Giving credence to PBC theory, Tufte concludes that the years in which incumbent presidents seek reelection enjoy the most favorable short-run economic conditions. In addition, he notes that incumbents often undertake deflationary policies as their first priority after reelection (p. 27).

Golden and Poterba (1980) attack Frey and Schneider's model, arguing that a president would have to use more than $5 billion of additional spending to increase the probability of reelection by a single point (in terms of popularity) (p. 713). Golden and Poterba also estimate reaction functions for fiscal policy, monetary policy, and transfer payments, and detect no statistically significant effects on the electoral cycle. The authors argue that previous PBC work fails to consider the extent to which the president can have a causal impact on the probability of reelection through manipulation of macroeconomic policy. Golden and Poterba conclude that the policymaker's power to do so is probably quite limited (even if

his motivation is strong) within the overall scheme of macroeconomic policy (p. 713). Keech (1980) looks at similar empirical data and produces only ambiguous evidence that policymakers engage in a cyclical vote-optimizing strategy (p. 363).

Alt and Chrystal (1983) yield the often quoted conclusion that, "No one could read the political business cycle literature without being struck by the lack of supporting evidence..." (p. 125). The authors argue that the goals of different administrations, as well as the economic tradeoffs available, appear to vary considerably, contrary to all of the fixed-preference models (except Beck 1982a) mentioned thus far. Alt and Chrystal further claim that models of how macroeconomic policy targets (like the level of unemployment) move have not been empirically confirmed (p. 125).

More recently, due to the mixed results of the full scale PBC models, cyclical research has fragmented into fiscal and monetary policy branches. For example, Lowery (1985) uses budget surplus/deficit data from 1954-1983 to test for PBC activity, but comes up empty-handed (p. 428). Forays into monetary cycle research have proven more fruitful, since a limited number of institutional actors (mainly the president and the Federal Reserve Board) have access to the policymaking process. Beck (1987) concludes that, while there is a noticeable cycle in the money supply, there is no cycle in the use of specific monetary instruments. Beck adds that this circumstance probably results from the president's insufficient power to force the Fed to work actively for his reelection.

In contrast, Grier (1989) depicts a significant four-year cycle in growth of the M1 money supply, when controlling for the influence of interest rates, income, and budget deficits. He further claims that the electoral cycle produces the income and inflation movements associated

with the PBC, and concludes that presidential elections do significantly affect money growth. Williams (1990) finds economic activity that is consistent with a political monetary cycle; interest rates are expansionary as a result of elections. He concludes that the data generally suggest that elections enhance macroeconomic performance, and that the short-term reaction of money to approval shocks is consistent with a model in which the president uses monetary policy to try to manage public support (p. 789).

A Politico-economic Critique

Although these models describe the dynamic relationship between electorate, president, and economic outcome from a powerful econometric perspective, the review presented above demonstrates that they have responded to empirical tests with mixed results. One might argue that these models are somehow mis-specified, yet, as should now be evident, most of the scholarly effort expended over the past two decades has focused on re-specification of general parameters, without marked improvement in the results.

Instead, the empirical results generated by estimation of these models raise a fundamental conceptual problem. The models' three key components (vote, policymaker, and economy) receive biased treatment in the literature. As Lowery (1985:429) notes, political scientists (due, in part, to the constraints imposed by quantitative data analysis) have almost exclusively dedicated their energies to the first component (the vote), attempting to understand how and why voters respond to economic stimuli. Similarly, economists have focused on the third component (the economy), engaging in theoretical and econometric refinements of the relationship between macroeconomic instruments and aggregate economic

conditions.

As a result, the models constructed and tested in this research tradition are incomplete. Presidential choice of macroeconomic policy plays a central theoretical role in politico-economic models, yet it is difficult to find a true empirical test of the chief executive's behavior in the dynamic process which they describe.[3] The president's actual preferences are obscured; his choices are seen only as indirect reflections of the models' other parameters, or as part of the initial set of assumptions that scholars make in order to proceed with construction. Public opinion is registered, and movement in economic policy instruments and indicators is detected. Yet, the policy choices of the president, which are said to transform the models' electoral and ideological inputs into economic outputs, are scarcely visible, trapped inside the proverbial black box of social science. Although political incentives potentially are a central determinant of presidential choice, the models theorize about these incentives by looking only at movement in aggregate economic indicators, not at the choices actually made by presidents. A satisfactory understanding of the president's macroeconomic policy choices is sacrificed to the models' stringent demand for economic precision over political insight.

While the ideas of choice and outcome are interrelated, given the complexity of the policymaking process and the number of actors involved, the president achieves his intended policy outcomes only some of the time (thus, the PBCs' mixed test results, see Peterson 1990:118). Weatherford (1988:110-111) notes that, "...the institutional complexity and fragmentation of the policy process opens the outcome to claims and amendments by strategically important legislators, interest groups, party elites, and others," so that the resulting compromise policies may not

[3] Tufte 1978 probably comes closest to achieving this goal.

directly serve the actor's electoral, ideological, or legislative intentions. He concludes that this explanation is "... consistent with the weak and contradictory findings typifying the [politico-economic] literature to date."

By focusing only on aggregate economic outcomes, the research misses much of the variation in presidential policy choice, variation which never translates into the policymaking process. To understand presidential choice as strategic behavior, the focus instead should be on the president's policy preferences, even though the intended outcomes of those choices may ultimately not be realized. A president may select the option he believes will achieve a desired outcome, or he may choose a policy with little probability of enactment for other reasons (see Peterson 1990:43,178). Looking for patterns of choice that are consistent with these incentives is a more effective means of identifying strategic behavior than is studying the outcome of the entire process. Analyzing the outcome of the policymaking process, in order to draw conclusions about presidential preference at the time of policy choice, denies the complexity and uncertainty of that process, and makes causal statements about the relationship between incentive, choice, and outcome suspect. Thus, a rationale for presidential choice is established; the analysis will provide a more accurate gauge of presidential response to political incentives.

Presidential Choice

The logic underlying this paper's use of the politico-economic research to talk about the relationship between choice and outcome is as follows: if patterns of movement in aggregate economic indicators are evidence of strategic presidential policy choices made at the beginning of

the macroeconomic policymaking process, as is implied by the logic of the politico-economic models, then similar patterns should be evident in the initial macroeconomic policy preferences of presidents over time. While correlation between policy choice and economic outcome does not necessarily indicate causality, evidence of significant patterns of PD- or PBC-style choices over time would nonetheless strengthen the theoretical foundations of politico-economic models. Just as researchers employ a time-series of economic indicators for data, so too can the PD and PBC hypotheses be tested using a time-series of macroeconomic policy choices.

As a first step toward testing for presidential choice, the PD and PBC hypotheses must be adapted from the politico-economic literature and be restated in general form as:

H_{pd}: Presidents choose macroeconomic policies which reinforce their partisan and/or ideological orientation.

H_{pbc}: In election years, presidents choose macroeconomic policies with the intention of rapidly expanding the economy.

Drawing from the politico-economic literature, each of these general hypotheses has specific test implications. For the PD test, divergent patterns of expected choices can be specified for Democratic and Republican presidents. Under the PBC hypothesis, a distinct pattern of expected choices for all presidents should also be evident.

For the PD hypothesis to be accepted, the following patterns of macroeconomic policy choice should be identifiable over time for Republicans and Democrats, respectively. Republican administrations should prefer a mix a fiscal and monetary policy choices which check

inflationary growth at the risk of increased unemployment. More specifically, they should eschew stimulating economic growth through increased federal outlays, instead preferring to expand the economy through the creation of favorable economic conditions for private investment. This goal is accomplished primarily through supply-side tax relief, although demand-side reductions may also be employed, and through emphasis on policies affecting the cost and availability of private sector money and credit.

In contrast, Democratic presidents can be expected to prefer a mix of macroeconomic policy choices which expand employment opportunities at the risk of increased inflation. That is, they should promote economic growth through increased federal expenditures and demand-side tax relief, with a particular emphasis on support for public employment programs and entitlements. Democratic presidents are more likely to support monetary ease than their Republican counterparts, and to be active in credit markets (particularly mortgage markets), employing direct support through federal subsidies.

The PBC hypothesis generates a somewhat more straightforward test expectation for presidential choice than the PD hypothesis. In order to conform to the behavior hypothesized by the PBC, presidents, regardless of party, are expected to prefer macroeconomic policies which rapidly expand the economy in an election year. Both the type and timing of the choices are critical here, especially for comparison of election-year choices with policy choices made by a president during the prior three years of his term. For example, a sudden election-year switch in preferences to increased federal spending on entitlements and direct federal subsidization of home mortgage markets, after several years of fiscal restraint and tight money, may be interpreted as PBC behavior.

Data

Much research on the presidency, regardless of the policy domain under consideration, offers either sui generis depictions of presidential administrations (with an excessive emphasis on presidential character as an independent variable), or focuses on the policymaking continuity and conflict among several contiguous administrations (e.g., Hoover, Roosevelt, Truman or Kennedy, Johnson, Nixon). Research on the presidency and macroeconomic policymaking generally takes on a slightly broader temporal scope; the highly quantitative politico-economic literature usually runs its economic time-series data from Eisenhower to Reagan, or for some subset thereof.

In focusing on the actual macroeconomic policy choices made by presidents over time, this paper employs a substantial time frame (1954-1984) which closely mirrors the politico-economic time-series. The time-series of choices offers significant variation, in terms of number of years, administrations, and policy preferences. The test period covers seven presidential administrations (four Republican and three Democratic) and hundreds of macroeconomic policy choices. In this way, patterns of macroeconomic policy choice may be identified which are not readily visible within the tighter empirical confines of most presidency research. This research design somewhat diminishes the "small N" problem that has plagued presidency research in the past, thereby allowing one to theorize more convincingly about presidential behavior.

Presidential choice is measured as a series of discrete policy preferences, identified by year. To be considered a choice, the preference must be a recorded macroeconomic policy position of the president made at some point prior to any modification by other

institutional actors.[4] Choices, therefore, are official presidential policy statements, executive orders, and proposed legislation. These data were collected annually for 1954-1984 from the *Economic Report of the President, the Report of the Council of Economic Advisers,* and the proposed *Budget of the United States.* These documents offer a comprehensive record of macroeconomic policy preferences as they develop throughout a given year.

The data were sorted into five categories of macroeconomic policy choice by year. The categories include general federal outlays, entitlements, personal taxes, corporate taxes, employment policy, and money/credit (domestic and international). Testing was undertaken through comparison and contrast of policy choices over time, both within and across years. First, analysis was done across the five categories within each year to determine whether the macroeconomic policy choices for that year, on balance, conform to the expected behavior of the hypothesis being tested.[5] Using the results of the initial test, each year was assigned either a yes or no, depending upon whether or not it conformed to the expected behavior. Once this process was completed for each of the 31 years, the hypotheses were again tested across the time-series to arrive at a final result.

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[4] For purposes of this paper, the Executive is treated as a unitary rational actor, who provides discrete choices as policy inputs for the macroeconomic policymaking system.

[5] The rationale for conducting a test within each year to make an initial determination of preference, rather than looking at each category of choice separately over time, is that administrations may use various combinations of macroeconomic instruments in responding to the same political incentives. Thus, it is not necessary for all five categories to fully conform to a particular hypothesized behavior during a given year for that behavior to confirm the hypothesis. Presidents often emphasize some aspects of their macroeconomic agenda over others. In looking across the five categories of macroeconomic choice, it was usually quite clear what the president's preferences were for a particular year, even if the particular mix of policies employed to pursue the same result differed from one year to the next.

Results

The findings for tests of the PD and PBC hypotheses for presidential choice are presented in the tables below. For the results of the PD test in Table 1, the "Yes" column indicates the number of years (by administration) that presidential choice conforms to the expected Republican or Democratic behavior. The "No" column indicates the number of years that choice deviates from the expected partisan behavior (those years are provided in parentheses). Also expressed in the totals is the percentage of years, out of the 31 years tested, for which the hypothesis is accepted.

For the PBC test results in Table 2, the "Yes" column indicates the total number of years out of the six reelection years included in the time frame in which presidents have engaged in a PBC-style pattern of choices. The relevant years are provided in parentheses. The "No" column reports the number of reelection years in which the expected PBC behavior was not detected. Also expressed in the totals is the percentage of reelection years during the period for which the PBC hypothesis is confirmed for presidential choice.

Table 1

Partisan Differences and Presidential Choice

Expressed in number of years conforming to (yes), or deviating from (no), expected behavior

	Yes	No
Admin. (Party)		
Eisenhower (R)	6	1 (1958)
Kennedy (D)	3	0
Johnson (D)	4	1 (1968)
Nixon (R)	4	2 (1971, 1972)
Ford (R)	1	1 (1975)
Carter (D)	2	2 (1979, 1980)
Reagan (R)	4	0
Total	24 (77%)	7

N = 31 years of presidential macroeconomic policy choices.

Table 2

Political Business Cycle and Presidential Choice

Expressed in number of years conforming to (yes), or deviating from (no), expected behavior

	Yes	No
All Administrations	2 (1972, 1984) (33%)	4

N = 6 years with incumbent running for reelection (1956, 1964, 1972, 1976, 1980, 1984).

Discussion

The results in Table 1 support the partisan differences hypothesis. Over three-fourths of the years tested conform to the expected patterns of macroeconomic policy choice for Republican and Democratic presidents. The only significant deviations from the expected behavior are clustered in and around the 1970s, a finding which suggests that economic imperatives specific to that decade are responsible for the breakdown in partisan behavior. A look across the choice time-series at the first two years of each administration confirms the more recent PD research; no deviations from the expected patterns of Republican and Democratic behavior are evident.

Eisenhower's policy choices are consistent with predicted Republican behavior, with the exception of 1958. In all other years Eisenhower preferred fiscal restraint in both federal expenditure and revenue policies, consistently seeking to balance the budget or run a surplus, in order to retire the national debt. With the exception of the tax cut package effective January 1, 1954, which he advocated only because decreasing federal expenditures after the Korean War allowed revenue reduction, Eisenhower chose macroeconomic policies geared to the creation of money and credit conditions favorable to states, localities, and private enterprise moving the economy. For employment policy, he preferred automatic stabilizers in the budget to cushion fluctuations in employment, rather than acceleration of public works, a common public employment fix utilized by presidents earlier in the century. Thus, 1958, while perhaps not as significant a deviation from partisan behavior as that represented by Nixon or Carter, nonetheless looks like a change in orientation. Faced with a rate of real GNP (1982 dollars) of -0.8% and an unemployment rate of 6.6%, Eisenhower chose an increase in federal

expenditures and substantial ease in monetary and credit markets, as means of stimulating economic growth. This deviation is in marked contrast to the president's swing back to fiscal restraint in the FY 1960 budget, and his strongly stated preference for higher interest rate ceilings on credit, in order to attract private funds in place of government subsidies.

Kennedy's macroeconomic policy preferences also conform to expected Democratic behavior across his three years of the choice time-series. To promote economic growth, Kennedy favored a policy mix of substantially increased federal expenditures, a liberalization of entitlements, monetary ease and a lowering of interest rate ceilings to increase the affordability of credit (including subsidizing mortgage markets). He also chose a Democratic employment program of federally-funded manpower training and accelerated federal aid for public works.* When Kennedy's preference for a large demand-side tax cut was actively pursued in 1963, his choice was to stimulate the economy as a means of generating additional expected federal revenues, rather than propose cuts in federal expenditures.

With the exception of 1968, Johnson's macroeconomic choices are consistent with the expected behavior for Democratic presidents, even in the face of a destabilizing exogenous event like the Vietnam War. After winning the Kennedy tax cut in 1964, Johnson consistently chose policies that increased federal expenditures, particularly in terms of entitlements and public employment programs (the Great Society/War on Poverty), and

* Although Kennedy was in favor of monetary ease, he was concerned at the time with outflows of capital due to higher short-term interest rates abroad. Thus, while advocating a lowering of long-term interest rates to increase private investment in plant and equipment, he preferred a policy of supporting short-term interest rates, in order to keep the balance of international payments problem under control. He also chose a policy of actively subsidizing credit in the mortgage markets through federal agencies such as the FHA and VA.

exhibited Democratic preferences on money and credit until 1968.[7] In that year, confronted with a tripling of the rate of inflation since assuming office, Johnson's choices deviate from the model. He moved toward fiscal restraint, choosing personal and corporate tax surcharges, a postponement of excise tax reductions, and increased social security payroll taxes to cool demand and thereby quell inflation. He also preferred monetary restraint, albeit with federal aid to mortgage markets, in order to avoid a repeat of 1966 (see footnote 7).

Nixon, Ford, and Carter can be placed in the same economic context; each had to choose policies in an economic environment which was greatly determined by exogenous shocks to inflation and unemployment, due to skyrocketing world oil prices, food shortages, and unusually low growth in productivity in comparison to earlier decades. Both Nixon (1971, 1972) and Ford (1975) chose pro-employment policy mixes (despite high inflation), which deviate from their typical macroeconomic preferences for restraint in federal expenditures, reduction of the tax burden, moderate restraint in money and credit markets, and moderate aid to federal employment and manpower training programs. After his adoption of mandatory wage and price controls to check inflation in 1971, Nixon's policy choices clearly resemble a pro-employment program through 1972 (more will be said on the timing of this program in the PBC discussion). He preferred economic growth through expansive fiscal policy, including increased federal expenditures (intentional deficit spending), liberalized entitlements, demand and supply-side tax stimuli, moderate ease in money markets, direct federal aid to mortgage markets, and increased funding for

[7] An exception to this statement is the sharp monetary restraint employed in 1966, during which Johnson allowed the housing industry to be severely affected, without stepping in to significantly subsidize it until subsequent years. Nonetheless, the bulk of his policy choices for that year conform to expected Democratic behavior.

public employment programs.

In 1975, Ford chose policies designed to ameliorate a whopping 8.3% rate of unemployment, temporarily foregoing battle with the 9.1% rate of inflation. He preferred a strategy of substantial revenue stimulus, coupled with monetary ease and an accelerated program of direct federal aid to public employment programs. Thus, both presidents chose countercyclical employment programs, while temporarily tolerating uncharacteristically high rates of inflation during recessions.

Carter, in contrast, adopted strong anti-inflation policy preferences in 1979 and 1980, despite persistently high unemployment (7-7.5% range), after two years of fairly typical Democratic pro-employment policies. He proposed austere restraint of non-defense federal expenditures, chose to postpone promised tax relief, and preferred monetary restraint. His continued commitment to public employment programs is, however, in keeping with the expected behavior of Democrats.

Taken as a whole, these three presidencies lend some credence, at least for the 1970s, to Beck's hypothesis that inter-party differences in macroeconomic policies are often less significant than intraparty inter-administration differences. To this end, one could argue that Nixon looks more like a Democrat than a member of Eisenhower's party, and that Carter fits better as a Republican than as Johnson's fellow Democrat. Still, the years highlighted above are largely an exception to a consistent pattern of partisan differences over the 1954-1984 period.

Finally, Reagan offers a set of macroeconomic policy choices that is

the picture of ideological consistency.* In all four years of his first term (although less so in 1984), Reagan favored a return to an Eisenhower-esque conception of government, in which the federal government's primary responsibility is to minimize direct federal intervention in the private sector, to focus its energies on influencing money and credit markets to expand private investment, and to foster increased economic capabilities for states and localities. Reagan consistently favored decreased non-defense federal expenditures, a reduction of entitlements, monetary restraint, and an exit from federally-subsidized credit markets and public employment programs.

Turning to a consideration of the PBC results, one finds that they do not differ significantly from the mixed results found in the politico-economic literature. PBC activity is clearly detected only for 1972 and 1984, a 33% rate of hypothesis confirmation. Given the timing of Nixon's expansive macroeconomic policy preferences, the bulk of which came after August 1971, one can convincingly argue (and many have) that his uncharacteristic policy preferences, in light of choices made in 1969 and 1970, are perfectly tailored to the political business cycle. His pragmatic policy choices for 1972 reveal no significant concern for consistency with Republican ideology, making a PBC-style manipulation of the economy his likely goal.

Reagan, while a more difficult PBC case to make, also appears to fit the general pattern of expected PBC behavior in 1984. Although he was ideologically consistent in his rhetoric of fiscal restraint, he

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* One must keep in mind that presidential choice refers to policy preferences over time, not to economic outcomes during the same period. So even though the Reagan administration is often credited with offering scathing fiscal rhetoric, while simultaneously tolerating mounting budget deficits, it is the consistency of initial partisan preferences that is of interest here. However, the question of how Reagan was able to have it both ways raises interesting possibilities for the relationship between policy rhetoric and praxis.

nonetheless presided over a rapid increase of federal budget deficits during his first term. The evidence in favor of the PBC hypothesis, given his generally consistent conservative macroeconomic policy choices, is Reagan's preference in 1984 only, not to push for spending reductions or revenue increases to shrink the deficit that he publicly excoriated. In this sense, his behavior was strategically manipulative. If he had continued to aggressively make the same types of choices in 1984 that he made in 1981-1983, Reagan may have possibly choked off the rapid expansion that he rode to a landslide victory. Thus, he was strategic by virtue of his own of inaction.

Finally, some have argued that Johnson's election-year choices conform to PBC behavior. When one looks at his choices in 1964, however, one finds a set of preferences that are largely consistent with Kennedy's choices in 1963, and which are not substantially more expansive in terms of their expected impact on economic growth (remember that Kennedy pushed for the tax cut as well). Thus, while there may be PBC manipulation present in 1964, it is difficult to make that determination purely by looking at a time-series of choices. Such a determination would require recourse to other types of primary source evidence that further reveals underlying electoral motivations in detail.

Conclusion

This paper has shown that politico-economic models of the macroeconomic policymaking process do not adequately capture the presidential choices that initiate the process. It has attempted to demonstrate that a shift in analytic focus is required to adequately test for the strategic policy choices hypothesized by these models. The paper's utilization of a time-series of macroeconomic policy choices, in

order to test for patterns of presidential preferences that are indicative of partisan differences and political business cycle behavior, is a step in this direction. As a result of these tests, the underlying logic of the partisan differences model has been upheld, yet that of the political business cycle model still awaits further confirmation from other empirical tests.

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POLITICAL SCIENCE PAPERS

The Impact of the Supreme Court on Federal Administrative Agencies' Policy Outcomes, 1954-1990

James F. Spriggs, II

Washington University--St. Louis

Washington

WASHINGTON · UNIVERSITY · IN · ST · LOUIS

Department of Political Science

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INTRODUCTION

What impact do courts have on federal administrative agencies?[1] The judiciary exercises power over government agencies through judicial review of administrative actions. Theoretically, they use this tool to reconcile agency behavior with the rule of law; that is, courts ensure that agencies adhere to statutory mandates, provide due process, and engage in reasoned decision making. Courts can reverse and/or remand agency decisions that are substantively arbitrary, unconstitutional, without statutory authority, or procedurally improper.[2]

Judicial review injects courts into the very process of policy formulation and implementation. It often involves complex issues with profound economic, political, and social implications. Can the National Labor Relations Board (NLRB) regulate church-run schools (*NLRB v. The Catholic Bishops of Chicago* 1979)? Does the Equal Employment Opportunity Commission (EEOC) have authority to regulate age discrimination in employee benefit plans (*Public Employees v. Betts 1989)*? Is it an unfair labor practice for an employer, after bargaining to an impasse, to temporarily shut down plants and lay off employees for the sole purpose of imposing economic pressure on the striking workers (*American Ship Building Co. v. NLRB* 1965)? Can the Environmental Protection Agency (EPA) reduce congressional appropriations to states for combatting water pollution (*Train v. New York* 1975)? And are live human-made micro-organisms patentable subject matter (*Diamond v. Chakrabarty* 1980)?

Agencies are legally bound to comply with court decisions and implement them accordingly. Even so, bureaucratic implementation of court decisions is similar to the implementation of congressional or executive policies (Johnson and Canon 1984). It is a political process which can result in an imperfect translation of the courts' opinions into agency policies (Shapiro 1968; Johnson 1979a; Katzmann 1980; Baum 1976). That is, judicial policies are not self-implementing. Agencies must interpret and apply court decisions for them to have any meaning.

I seek to explain why, to what extent, and under what conditions courts influence agency policies. Put differently, what explains administrative agency responses to court decisions? I examine the Supreme Court's influence on federal administrative agencies' policies from 1954 through 1990.[3] I first present a brief review of the literature dealing with bureaucratic compliance with the courts. I then offer a theory explaining under what conditions I anticipate courts to influence agencies. Specifically, I present a bargaining game and argue that the courts' impact systematically varies by the preferences and resources of both courts

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[1]I wish to thank Lee Epstein, Jack Knight, Bill Lowry, and Bob Durr for comments on earlier drafts of this work.

[2]See Administrative Procedure Act (APA), 5 USC §§ 706(2)(A)-(D).

[3]This essay is part of my dissertation, which also examines the impact of the Court of Appeals for the District of Columbia.

and agencies. Finally, I provide my empirical findings and explain how they illuminate the strategic behavior of relevant actors.

PREVIOUS RESEARCH

The literature addressing judicial impact, though largely descriptive in nature, offers several conceptual approaches. In general, research finds that agencies sometimes comply with the courts, but sometimes the courts have little to no influence on government bureaucracies. While researchers agree that agency compliance is neither complete nor uniform, little consensus prevails for explaining why, under what conditions, or to what extent agencies implement court decisions.

This disagreement prevails, in part, due to the nature of past research. While providing some evidence of the judiciary's influence, they often provide modest theoretical frameworks and focus upon salient or isolated court cases or bureaucracies (for similar criticisms, see: Levine 1970, 592-600; Wasby 1972, 133-134, 141-145; Canon 1991). Their conclusions are therefore partly a function of the particular cases they explore. In fact, a recent review essay commented that:

> . . . the verifications are sketchy and we know little about exceptions, corollaries, and other refinements of the theories' relevance to organizational implementation. For that matter, our knowledge is largely confined to two bureaucracies, school systems and the police (Canon 1991, 455).

Most researchers suggest courts possess relatively few resources capable of compelling agency compliance. As Alexander Hamilton argued in Federalist Number 78:

> It proves incontestibly that the judiciary is beyond comparison the weakest of the three departments of power; and that it can never attack with success either of the other two . . . (Hamilton 1982, 394).

Judicial scholars commonly reiterate this theme in more contemporary discussions of judicial impact. Courts, they suggest, have limited ability to supervise implementation, develop incentives and sanctions, or provide political support for bureau change (Scheingold 1974; Rosenberg 1991; Levine and Becker 1973; Shapiro 1968).[4] Martin Shapiro (1968) argues that the Patent and Trademark Office (PTO) largely ignored the Supreme Court. While the Supreme Court's invalidation of patents increased over time, "the Office professed to see no change in the standard, and there was no observable tendency on the part of patent examiners to be less liberal in their treatment of patents" (Shapiro 1968, 181). Robert Birkby (1966)

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[4]For other accounts noting that courts can not simply force change, see: Rabkin 1989, 167; Melnick 1983, 343-345; Horowitz 1977, 264; Levine and Becker 1973, 234-235.

surveyed Tennessee school superintendents' adherence to *Abington School District v. Schempp's* (1963) prohibition of devotional bible readings. Respondents indicated that 51 out of 121 districts altered their policies somewhat, but only one district eliminated the religious activities completely. In fact, 70 districts made no changes whatsoever (cf. Muir 1967). Similar findings relate to *Miranda v. Arizona* (1966) (Milner 1971; Medalie, Zeitz, Alexander 1973) and *Brown v. Board of Education* (1954) (Dolbeare and Hammond 1971; Rodgers and Bullock 1976).

Nevertheless, research demonstrates that the courts influence agency policies. According to R. Shep Melnick:

> One fact about judicial review of agency action is clear: of the thousands of regulations, orders, and other rulings announced by federal agencies, only a very small percentage are invalidated or modified by court decisions. This does not mean that court decisions are unimportant. By intervening at critical junctures courts can direct the flow of agency decisionmaking (Melnick 1983, 54).

In reaction to judicial decisions, some state agencies changed their policies (Johnson 1979b), some police departments adopted new search and arrest procedures (Canon 1977; Seeburger and Wettick 1973), some schools discontinued religious practices (Muir 1967; Way 1968; Patric 1957; Sorauf 1959; Birkby 1966), and some prisons and mental health facilities altered structures and practices (Marquart and Crouch 1985; Gilmour 1982). Likewise, R. Shep Melnick (1983) concludes that the judiciary influenced the Environmental Protection Agency's (EPA) regulation of air pollution (cf. O'leary 1989; Ackerman and Hassler 1980); and Martha Derthick (1990) and Susan Gluck Mezey (1986) argue that the federal courts influenced the Social Security Agency's (SSA) decision making.[5]

Interestingly, students of the bureaucracy present some of the most persuasive quantitative evidence of the courts' influence. The Supreme Court's formalization of an economic analysis for nullifying mergers decreased the number of Antitrust Division (Department of Justice) litigations against mergers and monopolies by 14 percent (Wood and Anderson 1993). The number of criminal restraint of trade cases filed by the Antitrust Division also responded to the courts: from 1970 to 1989 they decreased as the number of court dismissals increased (Wood and Anderson 1993). According to Terry Moe (1985), the proportion of labor to business victories at the NLRB is influenced, among other things, by the proportion

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[5]Many of these authors fundamentally disagree about the desirability of judicial review. On the one hand, some argue that courts "usurp" agency authority, undermining the agency process and its products (Glazer 1975; Horowitz 1977; Melnick 1983; Rabkin 1989; Wilson 1989). On the other hand, other analysts believe courts are competent to review agencies, having beneficial consequences (Cavanagh and Sarat 1980; Greanias and Windsor 1981; Wasby 1981; Wenner 1982; Cooper 1985; Cooper 1990; Edley 1990; Robinson 1991).

of such victories in the courts.

What explanations have been offered for this variance in bureaucratic response to courts? Scholars provide four loose frameworks for understanding why agencies comply with court decisions: utility theory, communications theory, legitimacy theory, and organizational theory. These approaches are not mutually exclusive, and research often combines elements from each theory. Few rigorous empirical tests of their hypotheses have been performed, which means we have little evidence either confirming or refuting their explanatory power.

Utility theory is a rational choice explanation of behavior in which individuals or groups make compliance decisions based upon costs and benefits. A court's opinion will be implemented provided the expected benefits of the required behavior are greater than the expected costs (Stover and Brown 1975). For example, Harrel R. Rodgers and Charles S. Bullock (1972) present a cost-benefit framework for explaining compliance with school desegregation. They find that monetary penalties for noncompliance improved desegregation's implementation. As the school districts' costs of noncompliance increased, so did the pace of implementation.[6]

While there is no unified communications theory, some studies argue that a decision's transmission influences its impact.[7] To have any effect, a court decision must be communicated to agencies. The quality and quantity of this communication is predicted to influence the way agencies perceive the message (Baum 1976, 94-96). Decisions which are more clear and unambiguous are expected to be more faithfully implemented (Canon 1991, 442-443).

While communications theory has never been formally tested, various research is suggestive. Studying four Wisconsin police departments, Neal Milner (1971) notes that police attitudes toward and information concerning *Miranda v. Arizona* varied by the departments' communication processes, such as the number and sources of information concerning the decision. Other analyses propose that variation in elite support influences implementation. Compliance is unlikely to occur if top officials are not supportive of a court's policy, especially given that they are often the channels through which court-initiated policies are acted upon (Dolbeare and Hammond 1971, 23). Local elites', especially school

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[6]See Giles and Gatlin, 1980, for a test of utility theory on consumers willingness to avoid desegregation. They suggest that the monetary costs of noncompliance are sufficiently high to persuade many individuals to comply.

[7]A more well-developed communications theory investigates lower court adherence to higher court precedent (see Johnson 1987a; Peltason 1961; Songer 1987; Songer 1988a; Songer 1988b; Songer and Sheehan 1990; Reid 1988; Baum 1980).

superintendents', responses to the Court's school prayer decisions help explain why some schools complied (Johnson 1967) and others did not (Dolbeare and Hammond 1971).

The third broad approach suggests that attitudes toward both a court's and a policy's legitimacy influence compliance behavior. In the *Dynamics of Compliance*, Richard Johnson contends that many school officials disagreed with the Supreme Court's ruling on school prayer but ". . . recognized a public obligation to bring their local practices into perceived congruence with Court policy" (Johnson 1967, 125). He argues that the school superintendent was able to convince people of the need for change by citing the Court as the authoritative policy source. Robert Birkby (1966) argues that psychological variables, attitudes toward policies and the Court's legitimacy, explain school districts' decisions to comply with *Abington School District v. Schempp* (1963). More generally, Harrel Rodgers and Charles Bullock (1972) suggest that the costs of complying with a Supreme Court decision are partly a function of its legitimacy. If a person (or group) rejects a law's legitimacy, the psychic costs of disobedience are lowered (Rodgers and Bullock 1972, 128, 188).

Fourth is organizational theory. Judicial scholars have adopted the theories of such scholars as Herbert Simon, James March, Anthony Downs, and Gordon Tullock to explain agency responses to courts (Baum 1976; Johnson 1979a). For example, Charles Johnson and Bradley Canon suggest that organizational inertia helps explain judicial impact (Johnson and Canon 1984, 214-217; cf. Canon 1991, 444). That is, organizations develop inertial forces behind their policies and procedures and are therefore slow to alter them (cf. Levine and Becker 1973, 233). Organizational theorists agree that agencies develop such tendencies. James Q. Wilson (1989) contends that organizations are, in part, created to reduce uncertainty. They therefore develop standard operating procedures to maximize stability and routine in their activities. New tasks, procedures, and other changes are resisted because they impinge on an organization's goals (Wilson 1989, 221-226; Katzmann 1980, 523). While no systematic tests of such hypotheses have been conducted, evidence suggests that inertial resistance can be strong. Southern school districts' defiance of desegregation is illustrative of such inertial tendencies (see Rodgers and Bullock 1972), as is the lack of change after the Supreme Court's school religion decisions (Dolbeare and Hammond 1971).

Charles Johnson (1979) offers an organizational theory explaining agency compliance with the courts. He hypothesizes that agency responses to courts result from two factors: "first, the agency's commitment to the existing policies *and*, second, the risk the agency perceives if it does not accept the authority of the court" (Johnson 1979a, 32). Agency choices occur in three stages. They interpret and evaluate the court decision, search for information and alternatives to it, and, finally, select one or more alternatives. Implementation of court decisions is a function of agency preferences--the distance between the court's position and an agency's commitment to the status quo--as well as the potential sanctions against an agency for not complying--the certainty of judicial enforcement and the severity of sanctions (cf. Baum 1976). Johnson (1979b) also reports case study evidence from five Pennsylvania Supreme Court decisions. Based upon interviews and review of agency records, he asserts

that state agency responses--interpretations, search processes, and programmatic adjustments--are explained by his theory.

Similarly, Robert Katzmann (1980) argues that courts should use organizational theory to understand the potential effects of their decisions. Judicial impact, he states, varies by internal organizational factors and external forces. If judges understand that the potential for bureaucratic change systematically varies according to these characteristics, then courts can be more effective forces for bureaucratic change. While Katzmann presents a normative argument, how courts should use organizational theory, it rests on the theoretical assumption that impact varies across organizational settings. His evidence consists of a counterfactual argument: If Judge Jack Weinstein had used organizational theory in his attempt to restructure an educational institution, then a more workable remedy would have been fashioned (Katzmann 1980, 525-536).

In sum, an immense body of research examines the influence of the courts on bureaucracy. These works variously conclude that courts sometimes do and sometimes do not influence bureaucracies, though much of it does not focus on federal administrative agencies. We know, for example, that the Supreme Court had some influence on public schools, police departments, the SSA, and the EPA. Generally speaking, these conclusions apply only to specific court decisions and to particular bureaucratic organizations. Several questions therefore remain unanswered. Chief among them is what *explains* why, under what conditions, and to what extent courts impact agency policies? While various theories have been proposed, little unified theory has been generated and relatively few empirical analyses have been performed.

JUDICIAL INFLUENCE ON AGENCIES

Agency implementation of judicial policies occurs within an organizational setting. Courts are hierarchically superior to agencies, but agencies can find ways of distorting or redefining their political superiors' directives (Baum 1976; Johnson 1979a). I argue the judiciary's impact on administrative agency policies is a function of two general factors: (1) the policy distance between agency actions and court opinions; and (2) the relative bargaining strength of the two government organizations. Agencies are bound to follow the law, but they may have preferences conflicting with court opinions and also possess resources providing them with feasible alternatives. I present an implicit bargaining game, in which I attempt to explain the agencies' responses to court decisions.[8]

The first element suggests that agencies respond to courts based upon whether court opinions comport with agency goals (Johnson 1979a). I argue that agencies are rational actors; they at least act intentionally in the pursuit of goals (Simon 1958; Rourke 1984; Niskanen 1971;

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[8]The game is implicit in that no explicit give-and-take bargaining occurs.

Meier 1985, 14; Cohen, March, and Olsen 1972; March and Simon 1966, ch. 6; March 1986). They therefore respond to court decisions in order to protect and further their interests. If court decisions agree with agency interests, agencies will most likely comply. If, however, agency positions are not in agreement with court decisions, compliance depends upon the disparity between the court's orders and the agency's policy (Baum 1976, 97-101).[9]

I conceptualize this disparity in preferences as a policy space, in which agencies have "zones of acceptance." Within this policy area, they will allow some direction of their behavior (see Simon, 1958, 130-134, for a similar approach in a different setting). Court decisions beyond this zone encourage agencies to manifest varying degrees of noncompliance in that agencies generally wish to maintain autonomy over their jurisdictions (Wilson 1989, 183; Ferejohn 1989; Katzmann 1980, 524-525). Implementing court decisions also imposes costs on agencies in that they must alter policy goals, expend scarce resources, and the like. These costs vary according to the magnitude of the court-ordered changes (Baum 1976, 97-98). In sum, the distance between an agency's policy and a court's opinion influences the interpretation and implementation process (Bullock and Lamb 1984, 9-11; Scheingold 1974, 117-130; Johnson 1979a, 32-34).[10]

The second component suggests that agency compliance fundamentally turns on the relative bargaining strength of the two political institutions (Johnson 1979a; Katzmann 1980).[11] An agency may want to ignore or narrowly interpret a judicial opinion, but it must have sufficient resources--relative to the court's--to sustain such a choice. Organizational and institutional theory provide a useful way to conceptualize resources and to understand how they influence agency compliance with court rulings. Resources set limits on agency actions and the pursuit of goals and are a function of internal organizational factors and the external environment (Meier 1985; Meier 1988; Meier 1980; Rourke 1984; Wilson 1989, 138)[12]. In this sense, they help define an agency's zone of acceptance by narrowing or expanding the

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[9]I assume that policy preferences are communicated by a court's and an agency's initial choice. Such a revealed preference approach is problematic in that actions do not automatically reveal preferences, as the prisoners dilemma illustrates. Nevertheless, I argue that policy distance is an adequate proxy for the policy preferences of both institutions, namely because it is the only available observation of their behavior I have.

[10]I model initial agency policies and court decisions as exogenous. Agencies and courts, though, may anticipate one another and act so as not to be overturned (see Spiller 1992; Gely and Spiller 1990; Shapiro 1968, 267; Wasby 1972, 140-141; Feeley 1973, 224-226).

[11]See the Appendix for independent variable operationalizations.

[12]It is not enough to simply show that someone or some group prevailed in decision making and infer that they were therefore the more powerful actor. For power to have an explanatory role it must be something that we can identify ex ante, not just an ex post description of events (Knight 1992, 41).

set of court decisions to which a bureaucracy is willing to acquiesce (see Simon 1958, 130-134, 149-152; cf. Pressman and Wildavsky 1984, 119-122).

While courts have limited control over implementation, they are not without resources. Court opinions can be conceptualized as formal rules, ". . . that define and limit the set of choices of individuals" (North 1990, 4). They represent constraints on agency behavior by guiding future courses of action. That is, court opinions provide a structure--a set of expectations about the behavior of various actors--within which policy is made and implemented. For example, in *Norfolk and Western Ry. v. Nemitz* (1971) the Supreme Court held that the Interstate Commerce Commission (ICC) had a duty to review the adequacy of conditions contained in collective bargaining agreements designed to protect employees after railroad mergers. The ICC's behavior is theoretically constrained in that it must investigate such protective conditions in future railroad mergers. Lower courts, railroads, rail employee unions, and other social actors therefore reformulated their expectations of the ICC's (and the judiciary's) behavior with regard to protecting rail labor in railroad mergers.

What is more, rules provide a structure within which benefits are distributed (Knight 1992). Court opinions are not neutral; they help structure social outcomes. Since agencies produce social outcomes with their policy choices, and courts write rules which constrain these alternatives, then courts potentially influence social outcomes. With regard to the *Nemitz* case above, the Court provided rail labor a strategic advantage vis-a-vis railroads in merger cases. It awarded rail employees a tangible benefit by obligating the ICC to protect rail employee interests when railroads merge. Consequently, the costs and benefits of railroad mergers are altered by the Court's interpretation of the ICC's statutory duty.

Courts therefore theoretically influence agency policy outcomes by devising rules that set parameters within which agencies choose policies. As Martin Shapiro argues: "the overall impact of the Supreme Court on other political agencies is largely a matter of the verbal propositions of the law it advances . . ." (Shapiro 1968, 43). I hypothesize courts can influence agency policies, but their impact varies by the prevailing resource environment within which an opinion is handed down. In a certain sense, a court's resources signal to an agency whether it represents a credible threat. If an agency perceives that noncompliance will be met with little punishment, then it will be unlikely to implement a court's decision very faithfully.

The resource most under a court's control, as I just argued, is the rule delineated in its opinion. But not all court opinions are created equal. Several opinion characteristics affect a court's ability to influence agency policies. These include the level of the court, the opinion's (rule's) clarity (Baum 1976, 92-94; Bullock and Lamb 1984, 5-6; Rodgers and Bullock 1972, 164-169, 198; Baum 1989, 212-213; Levine and Becker 1973, 232; Johnson 1979a, 34-35; Johnson 1987a; Krislov 1973, 343-344), consensus on the court (Levine 1970; Johnson 1987a), positive and negative sanctions (Baum 1976, 103-108; Johnson 1987a; Krislov 1972, 344-345), and reiterations of past rules (as opposed to new rules) (Levine 1970). The presence and degree of these factors are predicted to increase compliance in that

they reduce an agency's discretion.

I also suggest that several legal characteristics influence judicial impact. First, I anticipate fewer constraints on agency behavior when courts use rationale- or factual-based remands as opposed to law-based ones (Schuck and Elliot 1990, 1047). I also expect greater impact when they review rules as opposed to orders. The logic is that courts less vigorously review agencies' rules (as opposed to orders) and legal questions (as opposed to factual ones) (Bazelon 1976; McGowan 1979; Jaffe 1955; Jaffe 1956; Edley 1990; Robinson et al. 1986, 149-158).[13] Second, the scope of judicial review reportedly varies over time. It is commonly asserted that a fundamental shift took place in the 1960s and 1970s. The judiciary, it is often argued, undertook a more aggressive role with respect to agency activity by moving beyond legislative intent and procedural correctness to substantive review (Rabkin 1989; Shapiro 1988). But in the late 1970s the courts, especially at the prodding of the Supreme Court, returned to a more deferential review of agency cases (Morrison 1987; Wenner 1982; Gellhorn and Levin 1990; Starr 1986). Two Supreme Court opinions ordered federal appellate courts to scale back their judicial review of agency decision making: *Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, Inc.* (1978) and *Chevron, U.S.A., Inc. v. Natural Resources Defense Council, Inc.* (1984). If this characterization is true, we should witness more judicial impact prior to 1978 and less after 1984.

Agencies' internal resources include: legal expertise, party status, policy complexity, and organizational structure. Judicial scholars often suggest that party status and legal expertise influence judicial outcomes (Galanter 1974; Sheehan, Mishler, and Songer 1992; McGuire 1993; Songer and Sheehan 1992). Certain parties are expected to receive favorable judicial treatment because of "repeat player" and other resource advantages. That is, litigants appearing regularly before courts, having expert legal counsel, and holding financial and organizational resources are endowed with strategic advantages (Wheeler et al. 1987; Sheehan, Mishler, and Songer 1992; McGuire 1993). Resources allow litigants to appeal cases they are likely to win, obtain high quality legal representation, prepare more fully for cases, and pursue long-term policy objectives (Galanter 1974). Quantitative evidence shows that parties frequently litigating (George and Epstein 1992; Songer and Sheehan 1992), having experienced legal counsel (Wheeler et al. 1987; McGuire 1993), and possessing other organizational and resource advantages (Caldeira and Wright 1988; Epstein 1991; Segal 1991; Epstein and Rowland 1991) are often more successful in the courts.

Federal administrative agencies have repeat experience in the courts, status as part of the federal government, and substantive policy expertise. It is conventional wisdom that judges often defer to expert agencies, especially when confronting complex policies (Bazelon 1976;

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[13]The "substantial evidence" test, used for formal agency proceedings covered under APA §§ 554 and 556 (although some statutes require it for informal rulemaking) is a stricter form of review than "arbitrary and capricious," used for orders.

McGowan 1979; Stever 1983, 51; Fesler and Kettl 1991). In fact, federal regulatory agencies have won approximately 70 percent of their Supreme Court cases since 1953 (Sheehan 1990). But not all agencies have equal expertise, legal counsel, or policy complexity (Rourke 1984, 92). It is therefore likely that agency expertise affects agency compliance with court decisions. Agencies with sophisticated and expert staffs of lawyers and policy makers are better able to present credible and convincing legal arguments as well as creatively interpret court opinions[14]. Likewise, the complexity of an agency's policy not only improves the chance of a court deferring to it, but complexity also makes an agency more likely to resist judicial oversight.

The expertise and resources of an agency's opponents also matter. I predict that agencies are more likely to implement court decisions the greater the resources of their legal opposition. Resources increase a party's ability to pursue litigation, withstand delay, and credibly make commitments and threats. That is, resources enhance a party's bargaining position vis-a-vis an agency. Litigants with resources can pursue agency compliance, and the likelihood of future court enforcement and the possibility of sanctions against an agency are therefore increased.

An agency's organizational structure conceivably influences the extent to which courts influence agencies' policies. Four basic structures exist: independent regulatory commissions (e.g. OSHA), department bureaus and agencies (e.g. Defense, Agriculture), independent agencies (e.g. EPA), and government corporations (e.g. Post Office, Tennessee Valley Authority) (Meier 1985, 17-29). One salient distinction between these structures is agency linkages with political principals. Independent regulatory commissions are independent of the president and report directly to Congress. Department bureaus and agencies comprise the thirteen executive departments and their bureaus, which report directly to the president. Independent agencies are independent of the thirteen major departments, but they too report directly to the president. Government corporations are theoretically the most insulated from political oversight by the president or Congress. The implication is that agency structure promotes or hinders oversight by Congress and the president, which influences the judiciary's ability to impact agencies. Agencies more closely tied to one of their political principals are presumably more responsive to that branch of government. Quantitative analyses lend support to this hypothesis (Wood and Waterman 1990; Wood 1990; Wood 1988; Moe 1985). Given a divergence in the preferences between the courts and an agency's "political" principals, I expect agencies to follow the Congress or president, given that they control needed resources.

One other structural feature influences agency responses. Many agencies' orders are not self enforcing. They are actually judicially enforced. For example, the NLRB must convert its

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[14]While the Solicitor General's office often represents agencies (or is at least on their brief) at the Supreme Court, it is still the agencies responsibility to implement the Court's opinion.

unfair labor practice orders into judicial decrees by asking a court of appeals to enforce them. I expect an agency will be more likely to comply if the policy at issue must be judicially enforced in that the courts directly control the agency's ability to regulate.

Finally, the political environment influences to what extent court decisions are followed by agencies. It places opportunities and constraints on an agency's implementation of a court's decision (see Rodgers and Bullock 1972, 185-188; Shapiro 1968, 215; Levine 1970; Johnson 1979a, 45-46). That is, elite commentary can damage or improve an agency's credibility and, therefore, its ability to thwart a court's decision. If elites respond to a court decision in a unified manner, then an agency's bargaining position changes. Favorable commentary enhances an agency's bargaining position, while criticism decreases an agency's power. If responses are divided, however, such elites have less influence on the court-agency interaction. I consider four environmental factors: interest groups, Congress, presidents, and media attention.

To reiterate, I hypothesize that agencies and courts engage in an implicit bargaining game. Agencies respond to court decisions based upon their policy preferences and resources. Together, these two factors define the agencies zones of acceptance. I expect agencies to manifest less policy change and more noncompliance the larger the disparity between their decisions and the courts'. While agencies view less policy change (and more noncompliance) as better than more, the tradeoff between policy distance and policy change (and noncompliance) is a function of their resources. An agency's payoff for policy change (and compliance) changes with resource levels. That is, the marginal utility of not altering policies decreases less quickly under high resource conditions. It follows that an agency's ultimate response to a court decision will be a policy choice as close to its original decision as is consistent with available resources.

RESEARCH DESIGN AND DATA

I begin to address this question by examining every Supreme Court case which reverses and/or remands an agency's decision from 1954-1990.[15] I explore agency responses by comparing agency decisions both before and after the Court's opinions. I use numerous informational sources, including LEXIS, *The Federal Register*, *The Code of Federal Regulations*, agencies' bound decisions, personal conversations with agency personnel, and Freedom of Information Act (FOIA) requests. In so doing, I can measure compliance with the Court's rule and change to an agency's policy.

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[15]I use the United States Supreme Court Judicial Data Base to identify every case (through the 1988 Term) in which agency action preceded the case or an agency was a litigant and lost; I code the remaining years. I then read the Court's opinions to learn if an agency lost on the merits.

I start my investigation with the Supreme Court for two principal reasons. First, I argue that much impact research suffers from selection bias (see Mohr 1988). Their conclusions are partly a function of the sample of cases they examine. Generalizability largely depends upon the extent to which a sample is representative of the population to which the researcher wishes to generalize. Strictly speaking, generalizations require that the causal relations hold for other times, settings, subjects, and the like. The generalizability of a study involving one agency or court decision is, thus, suspect. I therefore investigate every Supreme Court case from 1954 through 1990 to provide an unbiased sample of decisions. By eliminating selection bias, I can make generalizations with regard to the Supreme Court's impact during this time period.

Second, the Supreme Court is the judicial body most capable of motivating agency change. In terms of my theory, the Supreme Court controls greater resources than any other American court. First, its opinions are the law of the land. That is, the Supreme Court is the court of last resort. In fact, it theoretically needs only write one rule to influence an agency. Lower courts will presumably follow the Supreme Court's rule and reverse agency decisions falling outside of it. While a moral hazard problem certainly exists with regard to lower court compliance, the Supreme Court may write rules to maximize the uniform application of its opinions by federal appellate courts (see Strauss 1987).

Agency litigation also involves at least two repeat players--the agency and its opponent. Agencies are typically sued by corporations, small businesses, unions, trade associations, and public interest groups. These actors are repeat judicial players who typically possess some minimum level of legal and financial resources (see Galanter 1974). Such litigants face few start-up costs if they wish to take an agency back to court; that is, the marginal cost of relitigating the case is fairly small, even smaller than initially pursuing litigation. It therefore follows that such litigants will, in the face of agency noncompliance, quickly return to the judiciary. In short, if courts cause policy change, I expect to find it in this Supreme Court sample.

Agency policy is defined in a straightforward way: as rules, orders, and informal actions.[16] I operationalize it as two discrete scales measuring compliance and policy change. I

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[16]The Administrative Procedure Act (APA) defines a rule as "an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy" (§ 551(4)). An order is a "matter other than rule making but including licensing . . . ," and is produced by an adjudicatory process (§ 551(6)-(7)). Informal actions are a residual category not mentioned in the APA (see *Citizens to Preserve Overton Park, Inc. v. Volpe* 1971). They include numerous agency decisions, such as selection of persons for grants or benefits, prosecutorial discretion, product seizures, and adjudications not required to have hearings (see § 554(a)).

conceptualize compliance as: defiance, evasion, narrow compliance, and compliance.[17] First, defiance is an agency's overt refusal to follow a court decision. Operationally this means: (1) an agency explicitly states that it is not bound by a court's decision; (2) an agency reaffirms its prior action without considering the court's opinion; or (3) it issues the same decision without a new administrative proceeding, even though judicially required to have one. Second, an agency evades a court decision when it attempts to avoid judicial-ordered change to its policy. For instance, an agency may initiate new hearings on a matter but simply reissue the same policy that was previously reversed. Third, narrow compliance represents situations in which an agency attempts to narrowly interpret an opinion. That is, an agency implements a court's rule, but it does so in a way that does not give full effect to the opinion. Fourth, agencies comply when they fully implement the rule delineated by a court.

Policy change is also measured as a discrete scale. I determine a court's influence on the substance of policy because agency compliance can yield varying amounts of policy alteration. For example, an agency may comply with a court's rule to grant a hearing, but this action may not translate into substantive policy change. The scale is the following: (1) no policy change; (2) minor policy change, such as new legal justification, new evidence, and small, but substantively meaningless, modifications; (3) moderate policy change, involving substantive policy change but not complete alteration; and (4) major policy change, meaning a complete or nearly complete transformation of the reviewed action.

While I ultimately intend to test directly my theory using statistical techniques, I do not do so here. Indeed, as the reader will soon see the nature of the agencies' responses somewhat precludes any rigorous statistical analysis. The agencies' responses--especially for compliance--largely fall within one category, which, statistically speaking, means there is not much variance to explain. Nevertheless, I include my independent variable operationalizations in the appendix.[18] Despite this finding, I think that my research offers several insights into the strategic behavior of agencies and courts.

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[17]For a similar approach to higher courts' influence on lower courts, see: Songer 1988; Songer and Sheehan 1990.

[18]In a study of this nature, the validity and reliability of my measures are central concerns (Krippendorff 1980, 129-168; Weber 1990, 17-21). Political scientists typically use proxies for theoretical variables. As a result, such indicators conceivably contain measurement error. My measures are no different. They represent surrogates for the theoretical factors of interest. I therefore ultimately intend to furnish reliability statistics on stability and reproducibility (Krippendorff 1980, 129-154; Johnson 1987b; Songer and Sheehan 1990).

FINDINGS

COMPLIANCE

Administrative agencies frequently litigate. In fact, from 1954 through 1990, federal administrative agencies were litigants in 948 Supreme Court cases. If we include cases in which the United States was a party and represented an agency, then this number increases to 1220.[19] What is more, Figure 1 displays the percent of cases in which federal administrative agencies lost as litigants before the Supreme Court from 1954 through 1990. In the aggregate, federal agencies lost only 29 percent of their cases before the Court.

[Figure 1 about here]

But an agency loss does not necessarily mean that the Court attempted to direct any policy change. The Court may write a rule that has no direct substantive policy implications. It may simply state that a federal district court has the power to review an agency decision, decide that a party has standing, or pass on some other issue that does not reverse an agency policy choice. Figures 2 and 3 provide the number and percent of Supreme Court cases reversing agency decisions on the merits.[20]

[Figures 2 and 3 about here]

Agencies participate in numerous cases, but they are not often reversed on the merits. Between 1954 and 1990, the Court chose to reject an agency decision in 199 cases, involving 49 different federal agencies.[21] Table 1 lists the agencies which have had decisions reversed by the Supreme Court. On average, the Court annually reversed 5.4 decisions on

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[19]Each Supreme Court citation is one observation. If a citation has multiple dockets within it, then I count more than one docket only if an agency truly won and lost separate cases.

[20]This latter value is the number of Supreme Court cases reversing agencies on the merits divided by the total number of cases in which agencies were either parties to the case or the United States was the party and at issue was an agency action (both exclude the Internal Revenue Service (IRS) in that I am still attempting to ascertain how to track their decisions over time).

[21]Again, this excludes the IRS.

the merits, or 19.6 percent of cases involving agencies. While the Court's willingness to reverse an agency's decision--both in the number and percent of cases--varies somewhat, there is a certain continuity running through all of these cases: the Supreme Court typically engages in statutory interpretation.

[Table 1 about here]

In 155 cases (78%) the Supreme Court overturned an agency's decision because it was based upon an incorrect interpretation of a congressional statute; and 21 more ruled that an agency action or a congressional statute administered by an agency was unconstitutional. In fact, the Court used traditional administrative law doctrine to reverse an agency in only 11 cases. In interpreting statutes, the Court outlined a specific rule, or the correct way to interpret a statute. This rule presumably guides agency interpretation and implementation, thereby constraining future policy choices. From a strategic point of view, this finding makes sense. If the Court wishes to influence policy outcomes, then the most effective way to do so is by interpreting the legislation agencies implement. The question, though, is how the Court actually influences agencies with this rather small set of opinions mainly interpreting various statutes?

[Table 2 about here]

Table 2 displays the agencies' responses to Supreme Court opinions as categorized by my typology.[22] First, in no case did an agency defy the Supreme Court. I found no agency response indicating that it would not abide by a Supreme Court opinion. Nor did I locate any cases in which an agency simply ignored the decision and did nothing or refused to grant hearings when judicially required to do so. Second, I also observed no evasion by federal agencies. In no case did I ascertain that an agency clearly failed to implement a Supreme Court decision.

Agencies did, in 9 cases, engage in what I term "narrow compliance." While these agencies did not flout the Court's authority, they interpreted the Court's rules to minimize policy change. For example, in *Hotel Employees v. Leedom* (1958), the Court rejected the NLRB's longstanding policy of not asserting jurisdiction in the hotel industry. In response, the Board stated:

> The Board is, therefore, required to exercise jurisdiction in cases arising in the hotel industry. However, this does not mean that the Board must assert jurisdiction in all such cases. . . . [and we] limit such jurisdiction to those cases involving hotel and motel enterprises, exclusive of permanent or residential hotels and motels, which receive at least $500,000 in gross revenues per annum (124 NLRB 261, 264).

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[22]Nineteen cases are missing data. I have FOIA requests under administrative review.

The NLRB basically complied with the Court's rule in that it asserted jurisdiction. But the Court said little with regard to whether the Board could limit its authority. And the Board decided not to regulate small hotels. This response constitutes narrow compliance in that the agency attempted, within the parameters of the rule, to limit change to its original policy position.

In 164 cases (91% of those located), the agencies complied with the Court's rule in full. Within this category there are two types of responses--action and no action. Action means the agency actually issued a decision to comply with the Court (N=102). No action means an agency was simply required to drop a proceeding (N=61). The latter type of case is represented by NLRB unfair labor practice orders. If the Court refuses to enforce the Board's order against a company or union, then the Board complies by dropping the order.

Two examples suffice to give the reader a sense of what compliance looks like. In *Public Service Commission v. FPC* (1959), the Court vacated an FPC order (20 FPC 264) because it did not provide sufficient evidence that a certificate providing for an increase in prices producers could charge for gas was in the public convenience and necessity. The Commission admitted that its earlier decision was "erroneous" and that the record did not justify the producers' prices (27 FPC 482, 484). It therefore voided its past decision and lowered the price producers could charge for gas.

A second example is *Diamond v. Chakrabarty* (1980). The Court rejected the Patent and Trademark Office's (PTO) decision that man-made bacteria were not patentable, in this case a bacteria that breaks down crude oil. It ruled that such living organisms are "manufacture" or "composition of matter" and are, thus, patentable under congressional legislation. In response, the PTO issued a patent (patent #4,259,444).

Another measure of agency compliance (and Supreme Court vigilance) is the number of times the Court reviews an agency's direct response to one if its opinions. In only five cases in this sample did the Court do so. In two of them--*FTC v. Standard Oil Co.* (1958) and *NLRB v. Longshoremen Ass'n.* (1985)--it reversed the agencies' responses. And in three others it affirmed agency action. In *Communist Party v. Subversive Activities Control Board* (1960), the Court upheld the agency's decision on remand to order the Communist party to register as a Communist-action organization. The Court, in *Penn Central Merger Cases* (1968) also upheld the ICC's decision on remand with regard to a railroad merger (30 ICC 328). And in *United Gas v. Callery Properties* (1965) the Court upheld the FPC's decision on remand to recalculate and lower the price producers can charge for gas (30 FPC 283).[23]

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[23]The Court also overturned one of its own decisions, *National League of Cities v. Usury* (1976) in 1985, which had the effect of reestablishing the Department of Labor's policy regarding the application of the Fair Labor Standards Act to employees of states and their political subdivisions.

An example of the Court twice reversing an agency is the following. In *NLRB v. Longshoremen Ass'n*. (1980), the Supreme Court remanded an NLRB decision (236 NLRB 525) that the Rules on Containers were illegal. The Rules on Containers are a negotiated contract between the International Longshoremen's Association and various employer associations representing east coast shipping lines. The agreement protects certain occupations against loss of jobs due to technical innovations in cargo transportation. Specifically, it requires that some cargo containers owned or leased by marine shipping companies that otherwise would be loaded or unloaded within local port areas instead by loaded or unloaded by longshoremen at the piers. The Court specifically ruled that the Board had incorrectly defined work as a matter of law. It also formulated a test for examining work performed by different employees to determine whether it can be protected by the agreement.

On remand, the NLRB found that the rules were not per se illegal but only illegally applied against two particular occupations--"shortstopping truckers" and "traditional warehousers" (266 NLRB 230). This decision was not "evasion" in that the Court did not find that the rules were illegal; rather, it remanded that decision to the Board. The NLRB used the Court's definition of work and applied the proper test. But it did so in such a way that these two occupations fell outside of the parameters of the Court's rule. It manifested narrow compliance.

The Supreme Court, in *NLRB v. Longshoremen Ass'n*. (1985) refused to enforce the Board's second order. The Court held that the Rules on Containers are a lawful work preservation agreement, even as applied to these two particular occupations. In response to this second Supreme Court ruling the Board complied, saying:

> We agree with the Respondents, the Intervenor, and the General Counsel that the Supreme Court decision holding that the Rules on Containers are a lawful work preservation agreement, even as applied to warehousing practices, disposed of all of the issues in this case (276 NLRB 162, 162).

Overall, 199 Supreme Court opinions reversed agency policies on the merits. In 164 cases (of the 180 located), the agencies fully complied with the Court. And agencies only narrowly complied in eight cases. If we conceptualize the Supreme Court's impact in terms of compliance, then it has a significant effect on federal administrative agencies.

POLICY CHANGE

While agencies may comply with the Supreme Court, this does not necessarily translate into substantive policy change. It is conceivable that the Supreme Court merely requires an agency to engage in an evidentiary hearing, provide a new rationale for a policy, or the like. It is therefore necessary to investigate how agency policies change as a result of Supreme Court opinions.

[Table 3 about here]

As noted in Table 3, the Court causes a considerable amount of policy change. In fully 89 percent of the cases (161 of 180 located), agencies somehow altered their policies. And in 128 cases (71%) agencies completely reversed prior decisions. Indeed, in only 18 cases did agency outcomes not change after the Court ruled. I present a few examples to give the reader a sense of the nature of these decisions.

A typical example of full policy change is the following. The Court, in *Zuber v. Allen* (1969), invalidated the Department of Agriculture's policy requiring milk distributors located in milk marketing areas to pay nearby farmers higher prices for milk than farmers located greater distances from such areas (29 Fed. Reg. 12236). The Department responded by deleting the regulations at issue:

> The provisions have now been struck down by the Supreme Court . . . [and] can no longer be considered as effectuating the declared policy of the Act and therefore should be terminated (35 Fed. Reg. 353, 353).

Another example of total policy change is *Train v. New York* (1975). The Court instructed the EPA that it could not allocate to the states less than the entire amount Congress appropriated for water pollution regulation. In a November 22, 1972, letter President Nixon had directed the Agency to "impound" the funds. The EPA, after the Court ruled, allocated the money it had previously withheld (40 Fed. Reg. 8349).

An illustration of moderate policy change comes from a case mentioned earlier. *Hotel Employees v. Leedom* (1958) required the NLRB to assert jurisdiction in the hotel industry. The Board did so, but it limited authority to hotels/motels with gross revenues exceeding 500,000 dollars. Thus, the policy changed but not completely. Another example is *FCC v. American Broadcasting* (1954). The Federal Communications Commission (FCC) promulgated a rule denying licenses to radio or television stations having "give away" programs in that they were lotteries (47 C.F.R. § 3.192, 3.292, 3.656). The Court reversed the Commission on statutory grounds, ruling that the distribution of prizes by random is not a lottery as defined by Congress. The FCC rescinded the regulation, but it kept in force the remainder of the program regarding proscribed lotteries (19 Fed. Reg. 3054). Thus, a partial policy change occurred.

American Textile Mfrs. Inst. v. Donovan (1981) caused minor policy change. The Occupational Health and Safety Association (OSHA) created the "Cotton Dust" standard, which sought to protect workers from "brown lung" disease (29 C.F.R. § 1910.1043(f)(2)(v)). The Court held that the wage guarantee requirement--guaranteeing no loss of wages for workers moved to avoid exposure--lacked sufficient justification. OSHA therefore initiated a new rulemaking and initially decided to delete the provision entirely. Ultimately, the agency retained ". . . a limited wage retention provision" to meet health needs (50 Fed. Reg. 51120, 51156).

Bill Johnson's Restaurant v. NLRB (1982) also caused minor policy change. The NLRB ordered the owners of Bill Johnson's Restaurant to withdraw a state court complaint against striking employees because it had a retaliatory motive. The Court held that prosecuting unmeritorious lawsuits for retaliatory purposes is not an unfair labor practice. The Court crafted a rule saying that the NLRB can enjoin retaliatory lawsuits only if they lack a reasonable basis in law or fact. On remand, the NLRB utilized the Court's test and determined that the lawsuit had a retaliatory motive and was without merit. The Board therefore accepted a settlement agreement which required the restaurant to drop its lawsuit and also pay the legal expenses of the employees (290 NLRB 29).

Finally, ***Weinberger v. Hynson*** (1973) caused no policy change. In this case, the Court upheld Health Education and Welfare (HEW) regulations requiring new drugs to prove their effectiveness. But it ruled that Hynson, Westcott, and Dunning was entitled to a hearing on its new drug application for Lutrexin. The FDA granted the company a hearing, and denied Lutrexin's application since it failed to prove its effectiveness (41 Fed. Reg. 14406). There was no change to HEW's initial rejection of Lutrexin's application.[24]

It is also instructive to get a sense of the direction of this policy change. I classified each agency decision as either liberal or conservative and then examined how it shifted after the Court ruled. The Supreme Court caused agencies to move from conservative to liberal decisions in 104 cases. It produced shifts from liberal to conservative in 46 cases. And it caused no ideological change in 22 cases--12 liberal and 10 conservative agency decisions.[25] When the Court caused change, it did so overwhelmingly in a liberal direction.

[Tables 4 and 5 about here]

But does this effect vary over time? Given that justices base their decisions upon policy preferences--even in cases involving economic regulation (Segal and Spaeth 1993; Spriggs 1992; Sheehan 1990)--then there should be variation in ideological effects over time. Table 4 shows the raw number of decisional outcomes during the Warren, Burger, and Rehnquist Courts. Warren Court opinions produced liberal agency decisions in 74 percent of the cases; and the Burger and Rehnquist Courts caused liberal responses in 50 and 83 percent respectively, for a combined percentage of 68. It is clear that the Warren Court caused agencies to move in a liberal direction, and that the Burger Court caused roughly equal

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[24]There is enough variance on policy change to estimate a model. Unfortunately, gathering the dependent variables required much more time than I anticipated. I am therefore still gathering independent variable data. I suspect that most of the variance in policy change is explained by policy distance; and the simple correlation between policy distance and policy change is .51.

[25]The three numbers do not equal 199 because some decisions are not clearly conservative or liberal (and there are the 19 missing observations).

changes in liberal and conservative directions.[26]

Table 5 shows the difference in the average number of liberal and conservative agency responses during the Warren and Burger/Rehnquist Courts.[27] A test of means demonstrates that this difference is statistically significant at less than a .05 level of confidence. That is, it is unlikely that random error produced the distribution of agency responses in this sample of data. Rather, the relatively liberal Warren Court caused liberal change to agency decisions and the more conservative Burger (and Rehnquist) Court caused conservative change.

Finally, of the 18 agency decisions that did not change, six of them resulted from congressional or presidential action. Congress responded five times by rewriting statutes to support agency policy positions. For example, in *TVA v. Hill* (1978) the Court informed the Tennessee Valley Authority (TVA) that it could not take any action jeopardizing endangered species' habitat. The Justices upheld an injunction against the nearly completed Tellico Dam on the Little Tennessee River, which endangered the snail darter. The Court ruled that Congress had clearly spoken in the Endangered Species Act--giving endangered species priority over the "primary missions" of federal agencies (437 U.S. 153, 185). Congress, though, subsequently provided the Tellico Dam project an exemption from "any other law."[28] And the project was completed.

The president formally responded to the Court after one case, *Hampton v. Mow Sun Wong* (1976). The Court held that the Civil Service Commission's (CSC) regulation barring resident aliens from employment in the competitive civil service was an unconstitutional violation of due process (5 C.F.R. § 338.101(a)). The opinion, though, suggested that the regulation would be legitimate if it had express congressional or presidential authority. President Ford therefore issued Executive Order No. 11935, which upheld the Civil Service Commission's regulation. Thus, the CSC retained its policy.[29]

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[26]The Rehnquist Court surprisingly caused liberal change in a fairly high percentage of its cases. These data, though, only cover five years and amount to 27 cases.

[27]I combined the Burger and Rehnquist Courts because theoretically (though we see perhaps not empirically) the two are both conservative, and methodologically the Rehnquist Court has a fairly small N.

[28]It did so in P.L. 97-304; and the Supreme Court refused certiorari for 620 F.2d 1159, which upheld the TVA's completion of the dam.

[29]The Court also denied certiorari for 626 F.2d 739, which upheld the agency's action.

DISCUSSION

I argue that judicial opinions are institutions, or ". . . sets of rules that structure social interactions in particular ways" (Knight 1992, 54). These rules guide future courses of action and influence the distributional consequences of executive branch policies. But I also hypothesize that the implementation of these rules is a political process. I expect the courts' effects to vary by the prevailing preferences and resources of courts and agencies. What, then, do these data say with regard to my theoretical framework?

The most basic conclusion is the following: the rule of law, as delineated by the Supreme Court, is followed by agencies in the instant decisions before the Court. The rules in these cases fundamentally constrained the agencies' behavior. They forced the agencies to rescind regulations, change orders, drop proceedings, and the like. The Supreme Court does have an impact, and it is fairly robust.

But why do agencies comply and change their policies when directed to do so? If we listen to what agencies proclaim, then the answer is quite simple. After the Court ruled that the Civil Aeronautics Board (CAB) had incorrectly calculated an air carrier's subsidy mail pay (paid to the carrier by the Postal Service), the agency said:

> Regardless of how desirable we might still believe the result the Board previously reached in this case is, our clear duty is to follow the best of our understanding the views of the courts on the matter (21 CAB 1, 2).

The CAB's response suggests that it had a normative duty to comply. But how is it that the Court compels agencies to adopt policies they otherwise would not choose? I think the answer lies in the nature of the strategic interdependencies between agencies, the Supreme Court, and other involved social actors.

Court opinions affect strategic decision makers through two principal mechanisms--by providing information and signalling sanctions (Knight 1992). First, rules provide actors with information necessary to formulate expectations about the actions of those with whom they interact. The Court's opinions do so by altering actors' expectations of how the judiciary and agencies will rule in the future. It changes the framework within which decisions are made by interpreting statutory language. All actors can then choose strategies that they think will maximize their individual interests given the understanding that the agency will comply (see Knight 1992, 48-55).

This information is important because of the interdependencies existing in strategic situations. Agencies, courts, and other actors all act intentionally toward goals. Their combined actions produce social outcomes. These outcomes are a function of their mutual choices, and the choice (and payoff) of one actor affects the choices (payoffs) of other actors (Elster 1986, 7; Knight 1992, 48-83). Indeed, the Court's rules are produced through an adversarial process, with actors seeking rules providing them with distributional advantages (see Galanter 1974).

These "repeat players" all want to place constraints on those with whom they interact. The Court's rules provide these constraints and impose structures within which public policy is crafted and implemented.

Second, the Court's rules are accompanied by sanctions to be imposed in the event of noncompliance. While the Supreme Court does not directly control implementation, it at least signals that it, and presumably lower courts, will not tolerate agency actions outside the parameters of its rules. The question is why such a threat is credible and substantial enough to motivate agency compliance? The answer, again, lies in the nature of the strategic interdependencies of these actors.

In a certain sense, Supreme Court opinions are externally enforced institutional rules (see Knight 1992, 59-64). They do have enforcement mechanisms. Agency decisions can be reversed, agency officials can be held in contempt of court, special masters can be appointed, and administrators can be held personally liable. Thus, pursuing overturned strategies imposes costs on agencies. If these costs are sufficiently large, and judicial enforcement is likely, then agencies comply. In such situations, the Court has effectively constrained an agency's set of alternative policy choices. It has exercised power over an agency (see Knight 1992, 41).

I think this logic explains why we observe overwhelming agency compliance with Supreme Court opinions. The Supreme Court writes a general rule regarding an agency's statutory obligations. In so doing, it reverses a particular rule, order, or other administrative action. The Court is telling an agency that its decision is no longer in the set of legally acceptable outcomes. If an agency chooses to pursue the strategy anyway, then it will likely be sanctioned.

As I indicated earlier, enforcement is likely given that the agencies' adversaries are repeat players. The threat of a rule being enforced is quite high, at least with regard to the instant decision. For example, my data show that of the eight narrowly compliant agency responses, the Court reviewed two of them and reversed both. Moreover, agencies can not reasonably expect that Congress or the president will protect their policies from the Court. They supported an agency in only 6 (of 197) cases. Thus, it is unlikely that agencies perceive them to be a significant resource in their interaction with the Court.

In strategic terms, an agency's payoff for pursuing a reversed decision has been lowered. The Court has imposed costs on an agency for remaining steadfast to a policy. In fact, noncompliance requires that agencies believe the payoff from a rejected policy is greater than all future payoffs from continued interaction with the Court. Interactions between agencies and the Supreme Court are repeated and, in a sense, infinite. Recall that from 1954 through 1990 agencies (and the U.S. on behalf of agencies) were litigants in 1031 cases. Neither foresees any end to their interaction and both have an expectation that they will meet again.

In this sense, agencies are concerned about their reputations. Reputations are based upon

past behavior and they reveal something about preferences and resources (Binmore 1990, 24-26). Agencies do not want to be perceived as intransigent law breakers. The fact that agencies desire a good reputation may explain why they choose to comply with the Court even though there is no obvious immediate advantage. It is in their long-term interest to do so in that noncompliance may reduce the future probability of winning in the Court.

It is necessary to briefly consider an alternative explanation for the Supreme Court's impact. The primary competing hypothesis is that agencies view compliance as their normative duty. The earlier CAB quote suggests that the Court is an authoritative body, and agencies *should* therefore comply. According to this theory, agencies have certain policy preferences, but they discard them as soon as the Court rules.

My principal criticism of this idea is that it lacks an enforcement mechanism. Agencies are strategic actors. It is not in their interest to simply abandon policies unless they think they *must*. They do so because their feasible sets have been effectively constrained. But there must be some mechanism which limits their choices and compels compliance. I argue that the Supreme Court's resources--the information in its decisions and sanctions for noncompliance--provide such a mechanism. It allows the Court to provide a structure within which agency policies are formulated and implemented.

CONCLUSION

My data indicate that the Supreme Court exerts impact on the federal administrative agency decisions it reviews. It causes agency compliance and policy change. Agencies fully complied in 91 percent of the Court's cases. And 89 percent of the cases generated policy change. In fact, the Court caused full policy reversal in 71 percent of the decisions it reviewed.

I argue that the explanation for this behavior lies in the strategic interdependencies between agencies and the Supreme Court. The Court delineates formal rules in its opinions that constrain agency behavior. They communicate important information and impose costs for noncompliance. Agencies rationally choose to comply because the payoff for noncompliance is lower than the payoff from compliance plus the payoffs for future interactions with the Court.

But what are the broader implications of my study. I think these findings have something to say with regard to a current debate among judicial scholars: Do courts matter? In *The Hollow Hope* (1991), Gerald Rosenberg argues that ". . . U.S. courts can *almost never* be effective producers of significant social reform. At best they can second the social reform acts of other branches of government" (Rosenberg 1991, 338).

My study demonstrates that the Supreme Court, both theoretically and empirically, influences social outcomes. Its rules create structures within which agencies make policy. And these

rules directly affect the distributional consequences of executive branch decision making. They have tangible effects on the distribution of policy benefits and costs. What is more, the Court causes such effects without simply following the actions of other branches of government.

I further think that judicial scholars should define impact on social outcomes more broadly than "significant social reform." Instead of asking whether courts can produce ". . . the wholesale reshaping of bureaucracies" (Rosenberg 1991, 19), we should investigate how the courts constrain agency policy choices. If a court limits an agency's feasible set--the available policy alternatives--then it has exerted power over the agency. And these rules have profound implications for the outcomes of agency decisions and social outcomes.

The introduction listed five Supreme court cases with potential economic, political, and social consequences. In each case, the Supreme Court delineated a rule which attempted to constrain agency policy. And each one changed social outcomes--the pattern of distributional consequences. *NLRB v. Catholic Bishops of Chicago* (1970) ended the NLRB's regulation of church-run elementary and secondary schools. *Diamond v. Chakrabarty* (1980) allowed micro-organisms to be patented. *Public Employees v. Betts* (1979) terminated the EEOC's authority over discrimination in employee benefit plans (at least until Congress responded). *Train v. New York* (1975) required the EPA to fully allocate congressional appropriations. And *American Ship Building Co. v. NLRB* (1965) ruled that it is not an unfair labor practice for an employer, after bargaining to an impasse, to close plants and lay off employees solely to put economic pressure on striking workers. The agencies, in all of these cases, complied with the Court and changed their policies. Consequently, they had a significant impact upon different societal interests by redistributing the costs and benefits of public policies.

But these findings do not provide a full picture of the judiciary's influence on agencies. While it is fairly clear that the Supreme Court influences the decisions it directly reviews, the impact beyond these decisions is less apparent. Thus, I think there are three directions for future research which will further illuminate the courts' impact on federal administrative agencies.

First, my data say little with regard to how agencies interpret and implement the Supreme Court's rules in future decision makings. It is conceivable that agencies comply in the instant cases before the Court but then manifest noncompliance in future proceedings. The question becomes the following: do agencies implement the Court's rules when they should, interpret them correctly, and then appropriately apply them to legal and factual circumstances? In other words, what are the Supreme Court's broader social effects. I examine this question by studying agency decisions that are factually and legally similar to past Supreme Court opinions.

Second, these data do not address the lower courts' impact on agencies. It is common knowledge that some agencies, among them the NLRB and the Social Security Administration (SSA), have refused to acquiesce to lower court rulings which are adverse to

their interests (Schuck and Elliot 1990; Estreicher and Revesz 1989). I located several examples in my sample in which an agency indicated that it would not follow the lower court unless and until the Supreme Court ruled on the issue. But no one has attempted to explain or empirically verify under what conditions agencies refuse to accept lower court rulings. I therefore intend to investigate the influence of the Federal Courts of Appeals on agency policies.

Third, the amount of time required for an agency to comply with a court arguably reflects strategic considerations. The basic hypothesis is that protracted agency responses will occur when policy distance is greater and agency resources are abundant (Johnson 1979a). I examine the number of months between a court decision and an agency response and explain it with my theoretical framework.

These data will provide me with several ways of statistically estimating the judiciary's influence. For example, I can use maximum likelihood (with a logit distribution) to explain the variance in the agencies' implementation of the courts' rules over time. Further, I can use Box-Jenkins models to estimate whether particular court decisions affect agency policies and social outcomes (see McCleary and Hay, 1980, on time series analysis). I can therefore more directly test my theory with both aggregate and individual level data.

In conclusion, this research will hopefully begin to both theoretically and empirically address why courts influence agency policies and social outcomes. I think the courts, especially the Supreme Court, possess resources capable of causing change. And an understanding of this political process requires one to investigate the strategic relationship between courts and agencies. In particular, we must study the preferences and resources of both organizations to explain the judiciary's impact on executive branch decision making and social outcomes.

APPENDIX: INDEPENDENT VARIABLE OPERATIONALIZATIONS

POLICY DISTANCE: 1 for a procedural ruling with no real substantive policy change required, 2 for small substantive change demanded, 3 for requirement of moderate policy change, and 4 for complete policy reversal.

OPINION CLARITY: 4, 3, 2, or 1, for very explicit, explicit, somewhat explicit, and not explicit at all.

COURT CONSENSUS: the number of concurrences and dissents, with concurrences weighted by 1 and dissents by 2.

ADMINISTRATIVE PROCEEDING: 0 for orders and 1 for rules.

QUESTION TYPE: 0 for fact, 1 for mixed, and 2 for law.

SANCTIONS: 1 if Court has power to enforce board's orders, 0 otherwise.

RULE REITERATION: 0 if the rule is new, and 1 if the court is reasserting a rule.

SCOPE OF REVIEW--TIME: 0 before 1978, and increasing annually by 1/8 through 1984, when it achieves 1.

OPPOSING GROUP'S RESOURCES: the difference between the agency and opponent based on an ordinal scale with 1 for individuals, 2 for unions, 3 for small businesses (owner-proprietor, realtors, restaurants), 4 for businesses (between 3 and 5), 5 for corporations (airlines, railroads, banks, oil companies, etc.), 6 for local governments, 7 for state governments, and 8 for the federal government.

OPPOSING COUNSEL EXPERTISE: the number of times the attorney (and group) appeared before the Court in the sample.

AGENCY COUNSEL EXPERTISE: the number of times the agency appeared before the Court in the sample; and the number of full time employees on the legal staff; and the number of times the attorney appeared before the Court.

POLICY TECHNICAL COMPLEXITY: 1 for not complex, 2 for somewhat complex, 3 for complex, and 4 for very complex.

ORGANIZATIONAL STRUCTURE: 1 for independent regulatory agencies, 2 for executive departments, and 3 for independent agencies;

CONGRESS: the annual budgetary and personnel growth rate allowed by Congress.

PRESIDENT: the growth rate of the executive budget for the agency.

MEDIA ATTENTION: the number of favorable articles toward the agency in the *New York Times* index minus the number of unfavorable ones.

INTEREST GROUPS: the number of amicus briefs supporting the agency's policy minus the number opposed to it.

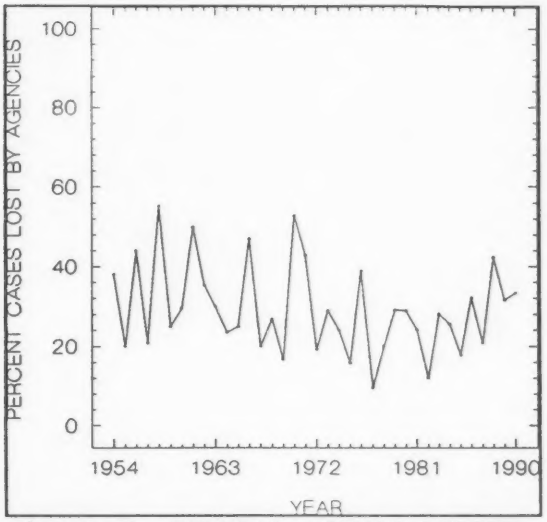

Figure 1: FEDERAL AGENCY LOSSES AS LITIGANTS BEFORE THE SUPREME COURT, 1954–1990 (N=948)

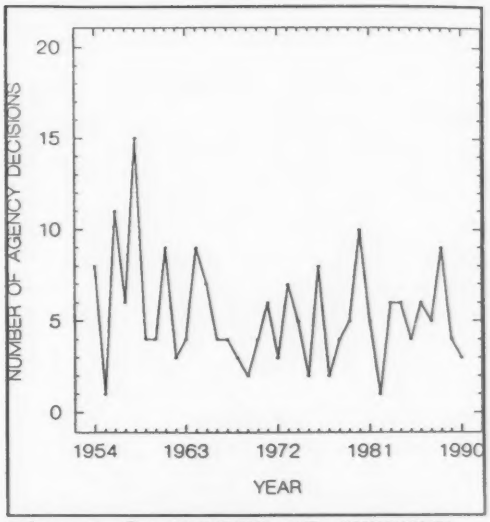

Figure 2: NUMBER OF SUPREME COURT DECISIONS REVERSING AGENCIES ON THE MERITS, 1954–1990 (N=199; excluding IRS)

Source: Data for Figure 1 derived from the Supreme Court Judicial Database. Data for Figure 2 collected by author from *United States Reports*.

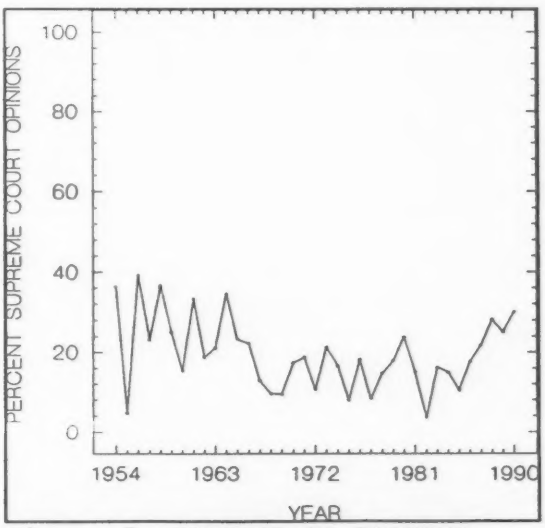

Figure 3: PERCENT OF SUPREME COURT CASES INVOLVING AGENCIES REVERSING THEM ON THE MERITS, 1954–1990 (N=1031; excluding IRS)

Source: Data for Figure 3 collected by author from *United States Reports* and derived from the Supreme Court Judicial Database.

TABLE 1: AGENCIES LOSING ON THE MERITS BEFORE THE SUPREME COURT, 1950-1990; N=49

Benefits Review Board
Bureau of Immigration Appeals
Bureau of Indian Affairs
Civil Aeronautics Board
Civil Service Commission
Coast Guard
Comptroller of Currency
Comptroller General
Consumer Product Safety Commission
Customs Service
Department of Agriculture
Department of the Air Force
Department of the Army
Department of Defense
Department of Interior
Department of Justice
Department of the Navy
Department of State
Department of Labor
Environmental Protection Agency
Equal Employment Opportunity Commission
Federal Communications Commission
Federal Election Commission
Federal Energy Regulatory Commission
Federal Home Loan Bank Board
Federal Labor Relations Authority
Federal Maritime Board
Federal Maritime Commission
Federal Power Commission
Federal Reserve Board
Federal Trade Commission
Food and Drug Administration
Health Education and Welfare
Health and Human Services
Immigration and Naturalization Service
Interstate Commerce Commission
Loyalty Review Board
National Highway Traffic Safety Administration
National Labor Relations Board
Occupational Safety and Health Administration
Parole Commission
Patent Office
Postal Service
Railroad Adjustment Board
Subversive Activities Control Board
Securities and Exchange Commission
Selective Service System
Social Security Administration
Tennessee Valley Authority

TABLE 2: FEDERAL AGENCY COMPLIANCE WITH SUPREME COURT OPINIONS, 1954-1990

Type of Agency Response	Number of Agency Decisions
Defiance:	0
Evasion:	0
Narrow Compliance:	9
Compliance: (with action)	103
Compliance: (without action)	61
Congress Acted:	5
President Acted:	1
Ongoing:	1
Missing Data:	19

N=199 Source: Data collected by author.

Table 3: POLICY CHANGE CAUSED BY THE SUPREME COURT, 1954-1990

Amount of Change	Number of Agency Decisions
Complete: (with action)	67
Complete: (without action)	61
Moderate:	19
Minor:	14
None:	18
Ongoing:	1
Missing Data:	19

N=199 Source: Data collected by author.

Table 4: CHANGES TO THE IDEOLOGICAL DIRECTION OF AGENCY POLICIES DURING THE TENURE OF CHIEF JUSTICES, 1954-1990

Chief Justice	From/to	Number of Agency Decisions
Warren (1954-1968)	Conservative/Liberal	54
	Liberal/Conservative	11
	Liberal/Liberal	5
	Conservative/Conservative	6
	Unclear/Unclear	4
	Missing Data	12
Burger (1969-1985)	Conservative/Liberal	33
	Liberal/Conservative	32
	Liberal/Liberal	5
	Conservative/Conservative	3
	Unclear/Unclear	3
	Missing Data	4
Rehnquist (1986-1990)	Conservative/Liberal	17
	Liberal/Conservative	3
	Liberal/Liberal	3
	Conservative/Conservative	1
	Unclear/Unclear	0
	Missing Data	3

N=199 Source: Data collected by author.

Table 5: AVERAGE NUMBER OF SUPREME COURT DECISIONS CAUSING IDEOLOGICAL CHANGE TO AGENCY DECISIONS PER YEAR, 1954-1990

	Warren	Burger/Rehnquist	D.F.	t-value
Changes To				
Liberal	3.53	2.23	35	2.92
Conservative	.733	1.545	35	2.02

N=37 Source: Data collected by author.

CASE CITES

American Ship Building Co. v. NLRB, 380 U.S. 300 (1965).

Bill Johnson's Restaurant v. NLRB, 461 U.S. 731 (1983).

Brown v. Board of Education, 347 U.S. 483 (1954).

Chevron, U.S.A., Inc. v. Natural Resources Defense Council, Inc., 467 U.S. 837 (1984).

Citizens to Preserve Overton Park, Inc. v. Volpe, 401 U.S. 402 (1971).

Communist Party of U.S.A. v. Subversive Activities Control Board, 367 U.S 1 (1960).

Diamond v. Chakrabarty, 447 U.S. 303 (1980).

FCC. v. American Broadcasting Co., 347 U.S. 284 (1954).

FTC v. Standard Oil Co., 355 U.S. 396, (1958).

Hampton v. Mow Sun Wong, 426 U.S. 88 (1976).

Hotel Employees v. Leedom, 358 U.S. 99 (1958).

Miranda v. Arizona, 384 U.S. 436 (1966).

Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto Ins. Co., 463 U.S. 29 (1983).

National League of Cities v. Usury, 426 U.S. 833 (1976).

NLRB v. The Catholic Bishops of Chicago, 440 U.S. 490 (1979).

NLRB v. International Longshoremen Ass'n., 447 U.S. 490 (1980).

NLRB v. International Longshoremen Ass'n., 473 U.S. 61 (1985).

Norfolk and Western Ry. v. Nemitz, 404 U.S. 37 (1971).

Penn Central Merger Cases, 389 U.S. 486 (1968).

Public Employees v. Betts, 492 U.S. 158, (1989).

Public Service Commission v. FPC, 361 U.S. 195 (1959).

School District of Abington Township v. Schempp, 374 U.S. 203 (1963).

Standard Oil Co. v. FTC, 340 U.S. 231 (1951).

Train v. New York, 420 U.S. 35 (1975).

TVA v. Hill, 437 U.S. 153 (1978).

United Gas v. Callery Properties, 382 U.S. 223, (1965).

Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, Inc., 435 U.S. 519 (1978).

Weinberger v. Hynson, 412 U.S. 609 (1973).

Zuber v. Allen, 396 U.S. 168 (1969).

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The Domestic Sources of International Environmental Regulation

by

Detlef Sprinz

Potsdam Institute for Research on Climate Change Impact

PIK - Potsdam Institute for Research on
Climate Change Impact
- Global Change & Social Systems -
P.O. Box 60 12 03
14412 Potsdam
Germany

Phone: [int. + 49] (331) 310-852
Fax: [int. + 49] (331) 310-548

Internet: dsprinz@pik-potsdam.de
Bitnet: dsprinz@pik-potsdam.de

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Abstract

Analyses of international environmental policy largely focus on international or systemic variables rather than on the domestic factors which shape national preferences for international environmental regulation. This article tries to overcome this research gap by suggesting a theoretical model which builds on comparative political theory.

In particular, a mass political pressure component is developed by combining theories of postmaterialism, new social movements, and electoral support for green or ecological parties. In addition, an industry pressure component is derived from comparative political theories which stress the importance of technological and ecological factors of environmental regulation. In combination, the research design amounts to a specification of the "capacity hypothesis" suggested by Prittwitz.

The hypotheses of the theoretical model are tested with mass public attitude data and expert data of the regulation of acid rain in Europe. The empirical analyses generally support the theoretical model and lend credibility to the capacity hypothesis of international environmental regulation.

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The most portentous development in the fields of comparative politics and international relations in recent years is the dawning recognition among practitioners in each field of the need to take into account entanglements between the two.

Robert D. Putnam

1. Introduction

International environmental regulation can be conceptualized as the reactions of national governments to international pollution exchange and domestic political processes. While there has been a proliferation of theories and studies of the impact of pollution on a country's preferences for international environmental regulation (see below), very little is known about the domestic political *processes* which are associated with the regulation of the international environment. The purpose of this article is to fill this gap in social science knowledge on the protection of the international environment.

If a country's exposure to pollutants of foreign origin is conceptualized as the major *international* source of environmental regulation, theories of interdependence (Keohane/Nye 1989), the foreign environmental policy approach (Prittwitz 1990a), and extensions thereof (Sætevik 1988) can be seen as important components of national preferences for internationally coordinated environmental policies. However, the pollution-based explanations of a country's preferences for international environmental regulation will rarely provide sufficient explanatory power (Sprinz 1992b). It is therefore suggested that domestic factors are needed to complement a pollution-based explanation. In fact, the contribution by Sprinz and Vaahtoranta (in this volume) suggests that environmental vulnerability and the costs of regulation are two crucial factors which account for national preferences. The purpose of this article is to further specify their model and to provide empirical tests of the political processes which meditate between these two factors and governmental accession to international environmental regulation.

In general, the analysis of regional, reciprocal environmental problems with many emitting and recipient countries resembles the problems encountered in the regulation of *global* environmental problems (Mäler 1990). In order to gain insights for the potential regulation of global climate change, the case of transboundary acidification in Europe has been chosen (see Sprinz/Vaahtoranta in this volume). However, in this article, I focus on two international environmental agreements in the domain of transboundary air pollution which mandate actual pollution abatement. In particular, I focus on the Sulphur Protocol and the Nitrogen Declaration

which both require signatories to reduce their emissions of these pollutants by 30% over a given time span (ibid.). Since compliant signatory countries will have to commit substantial resources to the abatement of their sulphur and nitrogen emissions, these international agreements represent two cases of *substantive* international environmental regulation.

In the second Section, I will briefly review the theories which specify the relationship among the domestic factors involved in the analysis (Section 2). After outlining the data sources (Section 3), I will proceed with the empirical analyses of the impact of domestic factors on international environmental regulation. In particular, the analyses will be undertaken with mass public data and expert data (Section 4). In the concluding Section, I will integrate the findings from these analyses (Section 5).

2. Theories of the Domestic Sources of International Environmental Regulation

Roughly twenty years after the publication of "Domestic Sources of Foreign Policy" (Rosenau 1967), international relations theory has renewed its interests in the non-systemic (or domestic) factors involved in the formulation of foreign policy. As Gourevitch pointed out in reference to neorealist reasoning, "[d]omestic structure for the 'I.R.' person is an independent or intervening variable and sometimes an irrelevant one" (Gourevitch 1978, 881). In contrast to Waltz (1979) and despite a different perspective on the discipline of international relations, both Putnam and Gourevitch would certainly agree that

> [a]ny policy pursued by the state must be able to elicit the support of at least enough social elements to sustain the state leaders in power (Gourevitch 1978, 903).

For Putnam, international negotiations are a simultaneous two-level game: On the one hand, a governmental representative negotiates with a set of foreign countries (Level I), and, on the other hand, s/he is in a bargaining situation with relevant domestic constituencies (Level II) (Putnam 1988). This framework of analysis lends itself to deductive and formal analysis, and its focus on the comparative *dynamics* of a bargaining situation could be easily applied to the analysis of international environmental regulation. Given my interest in *substantive* international environmental agreements, i.e., actual pollution abatement, rather than in negotiation analysis, a static theory may provide better guidance than a theory of international bargaining which is, understandably, more interested in short-term outcomes.

Typological, conceptual, and empirical analyses characterize the new wave of studies on the domestic sources of international regulation. Karns and Mingst provide an example of the first tradition, namely the typological approach (Karns/Mingst 1991). Their enumeration of contextual and policy process variables spans a wide domain of potential areas of research. Regrettably, the authors do not provide us with an integration of these domestic aspects of international politics.

Within the second category of conceptual perspectives on the domestic sources of international politics, Katzenstein takes a more focused approach by concentrating on state-society relations as a determinant of international (economic) policies (Katzenstein 1989; Katzenstein 1984a). Like Gourevitch, he focuses on those interests groups which define public preferences (on foreign economic policy) (Katzenstein 1984c, 18). As a consequence, "foreign ... policy is seen primarily to reflect societal pressures" (ibid., 18). However, this (neo-) corporatist view, in its present stage of theorizing, does not lend itself to specific, a priori expectations, and, therefore, severely compromises external validity. For example, Katzenstein contends that

> [t]he definition of policy objectives is shaped by the ideological outlook and material interests of the ruling coalition. Such coalitions combine elements of the dominant social classes with political power-brokers finding their institutional expression in the party system and in a variety of institutions a step removed from electoral competition - government ministries, industrial associations, and large public or private corporations (Katzenstein 1984b, 306-308).

It is not clear on theoretical grounds which particular institutions are relevant, and how they will influence foreign (economic) policy. While political history might suggest interesting hypotheses by way of induction, I prefer an explicit research design which specifies relevant factors and their directional impact in advance. In order to avoid the indeterminacy of Katzenstein's inductive approach, I will sharply limit myself to a group of actors and specify their expected support for international agreements.

Third, the research strategy preferred by this author is more closely represented by three separate studies. In an empirical-quantitative analysis of US domestic regulation of air pollution in the 1970s, Crandall shows theoretically and empirically that members of the US Congress from the Frost Belt had promoted air pollution regulations which will slow down the migration of industry to the Sun Belt (Crandall 1983, 110-130). Closer to the realm of international politics, Morrow presents a set of hypotheses derived from a sequential bargaining model and tests these hypotheses regarding the impact of (i) macroeconomic factors as well (ii) congressional behavior on the concessions made by both sides in international arms control negotiations (Morrow 1991). Furthermore, Magee et al. (1989) have developed a domestic endogenous policy model of support

for international trade policies. In all three studies, domestic interests play an important role in explaining aggregate outcomes. Thus, given an appropriate theory of the domestic sources of international environmental regulation, *directional* hypotheses should be tested.

In conclusion, various strands of theorizing emphasize the importance of domestic factors for the explanation of foreign policy. Because I will not engage in negotiation analysis of the international environmental agreements under consideration, I build on more static theories of comparative theory. However, (neo)corporatist theories lack much specificity in outlining expected relationships between explanatory and outcome variables. As a consequence, I will (i) focus on a concise set of actors involved in the regulation of the international environment and (ii) specify their presumed direction of support for international environmental agreements. Furthermore, I will test these propositions in a cross-national analysis. These hypotheses will be largely taken from a wide range of comparative political theories so as to contribute to the exchange of ideas alluded to by Putnam at the start of this article.

Postmaterialism may serve as a helpful point of departure for the analysis of mass public attitudes on the environment. However, it is not only postmaterialism which leads to (i) a rising awareness of environmental damage among the mass public as well as (ii) the growth of environmental movements, but, as , Inglehart points out

> [t]he rise of the ecology movement ... has taken place because the public has become more sensitive to the quality of the environment than it was a generation ago" (Inglehart 1990b, 44-45).

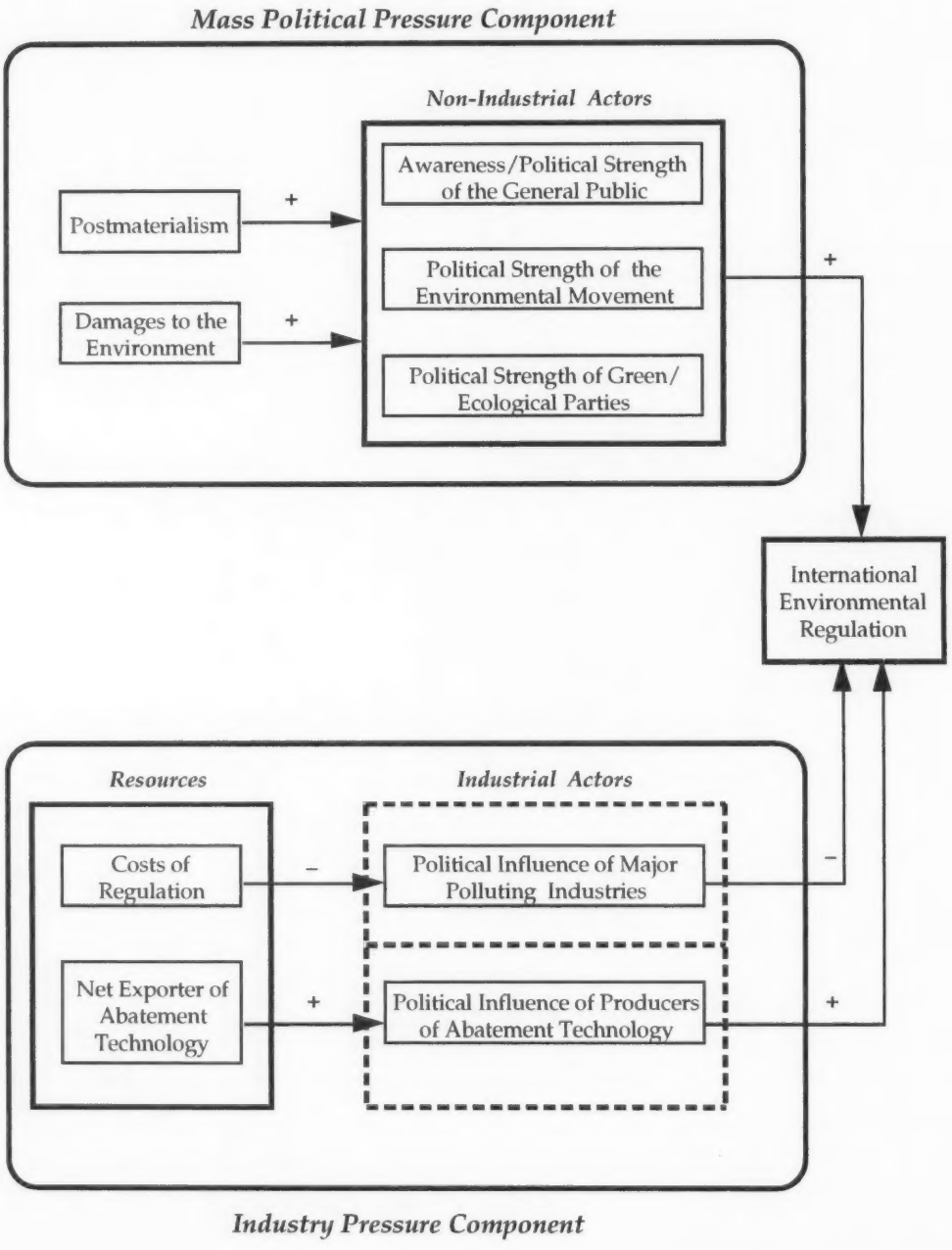
Therefore, a combination of perceived damage and postmaterialism should account for a mobilized public and the growth of the ecology movement. The 1980s also saw a rise of (European) green and ecology parties which is partially due to the rise of postmaterialism (Inglehart 1990a, 325), and they are "a political vehicle for those movement supporters whose grievances have been ignored by the larger established parties" (Müller-Rommel 1989, 17). Moreover,

> most of these parties follow an ideology that consists of strong concern for equal rights ..., *strong ecological* and anti-nuclear power thinking, solidarity with the Third World, demands for unilateral disarmament, and a general left-wing egalitarian disposition. Among others, most New Politics parties stand for ... *protection of the natural environment through the introduction of transnational pollution controls, and more generally an effective environmental policy* against an unquestioned commitment to economic growth (Müller-Rommel 1990, 217, emphasis added).

While it should be expected that the strength of green voting behavior will translate into a higher likelihood for the adoption of international environmental regulations, it will not be sufficient to explain green party support solely by way of environmental damage and support for the environmental movement. However, given the scope of this study, I will limit myself to this restrictive specification and, thereby, reduce the explanatory power for green party support.

In conclusion, the following line of argument is suggested: Damage to the environment as well as the degree of postmaterialism among the mass public should be positively correlated with (i) a public that holds pro-regulatory attitudes, (ii) the strength of support for the environmental movement, and (iii) support for green or ecology parties. These three factors also serve as (conceptual) aggregates on the country level. In turn, I also expect this mass political pressure component to be positively related to support for international environmental regulation (Figure 1).

Figure 1: The Domestic Sources of International Environmental Regulation - An Overview



Economics is fundamentally concerned with scarcity, and the same holds for politics. Indeed, major (but not all) policies depend on (i) new resources being acquired or (ii) reallocation of resources from previous uses in favor of a new policy domain - such as environmental policies. Given my interest in those international environmental agreements which are supposed to have substantive environmental impacts, I expect that a country's economic and technological resources play an important role. From an economist's point of view, resources should act like a budget constraint in view of the pro-environmental aspirations of a country. Conversely, if we assume that countries only accede to international agreements which they will honor, resource constraints can be represented by an industry pressure component of international environmental regulation.

In the domain of environmental regulation, two important types of resources may merit particular consideration. First, countries can be conceptualized as a pool of economic wealth, traditionally represented by the Gross Domestic Product (GDP). Wealthy countries (with a high GDP per capita) will face less of a budget constraint than poorer countries for the accomplishment of a uniform abatement program - other factors held constant (Jänicke/Mönch 1988). One important factor to be held constant is the absence of substantial resource transfers among countries. However, wealthy countries have been reluctant to commit themselves to substantive international resource transfers: The discussion about the New International Economic Order (NIEO) in the 1970s, the Rio de Janeiro meeting of the UN Conference on Environment and Development (UNCED) in 1992, and the international bargaining on transboundary air pollution (LRTAP) during the 1990s[1] all point into this direction. Therefore, it seems appropriate to assume that countries are largely dependent on their own resource pool.

Second, wealthy countries may also be more likely to develop the technologies needed to undertake abatement efforts, especially if they have ecological incentives as a result of substantive damages or an ecologically mobilized public (Jänicke 1990). In the field of environmental regulation, two particular forms of technology seem to be important.[2] First, so-called end-of-pipe (or add-on) technologies control the release of hazardous emissions while

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1 Personal observation at the top level meeting of the Executive Board Air in November 1990 and November 1991. Interviews with government delegates point to a tendency among Scandinavian governments, foremost Sweden, to undertake limited international resource transfers. However, major European countries, like the FRG (before or after its enlargement of jurisdiction), are unwilling to transfer resources beyond demonstration projects or monitoring equipment. Although it would be actually more cost-efficient for a *pool* of Western European countries to "bribe" some Eastern European countries to undertake emission reductions for the benefit of *Western* (and Eastern) European countries, I could find no evidence of substantial international resource transfers.

2 I am indebted to Andrzej Jagussiewicz for a discussion on this issue.

keeping the industrial processes unaltered. Most common filter and scrubber technologies are examples of add-on technologies for reducing the emissions of acidifying pollutants. Second, industrial processes can be modified so as to reduce the production of emissions of hazardous substances in the first place. These technologies are called integrated or process technologies (UNECE 1985, 33-133). Countries which export these products and services undoubtedly have interests in further international environmental regulation apart from their pollution-based incentives.

The introduction of economic and technological factors permits a differentiated assessment of "industry". On the one hand, major polluting industries (smokestack industries such as utilities and smelters, and car manufacturers) are adversely affected by regulations, and, therefore, I expect them to favor less stringent regulations (or, alternatively, substantial subsidies). On the other hand, technology producers should have the opposite interest: Environmental regulation creates demand for their products, and, consequently, they should be supportive of environmental regulation (Praetorius 1989) (see Figure 1), and their political strength should be positively associated with their volume of net exports of abatement technology.

Overall, the specification of the political pressure component and the industry pressure dimension, as outlined above, provides an extension of Prittwitz' "capacity hypothesis" (Prittwitz 1990b, 107-108). Rather than referring simply to the importance of the "state of socioeconomic and political-institutional capacities" to deal with environmental hazards (ibid., 108), I suggest a particular set of factors which reflect victim, polluter, and third party (or technology) interests as well as their antecedents on the *domestic* level (see Figure 1). The empirical analyses to follow in Section 4 will test if the mass political pressure component and the industry pressure component are helpful in explaining support for international environmental agreements.

The model presented in Figure 1 can also be interpreted as a more detailed specification of the model suggested by Sprinz and Vaahtoranta (see their article earlier in this volume). Rather than relying on *objective* representations of (i) "ecological vulnerability" and (ii) "abatement costs", the analyses in this article rely on the regulatory effects of the *perceptions* of the mass publics *or* specialized elite (experts) regarding (i) damage to the environment and (ii) resources (costs of regulation and net exporter of abatement technology). In addition to substituting human responses for objective data, the model introduced in this article also specifies a *political process* which relates ecological and resource constraints to political decisions.[3] However, it shall

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[3] The model introduced by Sprinz and Vaahtoranta (see their chapter earlier in this volume) and the model presented here have different strengths. From the perspective of research strategy, the classification offered by Sprinz and Vaahtoranta is most useful for the comparison of a *larger*

not be overlooked that the basic predictions made by both models are identical: Countries which are (i) ecologically vulnerable and (ii) control substantive resources are likely to seek international environmental agreements in order to enhance the quality of their environment.

In conclusion, the model depicted by Figure 1 suggests that countries with strong political pressure components and a developed technology sector favor international environmental regulations, whereas major polluting industries are likely to oppose stringent regulations. In particular, relatively poor countries, which are also likely to be technology importers will be less likely to support international regulations - provided they intend to honor their international obligations. However, what should be expected if a country has a strong mass political pressure component, but its resource base is weak? If technology and wealth are interpreted as a budget constraint, it is unlikely that political mobilization will be able to overcome the lack of resources. Conversely, What should be expected of a country with resource abundance despite low political pressure? In effect, it should not be surprising if this country will sign and implement this treaty since, at worst, the resource requirements are minimal, and, at best, governments will be able to improve their environmental image. However, some governments may simply ignore such opportunities, since they may not be politically rewarded for their support of internationally coordinated environmental policies.

The analyses to follow further below (Section 4) concentrate on various aspects of the full model. First, most aspects of the political pressure component will be tested with aggregated data stemming from surveys of the public. Regrettably, for reasons of data availability, these analyses will be restricted to the members countries of the European Community (EC). Second, I will evaluate the comprehensive model with the help of a written questionnaire which I had administered to experts in a group of nine countries. All geographical regions, political systems, levels of wealth, and various levels of support for international environmental regulation will be represented. Before turning to the various analyses of the model in Section 4, I will briefly introduce the data sources below.

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set of cases of environmental regulation and for the purpose of case selection. These cases may then be analyzed in more detail with the model suggested in this chapter.

3. Data Sources and Manipulation

The data employed for these two analyses comprise

- Euro-Barometer data (of the Commission of the European Community) for the analysis of analysis of mass public attitudes and
- responses to a written questionnaire by experts in the field of transboundary air pollution (collected by myself).

3.1. Mass Public Attitudes

Twice each year since the mid-1970s, the Commission of the European Community (CEC) sponsors the Euro-Barometer survey of the mass public attitudes among its member states. These surveys normally include a core of civic culture items and a much larger section of questions sponsored by a particular Directorate General of the CEC, the administrative arm of the Commission.[4] Of particular interest to this study are two specialized Eurobarometer studies which concentrate on environmental attitudes of EC citizens: Euro-Barometer 25 (Rabier et al. 1988), and Euro-Barometer 29 (Reif/Melich 1990).[5,6] Since fieldwork for Euro-Barometer 25 was undertaken in April 1986 - shortly after the conclusion of the Sulphur Protocol in November 1985, and since fieldwork for Euro-Barometer 29 was conducted roughly *parallel* to the signing of the Nitrogen Declaration in November 1990, these data sources seem to be adequate for the purpose of this study. Although only data for the 12 member countries of the EC were available, this still represents an adequate distribution of the supporters and non-supporters of the various international environmental agreements. However, EC member countries either signed *both* environmental agreements *or none* of them (compare Table 1 with Table 2).[7]

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4 I am indebted to Ronald Inglehart for this information.

5 The data utilized in this study were made available by the Inter-University Consortium for Political and Social Research. The data for Euro-Barometer 25 ("Holiday Travel and Environmental Problems, April 1986") were originally collected by Jean-René Rabier, Helene Riffault, and Ronald Inglehart. The data for Euro-Barometer 29 ("Environmental Problems and Cancer, March-April 1988") were originally collected by Karlheinz Reif and Anna Melich. Neither the collectors of the original data nor the Consortium bears any responsibility for the analyses or interpretations presented here.

6 The Department of Political Science of The University of Michigan, Ann Arbor, and Ricardo Rodriguiz were very helpful in accessing the data and in providing generous computational support.

7 Luxembourg was omitted from the analyses due to its minor importance.

Table 1: **Support for International Environmental Agreements: Distribution of All Countries (Reference Table and Aggregate Analysis)**

		Nitrogen Declaration		Number of cases (% of total)
		no	yes	
Sulphur Protocol (Ratification)	no	DDR, GR, IRL, PL, P, R, E, UK, YU (N=9)	-- (N=0)	N=9 (38%)
	yes	BG, CS, H, SU (N=4)	A, B, DK, SF, F, D, I, NL, N, S, CH (N=11)	N=15 (63%)
Number of cases (% of total)		N=13 (54%)	N=11 (46%)	N=24 (100%)

source: Ågren (1989); UNECE/Executive Body for the Convention on Long-Range Transboundary Air Pollution (1991, 16). Due to rounding, the margins do not necessarily sum up to 100%.

Table 2: **Support for International Environmental Agreements: Distribution of Euro-Barometer/EC Countries (Mass Public Attitudes)**

		Nitrogen Declaration		Number of cases (% of total)
		no	yes	
Sulphur Protocol (Ratification)	no	GR, IRL, P, E, UK (N=5)	-- (N=0)	N=5 (45%)
	yes	-- (N=0)	B, DK, F, D, I, NL (N=6)	N=6 (55%)
Number of cases (% of total)		N=5 (45%)	N=6 (55%)	N=11 (100%)

source: Ågren (1989); UNECE/Executive Body for the Convention on Long-Range Transboundary Air Pollution (1991, 16).

The Euro-Barometer surveys permit a first test of the political problem pressure component. Both surveys include specific variables representing postmaterialism and the salience of damage caused by acid rain.[8] In addition, variables on environmental movement membership (as a combination of membership in nature protection associations and the ecology movement) (in Euro-Barometer 25), as well as variables representing voting intentions for green or ecological parties (in Euro-Barometer 29) were included. Furthermore, a variable representing

8 The particular phrasing of the questions and the recoding procedures appear in Appendix 1.

environment-macroeconomic tradeoffs has been included so as to control for the resource component of environmental regulation. All individual-level, non-missing data have been aggregated to the country level for cross-national analysis. Following the research design outlined in the previous section, I expect the particular hypotheses to hold in a cross-national analysis of the mass public attitudes for the support of the Sulphur Protocol in 1985 (Eurobarometer 25) and for support of the Nitrogen Declaration in 1988 (Eurobarometer 29).

2.2. Expert Data

While the data on mass public attitudes only permit a limited test of the structural model introduced in Section 1, I undertook a series of 129 oral interviews with experts in nine countries between November 1990 and October 1991. In addition, 90 participants also volunteered to return a *written questionnaire* which in most cases reached them in advance of the interview. The statistical analysis of the expert data will be based on the completed, written questionnaires. However, references to oral interviews are based on (i) all oral interviews conducted in 9 countries, (ii) interviews undertaken with the professional staff at the UNECE, Geneva, and (iii) the staff of the Directorate General for Environment of the Commission of the European Community, Brussels.

Originally, only 6 countries from Northern, Western, and Southern Europe were included in the study. However, shortly before the anticipated start of the field phase, the political changes in the Eastern European countries made the inclusion of three East Central European countries feasible, and participation rates across the former political/economic East-West divide did not pose a problem. In effect, East Central European experts were as eager as their Western and Northern counterparts to participate in the study, potentially because environmental activities - including publication of monitoring results and epidemiological studies - had often been forbidden until the late 1980s. Thus, the subsample of 9 countries drawn from the set of 24 countries adequately replicates the distributional pattern of support for international environmental regulation (compare Table 1 with Table 3). In addition, the 9 countries included in the expert study also show considerably variation across (i) the victim and polluter dimensions, (ii) type of (former) political system, and (iii) economic wealth and access to abatement technologies. Therefore, patterns found for this subgroup of nine countries should approximate the relationships to be found in the set of all 24 European countries.

Table 3: **Support for International Environmental Agreements: Distribution of Countries Included in the Expert Study**

		Nitrogen Declaration		Number of cases (% of total)
		no	yes	
Sulfur Protocol (Ratification)	no	PL, E, UK (N=3)	-- (N=0)	N=3 (33%)
	yes	CS, H (N=2)	F, D, NL, S (N=4)	N=6 (67%)
Number of cases (% of total)		N=5 (56%)	N=4 (44%)	N=9 (100%)

source: Ågren (1989); UNECE/Executive Body for the Convention on Long-Range Transboundary Air Pollution (1991, 16).

In order to test the propositions of the model outlined in Section 2, experts were sought in the above mentioned set of countries which represent the

- national Ministry of Environment (or the equivalent regulatory body),
- Foreign Office,
- Committee of the Environment (federal legislature, or the respective committee),
- environmental interest groups,
- industry peak associations (or major industrial firms; regardless of type of ownership),
- natural scientists, and (varying by country)
- social scientists, representatives of political parties (if not already included in the above mentioned categories), labor or trade unions, and consulting firms.

The qualifying characteristic for all participants was their *active* involvement the regulation of sulphur and nitrogen emissions.[9] Functional representation varied across countries.[10]

Most respondents received the written questionnaire two weeks in advance of the oral interview.[11] Persons not returning the questionnaire until shortly after the oral interview received two reminder letters with a new questionnaire enclosed with the cover letter. Overall, the response rate, based on those participating in the oral interviews was 70% (see Table 4).[12] Only Spain posed a problem of a very low response rate. However, it also has to be noted that the issue of the regulation of air pollutants is a *relatively* minor environmental issue in Spain. The same holds for the U.K. and Hungary.

In the analyses undertaken, all non-missing cases were aggregated without weighting, and at least two non-missing cases had to be present per variable to compute the country average.[13,14]

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9 Without the generous help of many persons and institutes, I would not have been able to execute the interviews in such a diverse set of countries or institutions. I am especially grateful to Christer Ågren, Joseph Alcamo, Leen Hordijk, the International Institute for Applied Systems Analysis (Laxenburg) and their Regional Air Pollution Project in particular, Endre Kovács, Marc Levy, Vladimir Novotny, the Swedish Institute (Stockholm), Peter Sand, Peter H. Stief-Tauch, Lopez de Uralde, and Pierre Woltner for their kind assistance.

10 The question wording pertaining to the relevant variables is reprinted in Appendix 2.

11 Peter Sand and Christer Ågren provided valuable assistance in improving question wording.

12 Roughly 20-30 persons per country were originally invited to participate in the study. However, due to the technical and highly specialized nature of the questionnaire (Sprinz 1992a), only the persons counted in Table 4 participated in the study. While the particular response bias is not known, I suspect, based on oral and written communication, that persons who are less dedicated to the particular issue of the regulation of sulfur and nitrogen emissions will have disproportionately declined to participate. In conclusion, I assume that most of the active participants in the expert interviews constitute a representative sample of the *core* specialists in their respective countries. Biases towards inclusion in the sample are unknown beyond (i) knowledge of English (or, in a few cases, German) and (ii) familiarity with the subject matter.

13 Any proper weighting procedure has to rely on *a priori* knowledge of the distribution of a particular characteristic in the population. However, the "true" distribution of all potential participants across functional groups (see above) is unknown. Furthermore, the "true" distribution of functional groups is likely to vary across countries with natural scientists being particularly prominent in East Central Europe and Parliamentarians being particularly well-informed in Northern Europe. For the purpose of the cross-national analysis presented in Section 4.2., I decided to use *un*weighted national aggregates for the computation of the average score of each variable.

14 The coding rule of 2 non-missing cases balances the requirement of (i) de-emphasizing extreme scores with (ii) reducing the maximum sample size of 9 countries for the cross-national analysis. A requirement of 3 or more non-missing data per country would have led to the exclusion of the Spanish case in many instances. However, since Spain replicates the pollution

Table 4: **Response Rates in the Expert Study**

Country	No. or Oral Interviews	No. of Returned Written Questionnaires	Response Rate to Written Questionnaire[1)]
CSFR	17	14	82%
France	8	6	75%
FRG	18	14	78%
Hungary	13	7	54%
The Netherlands	13	12	92%
Poland	15	11	73%
Spain	12	4	33%
Sweden	22	16	73%
U.K.	11	6	55%
All Countries	129	90	70%

Note: In a few cases (N=4), an oral interview was not possible, *although* the questionnaire was returned. In these cases, the respondent was counted as having participated in the oral interview and as having returned the questionnaire. No more than one interview per country was affected by this procedure.

1) The response rate is defined as:

$$\left(\frac{\text{Number of Written Questionnaires Returned}}{\text{Number of Oral Interviews}} \times 100 \right).$$

After submitting the data for analysis, the hypotheses put forward in Section 2 will be tested below.

4. Empirical Analysis of the Domestic Sources of International Environmental Regulation

In this section, I will first proceed with the analysis of mass public attitudes and then present a more detailed analysis with expert data.[15]

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situation of the U.K. for sulphur emissions to a considerable degree (and no other "substitute" is available in the remaining sample), the case selection would have become less balanced on theoretical grounds.

15 The data for all analyses to follow are reported in Sprinz (1992b, Appendix 1).

4.1. The Analysis of Mass Public Attitudes

Due to limitations imposed by the data sources, I will largely limit the analysis of mass public attitudes to building blocs of the mass political pressure component (see Figure 1). In addition, this part of the study is restricted to the member countries of the European Community.

Given the theoretical perspective chosen, postmaterialism and damage to the environment will influence environmental movement membership which consists of self-declared membership in environmental protection associations and the environment movement. To represent perceived damages to the environment, a variable capturing the explicit mentioning of acidification as one of three top environmental concerns was chosen. Postmaterialism follows the standard 4-item postmaterialism index developed by Inglehart (1977). Two different specifications for the organized non-industrial interest groups were undertaken. First, in Euro-Barometer 25, actual membership in natural protection associations and the environmental movement were grouped together. Second, for the analysis of Eurobarometer 29, an environmental movement variable was *not* available; therefore, I chose a variable representing voting intention for green or ecological parties as a suitable surrogate.[16] In order to provide a partial analysis of the industry pressure dimension of international environmental regulation, I included a trichotomy index of environment-macroeconomic tradeoffs.[17]

Fortunately, Euro-Barometer 25 had been conducted shortly after the signing of the Sulphur Protocol. Therefore, support for the Protocol will be regressed on the independent variables as outlined in Figure 2. In addition, fieldwork for Euro-Barometer 29 took place in parallel to the signing of the Declaration. Thus, support for the Nitrogen Declaration was regressed on the independent variables as shown in Figure 3.

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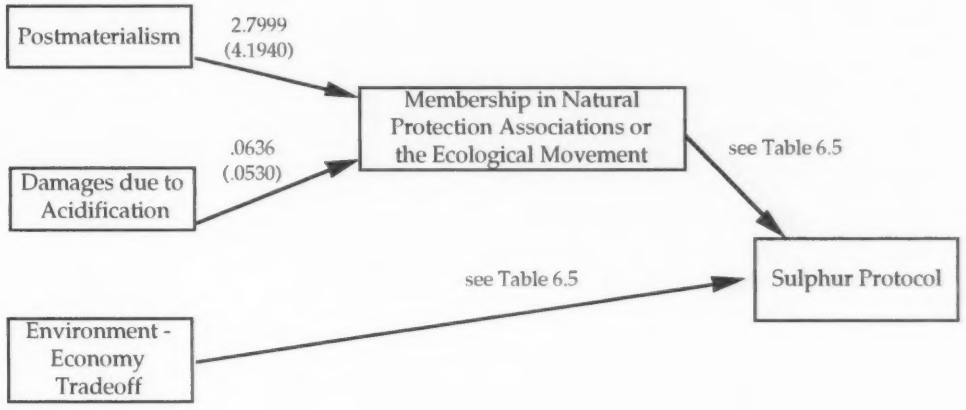
16 The latter procedure could also be used for the analysis of Eurobarometer 25. However, support for environmental organizations is much more specific than support for green or ecological parties, because these parties also accommodate other new social movements (see Section 2.). In addition, in both Euro-Barometer studies, green or ecological parties were explicitly mentioned in some countries but not in others. In the latter case, they were coded as having zero support. As a consequence, the variable "voting intention" is unlikely to perform conceptually and statistically as well as an environmental movement variable. Some evidence to this point is the negative, cross-national association between environmental movement support and green party voting. This clearly contradicts theoretical expectations, since the environmental movement and green parties are, in part, resulting from the rise of postmaterialism (Inglehart 1990a, ch. 11; Müller-Rommel 1989). However, green or ecological parties came into being in some countries only after 1988, particularly in the Netherlands (Müller-Rommel 1990, 216).

17 See Appendix 1.

As expected from prior research by Ronald Inglehart (see Section 2.), postmaterialism and the awareness of environmental threats go hand in hand. In fact, this association leads to strong multicollinearity among the postdictors in the analysis of (i) membership in natural protection associations or the ecological movement (Eurobarometer 25)[18] and (ii) the voting intention for green or ecological parties (Eurobarometer 29).[19] Since the *bivariate* regressions between (i) postmaterialism and (ii) environmental damages, on the one hand, and membership in environmental organisations, on the other hand, show strong explanatory power (results not shown here), I retained both variables in the analysis (see Figure 2).

Figure 2: Mass Public Attitudes and Support for the Sulphur Protocol (Euro-Barometer 25; Path Analysis)



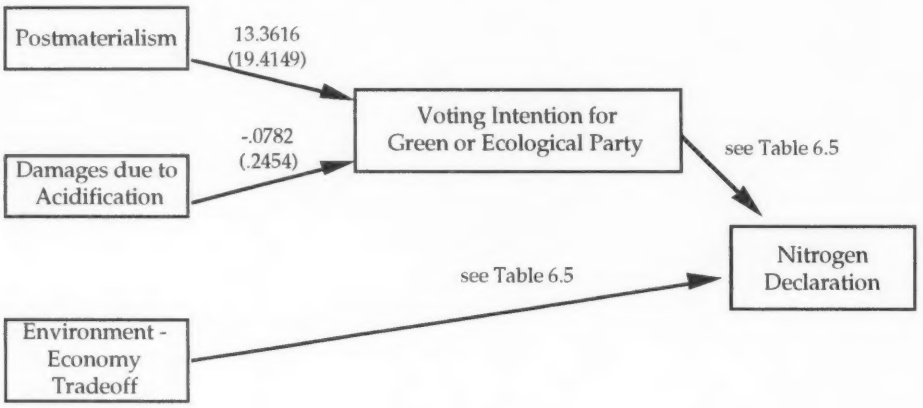
Note: N=11. The score for the membership variable has been rescaled for Denmark and the Netherlands. Entries are unstandardized OLS regression coefficients; standard errors of the coefficients appear in brackets.

18 Membership in the ecological movements and nature protection associations in Denmark and the Netherlands are 3-4 times higher than in the other EC countries. The reasons for this response pattern are unknown. To avoid undue impact of the scores for these two countries on the estimations in the cross-national analysis, I have rescaled these two scores by multiplying the raw scores by .40. This procedure clearly preserves the cross-national rank-order.

19 Multicollinearity will not influence the coefficient estimates, but it will inflate the variances of the estimates. As a consequence, the significance tests of the coefficients are substantially affected (Hanushek/Jackson 1977, 86-93).

In the parallel analysis for the Nitrogen Protocol (Euro-Barometer 29, see Figure 3), the voting variable had to be chosen instead of the (theoretically more appropriate) environmental movement variable. While the postdictors of voting intention, namely postmaterialism and damages resulting from acidification, are strongly correlated, the variable representing damages shows a very weak *negative* association with voting intention while postmaterialism is positively associated with green voting.[20] In conclusion, I find that postmaterialism is positively associated with support for environmental movements, whereas perceived damages to the environment do not translate into intended voting behavior for green parties in a cross-national analysis.

Figure 3: Mass Public Attitudes and Support for the Nitrogen Declaration (Euro-Barometer 29; Path Analysis)



Note: N=11. Entries are unstandardized OLS regression coefficients; standard errors of the coefficients appear in brackets.

The second part of the analysis tests the impact of (i) environmental movement support (Euro-Barometer 25) or (ii) voting for green or ecological parties (Euro-Barometer 29) on international environmental regulation. In both cases, I controlled for the resource dimension by way of an environment-economy tradeoff variable (see Table 5). Regardless of the analysis undertaken, the analyses show a theoretically predicted positive relationship between (i) non-

20 See footnote 16.

industrial group support and international environmental regulation, and (ii) a positive association between environmental (over economic) preferences and support for international environmental agreements.[21] In substantive terms, a 1% point increase in the membership of ecological and nature protection associations translates into an odds ratio of support for the Sulphur Protocol of 4.95, and a 1% point increase in green voting doubles the odds of signing the Nitrogen Declaration. Furthermore, the economy-ecology tradeoff variable also shows substantive coefficients in the theoretically predicted direction. As a consequence, the measures of the proportional reduction of error show encouraging results which attest to some postdictive power of both models.

Table 5: **Mass Public Attitudes and Support for International Environmental Regulation**

	Sulphur (Euro-Barometer 25)			Nitrogen (Euro-Barometer 29)		
Explanatory Variable	$(\hat{\beta}_i)$	$S.E.(\hat{\beta}_i)$	t	$(\hat{\beta}_i)$	$S.E.(\hat{\beta}_i)$	t
Membership in Nature Protection Assoc./ Ecological Movement	1.60*	1.01	1.57			
Voting for Green/Ecological Party				.70	.58	1.21
Environment/Economy Trade-off	12.07	12.35	.98	8.58	9.46	.91
Constant	-32.21	30.89	1.04	-22.80	23.89	.95
-2xLog Likelihood (-2LL)	7.11			7.85		
significance (-2LL)	.0286			.0197		
Proportional reduction of error (all cases)	.60			.80		

Note: N = 11 for the analysis of the Sulphur Protocol as well as for the analysis of the Nitrogen Declaration. All significance tests for the coefficients are one-tailed tests based on their predicted sign. The score of the membership variable (Euro-Barometer 25) has been rescaled for Denmark and the Netherlands.
* denotes statistical significance at the .10 level; ** at the .05 level; *** at the .01 level.

21 To simplify the analysis, I assumed uncorrelated errors among the dependent variables in all analyses of this chapter.

In conclusion, the analysis of aggregated mass public attitudes of EC member countries shows some support for the propositions laid out in Section 2. In particular, specific damages and postmaterialism lead to a mobilized mass public in the form of environmental movements, while their impact on green party support is less clear in this cross-national analysis. Although the impact of environmental movement membership and voting intention is not strongly associated with a country's support for the particular international environmental agreement, knowledge of the models tested above provides considerable guidance as shown by the indicator of the proportional reduction of error. Since only a partial test of the whole theoretical model was possible at this stage, I turn to the analysis of expert interviews which covers nearly all aspects of the theoretical model.

4.2. The Analysis of Expert Perceptions

Surveys of mass public attitudes are rarely geared to answering specific questions about a single type of pollutant. Therefore, experts in 9 polities, as described in Section 3, were invited to participate in a highly *specialized* survey on the regulation of transboundary air pollution in Europe. In particular, they were asked to respond to questions which capture the research design for this specific analysis (see Figure 1). While this degree of specificity is a particular advantage of expert interviewing, one has to expect to deal with a reasonably small group of persons per country. Furthermore, comparative expert studies rarely include more than a handful of countries. As a consequence, statistical "fit" in the cross-national analysis will *not* be comparable to so-called "large N" studies. However, the cross-national analysis of 9 countries will allow me to assess the hypotheses outlined in Section 2.

The analysis will proceed in three steps. First, I will analyze the effect of environmental damages on the level of perceived strength of non-industrial actors (mass political pressure component) (Section 4.2.1.). Second, I will test which impact various types of resources have on the strength of industrial interests (industry pressure component; Section 4.2.2.). Third, I will assess the impact of each of these aggregates on international environmental regulation (Section 4.2.3.).

4.2.1. The Mass Political Pressure Component

The mass political pressure component assumes that environmental damages activate various political actors. In particular, experts were asked about the importance of the acid rain

issue in their country as well as a host of *other* major environmental problems (World Resources Institute 1990). It is hypothesized that, from the perspective of these experts, environmental problems translate into (i) pro-environmental concerns held by the mass publics, as well as into (ii) the political strength of environmental movements, and (iii) green parties. In short, the pressure of environmental problems activates actors who, in turn, influence governmental elites in their decision-making regarding international environmental agreements. In particular, governments of countries with well-developed pro-environmental constituencies are much more likely to sign international environmental agreements than countries where environmental issues are not yet well institutionalized.

The general public, environmental groups, and green parties are involved in the domestic *and* international regulation of sulphur and nitrogen emissions. Both the domestic and international policy domains are linked because of the transboundary nature of air pollution and the effects of policies. For this reason, the composite, average score of the impact of these three actors on the (i) domestic and (ii) international regulations of air pollutants were computed and incorporated in the analyses.

In the empirical analysis, two different approaches were taken to assess the impact of environmental problems on the mobilization of the non-industrial interests: First, it was assumed that *ecological vulnerability* to transboundary air pollution would determine the issue-specific strength of the mass public, environmental movement, and green party. While the directional hypotheses were supported in all cases, the strength of association was generally weak. Alternatively, one could assume that a few environmental problems (including acidification) mobilize pro-environmental interests. In turn, any of these environmental problems are perceived to be capable of mobilizing non-industrial actors on the subject matter of acid rain. In fact, this is underlying the concept of "induced variables" (Alwin 1988): One variable out of a group of *conceptually related* variables triggers variation in the dependent variable. Applied to the regulation of transboundary air pollution, this concept assumes that mobilization for any major environmental issue can be transferred, at least in part, to the regulation of acid depositions. This alternative operationalization was considered by including the importance attributed to

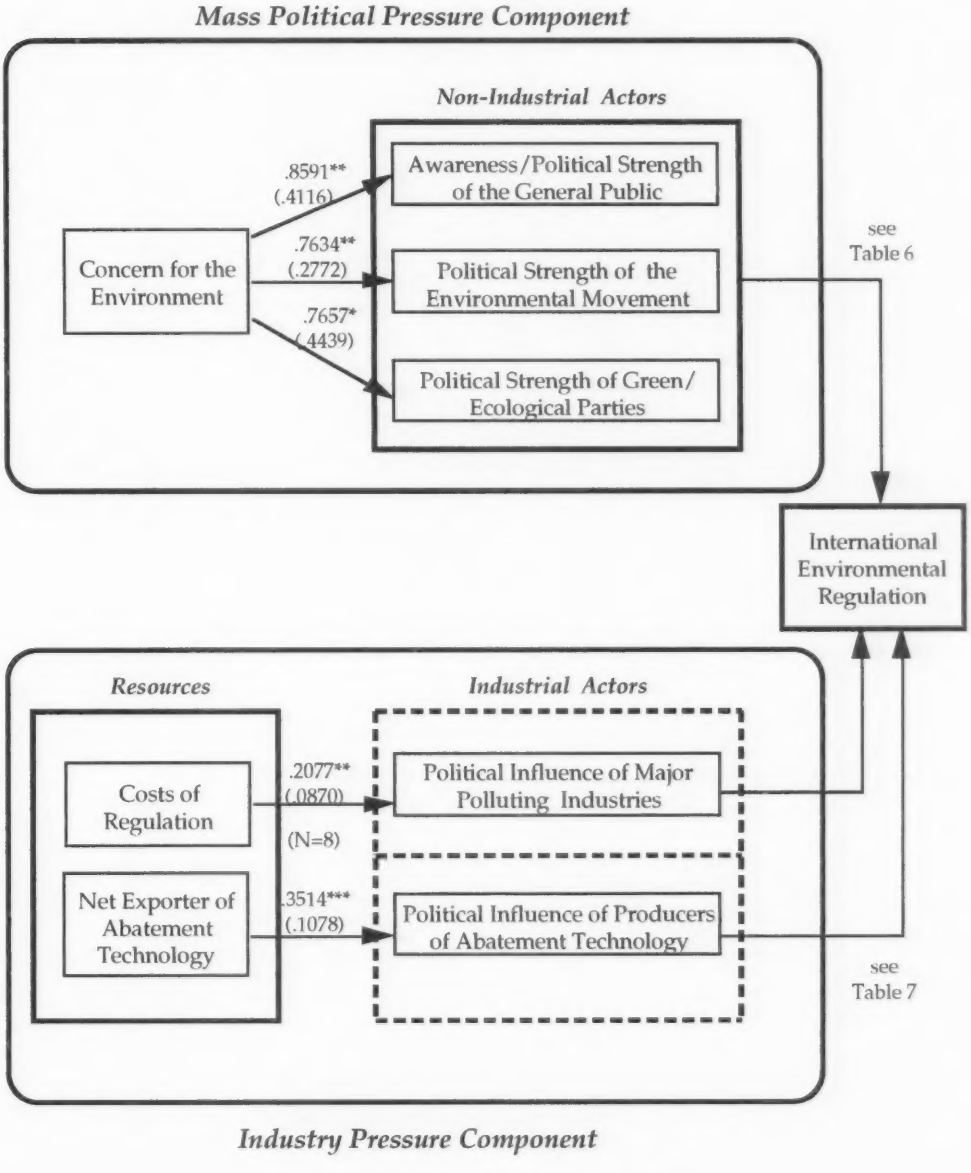
- transboundary acidification,
- population growth,
- decline of tropical rainforests,
- side-effects of modern agriculture,
- global climate change,
- biodiversity,

- oceans,
- freshwater, and
- toxic chemicals.

The *maximum score* across these 9 items was chosen for the analysis. Thus, the most important environmental component was assumed to trigger *acid rain-related* strength of mass publics, environmental groups, and ecological parties. This specification worked particularly well: Non-industrial actors may "acquire" political strength on a wide range of environmental issues and use this goodwill to lobby for the regulation of a *particular* environmental problem (see Figure 4).[22] In a broader sense, this implies for the case of global warming that countries which have been mobilized on at least one other major environmental problem are likely to respond to the extended greenhouse heating effect. In particular, the results of this study lead to the expectation that the EFTA countries, the Netherlands, and the FRG could be major proponents of stringent regulations on the release of greenhouse heating gases.

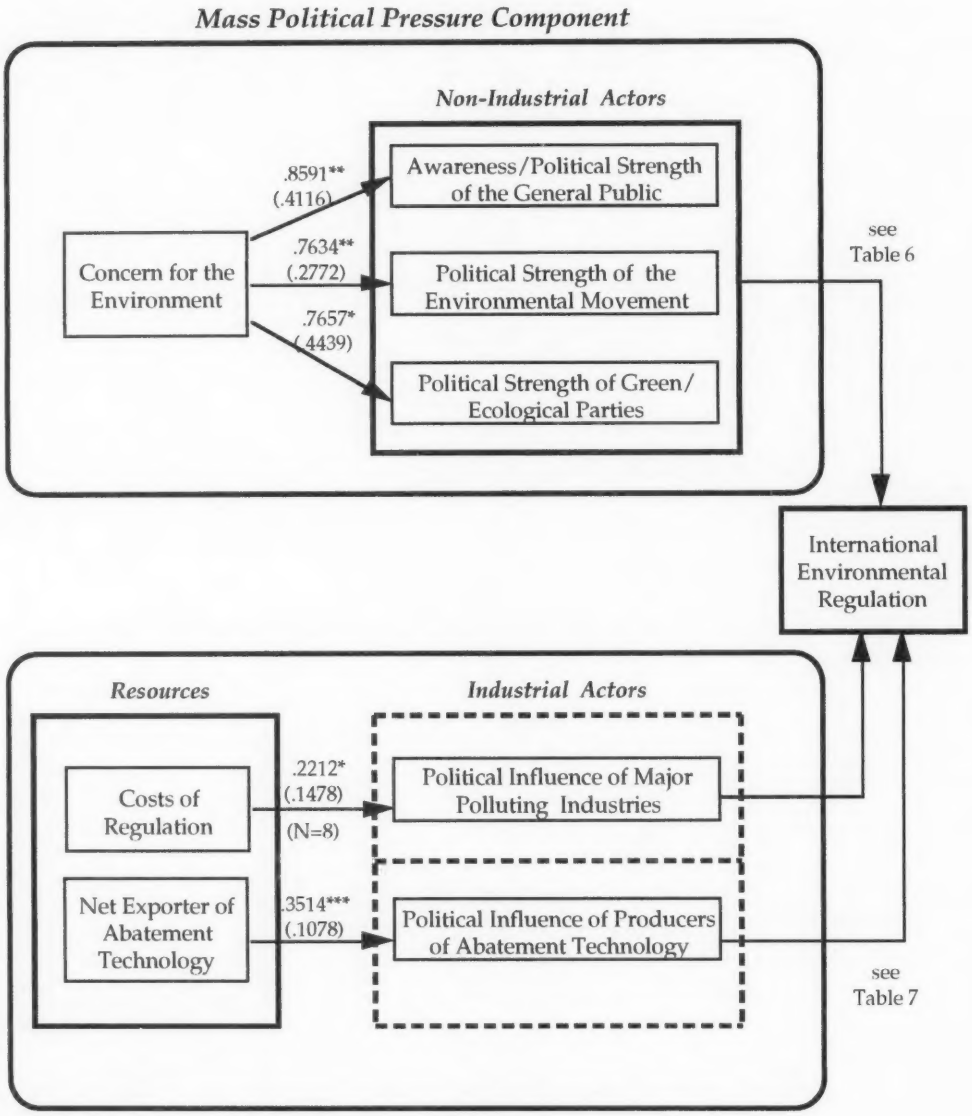
22 Nearly all questions used in the analyses reported here (excl. the costs of regulation) were made *without* specific reference to sulfur or nitrogen oxides. Therefore, most coefficient estimates reported in Figures 4 and 5 are identical. However, the logistic regression results presented in Tables 6 and 7 should be different due to differences in support for the Sulfur Protocol and the Nitrogen Declaration. This simplifying procedure had been chosen, since it is nearly impossible to find a substantially large group of experts with familiarity with the technical as well as political aspects of the regulation of air pollution. Many technically-oriented respondents eschewed answers to political questions in the oral interview, and more politically oriented respondents relied on outside consulting for technological aspects.

Figure 4: **The Analysis of Elite Perceptions - The Sulphur Protocol**



Note: N=9. Entries are unstandardized OLS regression coefficients; standard errors of the coefficients appear in brackets below the coefficient estimates. All significance tests are one-tailed tests based on their predicted sign. All entries but "Costs of Regulation" are identical to the estimates for the Nitrogen Declaration (see Figure 5).
* denotes statistical significance at the .10 level, ** at the .05 level; *** at the 0.01 level.

Figure 5: The Analysis of Elite Perceptions - The Nitrogen Declaration



Note: N=9. Entries are unstandardized OLS regression coefficients; standard errors of the coefficients appear in brackets below the coefficient estimates. All significance tests are one-tailed tests based on their predicted sign. All entries but "Costs of Regulation" are identical to the estimates for the Sulphur Protocol (see Figure 4).
* denotes statistical significance at the .10 level, ** at the .05 level; *** at the 0.01 level.

4.2.2. The Industry Pressure Component

While pro-environmental interests of *non*-industrial groups are likely to be positively associated with support for international environmental regulation, the industry pressure dimension may limit the options which a government has. In particular, I have suggested that perceived high costs of regulation will strengthen the position of major polluters, which, in turn, are normally opposed to national and international environmental regulation, since their profitability is affected.[23] However, the opposite is true for the producers of abatement technology, since environmental regulation creates the demand for their products. For this group, I suggest that a net exporter position will strengthen the regulatory clout of technology producers which, in turn, should support international environmental regulation. In the analysis, support for this differentiated perspective of industry interests was found for the case of the international regulation of sulphur emissions and for the case of nitrogen.[24] In particular, the political strength of abatement technology producers is positively related to their export position, while the costs of regulation spur resistance to regulation by major polluting industries. The theoretical expectations are supported for the industry pressure component (see Figures 4 and 5).

4.2.3. The Impact of the Mass Political Pressure Component and the Industry Pressure Component on International Environmental Regulation

In this final step, non-industrial and industrial political strength have been combined in the analysis of support for international environmental regulation. The particular problems

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23 Major polluting industries include private sector industries (like the German and Italian car manufacturers) and public sector industries (such as utilities in many countries and parts of the French automotive industry). Unless they are compensated by subsidies, as the Dutch and German subsidies for "clean" cars, these firms should have an interest in avoiding the higher costs of environmental regulation. However, the motive varies across type of ownership: Privately-owned major polluters might see environmental regulation as a threat to their profits, while publicly-owned major polluters may wish to protect their "x-inefficiency".

24 In the questionnaire, respondents were asked to evaluate the costs implied by the Sulphur Protocol and the Nitrogen *Protocol*. However, the costs associated with compliance with the Nitrogen *Declaration* should be uniformly higher than those for the Nitrogen *Protocol*. Since all nine countries included in this analysis have signed the Nitrogen Protocol as well as the Nitrogen Declaration, I assume that cross-national differences in perceived costs of compliance should roughly translate into similar cross-national cost differences for the implementation of the Nitrogen Declaration. In conclusion, while the first best variable has not been included in the questionnaire, the surrogate measure of perceived costs of the Nitrogen Protocol should still measure the underlying cost differences for complying with the Nitrogen Declaration.

encountered in this part of the analysis are related to (i) the small sample size (N=9) in relation to the number of variables to be specified in the mass political pressure and industry pressure components (k=5) and (ii) "perfect fit" of the data (see below). To circumvent the first problem, I suggest using the idea of an "induced variable" for a second time, and I apply it to the three non-industrial interests which shape the mass political pressure component. Substantively, this implies that any of the three groups could have had the decisive impact on government decision-makers. As in the previous application of the induced variable concept, the maximum score across the three groups was chosen to represent the impact of these three groups. Unfortunately, the same idea cannot be applied to the influence which the various industry groups hold, because major polluters are assumed to have *opposite* interests when compared to technology producers. However, taking the difference between the strengths of both groups preserves the directional hypothesis: If the influence of the major polluters is subtracted from the influence exerted by technology producers, I expect this composite variable to be *positively* related to support for international environmental regulations.[25] An example might clarify the point: In Sweden, technology producers seem to exert more influence than major polluters do (see Sprinz 1992b, ch. 6). Thus, the difference is positive, and I expect Sweden to sign the various international agreements (other factors held equal). To the degree that polluter interests exceed the influence of technology producers, the composite score turns negatively, and countries shall be less likely to sign international environmental agreements.

These transformed predictor variables produce a *perfect* fit for the case of the Sulphur Protocol, while logistic regression can still proceed in the case of the Nitrogen Declaration.[26] For the case of the Protocol, the transformed variables are perfectly associated with a country's international regulatory behavior: Countries with mobilized pro-environmental interests sign it, as is the case for countries with relatively influential technology producers. Since logistic regression can fit more than one (logistic) curve to these patterns, there will be no unique solution to estimating the coefficients. Instead, the bivariate coefficients have been estimated with

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25 Participants in my expert interviews confirmed that end-of-pipe technologies have been widely used in Germany and Sweden as a consequence of domestic air pollution regulations. As a result, these countries have gained substantial experience with these technologies, and, as other countries have been adopting more stringent environmental regulations, Sweden and the FRG have turned into major exporters of abatement technologies. In turn, government officials conceded that this had a beneficial effect on their country's willingness to sign international agreements despite opposition from the major polluting industries.

26 The estimation problems also affect major subcomponents, and they are *not* generated by the induced variable procedure.

ordinary least squares (OLS) and a Weighted Least Squares (WLS) transformation suggested by Hanushek and Jackson (1977, 181-182).

Although OLS is *not* the appropriate techniques for the estimation of categorically dependent variables (ibid., 180-186), it provides a first approximation of the strength of relationship in the absence of a converging maximum likelihood (ML) (see Tables 6 and 7).[27]

Table 6: Expert Perceptions and Support for International Environmental Agreements: The Influence of Non-Industrial Interests

	Sulphur (Euro-Barometer 25)			Nitrogen (Euro-Barometer 29)		
Explanatory Variable	$(\hat{\beta}_i)$	$S.E.(\hat{\beta}_i)$	t	$(\hat{\beta}_i)$	$S.E.(\hat{\beta}_i)$	t
Maximum Score Non-Industrial Groups	1.30***	.32	4.11	5.60	4.18	1.34
Constant	-3.93	1.14	-3.44	-19.54	14.87	1.31
-2xLog Likelihood (-2LL)	n.a.			3.99		
significance (-2LL)	n.a.			.0459		
Proportional reduction of error (N=8)	1.00			.75		
Proportional reduction of error (all cases)	1.00			.50		

Note: N = 8 for the analysis of the Sulphur Protocol and for the analysis of the Nitrogen Declaration. All significance tests for the coefficients are one-tailed tests based on their predicted sign. For the analysis of the Sulphur Protocol, Spain was omitted; Hungary was omitted from the analysis of the Nitrogen Declaration. The entries of for the Sulphur Protocol are unstandardized *OLS* regression coefficients and their standard errors, whereas the entries for the Nitrogen Declaration are (unstandardized) *logistic regression* coefficients. Computation of the proportional reduction of error for the Sulphur Protocol is based on a threshold of .5 of the predicted value of signing this agreement. The results for the Sulphur Protocol should be interpreted with caution!
* denotes statistical significance at the .10 level; ** at the .05 level; *** at the .01 level.

27 In Table 6, Spain was omitted from the analysis of the Sulphur Protocol due to extreme values of regression diagnostics (Cook's D), and Hungary was omitted from the analysis of the Nitrogen Declaration for the same reason.

Table 7: Expert Perceptions and Support for International Environmental Agreements: The Influence of Industrial Interests

	Sulphur (Euro-Barometer 25)			Nitrogen (Euro-Barometer 29)		
Explanatory Variable	$(\hat{\beta}_i)$	$S.E.(\hat{\beta}_i)$	t	$(\hat{\beta}_i)$	$S.E.(\hat{\beta}_i)$	t
Relative Strength of Producers of Abatement Technology over Major Polluters	.40**	.14	2.75	3.29*	2.04	1.61
Constant	1.18	.22	5.27	4.08	2.98	1.37
-2xLog Likelihood (-2LL)	n.a.				6.35	
significance (-2LL)	n.a.				.0117	
Proportional reduction of error (all cases)	1.00				.50	

Note: N = 9 for the analysis of the Sulphur Protocol for the analysis of the Nitrogen Declaration. All significance tests for the coefficients are one-tailed tests based on their predicted sign. The entries of for the Sulphur Protocol are unstandardized *OLS* regression coefficients and their standard errors, whereas the entries for the Nitrogen Declaration are (unstandardized) *logistic regression* coefficients. Computation of the proportional reduction of error for the Sulphur Protocol is based on a threshold of .5 of the predicted value of signing this agreement. The results for the Sulphur Protocol should be interpreted with caution!
* denotes statistical significance at the .10 level; ** at the .05 level; *** at the .01 level.

While the OLS provides a first measure of the relationship among the variables, it cannot capture the functional form of a logistic curve, and OLS cannot appropriately deal with predicted values outside the [0,1] interval for a (2-level) categorically dependent variable (Hanushek/Jackson 1977, 185). To check for the plausibility of the substantive conclusions from the OLS results, the models in Tables 6 and 7 (Sulphur Protocol only) were reestimated with a Weighted Least Square (WLS) procedure while forcing predicted values into the [.05, .95] interval (Hanushek/Jackson 1977, 181-182). The estimation results (analysis not shown here) do not change the substantive conclusion that non-industrial and industrial interests are positively related to support for the Sulphur Protocol and, to a lesser degree, this also holds for the explanation of the Nitrogen Declaration. With respect to global warming, I expect that

environmentally ambitious countries, which are likely to have their own technology providers (such as Sweden and the FRG), will be pushing for the reduction of greenhouse heating gases. On the other extreme, Spain and Poland should be reluctant to join these countries due to the influence of major polluting industries (and lack of overall resources). Since the energy sector is of much importance for the regulation of acidifying pollutants as well as global warming, these conclusions may merit further attention.

The analysis of the expert perspective on international environmental agreements showed that a (i) mass political pressure component and (ii) industry pressure component help to explain national positions on international environmental regulation. Although the small sample of countries included in the analysis (i) does not lend itself to strong statistical conclusions, and (ii) interpretation shall always proceed with caution about the assumptions explicitly made, the major propositions should hold for all 24 countries.

5. Conclusions

In this article, I have developed a general model of the domestic sources of international environmental regulation. In particular, I hypothesized that ecological damage- in combination with the rise of postmaterialism - mobilize (i) mass publics, (ii) environmental organisations, and (iii) green or ecological parties to demand international environmental agreements. This mass political pressure component has been juxtaposed with an industry pressure component. Particular emphasis has been placed on the influence of wealth and technology. It was also hypothesized that a growing influence of technology providers will be positively associated with the support for international environmental regulation, whereas major polluters are likely to hold opposite preferences.

In the empirical analysis, data on mass public attitudes and expert perceptions were employed for the various components of this general model. In most cases, support was found for the major hypotheses. However, there was stronger support for the case of the Sulphur Protocol than for the Nitrogen Declaration. Furthermore, the small ("most different cases") sample design provided particular challenges for the estimation with maximum likelihood, whereas the measure of proportional reduction of error points to the classificatory strength of the estimation results. While theoretical propositions should always be tested for their external validity, it seems that the combination of mass political pressures and industrial interests provides adequate guidance for the study of international environmental regulation.

From a theoretical perspective, I have specified (in terms of *political* actors) how a combination of ecological pressures and economic factors (Jänicke/Mönch 1988) account for international environmental regulation, and I tested a more elaborate version of the "capacity hypothesis" (Prittwitz 1990b). Given the results of the various analyses presented above, I conclude that the ability of a country to further environmental quality in a world of transboundary pollution is well served by a mobilized citizenry in combination with economic and technological factors, and both are needed to turn the protection of the international environment into reality.

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Appendix 1: Question Wording of Mass Public Attitude Data

Euro-Barometer 25

source: Rabier et al. (1988)

Note: All cases with missing data codes were omitted by variable (except if explicitly mentioned). All data were recoded so as to follow the directional hypotheses outlined in Section 2. Missing data codes are not included in this listing.

Postmaterialism: variable 310 (composite 4-item index, see Inglehart 1977).

Damages due to Acidification: variable 172

"When we talk about possible damage to the environment, what do you think of above all? Would you please choose from this list the three things that come immediately to mind? ... Acid rain which attacks woods and forests.

0. not mentioned;
1. mentioned."

Environment-Economy Tradeoff: variable 218

"I would like to give you some opinions which are often expressed about the problems of the environment. Which of these opinions are you most in agreement with?

1. Development of the economy should take priority over questions of the environment.
2. Sometimes it is necessary to make a judgment between economic development and protection of the environment.
3. Protecting the environment and preserving natural resources are necessary conditions to assure economic development."

Membership in Natural Protection Associations or the Ecology Movement: variables 276 and 277

"There are a number of groups and movements seeking support of the public. For each of the following movements, can you tell me ... whether you are a member, or might join, or would certainly not join?

var 276: ... The Nature Protection Associations
var 277: ... The Ecology Movement

1. is a member;
2. might join;
3. would not join."

Coding:
Both variables were crosstabulated (incl. missing data), and all persons who are at least a *member* of one of these two movements were included in the computation of membership for the combined movements.

Euro-Barometer 29

source: Reif/Melich (1990)

Note: All cases with missing data codes were omitted by variable (except if explicitly mentioned). All data were recoded so as to follow the directional hypotheses outlined in Section 2. Missing data codes are not included in this listing.

Postmaterialism: variable 443 (composite 4-item index, see Inglehart 1977).

Damages due to Acidification: variable 181

"When we talk about possible damage to the environment, what do you think of above all? Would you please choose from this list the three things that come immediately to mind? ... Acid rain which attacks woods and forests.

0. not mentioned;
1. mentioned."

Environment-Economy Tradeoff: variable 221

"I would like to give you some opinions which are often expressed about the problems of the environment. Which of these opinions are you most in agreement with?

1. Development of the economy should take priority over questions of the environment.
2. Sometimes it is necessary to make a judgment between economic development and protection of the environment.
3. Protecting the environment and preserving natural resources are necessary conditions to assure economic development."

Voting Intention for Green or Ecological Party: variable 422

"If there were a general election tomorrow (say if contact under 18: and you had a vote), which party would you support?"

- France: 50. Ecologistes
- Belgium: 55. Ecologiste
- The Netherlands: *no green or ecological party explicitly listed*
- Germany: 50. Die Grünen
- Italy: 50. Verdi
- Denmark: 50. De Groenne
- Ireland: 50. Ecology Party
- U.K.: 51. Ecology Party
- Greece: *no green or ecological party explicitly listed*
- Spain: *no green or ecological party explicitly listed*
- Portugal: *no green or ecological party explicitly listed.*"

coding:

Green or ecological party support was computed as a percentage of all non-missing data.

Appendix 2: Questions from the Expert Interviews

source: Sprinz (1992a)

Note: All cases with missing data codes were omitted by variable (except if explicitly mentioned). All data were recoded so as to follow the directional hypotheses outlined in Section 2. Missing data codes are not included in this listing.

Concern for the Environment: variables 14, variables 164 through 171

"Which environmental problems *other* than acid rain are of great concern to your country?

var 14 "In your view, how prominent has the acid rain problem been in the 1980s relative to other environmental problems in your country?

1. much more
2. more
3. roughly equal
4. less
5. not at all".

var 164 Population growth
var 165 Decline of tropical rainforests
var 166 Side-effects of modern agriculture
var 167 Global climate change
var 168 Biodiversity (incl. protection of flora and fauna)
var 169 Ocean and coastal pollution
var 170 Freshwater pollution
var 171 Toxic chemicals

1. very high
2. high
3. medium
4. low
5. very low."

coding:

All scores for non-missing cases (by variable) were aggregated separately and by country; the maximum score across all variables (by country) was used in the analysis.

Strength of General Public, Environmental Movement, and Green/Ecological Parties: variables 111 through 113, variables 127 through 129

"How do you assess the strength of various groups or organizations in the domestic political decision-making process on national and international acid rain regulation? Please use a scale ranging from "1" ("very strong") to "5" ("very low") for the domestic and the international process. If an item seems to be inappropriate in your country, please enter "9".

domestic regulation

var 111 green or ecology party
var 112 concern of the mass public
var 113 environmental groups

international regulation

var 127 green or ecology party
var 128 concern of the mass public
var 129 environmental groups

1. very strong
2. strong
3. medium
4. weak
5. very weak."

coding:

The scores of the domestic and international regulation were combined for each of the three groups.

Costs of Regulation: variable 37, variable 38

"Within the framework of the United Nations Economic Commission Europe (UNECE), several pieces of international regulation have been concluded. Some countries and the European Communities joined these agreements and have begun to implement them, while other countries have abstained from parts of UNECE-sponsored international regulation.

Please compare the standards called for by the international agreements listed below with the respective regulatory standards in your country before the conclusion of the UNECE-sponsored international treaties. Were the costs associated with international regulation higher than the costs associated with the domestic standards at that point in time? For the temporal domains, please find the year(s) mentioned in brackets with each legal instrument.

var 37 Sulphur Oxide Protocol (1985, provision: reduction of sulphur emissions or their fluxes by 30% until 1993 compared to 1980; so-called "30% Club")

var 38 Nitrogen Oxide Protocol (1988, provision: standstill agreement on nitrogen emissions or their fluxes by the end of 1994 compared to 1987)

1. much higher
2. higher
3. roughly equal
4. lower
5. much lower".

Net Exporter of Abatement Technology: variable 151

"Is your country a net exporter or a net importer of acid rain control technologies?

1. Major exporter
2. Minor exporter
3. Exports match imports
4. minor importer
5. major importer".

Influence of Major Polluting Industries and of Producers of Abatement Technology: variables 152 and 153

"How strong would you rate the influence which various industries (private or public) have on acid rain regulation in your country?

var 152 major polluting industries
var 153 producers of end-of-pipe technologies

1. very high
2. high
3. medium
4. low
5. very low".

The "New Austria," the "New Europe," and the "New Nationalism"

Manfred Steger

Rutgers University

Department of Political Science

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THE "NEW AUSTRIA," THE "NEW EUROPE," AND THE "NEW NATIONALISM"

Manfred Steger, Rutgers University

I. Introduction

Beginning in 1983, the complacent self-understanding of many Austrians who saw themselves living on an "Island of the Blessed"[1] has been swept away by a series of extraordinary events that have triggered a new Austrian identity. The stability and predictability of the post World War II Austrian political system has dissolved in insecurity over Austria's future role in the "New Europe" and has given rise to increasing levels of popular protest. It seems that the struggle for a new Austrian identity in the "New Europe" has put an end to the Austrian Gemuetlichkeit (coziness) of compromise and consociationalism.[2] As the underlying causes of this development, Peter Ulram has identified profound domestic and international socioeconomic changes accompanied by economic malperformance; the erosion of popular loyalty to the established parties and the fading of old ideologies; the transformation of political communication; and the collapse of popular support for traditional sociopolitical and cultural structures.[3]

This enduring dissatisfaction with "politics as usual" is reflected in the rise of "postmaterialist" values like ecological themes and political ethics within Austrian political culture,[4] thus providing an opening for libertarian parties of the "New Left," like the two Green parties (GAL, VGOE) and authoritarian nationalist-populist parties of the "New Right," like Joerg Haider's Freedom Party (FPOE).[5] Between the national elections of 1979 and 199Ø, the share of those parties in the national vote increased from 6.1 percent to 21.4 percent while the general voter turnout declined from 92.2 percent to 86.1 percent.[6] Both the New Left and the New Right have offered new identity contents that, though in most points diametrically opposed to each other, nonetheless meet in the slogan, "No to the European Community; Yes to Europe" of French and German radical rightists.[7] Their rejection of the EC's version of the "New Europe" adds fears about Austria's future to the climate of uncertainty and mistrust.[8]

For many Austrians, the term "New Europe" signifies not merely Austria's new relationship to the EC and West European integration but also the problems connected with the process of Eastern European disintegration. The "New Europe" has created a "New Austria" whose self-image may move toward either of two mutually incompatible cultural identities. The first takes off from the early twentieth-century dream of a federated Mitteleuropa with Vienna as its economic and cultural center. But unlike this nostalgic, pompous cliche, a "new and improved version" of the wish for federation would give Austria a cosmopolitan, multiethnic identity of a small country embedded in an expanding European Community and committed to its traditional role of linking Western and Eastern European cultural heritages.

Conversely, the realization of the second option would mean a victory of "Haiderism" in Austria: the solidification of an alternative Austrian identity based upon the rejection of the "multiculturalism" of the EC in favor of the imagined "purity" of a narrow "German cultural community." This essay will examine in some detail this nationalist-populist response of Joerg Haider's FPOE to the emerging Western and Eastern "New Europe." This paper will first analyze Haider's "New Nationalism" and will then investigate in some detail two of Haider's controversial political strategies--his intiation of an anti-foreigner "Austria First" petition for parliamentary action to be signed by concurring Austrian citizens, and his sudden reversal of the Freedom Party's traditional liberal pro-EC course. Both strategies reveal the synthesis of nationalism, populism and xenophobia that lies at the base of all current European right-wing parties. It is here that Austria faces its greatest challenge on its path toward a new European-Austrian identity.

Some authors deplore the pro-EC course of the governing Social Democratic-Conservative coalition as a nervous and hasty escape from the difficulties of the 198Øs into the arms of the "great brother EC." Rejecting the nationalist-populist option as well, they hope that a prolonged search for a clear and distinct national identity--a sense of "genuine Austrianness"--might in the end turn out to be successful after all.[9] Although such arguments are well constructed and undoubtedly have some merit,[10] I would still maintain that the idealism that fuels such hopes disregards the socioeconomic realities of late twentieth-century Europe. Admittedly, the European Community is facing enormous problems in moving along the process of European integration. It must remain a top priority for Austrian EC representatives and negotiators to argue in favor of more decentralization and democratization of Brussel's power structures; the implementation of a strong federalist principle; and effective support for localized agriculture and other victims of the new European economic order. Yet, the goal of a successful evolution of a "New Austria" can only lie in the country's successful integration into the European Community. New variations on the old exceptionalist theme of the "Island of the Blessed" or the "Sound of Music country,"[11] have passed their time.

II. Austrian Identity--Past & Present

As the prominent Austrian historian Friedrich Heer pointed out several years ago, there is no other historical formation in Europe whose existence is so closely connected with the identity problems of its members as Austria.[12] For long stretches of its modern history, Austria has shown ambivalent feelings toward developing a "national identity" separate from Germany. Although the multinational heritage of the Habsburg Empire prompted guardians of classical Weimar culture like Johann W. von Goethe and Friedrich Schlegel to refer to Austria as an "intellectually foreign country" having "the least to do with Germany,"[13] the Austrian Empire, at least during most of the nineteenth-century, continued to define itself vis-a-vis its northern neighbor

through the protracted struggle for military, political, and cultural hegemony. Yet, Austria could also proudly point to its distinct identity as the curator of a multi-ethnic "Central European Culture" with Vienna as its sophisticated center of gravity. However, by 19ØØ, Germany had cemented its position as the representative of "real" German culture and power, drawing the German-speaking part of Austria-Hungary closer into its orbit. The liberal Vienna with its Jewish cosmopolitanism and Roman Catholic noblesse oblige elitism was captured by the anti-intellectual political forces of its anti-Semitic Mayor Karl Lueger, foreshadowing the post-World War I polarization of Austrian society into three antagonistic Lager (camps): the Christian Conservatives, the Social Democrats, and the German Nationalists.

After the 1918 disintegration of the Monarchy, the remaining small rump-state of "German-Austria," prevented from following its natural impulse to unite with Germany, never succeeded in developing its own identity. As David Luft has pointed out, Austria was haunted by "the option of Anschluss [annexation] from its inception until its dissolution into the grossdeutsch [greater German] dreams of its son from Braunau on the River Inn."[14] The years from 1918 to 1938 saw a rise of nationalist and fascist parties throughout Europe; in the Austrian case this development was amplified by the short 1934 Civil War which overpowered the young democracy and contributed to a further eclipse of liberalism and the idea of a Central European community. The 1938 Anschluss "fetched Austria back into the [German] Reich," simply confirming the suspicion of many Austrians that the German-speaking remainder of the Habsburg Empire had been, as Freedom Party Leader Joerg Haider fifty years later would put it, "an ideological monstrosity."[15]

The 1945 re-establishment of a Second Republic of Austria and the 1955 signing of the State Treaty established an independent Austria committed to "perpetual neutrality" and its new role as a mediator between the West and East blocs. Yet, it took decades for Austrian culture to develop distinct social, political, and economic features that lent legitimacy to the "Austrian way."[16] Oppositional Lager mentality gave way to a system of compromise between the Socialist (SPOE) and the Conservative (OEVP) Lager, making Austria the prime example of consociational democracy. Stable voting behavior reflected the reliability of traditional voter loyalties and the survival of the Lager mentality. In addition, the Proporz system set up by the two dominating parties divided the spoils of power in the form of jobs, housing, and government contracts strictly according to proportional strength and party affiliation. Persistent awareness of its neutrality and geopolitical position kept Austria from seeking closer ties to the European Community (EC), thus facilitating the establishment of "Austrokeynesianism": A distinct set of principles of neo-corporatist economic policy, it relied on a regular but informal participation of all major interest groups in industrial and welfare policy-making.[17]

The 197Ø-1983 "Kreisky Era" of an absolute Social Democratic parliamentary majority represented both the apex and the last phase of a process of finding a new national identity predicated upon the fiction of a perpetual Austrian social and economic exceptionalism. The goverment under Chancellor Bruno Kreisky made great strides toward modernizing Austria and achieved impressive social and political reforms that, for almost a decade, sheltered Austria's economy from adverse international developments. However, it failed to initiate Vergangenheitsbewaeltigung ("coming to grips with the past"), a public debate on Austria's ambiguous identity that could have contributed to a further expansion of "civic culture" in Austria. Kreisky's tactical overtures to the the national-liberal Freedom Party and his glossing over the Nazi past of its chairman Friedrich Peter are clear examples of this failure. Presenting itself as the guardian of social security and political stability, the SPOE deliberately projected a self-satisfied image of Austria as an "Island of the Blessed." The ideological thaw and the soothing effect of spreading prosperity in concert with the lingering one-sided interpretation of Austria's immediate past (a "victim of Nazi aggression") artfully covered remaining cultural identification potentials to the far right of center. Only occasional sparks of anti-Semitism, widespread feelings of antipathy toward foreign "guest workers," the lingering German nationalism in the province of Carinthia, and the involvement of Austrian right-wing terrorists in the German-speaking Italian province of Southern Tirol provided hints of the persistence of xenophobic attitudes and values in some segments of the Austrian population.[18]

The first signs of an emerging "political culture of unease"[19] appeared in Austria in 1983 when Kreisky's Social Democratic Party (SPOE), in the midst of economic woes and mounting accusations against the government's disregard for "new issues" and its increasing detachment from the people, lost its absolute majority in the National Council (parliament). The ensuing coalition between the Social Democrats and the national-liberal Freedom Party (FPOE), plagued by seemingly unending scandals and a continuing economic downturn, was dissolved by the successful 1986 bid of the populist-nationalist Carinthian Freedom Party Leader Joerg Haider for the national chairmanship of the party and by the ensuing refusal of Social Democratic Chancellor Franz Vranitzky to maintain the coalition agreement with a Freedom Party under Haider's leadership. The same annus horribilis saw the unravelling of the "Waldheim Affair,"[20] and the spectacular electoral success of Haider's nationalist populism,[21] which, together with the Green-Alternative List's first entrance into parliament, managed to dealign petrified party structures.[22]

The second wave of changes from 1987-1988 amplified the swing to the right[23] in the protracted domestic and international debate over President Waldheim's Nazi past, a series of brilliant successes for Haider's Freedom Party in state elections, and the fiftieth anniversary of Hitler's 1938 annexation of Austria. Rival interpretations of the events leading up to 1938 among the political parties raised questions of collective guilt that had

been neglected for too long.[24] Although Chancellor Vranitzky publicly admitted to Austria's complicity in the Nazi crimes and even President Waldheim apologized for the "crimes of National Socialism committed by Austrians," questions about Austria's past remained. Moreover, popular sentiments of distrust and suspicion toward old-style politics were further fueled by a new string of corruption scandals that engulfed prominent Social Democratic politicians like the former Chancellor Fred Sinowatz and the former Minister for Foreign Affairs and President of the National Council Leopold Gratz.

However, between 1989 and 1993, a third wave of changes completely exploded familiar identity structures of Austria as an "Island of the Blessed." Austria's 1989 "Letter to Brussels"--the application to join the EC--reversed its cautious tradition of walking a "middle path" between the East and West blocs in favor of the West and European integration. Several months later, the breakdown of communism in Eastern Europe led to a disappearance of the iron curtain and a fundamental shift in Austria's geopolitical position. The 199Ø unification of Germany coincided with a flood of asylum seekers from Eastern Europe into Austria, sparking xenophobic cries for restrictive immigration laws that helped Haider's right-wing populism to increase its share in the national elections to over 16 percent. The 1991 outbreak of the Civil War in Yugoslavia added war refugees to the stream of Eastern European asylum seekers, prompting heavy-handed proponents of immigration and asylum restriction in the coalition government to follow the Freedom Party's popular demands for harsher measures. The passage of the new 1991 Alien and Asylum Laws and the 1992 Residence Laws further destabilized Austria's political culture, with the Left citing negative reactions to the new laws by Amnesty International and the U.N. High Commissioner for Refugees[25] and the Right pushing for even more extensive restrictions. Austria's "New Nationalism" had won an important battle.

III. The Face of "New Nationalism" in Austria: The Freedom Party as a Nationalist-Populist Protest Party

Although it would be a mistake to regard the Austrian Freedom Party simply as a revamped old-style fascist party, it would be equally erroneous to downplay both its connection to the nineteenth-century German-nationalist "Third Lager" and its National Socialist heritage.[26] Post-World War II denazification laws in Austria excluded all members of the NSDAP or its military affiliates from the first national elections in 1945 and forced over 27Ø,ØØØ ex-NSDAP party members from their jobs.[27] However, a series of amnesties between 1947 and 1949 allowed 487,ØØØ "minor incriminated" ex-NSDAP members (12 percent of the new electorate) to participate in the 1949 National Elections. Most of them cast their votes for the recently organized national-liberal "League of Independents" (VdU), which established itself as the surprisingly strong third political force in Austria by gaining 11.66 percent of the vote.

Howver, the VdU represented not only a gathering place for ex-NSDAP party members. In its election campaigns, the VdU courted old-style liberals and dissatisfied voters of the two main parties by employing anti-communist slogans, emphasizing the government's inefficiency and "bloated bureaucracy," demanding the establishment of a truly "free market" economy, and connecting bitter-sweet images of the Austrian Heimat (homeland) with German Volkstum. The party's success suddenly prompted both the Social Democrats and the Christian-Conservatives to refer to the old denazification laws as "laws of vengeance" that frequently had "stigmatized" people, who, "in their hearts," had "never been National Socialists."[28] Thus, the two main parties contributed to the perpetuation of a strange Austrian self-image that simultaneously pitied itself as the "victim of Nazi agression" and took pride in belonging to a "German cultural community" free of Slavs and Jews.

By the mid 195Øs, the VdU, plagued by internal tensions, merged with a political group that had formed around Anton Reinthaller, a former Nazi Minister of Agriculture in the 1938 Anschluss Cabinet. The new conglomerate, the Austrian Freedom Party (Freiheitliche Partei Oesterreichs), consisted of a liberal wing around Wilfried Gredler and Reinthaller's German nationalists. Regarding self-employed professionals, independent shopkeepers, tradesmen and certain sectors of public employees as their main constituency, the FPOE ran its 1956 election campaign emphasizing German-nationalist issues.[29] Rejected by voters, the Freedom Party plumetted to 6.52 percent, and for the next thirty years its share in the national vote remained relatively stable, fluctuating between five and seven percent.

Under the 1958-1978 chairmanship of ex-SS man Friedrich Peter, the Freedom Party moved closer to the center, endorsing both traditional liberal values and nationalist rhetoric that stressed Austria's alleged connection to the German Volk. In accordance with its economic liberalism, the FPOE pioneered a pro-EC course for Austria. It was also the first political force in the country to realize the rising importance of "quality of life" and ecological issues. By the early 197Øs, the liberal wing within the FPOE gradually began to dominate the party. The "Atterseer Circle," a liberal academic-intellectual support group for the Freedom Party, became the ideological and financial backing for the carriers of a young generation of party leaders. However, these liberal "Young Turks" never entirely disavowed the nationalist heritage of the FPOE. After all, it was Friedhelm Frischenschlager, one of the leaders of the "Atterseer Circle," who, as the Minister of Defense in the 1983-1986 coalition government with the Social Democrats, publicly welcomed Walter Reder, a pardoned Austrian war criminal. The incident triggered a domestic and international outcry that forced him to resign.

The new Right-liberal course of the party found its external expression when, in 198Ø, the liberal Norbert Steger was elected its new chairman, narrowly defeating the nationalist candidate Harald Ofner. Steger tried to reverse not only the Freedom Party's German-nationalist image but also abandoned much of its opportunistic populism by assuming governing responsibility in a

Social Democrat-led coalition government. However, constant scandals surrounding SPOE politicians and the government's ineffective economic policies rubbed off on the Freedom Party, which added to the negative public image of the coalition government with mistakes of its own.

However, Steger refused to quit the coalition, adhering to his unsuccessful liberal course aimed at the weakening of Social Democratic social welfare programs and their large subsidies to the ailing nationalized industries. Removing himself more and more from the party base, Steger inadvertently strengthened the nationalist-populist faction around the Carinthian Member of Parliament, Joerg Haider. When, in June 1986, polls indicated that the Freedom Party's popularity had dropped to unprecedented low levels, Haider's German-nationalists openly revolted against the liberal course of Steger's Viennese party headquarters, forcing a party convention in Innsbruck on 14 September 1986 to decide over the future direction of the FPOE.

Admidst cheering delegates waving Hitler medallions to provoke and mock the liberal "Steger Faction,"[30] Haider emerged as the new chairman, beating Steger by more than eighteen percentage points. As Max Riedlsperger has pointed out, although the domestic and international press pounded the "nazistic tendencies" that had been unleashed in Innsbruck, many Austrians responded positively to the change in FPOE leadership, thereby revealing not only the lingering shadows of the past but also their disgust with the shortcomings of the coalition government.[31]

Leading a successful campaign for the upcoming 1986 National Election, the 37-year-old Haider relied on his image as a "youthful rebel" and his considerable telegenic talents. Within two months, Haider succeeded in remodelling the public image of the FPOE as a wilting, old-style nationalist-liberal party to that of a dynamic, youthful and aggressively honest "citizens' initiative."[32] In tune with Austria's new "political culture of opposition,"[33] Haider emphasized issues like the spiralling national debt, corruption scandals, and the privileges of "old-style politicians." To everyone's surprise, the Freedom Party managed to almost double its 1983 total by receiving 9.7 percent of the vote. Still, the 1986 National Election was only the beginning of an unbroken series of impressive national, state, and municipal electoral successes that have continued to the day of this writing. In many cases, Haider tripled the FPOE's share in the vote, surpassing the Christian-Conservatives in two states (Vienna '91 and Carinthia '89) by drawing between 20 and 30 percent of the vote. After the 1989 Carinthia State elections, Joerg Haider was the first FPOE politician in the history of the Second Republic to become the governor of a state. Despite the loss of his Carinthian governorship two years later, resulting from Haider's public "defense" of the Third Reich's "proper employment policy,"[34] the Freedom Party achieved spectacular vote increases in three State Elections that were held later in 1991.

Political analysts in Austria and abroad have marvelled at the success of "Haiderism" in Austria. Together with parties like Jean M. Le Pen's French "National Front" or Franz Schoenhuber's

German "Republicans," Haider's Freedom Party represents Europe's rising "New Nationalism," the less extreme cousin of old-style fascism. As right-wing protest parties, the "New Nationalist" parties combine the populist understanding of a rule of "the will of the people" with the nationalist definition of a "people" as an autonomous and homogenous "us" clearly distinguishable from "them." Referred to as "nationalist-populist" by Pierre-Andre Taguieff,[35] such parties operate on a democratic party platform while their constant calls for the consideration of the opinion of the "common person" through referenda, plebiscites, and other forms of "direct democracy" can easily deteriorate into an intolerant and discriminatory tyranny of "common sense." The party structure is usually tailored in the image of a charismatic party leader like Le Pen, Haider, or Schoenhuber, who, as the "tribune of the people," appeals to his ties to the "people" in their mutual struggle against a corrupting "old" political system. At the same time, he is involved in a perpetual intra-party process of purging his rivals. For example, Haider's increasingly authoritarian style of leadership has not gone unnoticed.[36]

Robert Knight has correctly described Haider as a master of right-wing prose who loves flippant provocations and portrays himself as both the anti-establishment fighter of corruption and inefficiency and the restorer of public safety, thus securing values of "community."[37] Raised in an ex-Nazi German-national household, Haider's life was, from his high school years on, directed at a political career in the nationalist camp. Keeping close ties to nationalist organizations like the notoriously right-wing Turnerbund ("Gymnasts' Association"), the college student Haider quickly moved on to leadership in the FPOE's Students' and Youth Association. After a brief stint as assistant professor of law at the University of Vienna, Haider, at age 29, became an FPOE member of parliament in 1979. Since at least 1983, Haider secretly planned and coordinated his party take-over,[38] while artfully deceiving the "Steger Liberals" and a good part of his own intra-party nationalist competition. Finally in control of the Freedom Party, Haider innovated a new style of politics in Austria--a nationalist-populism that F. Plasser and P. Ulram have characterized as a "politics of masks, symbols, and emotions."[39]

Like all successful populists, Haider possesses the ability to read the resentments and prejudices of the masses, anticipate likely developments in the political climate, and effectively exploit controversial issues that reflect popular prejudice but are frequently considered "too hot" to deal with by the established political parties. Advertising himself as the "voice of the people," Haider draws both protest voters who simply "want to register their resentment" with old-style politics and the World War II generation which feels itself redeemed by an ideal son who publicly asserts that "our fathers and grandfathers have only done their duty...and don't deserve to be dragged through the mud."[40]

A master of language and the new "politics of symbols," Haider meticulously picks concepts that are partly based on facts and partly on fiction, often connecting events that are totally

unrelated but which trigger desired associations in the listener. Franz Januschek's and Ferdinand Karlhofer's studies of Haider's language use shows clearly that his political success relies on a double-pronged strategy.[41] First, Haider's choice of words mobilizes and amplifies widespread political anxieties, traumatic experiences, and unfulfilled wishes that lie beyond solutions offered by traditional parties. Secondly, Haider uses clearly recognizable national-socialist expressions like "the final solution," but when applied in a different context, like "the final solution of the agrarian question," escape blame. Such allusions to NS-vocabulary signal the Right that Haider is "one of them" and provoke criticism from the Center and the Left, which Haider then easily defeats in a rational defense that refers his critics to the "neutral" dictionary.

Haider is one of the first Austrian politicians who, due his youth and political acumen, identified the shifting structure of Austrian political culture. There is no doubt that Haider took advantage of a new political phenomenon that Theodore Lowi has described in his work on the U.S. as the "republic of service delivery"--the development of an unmediated relationship between independent, atomized individuals and an executive-centered government.[42] Grasping the main cause of popular dissatisfaction and resentment against government--the "Austrokeynesian" paradigm's increasing inability to fulfill its role of providing a growing number of services and entitlements to its citizens--Haider deliberately fueled the emerging "political culture of unease" by encouraging voters to evaluate government even more in terms of "service delivery." The impossibility of meeting the long list of popular demands consistently allowed Haider to find governmental "shortcomings" in relation to shifting constituencies like farmers or, most recently, blue collar workers who were allegedly "badly served" by the government." At the same time, Haider prudently avoided possible coalitions on the national level, thus avoiding governing responsibility and monopolizing the advantageous position of a "critical opposition" to the governing Grand Coalition. The last step toward a full-blown nationalist-populism resided in a "politics of emotions"--the fueling of mass sentiments of resentment by identifying issues that conjured up enemy images of an easily identifiable "them"--"central government," "corrupted politicians," "social parasites," "foreigners," and a "bureaucratic EC."[43]

An attentive student of opinion polls and attitudinal surveys, Haider noticed the decline of trust in politics and the emergence of new "postmaterialist" issues like the environment and political ethics in the early 198Øs,[44] and fit his strategy to the new political conditions.[45] At the same time, the tendency of nationalist-populist parties to tailor their program to the personality of the leader helped Haider to take advantage of the decline of parties and party loyalty and the rise of the media-centered politics of the 198Øs and 199Øs. Over and over again, Haider emphasized that the Freedom Party did not represent a "party in the conventional sense."[46] He brilliantly utilized the "politics of masks"--the unmediated relationship between politician/rhetorician and the individualized mass audience of

the 199Øs television-centered "couch potato democracy."[47] This T.V. mass audience allowed him to build a "Haider coalition" that, semi-independent of his own party structure, ran across party lines. Only by the 199Ø National Election had the Social Democrats begun to copy Haider's strategy. By dropping conspicuous party labels and encouraging voters to give a "preference vote" to their popular candidate Chancellor Franz Vranitzky without having to check off the party name on the ballot, they successfully turned the elections into a plebiscite for the popular Chancellor Vranitzky. The Christian-Democrats, unable to utilize the new person-centered political paradigm, suffered a crushing defeat.

Haider also realized that the continued success of his populist strategies depended on unchanging high levels of public resentment and dissatisfaction. These seemed to be threatened by an expanding and healthy 1989/9Ø Austrian economy. Encouraged by excellent election results and supported by current opinion polls, Haider decided to fuel popular anxieties over the influx of Eastern European "foreigners" and Austria's possible integration into the EC. Given the strong public resonance with the "foreigner issue" and Austria's EC application, the FPOE succeeded in pushing its own agenda onto the SPOE-OEVP coalition government. Having made populism presentable in Austrian politics, Haider's Freedom Party had won another important battle.

IV. Eastern European Disintegration: The Freedom Party and the "Foreigner Issue"

Initially, two-thirds of the Austrian citizens were enthusiastic about the 1989 breakdown of communism in Eastern Europe and the lifting of the Iron Curtain vis-a-vis its eastern neighbors, Hungary and Czechoslovakia.[48] However, beginning in the Spring of 199Ø, the mood began to turn when many Austrians realized that open borders to the East did not only boost Austria's economy, but brought thousands of legal and illegal migrants--mostly from Romania. Totally unprepared and not considering itself "a country of immigration," the Austrian Center-Left coalition government aggravated the situation by making a clumsy and thoughtless selection of temporary refugee shelters and camps.[49] Small incidents involving aliens working illegally in Austrian companies and criminal acts committed by asylum seekers were taken up and completely blown out of proportion by the country's largest tabloid, Neue Kronen-Zeitung. Warning against a "foreigner threat," the paper carried long articles in favor of severe asylum restrictions, showing caricatures of giant "alien rats" attacking "Mr. Austria."[5Ø]

As early as March 199Ø, the Freedom Party had latched onto the "foreigner problem" with top functionaries openly claiming that, though peoples were of equal value, they were "certainly very different from each other."[51] Concentrating on the problem of mass migration from Eastern Europe to the "Golden West" and supported by the daily headlines of the Kronen-Zeitung, the Freedom Party succeeded in dominating domestic politics by

emphasizing the inadequacy of old asylum policies that were internationally recognized as liberal and humane. Opinion polls confirmed the increasingly radical anti-foreigner course of the FPOE: large majorities were in favor of asylum restriction, demanding "harsh measures against migration 'abuses'."[52] Once again, Haider skillfully exploited widespread sentiments of prejudice and fear by continuing to thunder against "multiculturalism" and the government's "misconceived humanity" that simply "imported criminality" from the East.[53] Later that same year, a poll showed that 21 percent of Austrians could be classified as "strongly xenophobic," whereas only 5-7 percent bore "strong friendly" sentiments toward foreigners.[54] During the election campaign of 199Ø, Haider made the "foreigner issue" and the corruption scandals of the " political establishment" his two main themes. In Vienna, the biggest prize of the election, the "foreigner issue" advanced to the position of second most important problem, with 31 percent of the respondents making it a "high criterion" for their voting choice.[55] Particularly Arabs, Jews, Russians, and Serbs were rejected[56] --a peculiar snapshot of the Austrian mind, given that none of these ethnic groups could be counted among the top in the list of immigrating nationalities.

After Haider's impressive capture of more than 16 percent of the national vote, the government slowly began to cave in. Franz Loeschnak, the Social Democratic Interior Minister, and his deputy, Manfred Matzka, jumped on the populist train, endorsing severe asylum restrictions and even threatening the immediate deportation of thousands of Romanian immigrants.[57] Other top-level Conservative and Social Democratic politicians joined the chorus of voices, claiming that "the boat" was "full" and demanding, among other things, increased border controls and visa duty for Eastern Europeans. Yet even at the height of the migration influx, the number of legal asylum-seekers never surpassed 3Ø,ØØØ, and only a small number of citizens reported to have actually had "negative experiences" with foreigners.[58] In his recent study on international migration, Alexander Melamid called the recent immigration figures calculated in multiple scenarios for Austria "reasonable."[59] Moreover, the growing anti-foreigner sentiments stood in stark contrast to the benefits Austria's economy reaped from the disappearance of the Iron Curtain: in 199Ø, exports to Hungary increased by 43 percent (imports only by 29 percent), and exports to Czechoslovakia jumped an amazing 82 percent.[6Ø]

With the outbreak of the 1991 Civil War in Yugoslavia, Croat, Slovene, and Bosnian refugees and displaced persons began to enter Austria, pouring oil on Haider's restrictionist fire. Under the leadership of the FPOE, and with the votes of the governing Grand Coalition--but against the votes of the Greens--new Alien, Asylum, and Residence Laws were passed establishing quotas on immigrants, strengthening the arms of the Austrian foreign-police in making identity checks, and allowing the dismissal of "unfounded applications for asylum" without detailed investigation.[61] Austria's foremost political scientist Anton Pelinka described this latest FPOE show of force as "the

transition of Austria's elitist democracy to a populist democracy."[62]

But Haider felt that the new laws had not gone far enough. Lauding the Kronen-Zeitung's most xenophobic columnist as "talking truthfully,"[63] the Freedom Party leader and his chief propagandist, Andreas Moelzer, raised the "foreigner issue" to a new level by insulting the "lazy Poles" and their "fat President Walesa," and warning against the danger of a possible Umvolkung (ethnic transformation) of the "entire white race."[64] In spite of Haider's above-mentioned loss of the 1991 Carinthian governorship due to his defense of "Third Reich employment policy," state elections in the same year showed spectacular gains for the Freedom Party.

Using the simplistic formula "stop foreigners," Haider entered the campaign for the Vienna State elections in November 1991. In a way, these elections were the last "test case" of how far Haider's Freedom Party could go with the "foreigner problem" at the center of its political agitation. Calling Vienna a "German City" that should remain the "home-town of Viennese," the Freedom Party pointed to alleged "housing problems of the Viennese population" due to the "foreigner avalanche," and to the "high proportion" of foreign children in Viennese schools.[65] When it became clear that Haider's strategy resonated with a sizeable portion of Viennese citizens, the SPOE and OEVP jumped on the bandwagon, using the battle cry, "Vienna for the Viennese!"[66] Once again, the two main parties legitimated Haider's nationalist-populist strategy only to experience another electoral disaster. The Social Democrats lost their absolute majority for the first time since 1945 by polling only 47.7 percent, and the Conservatives lost more than ten percent of the 1987 total, reaching a mere 18.1 percent. Haider's FPOE improved by 12.9 percent, gaining 22.6 percent of the total vote, thus becoming the second strongest political force in Vienna. The Greens also had a strong showing, reaching 9.7 percent. The Viennese result surprised leading Austrian political scientists who later established that the "foreigner issue," mixed with high levels of general public dissatisfaction with the coalition government, had been especially effective with Viennese blue-collar workers, thus opening a new constituency for the traditionally professional middle-class and farmer-oriented FPOE.[67]

By 1992 the influx of Bosnian refugees reached record levels, prompting Haider to engage in a new show of force by using the tool of "direct democracy" and initiating an anti-foreigner "Austria First" petition for parliamentary action to be signed by concurring Austrian citizens. Yet, the Yugoslavian catastrophe had begun to divide Austrians, with an increasing number of private citizens and public and private institutions criticizing Haider's and Loeschnak's positions on immigrants. Austrian Radio and Television, the Red Cross and the Catholic relief organization "Caritas" had jointly begun to organize the project "Neighbor in Despair," and by mid-1992 had collected $36 million in aid for refugees in the former Yugoslav republics. By the end of the year, Austria had admitted more than 57,ØØØ

refugees from war-torn former Yugoslavia, and Haider campaigned for his 12-point programme to tighten the curb on foreigners in Austria. Among those points, the "Austria First" petition included the following demands:

> ...2) An absolute halt to immigration until a satisfactory solution was found to prevent illegal immigration, the elimination of housing shortages and the decrease of the unemployment rate below 5 percent...
> 3) Obligation for foreign workers to carry an identification card at their workplace...
> 4) Adding of new foreign police jobs to detect illegal immigrants and fight crime, especially organized crime...
> 6) Relaxation of the situation in schools by limiting the share of students with a foreign mother-tongue to a maximum of 30 percent...
> 9) No premature grant of Austrian citizenship...
> 12) Establishment of a "Foundation for Eastern Europe" for the prevention of migration...[68]

Haider hoped for a million signatures that would surpass his share in the 1990 National Elections by 250,000. Such an outcome would pressure the government to translate this programme into law. However Haider underestimated two factors: the popularity of "SOS Fellow Human Being--Decency First," the sister project of "Neighbor in Despair," and fear of many Austrians to publicly endorse obviously xenophobic demands. In other words, Haider lost many protest voters who, in the anomymity of the voting booth, had checked off the FPOE box, but were not ready to put their names to an anti-foreigner petition.[69] By the end of the one-week signing period, "only" 417,278, or 7.37 percent of Austria's 5.65 million registered voters, had signed. On 23 January 1993, more than 200,000 people turned the Viennese "Heroes' Square" into a sea of light from torches and candles in celebration of the petition's failure.[70] Unfazed, Haider blamed "the coordinated witchhunt against us [the FPOE]" and the "psychological terror of the old parties that kept people from signing."[71] But five days later, Heide Schmidt, a Haider protege and Third President of the National Council, resigned from the Freedom Party, citing as her main reasons the growing nationalist course of the party and Haider's increasing criticism of Austria's integration into the EC. Taking four other FPOE MPs with her, she formed a new party, the "Liberal Forum." In addition, the Liberal International, after having warned and fined the FPOE repeatedly for its right-wing sympathies, initiated an expulsion process against the Freedom Party, hinting that it would instead consider the application of the new "Liberal Forum" as the true "Austrian representative of liberalism."

The FPOE experienced a temporary intra-party crisis, but Haider soon redeemed his leadership qualities, proving that he was capable of leading the party to electoral success. At the May 1993 Lower Austria State Election, the Freedom Party improved its 1988 total by 3 percent and gained more than 12 percent of the vote, in spite of a strong 5 percent showing of the Liberal

Forum. Temporarily pulling back on the "foreigner issue," Haider's populist instincts had found in the European Community the image of a new enemy through which he hoped to create a "solidarity effect" in Austrians that would benefit the FPOE's nationalist populism. As Maximillian Gottschlich pointed out, Haider strove to portray the EC as representing a perfect "Them" that was needed in order to create an "Us" of national unity:

> ...Haider, probably again with the help of tabloids, will push the image of himself as the main opponent of Austria's joining the EC: a political Batman who selflessly jumps in front of the EC train, declaring Europe a hostile foreign territory. Europe as enemy. This is the confrontation that bestows upon him the mantle of historical significance.[72]

V. West European Integration: The Freedom Party and the European Community

It would exceed the scope of this essay to provide a detailed history of Austria's relationship to the EC, hence a few general remarks must suffice.[73] After 1955, Austria's cautious approach to the EC reflected the country's constitutional and geopolitical situation as a neutral state and as a mediator between East and West. However, in the late 198Øs, renewed efforts of both the OEVP and the FPOE for closer relations with the EC and the changed political realities in Europe eventually convinced the Social Democrats to endorse an application for membership in the European Community. Two years after the delivery of Austria's "Letter to Brussels" on 17 July 1989, the EC Commission presented its positive assessment ("avis") of Austria's application based on an intensive study of Austria's economic, political and social system. The next step was taken when the Austrian National Council adopted the EEA (European Economic Area) Treaty that aimed at the 1993 linking of the economies of the twelve EC member-states with the remaining EFTA (European Free Trade Association) countries.

On 1 February 1993, direct negotiations between the EC and Austria formally commenced over remaining sticking points like the continuation of Austria's neutrality and federalist structure, environmental policy, agricultural subsidies, and transit agreements.[74] Given the positive signals coming from both sides, Austria might join the EC as early as 1995 or 1996. However, Austrian attitudes toward an EC accession have polarized since 199Ø, and it is uncertain whether a majority of Austrians will vote for EC-membership at the necessary plebiscite in 1994 or 1995.[75] With Haider indicating his willingness to derail the traditional pro-EC course of the Freedom Party for his own nationalist-populist purposes, it has become clear that Austria will have to overcome internal rather than external hindrances on its path to West European integration.

Given its sympathies toward a German cultural identity, the Freedom Party always exhibited a bias in favor of closer relations to West Europe: "In the spirit of freedom we declare

our preference for the Occident. Therefore, we want the creation of a European Confederation of free and equal nations and states."[76] In the late 195Øs and early 196Øs, the FPOE unsuccessfully petitioned the federal government to take the necessary steps for the entry of Austria into the EEC. In its 1968 "Bad Ischler Program," the Freedom Party again voiced the same demands in the form of a creation of "all-European economic, currency, and social policies" as well as a "common security system within the framework of an independent European foreign policy."[77] The still officially valid 1985 "Salzburger Program" continues to endorse a future Austrian EC-membership. At the same time, it rejects the "tendency of the EC to speak for all of Europe" thus allegedly fostering the unfortunate situation where small "countries like Austria" are impacted by EC politics but cannot codetermine those policies.[78]

After his 1986 Innsbruck "coup," Haider intensified the FPOE's pro-EC course in the face of the Grand Coalition's awkward hesitance and ambivalence regarding Austria's future relationship to the EC. While the Conservatives favored a process of gradual integration that, in the "near future," would not result in Austria's "direct membership in the EC," the Social Democrats rejected any formal association with the EC in favor of greater cooperation with other EFTA countries. Especially between 1987 and 1989, Haider's pro-EC stance fit nicely into his overall populist strategy of portraying the Freedom Party as the "defender of the common person's interests" that were neglected by an indecisive government. The FPOE's relentless criticism of the Grand Coalition's passive EC policy went as far as chiding the government for missing the "cosmic window for Austria that opens only once in a century."[79] At the end of a long parliamentary harangue against the the coalition's inactivity, Norbert Gugerbauer, the FPOE's Secretary General, exhorted the Conservative minister for foreign affairs to finally join the Freedom Party in "seizing the European bull by its horns."[80]

Yet the sudden 1989 change of heart on the part of the Grand Coalition, pioneered by OEVP politicians around Vice-Chancellor and Foreign Minister Alois Mock, made clear-cut protest tactics more difficult for the Freedom Party. Although he asked his party to vote in favor of the 1989 application, Haider's enthusiasm for the EC cooled markedly. However, he did not yet attack the EC directly, but rather scorned the EEA as a permanent "European Waiting Room" for powerless EFTA countries. Knowing only too well that Austria's entry into the EEA was a non-negotiable precondition for joining the EC, Haider's quarrel with the EC's alleged "sidetrack tactics"[81] for EFTA countries seemed to be designed to signal to Austrian citizens that they were once again--like in the case of Anschluss debates or the 1986 Waldheim elections--victims of powerful foreign interests. Rejecting the EEA as an organization that, rather than creating genuine rights for Austria vis-a-vis the European Community, would only burden the country with numerous obligations, Haider again registered his dissatisfaction with government policies while keeping his options open regarding a final strategy toward the "EC issue."

As the next step, Haider, in late 1991, announced to Chancellor Vranitzky the Freedom Party's "conditions" for its support of Austria's entry into the EC. In a highly effective PR-campaign to focus the public's attention on Haider's new initiative, the Freedom Party demanded from the coalition government that it first "put its own house in order" before joining the EC. Haider's "homework" for the government included, among other issues, the strengthening of the federalist principle in Austria, the expansion of "direct democracy" and "plebiscitary rights," the privatization of Austria's nationalized industry, tax reforms favoring private business, massive subsidies for agriculture, and higher environmental standards.[82] Like the anti-foreigner petition, the FPOE's EC-campaign operated under the slogan "Austria First"--a populist move that allowed Haider to appeal to an independent "Austrian identity" while, in its party program, the Freedom Party continued to define this identity along German-national lines.[83] By the fall of 1992, Haider had managed to link xenophobia with Europhobia. In a provocative speech in the German town of Bad Canstatt, Haider discussed the liberal German asylum laws and the Maastricht Treaty in one breath. Warning against both mass immigration from the East and a "gigantic EC-apparatus" that would create a "standardized European person,"[84] Haider once again revealed that the success of nationalist populism depends upon its ability to raise the public's fears and prejudice. Endorsing Le Pen's "No" to Maastricht, Haider put pressure on the last remaining pro-EC FPOE functionaries to either reverse their old position or leave the party.

After the disappointing result of the anti-foreigner petition, Haider managed to quickly refocus public attention on the "new enemy." Calling a "Special Party Conference on the Freedom Party's Position Toward the European Community," Haider introduced a new 13-point program entitled "Libertarian Visions of a New Europe" that was endorsed by 95 percent of the party delegates.[85] A masterpiece of ambiguity, the paper combines the moderate "Yes, but..." attitude of the 1991 "homework" demands with a more radical "Probably no...." rejection of the EC's "centralized bureaucracy" and its "lack of genuine democracy."86 Riddled with contradictions and incompatibilities, the 13-point proposals attack Brussel's centralism while simultaneously demanding more power for the European parliament. Chiding the EC for its alleged support of a "multicultural standardized society" in which "the many different European cultures" merge, the resolutions call for a "Europe of Variety." Asking for a greater contribution of the EC to the Austrian economy, the paper warns against the "sell-out of our homeland" and a "strain on our economy."[87] But the Freedom Party's nationalist-populist politics of emotions and symbols is best summarized in a short passage of Haider's main address to the Freedom Party delegates: "The point is not whether Austria will become fit for Europe, but whether Europe will become fit for Austria."[88]

VI. Concluding Remarks

Less than three weeks after the Freedom Party's Vienna Special Conference, Haider remarked on Austrian national television that he would only reconsider his party's "No" to the EC, if Brussels would agree to special privileges that would treat Austria as a "special case like Denmark," thereby helping to "preserve Austrian national identity."[89] Thus, we return full-circle to the issue of "Austrian identity" raised at the beginning of this essay.

Just at a time when the EC has taken decisive steps to advance economic and political integration, "New Nationalisms" have appeared on the scene that threaten Europe with old nineteenth-century problems dressed up in new clothes. As Miroslav Hroch has observed, two opposite tendencies dispute the constitutional future of the EC: "one seeking to make of Europe a continent of citizens irrespective of their ethnicity, the other holding fast to traditional ethnic identites and trying to construct Europe as a unity of separate nation-states."[90] A Europe threatened by the disintegrating effects of growing nationalisms can only be held together and strengthened by the centripetal force of intensive cooperation within the framework of supranational institutions.

Haider's challenge to Austria's emerging new "European identity" will be answered by Austrian citizens within the next 24 months in a plebiscite on the EC. For Austria, neither a German-national identity nor the Cold War identity of a sheltered "Island of the Blessed" as neighbor to an impenetrable "Iron Curtain" any longer reflect the reality of an increasingly interdependent Europe. Embedded in this "New Europe," Austria's main future task will still be its role as a mediator between West and East by pioneering the formation of an open EC integration structure toward the former East Bloc countries. In spite of its shortcomings, the European Community remains the closest approximation of Immanuel Kant's Enlightenment vision of a Confederated Europe--a society based on the principles of mutuality and perpetual peace.

NOTES

[1] This term was coined by Pope Paul VI during a 1972 Vatican audience with an Austrian delegation.

[2] For a thorough discussion of the question whether Austria can still be regarded a case of consociationalism, see the special issue on "Politics in Austria" of West European Politics 15.1 (January 1992), pp.1-227.

[3] Peter A. Ulram, Hegemonie and Erosion: Politische Kultur und Politischer Wandel in Oesterreich (Vienna: Boehlau, 199Ø), pp.71-215.

[4] Ibid., p.169.

[5] My terminology follows that of Scott Flanagan, "Value Change in Industrial Societies" American Political Science Review 81.4 (1987), pp.13Ø3-1318. However, it has become extremely difficult to use old labels like "Left" and "Right" to characterize such parties. Firstly, the labels themselves have undergone significant changes in meaning, and second, European Greens and nationalist-populist parties are ideologically more eclectic than the "old" established parties.

[6] Andreas Khol, Guenther Ofner and Alfred Stirnemann, Oesterreichisches Jahrbuch fuer Politik 199Ø (Vienna: Verlag fuer Geschichte und Politik, 1991), pp.1Ø5-1Ø9.

[7] For the history and features of current Eurocentric racism, see Geoffrey Harris, The Dark Side of Europe: The Extreme Right Today (Savage, MD: Barnes & Noble, 199Ø), especially pp.25-3Ø; and Glyn Ford, Fascist Europe: The Rise of Racism and Xenophobia (London: Pluto Press, 1992).

[8] Examples of recent publications that argue a new Left line are: Margit Scherb and Inge Morawitz (eds). Der Unheimliche Anschluss (Vienna, 1988); Johannes Voggenhuber and Franz Floss (eds). Oesterreichs Europa-Integration als Walze-Walzer (Linz, 1992). Studies along the lines of the new Right include: Ruediger Foresta and Maria Gruen, Warnung vor EG-Europa (Vienna, 1992); and Joerg Haider, Unser Weg nach Europa (Vienna, 1992). How difficult it is to apply labels like "Left" and "Right" to the emerging postmaterialist political culture is shown in Wolfgang Hingst's Zehn Thesen gegen Grosseuropa (Vienna, 1992) and Karl Steinhaeuser's EG. Die Super-UDSSR von Morgen (Vienna, 1992). These books represent a mixture of socialist, nationalist and ecological ideologies. For a brief review of above-mentioned works, see Albrecht Rothacher, "Alpenfestung-Neuauflage: Zum Elend der EG-Kritik der Alten Linken und Neuen Rechten" Oesterreichische Monatshefte 1-2 (1993), pp.17-22.

[9] See, for example, Anton Pelinka, Zur Oesterreichischen Identitaet: Zwischen deutscher Vereinigung und Mitteleuropa (Vienna: Ueberreuter), pp.127-151; Karin Liebhart, Anton Pelinka, and Andreas Pribersky, "Oesterreichische Identitaet--Zur Erhebung ihrer Konstruktion" Oesterreichische Zeitschrift fuer Politikwissenschaft 91/4 (1991), pp.375-382; Peter Hanak, "Central Europe: An Alternative to Disintegration" The New Hungarian Quarterly 33.127 (Autumn 1992), pp.3-10.

[10] In particular, I appreciate Anton Pelinka's (1990) argument that Austria's integration policy should only proceed from the foundations of a secure national identity rather than be driven by the wish to escape into the arms of the EC (pp.143-145). Still, I think that only Austria's membership in the EC will eventually render a "secure national identity" in the context of a common Europe.

[11] I am borrowing this term from Kurt Luger, "The Sound of Music country: Austria's cultural identity" Media, Culture and Society 14 (1992), p.185.

[12] Friedrich Heer, Der Kampf um die oesterreichische Identitaet (Vienna, 1981), p.9.

[13] J.W. Goethe and F. Schlegel quoted in Alan Sked, "Austria and Germany: The Growth of an Inferiority Complex?" in F. Parkinson (ed). Conquering the Past: Austrian Nazism Yesterday & Today (Detroit: Wayne State UP, 1989), p.19.

[14] David S. Luft, "Austria as a Region of German Culture" Austrian History Yearbook 23 (1992), p.143.

[15] Joerg Haider on Austrian Television (ORF-Inlandsreport), 18 August 1988 (my translation).

[16] As late as 1964, only 47% of Austrians felt themselves to be a distinct "nation." By 1987, the number had gone up to 91%. See Ulram, Hegemonie und Erosion, p.221-222.

[17] For a discussion of Austrian neo-corporatism see, Peter J. Katzenstein, Corporatism and Change: Austria, Switzerland and the Politics of Industry (Ithaca, NY: Cornell UP, 1984), and idem, Small States in World Markets (Ithaca, NY: Cornell UP, 1985).

[18] For right-wing activity in Austria between 1945 and 1980, see, Dokumentationsarchiv des oesterreichischen Widerstands (ed.),

Rechtsextremismus in Oesterreich nach 1945 (Vienna: Oesterreichischer Bundesverlag, 198Ø).

[19] Ibid., 215.

[2Ø] For a recent treatment of the events from the 1986 election of Kurt Waldheim to the Austrian Presidency to his announcement not to seek a second term in 1992, see Richard Mitten, The Politics of Antisemitic Prejudice: The Waldheim Phenomenon in Austria (Boulder, CO: Westview, 1992).

[21] Haider managed to almost double the Freedom Party's share in the 1986 National Council (parliament) Elections, drawing 9.7% of the national vote.

[22] For an excellent treatment of the erosion of the old party system in Austria, see Anton Pelinka and Fritz Plasser (ed). The Austrian Party System (Boulder, CO: Westview, 1989); Fritz Plasser, Peter A. Ulram and Alfred Grausgruber, "The Decline of 'Lager Mentality' and the New Model of Electoral Competition in Austria" West European Politics 15.1 (January 1992), pp.16-44; Fritz Plasser and Peter A. Ulram, "Ueberdehnung, Erosion und rechtspopulistische Reaktion. Wandlungsfaktoren des oesterreichischen Parteiensystems im Vergleich" Oesterreichische Zeitschrift fuer Politikwissenschaft '92.2 (1992), pp.147-164.

[23] For a quantitative study of this "swing to the right" that began around 1983, see David F. J. Campbell, "Die Dynamik der politischen Links-rechts-Schwingungen in Oesterreich" Oesterreichische Zeitschrift fuer Politikwissenschaft '92.2 (1992), pp.165-179.

[24] For a clear and concise summary of issues of identity that overwhelmed Austria from 1983 to 199Ø, see Melanie A. Sully, A Contemporary History of Austria (New York; Routledge, 199Ø).

[25] Kurier (27 November 1992), p.2.

[26] For the history and development of the Freedom Party, see Kurt Piringer, Die Geschichte der Freiheitlichen: Beitrag der Dritten Kraft zur oesterreichischen Politik (Vienna: Orac, 1982); Max E. Riedlsperger, The Lingering Shadow of Nazism: The Austrian Independent Party Movement since 1945 (Boulder, CO: East European Quarterly, 1978); Thomas Busch, Rosina Fasching, and Christian Pillwein, Im Rechten Licht: Ermittlungen in Sachen Haider-FPOE 2nd ed. (Linz, 1992); F. Parkinson, Conquering the Past; and Robert Knight, "Haider, the Freedom Party and the Extreme Right in Austria" Parliamentary Affairs 45.3 (July 1992), pp.285-299.

[27] Dieter Stiefel, Entnazifizierung in Oesterreich (Vienna: Europaverlag, 1981). According to a 1946 report of the Austrian Chancellor to the Allied Council, by the end of the war, there were 536,66Ø registered Austrian National Socialists (quoted in ibid., p.98).

[28] Ibid., pp.323-324.

[29] Max E Riedlsperger, "FPOE: Liberal or Nazi?" in F. Parkinson, Conquering the Past, p.261.

[3Ø] Ibid., p.272.

[31] Ibid., p.273.

[32] Ferdinand Karlhofer and Bernhard Natter, "Konvergenz der Werte--Streit um die Worte," Oesterreichische Zeitschrift fuer Politikwissenschaft 89.2 (1989), pp.134-138.

[33] Anton Pelinka, "Zur Entwicklung einer Oppositionskultur in Oesterreich. Bedingungen politischen Erfolges in den achziger Jahren," Oesterreichische Zeitschrift fuer Politikwissenschaft 89.2 (1989), pp.141-15Ø.
[34] For a detailed report on the events that led to Haider's loss of the Carinthian governorship, see Profil 25 (17 June 1991) pp.23-24; and Profil 26 (24 June 1991), pp.19-27.
[35] Pierre-Andre Taguieff, "La Rhetorique du National-Populisme. Les Regles elementaires de la Propaganda Xenophobe," Mots 9 (1984), pp.113-139.
[36] In February 1993, his protege Heide Schmidt and four other FPOE members of parliament split off and formed their own party, the "Liberal Forum."
[37] Robert Knight, "Haider, the Freedom Party and the Extreme Right in Austria," pp.296.
[38] Profil 25 (15 June 1992), pp.15-16.
[39] Fritz Plasser and Peter Ulram, "Wahltag ist Zahltag: Populistischer Appell und Waehlerprotest in den achziger Jahren," Oesterreichische Zeitschrift fuer Politikwissenschaft 89.2 (1989), p.161.
[40] Haider quoted in Hans-Henning Scharsach, Haiders Kampf (Vienna: Orac, 1992), pp.97-98.
[41] Franz Januschek, Rechtspopulismus und NS-Anspielungen am Beispiel des oesterreichischen Politikers Joerg Haider. 2nd ed. (Duisburg, 1992); Ferdinand Karlhofer and Bernhard Natter, "Konvergenz der Werte--Streit um die Worte," pp.129-14Ø.
[42] Theodore Lowi, The Personal President (Ithaca, NY: Cornell UP, 1985), p.96.
[43] Fritz Plasser and Peter Ulram, "Ueberdehnung, Erosion und rechtspopulistische Reaktion," Oesterreichische Zeitschrift fuer Politikwissenschaft 92.2 (1992), p.159.
[44] A few days before the 199Ø National Election, Austrian voters identified these two issues as the two most important current problems. See Fritz Plasser, Franz Sommer, and Peter Ulram, "Eine Kanzler- und Protestwahl" in Khol et al, Oesterreichisches Jahrbuch fuer Politik 199Ø, p.12Ø.
[45] Coincidentally, in 1983, Seymour Martin Lipset and William Schneider published their study The Confidence Gap (New York: Free Press, 1983), which confirmed a similar decline of public trust in political institutions for the U.S.
[46] Ferdinand Karlhofer and Bernhard Natter, "Konvergenz der Werte--Streit um die Worte," p.134.
[47] Hans Heinz Fabris, "Zwischen Politik und Politikinszenierung: Mediendiskurse der achziger Jahre," Oesterreichische Zeitschrift fuer Politikwissenschaft 89.2 (1989), p.123.
[48] Khol et. al., Oesterreichisches Jahrbuch fuer Politik 199Ø, p.313.
[49] For example, the government channelled hundreds of asylum seekers into small villages close to the Hungarian and Czech borders, thus raising the anxiety levels of the local rural population by creating overnight a 5Ø:5Ø foreigners/locals ratio. For a recent discussion of the non-existence of immigration laws in Austria, see August Waechter, "Illusionen einer

Einwanderungspolitik" Oesterreichische Zeitschrift fuer Politikwissenschaft 91.4 (1991), pp.351-366.
[50] Khol et. al. Jahrbuch 1990, p.314.
[51] FPOE functionary Helmut Peter quoted in Profil 12 (19 March 1990), p.17.
[52] Khol et. al., Jahrbuch 1990, pp.315-316.
[53] Robert Knight, "Haider, the Freedom Party and the Extreme Right in Austria," p.297.
[54] Khol et. al., Jahrbuch 1990, p.319.
[55] Ibid., pp.317-318.
[56] Profil 9 (25 February 1991), p.24.
[57] Profil 47 (19 November 1990), pp.25-28.
[58] Khol et. al., Jahrbuch 1990, p.315.
[59] Alexander Melamid, "An Austrian Study of International Migration" Geographical Review 82.1 (January 1992), pp.74-76.
[60] Jay Yang, "Austria's Window on Eastern Europe," Austrian Information 44.12 (1991), p.2. For detailed data on the net surplus that resident aliens produce for Austria, see Profil 46 (9 November 1992).
[61] Ibid., p.3. See also Parliament 9 (June 1993), p.21.
[62] Pelinka quoted in Profil 41 (5 October 1992), p.16.
[63] Haider quoted in Profil 20 (13 May 1991), p.22.
[64] Haider and Moelzer quoted in Scharsach, Haiders Kampf, pp.62,76. For Moelzer's German-nationalist position, see Andreas Moelzer (ed). Oesterreich und die Deutsche Nation (Graz: Aula Verlag, 1985); and Andreas Moelzer, Und wo bleibt Oesterreich? (Berg/See: Berg, 1991).
[65] Profil 43 (21 October 1991), pp.102-108; Rainer Nick and Sieghard Viertler, "Survey of Austrian Politics 1990/91" in Contemporary Austrian Studies 1 (1993), p.207.
[66] Heinrich Wille, the leader of the Viennese OEVP quoted in Profil 43 (23 October 1991), p.104.
[67] Fritz Plasser and Peter Ulram in Profil 46 (11 November 1991), pp.24-25.
[68] Oesterreich Zuerst: Volksbegehren 12 gute Gruende Punkt fuer Punkt. Austrian Freedom Party, n.d.
[69] In the late fall of 1992, polls indicated that as many as 20 percent of all registered voters might sign the petition (Austria Today 1 (1993), p.16.
[70] The "Heroes' Square" is the place where Hitler announced on 13 March 1938 the "admission of my homeland into the German Reich."
[71] Haider quoted in Profil 5 (1 February 1993), p.13.
[72] Gottschlich quoted in ibid., p.19.
[73] The following is a small selection of recent publications on Austria's integration into the EC: Guenther Bischof and Anton Pelinka (eds). Austria and in the New Europe [Special Issue of Contemporary Austrian Studies 1 (1993)]; Federal Ministry of Foreign Affairs Jahrbuch der Oesterreichischen Aussenpolitik: 1992 Report (Vienna, 1993), pp.1-114; Gregory F. Treverton (ed). The Shape of the New Europe (New York: Council on Foreign Relations, 1992); G. Kunnert, Spurensicherung auf dem oesterreichischen Weg nach Bruessel (Vienna: Verlag Oesterr. Staatsdruckerei, 1992); Waldemar Hummer (ed). Oesterreichs

Integration in Europa 1948-1989 (Vienna: Orac, 199Ø); Heinrich Schneider, Alleingang nach Bruessel: Oesterreichs EG-Politik (Bonn: Europa Union Verlag, 199Ø); Oesterreich und Europa [Special Issue of Oesterreichische Zeitschrift fuer Politikwissenschaft 89.3 (1989)]; Fritz Breuss and Jan Stankovsky, Oesterreich und der EG-Binnenmarkt (Vienna: Signum, 1988).

[74] For a more detailed discussion of these issues, see Josef Binter, "Neutrality, European Community and World Peace: The Case of Austria" Journal of Peace Research 26.4 (1989), pp.413-418; Felix Ermacora, "The Declaration as Obsolete of Certain Provisions of the Austrian State Treaty of 1955" Austrian Journal of Public and International Law 42.3 (1991), pp.319-34Ø; Conference Report on the "Effects of the European Economic Area (EEA) on Austria" Austrian Journal of Public and International Law 44 (1992), pp.187-196.

[75] Manfred Prisching, "The Transformation of Austria in the Context of New Europe," Contemporary Austrian Studies 1 (1993), p.91.

[76] 1959 FPOE Party Program in Klaus Berchtold (ed). Oesterreichische Parteiprogramme 1868-1966 (Munich, 1967), p.492.

[77] Kadan Albert and Anton Pelinka, Die Grundsatzprogramme der oesterreichischen Parteien (St. Poelten, 1979), p.212.

[78] FPOE, Programm der Freiheitlichen Partei Oesterreichs (Vienna: Freiheitliches Bildungswerk, 1985), Par. 1Ø9, 11Ø.

[79] Kunnert, Spurensicherung, p.323.

[8Ø] Ibid., p.327.

[81] Haider quoted in Kunnert, Spurensicherung, p.318.

[82] FPOE, Oesterreich Zuerst: Unser Weg nach Europa, n.d.

[83] "The vast majority of Austrians belongs to the German folk and cultural community. This fact remains even if, due to a fateful chapter in Germany's history, it has frequently been suppressed. We desire that Austria, embedded in the German folk and cultural sphere, will also in the future contribute to the latter's development" (1985 FPOE Program, Par. 16).

[84] Haider quoted in Profil 38 (14 September 1992), pp.9-12.

[85] FPOE, Fuer ein Europa der Buerger und Voelker. Fuer ein Europa als Freiheits-, Friedens- und Wohlstandsordung (Resolution of the FPOE Federal Party Conference, 8 May 1993 in Vienna-Schwechat).

[86] Ibid. pt.2

[87] Ibid., pt.11a and b.

[88] Haider cited in Die Presse (1Ø May 1993), p.4.

[89] Haider on ORF, "Pressestunde," 23 May 1993.

[9Ø] Miroslav Hroch, "From National Movement to the Fully-Formed Nation: The Nation-Building Process in Europe," New Left Review 198 (1993), p.18.

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Disequilibrium and Equilibrium Theory: Explaining War in a Theory of Peace, Explaining Alliances in a Theory of Autonomy

Arthur A. Stein [1]

Department of Political Science
University of California, Los Angeles

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This paper argues that two critical facets of international politics, war and alliances, are problematic elements of, and are inexplicable by, current theories of international relations. It argues that the balance of power and realism, especially in its neo- variant, is an equilibrium theory of peace and autonomy, and that war and alliances are persistent disequilibria that pose a fundamental explanatory problem for equilibrium theories of international relations.[2] Dealing with this challenge and explaining these phenomena lead to important extensions and modifications of extant theory.

THE PROBLEM OF WAR IN REALIST THOUGHT

It seems ironic to describe realism as a theory of peace since it is billed as a hard-headed, coldly and brutally realistic theory of conflict and the primacy of power in international relations. The modern history of realism and the emphasis on the primacy of power politics lies in the World War II era and the desire to explain aggression, expansion, and war. Realists gave themselves their label and successfully dubbed their intellectual opponents as idealists, generating an image of woolly-headed utopians who believed in the possibility of world peace through international

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[2] Actually I have set the paper up this way because of the aesthetic attraction of symmetry. To be more precise, autonomy is an assumption of the model rather than something explained by it; alliances pose a problem to the underlying assumptions of the model even as they are argued to be outgrowths of it.

agreements, organizations, and law. In contrast, realists emphasized the existence of conflicts of interest and the primacy of state concerns with power.

Interest in the balance of power, however, has a much older pedigree, and twentieth-century theorists credit Thucydides as the first realist, quoting his explanation of the origins of the Peloponnesian War in the growth of Athenian power.[3] International relations theorists also point to a number of important philosophers and political theorists who wrote directly on the balance of power, including Bentham, Hume, Hobbes, Montesquieu, Rousseau.[4]

Modern international relations theory is equilibrium theory.[5] In neorealism, for example, the balance of power is an equilibrium stable state.[6] States are presumed to be minimally interested in self-preservation, and, as a result, respond to adverse shifts in the global balance of power.[7] Thus, any perturbation in the balance of power generates reactions that return the system

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[3] The conception of an equilibrium balance of power in both internal and external political affairs is an idea with roots not only in Graeco-Roman thought, but also in ancient Hindu thought. A collection of essays on the balance of power (Seabury, 1965) includes excerpts from Kautilya, Aristotle, and Demosthenes.

The adequacy and character of Thucydides's account are widely debated. For some, his account is hardly a realist's one (Garst, 1989). For others, his account, although realist, is analytically wrong (Kagan, 1969). Doyle (1990) distinguishes between three strands of realism and defends Thucydides as a minimalist realist.

The balance of power is not only a long-lived conception, but it has been used both as a normative prescription and a positive explanation (in Wight's [1968, p. 153] words, "almost insensibly, the phrase passes from a descriptive to a normative use"), and thus scholars have long noted that there are many meanings. Moreover, the phrase was at times used to describe domestic politics and was used by pamphleteers as well as scholars (Anderson, 1970). Pollard (1923) consulted the Oxford English Dictionary and found 20 meanings of "balance," 63 of "of," and 18 of "power" but deferred to mathematicians to compute the number of combinations. Discussions of the historical use of the term can be found in Gulick (1955) and Maurseth (1964), among others. Excellent elucidations of the number of ways the concept has been used are by Claude (1962), Haas (1953), and Wight (1968). Despite the disagreement it is possible to ascertain a common analytic core (Zinnes, 1967, Chatterjee, 1972).

[4] Still others, such as Machiavelli, did not extensively discuss interstate relations but are characterized as realists, and attempts have been made to extract a balance-of-power component from their work (Sullivan, 1973). Classical historians, such as Polybius and Guicciardini, described the workings of balance-of-power systems without extensive theorizing, as did diplomats such as Sir Eyre Crowe in his well known memorandum of 1907.

[5] Even its earliest formulations include such a conception. Pillinini, writing in the 15th century, described the balance of power as "un equilibrio di egoismi," and Guicciardini used terms such as counterpoise (Wright, 1975, pp. x-xi). Writers often used Newtonian mechanics as an analogy, using its concepts and laws.

[6] "Almost inseparably entwined with the idea of a 'balance' is the concept of an 'equilibrium.'" (Chatterjee, 1975, p. 70).

[7] It is in this conceptualization of actor motivation that neorealism differs from earlier formulations. Classical realists either make no assumptions about actor interests (Doyle's [1990] characterization of minimalist realists) or assume that all nations act to maximize their power (Morgenthau, 1948) or that states pursue policies intended to equalize power (Wright, 1942; Kissinger, 1957; and Gulick, 1955). These

to balance. What disturbs any balance is considered outside the theory, and the central implication of the theory is that "balances recur."[8]

This formulation is precisely the same as that of equilibrium arguments in other fields.[9] The theory characterizes the forces that maintain any system or structure in some equilibrium state. Those forces that disturb the equilibrium are considered exogenous shocks that cannot be explained within the theory. Natural scientists cannot explain when or why a girl will throw a pebble in a pond, but they can explain the forces, generated by this disturbance, that will return the pond to an equilibrium smooth surface. Similarly, the oil shock, for example, was not an event that economists could explain, but its consequences are grist for their theoretical mill.

Waltz's balance of power argument mirrors this equilibrium precisely and self-consciously. Waltz grants that disturbances to any balance of power are outside the scope of his structural argument; indeed, that such disturbances originate at the level of the individual and the nation-state. Technological breakthroughs, such as industrialization, and even individual madmen may generate disturbances in the balance of power, and these cannot be explained by any international systems theory. The theory does, however, explain the consequences that attend them. Perturbations in the balance generate responses by individual nation-states that result in a return to an equilibrium balance of power. In the two-word phrase that is the core Waltzian proposition, "balances recur" (Waltz, 1979).

Scholars have quite self-consciously rooted modern international relations theory, including recent strains of balance-of-power thinking, in economics.[10] The competitive market provides an analogue for the competitive international system, and the balance-of-power equilibrium that emerges from a competitive international system is akin to the workings of the invisible hand in the price system. For economists, the interaction of individual greed in a competitive market place

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formulations were either tautologous or internally contradictory (Rosecrance, 1961; Riker, 1962), and were rooted in a view of human nature (what Doyle [1990] calls fundamentalist realism).

[8] Just as variants of realism differ with respect to their assumptions of actor interests and motivation, so do they differ in their conceptions of the equilibrium state. To some, a balance of power assures peace, to others it merely assures no great power war. To some it assures the survival of the great power actors, to others it assures the maintenance of the system but not of any particular distribution of power or any particular set of great power actors (Claude, 1962; Dehio, 1962; Doyle, 1990). Finally, there is also some disagreement about whether the actors in the international system must internalize a set of rules and act in accordance with them in order for a balance to emerge. Waltz (1979) argues that an equilibrium emerges from their self-interested behavior in an anarchic world. Kaplan (1957, 1979) argues that rules of behavior constitute "equilibrium conditions" for the emergence of a balance of power.

[9] Butterfield (1968, p. 141) points out that equilibrium ideas captured the European imagination in the eighteenth century and scientific and mechanistic analogies developed for a number of social and economic phenomena: the balance of trade, equipoise in the British constitution, etc. In the words of Martin Wight (1973, p. 98), the balance of power "was the political counterpart of Newtonian physics." For an intellectual history of the diffusion of equilibrium ideas out of natural and into social science, see Cynthia Russett (1966).

[10] The obeisance to economics is clear in Kaplan (1957) and Waltz (1959, 1979, 1990). Still another route to equilibrium logic in international relations came via general systems theory.

results through the invisible hand in the counter-intuitive result of the lowest prices for all goods. Individual greed results in maximum collective welfare. Similarly, in international relations, the rapaciousness of some states and the fears of others lead to an intense concentration on power and force, which ironically results (through the field's own invisible hand) in the stable peace of a balance of power.[11] The constant preparation for war assures the maintenance of the peace.

Put this way, realism is not a theory of war at all. It is a theory of peace.[12] It can explain the constant readiness to use and threaten force, but not the actual resort to force.[13] If the balance of power worked as advertised, there should not be any war. Perturbations in the balance should be small and short-lived and generate the pressures that return the system to a stable peaceful equilibrium balance of power.

This description of realism as a theory of peace can be illustrated by an analysis of its most important current exponent, Kenneth Waltz.[14] In an essay entitled "The Origins of War in

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[11] Characterizing the period 1848-1918, A. J. P. Taylor (1954, p. xx) writes that the balance of power "seemed to be the political equivalent of the laws of economics, both self-operating. if every man followed his own interest, all would be prosperous; and if every state followed its own interest, all would be peaceful and secure."

[12] Daniel Defoe, writing at the beginning of the 18th century wrote, "a just Balance of Power is the Life of Peace" (Maurseth, 1964, p. 126, n. 29). Guicciardini's history of Italy describes the actions of Italian city-states: "Since they were moved by mutual jealousy . . . they were unremitting in the watch that they kept on one another's movements, deranging one another's plans whenever they thought that a partner was going to increase his dominion or prestige. And all this did not make the peace any less stable, but rather made the powers more alert and more ready to bring about the immediate extinction of all those sparks that might start a fire" (Butterfield, 1968, p. 137). Burke, who criticizes the balance of power as a cause of war, describes such a policy as "intended to preserve the general peace as well as freedom of Europe" (Butterfield, 1968, p. 144). The link between balance and peace has recently been fuzzed over, but is necessarily there (Claude, 1989, p. 78; Waltz, 1989).

[13] This is the way in which to interpret the characterization of the international state of nature as a state of war. It is a world in which states constantly prepare for war, in which "force remains the final arbiter" (Waltz, 1979, p. 180), and in which there is "an omnipresent threat of war" (Doyle, 1990, p. 224). Unfortunately, many conclude therefore that in explaining such a state of war, realism also explains the occurrence of war. But in this equilibrium state of war, actual war should not break out. The use of phrases such as state of war has obscured the fact that realism is a theory of peace based on the constant preparation for war and not a theory of war at all. Similarly, the prisoners' dilemma in international relations is an armament dilemma that explains a suboptimal outcome of mutual armamentation rather than the superior but non-equilibrium outcome of mutual disarmament. What can be explained is the existence of a world of all armed against all but not of all actually waging war against each other.

[14] Waltz's importance as an international relations theorist is evident in his selection as one of the few scholars in the field to be elected president of the American Political Science Association (the first purely international relations scholar so to be honored since Quincy Wright; this excludes the selections of Samuel Huntington and Karl Deutsch in the intervening years). His position as the father of modern neorealism is underscored by the contents of Robert Keohane's (1986) edited volume *Neorealism and its Critics*, in which the neorealism portion consists of four of seven chapters reproduced from Waltz's *Theory of International Politics*.

Neorealist Theory," Waltz (1988) describes neorealism as a systemic theory in which each state's search for security in an anarchic environment generates conflict and competition. He argues that "although neorealist theory does no explain why particular wars are fought, it does explain war's dismal recurrence through the millenia," a recurrence which "is explained by the structure of the system." On the same page, he writes, "in an anarchic realm, peace is fragile," because "the prolongation of peace requires that potentially destabilizing developments elicit the interest and the calculated response of some or all of the system's principal actors" (Waltz, 1988, p. 620).

Waltz's own words make it clear that the balance of power in an anarchic world should generate a fragile peace. Since the balance can be disturbed, maintaining that peace requires that states respond to perturbations and that the equilibrium be quickly and readily restored. It is the failure of the system to reequilibrate that is the cause of war. If the system were functioning correctly, and states immediately responded to changes in the distribution of power, then peace would be maintained.

The argument that realism is a theory of peace can also be made analytically. First, the condition brought about by nations' responses to changes in the balance of power must perforce be presumptively stabilizing for it otherwise could not be explained as the product of self-interested actors concerned with their survival and security. States who feel threatened by a particular international situation and who are self-interested and minimally interested in assuring their own survival would not (and in an evolutionary sense, could not) react in ways that put their own survival in jeopardy by making war more likely. To have a model in which self-interest and a concern with security result in war would require perverse aggregation processes (the resultant outcome of individual state choices) as well as myopic states.

A second analytic way to demonstrate that realism is a theory of peace involves thinking about the equilibrium state that is the balance of power. Such an equilibrium may not be about war and peace at all, in which case the balance of power would be neither a theory of peace nor a theory of war--it simply would not address either. If the equilibrium is about peace and war, then the actual equilibrium must be one or the other. If the equilibrium balance of power resulted in war, we would expect wars to occur all the time and find peace the aberrant departure from equilibrium. This would be empirically problematic, since there are quite extended periods of peace between the great powers. Moreover, if the balance of power resulted in war, we would have to explain why states interested in their survival engaged in balancing behavior which generates wars that threatened their survival. The alternative is to recognize that self-interested security-seeking states engage in balancing behavior, which results in a return to an equilibrium balance of power that provides peace and stability. The peace may be tenuous, but as long as states respond to the imperatives of the system an equilibrium balance of power assures peace and stability.

War poses the same challenge to such an equilibrium theory of the balance of power as does involuntary unemployment to economists' vision of a competitive labor market. If the market generates pressures to equilibrate supply and demand through a flexible price system, then labor markets should clear just as any other markets. When there is a willing supply of labor that is unemployed, the equilibrium price (the wage rate) should fall so as to bring supply and demand into balance. Prolonged departures, evidenced by the obvious existence of involuntary unemployment, should simply not occur. The existence of involuntary unemployment is not explained by the market, but by the failure of the market to function as presumed. Similarly, any imbalance of power should generate forces to return the system to balance. Prolonged departures from a balance, as evidenced

by major power wars, should not occur. That wars do occur is not explained by the workings of the system, but by the failure of the system to work as presumed.

Although equilibrium theories need not explain shocks that disturb the equilibrium, they are asked to explain the existence of prolonged disequilibrium. They need not explain why states expand and assert themselves, but they do need to account for the failure of equilibrium to emerge. It must either be that states fail to respond to adverse changes in the balance of power as the model would predict, or that the balance of power is an equilibrium state that does not tell us anything about war and peace.

Assuming that the balance of power is an equilibrium argument that does address peace and war leads to the immediate implication that systematic and sustained underbalancing occurs in the international system. The failure readily to maintain the balance of power results in wars that might have been avoided and in balancing accomplished only during wartime.[15] Indeed, the coalitions were formed to prevent recent attempts at global and regional hegemony were often formed during war rather than prior to war.

There are a number of responses to the observation of systematic and sustained disequilibrium events. One is that prolonged departures simply do not exist. Some economists do, in fact, hold that observed unemployment is really voluntary rather than involuntary. Such intellectual redefinition is not available to the international relations theorist, for the occurrence of war has been an obvious and recurrent feature of the international system. A second intellectual response is to argue that prolonged disequilibria are caused by stickiness, or lags in the equilibrating mechanism. The forces that return the system to equilibrium do indeed function as advertised, but do not do so smoothly. Such solutions provide no answer, they simply refocus the problem as one of explaining lags and stickiness.

The Information Solution to the Problem

An explanation that has received recent attention in economics, and that has a long pedigree in international relations, is that of incomplete, imperfect, and asymmetric information. Classical economic arguments depend on the assumption of full and complete information. Imperfections in information can readily lead to departures from the otherwise expected equilibria in market exchanges.[16] Recent developments in game theory have made such models mathematically tractable, which has created a growth industry in modeling many phenomena including that of involuntary unemployment. The arguments being developed hold simply that informational imperfections generate the sustained departures from the equilibria that would be expected in a world of full information. Thus, for example, strikes would not occur if both workers and

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[15] For a discussion of wartime balancing, see Papayoanou (1992).

[16] For the development of information economics, see Hirshleifer and Riley (1992). The emphasis on the centrality of information has gone so far that some scholars are prepared to treat it on a par with energy and matter as a basic ingredient of reality. Ed Fredkin pushes the role of information even further still, arguing that it is more fundamental than energy and matter and that the most basic atomic and subatomic particles consist of binary bits of information, a view characterized as digital physics (Wright, 1988).

management knew one another's reservation levels and the strength of one another's preferences. All would be better off simply going to the finally agreed-upon outcome and avoiding the intervening costs of strikes and lockouts. But the strikes and lockouts play a role in giving each side the information that the other holds privately at the outset (Stein, 1990, p. 62, n. 22).

The equivalent argument in international relations theory is the one that explains war as a function of uncertainty.[17] When the international system generates certain knowledge of power and threats, the balance of power readily reemerges and reequilibrates. It is uncertainty that generates non-equilibrium outcomes such as war.

This emphasis on uncertainty already presses the balance-of-power argument in the direction of disaggregating states by type. The standard story in the field argues that states are like-units, that perform comparable functions and that vary only in their relative power. Thus, for example, the field distinguishes between great powers and lesser powers.[18] But the emphasis on uncertainty suggests that states assess one another as to type, as revisionist challenger or status quo state, as reliable ally or undependable one. The initial formulation of the balance-of-power argument already contains the seeds of a distinction between states that take steps to disturb the balance of power and those that respond defensively to assure their security and survival. Yet international relations theorists have also emphasized that defensive concerns can generate preemptive aggression and that offensive considerations need not.[19] The emphasis on uncertainty places the distinction between actor types front and center. Uncertainty means that states cannot ascertain whether others constitute revisionist challengers or the full scope and range of their challenge. Nor can they identify status quo states and the extent and scope of their commitments to maintain the status quo.

The emphasis on uncertainty and its attendant distinction between actor types is mirrored in recent work in microeconomics.[20] Situations in which complete information generates unique

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[17] This is discussed more fully below.

[18] It also characterizes historical epochs by such relative assessments, as in descriptions of eras as witnessing "the rise of German power" or "the decline of American power." Further, historical periods are distinguished by particular constellations of great powers: unipolar, bipolar, and multipolar.

[19] Jervis is interesting in this regard. In an important article he distinguished between eras in which defensive technology was seen to be superior from those in which offensive technology was deemed superior (Jervis, 1978). Worlds characterized by offensive superiority could result in war even if states were defensive in their intentions and pursuits. Alternatively, where the defense was deemed superior, deterrence would hold even where states held offensive intentions. This suggests that the nature of technology was determinative rather than actor type. Further, Jervis has recognized the historical importance of defensive arguments for offensive action such as the arguments made for the expansion of the British empire. On the other hand, he has also distinguished between actor types and emphasized the importance of recognizing whether other states are status quo ones or revisionist challengers (Jervis, 1976).

[20] Recent work on signalling games and games with incomplete information is built on the notion that there is something to ascertain about other actors, because there are different types of actors with different preferences. This work distinguishes among types of strategies and types of actors and characterize the problem of strategic interaction as that of ascertaining the nature of the other actor. A classic microeconomics article, for example, distinguishes between an actor who prefers beer and one who prefers quiche; each is

equilibria dissolve into a multiplicity of equilibria (indeed, of equilibrium concepts) when the assumption of complete information is relaxed. And the heart of such games of incomplete information is conceptualized as uncertainty about what types of actors others are.

A stylized example can illustrate the point. Assume that some states contemplate aggression while others contemplate balancing behavior against potential threats. If all states knew that no state contemplated challenging the status quo, then none would enter balancing alliances and no challenges would take place. Alternatively, if states knew which among them constituted a threat, then they would enter countervailing coalitions and deter. In both cases, the result is no challenge, no aggression, no war. The system works smoothly and efficiently and responds to the slightest changes.

Uncertainty transforms this situation, forcing both status quo states and challengers to ascertain one another's preferences and intentions. Status quo states look at others to ascertain whether they are challengers and what threats they pose under what circumstances; based on such assessments they then decide whether to make commitments or not. Challengers must look at status quo states to determine whether they will fulfill their commitments by responding to attack and challenge (which they may or may not do independently of having made or not made commitments); based on such assessments they must then decide whether to challenge and attack or not. When this is modeled as a game of incomplete information, multiple equilibria emerge. One of these is war--an outcome that could not emerge in the full information case (Papayoanou, 1992).

Implications of the Uncertainty Resolution

One implication of the foregoing analysis akin to, but critically different from, a key distinction made by Waltz (1964, 1979, 1988) between bipolarity and multipolarity. In both worlds, the balance of power can function, but he argues that the balance of power is more readily sustained in a bipolar world,[21] in which each great power recognizes from where threats emanate, monitors the relevant other, and responds immediately to actions taken by the other. In contrast, a multipolar world with more than two great powers is one of greater uncertainty. States are uncertain about which one of them is threatened by the incremental growth of one.[22] Moreover, each can hope that a third will respond (the passing-the-buck phenomenon). This greater uncertainty explains the

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presumed to have different preferences as regards conflict, and the problem for each actor is determining the other player's type (Cho and Kreps, 1987). In biological applications, the common distinction is between hawks and doves (Smith, 1976).

Students of international politics are reconstructing international relations theory similarly: states have imperfect information, and their actions constitute a signal that others evaluate in order to reassess their own behavior (Alt, Calvert, and Humes, 1988; Banks, 1990; Morrow, 1989; and Powell, 1987).

[21] The literature on bipolarity is typically ambiguous on the issue of whether bipolarity refers to great power blocs or to two major powers. Below this turns to be an important difference.

[22] Bolingbroke put it this way, "they continue to dread a power no longer able to hurt them, or they continue to have no apprehensions of a power that grows daily more formidable" (Maurseth, 1964, p. 125, n. 26).

greater war-proneness of multipolar worlds than of bipolar ones.[23] The workings of the balance of power, the ready reemergence of equilibrium in reaction to perturbations, is affected by the uncertainty that exists in a multipolar world.[24]

The model developed here suggests that the war-proneness of either multipolarity or bipolarity is a function of informational uncertainty. In either world, wars do not occur when there is full information. In both, wars can occur when there is uncertainty about actor types--uncertainty about the intentions of challengers and uncertainty about the commitments of status quo states. The question then is whether such uncertainties are systematically different in different international systems. The model suggests that war in multipolar worlds, which can include war between great powers, occurs because challengers are uncertain about the commitments of status quo powers to each other. The same uncertainty can exist in bipolar worlds.

The likelihood of war in bipolar worlds depends on the kind of bipolar world that exists. One possibility is the bipolarity that consists of two blocs, each of which can contain more than one great power. Such a world should have as much prospect of great-power war as a multipolar world, because there should still be uncertainty about great-power commitments towards one another. In contrast, there exists the bipolar world in which each pole consists of one great power allied with other much smaller powers--a world more accurately described as a great-power duopoly. In such a world, each of the great powers can be uncertain about the other's commitment to its allies and this can be the basis for war. But such wars will be between one of the great powers and the other's client. One would not expect a war directly between the two great powers, for they have no doubts about the other's commitment to its own defense, and neither one requires allies to achieve its own defense.[25]

The implications of uncertainty in explaining war in the international system mean that the sole analytically deducible systematic difference is that war is least likely directly between global duopolists because there is no uncertainty about the nature of challenge and no uncertainty about the nature of commitment--each is presumptively committed to its own defense (one of the initial assumptions of the neo-realist argument). Otherwise, the uncertainty problem about challenge and

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[23] There is an important link between the emphasis on uncertainty and the literature on misperception in international relations. An international relations that emphasizes, as does economics, uncertainty as the basis for sustained departures from equilibrium (one providing peace and stability in international relations), is inherently a liberal theory that expects a welfare-improving equilibrium absent misperception and uncertainty (Stein, 1990).

[24] There is some irony in Waltz's making this pitch about uncertainty. As he argues in the text, such a focus on uncertainty to explain sustained disequilibria is a fixture of equilibrium arguments in the social sciences. But it is peculiarly ironic in international relations, since balance-of-power theorists are open to the charge that balances of power generate more actor uncertainty than imbalances of power. Power preponderance theorists have argued that the very certainty provided by inequality is what creates peace and stability. Ironically, Waltz argues, in effect, that it is the systemic uncertainty inherent in a balance of power that makes for stability, but that the certainty in the emergence of a balance of power creates stability.

[25] This last point is a critical assumption. There may still be a great power war in a world characterized by duopoly, if for some reason, the balance of power shifts decisively in favor of one and the other is not in a position to match.

commitment remains. It remains as regards the commitments of global duopolists to their clients, and it remains as regards the commitments of bipolar bloc leaders to other great powers in their blocs (in a bipolar world that is not duopolistic).[26]

Uncertainty, misperception, and miscalculation are thus important elements of a more complete realist model of international politics. On its own, an emphasis on the system and on actor concerns with security can explain conflict and a peace born of a vigilant concern for survival and security. But explaining the occurrence of war depends upon explaining sustained departures from balancing behavior by self-interested powers, and thus entails a central place for informational asymmetry in a realist model capable of explaining peace and war.

Domestic Constraints and Balancing Behavior

Uncertainty and informational asymmetry is only one analytic way of resolving the problem of explaining war in a theory of peace. The other is to focus on the domestic assumptions entailed in the realist model and relaxing those.

The power politics model is often dubbed the billiard-ball model of international politics because it focuses on the interaction of states and not on their internal composition. States are like-units, undifferentiated except for their relative power.[27] Their internal ideologies or the nature of their political systems do not matter. To focus on such internal attributes is to shift to a different level of analysis and engage in reductionism, something Waltz finds reprehensible.

The balance-of-power model assumes that states are capable of responding to the exigencies of the international environment. Since states are primarily concerned with survival and the provision of security against external attack, it is presumed that states have no problem extracting from the society the resources necessary to accomplish these core tasks.

Relaxing the assumption of a domestically unconstrained state is still another way of explaining the failure of balances readily to emerge. Only in a subset of cases is it enough that elites perceive a shift in the international balance of power for appropriate reactions to be undertaken. In many cases, elites in status quo states are constrained both politically and economically from

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[26] Although these conclusions mirror Waltz's argument, they seem quite different. Waltz makes the point that bipolarity is more stable as regards war between great powers and accepts the possibility of wars involving one great power and the other's clients. When he writes of bipolarity, he clearly has in mind the post World War II world and the overwhelming importance of the two bloc leaders relative to all the others. He points out that the movement of China in and out of the two camps, for example, mattered little to the overall strategic balance between them. The same point can be made more broadly, and can be linked to the issue of war. Neither global duopolist would directly attack the other in response to an aggressive attack. Attacks on clients deriving from uncertainty about the nature of commitments would not generate a response of a direct attack upon the other great power. Wars between duopolists would be by proxy and in peripheral areas.

[27] Here, too, international relations theory, is akin to microeconomics, with nations being treated like firms. The internal composition and arrangement of firms is simply not relevant to the theory of the firm developed in microeconomics. Interestingly enough, arguments that focus on differences between firms and that focus on so heretical a conception as "corporate culture" have emerged, but from business schools.

responding readily to adverse shifts in the balance of power. It need not be uncertainty that prevents a return to an equilibrium balance of power, but the constraints of society upon the elites running the state.

Policies to restore the balance of power entail either increased domestic mobilization or changes in international alignment.[28] Internal mobilization requires either increased extraction or the redirection of societal resources, and in some countries the state is more readily capable of accomplishing this than in others. Even changes in a state's international alignments, and most specifically the extension or retraction of international commitments, may also be subject to societal and political constraints and cannot be unproblematically undertaken by the executive branch.

Further, a state's grand strategy is public policy and reflects its mechanisms for arriving at social choices. Dictatorships may respond more readily to international challenges than states which require a political consensus before acting.[29]

Domestic institutional, political, and economic constraints can all play a role in diverting a state's grand strategy from presumptive systemic imperatives.[30] This, of course, explains why realism is characterized as a unitary-actor model. The existence of a single unconstrained actor is central to a model that stresses environmental imperatives. The alternative retains the conceptualization of states that act as singular entities on the world stage and of an international system in which states are the primary actors. It is merely that the existence of different constituent components makes it possible to develop arguments about internal constraints that function on a par with environmental forces in shaping behavior.

Treating the existence of domestic constraints as a variable, it becomes possible to demonstrate that the classical realist balance-of-power argument arises only in those circumstances where potential challengers and status quo states are both unconstrained, all states respond to the pressures of the international environment. This is the realist world in which states readily respond to international challenges and take the appropriate steps either internally (by arming) or externally (by allying). But that leaves three other possibilities (see Table One).

Table One

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[28] Classical theory emphasized alliances, but given Organski's critique, internal mobilization came to be equally emphasized. See Organski (1958), and compare Waltz (1959) to Waltz (1979).

[29] A standard critique of democracies is that they are slow to respond. It should be noted that democracies may vary in the extent to which national security policies are insulated from the normal workings of representative government.

[30] Following international relations scholars who studied the impact of incomplete information on crisis, but interested also in including a domestic component, Bueno de Mesquita and Lalman (1990) focus on domestic opposition and crisis choices.

In contrast to the realist world of unconstrained powers lies the world in which war is explained by asymmetric domestic constraints. This is the case in which challengers are domestically unconstrained while status quo states are constrained. This is the prototypical situation in which deterrence failures and a breakdown of the balance-of-power system results in war. Indeed, common knowledge of the domestic constraints of status quo states may be decisive in encouraging aggression by unconstrained challengers.

Domestic politics can be the basis for sustained departures from an equilibrium balance of power. Challengers unconstrained (or even pressed) by domestic forces can disturb the balance of power while status quo states fail to respond, not because of uncertainty but because of an inability of elites to extract the requisite resources and/or commitments necessary to undertake the balancing behavior which would result in a return to an equilibrium balance of power. A classic case is the British response to the growth in German power in the 1930s. Arguments that the British elite was either sympathetic to Hitler or misjudged him are wrong. In fact, the British had a reasonably good sense of German capability, and the leadership understood the threatening quality of German actions. But the pace of British rearmament was driven by the perceived economic constraints operating on the British Treasury. In the final analysis, economic and political constraints drove British responses.[31]

The set of situations delineated in Table One reveal two other cases, besides the realist one, that can generate peace and stability. First is the case in which potential challengers do not challenge because of domestic constraints. Second, and most interesting, is the peace that obtains in a world in which both challengers and status quo states are constrained. In both cases, revisionist aggressors cannot mobilize the requisite capability to mount military challenges to the status quo.

Peace and stability in the international system are sometimes secured because of domestic political constraints on the ambitions of state elites. Peace in international politics can also occur because the dog does not bark. In any epoch, there are many cases in which aggrieved states do not challenge not just because they are deterred by the extant distribution of power and alignment, but also because they are domestically precluded from mobilizing their societies to undertake such steps.

But domestic constraints on the foreign and military policies pursued by elites is a mixed blessing: it can be the basis for war as well as peace. A balance of power is most fragile when status quo states are constrained and challengers are not. In such circumstances, challengers are particularly emboldened, for they rely for their success upon the reduced and belated ability of others to respond.

The case of the 1930s can be used as a stylized example. Hitler's interest in revising Versailles could not have been realized had he been constrained by forces within Germany. Even if domestically unconstrained, he might have been deterred had the other great powers mobilized their forces to match the growth of German power and extended commitments to one another and to small states that they did not want to see absorbed into a greater German empire. The failure of the other great powers to do so may have reflected some uncertainty about the true magnitude of Hitler's appetite, though that became dispelled with time. But they were unable to respond to

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[31] For an excellent review essay, see Richardson (1988). For an argument that British politics also dictated the militarily untenable response of the guarantee to Poland, see Rosecrance and Steiner (1993).

Hitler's challenge quickly because of domestic constraints. Concerns about Britain's economic position constrained the pace of British rearmament. Political constraints prevented President Roosevelt from extending U.S. commitments which he saw it necessary to deter Germany. War resulted from the asymmetric constraints operating on the great powers and the attendant uncertainty created by this.

Both uncertainty and domestic constraints generate the prospect of underbalancing. For either or both reasons, states will fail to respond appropriately and adequately to adverse changes in the balance of power. The resultant sustained departures from equilibrium are the bases for war in the international system. And they explain why the return to equilibrium and the reestablishment of a balance of power occurs as a result of war. For it is the occurrence of war that dispels the prewar uncertainties about the intentions of challengers and the commitments of defenders. Moreover, I have argued, war also affects the domestic constraints on mobilization and the occurrence of war often makes possible the very mobilization that was unachievable but would have prevented war in the first place (Stein, 1989, 1990, 1993).[32]

THE PROBLEM OF ALLIANCES IN REALIST THOUGHT

Alliances are a central concept of international relations theory.[33] States unable to deal unilaterally with an adverse distribution of power enter into alliances in order to reestablish a balance of power.[34] Alliances are thus the central mechanism for the functioning of an international balance of power.

Yet alliances pose a problem for international relations theory. For realists, the international system is anarchic, and the states that interact within it are autonomous and independent. In this world, any explanation of cooperation must be rooted in the self-interest of states. Why, then, should alliances exist as formal, institutionalized arrangements? If a certain behavior is in a nation's self-interest, it should act accordingly and be expected by others to do so. Moreover, if interests change, then so will behavior. We cannot explain why states form alliances nor what difference these arrangements make.

Further, alliances should be inconsequential. If states act to further their self-interest, then alliances will not change their actions. In this view, alliances do not engender behavior; rather,

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[32] This, I think, is the basis of the ironic and seemingly contradictory argument that the balance of power prevents war but that war also establishes the balance.

[33] This section draws upon material in chapter 6 of Stein (1990). For reviews of the literature on alliances see Holsti, Hopmann, and Sullivan (1973), especially Chapter 1 and Appendix C; Burgess and Moore (1972); Bueno de Mesquita and Singer (1973); and Job (1981). For an empirical description, see Singer and Small (1966) and Small and Singer (1969).

[34] This characterization corresponds to what historian Paul Schroeder (1976) has dubbed the capability aggregation view of the role of alliances. Schroeder notes, however, that not all alliances are formed by states in order to meet a common threat by pooling their resources. Rather, states sometimes ally with those who are hostile and troublesome but who can be managed within an alliance. Further, it may be that alliances between great powers differ from those between a great power and a minor power (see Morrow, 1991).

behavior and alliances are both products of the underlying pattern of preferences. In the realists' view, states must ultimately rely on themselves for their own survival. If international politics is the product of autonomous independent national behavior in an anarchic setting, then there should be no reason for multi-nation groupings to exist.[35]

Most international relations theorists, especially realists and balance-of-power theorists, take the view that alliances represent temporary marriages of convenience. Indeed, if alliances are to play a role in maintaining balances of power, they must be fluid and flexible, continually changing as the relative power of states changes. As Morton Kaplan describes them, alliances "lacked permanence, they were transient instrumental adjustments to a changing international environment" (Kaplan, 1957, p. 116; also see preface, p. 29). Indeed, one scholar argues that the very security dilemma that exists between potential and actual enemies exists within alliances as well (Snyder, 1984).

The role of alliances in balance-of-power theory is inherently paradoxical. States concerned with their own survival will act in concert to prevent the emergence of a power that threatens them. This coincidence of interests forms the basis for alliances which, in turn, undergird a balance of power. Hence, these alliances hardly seem necessary. If, on the other hand, alliances entail commitments that states have no interest in fulfilling, then nations will not keep to their terms, and the accords will have no consequence. Alliances, then, must be either unnecessary or inherently unbelievable bluffs.[36]

Further, realists argue, alliances are a last resort. States greatly prefer to deal with adverse distributions of power through internal mobilization. Only when this is impossible do they enter alliances in order to reassert the balance of power. Implicit in this argument, and central to realist theory, is that states place primary weight on autonomy and self-reliance. It is not merely that the system is one of self-help, but that states prefer to go it alone whenever possible and enter alliances

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[35] Alliances should be equally problematic for liberals. Autonomous self-interested actors engage in mutually advantageous exchange. The international system, like a market, should involve only discrete interactions and not entail alliances. This is analogous to the problem economists confront in explaining the emergence of hierarchical firms that internalize certain exchanges in lieu of market transactions. The development of vertical and horizontal integration, as well as the emergence of the multinational corporation, are all problematic for the classic view of market economics. The economists' solution is to explain that self-interested actors create hierarchical structures precisely in order to internalize particular exchanges and so do away with the transaction costs that sometimes make market exchanges less than optimally efficient. The key figure associated with this argument is Oliver Williamson (1985). For an application of this to international relations, see Weber (1992).

[36] Alliances might be inconsequential as regards the behavior of allies but still fulfill a useful role as devices to signal intentions about contingent future behavior that might not otherwise be presumptive to third parties. States signal commitments to their allies in order to deter others from attacking these allies. For the determinants of successful extended deterrence, see Russett (1963), Fink (1965), and Huth and Russett (1984). Such signaling is important because these interests and behaviors might not otherwise be assumed by potential aggressors. One implication of this reason for alliance formation is that without alliances, other states might draw different inferences about the interests and behaviors of the parties. In other words, alliances signal the existence of interests different from those that might otherwise be observed.

only if absolutely necessary.[37] The inherent assumption is that alliances do entail some sacrifice of the autonomy that states preeminently prefer. As Michael Altfeld puts it, "the cost of an alliance to a government is computed in terms of . . . autonomy" (Altfeld, 1984, p. 526).[38] But in this view, alliances are presumed to constrict state autonomy in ways that the autonomous pursuit of self-interest would not, and we are left with the question of explaining the existence of alliances within an equilibrium theory of autonomy.

Alliances and Free Riding

One resolution to the quandary poses still more problems. Some have argued that states enter alliances because they prefer to shift to others the burden of mobilizing resources to respond to adverse distributions of power. But this passing-the-buck view of international relations poses many problems. For one, states that are minimally concerned with their own survival should presumably not take the kind of chances with their survival implied in reliance on others. Moreover, this model suggests that there is a tradeoff between expending resources on security and other uses to which they might be put, and that states might actually prefer to make other use of such resources. It also suggests a tradeoff between autonomy and other uses of resources in which states prefer the other uses and are willing to exchange some of their autonomy. Such a view thus challenges the primacy of security interests generally as well as the preeminence placed on autonomy. More damaging still are the implications of the respective views for international stability and peace. The standard view which holds that states respond to changes in the distribution of power, including the formation of alliances, which results in a reestablished balance. But if states prefer to depend on allies and be free-riders on others' efforts, then security constitutes a collective good that must be suboptimally supplied. If so, alliances formed to generate countervailing power would not reestablish a balance of power since they would do less than what would be necessary.

Information, Domestic Politics, and Alliances

Informational asymmetry provides, as it does for the problem of war, one resolution to the alliance problem. States form alliances because they do not have full knowledge of one another's preferences. Alliances serve as signalling devices to allies and foes alike. Allies signal to one another, in the process of negotiating, that their interests are indeed coincident. They also signal to the intended targets that their interests are coincident in opposition. Alliances are signals of commitment in a world of imperfect and incomplete information.[39]

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[37] Autonomy then is something that is assumed rather than explained by the realist model of international politics. Realism and the balance of power are not then theories of autonomy but assume it.

[38] Altfeld (1984) argues that alliances tie nations to their ally's positions, and he cites scholars who have made that or similar assumptions. Also see propositions V3 and V17 in Holsti, Hopmann, and Sullivan (1973, pp. 276-77).

[39] Whether they represent credible commitments or constitute cheap talk is a second-order question. Some alliances are indeed intended to establish more credible commitments than merely words on paper.

Domestic political conditions also provide, as they do for explaining the failure to balance, an explanation for why alliances are formed even in a world of full information. Alliances transform the domestic bases of international commitments, from vague formulations of interest to codified arrangements. An extant alliance typically becomes the basis for a host of arrangements between the citizens of allied states that creates an interest in the maintenance of good relations. The development of domestic constituencies with an interest in good relations with another particular state further sustains the commitment and makes it more credible.

The absence of full information and the need to signal credible commitments are thus as essential underpinnings to alliances as are common interests. An explanation rooted in power and interests, as the standard realist formulation has it, is insufficient to explain alliances (as it is to explain war). Alliances are equally rooted in the stickiness of power politics and the inability smoothly and effortlessly to respond dynamically to changes in the international distribution of power.

Alliances and Secrecy

The implications of both bases for alliances suggest the centrality of openness in alliance arrangements and imply a restricted domain of secrecy in such agreements. Alliances intended to signal commitment and generate domestic interests in favor of their maintenance cannot be secret arrangements. What can be expected is that specific commitments may indeed be made secretly. States that limit their commitments to one another quite narrowly may keep these constraints secret precisely in order to expand the scope of the deterrence provided. Ambiguity can keep others guessing and, in the context of the alliance, can be salutary. Ambiguity that can be destabilizing when it takes the form of an unwillingness to form an alliance at all can be stabilizing when it constitutes an unwillingness to make public the exact range of interstate commitment.[40]

The second basis for some secrecy in alliance commitments has to do with domestic politics. Although states want the positive reinforcement to commitments provided by domestic support and the development of constituencies, they also want to avoid detailing the costs to autonomy that the alliance entails. An emphasis on the benefits while hiding the costs is a classic rule of domestic politics, one that applies to international relations as well.[41]

Finally, secrecy may be a hallmark of expansionist alliances that challenge the status quo. The above discussion has focused on those alliances formed to deal with perturbations in the balance of power--alliances formed by status quo states responding to assertive challengers or potential challengers. But alliances may also be formed by revisionist aggressive powers, and these are as outside the scope of realist theory as any other exogenous disturbance to the balance of power. Such

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[40] A case can be made on behalf of ambiguity in other settings as well.

[41] This provides the classic explanation for the overreliance by democracies on indirect and unobserved taxes while engaging in extensive public displays of the benefits of government activity.

offensive alliances might very well be secretive, since deception is typically in the interest of challengers.[42]

The model of alliances developed here complements the realist argument. The realist emphasis on the aggregation of capability is an insufficient explanation for the emergence of alliances. Rather, alliances are necessary because of informational asymmetries and domestic constraints, two factors that can retard the emergence of tacitly coordinated action in pursuit of a common security objective. An understanding of alliances depends not only on an analysis of the international distribution of power and their role in affecting that configuration, but also on an analysis of the signalling requirements of the situation and their role in establishing credible commitments.

It is the very stickiness of the system, caused by informational asymmetries and domestic constraints, that explains both war and the need for alliances. A system of fully informed states unconstrained domestically would be one without either alliances or war.

Directions for Research

In addition to the substantive arguments made about war and alliances, the analysis in this paper also contains implications for future scholarship. Most immediate is the continued study of uncertainty and information and the use of the mathematical models developed in microeconomics and game theory. Critical results from such scholarship are already well apparent--the emergence of multiple equilibria in those areas in which a unique and singular equilibrium had been expected. A second important line of inquiry is also evident--a focus on the domestic bases of grand strategy.[43] Unfortunately, modern neorealists deride of work done at the national level of analysis given what they presume is an inability to integrate structural and national level arguments. But work needs to be undertaken and <u>can</u> be done while maintaining a focus on strategic interaction and systemic effects (see my discussion in Stein, 1990, pp. 175-184).

The failure of the balance of power model to work as advertised and the occurrence of underbalancing as a result of uncertainty, informational imperfections, and domestic constraints leads scholarship in specific directions and generates important avenues of intellectual inquiry. After all, states in an anarchic system confronted by such problems would presumably take steps to mitigate the consequences of uncertainty and resort to various means to signal international commitments and to make them credible. The importance both of signals and of attempts to make credible commitments emerge immediately from such an analysis of international politics. The causes and consequences of different signals and different commitment strategies must become central components of the analysis of systemic stability.

One line of inquiry entails studying the ancillary underpinnings of foreign policy and strategic alignment. States that are uncertain about balancing responses to the emergence of strategic threats

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[42] On deception, see Brams (1977) and Stein (1990).

[43] Not surprisingly, the exact title of a just-published volume I have co-edited (Rosecrance and Stein, 1993).

undertake various means of binding themselves to one another. Economic policies including foreign aid, investment, and discriminatory trade treatment can all be undertaken as a means of assuring strategic alignment. Work by Lars Skålnes (1992) shows that trade policy often entails country-specific forms of discrimination (positive as well as negative) even though such policies are not predicted by any of the standard economic explanations for trade policy. Further, Skålnes beautifully demonstrates that such policies can be explained by political and strategic factors.[44]

A second line of inquiry focuses on the reverse causal process, the balancing implications of extant economic ties among great powers. Work by Paul Papayoanou (1992) shows that depending on the economic links between the great powers, the uncertainty as to whether states will balance can be either enhanced or undercut. Economic interdependence between status quo powers when no such economic ties exist between them and challengers leads to strong balancing despite the presumptive and prevailing uncertainty in the international system. Papayoanou demonstrates that preexisting economic links (some developed purposively as suggested in Skålnes's strategic theory of foreign economic policy) are decisive in explaining strong versus weak balancing behavior on the part of great powers.

Conclusion

A realist balance of power theory built on the assumptions of full information and no domestic constraints on grand strategy is an equilibrium theory of peace that cannot explain either war or alliances. Domestically unconstrained states are in a position to respond continuously and readily to changes in the global balance of power. States fully aware of the interests and intentions of others respond appropriately to systemic changes.

Incorporating imperfect information and domestic constraints generates a realist balance of power theory with multiple equilibria in which peace and war are both equilibrium outcomes, and in which alliances and autonomy are also both equilibrium outcomes. In such a theory, the international system generates less-binding constraints and imperatives. States no longer engage in the balancing behavior implied by changes in the global distribution of power. Domestic politics is no longer something that can be systematically excluded from international political theorizing. Such a theory is necessarily less precise in its implications. And such a theory generates new and important avenues for future scholarship.

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[44] Hirschman (1945) demonstrates that Skålnes-type discriminatory economic policies can be pursued by revisionists with aggressive intentions as well as status quo states interested in the maintenance of peace and stability. A more restricted formulation of the strategic bases of trade policy focuses only on the security externalities of the material consequences of trade (Gowa, 1989; Gowa and Mansfield, 1993).

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TABLE ONE

SYMMETRIC AND ASYMMETRIC DOMESTIC CONDITIONS

		Domestic Condition of Potential Revisionist Power: Constrained	Domestic Condition of Potential Revisionist Power: Unconstrained
Domestic Condition of Potentially Threatened Status Quo States: Constrained		Peace from mutual restraint	Deterrence failure / war
Domestic Condition of Potentially Threatened Status Quo States: Unconstrained		Peace from self-deterrence and unnecessary deterrence	Realist world Balance of power

Source: Rosecrance and Stein, 1993, p. 19.

Please, Daddy, Not in Uniform:
Professional Identity and Role Perceptions
in the post-Cold War German Armed Forces

Prof. George J. Stein

Department of Regional & Warfare Studies
Air War College
Air University
Maxwell AFB, AL 36112-6427

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"Please, Daddy, Not in Uniform"

INTRODUCTION

During most of the Cold War era, and despite the vocal opposition of a minority peace movement, most Germans respected and supported their Armed Forces, the Bundeswehr. Today, as a consequence of the end of the Cold War, increasing numbers of Germans have turned from support to indifference and, in many cases, active hostility to the Armed Forces. Internal surveys of the Armed Forces conducted by the Bundeswehr's Institute of Social Sciences have indicated an increasing problem of low morale among the officers and men and an increasing questioning of whether or not there is any public support for the Bundeswehr. As the German historian Arnulf Baring commented: "Let us not deceive ourselves: for most of our countrymen the Bundeswehr is just as anachronistic as Frederick the Great – a relic of that realm of legend in which there were still wars."[1] For the officers and men of the Bundeswehr, this lack of public support is manifested by increasingly "cool" relations with the larger society.

Traditionally, for example, as most officers lived "off base," they wore their uniforms to work. Today, the custom is increasingly "unicivil:" a civilian raincoat worn over the uniform to avoid being insulted on the bus. A German troop magazine commented that soldiers need "to camouflage themselves when they go to work." Or, as the daughter of a senior Navy officer, who at his own wedding had worn his dress blues, said before her wedding: "Please, Daddy, not in uniform."[2]

If it were only uniforms in public, there would be no serious problem. Rather, the uniform issue is seen by the members of the Bundeswehr as evidence of increasing hostility to them as individuals. German newspapers report cases of children of officers at a local caserne being denied admission to Kindergarten play groups because as a soldier's child they would come into contact with war toys; or officers' wives being rejected at their jobs because they are "married to killers." Enlisted men fare no better. "Teachers are viewed by society as lazy, policemen as stupid – but the ones who come off looking worst are the soldiers."

With the end of the Cold War, no western military has been undergoing such a series of external and internal changes as the German Bundeswehr. Externally, the Bundeswehr has been subject to a massive reduction in size, a rapid drop in the budget (in part to pay the costs of reunification), and massive restructuring and geographical redeployment. There have been three "final" restructuring plans during the past three years.[3] Likewise, the Bundeswehr finds itself caught in the midst of an increasingly rancorous public debate about, on the one hand, new roles and missions including "out-of-area" deployments and, on the other hand, about whether or not there is really any need for the German armed forces at all. Increasingly, German soldiers see themselves more and more isolated from in the larger society by public opinion made hostile through political party manipulation for short-term electoral ends.[4] While the government cuts the budget, force structure, and simultaneously proposes new out-of-area deployments, the opposition Socialists continue their attack on "militarism" and find defense issues an easy means to attack the government. The main consequence is a serious collapse of internal morale and combat readiness while,

simultaneously, being assigned new roles and missions - missions which appear to lack both genuine governmental and social/popular support.[5]

BACKGROUND

The Bundeswehr was established in 1955 consequent of joining the North Atlantic Alliance (NATO) and the Western European Union (WEU) and, for obvious reasons, was unlike any previous German armed forces or, indeed, any other armed forces in the world. The establishment of the Bundeswehr was part of the larger issue of the incorporation of West Germany into Europe and, simultaneously, part of the larger issue of the North Atlantic Alliance. Initially, and largely in response to quite legitimate French and British reservations, the Bundeswehr was constrained by a series of militarily significant restrictions.[6] The most important restriction was simply that the West German Bundeswehr was not a German national force. With the exception of some National Guard-like "Territorial Defense" forces for logistic support to NATO Alliance forces, all Bundeswehr military units, army, navy and air force, were integrated fully into NATO command-and-control structures. NATO Alliance requirements, not national requirements, determined the size, structure, and mission of the Bundeswehr.

A second series of restrictions limited the types of weapons available to the new Bundeswehr. The German Army would be restricted to twelve divisions. Initially, and again in response to British and French concerns, West Germany was restricted in the types of tanks, military aircraft, rockets and missiles, and, of course, nuclear, chemical and biological weapons were banned. By 1984, the Western European Union had lifted all restrictions

while, simultaneously, Germany undertook to continue its rejection of nuclear, chemical and biological weapons.

A third series of restrictions, in many ways self-imposed to assure the support of the anti-militarist Social Democratic Party, was the rejection of any effective national command-and-control mechanism. There was to be no German "General Staff" as all units were subordinated into larger Alliance formations. The Inspector General, the highest ranking Bundeswehr officer, was not in the chain-of-command. In American terms, there was to be no "Chairman of the Joint Chiefs-of-Staff." Indeed, there was no Joint Staff. Obviously then, there was no institutional structure by which the Germans could do military planning outside the watchful eyes of their NATO partners. Legally, control over the Bundeswehr in peacetime rested with the civilian Minister of Defense and each individual service chief reported directly to him. During wartime, the forces were subordinate to the Federal Chancellor but, in fact, NATO would have controlled their operations.

A fourth restriction, discussed at length below, was, again, a self-imposed restriction of the mission of the Bundeswehr solely to the defense of Germany and, in case of attack, the defense of the physical territory of an Alliance state. On the one hand, the goal of rejecting "out-of-area" actions was to reassure Germany's new allies. On the other hand, from the narrowly German perspective in 1955, the goal was to avoid being involved in British, French, or Belgian colonial wars or, equally important, the US-led United Nations operation in Korea, especially as Germany had not yet been granted admission to the UNO. The Bundeswehr was a military force to serve only under the control of the Alliance and only in defense of the physical territory of the Alliance.

Finally, the Germans themselves undertook to transform the very essence their new armed forces. In addition to the external restrictions mentioned above, especially the lack of a national command-and-control structure, the new Bundeswehr sought to insure the "primacy of democratic political control" over the forces and destroy any trace of "militarism" in the new German armed forces. To avoid the development of the military as a "state-within-the-state," general conscription was established but was accompanied by generous provision for conscientious objection. The goal was to develop the armed forces' self-image as "citizens in uniform" (*Staatsbürger in Uniform*). Unquestioning obedience to orders was to be replaced by "self-direction" (*Innere Führung*) by which officers would earn the respectful obedience of the troops on the basis of having explained the "orders" in a way that a free citizen in uniform could see that the order was consistent with the physical defense of Germany in the Alliance.[7] Military service was "meaningful" and "moral" because it was consistent with the Basic Law (Constitution) and the soldier's oath to "serve the Federal Republic of Germany faithfully and bravely defend the rights and freedom of the German people."

With the exception of the continuing self-denial of NBC weapons, all the weapons restrictions have been lifted and, in many ways, the post-unification Bundeswehr is a new creation. The new Bundeswehr, however, faces serious problems. The Bundeswehr's main problems are those of restructuring and reducing the size of the armed forces, the total reorientation of the roles and mission of the forces, and the confused state of the public debate on defense and security issues in the larger society.

The restructuring of the Bundeswehr is a consequence of the end of the Cold War, arms control reductions negotiated by the CFE treaty, the unification of Germany, and the self-imposed troop ceiling of 370,000 men stipulated in the "Two-plus-Four" negotiations with the Soviet Union. With German unification, the West German Bundeswehr stood at 495,000 men, all of which were integrated fully into larger NATO formations. The East German National People's Army (NVA) had 170,000 men. The reduction, then, is from 645,000 to 370,000 by 1995. The first part was easy. The Bundeswehr did not "merge" with the former National People's Army; rather, the NVA just ceased to exist. With the exception of some small amounts of equipment, for example, one squadron of MiG 29s, most NVA equipment will simply be destroyed as it does not meet NATO/German standards. For example, some 3,000 tanks, 2,000 artillery pieces, and over one-hundred-fifty combat aircraft will be destroyed. West Germany, by contrast, will destroy some six hundred older M-48 tanks to bring the new Bundeswehr totals within CFE limits. Considerable expense is involved in the environmental cleanup of former NVA bases as the NVA was as environmentally conscious as the rest of Soviet-dominated Eastern Europe. Much of these environmental costs are deducted from the Bundeswehr budget. All high-ranking NVA officers were presumed to have been promoted in large part for their loyalty to the German Democratic Republic and were thus, retired. In essence, only 3,500 officers and 6,000 NCOs of the NVA will be permitted to "transfer" to the Bundeswehr after two-year's probationary service.[8]

As part of the "Two plus Four" Treaty, Germany agreed that no "NATO" forces would be stationed or deployed in eastern Germany until after full Soviet withdrawal and even then, only German "NATO" troops are to be stationed in the new Länder. Thus, as

Germany became responsible for the new territory and began the force drawdown, the Bundeswehr consolidated its old "Corps" assigned to NATO with the national guard "Territorial Command" to create three new Corps: two in the West and a new Bundeswehr Eastern Command. This new command represented the first "national" German forces not formally incorporated into NATO. Likewise, with the regaining of full sovereignty, the German Air Force took over responsibility for air policing in both "West" and "East" Germany from NATO. One major consequence of these new responsibilities, combined with a general reduction in numbers, is a major change in the career pattern of officers, NCOs, and long-term professional members of the Bundeswehr. These changes have had a very serious impact on morale.

The "normal" tradition in the Bundeswehr was for conscripts to be drafted into the units near their homes. Although some officers would be transferred to different assignments in different parts of (Western) Germany, most enlisted personnel and NCOs would remain in their original caserne for either the duration of their one-year service in the case of conscripts or, for the professional and long-term soldiers and NCOs, for the duration of their careers. In 1992, however, 42,000 officers and NCOs were transferred to new locations; more transfers and re-postings than in the entire history of the Bundeswehr. Before the final reorganizations of 1995 are finished, it is expected that some 25,000 officers and 87,000 NCOs will have been relocated.[9] This, in the experience of the German military, is very disruptive as, given the influx of illegal asylum seekers, high civilian unemployment and low military pay, finding family housing has been almost impossible. Divorces have increased significantly. German newspapers carry stories of officers' wives going house-to-house trying to find an apartment in the new assignment area. For a significant number of

men in the Bundeswehr, the new situation is even worse. As the East German NVA was essentially abolished, the need to establish a German military presence in the new Länder requires that significant numbers of officers and NCOs be transferred "East." To date, some 29,000 NCOs and long-term personnel have been transferred to Bundeswehr Eastern Command.[10] Here, the disruption to families, the impossibility of spouse employment, the degraded housing stock and, to some degree, continued social isolation by a local population trained to fear their own previous military have made the announcement of a transfer to Eastern duty assignment the time for deciding whether or not to stay in the Bundeswehr. Likewise, "Western" officers and NCOs commanding "Eastern" conscripts is an unfortunate situation for morale on both sides and until a new generation of young officers can be raised from the eastern Länder, this "colonial" relationship will remain a serious drag on morale and readiness.

The new Bundeswehr will be drastically reorganized internally as well, with new roles and missions both within the Alliance and, potentially, for out-of-area deployment.[11] This too has been very disruptive as officers and men are not only moved around the country, but familiar units are deactivated, recombined to form new units, and, most importantly, the Bundeswehr evolves into a "two-tier" structure. There will be three "categories" of military units. Category One are those few forces which are normal in any sovereign state: military academies, air defense and air police, ceremonial units, search & rescue, and military intelligence. Little commentary is needed on these forces except to note that the required manpower reductions will result in more "headquarters" officers being transferred to "field" duties. Category Two units of the Bundeswehr are those which correspond to the new

NATO "Main Defense Forces" to be available to repel any revanchist Russian threat. That is, the great majority of the Army forces will be mobilization or "reserve" forces which, after 1995, will require a full eight months warning time for reconstitution as fully-trained units. Most conscripts will serve in these "partially active" Main Defense Forces. That is, most conscripts will serve, to use an American analogy, in National Guard and Reserve units. Officers, NCOs and long-term professionals assigned to these Category Two "reserve" forces cannot be expected to have as "bright" career prospects as those personnel serving in the "real" Bundeswehr. The "real" Bundeswehr will be the Category Three units, that is, the fully active standing forces. Most of the Air Force and Navy will remain fully manned and available for rapid deployment although force levels, especially in the Navy, will be considerable reduced. The Navy, for example, which stood at 44,900 men in 1990, will drop to 32,200 by 1994, and after 1995 will be reduced further to about 26,000 men. The Air Force, likewise, will reduce from about 120,700 currently to 82,400 by 1994 and, consequent of a shift away from combat aircraft to transport aircraft and anti-aircraft defense for rapid deployment, will rise slightly to about 84,000 after 1995. The Army will reduce from the current Bundeswehr force level of forty-eight combat brigades and eighteen motor-rifle and tank regiments of the former NVA to only twenty-eight brigades by 1995. That is, to about 255,400 men.[12] The numbers, however, in the case of the Army are misleading. Only seven brigades will remain fully active; the other twenty-one brigades will be assigned to the Category Two Main Defense Force mobilization-dependent army as either "*teilaktiv*" or mobilization dependent and manned at about half-strength and two brigades will be "*gekadert*" or equipment-only holding units. That is, only the 50,000 men in the seven active brigades can be considered as forces available for immediate deployment for home defense

or out-of-area service. Most brigades, whether fully active or Category Two, remain assigned within traditional NATO force structures such as the American-led "Multinational Corps," the German-led "Multinational Corps," or the combined German-Danish "Jutland" Corps.

It is the seven active brigades (about 50,000 men) which will form the basis of the proposed Rapid Reaction forces of the new Bundeswehr and are, thus, the most controversial. Most of these active brigades are assigned within the larger Alliance force structure, but in a novel way which represents a shift in German planning, training, and equipment acquisition away from the traditional heavy armored divisions to mobile, light units.[13] The Germans do not expect a major land war in Europe. The 26th airborne brigade, for example, will be assigned to the current NATO "Allied Mobile Force-Land" (AMF-L) for rapid deployment to the northern (Norway) or southern (Turkey) flanks of NATO. Two brigades (9th mechanized & 21st armored) of the 7th Panzer Division will be assigned to the newly developed NATO Allied Rapid Reaction Corps (ARRC) and the 31st airborne brigade will be assigned to a new NATO "Multinational Division North." On the other hand, Germany has assigned the 12th armored and 30th mechanized brigades of the 10th Panzer Division plus the Franco-German brigade to the newly established "Euro-Corps."[14] The Euro-Corps will be composed of French, German, Belgian, and Spanish units and, in the first instance, report to the European Community through the Western European Union. And, Germany has designated two battalions of the 25th airborne brigade and 23rd mountain brigade to be available to the UNO as "Light Airborne Crisis Reaction Forces." As this restructuring has not yet been fully implemented, the German troops deployed currently to Somalia have been drawn primarily from the NATO AMF-L assigned 26th airborne brigade. That is, Germany is simultaneously developing a small "national"

military capability, contributing to the development of WEU European Community "European" forces, and remaining integrated in the NATO Alliance. National forces imply national command.

As a consequence of the Two-plus-Four Treaty and the need for Germany to begin to exercise full sovereignty, there was an obvious need to reform the "command and control" structures of the Bundeswehr. As long as every relevant military unit was subordinate in a larger NATO command, German "national" control of its forces was unimportant. Now, especially in the context of the debate concerning German participation in UNO or even NATO/WEU/CSCE out-of-area missions, national planning and control have had to be addressed. The structures in place until recently are inadequate and resemble those of the United States before the 1986 Defense Reorganization Act. Reform of Bundeswehr command and control structures has proved very contentious with, as expected, Socialist politicians warning about secret attempts to revive the Prussian General Staff, etc.[15], [16]

In early 1992, the Federal Ministry of Defense (*BMVg*) proposed the creation of a new "Armed Forces Command" (*Streitkräfteführungskommando*) which would increase the power of the Chief of Staff (*Generalinspekteur*) by making him more like the American Chairman of the Joint Chiefs of Staff. It would appear that the current Inspector-General, Lt.Gen. Klaus Naumann, had developed these proposals based on his experience as the former chief of *FüS VI* (Planning) and *FüS III* (Political/Military Affairs) in Central Staff of the Ministry of Defense.[17] The Defense Minister, Volker Rühe, rejected the reform in April 1992 apparently in response to hostile press coverage which implied that "the generals are trying to upset civilian control."

The need for national command and control reform still exists. Currently, it appears that Chancellor Kohl has come to agree more with General Naumann on the question. It would appear that a new "Common Armed Forces Leadership Staff" will be established in the Ministry of Defense. The staffs of the Inspectors-General of the individual services will be reduced; many combat service support functions like logistics, medical issues, communications, and intelligence which are now done on an individual service basis will be consolidated (or become "joint"); and, most importantly, the 1970 "Blankeneser Decree" which established the current system will be changed to increase the power of the Inspector-General by placing him above the Service Chiefs on the "Joint Staff" and, for the first time, directly in the chain of command between the Minister of Defense and the individual services.[18] In essence, the Bundeswehr command and control structures are moving slowly to resemble those of the United States (or any other "normal") military. Additionally, two divisional headquarters have been "held back" from the general reorganization of the army into three Corps. Army Command North (HKN) and Army Command South (HKS) have been "retained" for contingency planning and could serve as HQ to command German units "detached" from NATO structures for "crisis management" or out-of-area deployment. Finally, as General Naumann himself has been quite visible and outspoken on issues affecting the Bundeswehr, there has been a continuing commentary in the German press about "generals forgetting their civilian masters."[19] The slow development of a "national" Bundeswehr will remain contentious but talk about this being a threat to the "primacy of democratic politics" and civilian control is not realistic.

Perhaps the greatest negative impact on Bundeswehr morale has been the apparent collapse of the national security consensus. While some Germans have always viewed post-war Germany as a "civilian" power which should evolve into a neutral "big Switzerland," most Germans have accepted the North Atlantic Alliance and its consequent requirements for an effective armed forces.[20] For most Germans, even the Social Democratic Party when they were not in opposition, the core principals of German national security policy have remained constant since the establishment of the Federal Republic. Germany would be secure only as a member of the emerging European Community and only as a member of the larger Atlantic Alliance. To emerge from being an object of policy as at Yalta and Potsdam, Germans would need to convince both themselves and other Europeans that they were "acceptable" in the democratic, liberal family of nations. From the establishment of the European Coal and Steel Community in which Germany ceded control of its war-making potential to a "European" institution, to the Maastricht Treaty of 1992, Germany has been among the most "Europeanist" nations. Likewise, since the establishment of the Bundeswehr in 1955, German military forces were fully and totally committed to and subordinate to the larger NATO force structure. "Alliance acceptability," meaning both European unity and North Atlantic solidarity, has been the key to German political success.

With the revolutions of 1989 culminating in German unification in October 1990, the old order of Yalta is over. Germany is now the largest nation in Europe outside Russia. For all its new power, independence and centrality however, the core principals of German national security remain. Germany must retain "alliance acceptability" via the European Union and North Atlantic solidarity.[21] If, as seems to be happening through calls for Germany to participate in out-of-area military missions, the NATO Alliance begins to make

demands for actions which Germany cannot support, alliance acceptability is threatened.[22] If, as seems to be happening with the demand stated at Maastricht for a strengthening of a separate "European" security identity and even a European military identity, then alliance acceptability is threatened from another direction. And if, as seems to be the case, there is increasingly significant domestic political debate on the future role of the Bundeswehr in both the European Union and the North Atlantic Alliance, alliance acceptability is threatened.[23] In essence, the public debate on the future roles and mission of the Bundeswehr, both domestically and internationally, is emerging as the most significant issue for the European Union movement in Germany, the continued relevance of the North Atlantic Alliance, and Germany's international role.

As late as August 1990, the former Foreign Minister Genscher, a leader of the FDP partners in the governing CDU/CSU/FDP coalition government, maintained that deployment of the Bundeswehr outside Germany was not possible until a Constitutional amendment had been developed.

> All federal governments including the present one have held the opinion that the employment of the Bundeswehr outside of NATO territory is not permitted. This reflects the clear wording of our Basic Law. Even those who adhere to a different constitutional interpretation must accept that their opinion is at least doubtful. No government can take the responsibility for such a momentous decision as sending German troops to other regions on a doubtful constitutional basis.[24]

Currently the major political parties remain divided totally on the appropriate post-Cold War role of the Bundeswehr with the result that the officers and men of the Bundeswehr are acutely aware that they are being moved into politically dangerous waters whether they wish it or not.[25] The German Social Democratic Party (SPD) is continuing its traditional "antimilitarism" and insists that any deployment of German troops apart from a

direct attack on NATO is illegal as it would violate Article 87a, paragraph 2 of the Basic Law: "With the exception of defense, the armed forces may only be employed insofar this Basic law explicitly permits." The SPD position is that there is no "explicit" provision for any out-of-area deployment. The SPD view, as presented in the latest party platform, the "Petersberg Declaration," is willing to support a constitutional amendment which would explicitly permit Bundeswehr deployment only for United Nations Blue Helmet "peacekeeping" in response to a request from the UN Security Council, but not "peacemaking" missions. And this, only if the United Nations rather than NATO, the WEU, or the CSCE has the total monopoly of political authority over the operation. The SPD antimilitarism extends to a promise to both remove all nuclear weapons from Germany and to withdraw Bundeswehr forces assigned to the recently established EuroCorps as the Socialists reject any "defense" identity for the European Community via the Western European Union.[26]

The leading party of the governing coalition, the Christian Democratic Union (CDU) and its Bavarian sister-party the Christian Social Union (CSU), support the deployment of the Bundeswehr for United Nations Blue Helmet "peacekeeping," UNO "peacemaking," and, more importantly, deployment by NATO, the WEU, or the Conference on Security and Cooperation in Europe (CSCE) as long as these deployment would be in conformity with the UN Charter.[27] The CDU/CSU position is supported by NATO, especially the United States. The CDU/CSU position is that the decision for United Nations deployment would be legal if it were made by an absolute majority vote of Parliament.[28]

The smaller party of the governing coalition, the Free Democratic Party (FDP), has taken a middle position on the out-of-area question. In recent years, the FDP has argued

that out-of-area "peacekeeping" is an appropriate mission. Currently, the FDP position is that an absolute majority in parliament for both peacekeeping and peacemaking UNO deployment would be legally acceptable. However, for any deployment not explicitly in response to a UN Security Council resolution, that is, any deployment consequent of NATO, WEU or CSCE requests, the FDP position is that this would require a two-thirds vote of parliament. As it is currently impossible that the Socialists will agree to such a deployment, the position of the FDP guarantees that the CDU/CSU/FDP Government will not deploy Bundeswehr troops out-of-area apart from a UN Security Council mandate. That is, the FDP has given the opposition Socialists a veto on any German participation in any out-of-area military action by NATO, the WEU or the CSCE. In the context of the actual reorganization of the Bundeswehr to support "rapid reaction" and "crisis management" deployments, it is obvious that most members of the armed forces are confused.[29]

Although the Bundeswehr is, in fact, preparing for out-of-area deployments, German officers and men are fully aware of the "Vietnam" syndrome and do not want to undertake missions out-of-area without full public support.[30] During the Gulf War, for example, the "peace movement" took to the streets to protest "Western Imperialism," several leading opposition politicians argued that deploying German Air Force units to Turkey was illegal because Iraq had not attacked Turkey, and sixty members of an Air Force anti-aircraft unit petitioned to have themselves reclassified as conscientious objectors because deploying to Turkey was illegal. This little "mutiny" by serving members of the Air Force has made the Bundeswehr very hesitant about undertaking deployments without full governmental and popular support. Is there, in fact, a consensus to support out-of-area deployments?[31]

In a survey of one-third of German Air Force pilots, for example, almost half said they would consider refusing to obey orders for an out-of-area mission "without the necessary clear legal preconditions." Eighty percent argued for a "new labor contract" with "clearly formulated rights and duties." Indeed, fully 49% would want to "swear a new oath" if the currently accepted view of the role of the Bundeswehr were extended beyond defense of the homeland.[32]

Despite the lack of a final government consensus, Bundeswehr troops have been deployed out-of-area and are being currently deployed. Small "humanitarian" missions serve in Cambodia and a significantly larger force, about 2,000 men, is deployed to Somalia. The legal "fiction" being used by the government is that these forces are deployed under Chapter VI of the United Nations Charter concerning the "Pacific Settlement of Disputes" rather than under Chap.VII concerning "Actions with Respect to Threats to the Peace, Breaches of the Peace or Acts of Aggression."[33] That is, the Somalia mission is "peacekeeping," not "peacemaking."

More controversial deployments such as joining the United Nations missions in northern Iraq, participating in the WEU/NATO naval monitoring the UNO embargo against the former Yugoslavia and, most controversial, serving on the NATO AWACS aircraft monitoring the "no-fly" zone over Bosnia have all resulted in the Social Democrats lodging a formal request for an injunction against the government with the German Supreme Court. To date, the Constitutional Court has not issued any "final" ruling which satisfies either the government or the Socialist opposition. The Constitutional Court has issued preliminary opinions which, essentially, have returned the debate to the Parliament.[34] A "legalistic"

resolution by the Court would not be adequate for either German public opinion or for Bundeswehr morale.[35]

The immediate impact of these "out-of-area" deployments on the Bundeswehr is difficult to evaluate. One the one hand, the entire training system, armaments, deployment patterns, etc. had been oriented against the great Soviet invasion. Currently, the Bundeswehr lacks both the proper equipment and any sustained training for out-of-area deployment.[36] Thus, while the Socialists may complain about a new German "Afrika Korps" engaged in imperialistic operations against poor Third World natives, the troops themselves lack appropriate tropical kit, sand filters for their helicopters, etc. More importantly, these early out-of-area deployments have introduced a major strain within the Bundeswehr itself over its own self-image and place in society.

As recently as April 1993, former Socialist Chancellor Helmut Schmidt made the case for no out-of-area deployment. "The principal mission of our armed forces is to protect, together with the forces of our allies, the security of our own country and the territory of our allies. For this and for this alone did we create the Bundeswehr."[37]

The central issue, then, derives from a contradiction between the previous self-image of the Bundeswehr, especially among the conscripts, that defense of the homeland was the only legitimate reason for military service and the demands of a new, unfamiliar, and dangerous mission.[38] For many Germans the "contract" implied by conscription cannot be changed without a full "renegotiation" by the larger society. To date, only professional or long-service officers and men have been assigned to out-of-area missions. Government

policy is that conscripts do not serve out-of-area.[39] Conscripts may, however, volunteer and, indeed, many have. This conscript "opt-out" has, in the current Bundeswehr structure, a "ripple" effect that essentially "strips" the long-term and professional soldiers out of units throughout the forces to replace the conscripts from any unit deployed out-of-area. In essence, the disruption of unit cohesion and the need to scour the army for appropriate long-term soldiers for the Somalia deployment has stretched the Bundeswehr to its limits. As many of the "combat support" and "combat service support" roles in the Bundeswehr are done by conscripts, Germany could not sustain two "Somalias" within the current personnel deployment policies.

The issue of conscription and out-of-area deployment illustrate the lack of a wider social consensus on the role of the Bundeswehr both within the military proper and within the larger society. The need to reduce the 1990-level 495,000 man Bundeswehr and the 170,000 men of the former East German National People's Army (NVA) to, at most, 370,000 by 1995 has raised anew the domestic debate on conscription. From a philosophical point of view, successive German governments, whether CDU/CSU/FDP or SPD, remain committed to conscription as the best means to assure the ideal of the "citizen in uniform" (*Staatsbürger in Uniform*), assure the armed forces reflect the larger society, and do not develop, as in the pre-World War Two era, into a "state within the state." Likewise, conscription was seen as the most fair way to distribute the "costs" of citizenship. On the other hand, the unhappy experience with a militarized society and the traditional anti-militarism of the Socialists and the "individual rights" views of the (European-style) "liberal" Free Democratic Party assured that there would be generous provision for conscientious objection to military service. Neither conscription nor conscientious objection provoked

serious problems as long as the Bundeswehr was facing the Red hordes in defense of the homeland and, simultaneously, there were a sufficient number of young Germans to be drafted. All this has changed and there is good reason to believe that the prospect of out-of-area deployment must be included as a major factor in the renewed debate about conscription or whether to change to a "professional" armed forces.[40]

There is an honest "pragmatic" issue of whether or not conscription makes sense if the Bundeswehr is not only reducing in size but, as discussed above, is also reorganizing itself into two distinct armed forces: the cadre-mobilization dependent Main Defense Forces to prepare against a new conventional threat from the East and the much smaller (seven brigades) active force assigned to the various Rapid Reaction forces. It is already clear that once the Constitutional question is settled, some German units may deploy out-of-area. These units will receive the modernized equipment, new rifles, body-armor, and realistic training. These units will, obviously, become the "prestige" units and, as only volunteers from among conscripts would be deployed, these units will attempt to avoid having conscripts as members. The Rapid Reaction forces will become the "real" Bundeswehr while the conscripts in the Main Defense Forces will train for the great invasion that will never come.[41] This evolution into two armies will have numerous consequences, none of which are good for Germany or the Bundeswehr. There will be elite units and "as one says in the French army" *culs de plomb* - lead asses. "The one group will engage in combat operations, the other will carry toads across the road."[42]

First, there is the question of whether conscription is even working under current conditions. There is a fairly widespread consensus that the young German conscript is not sufficiently trained for either modern European warfare or UNO-like deployment.[43]

Conscription is for twelve months; the Bundeswehr "labors" under a 38.5 hour work week; the first three months are standard basic training; different "intakes" are at various stages of their training at any one time; thus, it has been argued that only fifty percent of the conscripts are "fully" trained on a yearly average. As it is likely, for budgetary as well as tactical reasons, that realistic training of conscripts for a hypothetical war will decline while the long-term and professional soldiers train for the "real" missions of Rapid Reaction deployment, the only conclusion possible for the young conscript, and the larger German society, is that the previously legitimating myth of the Bundeswehr - defense of the homeland - has fallen to last place.[44] Unfortunately for the Bundeswehr, while there appears to be support to "do something" in Somalia, fully 80% of Germans surveyed now believe that national defense is the "least significant" role of the State. The impact on morale has been obvious and both government leaders and senior Bundeswehr commanders have been attempting to convince the troops that the Bundeswehr remains vital national service.[45] Already some young conscripts have ceased referring to themselves as *Staatsbürger in Uniform*, but rather "*Gästarbiters in Uniform*," (Guest-workers {Turks} in uniform).[46] Why continue conscription?

Why continue conscription, indeed? While there has always been a fairly high number of young men who refuse military service in Germany, since the end of the Cold War the numbers have increased dramatically. In 1990, the number refusing conscription was 75,000 in West Germany. With the coming of the Gulf War, the number rose to 150,000. The number has fallen somewhat now, but remains very high: 130,000 in 1991.[47] The Bundeswehr, then, must plan for about thirty percent of the eligible pool to claim "alternative service" and another twenty percent to be rejected as physically or mentally unfit

for service.[48] That is, fully half of the draft-age male population is unavailable to the Bundeswehr. Currently about 120,000 young men are performing their twenty-month "alternative service" as hospital orderlies, social workers, etc. Indeed, there is some pressure from German social service agencies to keep conscription as the "alternative service" option provides a significant percentage of their "low cost" labor force.

The 1991 Defense budget projected a reduction by 1995 of long-term professionals (who served four to fifteen years) from 145,000 to 115,000; two-year volunteers from 17,000 to 5,000; and twelve-month conscripts from 208,000 to 145,000. These projections were based on an initial Bundeswehr calculation that saving money by reducing professional, long-term and volunteer soldiers would be preferred to reducing conscription. Likewise, the Bundeswehr is quite sensitive to the issue of the "citizen in uniform" and did not want to present a convenient "antimilitarist" target by advertising that "only professionals need apply." The Parliament, however, realizing that conscription is increasingly unpopular and, more realistically, recognizing that conscripts may be inappropriate or unavailable for future "crisis reaction" and out-of-area missions, reduced the number of conscripts in the Bundeswehr personnel plan. The Parliament, for good reasons or bad, is nudging the Bundeswehr in the direction of a professional armed force. Under current planning assumptions, the Bundeswehr needs as annual conscription intake of about 186,000 men to sustain a projected 370,000 force. The pool of eligible young men is estimated to be about 370,000. With standard projections of 185,000 men being unavailable for conscription, the Bundeswehr may have difficulty finding sufficiently qualified draftees, especially since those opting for alternative service tend to be the better educated. If the Bundeswehr reduces to about 300,000 men after 1995, it is planned to maintain a professional, long-term core of

about 220,000 men and conscript only 70,000.[49] While this may represent a short term "pragmatic" response, the "duty" to serve becomes more difficult to argue. The normal conscript, for example, is liable to "call up" for reserve duty in the first year after service: some estimates indicate that as many as sixty percent of those liable do not bother to report for their reserve "duty."[50] Likewise, the "equity" of conscription will continue to be a contentious issue both in the larger society and especially in the Bundeswehr.[51] Desertion is an increasing problem, especially in the new Eastern Länder. In "old" Germany, during 1991, about 4,000 of the 320,000 soldiers deserted. In the "new" Länder, about 1,400 out of 60,000 have deserted in the first nine months of 1992; twice the rate for West Germany.[52] One reason for the high desertion rate in the East must be the killing boredom of conscript duty. The NVA had such a vast quantity of weapons dispersed through the former GDR that the normal "Eastern" conscript spends 40% of his time on "guard duty" over this vast warehouse complex. In the West, the conscript spends only 5% of his time on guard duty. Conscientious objection is also increasing in the new Länder; 15,500 in 1991, 18,000 in the first nine months of 1992. Many of these men flee to the Netherlands and, to avoid being deported back to Germany, claim political asylum.

Within the larger society, the issues of conscription and out-of-area deployments remain contentious, but public opinion is not as divided as the major political parties and has been evolving in the direction of the policies of the government. The Social Democrats may be out of phase with the electorate. In 1992, 69% of Germans surveyed supported Bundeswehr deployment in UNO Blue Helmet "peacekeeping" operations although fully 65% opposed, for obvious historical reasons, any German peacekeeping role in

Yugoslavia.[53] In August 1992, only 18% favored a Bundeswehr UNO "peacemaking" role; by February 1993, 26% favored the Bundeswehr being deployed in a UNO peacemaking role. Currently, fully 68% support the German mission in Somalia; 72% in "west" Germany but only 57% in the East. Likewise, the number of Germans who hold the "traditional" view that the Bundeswehr can be used "only" for the defense of German territory has decreased. Only 26% of those surveyed still hold the "traditional" view: 16% of voters who identify themselves as CDU/CSU and only 27% of Socialist voters. The Social Democratic leadership, then, holds a far more restrictive view of the role of the Bundeswehr than the Socialist electorate.[54] Most important, however, 65% of those surveyed insist that any UNO out-of-area deployment be conducted only by the "professional" soldiers. Only 8% were prepared to send conscripts out-of-area![55] Again, the role of the conscript and the justification for continuing conscription is obvious: defense of the homeland and nothing else.

As the defense of the homeland becomes an increasingly irrelevant military mission and the Bundeswehr prepares for Rapid Reaction deployment with "professional" soldiers, Germany will face a divisive internal debate on conscription, alternative service, and the proper role of the military in German society.

CONCLUSIONS

From the perspective of formal institutional arrangements, it could appear that the Bundeswehr has greatly increased its influence in the emerging post-Cold War European environment.[56] Bundeswehr units are assigned to multinational corps of the new NATO Main Defense Forces, the NATO immediate-reaction AMF-L, the new NATO Rapid

Reaction Force (ARRC), the WEU-related EuroCorps, "national" forces in the new Länder, and have assumed "national" responsibility for air defense and air policing from NATO.[57] Significant numbers of Allied forces are withdrawing from Europe. Logically, as there is a putative relationship between political influence and deployable military assets, a simple listing of increased German military "presence" could be seen as increased political influence. The reality, however, is in the details and in an investigation of the actual state of readiness or deployability. One major reality is that, despite the high "paper" numbers, only seven brigades (50,000 men) are to remain fully active in the sense of being immediately deployable military assets. The Bundeswehr is, in reality, turning itself into a "two-speed" force: a small active force and a mobilization-dependent "militia." Simultaneously, the continuing divisive debate in the governing elite, whether CDU/CSU/FDP or the SPD, and the very confused state of public opinion on key questions such as conscription, out-of-area deployment, and even the relevance of military forces in the post-Cold War Europe, are causing a serious crisis of confidence in the Bundeswehr.[58] Confusing and contradictory direction from the government continues to plague the forces: that is, reorganize for crisis reaction deployment but don't deploy because that is not the purpose of the Bundeswehr. Confusing and contradictory messages from the public such as "no professional army to threaten the image of the citizen-in-uniform" contrasting with "do something, but don't use the citizens-in-uniform to do it" leave the Bundeswehr unsure of its role in society and its relationship to society. Morale, readiness, commitment, and even the inner conviction that military service is morally appropriate for other than the direct defense of the homeland have all suffered as the Bundeswehr has had to essentially re-invent itself.[59]

The German Bundeswehr was formed in 1955 and has been in existence longer that the Reichswehr of the Weimar Republic and the Wehrmacht of the Third Reich combined. Its central function has been to be the military contribution to the foundation of German national security - alliance acceptability. If the political, economic and social changes currently being demanded of the Bundeswehr result in a force so "downsized" into a militia and so politically constrained that its seven brigades cannot comply with alliance requests, whether the NATO Alliance, the new European security identity via the WEU, or even to support contentious United Nations missions, then the role of the Bundeswehr in supporting German foreign and security policy is an open question.[60] The German Bundeswehr is, once again, being forced to "reforge the Iron Cross."

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Legal Hermeneutics and the Constitution of "Indian" Identity

Ronald Steiner
Chapman University

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Legal Hermeneutics
and the Constitution of "Indian" Identity

The Indian became important for the English mind not for what he was in and of himself, but rather for what he showed civilized men they were not and must not become.
Roy Harvey Pearce[1]

"Native Americans were and are real, but the *Indian* was a White invention and still remains largely a White image, if not stereotype," wrote Robert Berkhofer in his noted study of the images of Indians held by Europeans and their American descendants, *The White Man's Indian*. The more than two thousand cultures of the Western hemisphere did not think of themselves as being of any common identity, nor could they have done so, the groups located across the length and breadth of two continents being mostly unaware of each other. However, for better and for worse, "the idea of the Indian has created a reality in its own image as a result of the power of the Whites and the response of Native Americans."[2] Thus, federal Indian law and policy is a function not of Indian reality, but of the symbolic value of the Indian image. Understanding the non-Indians' policy toward Indians therefore requires understanding their images of Indians, and an understanding of those images reveals both important contradictions and persisting themes.

Using Roy Harvey Pearce's 1953 study, *Savagism and Civilization*[3] and Bernard McGrane's history of anthropology, *Beyond Anthropology*, the following combined chronology of images of the Indian Other can be developed:

1. The Renaissance and 16th Century
2. The Enlightenment (1700 to 1871)
3. Early Social Science (1871-1928)
4. The Era of Cultural Relativism: Indian Reorganization, Termination, and Pseudo-Self-Determination (1928-1977)
5. The Era of Indigenous Peoples (1977-Present)

After a brief review of the first two periods, this paper will give more sustained attention to the last three.

Christian and Renaissance Images

The Other in the Renaissance and 16th century cosmography was a pagan, defined by the lack of Christianity.[4] To describe the new Other they found in the Americas, the English used the term "savage" or "salvage," derived from the Latin "silvaticus," meaning "a forest dweller."[5]

Wildness "implied everything that eluded Christian norms," and referred to "what was uncanny, unruly, raw, unpredictable, foreign, uncultured, and uncultivated." Medieval society defined itself against this background, and saw wildness as "the background of God's lucid order of creation."[6] Thus, the Europeans had a ready-made conceptual framework which would tell them all they needed to know about the inhabitants of this previously unknown world.

During the early period, and especially in times of violent conflict, Europeans portrayed American savages as godless, even soulless. Samuel Purchas considered Indians to have "little of humanitie but shape," thought them "ignorant of Civilitie, of Arts, of Religion," and "more brutish than the beasts they hunt." He believed they were "captivated also to Satans tyranny in foolish pieties, mad impieties, wicked idleness, busie and bloudy wickednesse."[7] Nature itself was something very close to evil for believers in a God who had handed dominion in this fallen world to the Devil, and the natural man was

close to evil as well.[8] Indians were assumed to be the result of a process of decay and degeneration that followed the Fall of humanity. With little or no contact with the revelation of God and his chosen people, the inhabitants of the Americas were the most corrupted and vile form of human society.[9]

Interestingly, Pearce noted an increase in demonological rhetoric, and the passion of this rhetoric, toward the end of the 17th century. He believed this development reflected, first of all, growing pessimism among the missionaries, who were finding conversion much harder than they anticipated. They explained their failures by claiming that Satanism "was at the core of savage life," and thus difficult to weed out. Secondly, Pearce traced an increase in the conviction that Indians were unalterably diabolical to an increase in contact and tension between the growing and spreading European settler population and the ever more hedged in and impoverished Indians.[10]

The Christian cosmology that cast Indians as evil eventually was superseded by the intellectual movements we know as the Enlightenment. For many non-Indian Americans, however, Christianity continued to retain its intellectual and moral force, and Christian images of Indians were not so much overturned as modified. Consciously and unconsciously, less religious and more "scientific" and "secular" non-Indians also built their new worldview on Christian foundations. "Degeneration therefore remained a powerful analytical tool in White discussions of the Indian well into the nineteenth century for the orthodox, scholar and non-scholar alike."[11]

Images of the Indian Other in the Enlightenment

In the Enlightenment period the savage Other is not evil, but in error.[12] At the end of the 17th century and the beginning of the 18th, Europeans began to express a radically new understanding of themselves in relation to others. No longer was Christian Europe contrasted with idolatrous pagans, but rather civilized Europe was contrasted with superstitious and ignorant savages.[13] Of course, as Pearce indicated, Christianizing Indians was always seen as part of a project of civilizing them: "Success in empire-building and trade was to be measured by success in civilizing and Christianizing; success in civilizing and Christianizing would assure success in empire-building and trade." The Enlightenment change of focus was not all that great a departure from the earlier policy; all agreed that "the Indian, in his savage nature, stood everywhere as a challenge to order and reason and civilization."[14] Drinnon noted, "from the Indian point of view, the end result was pretty much the same: death, flight, or cultural castration."[15] Ultimately, however, this development allowed Europeans to think of others as something they did not have to either expel or destroy, but something they could confine and control. McGrane pointed to the change in U.S. Indian policy from removal (exclusion and assimilation) to reservation (confinement and administration) as a late example of the logic of this development in practice.[16]

Indians and other savages, in the view of many Enlightenment thinker, were ignorant because their environment was not conducive to the development, maintenance, and transmission of knowledge. "If their religion is savage, it is because they are unenlightened aborigines, living in a cruel, hard world."[17] As part of the general Enlightenment project of substituting rational and naturalistic explanations for supernatural, pagans and savages no longer were condemned as carnal, worldly, and in league with the devil; they were instead linked to error and ignorance.[18] So, for example, Robert Beverly's 1705 history of Virginia presented Indian religion as "neither brutal devil-worshipping nor deistical free-thinking," but merely as "the religion of savage ignorance."[19]

The Enlightened contrasted themselves with a large and disparate Other, stretching rather improbably across space and time, which had ignorance, the state of being unenlightened, as its hallmark. And if this Other is ignorant, it needs to be educated. Non-Indian America therefore took its mission to be that of teacher and parent; the government of "the Great Father" began to imagine and then create a paternal and pedagogical trusteeship over its Indian children.[20]

In its enlightened way, this policy was as hostile to the Indian as an Indian as any Puritan. If the Indian refused paternalistic assistance in eradicating Indianness,

then he confessed himself a madman or a fool who refused to enter the encompassing

world of reason and order. The red child then had to be expelled from the landscape of pastoral tranquility - or buried under it.[21]

The removal policy, often credited to President Andrew Jackson, enough of a rogue and redneck to take suspicion off of more sophisticated policy-makers,[22] was very much a part of the enlightened President Jefferson's paternalism.[23] When the student refused to learn from its teacher, when the child refused to mind its father, the teacher-parent could turn dark and vengeful. Jefferson cautioned the Indians, "if ever we are constrained to lift the hatchet against any tribe, we will never lay it down till that tribe is exterminated, or driven beyond the Mississippi." The tribes needed to learn one very important lesson: "In war, they will kill some of us; we shall destroy all of them."[24] There is no law in this policy, no sense that the government is operating under any limits of civil and political convention. The paternal wardship envisioned here brings the Indian only partially into the American family, and misbehavior would fracture the illusion of connection and re-establish a state of war.

President James Monroe's 1825 Indian affairs message to Congress made removal the express policy of the United States, since "experience had shown," he said, that Indians and non-Indians could not live together. After being moved across the Mississippi, the Indians would be civilized through the auspices of a U.S.-established government. Monroe claimed that no one in the government was contemplating forcible removal, since it was "revolting to humanity and utterly unjustifiable;" whether or not Monroe had convinced himself of that, the idea that anything short of force would remove the Indians is, and was even then, absurd. This assessment is not simply a matter of 20/20 hindsight or anachronistic moralizing. Jefferson, Madison, and Monroe were politicians capable of feats that still manage to impress; that they were unable to see the absurdity of their plans, unable to see that there was really no plan there at all, must be admitted. But Removal was the order of the day, and whether it realistically accommodated Indian desires was never the issue. The Removal policy changed the debate about the place of Indians in American society be announcing they had no place. "What was left after Removal in the 1830's was border warfare," noted Pearce, not really domestic politics at all.[25]

A politics of border warfare, not being a matter of domestic relations, did not have to presume that Indians were members of the political community. As late as 1857, in the *Dred Scott* case, the Supreme Court could write that Indians were like "foreigners not living under our Government." Though "within the limits of the United States" and "under the subjection of the white race," Indians were foreign enough that naturalization was the appropriate mechanism by which they could receive citizenship, wrote Chief Justice Taney.[26] However, Taney's opinion came at a time when the collective imagination of non-Indians was about to undergo significant changes in its understanding of the Indian. As Pearce noted of the period:

> What... nineteenth century Americans were aware of was degradation and destruction of the Indian, Removal, desperate drives to civilize and to Christianize before it would be too late, abhorrence of the perverse cruelties of white man on the frontier, frightening glimpses of the Indian as the vanishing American. If they were to be borne, if men were to be able to live with them, all these attitudes and impulses had to be shown to be products of a civilizing process whose good finally negated the evil in them, even if it did not make that evil immediately less painful. When this came to pass, when the destiny of the savage was fully comprehended in its relationship to the destiny of the civilized man, the Indian had been mastered not only as individual but as symbol.[27]

That mastery was only achieved when the Enlightenment image of the Indian was given new focus through the development of recognizably modern social science.

Early Social Scientific Images of the Indian Other

By the 19th century, "it was *time*, geological time, evolutionary time, that came between the European and non-European Other," and anthropology was "the positive and positivist form of a

comparison between past and present."[28] The savage was dead, replaced by an image of the primitive. Travel into the world of the primitive was like time travel, McGrane observed. The journey into the "heart of darkness," Conrad himself wrote, was like a trip "back to the earliest beginnings of the world," to "a prehistoric earth."[29]

Different societies were understood in terms of historical development because of the belief in progress. We can only understand some Other as primitive if we hold a conception of progress. Indeed, the term "primitive" itself is "essentially a temporal concept," McGrane noted, a category of thought and not an object of study.[30] "Primitive peoples" are "the invention and institutionalization of progress in the mode of anthropological discourse."[31]

The rise of the primitive Other may be seen as marking the end of the savage Other. The "scientific theory of the primitive" quickly supplanted the "historical-moral emphasis of the theory of the savage," Pearce noted.[32] A revolution in the image of the Indian was occurring, and that revolution began to reveal itself in Morgan's *The League of the Iroquois*, called in its day "the first scientific account of an Indian ever given to the world."[33] Morgan's book represented the nascent science of anthropology, with a commitment to objectivity and analysis, and a methodology of fieldwork. Morgan began from the conviction that social evolution as a process was understood enough to use it as a framework for interpreting specific societies. Monarchical societies were followed by oligarchical and then democratic, each form of political association bound up in its own social and productive context. To Morgan, "[t]he hunter state is the zero of human society;" all "elevation" could be measured from that point.[34] Morgan thought it unproblematic that different societies existed in different stages of historical development at the same moment in history:

> It does not affect the main result that different tribes and nations on the same continent, and even of the same linguistic family, are in different conditions at the same time, the condition of each being the material fact, the time being immaterial.[35]

However, Pearce still found traces of a savagist theory in Morgan's early work, and credited the later full blooming of Morgan's social evolutionism to his discovery of Spencer and Darwin. In his evolutionism, Morgan came to reject explanations of Indian identity based in theories of historical degradation and decline, which "removed an essential prop from under the earlier tradition which identified historical analysis with moral-theological evaluation."[36]

The full emergence of the new image of the Indian might be dated to 1817, a year of double significance. The year the U.S. Congress decided it would no longer recognize Indian tribes as foreign entities capable of making treaties was the same year in which the social scientific idea of primitivism, and perhaps anthropology itself, was born in a text that centered on the idea of social evolution.

The anthropological implications of Darwin's 1859 *Origin of the Species* were made manifest in Oxford professor E.B. Tyler's 1871 book, *Primitive Cultures*,[37] and then later in Morgan's *Ancient Society* (1877). Darwin himself reported that Lyell's *Principles of Geology* of 1830 made Darwin's own 1859 work possible. Without the conception of a geological time-scale, evolution through natural selection is impossible. "In the space opened up by 'geological time' Darwin found the room he needed to construct 'evolution.'"[38] Similarly, Tyler wrote that "geology establishes a principle which lies at the very foundation of anthropology," since human cultural development also require the presumption of a past so remote that "the ancients, as we call them, are but moderns."[39] McGrane cited Tylor's successor at Oxford, Robert R. Marrett, writing in 1914: "Anthropology is the child of Darwin. Darwinism makes it possible.... for anthropology stands or falls with the working hypothesis derived from Darwin, of a fundamental kinship and continuity amid change between all the forms of human life."[40]

As Darwin's biology made animals and humans comparable, 19th century anthropology discerned "a fundamental kinship" between Western man and the non-European Other.[41] Indians and primitive Others therefore were less different than previous thought "in that they re-present stages that the Europeans have long since progressed beyond in the ever expanding space of "history.""[42] Pearce wrote:

> ...the Indian was the remnant of a savage past away from which civilized men had

> struggled to grow. To study him was to study the past. To civilize him was to triumph over the past. To kill him was to kill the past. History would thus be the key to the moral worth of cultures; the history of American civilization would thus be conceived of as three-dimensional, progressing from past to present, from east to west, from lower to higher.[43]

Differences in culture were presented as differences of development. This presumption made difference somewhat unreal, and "not a primeval, indelible, and persisting dimension." The differences between peoples were an illusion, superficially obscuring the underlying sameness of all human society.[44] The different cultures of the world are merely the stages of human cultural development that reaches its further development with the Euro-American West. Of course, having the benefit of hindsight, the West alone knows this fact. Study of the different cultures helps the West understand itself; explaining non-Western cultures explains the West to itself. " '[S]avage tribes' are merely the occasion for anthropology: the real subject of anthropology is our own culture and its real object is to understand ourselves."[45] Thus, there is still a clearly established "us" and "them" in anthropology; "we" are the readers and producers of this new social science, and "they" are its objects.[46]

The significance of this development must noted. As Pearce put it, in Morgan's work "savages and savagism are so completely absorbed into a universal theory of progress as to lose their separate identity and their separate meaning."[47] This loss of separate identity and meaning is precisely what the Congress sought to enforce from its 1871 repudiation of treaty-making with Native Americans to the 1924 citizenship act, and it is clearly reflected in the Supreme Court cases of the period after 1871. The late 19th century saw the last of the Indian wars and the "closing" of the frontier; whatever Indians leaders tried to do the conclusion was foregone: "defeat and death or confinement." In this context, the Supreme Court in cases like *Jones v. Meehan* (1899), was unable to see any sense in the notion of Indian autonomy or sovereignty. Though one might be pained by events, the conscience of the U.S. "could only be a philanthropic, humanitarian conscience;" the Native American nations had been reduced "to a state so pitiful as to be comprehended only by philanthropy and humanitarianism."[48]

Only in the end of the 19th century did the Indians become wards in the fullest sense. Reservations were the basis of the so-called "Peace Policy," and rapid assimilation was to be achieved through concentration and domination of Indians; "total control and utter dependence" was the government's goal.[49] Unlike the earlier period after Removal, the federal government began to seek to exercise direct control over internal affairs of Indian communities. Instead of rhetoric about seeking to build up or aid Indian governments, the United States unashamedly sought to destroy any indigenous institutions and substitute its own.[50] Berkhofer stressed that with the 1871 end of treaty-making, "Native Americans moved officially and legally from being domestic dependent nations represented through their own governments to being wards of the state, to be acted upon by agents of a bureaucracy in their midst."[51] In Berkhofer's caustic summary: "Thus did the wardship postulated by John Marshall in his 1831 decision become actuality as Indians were denied self-government and particularly religious freedom in the very hope of giving them democracy and liberty according to the American model."[52]

The General Allotment Act and the Major Crimes Act were part of this trend. Reservations provided the resources necessary for some continuance of Indian life and values, so reservations would have to be eliminated. Furthermore, reservations preserved the "communistic" lifestyle of Indians, keeping them alien to the individualism of post-republican life in the U.S.[53] As individual land owners, Indians would learn the habits of self-interest so basic to liberal, capitalist society. The Allotment Act would be "a mighty pulverizing engine to break up the tribal mass," said President Theodore Roosevelt.[54] In addition, Berkhofer noted, "[t]otal detribalization demanded nothing less in their minds than bringing crimes among Indians under the penal statutes of the United States instead of the customs of a tribal government."[55] When there were no more reservations or Indian programs to be administered, the BIA would whither away. Wardship would end when Indian identity was itself ended.

"Yet," Pearce concluded after surveying the effects of the assimilation and allotment period, "even

philanthropy and humanitarianism would not work," since it was aimed not at real Native Americans, but at "an image which the civilized conscience had created just for the protecting, which the civilized intellect and the civilized imagination had earlier created just for the destroying."[56]

Cultural Pluralism: Indian Reorganization, Termination, and Pseudo-Self-Determination

The period after 1924 has produced a sequence of policies most observers of Indian law find a bit hard to explain. The 20th century has seen a time of enhancement of tribal governments, a vigorous attempt at termination, and a time of "self-determination" and "New Federalism for Native Americans." The conventional way of accounting for this sequence has been to dismiss it as simply erratic and inconsistent. Different policy-makers and interest groups had different goals, and they competed with one another to enact those policies. As one side won, policy would move in its direction; as the other side won, policy would reverse.

Examining the history of Indian law and policy from the perspective of non-Indian images of the Indian provides an alternative understanding. Images of the Indian Other have changed only in certain nuances since the 1920s, and nearly all policy postures, despite some significant differences in practice, have shared the broad outlines of a cultural pluralist standpoint. The Merriam Report of 1928 and the appointment of John Collier to the Bureau of Indian Affairs under Roosevelt certainly marked a change in thought and policy from the era of assimilation and allotment that ended the 19th century and started the 20th. This change reflected the fact that both the writers of the Report and Collier himself were part of an intellectual movement that changed anthropology and social science in the United States. Since the 1920s, however, there has been much more continuity than difference in the images of the Indian that have served as the basis of federal Indian law and policy.

Difference was first understood as a difference in cultures in the late 19th and early 20th centuries. Tylor, Morgan, and others had seen differences as a matter of different stages in the development of what amounted to one human culture. The idea that there might be different cultures, each with its own history and patterns of integration, was part of the 20th century's understandings. As the 19th century concept of progress transformed difference into the primitive, the current anthropological concept of culture has transformed difference into relativity. There is no culture, only cultures.[57]

The development of a plural conception of 'cultures' made possible a "radical democratization of difference," McGrane suggested. The new conception of culture has dismissed the evolutionary perspective which located the Other in the past; difference is no longer a temporal characteristic.[58] However, he added,"To see the Other as culturally different is no cause for applause and self-congratulation." Embarrassed by claims to cultural superiority, bourgeois Western society began to deny that different cultures were inferior or superior. McGrane cautioned that this was "not a moral or an intellectual victory," only "a great trivialization of the encounter with the Other." It "merely reaffirm[s] the Eurocentric idea of the progress of knowledge."[59]

How does respect for difference reaffirm the Eurocentric ideal of progress? Having been exposed to so much difference through travel and advances in communication, the West has a different understanding of difference. Through such exposure Westerners have become different. In fact, McGrane has noted, they seem to take this new understanding of difference as the thing that makes them different from others. Early Western society, and less advanced societies today, lack an appreciation of the true nature of difference. "They" are different from "us" in that they do not have a grasp of cultural relativism, and are still "primitive" in that they believe in the absolute truth of their own culture.[60] It bears some similarity to the Enlightenment vision; those who do not travel and communicate with other cultures are ignorant.[61]

Thus, the identification of difference with cultural relativity paradoxically resurrects the denial of difference. The democratic relativity of all human cultures is a universal constant of human existence. But Western social science, anthropology, which allows us to see the diversity and relativity of culture, is a universal truth exempt from what it observes of all other human existence. The Western way of seeing

cultures "is somehow not cultural, not relative, but of the nature of things and of the order of truth."[62] As Todorov noted of Cortez, so McGrane noted of the modern anthropologist: "he has never abandoned his feeling of superiority; it is even his very capacity to understand the other that confirms him in that feeling."[63]

The paradigm of cultural pluralism and its "democratization of difference" shaped a politics of Indian affairs that reflected a liberal democratic, civil rights model. Indians were to be integrated rather than assimilated; ending federal control of Indian lives was to be a triumph over racist denials of civil rights and liberties; moving people off reservations, or even dismantling reservations, was an end to segregation; tribal government was home rule. In the Indian Reorganization Act period tribal governments were to be *like* municipal governments. The Termination policy merely turned this new Indian law simile into a declaration; terminated reservations were to be municipal governments. The Self-Determination policy resurrected parts of the municipal government simile and created another; tribal governments were like welfare agencies. All of these developments demonstrated yet other similes; Indians were like a minority in need of individual civil rights, and the federal role in Indian affairs was like that in civil rights generally, serving as a referee over local and state institutions of majoritarian representative democracy. Therefore, as Castile noted, "[t]he modern drama over Indian affairs finds political significance and utility as a continuing affirmation of eventual federal good faith in the prolonged civil rights struggle."[64]

The Indian Reorganization Act: This combination of cultural relativism with a conviction that Western social science had progressed to an appreciation of the absolute truth was expressed in a rudimentary form in the Merriam Report of 1928 and the Indian Reorganization Act of 1934. A product of the Progressivist impulse, the Report called for giving power and responsibility in Indian affairs to professional bureaucrats and experts in education and vocational training, health care, conservation, community organizing, record keeping and statistics, and so forth. The Report used the rhetoric of cultural pluralism, and did establish as its goal promoting programs that would help Indians "be absorbed into the prevailing civilization or be fitted to live in the presence of that civilization at least in accordance with a minimum standard of health and decency."[65]

The Merriam Report's recommendations, "advanced tentatively" by the Hoover administration, "became official policy and practice under [John] Collier" and the Roosevelt BIA. The principle vehicle for this policy was the Indian Reorganization Act of 1934. Despite some efforts to the contrary, the IRA was taken by many to be an expression of the idea that tribes are instruments of the federal government certainly survived. For example, Theodore H. Haas, writing a ten-year review of IRA as chief counsel for BIA, "described tribal powers as 'delegated' rather than recognized, a reward for good behavior rather than a right."[66] Haas saw tribal governments as mediators between the BIA and the individual Indians. His report gave great attention to this role in smoothing the exercise of Bureau responsibilities, but did not envision that tribal governments would play much of a role in actual decision-making.[67]

Collier, an anthropologist and self-proclaimed "friend of the Indian," usually described the IRA as providing "recognition of tribal powers" that Congress had not abrogated, and not "a grant of new powers."[68] However, he also said the Act was similar to federal delegation of power to a municipal government, and that the tribal governments under it would be federal instrumentalities.[69] Even the language of the early drafts of the Act portrayed it as grant of power and authority from secretary of Interior to the tribes.[70]

Collier's first version the Act has been described as "encourg[ing] the political independence of tribes through permission to form tribal governments with the powers common to municipalities in the United States."[71] However, the equation of "political independence" with "permission" to form municipal governments is an odd one. For tribal governments to depend on the permission of the federal government would fit very few people's definition of political independence. The comparison to chartered municipalities, which lack even the sovereignty held by states in the federal system, further indicates a minimal appreciation for the political and legal status of tribes.

There were big problems with the IRA, especially regarding the tribal governments. Established

on non-Indian models and subject to BIA intrusions, they only moderately satisfied the "progressive" factions, and they thoroughly alienated the "traditionalists."[72] The imported model, at best an imperfect and often corrupted version of Western liberal representative government, "institutionalize an infrastructure for divisiveness within communities."[73] Collier continued to flirt with the federal instrumentality formula, and understanding this fact helps clarify Collier's claim that the Act would prepare Indians for "real assimilation."[74] He claimed the Act, even though imperfectly implemented, had "immeasurably hastened the day when complete integration of the Indian into the general population will have been achieved."[75] In response to the Senate criticisms of the BIA in 1943, Collier argued:

> ...tribal Indians are citizens, who ought to enjoy all the rights of citizenship but toward whom the Federal Government has assumed certain additional obligations generally connected with the rendering of public services. The basic job of the Indian Service is that of meeting these special obligations without infringing upon the Indian's right of citizenship.[76]

Collier went on to suggest that the country had nothing to fear from allowing tribes "the status of limited municipal sovereignty."[77]

Termination: The image of Indian tribes as federal instruments analogous (even homologous) with municipalities survived, and even flourished, because it was consistent with the dominant paradigm of cultural pluralism. Respect for the plurality of cultures within the United States never needed to be synonymous with respect for a legal and political plurality of sovereigns. It easily comports with a liberal civil rights outlook that has dominated 20th century understandings of difference in the U.S. It also allows a reconsideration of the typical distinction drawn between the IRA period of federal Indian law and the termination period. If Collier's program had as its bottom line granting tribes "the status of limited municipal sovereignty," and the termination program actually went about turning reservations into municipalities, the distinction may not have been as great as some would have liked. Both visions are expressions of a cultural pluralism combined with political liberalism, which sought to grant home-rule on the basis of individual civil rights to cultural minorities in geographic enclaves.

Termination proponent and Indian Affairs Subcommittee Chair Senator Arthur V. Watkins of Utah and his allies always defended termination as intended to free Indians from domination by the federal government, and the BIA in particular. It is more interesting to set aside assumptions of bad faith and take the terminationists at their word; the logic of their position cannot be simply dismissed. Senator Chavez complained that he was "upset at times because we treat them [Indians] like a bunch of peons and slaves." Watkins insisted that the motto of the termination policy was that of the Emancipation Proclamation: "These people shall be free!" He wanted to "end the status of Indians as wards of the Government and grant them all the rights and prerogatives pertaining to American citizenship."

> With the aim of "equality before the law" in mind our course should rightly be no other. Firm and constant consideration for those of Indian ancestry should lead us all to work diligently and carefully for the full realization of their national citizenship with all other Americans.[78]

Deloria and Lytle presented termination as an element in the post-war trend toward civil rights for minorities in the United States. Democrats and other liberals, "ashamed" of U.S. laws too reminiscent of Axis racial laws, included a civil rights plank in their 1948 presidential platform, and "if the Democratic liberals could not immediately assist the blacks in their struggle, they could at least assist the Indians, over whom they had a more direct control." Truman's BIA Commissioner Dillon Myer wrote to his staff that "the government was preparing to withdraw from all Indian programs." Though Indian support for the withdrawal was to be sought, Myer acknowledged that "it will not be possible always to obtain Indian cooperation," but insisted "[w]e must proceed even though Indian cooperation may be lacking in certain cases."[79]

Deloria has argued that the termination policy did not so much fail as it "evaporated" when the federal government began to describe Indian policy in the slogans of the Great Society - "help the poor help themselves by giving them power over the local institutions that touched their lives."

> The shift in perception of Indians is all-important in this instance. Indians were fading from public view as "domestic dependent" nations, but they were emerging as one of a number of deprived racial minorities who had at least a moral claim on American society. Reservations in the 1960s received massive infusions of money from the poverty programs of the Johnson administration, not because they were Indians but because they were poor.[80]

The "Self-Determination" Policy: Some Great Society programs were open to tribal governments, which Getches and Wilkinson described as implicitly "recognizing the permanency of Indian tribes." Presidents Johnson and Nixon both gave special presidential messages on Indian affairs. The Nixon message gave a name to the new era, calling for "self-determination without termination."[81] Getches and Wilkinson acknowledged, "[t]he ideas in Nixon's text were not new," though they thought it "served as a catalyst" for action because of "its remarkable force and specificity."[82] However, this policy, as with most Indian affairs policies, was imposed from the top, an odd way for "self-determination" to be realized.[83]

Churchill and Morris criticized even the use of the term in the 1975 Indian Self-Determination and Educational Assistance Act, the supposed centerpiece of the new era of federal Indian law:

> This oddly titled statute... does nothing at all to afford American Indians the internationally recognized right to determine for themselves their social, political, and economic relationships to the U.S. and other foreign powers. Rather, it requires that they be included more fully in staffing the various programs aimed at them by federal policymakers, who - the Act makes clear - continue to hold preeminent authority over Indian affairs. The statute would thus have been more accurately titled the "Indian Self-*Administration* Act."[84]

The Act itself called only for "effective and meaningful participation by Indian people" in Indian affairs, and was not a wholesale transfer of federal power and authority.[85] Title I of the Act granted veto power over relevant contracts and programs to the Secretaries of Interior, Education, and Health and Human Services.[86] In a 1992 review of the Indian Self-Determination and Education Assistance Act, ethnographer George S. Esber, Jr. concluded that "the objectives of the self-determination policy are not designed to guarantee Indian self-determination, and further, that one of its effects has been the creation or intensification of divisiveness and the favoring of factions in tribal organizations that pattern their actions after an assimilationist model."[87] "[G]ranting Indian participation in Anglo activities... is not equivalent to the governance of Indian affairs as Indian undertakings," Esber observed.[88]

During the period of so-called self-determination, tribal governments became what Deloria and Lytle called "surrogates for the federal government," a status "clothed ironically not as termination but in the new language of self-determination." Despite rhetoric about a "government-to-government" relationship between tribal governments and the federal government, "tribes were almost totally dependent upon the federal agencies for their funds and program ideas." Innovation came from Washington and the BIA with little input from the reservation. "In almost every instance," lamented Deloria and Lytle, "a new program could trace its ideological roots to someone in the federal government and its funds to a consortium of federal agencies that had sponsored the activity at the urging of interested bureaucrats."[89]

Thus, the policies of the self-determination period has not been that much different from the IRA period, and the failures have been much the same as well. "Recent evaluations of the IRA suggest that even limited self-government was a mirage," Deloria and Lytle conceded, though they were generally sympathetic to Collier and his efforts. "Every decision that an Indian tribal government made was subject to the approval of the secretary of the interior," and in the end "[e]conomic development rather than political and social progress was Collier's real achievement."[90] Churchill's review of the Navajo tribal

government, which served as the model for the IRA, led him to the same conclusion:

> Fantasies to the contrary, the Navajo council and its chair have exactly zero control over any aspect of Navajo affairs. Every shred of their policy is an always has been utterly contingent upon the approval of the U.S. Interior Secretary, the federal courts, corporate executives, and the governments of the three states (Arizona, New Mexico, and Utah) within which the Navajo Reservation technically lies.
>
> Today, the same colonial puppet "self-governance" prevails on almost all reservations in the United States.[91]

The self-determination policy was thoroughly derivative, growing out of general poverty programs like the Office of Economic Opportunity, which was committed to "maximum feasible participation of the poor." Castile noted, "The program was designed for non-Indian poverty constituencies and was applied on the reservations only as an afterthought." The Nixon Administration continued the rhetoric of Indian self-determination because it was consistent with "New Federalism," and not out of any drive to do right in Indian Country.[92]

Deloria lamented that, "had anyone analyzed it precisely," the self-determination policy "was more potentially destructive of the traditional relationship than termination." The termination policy at least "required all federal debts to be paid before releasing Indians from the tentacles of the national government."[93] Pseudo-self-determination reflected a "misconception" that "obligatory debts in perpetuity are temporary payments in relief," Esber charged. Rather than recognize "the idea of a perpetual debt to peoples of prior rights," the U.S. government has felt more comfortable thinking of Indian affairs as a matter of welfare policy, and "has demanded a certain degree of assimilation from Indian communities" as the price of assistance.[94] Deloria in 1985 was resigned to "the practical fact... that Indians have forsaken their traditional special status for that of a needy minority." Since the days of termination, he concluded, "both Indian successes and failures have been connected to the Indian status as an identifiable racial minority within American society, not to the status of Indian tribes as domestic dependent nations."[95]

What must be noticed is how this image of Indians and the evolution of federal Indian law have been manifested in the Court's use and presentation of the Indian law canons of construction. When cases involving Native Americans came before courts that operated with images of Indians as, at worst, inferior, or, at best, disadvantaged, the canons came to have "little bite," since they seemed to judges "so blatantly normative - 'you should help these poor Indians.'" This conception of the canons, "normative in a fuzzy, liberal direction," has had a particularly tough go of it recently in a judiciary of Reagan and Bush appointees.[96] Though often used by more Indian-friendly judges and commentators, this conceptualization is of dubious value:

> ...by missing the essential differences between the legal and political cultural situation of Native Americans and that of America's racial minorities, this conceptualization is antagonistic to the most basic claims put forward by American Indians: a claim to be free from assimilative forces and to make their own laws and be governed by them. It is not a conceptualization, then, that Native American leaders would likely embrace even if it could produce a few judicial victories along the way.[97]

The era of cultural pluralism continues to this day in many areas of federal Indian law and politics in the U.S. Building on the paradigm of African-American experience, many new friends of the Indian have portrayed the "plight" of Indians as a civil rights problem. Litigation in the federal courts of non-Indian America then becomes the vehicle for resolving the problems of Indians. The focus is often on promoting and protecting the rights of individuals who are Native American, rather than on anything special about Native American legal and political identity. Federal relations with Indian tribes and reservations have often been based on a general model of development, which takes the forms of both "heavy-handed paternalism and client-centered therapy, for Indians as a special group and as part of the growing underclass."[98]

As the permission for self-administration by tribal governments is not the same as respect for the self-determination for Native American nations, civil rights and poverty programs are not the same as a recognition of U.S. obligations to Native Americans. Deloria and Lytle have speculated:

> When the dust finally clears away and people evaluate the most recent period of Indian history, they will realize that the progress of the past two decades [1964-84] was purchased at an enormous price. In order to attach themselves to national social welfare legislation, Indians had to pose as another American domestic minority. Few of the funds and programs that Indians received during the sixties and seventies were given to them because the government felt responsible to fulfill treaty obligations long withheld and due them. National policy sought to abolish poverty, and all low-income groups and areas were eligible to receive funds to accomplish this purpose. Indians happened to be a group that fell within the identifiable guidelines of the poverty program, and they therefore qualified as recipients.[99]

Churchill worried that under such circumstances many Indian peoples, especially smaller tribes, faced "auto-termination" as they became absorbed into the American melting pot over the next 50 years.[100]

The civil rights movement itself reflected economic and political (even demographic) dynamics sweeping through American society. This movement created a degree of what Castile called "sympathy clout" for Native Americans "as proxies or surrogates for the more important minorities." "Red power" reflected the political significance not of Native Americans themselves, but instead of "the sympathetic political magic which makes an offence against Indian rights a symbolic offense against all ethnic groups."[101] "The downside of this symbolic power," Castile advised, is that "there has been little practical benefit." If the image of the Indian functions as a political symbol, there is little reason to expect improvement in the real lives of actual Native Americans. "In the realm of the imaginary Indian," Castile continued, "rhetoric and formal gestures meet the symbolic needs, and so images are manipulated, but not the underlying realities."[102]

Furthermore, the case for federal intervention in Indian affairs is strengthened in the public mind when Indians are imagined to be basically a disadvantaged minority, since federal payments to Indian peoples then are thought of as "remedial and temporary," and made under "conditional terms."[103] When non-Indians have an image of Indians as "just another needy minority on whom federal dollars must be spent," they seem to envision tribes as "welfare recipients whose use of government dollars must necessarily be monitored by the government."[104] When the image of the Indian is that of a peculiarly disadvantaged minority in a cultural pluralist paradigm, pseudo-self-determination and continued federal domination are the logical policy results.

Administrative Enclaves and "New Federalism"

The Indian Reorganization Act is still in force, and still defines the status of Indian nations and regulates much of their relations with non-Indian America. Itself a manifestation of cultural pluralism, the IRA deals with tribes as institutions of government, and hence goes beyond the individualist focus of the civil rights approach. However, tribal governments under the IRA have been little more than administrative enclaves, home rule devices by which federal regulation is made more acceptable and, it was hoped, more efficient. Churchill complained that "Indian nations have been unilaterally diminished to subordinate, 'quasi-sovereign' status similar to that of the 50 states of the union." Even that status was the best case Indians could expect, he warned, since "[i]ncreasingly, their status is being reduced even further, to that of counties or municipalities, subject to state jurisdiction and control."[105] Sovereign for some purposes but not subjects of international scrutiny according to the U.S. government, Indian nations occupy a legal and political space many find confusing and even contradictory.[106] As Churchill observed, these tribal governments know the limits of their power, and they "will not, indeed structurally *can*not, pursue actual self-determination, self-governance and sovereignty." These governments suffer in a relationship of "unbalanced symbiosis and mutual perpetuation," unwilling to risk the benefits of federal dependency

through any assertions of autonomy.[107] To Churchill, IRA tribal council governments generally represented "institutionalized capitulation on virtually every significant issue of Indian rights," and "problems to be overcome as part of any genuine decolonization struggle."[108]

Tribal governments were created by Congressional statute and executive branch oversight, and the non-Indian governments of the U.S. often have treated tribal governments as federal instrumentalities, with little inherent autonomy. The Supreme Court has created doctrines of federal Indian law that reflect this diminished status. The "infringement test" first suggested in *Williams v. Lee* limits state interference in tribal affairs when such interference would infringe upon important matters of tribal government, but it has been applied in a way which allows many state interferences. Even when states are barred, the Court often does so on the grounds that the federal government has acted so as to prohibit state action in some area.

The infringement test thus shades into the "federal pre-emption test," which prohibits state action in any area (whether or not in Indian affairs) where the federal government has regulated matters so thoroughly as to pre-empt the field. Federal interference with Indian affairs has usually verged on total domination; no field could be more thoroughly pre-empted. Courts have therefore considered state interference with Indian tribal government an infringement upon the prerogatives and powers of the federal government, with Indian interests altogether elided.

The debate over religious freedom and tribal government jurisdiction illustrate the derivative nature of tribal government sovereignty. The Supreme Court in *Lyng* and *Smith* found no constitutional grounds for the protection of Indian sacred sites or religious practices such as the sacramental use of peyote. In *Oliphant* and *Duro* the Court found no inherent rights of tribal governments to have jurisdiction over the behavior of non-members on reservations. The solution to these problems appears to be in Congressional statutes directing the Court to interpret laws in ways that promote and sustain Indian religious life, and which delegate jurisdiction to tribal governments. In both sets of cases the response of federal statutory action may appear to resolve the problem, but such action in no way confirms the distinct and autonomous legal and political identity of Indian nations. Statutes offering religious protection or delegating federal jurisdiction only ask the Court to respect the will of Congress or the supremacy of the federal government over the states.

The Indian and Otherness in Contemporary Thought

The Western imagination has begun to construct a new world, a world in which identity and difference have become central to the Western understanding of politics. This imagination also reflects its historical situation. Shane Phelan has called the late 20th century a time in which the West has come to know that "[t]he legitimate drive for community degenerates into unmediated unity, a unity that carries as its twin an excessive fear of difference." And, she cautioned,

> What is only now becoming clear is the cost of simple unity, unmediated by individual differences. Such unity can only be achieved through the imposition of certain categories and the denial or outright rejection of any other possibilities.... [A] discourse that does not admit the possibility of alternative discourses or new categories that challenge the old is a discourse solely of domination, not of politics. The first necessity for politics must be the recognition that others exist independently of oneself, and that these others are no less real or valid for that.[109]

It is this aspect of the current situation of the West that compels us to reject earlier images of the Indian and the current law and policy in Indian affairs that continues to reflect the lack of appreciation of genuine difference.

In *Justice and the Politics of Difference*, Iris Marion Young has similarly discussed assimilation versus diversity as paradigms of liberation. For conventional liberals in America, liberation is made to equal "the elimination of group differences," an "ideal of universal humanity" which has indeed been important in struggling against adverse discrimination, Young conceded. As long as difference is equated with inferiority, the assimilationist paradigm has attractions, she noted, yet, she continued, many times in

American history "movements of the oppressed" have rejected assimilation in favor of "the assertion of a positive group cultural identity." The Black Power movement, and assertions of African-American culture are an obvious example of this phenomenon, but Young suggested that "Red Power" and the American Indian Movement rejected "perhaps even more vehemently than Blacks the goal of assimilation."[110]

Instead of assimilation and coerced unity, some of Western political thought is seeking a way to respect real and profound difference. Young noted:

> Implicit in emancipatory movements asserting a positive sense of group difference is a different ideal of liberation, which might be called democratic cultural pluralism.... In this vision the good society does not eliminate or transcend group difference. Rather, there is equality among socially and culturally differentiated groups, who mutually respect one another and affirm one another in their differences.[111]

Similarly, Phelan cautioned that one cannot expect to replace difference with unity through any political stratagem, since all such projects are destined to be wrecked upon the rocks of Otherness, "a constant, harassing presence that will not vanish under any political or discursive regime in modernity."[112] One should therefore "strive to create more institutional space to allow otherness to be."[113]

"Treaty federalism" and the demand for respect for indigenous rights are the kinds of institutional accommodations that allows for otherness. However, these accommodations are not just consistent with the demands of certain developments in Western thought; they also seem to be what Native Americans and other indigenous people want. This point is significant. Too many times the demands of intellectual theories have been given priority over the real lives and interests of Native Americans. If non-Indians prefer these institutional accommodations of treaty federalism and indigenous rights for their own reasons, or because they believe it is best for Indians, there is no improvement over the long pattern of supposed friends of Indians forcing their policy preferences on Indians. Only when Native Americans themselves express a preference for certain policies, only when non-Indians actually listen to Native Americans and seek to meet their needs and demands, should an institutional accommodation be promoted.

Young argued that the politics of difference must focus on groups and group solidarity. Such politics are necessarily not liberal -- institutions of liberal governance must be altered to offer "group representation in policymaking."[114] Many liberals seem to fear that the affirmation of difference can lead to conflict between groups. However, as Young argued, such conflict results not from "group difference per se," but from "the relations of domination and oppression between groups that produce resentment, hostility, and resistance among the oppressed." In such a situation, seeking homogeneity "only exacerbates division and conflict, because it gives members of the dominant groups reason to adopt a stance of self-righteous intractability."[115] Indeed, as Young cautioned,

> if the only alternative to the oppressive exclusion of some groups defined as Other by dominant ideologies is the assertion that they are the same as everybody else, then they will continue to be excluded because they are not the same.[116]

Young wrote that the situation of Native Americans especially exemplified the importance of a political and legal respect for difference, "because it is perhaps clearest here that justice toward groups requires special rights, and that an assimilationist ideal amounts to genocide." As she noted:

> The justice of recognizing both specific needs of a group and rights of full participation and inclusion in the polity has a clear precedence in U.S.-Indian law. Indians are the only group to have what almost amounts to a dual citizenship: as members of a tribe they have specific political, legal, and collective rights, and as U.S. citizens they have all the civil and political rights of other citizens....[117]

Young noted that Native Americans are "the most legally differentiated people in the United States, the

only group granted formally special status and rights by the federal government." She thought they embody a kind of "*arche*-difference" that "subverts the claim to origin, to a New World, that founds the myth of America and the home of English-speaking farmers, traders, and inventors."[118]

However much the government and people of the settler states of the Americas have "attempt[ed] to purge this difference within," the legal and political history of the U.S. also "testif[ies] to a begrudging acknowledgement of the Indian peoples as independent political entities with which the government must negotiate."[119] Young admitted that

> the special legal status of Indians was conceptualized almost entirely as a relation of wardship and dependence between an inferior savage people and a superior civilized sovereign, and the shadow of this conceptualization darkens even recent legal decisions.[120]

Young also noted that most non-Indians have assumed that "an end to this position of tutelage and wardship implied assimilation to the dominant culture."[121]

"Throughout this history, however," Young pointed out, "assimilation was not a live option for the Indians." Individuals may have been integrated into non-Indian society, but "Indians as groups persistently preserved their differences from white society against the fiercest opposition." Though many Native Americans complain about the existing system of tribal governments, few question the principle of tribal self-government.[122] Indeed, the biggest complaints about tribal governments is that they do not represent real self-government.

"New Federalism" for Native Americans

The latest attempt at comprehensive policy-making in federal Indian affairs was the 1989 Senate Select Committee on Indian Affairs investigation and report.[123] After documenting the failures and inadequacies of the Bureau of Indian Affairs, the Senate Select Committee plan called for the termination of the BIA, with grants going directly to tribal governments. The "New Federalism for American Indians" called for by the report would extend the "self-determination" policy of the past decades into something a bit more substantive. But, only such governments that met with the approval of the U.S. government would receive funding, and a separation of political power into various branches was an absolute requirement. Tribes with traditions of authority not consistent with Western models of representative liberal democracy would be severely disadvantaged. Esber charged that "the more a community or part of a community is held together by tradition, the more difficult it will be for its members to be involved in the politics leading to tribal self-determination."[124]

The report proposed the creation of a new executive branch office to replace the various bureaus and agencies of Indian affairs. Still, the new office "would operate through a block grant system similar to the relationship between the Federal Government and state and local governments."[125] The New Federalism program would continue dealing with the IRA tribal governments as municipalities and service-delivery providers in much the same way critics have charged is the case with the "self-determination" policies and programs of the past few decades.

Self-determination can only become real if it is genuinely a product of the people by whom it is to be exercised. "Self-determination as a policy of a dominant group toward a minority is a contradiction in terms and can never be a reality," Esber stressed. It will never result from "a policy decision of a dominant government," but requires instead the "disempowerment of the dominant government and recognition of the genuine sovereignty of the other."[126]

However, even Esber admitted "[t]here is no question that Native Americans are closer now to the ideal of self-determination than at any other time since Anglo domination began."[127] Castile argued that IRA governments were "puppet governments initially, but potential mechanisms for self-administration nonetheless."[128] Eddie F. Brown, Assistant Secretary for Indian Affairs in the Department of the Interior at the time of the 1989 report, acknowledged that the Select Committee's proposals "reflect[ed] a trend

which is growing stronger within tribal communities - the assumption of greater self-determination by tribal governments."[129]

From "New Federalism" to "Treaty Federalism"

The New Federalism suggested by the Select Committee may have greater potential than cynical critics might suspect. The report called for a new era of agreements between Indian peoples and the United States, hoping to use such agreements as the mechanism by which mutually acceptable changes could be negotiated. Reopening the treaty-making process, even in the qualified form of new post-1871 "agreements," would represent a significant concession on the part of the U.S. After so many years of unilateral policy-making by the federal government, it would signify a greatly enhanced respect for Indians peoples and their political representatives.

That enhanced respect is not likely to take the form of anything like a recognition of independence or complete autonomy; many would even think that undesirable and unnecessary. However, it may mean that Chief Justice Marshall's notion of Indian tribes as "domestic dependent nations" is taken more seriously. Domestic and dependent, Indian tribal governments would be recognized as the political agency of Indian peoples. In a multi-ethnic, multi-cultural society with a federal system of government, United States Indians are in a distinct and special situation, but not one that is unimaginable and unmanageable.

Indian peoples are "annex[ed] to the federal system in a status parallel to, but not identical with, that of states,"[130] wrote Russell L. Barsh and James Youngblood Henderson in their 1980 study of federal Indian law, *The Road*. They called this arrangement "treaty federalism." This arrangement acknowledges that treaties are still central to the relationship between governments in the era of tribal political resurgence, and the federal Indian law canons would still be in effect. In fact, the canons might be more important than ever if the law of nations justification for them outlined in previous chapters above was taken into account. The theoretical work of Barsh and Henderson, which seeks to take seriously the political and cultural practice of contemporary Native Americans, may thus benefit from a reconsideration of the federal Indian law canons.

Barsh and Henderson suggested that the relationship between the United States and the Indian nations included within it be characterized as "treaty federalism." Though treaties form the basis of the relationship, they are now almost universally considered different in function and nature from treaties under international law. They are, argued Barsh and Henderson, "something more than 'treaties' as they are understood in international law. They are political compacts irrevocably annexing tribes to the federal system in a status parallel to, but not identical with, that of states."[131] "Regardless of their original intent," they continued, these treaties "have resulted in a complete political and economic integration of tribes into the federal system. Separation is practically impossible."[132]

Barsh and Henderson noted that the United States denies the power of tribes to terminate treaties or alter their provisions, and it considers armed resistance by Indians to the federal government to be criminal behavior, possibly treason, rather than an act of war. The U.S. will no longer entertain any claim that a treaty is illegitimate, no matter what fraud, coercion, or deceit accompanied its negotiation and ratification.[133] In the ultimate evidence of the special character of Indian treaties, Barsh and Henderson noted:

> If tribes can no longer remove themselves from the Union, it is all the more essential that their political rights be secured on a fixed and certain basis. In an alliance of sovereigns, the ultimate relief from oppression is exit. In a national compact, the only safety is in the architecture of its constitution and laws.[134]

"Treaty federalism" expresses the idea that tribes are now part of the United States, that treaties between formerly distinct and sovereign peoples have evolved into a still ill-defined "compact," and are no longer *contracts*.

> Parties to a treaty have a right to revoke, and an action inconsistent with its articles revokes a treaty de facto. An injured nation has no recourse but to war.

> Compacts differ in origin, nature and effect. Their object is to restructure the parties and create or enlarge some common, national sovereignty. Treaties are agreement between existing sovereigns; compacts create new sovereigns.... Once ratified by the people, a compact cannot be modified, dissolved or superseded except by the same process. It is not alliance, but the constitution of an amalgamated body politic.[135]

Barsh and Henderson believe that treaty federalism is not so novel as it may seem. Rather, "[i]t simply reinterprets the sources of federal Indian law to be more consistent with our general political and ideological heritage, and in a way reconcilable with the realities of tribal survival today." It is, they say, the best way to make sense today of Marshall's description of tribes as "domestic dependent nations" in *Cherokee Nation*.[136] Treaty federalism is the best way to make sense of a sequence like the 1921 Snyder Act (authorizing general expenditures for Indian affairs rather than appropriations for each specific treaty obligation), the 1924 act making all Indians citizens (whether they wanted to be or not), and the 1934 Indian Reorganization Act (setting up new systems of tribal government based on tribal referenda and recognized by the U.S. government). These acts speak of "political integration" with an ongoing respect for the existence of tribes as political entities. The Indian Reorganization Act, in particular, "embodies the principal criteria of compact. It restructures the governing of the parties, establishes a permanent political relationship, and flows from the consent of the people."[137]

Deloria also has argued that the consent of Indian peoples "can only be found in the Indian treaty relationship with the United States." There is then "a strong analogy" between the constitutional status of states and Indian tribes. For the constituent states of the Union, the 10th Amendment guarantee that all powers not expressly delegated to the federal government were retained by the states or the people. The Indian law canon known as the reserved rights doctrine parallels this constitutional provision. Deloria observed,

> It is standard treaty law that everything not specifically ceded to the United States by an Indian nation in a treaty remains vested in the Indian nation.... The proper relationship of Indian nations and the Constitution is, therefore, also one of delegated rights and powers with the Indian nations, like the states, reserving and preserving everything not specifically ceded by treaty.[138]

Frickey similarly has concluded that the best application of the Marshall precedents and the canons of federal Indian law in the modern context would be something very close to Barsh and Henderson's treaty federalism. Marshall's opinions were a kind of "quasi-constitutionalism by interpretation,"[139] which viewed treaties as constitutive of a political relationship, and as the device by which Native Americans became subject to the U.S. Constitution and law.[140] In parallels between Marshall's opinions in *Worcester* and *McCulloch v. Maryland*,[141] a fundamental case of constitutional law, Frickey revealed Marshall's concern in both to give attention to the spirit of the document and to the broader public purposes to be served rather than to plausible narrow interpretations of the text.[142]

Using the canons derived from the Marshall Court as if they were formulaic maxims would do a disservice to the sensitivity of that Court. It also was concerned to address questions of federal Indian law in light of the real context of the day, the actual state of things. "The most important result of reviving Marshall's legacy," Frickey mused, "would be looking at Indian law afresh in today's context." The principles crafted by the Marshall Court and handed down as canons direct interpreters to issues of structure, to seeing Indian law as dealing with "conflicts among sovereigns, and not a contest between a sovereign and a disadvantaged group with hat in hand, seeking judicial solicitude."[143]

What would interpretive sensitivity to the actual state of things require in the late 20th century, 500 years after Columbus? Though even observers as sympathetic as Frickey have been cautioned against it,[144] federal Indian law is on a collision course with international human rights law, and Native Americans and other indigenous peoples are forcing the issue.

Native Americans as Indigenous Peoples

Scholars have remarked on the "rapid" and "sudden emergence of indigenous peoples' human rights as a subject of major concern and action in contemporary international law."[145] Very significantly, Native Americans and other indigenous peoples are playing a leading role in forcing and shaping those changes.[146] Frustrated with the lack of response by the U.S. government to their assertions of a right to self-determination, and further frustrated by the IRA governments on many reservations, many Native American activists had followed the logic of their own positions and took their claims into the international arena. Despite the fact that tribal governments usually refused to act in support of their efforts, Indian activists in the 1970s began a strategic approach to the United Nations and other international bodies in an effort to bring international pressure to bear on the government of the United States, and in 1977 the international arm of AIM, the International Indian Treaty Council, secured UN Type II (Consultative) Non-Governmental Organization status. In 1982 the UN Human Rights Commission, through its Sub-Commission on Prevention of Discrimination and Protection of Minorities, formed a Working Group on the Rights of Indigenous Populations, and in 1987 the International Labour Organization began to revised its old-of-date Convention on the rights of indigenous and tribal peoples.[147] Reflecting the input of indigenous peoples, a new conception of the place of indigenous peoples in international law has taken shape.[148]

The United States in its Indian affairs policies, as well as all other states with indigenous peoples, will have to take account of those changes in norms and in international law. Some significant developments that must be considered would include:

(1) changes in the understanding of the nature of nation-state sovereignty,
(2) the distinctive "people-hood" of indigenous peoples and their concomitant right to self-determination as subjects of international law,
(3) the status of treaties with indigenous peoples as appropriate mechanisms for interaction and as instruments in international law,
(4) the rights of indigenous peoples to lands and resources necessary for the maintenance *and development* of indigenous communities,
(5) the right of indigenous peoples to define their own membership, including some of the obligations of indigenous peoples as subjects of international law, and
(6) the religious rights of indigenous peoples, including to sacred geography and religious sacraments.

Following Reisman and Torres,[149] the authorized and expert interactions of indigenous affairs specialists and representatives of governments, responsible agencies, and interest groups can be taken as evidence of the emergence of new norms. In particular, the deliberations of the UN Working Group on Indigenous Populations is a primary source for such material, and an especially valuable one, given the great amount of participation of indigenous peoples' representatives and advocates.[150]

(1) *The Less-than-Absolute Sovereignty of the Nation-State:* The sovereignty of the so-called nation-state[151] no longer looks so absolute, since all of human rights law and much of international law can be seen to constitute an infringement on sovereignty.[152] International law obviously limits the things a state can do, or at least do legitimately, and it includes such external limits as the prohibition on aggressive force and a commitment to the freedom of the seas, and such internal limits as guarantees regarding water resources flowing from one state to another, diplomatic immunity, and respecting the provisions of treaties, as well as humanitarian rules of war and demands for protection of fundamental human rights.[153]

A newly emerging limitation on the freedom of action of the state is its obligation to take account of the well-being and wishes of distinct communities of minority and/or non-dominant status within their borders. Hurst Hannum has insisted that logic, history, and "[a] glance at the headlines" show that "the assumption that majoritarian democracy and individual rights would be sufficient conditions for the

peaceful resolution of disputes was incorrect." Nationalism was a "reaction against the all-powerful sovereign state which was unresponsive to the needs of the many communities of which it was composed," and a force sufficient to redraw the old Austro-Hungarian and Ottoman empires.[154] Nationalism was in no way a progressive force with regard to indigenous peoples, however. As noted by an indigenous observer at the UN Working Group on Indigenous Populations, prior to the nineteenth century indigenous peoples had been recognized as being subjects of international law, and had been considered to have at least some natural rights to the territory they occupied. As the nation-state became the focus of international law, "national sovereignty precluded the natural rights of indigenous peoples."[155]

The overseas colonial empires of Western Europe fell under the logic of self-determination and the force of people struggling for that goal. By 1960 the "principle" of self-determination enshrined in the UN Charter and the Universal Declaration of Human Rights became a "right" of "all peoples" in the Declaration on Granting Independence to Colonial Countries and Peoples.[156] The "blue water" thesis tried to limit self-determination to situations of overseas colonial expansion, and to define "peoples" as the population living within former colonial boundaries. Older states of Europe and Asia, new African states, the Soviet Union, and settler states such as the U.S., Canada, and Australia all had an interest in that formulation, and principles of territorial integrity and national unity have been cited to defeat claims to secession and/or self-determination on the part of Basques, Tamils, Kurds, Eritreans, and indigenous and aboriginal groups.[157] After the unilateral secession of Bangladesh was recognized by the world community, the blue water thesis no longer looked so sound.[158] After the break-up of Soviet Union and Yugoslavia, and the declaration of independence of Eritrea, it is positively out-of-date.[159]

Self-determination is now commonly claimed by minorities and indigenous peoples throughout the world, generally recognized as an emerging international norm by scholars and statesmen, and even occasionally conceded by governments. Formal arrangements for self-determination or autonomy are an increasingly favored solution to the difficulties of many societies. Consociationalism and other schemes of constitutional power-sharing have shown both promise and peril in Switzerland, Belgium, and Lebanon, but, as the Canadian constitutional process shows, there is little alternative when the demands of distinct societies are raised.

Assimilation on the basis of nondiscrimination, the putative ideal in the age of the nation-state, has been discredited by a history of policies of coercion and terror, as well as forced assimilation through policies of top-down centralization leading to degradations in the quality of life of such groups as the Sami of Scandinavia and the Menominee of the U.S. Too often the failure of assimilation has led to policies of population transfer, outstandingly exhibited in the Nazi era in Europe and the "ethnic cleansing" in the former Yugoslavia.[160] These and other cases have led the international law scholar Lung-Chu Chen to note that "[t]he absolute adherence to territorial integrity is no virtue when the people who demand freedom are subjected to systematic deprivations on a vast scale." Concerned by the vigor and violence shown by governments rejecting separationist demand, he asked, "Is genocide an acceptable alternative to independence or autonomy?" Unfortunately for many indigenous peoples, including Native Americans, many governments have answered that apparently rhetorical question in the affirmative. However, Chen went on, it is now conceded that the principle of territorial integrity should serve to promote social good, and, if asserted absolutely in such a way that it exacerbates social tensions, is self-defeating.[161]

(2) *The Right of Self-Determination of Indigenous Peoples:* As noted by the UN's Hector Gros Espiel, the UN "condemn[s] any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a country," but it also insists that "the guise of ostensible national unity" should not mask "colonial and alien domination [if it] does in fact exist." The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States (G.A. Res. 2625) notes that protection of territorial integrity of states applies only when a state is "possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour."[162]

> [I]f the national unity claimed and the territorial integrity invoked are mere legal fictions which cloak real colonial and alien domination, resulting from actual disregard of the

> principle of self-determination, the subject people or peoples are entitled to exercise, with all the consequences thereof, their right to self-determination.[163]

Self-determination is a right of all peoples, and "is not contingent on any kind of condition or requirement," particularly not any "pretext that a people has not reached a sufficiently high level of development to lead an independent existence." This point was made explicit in the Declaration on the Granting of Independence to Colonial Countries and Peoples (G.A. Res. 1541).[164] Of course, the various qualifications that have been placed on the right to self-determination limit its scope both in theory and in practice, though the doctrine maintains a potency in international law and in indigenous politics.

If the principle or right to self-determination is to be maintained,[165] but indigenous peoples are to be denied self-determination, one must deny the "peoplehood" of indigenous peoples, and call them something else, such as indigenous "populations."[166] Alternatively, one might allow them to be called "indigenous peoples," but make a specific proviso that the term "peoples" does not have the same meaning as when it is used in the UN Charter and other international instruments guaranteeing self-determination to all peoples.[167] Indigenous representatives and advocates strongly condemn these distinctions as racist,[168] and have insisted that the rights to self-determination of indigenous peoples should be the same right as that enshrined in the UN Charter.[169] The Indian Law Resource Center has argued that the right to self-determination can have "only one meaning under international law, for indigenous people and non-indigenous peoples alike," and international instruments should not "re-define or dilute" that right for indigenous peoples, nor should they "establish[] a category of second-class rights for indigenous peoples."[170] The Center has suggested that the draft Declaration being considered by the UN's Working Group on Indigenous Populations should guarantee to indigenous peoples

> the right to self-determination, including at minimum the collective right to autonomy in matters relating to their own affairs, including education, information, culture, religion, health, housing, social welfare, civil and criminal jurisdiction, traditional and other economic activities, land and resource administration and the environment, as well as internal taxation for financing these autonomous functions.[171]

Native American and indigenous representatives and advocates have repeatedly stressed that self-determination need not imply independence. They often put forward a "nonstatist conception of self-determination" which claims only "substantive rights to economic, political and social means for indigenous modes of life, and procedural rights to shape the decisions affecting these modes of life," recognizing that the details of these "will vary with the contemporary circumstances of particular indigenous peoples around the world." Self-determination, so defined, would, "like many other international human rights standards, condition but in no way deny the principle of territorial integrity."[172] In comments by indigenous observers to the 1987 session of the UN Working Group on Indigenous Populations, self-determination was defined to "encompass the possibility of choosing full independence, but various other forms of the right, such as autonomy, self-government, self-management and participation in the political processes of States, were frequently mentioned."[173] Self-determination need not be an absolute, all-or-nothing affair, but may be thought of as "a spectrum from autonomy in particular subject matters such as cultural concerns, to full political autonomy, in which indigenous populations establish their own governments, design their own political systems, and enforce their own laws."[174]

Native American activists repeatedly stress that most Indian peoples are not seeking independence or secession from the United States, though they often go on to insist that their rights to self-determination should not be denied even if they were to do so. Only when Indians can "freely determine their political, social, and economic destiny," insisted Rebecca Robbins, can the continuing relationship between Indians and non-Indians begin to be conducted on an equal footing.[175] However, "[r]ecognition of the right to self-determination does not compel a move to national independence," Morris has noted. The UN and international law allow three options to non-self-governing peoples expressing self-determination: independence, association with or autonomy within an existing state, or full integration with an existing

state. "Given the difficult practical political and economic difficulties facing smaller states in the world today, most indigenous peoples may very well *not* opt for complete independent state status," Morris concluded. "Many would probably choose some type of autonomy or federation with existing states, preserving rights to internal self-governance and control as members of a larger state," and some would even choose full integration.[176] Robbins agreed, suggesting that only the Navajo and, possibly, a revived "Great Sioux Nation" of unified Lakota peoples would attempt to exercise complete independence. Other Indian peoples would seek something like commonwealth status similar to that created in the unwinding of the British Empire, or home-rule similar to that of Greenland in relation to Denmark. "Trans-border tribes" might seek some special multi-national arrangements.[177]

What should self-determination mean in the case of Native Americans and other indigenous peoples? The draft Universal Declaration on the Rights of Indigenous Peoples has a commitment to self-determination as its first operative paragraph.

> Indigenous peoples have the right to self-determination, in accordance with international law. By virtue of this right, they freely determine their relationship with the States in which they live, in a spirit of co-existence with other citizens, and freely pursue their economic, social, cultural and spiritual development in conditions of freedom and dignity.[178]

Subsequent paragraphs make this general commitment meaningful by guaranteeing to them:

- full and equal rights, and freedom from adverse discrimination (paras. 2, 3),
- the right "to exist in peace and security as distinct peoples" with the right of self-identification, free from genocide and such "cultural genocide" as forced assimilation, removal, and official propaganda against their continued existence (para. 4, 5, 6),
- the right to practice and develop their culture and to restitution of illegitimately removed cultural artifacts and human remains (para. 7, 8),
- "the right to manifest, practice and teach their own spiritual and religious traditions, customs and ceremonies," and "to maintain, protect and have access to religious and cultural sites" and ceremonial objects (para. 8),
- the rights to use their own language, to education in their own language and that of the dominant society, to have access to the media, and to have governments act to make official information and proceedings understandable to them (paras. 9, 10, 11, 12),
- "the right to adequate financial and technical assistance, from States and through international co-operation, to pursue freely their own economic, social and cultural development." (para.13),
- the right to own and "to maintain their distinctive and profound relationship with their lands, territories, and resources," defined to include "the total environment of the land, waters, air and sea" they have "traditionally occupied or otherwise used," and to protection of their environment (para. 14, 15, 17),
- the right to restitution of wrongfully taken or damaged lands and territories, or to compensation, "preferably [in] the form of lands and territories," where restitution is impossible (para. 16)
- the right to protection of their rights and interests in intellectual property, including arts and medical and scientific knowledge (para. 18)

The draft Declaration also admonishes governments to "take effective measures to eliminate prejudices and to foster tolerance, understanding and good relations." (para. 11)

What would such a series of commitments mean if taken account of in federal Indian law in the United States? Some provisions of the Declaration, of course, will not be of immediate application to Native Americans and their relations with non-Indian society, and others will be of only limited use. As an international document, the Declaration needs to speak to the situations of peoples as diverse as the Chittagong Hill Tribes of Bangladesh, the Sami of Scandinavia, and the Yanomami of Brazil. For some of these peoples genocide is an immediate and ongoing problem, while others have achieved a high degree of autonomy and respect.

Self-determination must mean some form of self-government.[179] Indigenous observers to the

1987 session of the Working Group on Indigenous Populations insisted that "self-determination should mean the freedom of indigenous peoples to determine the form of institutions, their composition and their functions, also in self-governance relationships with States.... the free and informed consent of indigenous peoples constituted an essential element of any and all self-determination exercises."[180]

Of course, there is a long history of legislation and federal action designed to encroach on Native American self-government and self-determination. Statutes such as the Major Crimes Act of 1885 and Public Law 280 of 1954 sought to remove jurisdiction over important areas of civil life from Native American authorities, and hand it over to federal or state officials in no way responsible to the Native communities.[181] The Supreme Court cooperated in diminishing the power of Indians to determine the conditions of their own existence, for example, holding in *Kagama*[182] that the silences regarding Indians in the Constitution should be interpreted to grant Congress "plenary power" over Indians, and holding in *Lonewolf*[183] that the federal government could unilaterally abrogate provisions of treaties with Indians, without having to give back any of what the tribes had ceded in the treaty.

There have also been statutes and Court decisions favoring some forms of Indian self-determination. The Indian Reorganization Act of 1934, the principal statute to this day, appeared at least in part as an effort to promote some degree of self-governance, however, it has long been derided by Native American activists as having been "imposed by the United States to supplant traditional forms of indigenous governance in favor of a tribal council structure modeled after corporate boards," and foisted on native nations after rigged and misleading referenda.[184] The Four Directions Council has complained that such tribal councils do not amount to true self-governance, though the Council does acknowledge the U.S. and Canada to be places where indigenous communities "enjoy a limited degree of autonomy under national legislation."[185]

The IRA has been modified by courts and Congress over the years. The Council noted, "The practical significance of tribal self-government was somewhat limited until the 1960s, when the United States began to provide the tribes with direct financial aid for administration and development." Especially after the 1975 Indian Self-determination and Education Assistance Act, which promoted tribal sub-contracting of federal services to Indians, "tribes administer a wide range of community services for themselves". However, indigenous governments in the U.S. and Canada are actually "administrative enclaves," the Council has cautioned.

> Even where they enjoy fairly wide-ranging responsibilities, their powers are circumscribed by national laws, their activities are supervised by national ministers, and they remain largely dependent on year-to-year financial aid arrangements for all economic and social programmes. To this extent they function more as subordinate elements of the national system of Indian administration, than as autonomous constituents of a federal state.[186]

The courts and Congress indeed have treated these tribal council governments as instruments of the federal government in the exercise of its trusteeship and plenary power over Indians rather than true governments.[187] Most Indian and indigenous activists insist that self-determination is more than an Indian presence in federal administration. The so-called Indian Self-Determination and Education Assistance Act passed by Congress in 1975[188] was not using the term "self-determination" according to any recognized international standard, but instead sought only to increase the number of Native Americans on the staff of the various federal programs overseeing Indian affairs.[189] In *McClanahan*,[190] a decision authored by the Justice who has recently been most sympathetic to Indian claims, Thurgood Marshall, the Supreme Court held opined that Native American sovereignty was merely a legal fiction useful as a "backdrop" against which to interpret treaties and other texts. Though the Indian litigants won the case, *McClanahan* has become a favorite of anti-Indian lawyers.[191] The Court's contribution to the erosion of tribal council governments' capacity to regulate and promote order on reservations continued with *Oliphant*, a decision that tribes could not exercise police jurisdiction against unruly and lawless non-Indians,[192] and *Duro*, which held that they could not exercise jurisdiction over Indians not members of the tribe.[193] The Court also recently has held that tribal council governments cannot enforce zoning laws

against non-Indian lands within reservations.[194] Given the patchwork nature of land-holding the federal government has encouraged on reservations, and the concomitant multi-ethnic population on most reservations, these decisions have been devastating to the capacity of tribal governments to conduct the ordinary affairs of political life.[195]

To end these devastating erosions, and to make indigenous governance in America "more stable and effective" with a better "partnership with the national, State or provincial governments", the Four Directions Council suggested five steps toward meaningful autonomy should be taken:

(1) reduce or eliminate administrative supervision over indigenous government, "so that they are truly autonomous and publicly accountable within their own spheres of responsibility,"

(2) establish a "clearer division of territorial and subject-matter responsibility" between indigenous and non-indigenous governments,

(3) guarantee "an equitable share of national financial resources" to indigenous governments so they can put their programmes into practice,

(4) acknowledge "to the extent that indigenous governments remain subject to some degree of national control or supervision, they must enjoy some appropriate form of direct representation in the national Government,"

(5) reaffirm that intergovernmental agreements, i.e. treaties, should form the basis of the political and administrative relations between indigenous and non-indigenous governments.[196]

APPENDIX
A Survey of Federal Indian Law

The evolution of the tribal community from semi-sovereign enclave to quasi-penal reformatory began in 1871, and continued through a century long decade sequence whose logic was so inescapable as to seem intentional, despite the fact that no particular persons in positions of responsibility could have been politically active over the course of the period. A look at the important pieces of federal legislation and a number of Supreme Court decisions provide the outline from the United States' diminishment of Indian sovereignty.

1871 - Indian Appropriations Act: By a provision of this act the federal government declared "no Indian nation or tribe within the territory of the United States" would be "recognized as an independent nation, tribe, or power with whom the United States may contract by treaty." A further provision did note that this act should not be understood "to invalidate or impair the obligation of any treaty heretofore lawfully made with any such Indian nation or tribe."[197]

The House of Representatives, which has no constitutional role in treaty-making, resented being excluded from policy-making in Indian affairs, and would not appropriate funds for Indian affairs without being given a say in policy. Proponents claimed the provision to be merely legislative definition of what were foreign nations, and thus of no great constitutional significance (the principal concern was vis-a-vis the executive power in foreign relations and the Senate's power to give advice and consent on treaties.) However, treaties (theoretically) functioned to express Indian consent in Indian relations with non-Indians; lacking this mechanism, Indians as unfranchised non-citizens would be subject to unilateral acts of the federal government. "Thus what appeared to be a transfer of responsibility between branches of the federal government, was in actuality an assertion or arrogation of the power to govern tribes without their consent."[198]

1883 - *Ex parte Crow Dog*:[199] A victory for the Indians which turned out to be short-lived, the *Crow Dog* opinion denied the federal government's claim to be able (even obliged) under Article 8 of its Treaty with the Brule to punish the murder of one member of an Indian tribe by another member of the tribe. The Court applied the canons of construction to argue that such an interpretation should not be accepted without an express statement to that effect.

The victory was short-lived for two reasons. Most obviously, two years after this decision the Congress passed the Major Crimes Act, sweepingly and unilaterally abrogating any treaty provisions limiting federal jurisdiction over major crimes by any person in Indian country. More subtly, though admitting that the Brule Sioux Treaty of 1868 envisioned eventual complete self-government by the Indians, the *Crow Dog* opinion stated that the Brule Sioux were to be

> subject to the laws of the United States, not in the sense of citizens, but, as they had always been, as wards, subject to a guardian; not as individuals, constituted members of the political community of the United States, with a voice in the selection of representatives and the framing of the laws, but as a dependent community who were in a state of pupilage, advancing from the condition of a savage tribe to that of a people who, through the discipline of labor, and by education, it was hoped might become a self-supporting and self-governed society.[200]

The Court had thus significantly redefined 'dependency' from its use in Marshall's *Cherokee Nation* opinion.[201]

1884 - *Elk v. Wilkins*:[202] The Court upheld the power of Congress to deny citizenship to an Indian, John Elk, "a fully Anglicized farmer living on his own land," who "was evidently serious enough about his allegiance to demand his right to vote all the way to the Supreme Court." Though Indians were subject to extraordinary control by the federal government, the Court held that they were not covered by the 14th Amendment's guarantee of citizenship to "all persons born or naturalized in the United States, and subject to the jurisdiction thereof."[203] Only Congress could decide when an Indian was assimilated or integrated enough to receive the protections of citizenship, a position that would exceed the ordinary understanding of the separation of powers. The *Elk* opinion was "an ideological anachronism," said Barsh and Henderson, "reviving a theory of subjectship, as opposed to voluntary allegiance, belonging more properly to monarchical English than American law."[204]

1885 - Major Crimes Act: Responding to *Crow Dog*, the Congress unilaterally asserted federal jurisdiction in Indian territories over seven major crimes (no extended to fourteen crimes and covering most serious forms of felony) regardless of the identity of the suspect. This act represented a significant departure from the previous policy of recognizing Indian autonomy over internal affairs in Indian territory.[205] Represented as a step toward civilizing Indians, it was supported by the same groups of Indian "friends" who supported allotment.[206]

1886 - *U.S. v. Kagama*:[207] In a case upholding the Major Crimes Act, the Court allowed federal prosecution and punishment of a murder of an Indian committed by an Indian on the Hoopa Valley Reservation. One of the central cases in the Court's late 19th century reconstruction of federal Indian law, *Kagama* "laid the groundwork for a more logically consistent vindication of congressional supremacy." By analogy to the precedents involving federal control over the process of territorial expansion and the governance of territories, *Kagama* developed what Barsh and Henderson have called "a theory of domestic colonialism." The analogy was not self-evident; after all, the law of territories dealt with the regulation of affairs in settlements by non-Indian American citizens in areas their sovereign government was claiming, with no obvious connection to Indian nations' internal matters.[208]

Very significantly, the Hoopa, the tribe at issue in *Kagama*, had no treaty with the U.S., and no functioning institutions of tribal government.[209] As Barsh and Henderson noted, the result in *Kagama* might have been seen as arising from that fact, however, the case was read very broadly, and applied to tribes with treaties as well.[210] Barsh and Henderson noted: "Loosely interpreted, as it later was, *Kagama* reclassifies all tribal areas as parts of the territory of the United States, and thereby authorizes Congress to abolish tribal governments and create new ones. It provided a sweeping legal theory for a new epoch of federal Indian legislation."[211] *Crow Dog* had concluded that tribes had exclusive jurisdiction over internal affairs; *Kagama* might have concluded that the Major Crimes Act had established a system of concurrent jurisdiction, since nothing in the provision specified the termination of tribal jurisdiction. However, *Kagama* has been taken to stand for exclusive federal jurisdiction over felonies committed by Indians in Indian country.[212]

Famously, or infamously, Justice Miller's *Kagama* decision distorted Marshall's simile about Indians being like wards into a bald declarative:

> These Indian tribes are the wards of the nation. They are communities dependent on the United States,-- dependent largely for their daily food; dependent for their political rights. They owe no allegiance to the states, and receive from them no protection. Because of the local ill feeling, the people of the states where they are found are often their deadliest enemies. From their very weakness and helplessness, so largely due to the course of dealing of the federal government with them, and the treaties in which it has been promised, there arises the duty of protection, and with it the power.[213]

Note that the opinion concluded that "the duty of protection" arose not only from "the treaties in which it has been promised," but also "from their [i.e. the tribes'] very weakness and helplessness," a condition the opinion admitted was "due to the course of dealing of the federal government with them." Since the Hoopa had no treaty, the federal responsibility for them, and power of regulation over them, can only be derived from the weak and helpless condition to which the federal government had reduced the tribe. The Marshall precedents had founded the simile of wardship in the treaties between the U.S. and the Cherokee, in the federal government's constitutional powers under the treaty and commerce clauses, and in the discovery doctrine's fiction of federal ownership of the land. As Deloria and Lytle observed:

> *Kagama* probably assumes the same doctrinal background but the doctrines are not made a central part of the argument. Indeed, it appears in *Kagama* that social-economic-political weakness of the Indians alone provides a justification for congressional intervention and this line of reasoning is a decided departure from the mainstream of constitutionally enumerated powers of Congress.[214]

1886 - *Choctaw Nation v. U.S.*:[215] Following up on its *Kagama* decision, even quoting extensively from it, the Court applied to tribes with treaties the same principles applied to the treaty-less Hoopa tribe. The Court decided that the Choctaw Nation were entitled to a liberal reading of their treaty and legislation referring to it, a reading in keeping with the spirit of the treaty regardless of the specific terms. Interestingly, the Court was still willing to acknowledge that this principle derived at least in part from the law of nations.

> The rules to be applied in the present case are those which govern public treaties, which, even in case of controversies between nations equally independent, are not to be read as rigidly as documents between private persons governed by a system of technical law, but in the light of that larger reason which constitutes the spirit of the law of nations. And it is the treaties made between the United States and the Choctaw Nation, holding such a relation, the assumptions of fact and of right which they presuppose, the acts and conduct of the parties under them, which constitute the material for settling the controversies which have arisen under them.[216]

The Court presented this rule of interpretation as "arising out of the nature and relation of the parties," but was also influenced by the fact that the rule was "sanctioned and adopted by the express terms of the treaties themselves." In Article 11 of the treaty, the United States declared it was "desirous rights and claims of the Choctaw people against the United States 'shall receive a just, fair, and liberal consideration.'"[217]

However, *Choctaw Nation* also laid much emphasis on the argument from *Kagama*, insisting that the "recognized relation between the parties" was "that between a superior and inferior." The "inferior" party, the Indians, were "placed under the care and control" of the "superior," the United States. The relationship was an odd one, since it "authorizes the adoption on the part of the United States of such policy as their own public interests may dictate,"[218] licensing a self-interest which Barsh and Henderson pointed out was inconsistent with the general rule for guardianship of a ward.[219] The only limit on the interest of the U.S. the Court mentioned was the observation that the Court should recognize

> such an interpretation of their [i.e. the United States government's] acts and promises as justice and reason demand in all cases where power is exerted by the strong over those to whom they owe care and protection. The parties are not on an equal footing, and that inequality is to be made good by the superior justice which looks only to the substance of the right, without regard to technical rules framed under a system of municipal jurisprudence formulating the rights and obligations of private persons, equally subject to

the same laws.[220]

1887 - The General Allotment Act ("Dawes Act"): By this act, the federal government "intervened unilaterally in the internal affairs of native nations to break up their traditional systems of collective land tenure." The Act marked the first time the federal government used a "blood quantum" system to define Indians and assign different status and rights to "full blood" and "mixed blood" Indians. After reservations were allotted, "surplus" lands were parcelled out to non-Indians, including corporations and government ownership. In the decades following this act, two-thirds of the Indian land base was taken.[221]

1890 - *Cherokee Nation v. So. Kansas Ry. Co.*:[222] Taking rather extravagant liberties with history, the Court stated that wardship had always been the law and practice of the U.S., and that powers of tribes were only what U.S. allowed them to have. The dependence on the federal government Indian nations might have consented to in treaties was transformed into a wardship relationship that seems to have been presumed to pre-exist any treaty relationship.[223]

1899 - *Stephens v. Cherokee Nation*:[224] The Court articulated the "plenary power" doctrine in Indian affairs. Felix Cohen interpreted this doctrine to mean "that all issues of Indian law are to be resolved by reference to the supreme will of the national legislature."[225] Plenary power became the doctrine the courts used to "limit state power over tribes to matters expressly delegated by Congress," and some courts began to require some act by Congress to prohibit state power.[226] In Worcester, the federal power over tribes had been grounded in the federal government's exclusive treaty power, but by the Reconstruction period the courts were finding "federal purpose" to be the deciding factor in cases, so reservations were immune from state government because they were federal instrumentalities. Cases up until 1867 are decided on the basis of tribal sovereignty, but cases after 1886, i.e. *Kagama*, are decided on the basis of federal purpose.[227]

Courts followed the logic of this federal purpose idea, and required strict adherence to any and all express statements of the will of Congress. The phrase, "plenary power," was construed by 19th century federal courts "to mean extraordinary congressional discretion to make policy, and lack of judicial authority to review it," argued Barsh and Henderson. Worcester was read very narrowly to say that between states and the federal government, only the federal government had constitutional power in Indian affairs. "Marshall's broad principle of tribal consent was ignored. This left congressional preemption without residual tribal sovereignty."[228]

1899 - *Jones v. Meehan*: The canons of construction are used in a very conventional way without any reference to the law of nations, and with only an oblique reference to treaty law in general. Following the pattern of *Kagama*, *Choctaw Nation*, and *So. Kansas Ry.*, the canons are conceived of simply as artifacts of the wardship relationship.

1903 - *Lone Wolf v. Hitchcock*:[229] The "classic judicial statement articulating the doctrine of the plenary powers of Congress over Indian affairs,"[230] the Court's *Lone Wolf* opinion concluded that Congress can "alter any of [the Indians'] political and property rights irrespective of applicable treaty stipulations, and even in violation of the Constitution."[231] The only protection remaining to the Indians, according to the Court, rested in the fact that "[i]t is to be presumed that in this matter the United States would be governed by such considerations of justice as would control a Christian people in their treatment of an ignorant and dependent race."[232] The Court acknowledged "a moral obligation rested upon Congress to act in good faith in performing the stipulations entered into on its behalf" in treaties,[233] but the actions of Congress were not subject to judicial review on constitutional grounds. Indian tribal status itself justified the presumption that tribal members, and tribes as a whole, were incompetent wards, but there was no mechanism by which this novel class of wards could demand emancipation, and no legally

recognized limits on the freedom of action of the guardian.[234] Interestingly, the Court in *Lone Wolf* found it convenient to revive the parallel between Indian treaties and treaties with foreign powers, noting that Congress can pass statutes that conflict with or abrogate foreign treaties.[235] Of course, by 1903 the situation of Indians was not exactly analogous to that of foreign nations in the most important respect; the Kiowa, Comanche, and Apache represented by the chief Lone Wolf lacked any meaningful power to reciprocate against abrogation of their treaty by the United States.[236]

1913 - *U.S. v. Sandoval*:[237] The Court permitted the federal government to enforce Indian law regulations in Pueblo territory. This permission was granted despite the fact that the Treaty of Guadalupe Hidalgo ceded Mexican territory to U.S. with stipulation that Mexican citizens in the area were to become U.S. citizens. Since Mexico had made all Indians citizens, Pueblo Indians in the area were citizens of the United States under the terms of the Treaty. The Court allowed unilateral federal regulation of the Pueblo after citing BIA "evidence" that they were "essentially a simple, uninformed, and inferior people," concluding that the U.S., "a superior and civilized nation," had "the power and duty of exercising a fostering care and protection."[238] Taken together with *Elk*, the *Sandoval* decision represented a development by which "[t]he principle of volitional allegiance, so central to revolutionary ideology [in American history], was therefore entirely overthrown by a racial classification spuriously reconciled with the Fourteenth Amendment, one by which the tribes are abandoned to federal despotism."[239]

1924 - The Indian Citizenship Act - This act finished the job of one of the provisions of the General Allotment Act, forcing citizenship upon all non-citizen Indians born in the United States. The 1924 Act that made Indians into citizens was a unilateral "clean-up measure" passed despite much Indian resistance, designed to make various laws granting citizenship to various tribes and persons more consistent.[240] The Chair of House Committee on Indian Affairs said in 1931, "It would be a great inconsistency for the Government to act as guardian for an alien ward, so in order for our guardianship to be consistent, they had to be made citizens of the United States."[241] Barsh and Henderson concluded that Native Americans were made "citizens so that the great experiment in coercive civilization could continue without possible legal impediment. Citizenship was conferred to benefit the government, not the tribes."[242]

1934 - The Indian Reorganization Act ("Wheeler-Howard Act") - The Act was mostly economic in intent, designed to undo the effects of allotment. It also was presented as if it would end the BIA's career as an "autocrat", a "benevolent despot" with "boundless powers."[243] Collier said the IRA would "terminate such bureaucratic authority by transferring the administration of the Indian Service to the Indian communities themselves."[244] However, Native Americans such as Churchill and Morris have long complained that the IRA "was imposed by the United States to supplant traditional forms of indigenous governance in favor of a tribal council structure modeled after corporate boards."[245] The IRA stipulated that tribes were free to decide by referendum whether to adopt an IRA government. This attempt "to put a 'democratic face' on the maneuver," charged Churchill and Morris, was distorted when various tribal referenda were "systematically rigged" by Collier's BIA.[246]

1953 - The Termination Act: The Termination "Act" itself was really House Concurrent Resolution 108, expressing "the sense of the Congress that, at the earliest possible time, [designated Indian tribes and the individual members thereof]... should be freed from Federal supervision and control and from all disabilities and limitations specially applicable to Indians."[247] Even some Indian witnesses before the Subcommittee supported the policy on those terms.[248] However, it came to be clear that termination was "the furthest extension of assimilationist policy," ending the trust responsibility of the federal government, and making the land and people of terminated tribes subject to state jurisdiction, inculding taxation.[249] Thirteen termination acts affecting 109 tribes and bands were passed between 1954 and 1962, with acts being put into administrative effect as late as 1966 and 1970. Only 3 percent of federal recognized Indians

were brought under the act, since the largest Native American tribes were able to resist termination.[250]

Public Law 280, another part of the termination policy, "reduc[ed] the level of native sovereignty to that held by counties or municipalities," according to Churchill.[251]

1975 - Indian Self-Determination and Educational Assistance Act: This Act was the centerpiece of the new era of federal Indian law, and it "requires that they be included more fully in staffing the various programs aimed at them by federal policymakers, who - the Act makes clear - continue to hold preeminent authority over Indian affairs."[252] The Act itself called only for "effective and meaningful participation by Indian people" in Indian affairs, and was not a wholesale transfer of federal power and authority.[253] Title I of the Act granted veto power over relevant contracts and programs to the Secretaries of Interior, Education, and Health and Human Services.[254]

NOTES

1. Pearce in *Savagism and Civilization*, cited in Drinnon, *Facing West*, 102.

2. Berkhofer, *The White Man's Indian*, 3.

3. Originally published as *The Savages of America: A Study of the Indian and the Idea of Civilization*. Two later editions, in 1967 and 1988, restored Pearce's first and preferred title, *Savagism and Civilization: A Study of the Indian and the American Mind*. See Arnold Krupat's forward to the 1988 edition.

4. McGrane, *Beyond Anthropology*, 10.

5. Only in the 17th century did general English usage switch to "Indian," and even then the term "savage" remained a common synonym. Berkhofer, *The White Man's Indian*, 13, 14.

6. Berkhofer, *The White Man's Indian*, 13-4, citing Richard Bernheimer, *Wild Men in the Middle Ages: A Study in Art, Sentiment, and Demonology*, Harvard University Press (1952), 19-20.

7. Quoted in Berkhofer, *The White Man's Indian*, 20.

8. McGrane, *Beyond Anthropology*, 16-7.

9. Berkhofer, *The White Man's Indian*, 37-8.

10. Pearce, *Savagism and Civilization*, 22, 25-6, 29-30.

11. Berkhofer, *The White Man's Indian*, 37-8.

12. McGrane, *Beyond Anthropology*, 44-5.

13. McGrane, *Beyond Anthropology*, 56.

14. Pearce, *Savagism and Civilization*, 6.

15. Drinnon, *Facing West*, 102.

16. McGrane, *Beyond Anthropology*, 57.

17. Pearce, *Savagism and Civilization*, 44.

18. McGrane, *Beyond Anthropology*, 67-8.

19. Pearce, *Savagism and Civilization*, 43.

20. Drinnon, *Facing West*, 95.

21. Drinnon, *Facing West*, 102.

22. See Drinnon's discussion of the cooperation of John Qunicy Adams and General Jackson in the Seminole War and the capture of Florida. Drinnon, *Facing West*, 108-9.

23. Berkhofer, *The White Man's Indian*, 157.

24. Jefferson to Secretary of War Henry Dearborn, cited in Drinnon, *Facing West*, 95-6. And this lesson, harsh and final as it was, was still intended to be instructional:

> Should any tribe be foolhardy enough to take up the hatchet at any time, the seizing of the whole country of that tribe, and driving them across the Mississippi, as the only condition of peace, would be an example to others, and a furtherance of our final consolidation.

Jefferson to William Henry Harrison, cited in Drinnon, *Facing West*, 89.

25. Pearce, *Savagism and Civilization*, 58.

26. *Dred Scott v. Sandford*, 19 Howard 393 (1857), cited in Drinnon, *Facing West*, 89.

27. Pearce, *Savagism and Civilization*, 74-5.

28. McGrane, *Beyond Anthropology*, 77-8.

29. McGrane, *Beyond Anthropology*, 103, 109, citing Joseph Conrad, *The Heart of Darkness*, 1890.

30. McGrane, *Beyond Anthropology*, 99, citing Johannes Fabian, *Time and the Other: How Anthropology Makes Its Object*, 1983.

31. McGrane, *Beyond Anthropology*, 99.

32. Pearce, *Savagism and Civilization*, 130.

33. Pearce, *Savagism and Civilization*, 130.

34. Morgan, *League of the Iroquois*, cited in Pearce, *Savagism and Civilization*, 131-2.

35. From L. H. Morgan, *Ancient Society* (1877), cited in McGrane, *Beyond Anthropology*, 102.

Similarly, Comte explained cultural differences as reflecting "special racial, climatic, and political factors" that might "vary the *speed* of progress in different societies, but not the basic *course* of progress." McGrane, *Beyond Anthropology*, 102, citing Kenneth Bock, *The Acceptance of Histories*, 1956.

36. Pearce, *Savagism and Civilization*, 133.

37. McGrane, *Beyond Anthropology*, 77-8.

38. McGrane, *Beyond Anthropology*, 89, 91.

39. McGrane, *Beyond Anthropology*, 89, citing Tylor, 1913.

40. McGrane, *Beyond Anthropology*, 90.

41. McGrane, *Beyond Anthropology*, 78.

42. McGrane, *Beyond Anthropology*, 85.

43. Pearce, *Savagism and Civilization*, 49.

44. McGrane, *Beyond Anthropology*, 96-8.

45. McGrane, *Beyond Anthropology*, 95.

46. McGrane, *Beyond Anthropology*, 96.

47. Pearce, *Savagism and Civilization*, 134.

48. Pearce, *Savagism and Civilization*, 241.

49. Berkhofer, *The White Man's Indian*, 169.

50. Berkhofer, *The White Man's Indian*, 164-75.

51. Berkhofer, *The White Man's Indian*, 171.

52. Berkhofer, *The White Man's Indian*, 169.

53. Berkhofer, *The White Man's Indian*, 155.

54. Cited in Berkhofer, *The White Man's Indian*, 174-5.

55. Berkhofer, *The White Man's Indian*, 155, 172.

56. Pearce, *Savagism and Civilization*, 242.

57. McGrane, *Beyond Anthropology*, 117-8.

58. McGrane, *Beyond Anthropology*, 114.

59. McGrane, *Beyond Anthropology*, 129.

60. McGrane, *Beyond Anthropology*, 115.

61. McGrane, *Beyond Anthropology*, 116.

62. McGrane, *Beyond Anthropology*, 119.

63. McGrane, *Beyond Anthropology*, 120, citing Todorov, *The Conquest of America*, 1984.

64. Castile, "Indian Sign," 179.

65. Berkhofer, *The White Man's Indian*, 180-2.

66. Barsh and Henderson, *The Road*, 114, citing Haas, "Ten Years of Tribal Government under I.R.A.," *Tribal Relations Pamphlet No.11*, (Washington D.C.: 1947), which stated that tribes that "proved capable and faithful to their trust... would be delegated additional powers by the Secretary."

67. Barsh and Henderson, *The Road*, 115.

68. Barsh and Henderson, *The Road*, 104, citing House Hearing, 23,43.

69. Barsh and Henderson, *The Road*, 104, citing House Hearings, 23,24,25,67,90,117; Senate Hearing 268-9.

70. Barsh and Henderson, *The Road*, 101, citing Title I, sec. 1-3, H.R. 7902, not the final bill. Section 9 of Title I of the final bill was the "worm in the apple," in the words of Barsh and Henderson, since it allowed continued power to the Secretary of the Interior through conditions in the charters of tribal governments. Barsh and Henderson, *The Road*, 102.

71. Berkhofer, *The White Man's Indian*, 183.

72. Berkhofer, *The White Man's Indian*, 186.

73. Esber, "Shortcomings of the Indian Self-Determination Policy," 218.

74. Barsh and Henderson, *The Road*, 107, citing Collier, House Hearing, 21.

75. Collier in 1943 testimony before the House Committee on Indian Affairs, cited in Barsh and Henderson, *The Road*, 122.

76. Collier in "Hearings, 'Investigate Indian Affairs,'" House Committee on Indian Affairs, 78th Congress, 2nd Session (1943-44), Part I, 102, cited in Barsh and Henderson, *The Road*, 120.

77. Collier in Hearings, Part I, 103, cited in Barsh and Henderson, *The Road*, 120.

78. Senator Watkins, cited in Gary Orefield, "A Study of the Termination Policy," excerpted in Getches and Wilkinson, *Federal Indian Law*, 130.

79. Deloria and Lytle, *American Indians, American Justice*, 16-7.

80. Deloria, "The Evolution of Federal Indian Policy Making," 251.

81. Message from the President of the United States transmitting Recommendations for Indian Policy, H.R.Doc. No. 363, 91st Cong., 2d Sess. (1970), excerpted in Getches and Wilkinson, *Federal Indian Law*, 151-2. Nixon's message asked Congress to explicitly reject the termination policy, and encouraged Indian autonomy and community. Federal funding and assistance was not to be reduced as autonomy increased, and tribal governments would be eligible for federal programs within their jurisdiction. The message was followed up by the Indian Self-Determination and Educational Assistance Act of 1975 (which directed federal agencies "to contract with, and make grants to, Indian tribes and other Indian organizations for the delivery of federal services"), the Indian Child Welfare Act of 1978 (which sought to keep dependent Indian children under the jurisdiction of their tribe), the American Indian Religious Freedom Act of 1978 (which sought to protect Indian spiritual sites and practices), and various acts treating Indian tribes in a manner similar to states for purposes of taxation, environmental regulation, revenue sharing, and so forth. Getches and Wilkinson, *Federal Indian Law*, 153-4.

82. Getches and Wilkinson, *Federal Indian Law*, 153.

83. Esber, "Shortcomings of the Self-Determination Policy," 214.

84. Churchill and Morris, "Key Laws and Cases," 16-7. See also the article by Esber, "Shortcomings of the Indian Self-Determination Policy," in Bataille and Bee, *State and Reservation*. Esber suggested the Act should have been called the "Indian Participation Act," since it was "not a self-determination policy but an invitation to participate." Esber, 221.

85. P.L. 93-638 (U.S. Statutes 88:2203-4) quoted in Esber, "Shortcomings of the Indian Self-Determination Policy," 213.

86. Noted in Esber, "Shortcomings of the Indian Self-Determination Policy," 215.

87. Esber, "Shortcomings of the Indian Self-Determination Policy," 213.

88. Esber, "Shortcomings of the Indian Self-Determination Policy," 215.

89. Deloria and Lytle, *The Nations Within*, 197-8.

90. Deloria and Lytle, *The Nations Within*, 215.

91. Churchill, *Struggle for the Land*, 384.

92. Castile, "Indian Sign," 173.

93. Deloria, "The Evolution of Federal Indian Policy Making," 251.

94. Esber, "Shortcomings of the Indian Self-Determination Policy," 215.

95. Deloria, "The Evolution of Federal Indian Policy Making," 255.

96. Frickey, "Marshalling Past and Present," 36.

97. Frickey, "Marshalling Past and Present," 36.

98. Bee, "Riding the Paper Tiger," 139.

99. Deloria and Lytle, *The Nations Within*, 216.

100. Churchill, *Struggle for the Land*, 387.

101. Castile, "Indian Sign," 181.

102. Castile, "Indian Sign," 181.

103. Esber, "Shortcomings of the Indian Self-Determination Policy," 216.

104. Esber, "Shortcomings of the Indian Self-Determination Policy," 214, citing Deloria, "The Evolution of Federal Indian Policy Making," 255.

105. Churchill, *Struggle for the Land*, 378.

106. The confusion is resolved, Churchill wrote, when Indian nations are admitted for what they are: colonies.

> Of primary importance to understanding the imperial context is recognizing that the notion of "self-governance" among the colonized is an illusion. Like so many other colonial situations, this cruel hoax is deliberately fostered as a tactical expedient by the colonizer. Repeatedly, in advanced colonial settings, the colonized are convinced to administer and impose upon themselves the policies and regulations set forth by the colonizers. This self-administration in turn is so often cynically touted by the colonizers and their puppets among the colonized as "self-governance" and "democracy."

Churchill, *Struggle for the Land*, 380.

107. Churchill, *Struggle for the Land*, 385.

108. Churchill, *Struggle for the Land*, 386.

109. Phelan, *Identity Politics*, 57-8.

110. Young, *Justice and the Politics of Difference*, 158-60.

111. Young, *Justice and the Politics of Difference*, 163.

112. Phelan, *Identity Politics*, 167.

113. Connolly, "Taylor, Foucault, and Otherness," 375; see also Phelan, *Identity Politics*, 166-70.

114. Young, *Justice and the Politics of Difference*, 167.

115. Young, *Justice and the Politics of Difference*, 179.

116. Young, *Justice and the Politics of Difference*, 168.

117. Young, *Justice and the Politics of Difference*, 182-3.

118. Young, *Justice and the Politics of Difference*, 181.

119. Young, *Justice and the Politics of Difference*, 181-2.

120. Young, *Justice and the Politics of Difference*, 182.

121. Young, *Justice and the Politics of Difference*, 182.

122. Young, *Justice and the Politics of Difference*, 182.

123. Special Committee on Investigations of the Senate Select Committee on Indian Affairs, Final Report and Legislative Recommendations ("New Federalism for American Indians,") Senate Report 101-216, November 20, 1989.

124. Esber, "Shortcomings of the Indian Self-Determination Policy," 218-9.

125. Felicity Barringer, "Senate Panel Proposing Increase in Tribal Control of Federal Aid," *New York Times*, 11/18/89, p.7.

126. Esber, "Shortcomings of the Indian Self-Determination Policy, 222.

127. Esber, "Shortcomings of the Indian Self-Determination Policy," 221.

128. Castile, "Indian Sign," 175.

129. Felicity Barringer, "Senate Panel Proposing Increase in Tribal Control of Federal Aid," *New York Times*, 11/18/89, p.7.

130. Russell L. Barsh and James Youngblood Henderson, *The Road: Indian Tribes and Political Liberty*, U of California Press: Berkeley (1980), 270.

131. Russell L. Barsh and James Youngblood Henderson, *The Road: Indian Tribes and Political Liberty*, U of California Press: Berkeley (1980), 270.

132. Barsh and Henderson, 274.

133. Barsh and Henderson, 274-5.

134. Barsh and Henderson, 275.

135. Barsh and Henderson, 271.

136. Barsh and Henderson, 275.

137. Barsh and Henderson, 276.

138. Deloria, "The Application of the Constitution to American Indians," 315; citation to *U.S. v. Winans*, 198 U.S. 371 (1905) removed.

139. Frickey, "Marshalling Past and Present," 22.

140. Frickey, "Marshalling Past and Present," 24-5.

141. *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316 (1819).

142. Frickey, "Marshalling Past and Present," 25-7.

143. Frickey, "Marshalling Past and Present," 40.

144. Frickey, "Federal Indian Law," 1230, and "Marshalling Past and Present," 39.

145. Williams, "Encounters on the Frontiers of International Human Rights Law," 662, 663, n.4.

146. Why has there has been such a sudden emergence of indigenous peoples' rights as an issue in international law? asked Williams. He suggested the answer rested in the fact that indigenous peoples, like other oppressed peoples, had come to see that international law could play a "more authoritative and even constraining role" on state actors, and that even small successes and limited responses can matter. Williams, "Encounters on the Frontiers of International Human Rights Law," 668-9. Torres has pointed to the ability of national and international indigenous organizations to get media attention as a matter of practical importance in raising the issue of indigenous rights. Torres, "The Rights of Indigenous Populations," 151-2.

147. Robbins, "Self-Determination and Subordination," 106-7. By 1987 ten organizations of indigenous peoples had consultative status, and the Grand Council of the Cree (Quebec) had become the first indigenous nation to receive non-governmental consultative status. ICIHI, *Indigenous Peoples*, 32-3.

148. "[I]ndigenous peoples' own stories" before the Working Group on Indigenous Populations have played "a central role" in the "development of an internationally recognized legal instrument declaring the human rights of indigenous peoples." Williams, "Encounters on the Frontiers of International Human Rights Law," 666.

149. W. Michael Reisman of Yale has offered a way of understanding international norms, including customary international law, and the changes in such norms. According to his student Raidza Torres, who applied Reisman to the rights of indigenous peoples, an international norm can be thought of as "a pattern of authorized communications and acts on the part of international organizations and states." She went on, "A norm includes, and is largely determined by, the enunciation and recognition of a given set of standards by authorized international bodies and agencies such as the United Nations." When the interactions of international groups, agencies, representatives, etc. "follow a particular pattern," a norm either exists or is emerging. Once developed, norms will indicate the broad outlines of the directions policy in an area will take. Some norms may be "soft," and do not depend on absolute compliance or mechanisms of enforcement. The violation of norms usually carries with it some costs, even if only in image and prestige, and Torres concurred with Henkin's observation that most states obey most norms most of the time. Torres, "The Rights of Indigenous Populations," 145-6, citing Louis Henkin, *How Nations Behave* 44-5, 46, 47 (1979).

150. Williams, "Encounters on the Frontiers of International Human Rights Law," 666.

Using material from the indigenous participation in international meetings makes particular sense given, as Douglas Sanders has noted, "[t]he present pattern of indigenous NGOs is heavily weighted in favor of North America." For example, the UN Seminar on the Effects of Racism and Racial Discrimination on the Social and Economic Relations between Indigenous Peoples and States, held in Geneva in January 1989, had no indigenous representatives from Asia or Central America, and the Sami of northern Europe were not represented. Sanders, "Another Step," 39, 41. Of course, this is a problem for some purposes, but it makes the results of such international meetings more useful for gauging the interests and demands of Native Americans.

The Independent Commission on International Humanitarian Issues noted that international indigenous movements were started by American Indians, and peoples from Africa and Asia are still under-represented, though the direction is definitely toward more participation from those areas. ICIHI, *Indigenous Peoples*, 32-3.

151. "Recognition that the classic nation-state does not exist in reality is essential to analyzing the appropriate limits on its actions, which necessarily have an impact on both majority and minority populations," wrote the human rights scholar, Hurst Hannum. The nation-state, he suggested, is "an increasingly archaic political concept" that retains an undeniable impact on "the legal and political order of the world." Hannum, "The Limits of Sovereignty and Majority Rule," 6-7. While wanting to acknowledge that "the state remains a critical element in the political equation" despite increasing globalization, Camilleri considered the state an element "more in the form of a variable than a constant." Camilleri, "Rethinking Sovereignty," 29.

152. "The global movement for human rights is redefining the world as we know it. Our contemporary ideas about law - once so stable, so sure that law was made and remade according to the positivities of state sovereignty in the world - have failed us." Williams, "Encounters on the Frontiers of International Human Rights Law," 660. It is "a sign of our times," says Meron, that sovereignty is understood to be limited - "human beings" are taken to be subjects of international law with rights independent of their governments. Meron, "Teaching Human Rights," 17-18. For Camilleri,

> ...the rapidly developing [international] legal order both reflects the inadequacy of the state as a self-contained unit of decisionmaking and restricts its freedom of action. International law - and the varying degrees of international organization that accompany it - feeds on itself and becomes so clearly interwoven with domestic law as to make the dividing line increasingly blurred. In these circumstances it has become progressively more difficult to demonstrate the primacy of domestic law, which is arguably one of the cardinal premises of state sovereignty.

Camilleri, "Rethinking Sovereignty," 22.

153. Hannum, "The Limits of Sovereignty," 4-6.

154. Hannum, "The Limits of Sovereignty," 6-8.

155. "Report of the Working Group, 7th Session," 26.

156. Gros Espiel, *The Right to Self-Determination*, 8; Hannum, "The Limits of Sovereignty," 6-8.

157. Brilmayer, "Secession and Self-Determination," 182-3, 195; Hannum, "The Limits of Sovereignty," 4,9.

158. Chen, "Self-determination and World Public Order," 1293.

159. The disorder in Yugoslavia and the Balkans is perhaps an indication as to why unilateral secession was thought to be a bad idea.

160. Eide, "Minority Situations," 1325-7.

161. Chen, "Self-Determination," 1297.

162. Gros Espiel, "The Right to Self-Determination," 10.

163. Gros Espiel, "The Right to Self-Determination," 14.

164. Gros Espiel, "The Right to Self-Determination," 10.

165. See Gros Espiel, *The Right to Self-Determination*, 5, 8-21.

166. The Canadian government, for example, has been vocal in international settings in its demand that "populations" be used rather than "peoples,' lest the impression be created that indigenous peoples have "rights of self-determination similar to those of sovereign nation-states." Canada, "Standard-Setting," 2. This semantic position has met with furious response from indigenous peoples. "When are a people a people?" the Grand Council of the Crees (Quebec) demanded of the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities. "Is the threat of self-determination so great that we are no longer peoples because we invoke this basic human right which is so fundamental to the United Nations concept?... Does the word mean one thing in one place, and something else when indigenous peoples are concerned? Is this not discrimination - the very evil that this Sub-Commission is mandated to prevent?" Grand Council of the Crees (Quebec, "Written Communication," 1-2.

The UN Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities had initially accepted the semantic dodge when establishing its Working Group on Indigenous *Populations*. The Working Group has wrestled with terms, sometimes using "indigenous rights" as a construction which avoids either "peoples" or "populations." The Sub-Commission began in the late 1980s to use the "indigenous peoples," noted David Weissbrodt, "thus laying the basis for a potentially significant change in terminology." Weissbrodt, "The Fifth Session of the Working Group on Indigenous Populations," 22.

167. This debate was conducted along these lines in the revision of ILO Convention No. 107 into Convention No. 169, and the strategy was to resort to a specifically qualified use of the term, "peoples." See Barsh, "Revision," 760; Swepston, "A New Step," 692-3.

168. Barsh, "Advocate's Guide," 231.

169. "Report of the Working Group, 8th Session," 7, 8, 26; "Report of the Working Group, 9th Session," 10.

170. Indian Law Resource Center, in a submission to the Working Group on Indigenous Populations regarding the draft Universal Declaration on Indigenous Rights. Indian Law Resource Center, "Standard-Setting Activities," 4.

171. Indian Law Resource Center, "Standard-Setting Activities," 3.

172. An unnamed indigenous representative speaking before the UN Working Group on Indigenous Populations. "Report of the Working Group, 8th Session," 25-6. See also the discussion of this point by Ward Churchill, who has expressed to "an emotional preference" for "complete sovereign independence," but who admitted that few indigenous nations in North America would be likely to adopt his "go it alone" approach. Churchill, *Struggle for the Land*, 431-2.

173. "Report of the Working Group on Indigenous Populations, 5th Session," 14. Speaking before the Sub-Commission, Erica-Irene Daes, Chairperson of the Working Group on Indigenous Populations, noted the difficulty the Working Group was having regarding the concept of self-determination. She pointed out, however, that when indigenous peoples used the term they were "principally concerned with internal self-determination," and asked that governments to "take into consideration the fact that the indigenous organizations had never suggested separatism or anything similar." Sub-Commission, "43rd Session," 18.

174. R. Bartlett, *Subjugation, Self-Management, and Self-Government of Aboriginal Lands and Resources in Canada*, 1-4 (1986), cited in Torres, "The Rights of Indigenous Populations," 142.

175. Robbins, "Self-Determination and Subordination," 110. Similarly, Torres noted: "Self-determination guarantees a people's right to choose its political destiny, but it need not manifest itself through independence or decolonization." Torres, "The Rights of Indigenous Peoples," 162. Similarly, UN Special Rapporteur Gros Espiel noted:

> ...the effective exercise of a people's right to self-determination is an essential condition or prerequisite, although not necessarily excluding other conditions, for the genuine existence of the other human rights and freedoms. Only when self-determination has been achieved can a people take the measures necessary to ensure human dignity, the full enjoyment of all rights, and the political, economic, social and cultural progress of all human beings, without any form of discrimination. Consequently, human rights and fundamental freedoms can only exist truly and fully when self-determination also exists."

Gros Espiel, *The Right to Self-Determination*, 10.

176. Morris, "International Law," 78-9. See also Torres,"The Rights of Indigenous Populations," 162. Torres has argued the strategic merit of non-statist conceptions of self-determination, since governments are more likely to concede to the demands of Native Americans and other indigenous peoples if something less than outright independence is at issue. Torres, 142.

177. Robbins, "Self-Determination and Subordination," 111.

178. The draft Declaration is available as a UN Document, and as an appendix in Falkowski, *Indian Law/Race Law*.

179. According to the authoritative study on the status of indigenous peoples done for the UN by Jose Martinez Cobo:

> Respect and support for the internal organization of indigenous peoples and their cultural expressions constitute an essential consideration for any arrangement aimed at securing appropriate participation by indigenous communities in all the affairs which affect them. Consequently, Governments must abandon their policies of intervening in the organization and development of indigenous peoples, and must grant them autonomy, together with the capacity for controlling the relevant economic processes in whatever way they themselves consider to be in keeping with the interests and needs.
>
> Self-determination, in its many forms, is thus a basic pre-condition if indigenous peoples are to

be able to enjoy their fundamental rights and determine their future, while at the same time preserving, developing and passing on their specific ethnic identity to future generations.

Martinez Cobo insisted that the right to self-determination "includes economic, social and cultural, as well as political factors," which will be different in each case.

> In its widest sense of its "external" connotations this means the right to constitute a State and includes the right to choose various forms of association with other political communities.
>
> With regard to its "internal" connotations within the national society, however, this right to self-determination means that a people or a group possessing a definite territory may be autonomous in the sense of possessing a separate and distinct administrative structure and judicial system, determined by and intrinsic to that people or group.(20)

Jose R. Martinez Cobo, *Study of the Problem of Discrimination Against Indigenous Populations*, 20.

180. "Report of the Working Group on Indigenous Populations, 5th Session," 14.

In the Declaration of Principles adopted by the Indigenous Peoples Preparatory Meeting of July 1987, prior to meeting of the fifth session of the Working Group on Indigenous Populations, the indigenous representatives declared:

> All indigenous nations and peoples have the right to self-determination, by virtue of which they have the right to whatever degree of autonomy or self-government they choose. This includes the right to freely determine their political status, freely pursue their own economic, social, religious and cultural development, and determine their own membership and/or citizenship, without external influence.
>
> No State shall assert any jurisdiction over an indigenous nation and people, or its territory, except in accordance with the freely expressed wishes of the nation and people concerned.

The Declaration is reproduced as Annex V of "The Report of the Working Group on Indigenous Populations on Its Fifth Session." Above is at p.30.

181. Churchill and Morris, "Key Laws and Cases," 14, 15-6.

182. *U.S. v. Kagama*, 118 U.S. 375 (1886).

183. *Lonewolf v. Hitchcock*, 187 U.S. 553 (1903).

184. Churchill and Morris, "Key Laws and Cases," 15.

185. Four Directions Council, "Standard-Setting Activities," 3.

186. Four Directions Council, "Standard-Setting Activities," 4, 5.

187. The Indian Civil Rights Act of 1968 claimed to extend civil rights to individual Indian persons through limiting the sovereignty of tribal council governments as federal instruments. Churchill and Morris, "Key Laws and Cases," 16. In *U.S. v. Mazurie*, 419 U.S. 544 (1975), the Court held that a tribe's power to regulate the sale of alcohol by non-Indians on its reservation derived from the delegation of that power by Congress to the tribe, which the Court described has having only a vague "independent authority over matters that affect the internal and social relations of tribal life."

188. P.L. 93-638.

189. Churchill and Morris, "Key Laws and Cases," 16-7.

190. *McClanahan v. Arizona Tax Commission*, 411 U.S. 164 (1973).

191. Churchill and Morris, "Key Laws and Cases," 19.

192. *Oliphant v. Suquamish Tribe*, 435 U.S. 191 (1978).

193. *Duro v. Reina*, 110 S.Ct. 2053 (1990).

194. *Brendale v. Confederated Tribes and Bands of the Yakima Nation*, 109 S.Ct. 2994 (1989).

195. Churchill and Morris, "Key Laws and Cases," 19-21.

196. Four Directions Council, "Standard-Setting Activities," 5.

197. 25 U.S.C. 71, cited in Churchill and Morris, "Key Indian Laws and Cases," 14.

198. Barsh and Henderson, *The Road*, 67-9.

199. *Ex parte Crow Dog*, 109 U.S. 556 (1883).

200. *Crow Dog*, 569.

201. Barsh and Henderson, *The Road*, 88.

202. *Elk v. Wilkins*, 112 U.S. 94 (1884).

203. Barsh and Henderson noted that the Court "was... careful... to paraphrase the Fourteenth Amendment" rather than quote it, which Barsh and Henderson take to indicate that the Court knew it was on weak ground. The Court noted that the Indians owed no allegiance to the United States, which Barsh and Henderson infer means that Indians did not consent and offered resistance to U.S. authority. Barsh and Henderson, *The Road*, 70.

204. Barsh and Henderson, *The Road*, 70-1.

205. Churchill and Morris, "Key Laws and Cases," 14, discussing the Major Crimes Act, 18 U.S.C. 1153. It is interesting to note that the "Major Crimes Act" was really an obscure rider to a general appropriations bill, passed without any hearings, and with little if any serious consideration by the Congress. The rider was apparently motivated by pressure from certain missionary "friends" of the Indian who were offended at the uncivilized practice exhibited by the Brule Sioux in allowing Crow Dog to pay compensation rather than suffer execution for the killing of Spotted Tail. Deloria and Lytle, *American Indians, American Justice*, 168-70.

206. Deloria and Lytle, *American Indians, American Justice*, 169-70.

207. *U.S. v. Kagama*, 118 U.S. 375 (1886).

208. Barsh and Henderson, *The Road*, 75, 78.

209. Deloria and Lytle, *American Indians, American Justice*, 171.

210. See discussion of *Choctaw Nation* below.

211. Barsh and Henderson, *The Road*, 82-3.

212. Deloria and Lytle, *American Indians, American Justice*, 171-2.

213. *Kagama*, 383-4. The opinion went on to conclude:

> The power of the general government over these remnants of a race once powerful, now weak and diminished in numbers, is necessary to their protection, as well as to the safety of those among whom they dwell. It must exist in that government, because it never has existed anywhere else; because the theater of its exercise is within the geographical limits of the United States; because it has never been denied; and because it alone can enforce its laws on all the tribes.

Kagama, 384-5.

214. Deloria and Lytle, *American Indians, American Justice*, 42.

215. *Choctaw Nation v. U.S.*, 119 U.S. 1 (1886).

216. *Choctaw Nation*, 28.

217. *Choctaw Nation*, 28.

218. *Choctaw Nation*, 28.

219. Barsh and Henderson, *The Road*, 90.

220. *Choctaw Nation*, 28.

221. Churchill and Morris, "Key Indian Laws and Cases," 14, discussing the General Allotment Act, 25 U.S.C. 331 and following. "Full bloods" were given allotments, but their land was held in trust by the federal government. "Mixed bloods" were given outright ownership of their allotments, and were required to accept U.S. citizenship when accepting an allotment.

222. *Cherokee Nation v. So. Kansas Ry. Co.*, 135 U.S. 641 (1890).

223. Barsh and Henderson, *The Road*, 90-1.

224. *Stephens v. Cherokee Nation*, 174 U.S. 445, 478 (1899).

225. Barsh and Henderson, *The Road*, 137.

226. Barsh and Henderson, *The Road*, 140.

227. Barsh and Henderson, *The Road*, 140, citing *The Kansas Indians*, 5 Wall. 737, 755-6 (1867); *The New York Indians*, 5 Wall. 761 (1867); *Mackey v. Coxe*, 18 How. 100, 103-4 (1855); then citing *U.S. v. Kagama*, 118 U.S. 375, 383 (1886); *U.S. v. Clapox*, 35 F.575 (1888); *U.S. v. Rickert*, 188 U.S. 432 (1903).

228. Barsh and Henderson, *The Road*, 141.

Barsh and Henderson saw *Tee-Hit-Ton Indians v. U.S.*, 348 U.S. 272 (1954) as the zenith of this line of thinking. The Court said Alaskan native lands held "since time immemorial" but never expressly recognized by Congress could be taken without compensation. (*Tee-Hit-Ton*, 277) The federal government seemed to be exempt from Fifth Amendment restrictions in Indians affairs. Finding "nothing to indicate any intention by Congress to grant to the Indians any permanent rights in the lands of Alaska occupied by them by permission of Congress", (*Tee-Hit-Ton*, 278) the Court dismissed the property claims of the Indians.

Tee-Hit-Ton stood for the proposition that lands held as a result of privileges granted by the federal government are entitled to more protection than that held under original title.

> *Tee-Hit-Ton* implies that tribes with treaties enjoy mere privileges, an unsubstantiated historical hypothesis, and tribes without treaties have nothing. No tribe, therefore, could be safe from termination.... *Tee-Hit-Ton* attributed this remarkable power to 'discovery and conquest,' citing only *Johnson v. M'Intosh* in support."

Barsh and Henderson, 143, citing *Tee-Hit-Ton*, 280. However, the Court paid no attention to *Worcester*, which rejects these "pretensions", saying that discovery of a territory does not "annull[] the pre-existing rights of its ancient possessors". Barsh

and Henderson, 143, citing Worcester, 542-3.

Carino, a Philippines land case which was the only real precedent in Tee-Hit-Ton, said that in federal Indian policy the "dominant purpose of the whites was to occupy the land." (This supposedly made it different from U.S. policy in the Philippines, which the Court said was aimed at the benefit of the Filipinos. *Carino* offered no citations for its statement of Indian policy. Barsh and Henderson, 143-4, citing *Carino v. Insular Government of the Philippine Islands*, 212 U.S. 449, 458 (1908).

229. *Lone Wolf v. Hitchcock*, 187 U.S. 553 (1903).

230. Deloria and Lytle, *American Indians, American Justice*, 43.

231. Barsh and Henderson, *The Road*, 92.

232. *Lone Wolf*, 565, citing *Beecher v. Weherby*, 95 U. S. 517, 525 (1877); see Barsh and Henderson, *The Road*, 92.

233. *Lone Wolf*, 566.

234. Barsh and Henderson, *The Road*, 93.

235. "Until the year 1871 the policy was pursued of dealing with the Indian tribes by means of treaties, and, of course, a moral obligation rested upon Congress to act in good faith in performing the stipulations entered into on its behalf. But, as with treaties made with foreign nations... the legislative power might pass laws in conflict with treaties made with the Indians." *Lone Wolf*, 566 (citations omitted). See discussion in Deloria and Lytle, *American Indians, American Justice*, 44.

236. Barsh and Henderson, *The Road*, 92.

237. *U.S. v. Sandoval*, 231 U.S. 28 (1913).

238. Barsh and Henderson, *The Road*, 73-4, citing *Sandoval*, 39, 46.

Earlier, *U.S. v. Joseph*, 94 U.S. 614 (1876) said Pueblos had right to sell private lands without U.S. government interference; Pueblo presumed to have consented to U.S. citizenship through the treaty, and were found by the Court to be "civilized" though "communistic" like Amish and Shakers. Barsh and Henderson, *The Road*, 73.

239. Barsh and Henderson, *The Road*, 74.

240. Churchill and Morris, "Key Indian Laws and Cases," 15.

241. Barsh and Henderson, *The Road*, 96, citing "Hearing, 'Emancipated Citizenship for Indians,' " House Committee on Indian Affairs, 71st Congress, 3rd Session (1931), 12.

242. Barsh and Henderson, *The Road*, 96.

243. Barsh and Henderson, *The Road*, 100-1, Collier in Senate Hearings, 31-2, 70, 106, 151.

244. Barsh and Henderson, *The Road*, 101, citing Collier in House Hearings at 22.

245. Churchill and Morris, "Key Indian Laws and Cases," 15.

246. Churchill and Morris, "Key Indian Laws and Cases," 15.

247. House Concurrent Resolution 108 (June 9, 1953), cited in Getches and Wilkinson, *Federal Indian Law*, 1331-2.

248. Gary Orefield, "A Study of the Termination Policy," excerpted in Getches and Wilkinson, *Federal Indian Law*, 132-3.

249. Getches and Wilkinson, *Federal Indian Law*, 148.

250. Charles F. Wilkinson and Eric R. Biggs, "The Evolution of the Termination Policy," excerpted in Getches and Wilkinson, *Federal Indian Law*, 134.

251. Churchill, *Struggle for the Land*, 52.

252. Churchill and Morris, "Key Laws and Cases," 16-7. See also the article by Esber, "Shortcomings of the Indian Self-Determination Policy," in Bataille and Bee, *State and Reservation*. Esber suggested the Act should have been called the "Indian Participation Act," since it was "not a self-determination policy but an invitation to participate." Esber, 221.

253. P.L. 93-638 (U.S. Statutes 88:2203-4) quoted in Esber, "Shortcomings of the Indian Self-Determination Policy," 213.

254. Noted in Esber, "Shortcomings of the Indian Self-Determination Policy," 215.

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Lessons for the European Community from the United States:

The Case of Air Pollution

Sarah C. Stiles
Northeastern University

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ABSTRACT

As the European Community (EC) strives to unify policies across twelve different states, environmental policy is no less complicated than other "high politics" policies. This paper examines the structural elements the EC has in common with the US, such a federalism, in order to better understand the role of institutional frameworks in promoting effective environmental policy. Upon establishing this point of departure, the paper focuses on the problem of air pollution in the EC and the US and addresses how the US, an acknowledged leader in air pollution abatement, has dealt with the problem since 1970. The role of the EPA is examined in terms of failures and successes with the Clean Air Act of 1970 and how lawmakers and environmentalists have attempted to correct shortcomings in the Clean Air Act of 1990. The problem of compliance in the EC is addressed along with the various problems that are holding back progress, such as the inability to create an effective environment agency for the Community. Lessons for the EC from US include effective use of the judicial system, a realistic legislative process that is not too ambitious, and a well-organized bureaucratic structure to collect and manage accurate data.

Lessons for the European Community from the United States:

The Case of Air Pollution

As the problems affecting the environment become ever more obvious and well publicized, the public the world over is aware that pollution does not respect national frontiers. This is especially the case with air pollution that, with a breeze, easily becomes someone else's problem.

The international consequences of transboundary pollution have been the subject of dispute for some time. The U.S. has only two neighbors to consider in this regard. Canada has long complained about the effects of pollution emanating from the U.S. "rust belt" that manifests itself in Canada in the form of acid rain. In fact, it is estimated that approximately half of Canada's acid rain is a consequence of pollution emanating from the U.S. (Helm and Neme 1991, 19). Mexico's lax environmental standards have been a major concern in the U.S. border states and have been a source of extended negotiation in the North American Free Trade Agreement. The European Community Member States, on the other hand, suffer the effects of poor environmental protection coming from many directions and from many countries. Due to wind patterns in Europe, pollutants emitted particularly from the U.K. and France as well as other states tend to blow north. For years the northern European countries have had to contend with serious pollution problems that did not originate within their borders. Regardless of how the pollution got there, it must be cleaned up to avoid unacceptable damage to the natural environment and the economy of the area.

Pollution problems do not remain regional issues, either. Urgent global problems (*i.e.*, global warming, ozone depletion) as well as local problems require effective air pollution policy in the European Community and the United States. States should have a vested interest in the environmental protection programs of all other states.

In 1970 the U.S. passed what is now commonly referred to as the Clean Air Act. It was actually an update and revision of amendments of the 1967 Air Quality Act. However, because it resulted in a general overhaul of the previous legislation, the 1970 Act is treated as a new work. This paper focuses on some of the successes and shortcomings of the 1970 Clean Air Act and analyzes the underlying reasons for these outcomes. As the European Community moves to a federal system, EC policy makers may find useful lessons from the U.S. experience with clean air legislation.

However, first it is necessary to recognize the fundamental differences in the U.S. and EC systems before making policy prescriptions about what is transferable. Basic to the structure of both systems is the concept of federalism. The decision making process is profoundly influenced by the federalist separation of powers between the national and state levels. However, there are profound dissimilarities between the U.S. and the EC that limit some comparisons. This paper begins with a discussion of federalism in the context of environmental policy in the two systems. Following is an examination of clean air legislation and the differences in appropriateness for the U.S. and the EC.

Federalism

According to Americanist scholar Richard Hofstadter (1973, 9-10), the primary goal of the U.S. founding fathers was "balanced government." Certainly a hot topic of debate in the EC has been how to establish balance of power between the EC institutions and the Member State governments. But just how comparable is the European system to the federal U.S. system? Hofstadter lists three advantages of checks and balances in a federated government that have been cornerstones of the U.S. system. Following is an examination of Hofstadter's list and how these elements relate to the current structure of the EC.

1. The first advantage is that a federal government can maintain order against popular uprisings or majority rule in heterogenous societies. That is, a single state would run the risk of

being overrun by one particular faction, whereas the central government of a federation of states could prevent such an occurrence (Hofstadter 1973, 9). EC Member States in differing degrees have been rocked by extremist political parties. The far right has made substantial headway in German regional elections but it does not appear likely that it will actually gain control of the government. Likewise in France, the *Front National* has preached a xenophobic message and garnered 12.5 percent in the first round of regional elections in March 1993 but in the second round one week later managed only 5.6 percent (*Le Figaro* March 30, 1993 p.1). Despite its popularity in some areas, it appears cooler heads will prevail.

On a larger scale, there has been much discussion as to which EC Member State will "lead" the Community. The focus has been on Germany and the financial power of the German mark. EC scholars have analyzed the possibility of a two-tier Europe, with Germany leading the more industrialized north, and the southern tier countries lagging behind. Germany has also been the Community leader in the realm of environmental protection and cleanup. In this respect it has played the role of environmental trailblazer similar to that of California in the U.S. There has been considerable controversy about using the stricter environmental regulations of Germany and other northern European countries as standards for the rest of the Member States. The Community has used its central authority to prevent the occurrence of discriminatory trading practices based on environmental regulations. "Partial harmonization" of environmental regulations across the EC has been advocated in order to give the southern tier countries a chance to catch up with higher environmental standards and avoid suffering acute economic disadvantages in the process. So in the EC, as in the U.S., we see some Member States clearly stronger than others but not about to overwhelm the system as a whole.

2. Hofstadter's second advantage is a stable mechanism of representation for the general public by a chosen body of representatives. The legislative body of a federation has the potential to

effect great change in the environmental realm. The most far-reaching environmental legislation in the U.S. has emanated from the U.S. Congress. Generally speaking, ideas for improving environmental policy will go nowhere without the approval of the U.S. Congress. The most comprehensive and revolutionary reforms in air pollution abatement have been subject to constant congressional scrutiny. With the primary stated goal of protecting its constituencies' health, Congress passed the Clean Air Act and has updated this legislation. By the same token, however, in the name of representation Congress has watered down legislation that would have meant stricter environmental laws in order to protect industry and not damage the economy. In fact, Congressional scrutiny has been a major hindrance to an effective Environmental Protection Agency (Lazarus 1991, 336).

The European Parliament does not yet enjoy the prestige or legislative power of the U.S. Congress, but it has made great strides in acquiring this power since the Parliament first became an elected body in 1979 (Noël 1988, 31). According to the most recent Eurobarometer polls published in June 1992, 63 percent of EC citizens considered the European Parliament "important" regarding environmental protection policy, 17 percent considered it "unimportant" (Commission 1992, 57). The most consensus was in eastern Germany where 78 percent of those polled considered the Parliament "important" in this area. This represents a general upward trend over the last few years in this regard. It is difficult to compare the two elected bodies because of fundamental structural differences. For instance, laws do not originate in the European Parliament. The elected body can debate and discuss but has little control over what legislative initiatives are on its agenda (Wallace et al 1982, 56).

3. The final advantage on Hofstadter's list is that of a split legislature. This was to ensure that the aristocracy and the democracy neutralized each other; over both houses there was to be a powerful executive with veto power and oversight responsibilities (Hofstadter 1973, 9-10). This is the system in the U.S. although there is little talk of aristocracy these days. The two houses must

agree on the legislation, usually after considerable debate and compromise. There is always the possibility of presidential veto. At various stages, environmental policy has been held hostage either by disagreement between the two houses or executive oversight. Checks and balances are a cornerstone of the U.S. system but have also been used to stymie change.

In the EC, the Commission has formal control over legislative initiatives. The European Council exercises tremendous legislative and quasi-legislative powers (Commission 1992, 9). However, current polls show that when asked which EC institution wields the most power "in terms of having the final say on European Community legislation," 29 percent of those polled believe it is the European Parliament (Commission 1992, 8), the Council of Ministers came in second (24 percent), and the Commission placed third (17 percent) (Commission 1992, 8). The representatives in the European Parliament look forward to the ratification of the Maastricht Treaty that would fulfill the public's expectations (Commission 1992, 9).

Are the brands of United States and European Community federalism comparable?

The way the federal system works in each case will make an enormous difference in environmental policy formulation and implementation. There are some very basic differences between the two systems. When considering these differences it is important to ascertain in what ways, as a "supranational" institution, the European Community is inherently different from the U.S., such that some comparisons are moot and certain U.S. models are irrelevant.

McGrory (1990, 310) has pointed out several of the most basic differences that must be accepted before making generalizations about how the European Community should formulate successful policy. First, and perhaps most obvious, U.S. federalism is centuries old and was born of revolution. The EC is a post World War II phenomenon, and in its infancy. Second, the U.S. Constitution is the cornerstone of federalism in the U.S., however, as a document it is vague and

flexible. On the contrary, the three treaties establishing the EC (the ECSC, EEC and Euratom treaties) are examples of very detailed international law, they were not designed to be vague and flexible. Third, the purposes of the founding documents of the two systems are very different, the U.S. Constitution was written with the lofty purpose of establishing a nation, whereas the EC Treaties were meant to establish common markets. Finally, it is worthwhile to note the basic legislative tools with which a society is ordered. The U.S. has a detailed, unified system of common law, the European Community has the daunting challenge of integrating twelve separate, parallel systems of law. Despite their many similarities, the policy makers in the two systems will need to adapt distinct strategies.

Federalist issues relating to the environment

Environmentalists have long argued that a decentralized system is optimal for achieving goals of optimum environmental quality. Decentralization allows for more flexible policies that reflect the unique characteristics of each situation, be it weather patterns, population characteristics, or economic impetus. On the other hand, history has proven that in most cases strong central enforcement is needed to ensure compliance. At first glance, this may appear to be contrary to the traditional principles of federalism (Wald 1992, 521).

The situation in the U.S. in the 1960s is a good illustration of the perceived need for centralization. The 1967 Air Quality Act made provisions for states to set standards for individual sources of emissions (Muskie 1990, 14). The idea was that the states knew best what their problems were. Unfortunately, the scheme did not work as planned. Despite state policy regulations that made sense on paper, the states often ignored their own regulations. The system was decentralized with good intentions, but ultimately ineffective and fell victim to parochialism.

The European Community has experienced questionable success with its brand of nascent federalism also. Member States have a history of ignoring EC directives, and until recently, there has been little incentive to do otherwise; the Community institutions have been capable of little more than a slap on the wrist. For example, in the mid-1980s Italy was condemned by the European Court of Justice 46 times for noncompliance with directives (Del Duca 1988, 560). To put that in perspective, France and Belgium were the next biggest violators at the time, with a mere 7 condemnations each (Del Duca 1988, 560). In 1989 Spain held the unfortunate distinction of the EC's worst polluter with 57 cases of noncompliance with EC environmental standards (Silvers 1991, 285). This lamentable record is due in large part to the fast-paced economic development Spain has undergone since the death of Generalissimo Franco in 1975. Spain sacrificed environmental quality for economic growth and did not have the infrastructure to manage the environmental degradation.

Just as the central government stepped in to supervise state compliance in the U.S., the European Community has assumed responsibility for improved air quality in the Member States. The European Commission has implemented pollution monitoring programs in Madrid. The goal is to ensure that the 21 monitoring stations in the capital city are recording air emissions accurately and that these emissions are indeed within the standards established by the EC (Silvers 1991, 310). In an effort to impress upon the Spanish the authority the EC has over the state, the Spanish government has been brought to task to the European Court of Justice on several occasions (Silvers 1991, 310).

Policy Implementation

Air pollution legislation is only as good as its implementation devices. The U.S. experience is instructive. For years air pollution was generally seen as a local problem and, in most cases, enforcement was left up to local authorities. A good example is the state of Wisconsin.

U.S. case study: Wisconsin

The people of Wisconsin faced a chronic problem of particulate emissions from smokestacks beginning in the 1940s (Del Duca 1999, 506). The pollution was initially viewed mainly as a nuisance sullying the beauty of the new capitol, but after a few years, its true importance was understood. In the immediate post World War II years, litigation was done on a case by case basis, but it became clear that this approach was not going to be adequate to curb air pollution. Proof was difficult to come by and judges did not have sufficient technical expertise to make sound judgments (Del Duca 1988, 507).

The county of Milwaukee was put in charge of its own air pollution control from 1947 until 1973 (Del Duca 1988, 507). Although it made some effort, it did not expand air pollution control much beyond regulating particulate emissions. There simply was not the bureaucratic support and/or expertise to do much more, and consequently, the federal bureaucracy stepped in. The 1967 Air Quality Act allowed for federal intervention if states could not act on their own. In response to this legislation, Wisconsin enacted its own Clean Air Act (Del Duca 1988, 507). The Environmental Protection Agency (EPA) was created in 1970, the same year the famous federal Clean Air Act Amendments were passed. The clean air legislation required EPA approval for state air pollution controls. In compliance with the law, Wisconsin drew up new plans that were subsequently approved by the EPA (Del Duca 1988, 507).

Wisconsin, though making tepid attempts to improve its air quality, was hindered by circumstances common to other states. For instance, at this point in time there was a basic lack of

understanding about air pollution, the scientific research simply had not been done yet. In Wisconsin the focus centered mainly on particulates and the smoke problem and ignored other toxic emissions. The benefits from strict air pollution legislation were not seen to outweigh the political costs of raising taxes. On a related point, Wisconsin had reason to worry about damaging its competitive edge with other states that did not have costly air pollution controls. This is a common concern among Member States of the European Community as well, and has led to difficult negotiations concerning the relative "fairness" of environmental regulations and their impact on economic competitiveness.

The lesson from the Wisconsin case is that the state could not make effective air pollution policy until it was compelled by the EPA to do so. This was not a unique case. Members of the U.S. Congress were well aware that the states were not making significant progress in air pollution abatement. The 1970 Clean Air Act Amendments "converted Congressional distrust of State implementation into a mandate for more federal control" (McGrory 300). Nevertheless, the 1970 Clean Air Act was no panacea. Flaws in the original conception slowed implementation of the program, as did the repeated clashes between state and central government which are intrinsic to the U.S. federalist system (McGrory 300).

The EC case: Spain and Italy

Implementation in the EC is not without its complications either. The differences in governmental structure make effective implementation a task that can vary in complexity depending on the Member State. Spain, for example, is a regional state made up of 16 autonomous communities. The Spanish Constitution of 1978 provided for a transfer of power from the highly centralized government in Madrid, the product of nearly 40 years of dictatorship, to the autonomous communities. With this major move toward decentralization of the state, it not surprising that

effective environmental policy would get complicated when combined with centralization of the supranational institution of the EC.

Italy, like Spain, is a regional state, it also is working to decentralize and give more responsibility to the regions (Del Duca 1988, 535). Italy's Constitutional Court is concerned not so much with reinforcing central power (like the Supreme Court in the U.S.) but with balancing the development of regionalism. A presidential decree was established to adopt EEC directives into domestic law (Del Duca 1988, 554). Their application would be on a regional basis. The major problem is that the Italian Parliament has been very slow to make the directives law and to identify what the regional responsibilities will be.

There is another Italian law (no. 616 of 1977, article 6) that allows the central government to take care of business if the regional authorities are not complying with EC policy (Del Duca 1988, 555). The important point here is that the Constitutional Court acknowledges the importance of compliance with EC policy; the Court contends the responsibilities of the Italian State take precedence over regional autonomy. It is worth noting that if it were not for Community law, Italy might not have as much constitutional power in the face of regional inaction (Del Duca 1988, 555). EC legislation may be just what the Italian system needs to improve the system of central and local relations (Del Duca 1988, 556) and achieve the necessary compliance with environmental policy. Clearly for Italy to achieve any of the benefits of EC legislation, it must improve its record of compliance.

Parallels: U.S. and EC environmental policy

The U.S. environmental protection establishment uses a top down arrangement, wherein the EPA is responsible for overseeing implementation. For states to be eligible for grants-in-aid, avoid sanctions, and achieve enforcement primacy, a federal law required states to develop State

Implementation Plans (SIPs) for EPA approval (Eckert 1991, 38). Under this legislation, states were compelled to enact legislation at least as stringent as the federal equivalent. In addition, the states were required to provide enforcement. California has been granted a waiver which allows it more stringent legislation. The rationale for the grant waiver was that the car market is so large in California it would not be hurt by competition from neighboring states that did not have the tougher environmental laws.

In the European Community, Member States are required to adapt EC regulations and directives as national law. For example, Italy's presidential decree law no. 616 of 1977 (del Duca 1988, 554) makes EC law the law of the land. In France, theoretically, there was never much problem complying with EC directives because of the considerable power the French constitution vests in public administration (Del Duca 1988, 524). As a traditionally unitary state, France has tended to automatically incorporate Community norms by administrative order (Del Duca 1988, 524).

The Spanish Constitution paid homage to environmental concerns (Article 45 of the Constitution addresses the environment), but enforcement was lacking at the national level (Silvers 1991, 291). The transfer of authority from the central government to the Autonomous Communities (Articles 148 and 149) caused several problems. There was overlapping authority and lack of adequate coordination between the central government, the Autonomous Communities, and the local entities. Spain enacted EC legislation, current at the time of its accession to the EC (1986) and has adopted into Spanish domestic law the principles set forth by EC directives (Rodriguez Molnar 30).

Where did the Clean Air Act Go Wrong?

The short answer has been that there was too much emphasis on the command and control approach to environmental policy. The rigidity of this approach did not allow for the great variety of

situations that arise in society. As a result, deadlines were not met and meting out effective punishment was difficult, if not impossible.

Economists specializing in environmental policy have long advocated the use of incentive-based policy as the preferred alternative to the imperfect command and control approach. Economists have argued that incentive-based policy is decentralized and adaptable, in contrast to the centralized, more inflexible command and control approach. The truth may not be so simple. Studies have been done that address the advantages of the command and control approach over incentive-based policy (Oates, et al 1991; Atkinson and Tietenberg 1990) in particular cases. The single best approach is not obvious. As EC policy makers model air pollution legislation on the pattern of the U.S. 1970 Clean Air Act, the immediate concern is the positive and negative impacts of command and control policies as a result of the Act. The case of motor vehicles serves as an interesting example of how difficult it is to strike a balance with tough regulations and optimum compliance.

Flaws in the 1970 Clean Air Act: motor vehicles

Motor vehicles are among the first offenders that one envisions when considering air pollution. The gains that were made by establishing standards for individual vehicle auto emissions were undercut by the increased number of cars on the roads (Walsh 1991, 12). Not surprisingly, the vehicle population is growing faster than the human population (Wilson 1991, 15). Vehicles are responsible for up to 90 percent of carbon monoxide emissions, about half of nitrogen oxides and hydrocarbons that produce smog, and more than half of the toxic air pollutants (Wilson 1991, 15). More cars naturally increase actual emissions but also exacerbate the problem of traffic congestion, which in turn worsens emissions (Walsh 1991, 14).

The 1970 Clean Air Act regulated emissions for the full lifetimes of light and heavy trucks, but not for passenger cars beyond five years or 50,000 miles (Walsh 1991, 14). This is roughly half

the life of a car. Unfortunately, EPA research shows that the second half of a car's lifetime is when it pollutes most due to increasing deterioration in advanced technology.

Another obstacle to successful emissions reductions is that many vehicles in the U.S. are poorly maintained. Vehicles on the road regularly exceed their emission standards because drivers have deliberately tampered with or even removed the catalytic converters, used leaded gasoline where unleaded was required, or simply let the vehicles fall into disrepair (Walsh 1991, 12). Even though light and heavy trucks were regulated for a longer time than cars in the Clean Air Act, much less progress was made in reducing emissions from these sources than from passenger cars. In fact, the emission standards for trucks are considerably more lenient than those for cars (Walsh 1991, 13).

Particularly important are city buses that may not constitute the largest number of heavy vehicles, but have a tremendous impact on urban air quality. City bus emissions are considerably higher than other mobile sources and affect many people because the buses stand to be in operation for several years before being replaced and, logically, they operate in highly populated areas thereby polluting the air of the maximum number of people (Walsh 1991, 13).

The command and control "solution"

How could there be so many flaws in one of the most fundamental air pollution areas? To be sure, unforeseen problems inevitably arise. One illustration is the case of the "Inspection and Maintenance" programs. One way to avoid emissions due to vehicles in disrepair would be to require that they be maintained. The EPA established "Inspection and Maintenance" programs for this very purpose. The details of administration were left to state or local officials using EPA guidelines.

Unfortunately, the results were not uniformly positive. In many cases the drivers were at the mercy of unregulated inspection sites where quality was spotty and ethics were lacking. The more successful states attempted to eliminate unnecessary costs to the consumer by separating inspection

from repair. These centralized facilities concentrate on "high-quality, efficient inspections" (Walsh 1991, 13). In theory, the consumer does not have to worry about profit-hungry mechanics who diagnose non-existent problems only to charge for "fixing" them.

The EPA has set emission limits for criteria pollutants but the inspection is not always the most accurate means of determining whether a vehicle is exceeding the guidelines. A simple idling test that does not adequately replicate average driving conditions will not reveal important emissions violations. For example, it cannot measure emissions of nitrogen oxides that are emitted only when a car is moving at a higher speed (Walsh 1991, 13). However, the EPA has established certain test conditions for manufacturers that are meant to simulate a typical commute in Los Angeles under temperatures that are conducive to ozone. The problem with this test is that the same commute in a colder clime would produce unacceptable amounts of carbon monoxide because of cold engine choking needed to start the vehicle (Walsh 1991, 14).

New solutions for the 1990s: U.S.

The 1990 Clean Air Act has attempted to address and remedy these defects in pollution abatement. First, more stringent tailpipe emission standards are required of all new cars and trucks (Wilson 1991, 15). The catalytic converter which has been installed on nearly every car in the U.S. since 1975 has been responsible for reducing tailpipe emissions by about 95 percent (Wilson 1991, 16). The 1990 Clean Air Act required even better performance, however. It called for a reduction of 30 percent fewer hydrocarbons and 60 percent fewer nitrogen oxides by 1994 (Wilson 1991, 16). These standards will be in effect for 100,000 miles -- double the current requirements. New tests will be run that accurately simulate more weather conditions, and within a few years, diagnostic systems will be installed in all new vehicles that will alert drivers and mechanics to malfunctioning emissions-control equipment (Wilson 1991, 16).

Of course, it would not be necessary to concentrate so much on emissions if fuel burned cleaner. The most important advance the U.S. has made in this regard is the near elimination of leaded gasoline. Steps are being taken now to reduce the volatility of gasoline so fewer fumes escape into the air thereby reducing smog levels (Wilson 1991, 17). In 1995, the nine U.S. cities with the worst smog problems will be required to sell a new reformulated gasoline that reduces smog-forming and toxic pollutants (Wilson 1991, 17). Other cities may opt to sell this "clean" fuel also.

The 1990 Clean Air Act also established a California Pilot Program slated to begin in 1996 that will set an example of what gains can be made by using cleaner burning fuel (Wilson 1991, 17). Vehicle manufacturers must sell 150,000 cars in California with half the emissions levels allowed by law for new cars. The number of cars will increase to 300,000 in 1999 and by 2001 the emissions levels will be reduced by another 50 percent (Wilson 1991, 17).

Despite these measures to reduce toxic emissions, there still remains the problem of the shear number of vehicles on the roads. The EPA has arranged incentive plans for large corporations to invest in vans for their commuters (Wilson 1991, 17). Employers also must think of ways to persuade employees to use mass transit or car pools.

New Solutions for the 1990s: EC

The EC has considerable catching up to do when it comes to the required installation of catalytic converters and the elimination of leaded gasoline, for example. This is not to say, however, that important work has not been done; it just has not been evenly distributed. The inadequacies in EC environmental policy have a great deal to do with the concept of federalism in its simultaneously supranational and intergovernmental system.

The EC has had considerable difficulty achieving agreement by the Member States concerning requiring manufacturers to introduce catalytic converters on new vehicles. The United Kingdom has

been especially obstinate on this count, resisting their mandatory introduction (O'Riordan 1989, 297). Germany and Denmark are exerting significant pressure for the widespread use of the converters as well as the use of a lean burn engine (O'Riordan 1989, 297). The British would prefer to simply wait for the lean burn engine and skip the catalytic converter; they are skeptical of the scientific evidence justifying such a drastic move.

In an effort to use U.S. (and Japanese) standards as a goal, four European countries (none of which are presently EC Member States, Sweden, Norway, Austria, and Switzerland) have banded together to encourage "state of the art" fuel emissions standards in all of Europe. The EC has watered down their proposal by breaking down emission standards according to the size of the vehicle engine and then gradually phasing in the regulations. It is important to note that small cars make up the greatest proportion of the automobile market in the Community, and it is precisely that market that will be phased in slowest (O'Riordan 1989, 297). From a market standpoint, the manufacturers are loath to make extensive modifications of a product that has such a relatively small profit margin.

EC politics have played a part in slowing the rate in which Member States will phase in use of unleaded gasoline. A proposal to establish a date by which all new cars should be capable of running on unleaded gasoline failed. In keeping with its reputation for tough environmental legislation, Denmark was strongly in favor of such a proposal and Greece, although it is a country plagued by serious air pollution especially in Athens, lobbied hard for further funds for reduction (O'Riordan 1989, 299).

Although progress is being made in establishing environmental standards in the Community, it is slow going. The general economic malaise that has descended upon the Community has worsened the prospects for strong action. Germany was first to industrialize and pollute, and in the 1980s, thanks to a strong economy, was able to invest heavily in cleanup and clean technologies. Other Member States were not as fortunate. The United Kingdom did not begin to consider the very large

amount of investment it was going to take to clean and protect its environment until the late 1980s; now Britain's economy is having a hard time putting money in the environment when there are so many other pressing social problems. The same applies to the southern tier countries such as Spain, Portugal, and Italy.

Lessons

The 1967 Air Quality Act marked the beginning of federal air pollution control in the U.S. However, it was largely unsuccessful due to inadequate enforcement. This failure is attributable in large part to the fact that the 1967 "Act was intended to be implemented through the states to satisfy state and industry opposition to central control and to take advantage of decentralized flexibility" (McGrory 1990, 300). On one hand, states lacked access to financial funds and general environmental expertise, on the other hand, states were criticized for simply lacking the will to control air pollution (McGrory 1990, 300)

U.S. Senator Edmund Muskie, one of the chief architects of U.S. environmental policy during the 1960s and the primary author of the 1970 Clean Air Act, points out that one must remember the 1970 Act was an "experimental law" (Muskie 1990, 13). "It defined a new role for government in areas previously believed to involve a private right to a free resource" (Muskie 1990, 17). Experiments rarely are complete, unequivocal successes, often they need time for refinement and adjustment. Such was the case with the early clean air legislation in the United States.

The 1970 Clean Air Act Amendments have certainly received considerable criticism in the years since their enactment. Policy makers and scholars agree that the Act was too ambitious in its command to achieve drastically improved air quality standards. The approach--mandated regulations--proved to be ineffective when not used in conjunction with incentives, marketing, and education. Inadequate time to achieve its goals and lack of scientific knowledge to be able to accurately measure

emissions were major problems. Because deadlines were impossible to meet, extensions were granted over and over again. This resulted in a loss of credibility on the part of the EPA and disillusionment on the part of the public (McGrory 1990, 301).

The EPA

The EPA can serve as the rough model for a similar agency in the EC. The Community currently is preparing to establish the European Environment Agency (EEA) to oversee environmental protection in the Community. This agency has two stated goals, 1) to provide Member States with "objective, reliable and comparable information at the European level enabling them to take the requisite measures to protect the environment, to assess the results of such measures, and to ensure that the public is properly informed about the state of the environment; and 2) to that end, the necessary technical and scientific support" (Wright 1991, 719). The glaring omission in the stated goals of the Agency is that it lacks any capacity for enforcement. It would be beneficial to learn from the mistakes of the U.S. EPA and examine the stumbling blocks it has run across.

The creation of the EPA was symbolic of the schizophrenic attitudes of both the American public and its law makers. On one hand, there was great agreement that protecting our natural resources and preventing the negative externalities associated with industrialization were necessary. On the other hand, there was no consensus as to how best to regulate pollution, and a great deal of disagreement over who was going pay. Laudable aspirations collided with an inadequate grasp of the implications, both economic and otherwise, as well as the blatant unwillingness to act on realization of these aspirations (Lazarus 1991, 314). In sum, in this field there was much more talk than action.

From its inception, the EPA has been viewed with suspicion by those directly involved in its operation, especially the executive and legislative branches as well as the countless interest groups that stood to be affected by EPA regulation. Each competing interest sought to prevent "agency

capture" by an opposing interest (Lazarus 1991, 314). Briefly, there are three versions of agency capture theory, first that the agency over time begins to unite with the industries it is supposedly regulating; second, that the agency personnel succumb to political demands and economic interests and bargain away environmental values; and third, that the agency will be captured by its own liberal, pro-regulatory bureaucracy (Lazarus 1991, 315). EPA failures and shortcomings can be explained by each of these capture theories.

The executive branch in the Nixon administration worried that the new agency's regulation would have too much of an adverse impact on the economy, it therefore sought to curb the jurisdiction of the EPA (Lazarus 1991, 318). And it did; President Nixon suggested that the new agency be non-cabinet level and ultimately it comprised only "nine of the approximately fifty programs then pertaining to the environment" (Lazarus 1991, 316).

The legislative branch, eager to please its constituents with "tough" environmental laws, placed impossible burdens on the EPA, thereby dooming the agency to failure. Wildly unrealistic deadlines were passed into law. In the case of the Clean Air Act, fewer than 15 percent of the deadlines were met and none of them had to do with compliance with environmental quality standards (Lazarus 1991, 325). More than twenty years have passed and the auto companies are still receiving extensions on the original goals of a 90 percent reduction of the major pollutants produced by vehicles (Lazarus 1991, 325). Even if the EPA could succeed in reducing those pollutants it has determined to be dangerous, they represent only "seven of the 274 known hazardous substances emitted into the air" (Lazarus 1991, 325). Members of Congress are equally eager to please the special interest lobbies that are so important in funding their expensive campaigns. Industry has exerted its influence on both the Congress and the EPA to soften the rules.

Although Congress managed to pass strict environmental legislation it could not find the appropriations necessary to adequately fund such ambitious aspirations. From its inception the EPA

has received considerably less funding than would be necessary for even a modicum of success (Lazarus 1991, 329). This situation worsened dramatically under the Reagan administration which drastically cut EPA funding. The Office of Management and Budget (OMB) used its power of "oversight" to prevent what its director in the early Reagan administration, David Stockman, believed would be a total shut down of the economy if EPA rules were put into effect (Lazarus 1991, 332).

The EC Looks West

As the EC searches for the best aspects of the Clean Air Act and its 1990 amendments, the most basic lessons are perhaps the most important. Lessons lie in the realm of the legislative process, compliance with the legislation once it has been established, and a respected organization with authority to act.

First, it is important to avoid being either too ambitious or too rigid. The U.S. legislation set laudable, yet overly idealistic goals but there was no way the private sector would support such radical change and little recognition of how reluctant Americans would be to actually pay for a cleaner environment. Its rigidity lay in its unyielding emphasis on the preservation of health, yet in many cases it lacked the scientific proof of harm. Members of Congress knew they were setting unattainable goals but in many cases they were eager to appear to be the champions of the environment. Likewise, there was an impregnable coalition in Congress that was adamantly opposed to allocating realistic funding for the EPA. Members of Congress tend to focus on short-term goals because they are up for reelection fairly frequently (especially in the House of Representatives) and are hesitant to commit large sums of money for long-term projects that may not be firmly grounded in science.

There is no reason to believe elected representatives in the European Community will act differently. Consequently, it is of the utmost importance that the public understand the complex

issues behind environmental protection. This must be done through a massive educational effort starting with the very young as well as the seasoned taxpayer. The benefits of strict environmental policies in many cases will not be realized for generations, long after the present group of lawmakers is gone. With education and resocialization, the public will be willing to change its lifestyle and demand the necessary changes in managing the environment.

Another important issue in environmental protection is that of noncompliance, an enormous problem both in the U.S. and the European Community. Optimal enforcement encompasses several elements, "the sanction, the resources of the enforcing agency, the severity and certainty of a punishment being imposed or an incentive being awarded, the manner in which the regulated business perceives the enforcement policy, and the enforcement agency's relationship with other branches of government" (DiMento 1989, 112). The U.S. Environmental Protection Agency at one time or another was weak on each of these points.

Fundamental to effective policy is the credibility of the agency. Under the Reagan administration, the EPA suffered immense damage to its credibility with Anne Gorsuch Burford as administrator. "She confirmed the worst fears of those in Congress who were concerned about the agency's potential for deliberately undermining the federal environmental protection laws" (Lazarus 1991, 347). Her appointment to head the EPA represented an attempt on the part of the executive branch to take back the agency's bureaucracy that the Reagan administration felt had been "captured" by environmentalists (Lazarus 1991, 344). The supposed goal was to make the EPA more cost conscious. The effect was the appearance of an agency intimate with the regulated industries and numerous moves that resulted in the crippling of the agency. Personnel was demoralized, in fact, in 1982, 54 percent of EPA employees questioned said "they would make a genuine effort to look for new employment outside the federal government within the following year" (Lazarus 1991, 353).

Once damaged, it is difficult to regain respect and credibility. Compliance with environmental regulations was worst and morale was lowest after the agency suffered extensive budgetary and personnel cuts in the name of "regulatory relief" during the early years of the Reagan administration (Wood 1988,217). Due to budget cuts and frustrations among employees who felt they could not enforce the regulations, a mass exodus of EPA personnel ensued.

The United States has also attempted to deal with the issue of compliance through tough criminal enforcement of pollution laws. The Pollution Prosecution Act was passed by Congress in 1990 (Devaney 1992, 32). The purpose of the Act was to change the perception that penalties are just a cost of doing business. Since the Act was passed, there has been unprecedented growth in the criminal enforcement division of the EPA and consequently many indictments resulting in guilty pleas or convictions (Devaney 1992, 32).

Conclusion

The American public saw the EPA in an increasingly poor light throughout the 1970s and 1980s and this had a seriously damaging impact on the agency. Success of the European Environment Agency will hinge on having the respect of policy makers, bureaucrats, and the European public in general. Policy makers in the EC know what needs to be done and should move quickly to agree on a city in which to base the EEA. If the EPA has been criticized for not being able to ensure compliance, one can only wonder how successful the EEA will be without any power of enforcement. The issue here is clearly one of sovereignty and the degree to which Member States are willing to relinquish some power for the greater good.

Considering the seriousness of the environmental problems that face the EC as well as those that are shared by the entire world, a policy of playing politics displays humanity at its most petty and short-sighted. Lawmakers, bureaucrats, and the public on both sides of the Atlantic must accept the

consequences of their consumer-oriented actions of past centuries when they have been free to pollute relatively free of charge. Citizens must be made keenly aware that nations today are undeniably interdependent and must cooperate if they are to thrive.

The U.S. has made progress in environmental protection but all along the way there have been forces working against it. There is no reason why people cannot have both a clean environment and development. The key is in sustainability. Anything that is not sustainable gives a false sense of wealth, the price for which will be exacted later.

Politicians wield an enormous amount of power in this regard. The EC policymakers must see the importance of establishing the European Environment Agency soon, and begin negotiating a plan acceptable to the Member States in which the agency will have some "teeth" to enforce compliance with some of the most important regulations for the health and well-being of the EC citizenry.

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PEREMPTORY CHALLENGE:

AFRICAN-AMERICANS, THE JURY, AND THE CONSTITUTIONALISM OF COMMON LAW

James R. Stoner, Jr.

Louisiana State University

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PEREMPTORY CHALLENGE:

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I. THE BATSON CASES AND THE MARSHALL-THOMAS DISPUTE

In the 1986 case of Batson v. Kentucky,[1] when the United States Supreme Court condemned a prosecutor's use of peremptory challenges to remove black jurors in the trial of a black defendant, Justice Thurgood Marshall wrote a concurring opinion in which he called for, or perhaps predicted, complete abolition of the peremptory device. The Opinion of the Court by Justice Powell tried its best at once to enforce the Fourteenth Amendment's ban on state-sponsored discrimination and to preserve the historical right of the parties in a legal case not only to disqualify all potential jurors from the venire who can be shown to harbor prejudice but also to strike at will a certain number of venireman even without assigning cause. Both objectives had been endorsed in Swain v. Alabama,[2] the Court's previous encounter with the issue some twenty-one years before, and Powell's carefully crafted Opinion purported to modify Swain only by adjusting the evidentiary burden in accord with intervening Equal Protection precedents. Nevertheless, the Court clearly recognized that the implication of the shift was the reversal of the presumption, so that while Swain had left a prosecutor free to remove black jurors unless the defendant could establish his motive was to discriminate on the grounds of race, Batson effectively required that a prosecutor who employed a peremptory challenge to reject a black juror prove to the trial judge that the juror's race was not the reason for his removal. Justice Marshall joined and complimented the Court's Opinion, but he made clear that he thought it did not go far enough "toward

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[1] 476 U.S. 79.

[2] 380 U.S. 202 (1965).

eliminating the shameful practice of racial discrimination in the selection of juries": "That goal can be accomplished only by eliminating peremptory challenges entirely," and this means, since the criminal justice system requires balance, eliminating challenges on the part not only of the government but also of the accused.[3] Though Marshall's concurrence stresses the likely ineffectiveness of the Court's compromise in suppressing discrimination, it was reinforced by the logical difficulty not overlooked in Chief Justice Burger's dissent, namely, how a challenge can still be called peremptory if, upon objection, the party must assign to it a legitimate cause.[4]

The subsequent history of the Batson doctrine forms what could be a textbook study of how, through changes in Court personnel and through the circumstances of particular cases, a doctrine can evolve in a direction that was resisted in its first appearance. In 1990 the Court declined the invitation of a white defendant to forbid prosecutorial use of peremptory challenges to remove blacks from his jury on the theory that the Sixth Amendment's guarantee of an impartial jury entitled him to a panel that was a representative cross-section of the community; writing for a 5-4 Court, Justice Scalia interpreted the Sixth as permitting the historic peremptory as a means to secure impartiality, without regard to cross-sectional characteristics, and he distinguished Batson as establishing an exception on Equal Protection grounds for defendants claiming racial discrimination against themselves.[5] The following year, however, a white defendant whose prosecutor had used his peremptories to strike black veniremen succeeded in getting his conviction

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[3] 476 U.S. at 102 ff.

[4] 476 U.S. at 127.

[5] Holland v. Illinois, 493 U.S. 474 (1990).

reversed, having relied in his argument on the Equal Protection Clause; the same term, in Edmonson v. Leesville Concrete, the Court extended the Batson rule to civil cases, which, since neither party was a governmental body, meant interpreting state action quite broadly and, incidentally, applying the ban on alleged race-based peremptory challenges to both sides.[6] These precedents in place, it comes as no surprise to learn that in 1992, in Georgia v. McCollum, the Court turned the Batson rule for the first time against criminal defendants, three whites who had used their peremptory challenges to remove blacks from a jury called to judge them on assault and battery charges that they beat a black couple.[7] And the Court has agreed to hear this coming term an Equal Protection complaint to the state's use of peremptory challenges to exclude members of the defendant's sex -- here in paternity proceedings[8] -- offering the prospect that the developed Batson scheme will be applied beyond the racial context and thereby, if not entirely fulfilling Marshall's goal of the outright abolition of peremptory challenges, at least validating Burger's prediction in his Batson dissent of their eventual extinction.

Justice Clarence Thomas, Marshall's successor on the Court, concurred in Georgia v. McCollum -- he thought the result mandated logically by the Court's decision in Edmonson -- but he wrote separately "to express my dissatisfaction with our continuing attempts to use the Constitution to regulate peremptory challenges." Like nearly every modern justice who has written on race and the jury, he invoked the precedent of Strauder v. West Virginia, the 1880 case in

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[6] Powers v. Ohio, 111 S.Ct. 1364 (1991); Edmonson v. Leesville Concrete Co., Inc., 111 S.Ct. 2077 (1991).

[7] 112 S.Ct. 2348 (1992).

[8] J.E.B. v. T.B., No. 92-1239.

which the Court for the first time reversed a conviction because of the exclusion of blacks, by state law, from jury service, but in a striking departure from earlier dicta, Thomas claimed that Batson and the line of cases following from it betrayed Strauder, rather than, as their authors had asserted, fulfilling it. "[T]hat conscious and unconscious prejudice persists in our society and that it may influence some juries" is for Thomas a reason to preserve the peremptory challenge intact, not an occasion for its abandonment and replacement by judicial monitoring that would at most insure in jurors and in parties appearing in court outwardly correct behavior in matters pertaining to race. "I am certain," he writes, "that black criminal defendants will rue the day that this court ventured down this road that inexorably will lead to the elimination of peremptory strikes."[9]

The opposition of perspective between the only two African-Americans to sit on the Supreme Court will surprise no one who has observed the Court or American politics in recent years, but it would be superficial, not to mention condescending, to dismiss their disagreement as a reflex of ideological posture. For one thing, in their assessment of the persistence of racial prejudice in America and of the fact that it marks our system of criminal justice they substantially agree, and both express this view with the authority that comes from experience. Moreover, neither is satisfied with the compromise worked out by the Court majority of carving out exceptions to the peremptory challenge, but each seeks rather a crisp and authoritative rule. In the discussion that follows, I do not intend to explore the differences between Justices Marshall and Thomas in particular detail, nor will I develop systematically an analysis of the changes of personnel and position that characterize

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[9]112 S.Ct. at 2359-61. The citation for Strauder is 100 U.S. 303 (1880).

the peremptory challenge cases, but I will suggest that the disagreement on the Court concerning this matter reflects a larger pattern in American constitutionalism, the tension between the common law heritage of that constitutionalism on the one hand and its modern interpretation in the light of liberal political theory on the other. Since the liberal influence is better known and, in the contemporary era, undeniable, I will concentrate where I am at any rate obliged to begin, with attention to the jury at common law.

II. THE COMMON LAW JURY, THE CONSTITUTION, AND THE PEREMPTORY CHALLENGE

The jury may not be the most ancient institution of the common law, but it is surely among its most distinctive. William Blackstone repeated the traditional account of its origins in the fog of pre-Norman England, but modern historians date the trial or petit jury to the thirteenth century, the catalyst for its establishment having been the decree of the Lateran Council in 1215 forbidding clerical participation in trial by ordeal. (The inquest or grand jury is apparently somewhat older still, having grown with the rise of royal courts in the centuries following the Conquest.) By 1600, many of its now-familiar characteristics were well settled: the jurors sat alongside a judge, who was responsible for administering the trial and giving them their charge; juries sat in civil as well as criminal cases; though there were at law means for punishing false or tainted verdicts, juries had in practice substantial leeway to render a "verdict according to conscience" and thus could effectively nullify the effect of unpopular laws by returning a verdict of "not guilty"; and in the selection of jurors criminal defendants could challenge and remove jurors both for cause and a certain number peremptorily, while the Crown in criminal prosecutions and the parties in civil disputes were given various means, dependent on the number of veniremen the sheriff was able to produce, to

remove jurors before whom they did not wish to try their case. To submit one's case to the jury was, in the formula of common law, to put oneself upon "the country," and the jurors were said to be "twelve free and lawful men" or "twelve good men and true."[10]

The American colonists brought the jury with them from England along with the common law. In fact, historians have argued, the American jury in colonial times surpassed its English counterpart in authority, partly because eighteenth-century English judges were developing ways to limit juries, partly because the paucity of printed legal sources and the inaccessibilty of the courts in Westminster encouraged the colonial jury often to determine not only the facts of the case but also the governing law.[11] The best known instance of the power of colonial juries to settle the law is probably the seditious libel trial of Peter Zenger, whose acquittal signaled the legitimacy of truth as a defense in libel cases. Among the complaints lodged against the Parliament and the King in the struggle that led to the Revolution were their inroads against the right to trial by jury: this is protested in the Declaration of the Stamp Act Congress, the Virginia Resolves of 1769, the Declaration and Resolves of the First Continental Congress, and the Second Congress' Declaration of the Causes and Necessities of Taking Up Arms, as well as in the Declaration of

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[10]See Blackstone, Commentaries on the Laws of England (reprint of First Edition; Chicago: University of Chicago Press, 1979), vol. III, p. 349 ff, and vol. IV, p. 342 ff.; J.H. Baker, An Introduction to English Legal History, 2nd ed. (London: Butterworths, 1979), esp. ch. 5; Thomas Andrew Green, Verdict According to Conscience (Chicago: University of Chicago Press, 1985); James P. Levine, Juries and Politics (Pacific Grove, CA: Brooks/Cole Publishing Co., 1992), ch. 2.

[11]William Nelson, Americanization of the Common Law (Cambridge: Harvard University Press, 1975), ch. 1-4; Shannon Stimson, The American Revolution in the Law: Anglo-American Jurisprudence before John Marshall (Princeton: Princeton University Press, 1990).

Independence.[12] Naturally the first state constitutions carried guarantees of the right to a jury trial.[13]

The place of the right to trial by jury in the Constitution of 1787 is of course a matter of interest to judges interpreting that document today, and it turns out not to be a simple tale. Article III, section 2, clause 3, of the Constitution guarantees the right, as follows:

> The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

To the Anti-Federalists this clause was not specific enough concerning the criminal jury and, by its silence concerning the civil jury, seemed to portend its abandonment in federal law; hence, the Sixth and Seventh Amendments:

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.
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> In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of common law.

It must be admitted that the omission of the civil jury in the Philadelphia document was probably no accident; Hamilton defends its absence in Federalist No. 83, doubting the importance of the civil jury for liberty, and, as the Anti-Federalists probably sensed, the necessarily local character of the jury

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[12]See Jack Greene, ed., Colonies to Nation, 1763-1789: A Documentary History of the American Revolution (New York: Norton, 1975), pp. 64, 158, 245, 256, 299.

[13]Ibid., pp. 333, 343.

cut against the grain of every other institution the Constitution established. Several of the procedures enumerated in the Sixth Amendment were unknown to the ancient common law, having been established by Parliamentary statute in the seventeenth or eighteenth century, but the jury itself, and the vicinage requirement, were long-settled. In the Seventh Amendment the common law is made the explicit point of reference, even to the point of open incorporation of some of its unwritten rules.

The federal constitutional law of the jury could probably fill a volume, even exclusive of the cases pertaining in one way or another to race. Modern students are perhaps most familiar with the decisions from the late Warren and the Burger eras, incorporating the jury right into the Fourteenth Amendment and thus applying it to the states, allowing, however, juries smaller than twelve or non-unanimous verdicts in state courts.[14] Numerous earlier cases raised matters of federal law concerning the jury, not least the question of peremptory challenges. From the start, Blackstone's account was taken as the authoritative rendering of English common law at the time of the Founding: The criminal defendant was to be allowed thirty-five peremptory challenges when tried for treason and twenty when on trial for other felonies, while the crown, as the result of a statute passed in the early 1300s, was allowed no challenges not for cause, but the prosecutor was by custom allowed to ask veniremen to stand aside without assigning cause, and they would be excused from serving unless they were needed to achieve a jury of twelve. Blackstone's account of the reasons behind the right has likewise been a common point of reference, and is worth quoting at length:

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[14] Duncan v. Louisiana, 391 U.S. 145 (1968), Williams v. Florida, 399 U.S. 78 (1970), Apodaca v. Oregon, 406 U.S. 404 (1972), Ballew v. Georgia, 435 U.S. 223 (1978), Burch v. Louisiana, 441 U.S. 130 (1979).

> ...in criminal cases, or at least in capital ones, there is, in favorem vitae, allowed to the prisoner an arbitrary and capricious species of challenge to a certain number of jurors, without shewing any cause at all; which is called a peremptory challenge: a provision full of that tenderness and humanity to prisoners, for which our English laws are justly famous. This is grounded on two reasons: 1. As every one must be sensible, what sudden impressions and unaccountable prejudices we are apt to conceive upon the bare looks and gestures of another; and how necessary it is, that a prisoner (when put to defend his life) should have a good opinion of his jury, the want of which might totally disconcert him; the law wills not that he should be tried by any one man against whom he has conceived a prejudice, even without being able to assign a reason for such his dislike. 2. Because, upon challenges for cause shewn, if the reason assigned be proved insufficient to set aside the juror, perhaps the bare questioning his indifference may sometimes provoke a resentment; to prevent all ill consequences from which, the prisoner is still at liberty, if he pleases, peremptorily to set him aside.[15]

In 1790 Congress by statute adopted the English numbers for challenges by defendants, with subsequent statutes generally settling on twenty peremptories in capital cases and ten in others. Justice Story's opinion in United States v. Marchant discussed peremptory challenges in the context of a case where the precise issue was whether or not criminal suspects could be tried jointly against their own wishes, the ground of the complaint being that one defendant in a joint trial might wish to retain a juror the other challenged. Story ruled against the claim, since "The right of peremptory challenge is not, of itself, a right to select, but a right to reject jurors"; besides, Story reinforced the conclusion that the defendant had no right to select by finding that the right of the crown to ask jurors to stand aside was a "qualified and conditional exercise of the same right" of peremptory challenge.[16] The implication of this last point is that for Story the common law right of the

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[15]Blackstone, Commentaries, vol. IV, pp. 346-47.

[16]United States v. Marchant, 12 Wheaton 480; the quotation is at 482. See also the account of the history of the peremptory in Swain v. Alabama, 380 U.S. at 201 ff.

government to set aside jurors in criminal cases is incorporated in federal law, if not through the Sixth Amendment at least through congressional statute, though he notes in passing a diversity at the state level on the question of government peremptories. An 1840 statute directing federal courts to constitute juries according to the law of the state in which they sit obviously complicated the matter, and in 1856, the Court held that, while the 1790 specification of defendant peremptories survived the 1840 act, the implication of a corresponding qualified right in the prosecutor did not, its existence now to be determined by the applicable law of the state.[17]

In 1865 Congress gave the government five peremptories where the defendant had twenty and two where he had ten. Perhaps in response, strong dicta in favor of the defendant's peremptory right appeared some years later in Lewis v. United States -- "The right of challenge comes from the common law with the trial by jury itself, and has always been held essential to the fairness of trial by jury" -- a case involving whether challenges could be made by separate lists given to the government and the accused where the record did not show that the defendant was present as the challenges were made, the Court deciding with the defendant that he had a right to inspect his potential jurors face to face.[18] But in Stilson v. United States, a criminal prosecution for conspiracy to violate the World War I Espionage Act, faced with a constitutional challenge to the provision of the 1865 statute that treated multiple defendants as a single party in apportioning peremptories, the Supreme Court upheld the statute, ruling:

There is nothing in the Constitution of the United States which

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[17]United States v. Shackleford, 18 Howard 588 (1856).

[18]Lewis v. United States, 146 U.S. 370 (1892); the quotation is at 376.

> requires the Congress to grant peremptory challenges to defendants in criminal cases; trial by an impartial jury is all that is secured. The number of challenges is left to be regulated by the common law or the enactments of Congress.[19]

Without regard to the dicta in Lewis or to the authority of Story's opinion in United States v. Marchant, both cases decided implicitly as matters of federal common law, the Court treated the peremptory challenge simply as "a privilege granted by the legislative authority" which therefore "must be taken with the limitations placed upon the manner of its exercise."[20]

Before turning to the cases involving the jury and race, one further decision deserves mention. In the 1930 case of Patton v. United States, the Court ruled that it was the defendant's right to waive a jury trial without there resulting a violation of the constitutional mandate that "The Trial of all Crimes...shall be by Jury." Reading this passage as invoking the same "right to...trial by...jury" mentioned in the Sixth Amendment, Justice Sutherland's scholarly opinion notes that the courts of different states had decided the question in different ways as a matter of state law, but he finds greater force in the argument that, since the defendant can waive his right to trial altogether by pleading guilty, he can take the lesser step of waiving a jury trial, rejecting the claim that as a matter of public policy the people have an interest in insuring a jury trial that can override any claim of the defendant to waive a jury.[21] For our purposes, the opinion is of interest on two counts. First, the jury trial is defined as a right to which the defendant is entitled, not as a process that the state can impose. Second, Sutherland's

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[19] Stilson v. United States, 250 U.S. 583 (1919), at 586.

[20] Ibid., at 587.

[21] Patton v. United States, 281 U.S. 276 (1930).

reasoning contains an important paradox, for while he "demonstrate[s] the unassailable integrity of the establishment of trial by jury in all its parts, and make[s] clear that a destruction of one of the essential elements has the effect of abridging the right in contravention of the Constitution," he also acknowledges that in English common law the right to trial by jury could not be waived as he now would allow.[22] Citing the maxim, "It is contrary to the spirit of the common law itself to apply a rule founded on a particular reason to a law when that reason utterly fails -- cessante ratione legis, cessat ipsa lex," Sutherland finds that the disallowal of waiver at common law depended on several now-abandoned conditions of the ancient common law: "the accused could not testify in his own behalf; in felonies he was not allowed counsel...; and conviction of crime worked an attaint and forfeiture of official titles of inheritance," thus implicating third parties whose own rights a defendant could not be presumed to waive. He concludes: "These conditions have ceased to exist, and with their disappearance justification for the old rule no longer rests on a substantial basis."[23] The right to trial by jury is a right of the accused, but the form of the jury, though largely fixed, can in some particulars be altered by the course of reasoning characteristic of common law.

III. RACE AND THE JURY: THE EARLY YEARS

It was one of the glories of English law, wrote Blackstone in 1765, that to it slavery was unknown: "[T]his spirit of liberty is so deeply implanted in

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[22] Ibid., at 290. At issue in this part of the case is whether the issue of complete waiver must be raised in order to allow the defendant to accept a verdict by an eleven-man jury when, as happened in the actual case, a juror took ill before deliberations. Justice Sutherland ruled it must: waiving a unanimous verdict by a twelve-man jury meant waiving the right to a jury.

[23] Ibid., at 307. Sutherland also notes that American practice in colonial times often differed from the English rule, allowing waiver of trial by jury.

our constitution, and rooted even in our very soil, that a slave or a negro, the moment he lands in England, falls under the protection of the laws, and with regard to all natural rights becomes eo instanti a freeman."[24] He had behind him the authority of Smith v. Gould, where the Court had written:

> ...the common law takes no notice of negroes being different from other men. By the common law no man can have a property in another, but in special cases, as in a villain, but even in him not to kill him: so in captives took in war, but the taker cannot kill them, but may sell them to ransom them: there is no such thing as a slave by the law of England[25]

-- suggesting not only that the common law conferred liberty but that it was, to use Justice Harlan's later phrase, color-blind. In 1772, Lord Mansfield's opinion in Somerset v. Stewart affirmed this view, writing that slavery was "so odious, that nothing can be suffered to support it but positive law."[26] Generally accepted as law in America, the Somerset doctrine kept common law relatively immune to the peculiar institution, requiring its establishment and regulation by statute. When slavery was abolished by the Thirteenth Amendment and its incidents in law insured against in the Fourteenth, and in politics in the Fifteenth, it was to be expected that the old policy of the common law would reappear.

This helps explain the 1880 case of Strauder v. West Virginia and its companions, which to the twentieth-century mind seem in such sharp contrast to the Court's decision three years later striking down the equal accommodations provisions of the Civil Rights Act of 1875, not to mention its decision

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[24] Commentaries, vol. I, p. 123.

[25] Smith v. Gould, 2 Ld. Raym 1274-75 [92 Eng. Rep. 338] (1708). Cf. the report in 2 Salkeld. 666-67 [91 Eng. Rep. 567].

[26] Quoted in Kermit Hall, The Magic Mirror: Law in American History (New York: Oxford University Press, 1989), p. 130.

upholding segregation the following decade in Plessy v. Ferguson.[27] As I noted at the outset, the Court in Strauder overturned the conviction of a black defendant on the grounds that West Virginia law had excluded blacks from the jury venire. The Court used sweeping language frequently quoted in modern cases -- the Fourteenth Amendment established for blacks "a right to exemption from unfriendly legislation against them distinctively as colored" -- but it also paid particular attention to the special character of the institution in dispute:

> The very fact that colored people are singled out and expressly denied by a statute all right to participate in the administration of the law, as jurors, because of their color, though they are citizens, and may be in other respects fully qualified, is practically a brand upon them, affixed by law, an assertion of their inferiority, and a stimulant to that race prejudice which is an impediment to securing to individuals of the race that equal justice which the law aims to secure to all others.... The very idea of a jury is a body of men composed of the peers or equals of the person whose rights it is selected or summoned to determine; that is, of his neighbors, fellows, associates, persons having the same legal status in society as that which he holds.

After a quotation from Blackstone there follows the passage quoted by Justice Thomas in McCollum, acknowledging "that prejudices often exist against particular classes in the community, which often sway the judgment of jurors," and marking the command of the Fourteenth Amendment as the remedy against this mischief -- thus declaring unconstitutional the West Virginia law. Before proceeding to uphold a provision of the Civil Rights Act that allowed removal to federal court of a case where civil rights are denied in a state tribunal, the Court does add the following qualification:

> We do not say that within the limits from which it is not excluded by the amendment a State may not prescribe the qualifications of its jurors, and in so doing make discriminations. It may confine the

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[27] Strauder v. West Virginia, 100 U.S. 303 (1880); cf. Civil Rights Cases, 109 U.S. 3 (1883); Plessy v. Ferguson, 163 U.S. 537 (1896).

> selection to males, to freeholders, to citizens, to persons within certain ages, or to persons having educational qualifications. We do not believe the Fourteenth Amendment was ever intended to prohibit this.... Its aim was against discrimination because of race or color.[28]

Strauder's companion cases, Virginia v. Rives and Ex parte Virginia, make clearer what the Court was and was not holding.[29] In the first of these, the Court rejects a request for removal to federal court of a murder trial of two blacks in Virginia who, alleging the existence of prejudice against them as black, sought a jury one-third of whose members belonged to their race. While the case is disposed of on the technical question -- removal is not appropriate because Virginia law did not discriminate against blacks, while error in practice could be reviewed on appeal -- the Court seems clearly indisposed to mandate racial balance on particular juries. In Ex parte Virginia, by contrast, it upholds federal criminal proceedings under civil rights law against a Virginia county judge accused of excluding all blacks from the jury list he is charged by state law with devising. As the Court put the matter in relation to whites in Strauder, "every...man is entitled to a trial by a jury selected from persons of his own race or color, or, rather, selected without discrimination against his color."[30]

Justice Field, joined by Justice Clifford, wrote separately in each case, concurring in Rives but dissenting in Strauder and Ex parte Virginia. The Rives concurrence makes clear his own theory of the Fourteenth Amendment: It reaches only discriminatory legislation, not the acts of state officials,

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[28] 100 U.S. at 308-10.

[29] Virginia v. Rives, 100 U.S. 313 (1880); Ex parte Virginia, 100 U.S. 339 (1880).

[30] 100 U.S. at 309.

except insofar as the latter are governed by state law. In the Ex parte Virginia dissent, which he applies also to Strauder, Field explains the fallacy he sees in the Court's reasoning as a failure to distinguish political from civil rights as well as a willingness to trample on the rights of the states, which, except for the new prohibition on race-directed legislation, he does not see altered from the original federal plan by the new amendments. The right to sit on a jury is a political right, to his mind, and thus its assignment is, like that of all office-holding, left to the discretion of the states. Indeed, he sees as significant the silence of the Fifteenth Amendment on jury participation, concluding that the only political right guaranteed was the right to vote, with the vote then trusted to secure all else.[31] The majority, by contrast, does not draw a distinction between political and civil rights, moving quietly, as the quotations show above, between the rights of jurors to participate and the rights of the accused.

Modern cases on race and the jury begin with Norris v. Alabama, one of the Scottsboro cases. Here and in a series of decisions over the next several decades, the Court threw out convictions when it was convinced that the process by which jurors were called was systematically discriminatory against blacks.[32] Although the Court came to show less sympathy than the Strauder Court suggested toward apparently neutral qualifications that had a disproportionate effect in excluding blacks from the jury pool -- no doubt the long experience with the devices used to restrict black suffrage was not lost upon the justices -- the Court nevertheless seemed committed to the same end as the

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[31] 100 U.S. at 361.

[32] Norris v. Alabama, 294 U.S. 587 (1935); see the cases cited in Justice Goldberg's dissent in Swain, 380 U.S. at 228-29, and in Justice Scalia's dissent in Powers v. Ohio, 111 S.Ct. 1364, at 1374-75.

Court in Strauder, namely, that blacks not be excluded from the pool of available jurors and thereby from the venire. The Court's attention to the venire rather than to the actual jury seems intended to avoid any infringement of the traditional practices whereby veniremen were reduced into juries, but the eventual irony is that focusing on the venire turned the justices attention toward the right to sit on a jury, already evident in Strauder dicta, and away from the right of the accused to a jury that was, if not of his choosing, at least not imposed upon him without some exercise on his part of choice.

IV. FROM SWAIN TO BATSON

The discussion above of the peremptory challenge on the one hand and on the other of the Court's early opinions demanding the absence of racial discrimination in the selection of veniremen shows the two clearly on course for collision. The race cases aimed to remove race prejudice as a cause for disqualifying jurors, but the peremptory challenge is, in Blackstone's words, quoted above, "arbitrary and capricious," its usefulness consisting precisely in the license it allows to a defendant even, or especially, at the moment he is on trial for his life. In Swain v. Alabama the two principles indeed collide, and Justice White's Opinion of the Court seeks to have it both ways, allowing the peremptory to win out in the case at hand while reserving the racial claim for a better record. To his credit, White does not shy away from admitting the arbitrary character of the peremptory:

> The essential nature of the peremptory challenge is that it is one exercised without a reason stated, without inquiry and without being subject to the court's control.... It is...frequently exercised on grounds normally thought irrelevant to legal proceedings or official action, namely, the race, religion, nationality, occupation or affiliations of people summoned for jury duty.... In the quest for an impartial and qualified jury, Negro and white, Protestant and Catholic, are alike subject to being challenged without cause.

Recognizing that "to subject the prosecutor's challenge in any particular case to the demands and traditional standards of the Equal Protection Clause would entail a radical change in the nature and operation of the challenge," since a challenge "open to examination" would by definition no longer be peremptory, and describing the purpose of the peremptory as "not only to eliminate extremes of partialiity on both sides, but to assure the parties that the jurors before whom they try the case will decide on the basis of the evidence placed before them, and not otherwise," White upholds the right of challenge -- in the particular case before him, where there is, to the Court's mind, no adequate showing of systematic racial discrimination in its use.[33]

The final section of the Swain Opinion acknowledges that the claim that the Talladega County prosecutor has used the peremptory challenge systematically to exclude blacks "raises a different issue and it may well require a different answer." In Batson v. Kentucky that issue is brought to the fore and the different answer rendered. Because Equal Protection standards had changed in the interim to shift the burden of proof when black underrepresentation can be documented, and, as Justice White notes in his concurrence, because Swain "should have warned prosecutors that using peremptories to exclude blacks on the assumption that no black juror could fairly judge a black defendant would violate the Equal Protection Clause," the Court alters the balance between the two rights, allowing peremptory challenges themselves to be challenged for discriminatory intent.[34] Quoting extensively from Strauder at the outset of his Opinion and finding that "[w]hile decisions of this Court have been concerned largely with discrimination during the selection of the venire, the

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[33]380 U.S. at 220-221, 221-222, 219.

[34]476 U.S. 79; the quotation is at 101.

principles announced there also forbid discrimination on account of race in selection of the petit jury," Powell concludes:

> The reality of the practice, amply reflected in many state- and federal-court opinions, shows that the challenge may be, and unfortunately at times has been, used to discriminate against black jurors. By requiring trial courts to be sensitive to the racially discriminatory use of peremptory challenges, our decision enforces the mandate of equal protection and furthers the ends of justice.[35]

Powell's Opinion in Batson might seem to follow in the tradition of Sutherland's rationalization of the ancient common law in Patton, but an important difference should be noted. While Sutherland pays attention to the niceties of form in the jury process, adjusting the old rule only in the light of established procedural innovations, Powell turns from the form to the end, the "reality," the apparent result, replacing the formal rule with a call for judicial sensitivity. In his dissent then-Justice Rehnquist quotes the passage from Swain explicitly permitting peremptory challenges for undefended racial suspicions, adding "there is simply nothing 'unequal' about the State's using its peremptory challenges to strike blacks from the jury in cases involving black defendants, so long as such challenges are also used to exclude whites in cases involving white defendants, Hispanics in cases invlolving Hispanic defendants, Asians in cases involving Asian defendants, and so on,"[36] but the reminder falls on deaf ears. That the peremptory challenge survived unimpaired for so long, despite having been denied constitutional status since Stilson, while the Equal Protection Clause is obviously a constitutional command, is testimony to the authority of common law in our constitutional system, especially when at issue is a matter related to a criminal trial. That the reasons

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[35]476 U.S. at 88, 99.

[36]476 U.S. at 137-38.

once given in its defense now seem so inadequate to the modern sensibility suggests the frailty of the common law way of thinking in the contemporary mind.

V. AFTER BATSON: COMMUNITY CLAIMS OVER DEFENDANT RIGHTS

As noted above, Justice Scalia's Court Opinion in Holland v. Illinois seemed to breathe life back into the peremptory challenge, as, without overruling Stilson, it anchored the peremptory in the Sixth Amendment right to an impartial jury and rejected the claim that that right includes a command that the jury mirror a cross-section of the community where the crime took place. But Scalia could gain a majority only because the petitioner in the case explicitly rested his claim exclusively on the Sixth Amendment, precluding any reliance on the Fourteenth. When the following term a similar case came with the Fourteenth Amendment claim properly raised, the Court did not hesitate to extend the Batson rule, now to state challenges of blacks in a case involving a white defendant, despite explicit language in Batson requiring a defendant challenging the use of a peremptory to "show that he is a member of a cognizable racial group."[37] Justice Kennedy's Court Opinion emphasizes not the defendant's right to a fair trial but the jurors' right to judge: "The opportunity for ordinary citizens to participate in the administration of justice has long been recognized as one of the principal justifications for retaining the jury system," he writes, and he goes on to quote Tocqueville on the political value of the jury, including even Tocqueville's qualification, "I do not know whether the jury is useful to those who are in litigation; but I am certain it

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[37] 476 U.S. at 96. The new case was Powers v. Ohio, 111 S.Ct. 1364 (1991).

is highly beneficial to those who decide the litigation"[38] -- as though a defendant facing life imprisonment had in mind to vindicate the benefits that would flow to his judges without considering whether his own interest is thereby served. The consequences for the doctrine of third-party standing were among the objections in Justice Scalia's dissent.

The clear shift in focus between Holland and Powers from the defendant's rights to the community's participation prepared the judgment in Edmonson v. Leesville Concrete Co., where the right to object on racial grounds to peremptory strikes was extended to civil litigants. Again speaking through Justice Kennedy, the Court was here obliged to extend the concept of state action -- since the basis of the claim was, after, the Fourteenth Amendment -- to include as state actors both the parties to a civil dispute and the jurors themselves: The judge, "who beyond all question is a state actor," is the one who actually excuses the jurors to whom the parties object, while the jury's ability to make final determinations of fact, to weigh the gravity of civil wrongs, and by their findings to preclude later dispute "are traditional functions of government, not of a select, private group beyond the reach of the Constitution." Indeed, pursuing the Tocquevillian analysis without further citation and with the modern rather than the Tocquevillian citizen in mind, Justice Kennedy remarks that "[t]he quiet rationality of the courtroom makes it an appropriate place to confront race-based fears or hostility by means other than the use of offensive stereotypes." As for the old common law rationale, it is openly overridden:

> It may be true that the role of litigants in determining the jury's composition provides one reason for wide acceptance of the jury

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[38] 111 S.Ct. at 1368, quoting Democracy in America (Schocken, 1961), vol. I, p. 337.

> system and of its verdicts. But if race stereotypes are the price for acceptance of a jury panel as fair, the price is too high to meet the standard of the Constitution.[39]

The logic of the step from Powers to Edmonson is clear enough once one accepts that the rights of the litigants in the matter of jury composition are altogether secondary to the claims of jurors to be impaneled without regard to race. What went unnoticed by the Court, perhaps precisely because a civil dispute between two private parties was at issue, was that in Edmonson the objection to the use of peremptories was allowed for the first time against peremptories employed by a defendant. In Georgia v. McCollum scrutiny of criminal defendants' peremptories is upheld, generating Justice Thomas's objections quoted at the outset of this paper as well as dissents from Justices O'Connor and Scalia, the latter of whom comments on the absurdity of holding that "[a] criminal defendant, in the process of defending himself against the state,...to be acting on behalf of the state."[40] Here Justice White's willingness back in Swain to equate prosecutorial peremptories, which had been qualified at common law, with defendants' peremptories, which had been absolute,[41] now serves not to shore up the prosecutor's right but to dismantle the defendant's. Whether the peremptory challenge will survive in any form remains an open question. It is hard to see how, in the case anticipated by Justice Thomas where the state objects to a black defendant's use of the peremptory against a white juror he suspects of prejudice, the Court would be able to do anything but sustain the objection. As for extension of the Batson rule to the

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[39]111 S.Ct. 2077 (1991), at 2085, 2088.

[40]112 S.Ct.2348 (1992), at 2364.

[41]380 U.S. 202, at 222, quoting Hayes v. Missouri, 120 U.S. 68 (1887), at 70; see also Justice Marshall's concurrence in Batson, 476 U.S. at 107.

use of the peremptory to exclude members of one or the other sex, it seems almost certain, especially given the Court's 1975 decision in Taylor v. Louisiana striking down a law that made women less likely to be called for jury duty.[42] And if extended to sex, it is hard to imagine any class that now qualifies for heightened scrutiny under the Equal Protection Clause being immune to having its rights to serve on juries invoked by defendants eager to find some grounds to have their convictions reversed. At that point, the peremptory challenge, if not quite dead, will certainly have been retired.

What is lost with the end of the peremptory challenge? The lawyer would be better able to predict, or already able to recount, the effect on the courtroom: the peremptory challenges not risked, the trivialization of challenges for cause, and the like. My concern in conclusion is with the larger effect on our way of thinking about law. The modern discomfort in the face of an arbitrary challenge -- that is, a challenge to which no cause is expressly assigned -- belongs to the general trend toward rationalization in the law, but it thereby also belongs to the gradual weakening of respect for individual consent. It never was strictly a dictate of reason that the defendant have some role in choosing his judges, since pure reason would rather give judgment to a rational man; it was never strictly a dictate of reason that, granted some role in the choice, the defendant should be able to choose, albeit by exclusion, without giving a reason adequate to convince the rational authority in charge. But neither is it strictly according to reason that jurors be permitted to give their verdicts without having to render their reasons, much less that those verdicts be unreviewable. That the fabric of the law is full of moments where an absolute though circumscribed prerogative is allowed is due in

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[42] 419 U.S. 522.

part to the necessity of finality in human affairs: Not every question can be debated endlessly in practice, as of course many can and indeed must in theory. But it is also due to the genius of our own law, and especially to its common law heritage, with its tender concern for the individual's conscience and dignity (think here of the privilege against self-incrimination) and its subtle insurance that such prerogatives are spread throughout the law and thus throughout society, instead of being concentrated, as the logic of modern rationalism always has it, in the reason of some sovereign, whether a representative assembly, a democratic majority, or an unelected judge. When one is sure of the presence of a wrong, as racial prejudice, the temptation to seek its eradication at whatever cost to constitutional forms seems irresistible. But if it happens that, after years of sustained effort, the prejudice itself seems not only not to disappear but sometimes even to be growing, it is reasonable to suggest that we might wonder whether our chosen instruments are adequate to the task. In particular, one might consider whether settled prejudice can better be countered by other men's reasons or by allowing, at some risk of its advancement, that it be permitted its assertion and thereby forced to stand on its own authority or to listen to the voice of reason from within. It would be foolish to see in the demise of the peremptory challenge the end of our constitutional order. But neither constitutionalism nor racial harmony will be served by the steady erosion in the law of individual responsibility for reflection and choice.

Electoral Bugaboos?
The Impact of Attitudes Towards Gay Rights and Feminism on the 1992 Presidential Vote

Douglas Alan Strand
University of California, Berkeley

and

Kenneth Sherrill
Hunter College, CUNY and
Graduate School and University Center, CUNY

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Introduction

The salience of conflict over gay rights, at least at the national level, has never been at all close to its recent high level. Issues of this sort only climbed high on the national political agenda during the 1992 election campaign, and especially with the emergence of the "gays in the military" issue shortly after the election and Clinton's subsequent inauguration. The Times Mirror monthly survey of news attention found in its February 1993 survey that the public reported paying an extraordinary amount of attention to the gays-in-the-military news story, almost as much attention as they paid to Clinton's budget plan that was presented at the time.[1]

Meanwhile, the political science literature is practically barren of any study of attitudes towards gays and gay rights policies, and thus also any analysis of the extent to which more general political attitudes, such as evaluations of candidates or parties, or political behaviors such as voting are shaped by attitudes towards this very politically active and highly controversial group. The relevant published literature is largely limited to work by Art Miller, et al, suggesting that animosity towards gays hurts support for the Democratic

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[1]In the Times Mirror monthly News Interest Index survey (Feb. 20-23, 1993) 45% of the public said they paid "very close" attention to the gays-in-the-military story. That compares with 49% for the Clinton budget plan, 24% for the two failed Attorney General nominations, and 15% for the war in Bosnia. This gay-related issue seems to have been one of the most attention-grabbing domestic news stories in the recent history of the Times Mirror poll (going back at least to 1986). Thomas Rosenstiel, "Poll Finds 49% of Americans Focused on Clinton Plan," Los Angeles Times, March 3, 1993, p, A10.

Party, as well as a few pieces of research on tolerance for gays and people with AIDS.[2] No research analyzes the impact of gay-related attitudes on evaluations of political candidates or officeholders.

As such, the magnitude of any political impact of attitudes towards gays, its persistence, its mechanism, its electoral implications, the conditions under which it occurs, and important connections with other attitudes and broader dimensions remain almost completely unanalyzed by social scientists. Now, however, analysts have available extensive survey data on gay-related attitudes, from the 1992 American National Election Study, that enables an investigation into these questions.

This paper will begin such an inquiry, focusing on the 1992 electoral contest and ramifications of the Republicans' "family values" campaign theme. Moreover, it will suggest what the findings about voters in 1992 might tell us regarding basic concerns in the study of tolerance, American political parties, as well as the political connection of gender and sexuality. We will demonstrate that the "family values" conflict did indeed appear to have a number of important effects in 1992: (1) It pushed Republican and Democratic party identifiers substantially farther away from each other in their attitudes towards gays, gay rights, and feminist concerns, producing partisan gaps that had not existed just four years earlier; (2) It encouraged attitudes toward gays and feminists to become more tightly

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[2]Arthur H. Miller, et al, "A Reference Group Theory of Partisan Coalitions," Journal of Politics, vol. 53, 1991, 1134-1149; James L. Gibson and Kent L. Tedin, "The Etiology of Intolerance of Homosexual Politics," Social Science Quarterly, vol. 69, 1988, 587-604; and Beth LePoire, Carol K. Sigelman, Lee Sigelman, and Henry C. Kenski, "Who Wants To Quarantine Persons with AIDS? Patterns of Support for California's Proposition 64", Social Science Quarterly, vol. 71, 1990, 239-249.

associated in minds of the voters; (3) It resulted in voting decisions more closely tied to attitudes towards gay rights and towards feminism; and (4) As the Republicans seem to have concluded, attacking the Democrats on gay rights appears to have been costly because it drove an appreciable portion of the Republican identifiers into the Clinton camp, and won over many fewer Democrats in return. This in turn, we believe, suggests that attempts to mobilize intolerance today could be harmful to the interests of those pursuing such an aim when the public does not find the target to pose a "clear and present danger."

Background

In the 1992 presidential campaign, gays and gay rights became the focus of national political conflict unprecedented in both salience and intensity. In southern states, Pat Buchanan ran primary campaign ads showing gays and lesbians parading in drag and leather, suggesting that George Bush indirectly supported gays through allowing funding for some homoerotic art. At the same time, Bill Clinton and Paul Tsongas were occasionally asked about their positions on gay issues.

Yet it was not until the Republican convention that a central, if not the central campaign issue became the "family values" theme. One New York Times journalist described the Republican campaign emphasis during August of 1992:[3]

> Beginning with a speech by Patrick J. Buchanan on Monday night and continuing with remarks by other Republicans over the last two days, the party made it clear that it would make its opposition to homosexual rights a major isue in the campaign, portraying Bill Clinton and the Democrats as wanting to give preferential treatment to gay men and lesbians.

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[3]Jeffrey Schmalz, "Gay Rights and AIDS Emerging as Divisive Issues in the Campaign," New York Times, August 20, 1992

> The Republican comments -- coming after a strong endorsement of gay rights by Mr. Clinton during the primary season and by Democrats at their convention last month -- means that for the first time, the Presidential candidates are engaging in open debate over sharply different views on gay rights and AIDS. It comes as AIDS has made homosexuals a bigger poliitical presence as a result of increased fundraising and organization.
>
> 'It could be the wedge issue of this campaign, the Willie Horton issue,' said William Schnieder, a political analyst with the American Enterprise Institute . . . It's not clear how it is going to play out, because we've never had it in a Presidential race before."

The Republican "family values" rhetoric often tied together gay and gender-related issues. Buchanan's prime time convention address pointed to what he saw as the combined horrors of a Clinton America with abortion on demand, women in combat, and gay rights. The Reverend Pat Robertson voiced similar concerns from the same podium. As Thomas Edsall argued at the time, "family values" was "a convenient catch phrase for a series of deeply polarizing . . . conflicts arising from the changing role of women, the gay rights movement, the deterioration of the nuclear family, and the emergence of minority-preference civil rights policies."[4]

As it turned out, Edsall was prescient: the "family values" conflict does indeed appear to have polarized the electorate, particularly sharply, as we shall see in detail shortly, along partisan lines. But there has long been reason to expect that such a high profile campaign conflict over gay rights would resonate divisively with the American electorate. For one thing, the idea of homosexuality and homosexuals provokes a strong negative reaction on the part of many Americans. In a 1991 random survey of adults, social psychologist Gregory Herek learned that 60% of the public will tell survey researchers that they find homosexuals

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[4]Washington Post, August 19, 1992, A1,A24.

"disgusting."[5] Moreover, many appear to find gays personally threatening in certain circumstances. In a 1993 New York Times survey, only 34% would permit their child to play at the home of a friend who lives with a homosexual parent.[6] Fifty-five percent would object to a gay or lesbian elementary school teacher for their child, and 49% would object to having a gay doctor. Furthermore, there is a strong moral component in opposition to homosexuals and homosexuality. The belief that homosexuality is "always wrong" has been held by a remarkably constant 73-77% of the American public for the last 20 years of surveying on that question in the NORC's General Social Survey.

Finally, the public has hesitated to support equal rights and liberties for gays. In their study of tolerance for gays during a referendum in Houston, Gibson and Tedin found that only 31% of Houston residents opposed all restrictions on the civil liberties of gays (such as outlawing gay organizations, requiring gay organizations to register with the government, and so on). They observed that "it is difficult to imagine a political minority that is more disliked in Houston than gays."[7] The general public seems more supportive, albeit with noteworthy restraint, when the frame of reference is "equal rights" or anti-"discrimination" in general terms. The New York Times survey above found 78% agreeing that gays "should have equal rights in terms of job opportunities". But at the same time, only 42% believed that it was "necessary to pass laws to make sure homosexuals have equal rights" (emphasis

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[5]Data reported in personal conversation.

[6]Jeffrey Schmalz, "Poll Finds Even Split on Homosexuality's Cause," New York Times, March 5, 1993.

[7]James Gibson and Kent Tedin, "The Etiology of Intolerance of Homosexual Politics," Social Science Quarterly, vol 69, 1988, 587-604.

added). In sum, there seem to be more intense, robust, and deeply-rooted emotions on the anti-gay rights side than on the side of those supporting gays, or at least the gay rights cause.

In a speech given in Boston the same day as the gay rights march in Washington, Clinton said that he had "paid a terrible political price" for calling for an end to the military's ban on homosexuals.[8] Leaving aside questions of the sincerity of that statement, the hostility and fear in the reaction of many Americans to homosexuality lead one to expect that Clinton might be right to at least some extent. And with the recent frustration of his attempt to allow gays to serve in the US military (at least openly), it appears that this opposition to fully equal treatment for gays and lesbians prevailed in this very recent political battle. Yet, apparently, the prevailing opinion among Republican strategists is that their campaign attacks on Clinton's support for gays were counterproductive. Although it seems counterintuitive, could an attack associating the Democrats with such a disliked group as gays produce a net electoral loss for those launching such an attack? Of what electoral consequence, then, were these attitudes toward homosexuality in 1992?

To address this question, as well as assess the electoral consequences of the salient conflict in the 1992 campaign over "family values" issues in general, we perform the following series of analyses: (1) In Tables I and II, we examine the 1988 and 1992 aggregate profile of voter opinion to see if we find the kinds of movements among voters that we would expect if the "family values" issues had resonated in the electorate. Here we will demonstrate that beneath a general liberal trend among voters on these particular issues,

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[8]April Lynch, Dan Levy, and Carolyn Lochhead, "Huge Turnout at Rally for Civil Rights, Acceptance," San Francisco Chronicle, April 26, 1993, p. A1, A6.

a pattern of sharply enhanced party polarization has emerged -- uniquely evident in this particular category of issue and group-related attitudes, and especially prominent in the case of attitudes towards gays, gay rights, and feminists. (2) In Table III we examine the interconnections among the "family values" measures, comparing the pattern in 1988 with that for the same measures in 1992. Here the most noteworthy change is a surge in the association of feminists with both gays and gay rights in the minds of the average voter. (3) With Table IV we move to comparison of 1988 with 1992 in terms of the relationship between these same attitudes and voter evaluations of the major party presidential contenders in each election. The central finding here is that the association between these kinds of attitudes and the vote choice sharpened a great deal in 1992 relative to that found in 1988. Voters were clearly more engaged by "family values" issues in the more recent election, and these attitudes thus seemed to play a much greater role in the voting decision. (4) We conclude with Table V and Figure I, which present the results of a vote equation addressing the question of whether intolerant attitudes on gay rights were more electorally mobilized than were attitudes supportive of gay rights. We will see that the Republican strategy in retrospect seems to have been unwise, for it appears to have undermined their own party base.

Results

Table I displays the American National Election Study's findings on public support for gays and gay rights, comparing 1988 and 1992. As is clearly evident in these results, gay-related attitudes have changed substantially in the liberal direction since they were

assessed in 1988. On the feeling thermometer measure, gays in 1992 were somewhat less disliked than they were in 1988: their ratings increased by 8 points, on average -- a striking change for an ANES thermometer score over such a short period of time. The only historical precedent for such change that we have found is in the favorable trend line for "black militants" during the 1970s (not shown).

But note that the mean rating is still clearly on the "cool" side of a 0-100 scale. Indeed, the only group rating that comes close to being this negative is that for illegal aliens, who received the same average thermometer score from voters. All of the other groups asked about were rated either neiturally or positively, on average. About 20% of voters rate gays and lesbians at rock-bottom zero.

The electorate overall is also moving toward more support for gay rights, at least on the one comparison possible with 1988, a question asking: "Should there be laws protecting homosexuals against job discrimination?" (Responses ranged from strongly disagree on the negative side to strongly agree on the positive side.) In 1988 a majority of the electorate supported such antidiscrimanation laws for gays, but support exceeded opposition by only a small margin. By 1992, however, voters were much more clearly on the liberal side.

Underlying the overall liberal trend in the gay rights measure, however, is another important story: the party identifiers moved in opposite directions in their mean scores. This is what one would expect to see if these partisans were paying a good deal of attention to the campaign conflict over gays and gay rights. It is likely that they were responding to the conflict between the parties with either attitude change, some reshuffling of party identification (including movement to the ranks of the independents), or a combination of

both. It is otherwise hard to explain why the Republicans are so distinctive from the other two partisan groups in their conservative movement.

The magnitude of the party gap that emerged by 1992 needs to be understood comparatively. We have not been able to identify any issue measured by the National Election Study that surpasses this gay discrimination policy question in its degree of party polarization. The distance represents a fifth of the scale on which it is measured. Gay rights thus may be issue on which the parties differ the most, at least as of the fall of 1992. And more than half of this gap has arisen just since 1988. In the case of the feeling thermometer for gays, the large party difference that have appeared -- doubling since 1988 -- may also be unsurpassed by any other group feeling thermometer difference between the parties. One wonders whether there is historical precedence in recent decades for such a sudden and sharp polarization on attitudes towards a politically active group.

Table II places these findings in a broader context, showing that the party polarization seen with regards to gays and gay rights is part of a larger pattern of "family values" changes from 1988 to 1992. The electorate as a whole moved in a clearly liberal direction on 3 issues besides gay rights: abortion, the role of women, and, to a lesser extent, on the role of the government in guaranteeing jobs and living standards.[9] A similar large jump -- historically unprecedented in the history of the measurement on this question dating back to 1972 -- occurred on the role of women question.

The growth in the partisan gaps on questions concerning "family values" -- opinion on

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[9] The change in the last dimension might be largely due to the poorer employment and general economic situation in 1992 compared with 1988. But in any case, its liberal change is small compared to that on abortion and the role of women.

abortion, the role of women, and themometer rating of feminists -- is, as with gays and gay rights, once again a cardinal phenomenon. On these issues the distance between Democratic and Republican identifiers has increased markedly. For example, the apparent overall stability of the feminist feeling thermometer from 1988 to 1992 masks a great deal of polarizing movement between Democrats and Republicans. The polarization is substantial, especially for a feeling thermometer scale, and it matches contrasting party movements on gay rights.[10] Republicans showed the most movement, losing 5 degrees in their thermometer score for feminists. Whereas in 1988 Republicans were only a bit below the neutral 50 degree mark on average, in 1992 they are almost at 40, clearly negative towards feminists. Democrats on the other hand have gained some additional warmth toward feminists and are now at a favorable 60. At the same time, similar gaps did not emerge on the other social issues represented in Table 2 -- questions about welfare, social services, and race. For instance, the party difference on the feminist thermometer was by 1992 twice the size of the party difference in the average rating of "people on welfare".

The central trend toward greater party polarization is represented in summary fashion by the clear polarizing changes found on the moral traditionalism index -- an index constructed from each individual's agreement or disagreement with 4 statements on morality and society that represent key components of the "family values" controversy.[11] On this

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[10]For comparing the gay feeling thermometer, recall that although there was no partisan movement in opposite directions, the degree of positive movement for the Democrats was twice that of Republicans.

[11]For example, "The newer lifestyles have contributed to the moral breakdown of our society," versus "We should be more tolerant of people who choose to live by their own moral standards even if they are very different from our own." We do have some reservations about

measure the Republican and Democrat identifier moved strikingly in opposite directions between 1988 and 1992. The Republicans in 1988 were already giving conservative responses quite distinct from the Independents and Democrats, who were themselves almost identical in their group averages. Yet the Republicans found room for even more conservative moral views by 1992. Democrats, on the other hand, lost half of the extent to which they were on the conservative side of neutral point on the moral traditionalism scale.

To sum up, then, we seem to have substantial change over just a four year period in attitudes towards gays, gay rights and gender-related issues. These changes considerably exceed the changes seen in any other social issue or social group-related attitude. But most remarkable from our perspective is not so much the liberal changes on these items for the electorate as a whole, but rather the clearly contrasting and striking change when we compare the party groups. One consequence of the family values controversy in 1992, then, has been a growth in the extent to which these issues divided voters along partisan lines.

Table III turns to a related question about the implications of the campaign controversies about feminism and gay rights, showing the simple pearson correlations among "family values" issues and concerns. These are represented by measures of attitudes on gay rights, gays as a group (measured by the feeling thermometer), feminists (also with a feeling thermometer), the proper role of women in society, and abortion. The subtable at the bottom shows the change, if any, in the correlations between 1988 and 1992. (Since the correlations between gay-related and gender-related issues are of primary interest here, they are

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the comparability of the 1992 measure with 1988's, since in the most recent National Election Study the moral traditionalism battery followed not long after the new gay policy battery in the question order.

highlighted in bold.) What stands out in Table III is the large and significant jump in the association in voter opinion between the thermometer rating of feminists and both the thermometer rating for gays and opinion on laws prohibiting discrimination against gays. This is our first piece of evidence that the public associations made in the 1992 campaign between gays and feminists has tightened the relationship between these two attitudes in the minds of voters. There is apparently something similar in the public perception of gay rights and feminists that makes this association easier than associations between gay rights and the other gender-related issues in the same table.

Table IV presents the same array of gay and gender related variables, but this time they are examined as predictors of comparative evaluations of the major party presidential candidates in 1988 and 1992.[12] These comparative evaluations are simply, for each voter, the difference between the thermometer score for the Democrat (Dukakis or Clinton) and that of the Republican candidate (Bush). Cell entries are bivariate regression results.

What is particularly remarkable about this table is that the simple bivariate relationships surge by 1992 from what they were in 1988. This pattern is true for almost every one of the family values components. For most of these issues we see a doubling in the strength of their relationships with the comparative candidate evaluation as we move from 1988 to 1992. This provides strong evidence that the salience of the family values package during the 1992 campaign not only enhanced the link voters saw between gender-related and

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[12]In this table all presidential election voters for both 1988 and 1992 are included. Comparative candidate evaluations of the Democratic and Republican candidates, instead of vote choice, in order to facilitate the 1988-1992 comparison; a comparative vote analysis is made problematic by the role of Perot in the 1992 contest.

gay-related issues, as we saw above, but also helped to foster clear connections between attitudes on these issues and judgments about the candidates.

In Table V we turn our attention to a closer look at the electoral implications of the Republican's family values strategy, and the impact of gay-related attitudes on the vote in particular. This table presents the results of an ordinary least squares regression of our family values issues on the actual vote for major party presidential candidates in 1992.[13] Here, however, the variables measuring attitudes towards gays and gay rights have been divided into pairs of variables, one representing the positive and one representing the negative side of each scale (ranging from 0 [neutral] to 1 [negative / positive]).[14] Table V also shows the unstandardized regression coefficients for the feeling thermometer for feminists[15], attitude towards abortion, and attitude toward the role of women. Each of these attitudes is represented with a single variable, scaled from -1 (strongly negative) to +1 (strongly positive) so as to facilitate comparison with the gay-related results. The equation also controls for a large variety of other variables (see the table's footnote). The regression was run first for all major party candidate voters, then separately for Democratic and Republican identifiers.

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[13]As noted above, Perot voters have been removed to simplify this preliminary analysis.

[14] This gay rights variable is constructed from an index composed of three items: whether the respondent favors or opposes job discrimination protections for gays, allowing gays to adopt children, and allowing gays in the military. These are each 5 point scales ranging from strongly disagree on the negative side to strongly agree on the positive side. They were averaged and then rescaled into two 0-1 continuous variables -- one representing variation from neutral (0) to stongly negative (1) and one representing variation from neutral (0) to strongly positive (1) -- as described in the text.

[15] In this analysis we employ an average of the respondents rating of "feminists" and "the women's movement".

As we see in Table V, the gay rights index was a very strong predictor of the vote in 1992. This is true for both the overall equation and that for just Democrats and Republicans. Its strength as a predictor is greater than that of the abortion variable, and indeed is the strongest predictor in this whole "family values" set of issues. The gay feeling thermometer washes out as a predictor in the presence of the gay policy variable; it's association with vote is no longer statistically significant. Feelings towards gays seem to have had their impact through attitudes towards gay rights.

Feelings toward feminists were also of consequence in 1992, although displaying a weaker association with the vote than did attitudes towards gay rights. The results suggest that how one felt about feminists lined up with one's presidential vote for either Clinton or Bush at least as well on its own as did attitudes toward abortion.[16] Moreover, when we look at the feminist rating in the same kind of negative versus positive format (compared with a neutral score) that we use with the gay rights variable, there appears to have been no particular "bugaboo" in feminism, i.e., the association with the vote is not stronger if a voter is negative on feminism than if the voter is positive on feminism. And most voters give feminists a positive rating to some degree at least.

But one of the clearest point of this table is that there was no particular electoral "bugaboo" in the case of gays and gay rights -- for there was no greater association with the vote choice for those opposed to gay rights than for those supportive of gay rights. Essentially, it was an electoral draw at the worst from the perspective of the Democrats.

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[16] The variable representing attitudes toward women's role, however, has no significant impact here. Whatever impact on the vote choice it has probably flows through the feminist rating and/or opinion on abortion or gay rights.

Even more striking is the fact that the Republican attack on gay rights seems to have caused substantial damage to their own base of party identifiers. Republicans who were in favor of gay rights were stunningly less likely to vote for Bush than were Republicans who were either neutral on gay rights or positive on gay rights. This increased likelihood of Republicans defecting was not compensated for at all by the attraction of anti-gay rights Democrats. Importantly, this alleged "wedge issue" helped move Democrats over to the Republican ticket much less than it repelled Republicans from the ticket. This net loss holds up even when one takes into account that there were more anti-gay rights Democrats than there were pro-gay rights Republicans (by a factor of 2).

Figure 1 makes the partisan comparison, and the Republicans' net loss, clear. It displays the predicted vote for Republicans and Democrats as a function of their support or opposition to gay rights, holding all other variables at their average. As we see there, the average pro-gay rights Republican's score nearly places him or her into the Clinton voter portion of the scale, and so no doubt a considerable portion of this group actually voted for Clinton. On the other hand, anti-gay right Democrats were still well above the defection threshold on average, so a pro-gay rights position appears to have done little harm to Bill Clinton among his own party. It seems clear that considerably more partisan defection occurred on the Republican side than on the Democratic side due to gay rights opinions. Since the Republicans were damaging their own base of support -- voters whose loyalty is typically crucial to electoral success -- it appears that the Republican attack on gay rights was unhelpful at best, and probably a net loser.

Discussion

Several conclusions about the "family values" controversy in the 1992 election seem to emerge from our analysis. One set has to do with the change in public opinion and in the electoral landscape fostered by the 1992 campaign controversies about "family values." Three different changes, each plausibly spurred by the 1992 campaign context, were evident. First is the enhanced polarization on family values issues among partisans in the electorate -- particularly in terms of the opinions of Republican and Democratic party identifiers on gays, gay rights, and feminist concerns. Party cleavages widened on a wide array of issues by the end of 1992. But the "family values" opinions are distinctive in showing that identifiers with the opposing parties actually moved in opposite directions (rather than just becoming more liberal or conservative at different rates). More generally, large party gaps appeared among voters on attitudes towards gays, gay rights, abortion, the role of women, and feminists that did not exist at the time of the 1988 presidential election.

It remains to be seen what portion of this phenomenon of emerging party gaps on "family values" issues is due to actual change in partisan identification. The changes may be too great and systematic to be explained largely in terms of attitude change on the part of the average identifier with each party, especially on issues seemingly more rooted emotionally than most political issues. At least it seems clear that partisan voters have responded to the "family values" conflict that went on between their respective party elites, either by changing their average opinions or by changing their party identifications.

Second, the salience of the family values theme in the campaign seems to have heightened the association between gay and gender-related issues in the minds of voters; the

packaging in the campaign was matched by greater packaging in the minds of voters.

Third, questions about gay rights and feminism, as well as abortion, were clearly taken into account when voters made their choices in 1992. Moreover, the connections between attitudes toward these "family values" issues and presidential candidate evaluations were, as a general matter, much stronger in 1992 than they had been in 1988. Again, the campaign salience of these themes appears to have powerfully activated the connection of attitudes on these issues to how voters felt about the presidential candidates.

A second major conclusion of our analysis has to do with the direct electoral implications of the Republican "family values" strategy, and its anti-gay rhetoric in particular. As we have demonstrated, the "family values" conflict was more potent as a source of defection among Republicans than it was as a source of defection among Democratic identifiers. This "wedge issue" then seems to have failed to break off a chunk of Democrats and woo them to reelect George Bush. It succeeded instead in undermining Bush's support in a noticeable segment of the Republican's own base of identifiers.

Our suggestions as to why this phenomenon occurred in 1992 can at this preliminary stage of our investigation only be speculative and very tentative. Further data gathering should provide more grounds for confident theoretical inference. For now we infer that issues concerning homosexuality and gender touch such sensitive and connected nerves in the American public that voters will resonate in tune with salient elite conflict over these cultural issues, even when more political attention seems to be focussed on other concerns, such as "the economy, stupid", the budget deficit, taxes, or health care. Indeed, problems in these other areas might well foster increased sensitivity to cultural conflicts.

Nonetheless, the apparent absence of much mobilization of intolerance or fear of gays and gay rights through garnering electoral support from people who might be vulnerable to such appeals -- such as the so-called "Reagan Democrats" or "Bubba vote" -- could just have been because gays were not seen as threatening in 1992. Such a perception of threat is essentially a precondition for intolerance.[17] Only after Clinton tried to change the military's policy on gays did it become common to perceive that he "paid a terrible political price," as he himself put it.[18] In 1993, we suspect, President Clinton came to be seen as much more threatening in his promotion of gay rights -- when he was taking high profile, contentious action on the military issue -- than he was in the campaign, when gays and gay rights were entities with which candidate Clinton associated himself only occasionally and at a much lower profile than his position-taking on many other issues.

Finally, the backlash to the "family values" attack that appears to have developed among an electorally potent minority of Republican identifiers we would expect arose because the Republican party has a quite a number of nonreligious, highly educated, affluent adherents -- precisely the kinds of members of the public more likely to support the norms of democracy, equality, and tolerance.[19] Although we do not now have the content analysis data to support it, we recall political and media elites sending clear signals that the

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[17] As Gibson and Tedlin put it: "One of the most enduring hypotheses in tolerance research is that intolerance is a function of the degree of threat posed by the political minority." James L. Gibson and Kent L. Tedin, "The Etiology of Intolerance of Homosexual Politics," Social Science Quarterly, vol. 69, 1988, 592.

[18] April Lynch, Dan Levy, and Carolyn Lochhead, "Huge Turnout at Rally for Civil Rights, Acceptance," San Francisco Chronicle, April 26, 1993, p. A1, A6.

[19] Herbert McCloskey and Alida Brill, Dimensions of Tolerance, New York: Russell Sage, 1983.

Republican "family values" attack was inappropriate. This could very well have been sufficient to produce Republican party defection amongst those of its adherents predisposed by their high socioeconomic status towards supporting the tolerant norms of such elites.

Table I.

Changing Attitudes toward Gays and Gay-rights Policies, 1988-1992
All Voters
(cell entries are averages)

	Gays (0 to 100)			Gay Rights Policies (-2 to +2)		
	1988	1992	Change	1988	1992	Change
Overall	30.7	39.1	+8.4	.11	.32	+.21
Democrats	32.6	44.2	+11.6	.26	.64	+.38
Independents	33.4	40.1	+6.7	.23	.47	+.24
Republicans	26.1	31.3	+5.2	-.15	-.31	-.16
Party Difference	6.5	12.9		.41	.95	

Table II.

Changing Attitudes toward Other Social Groups and Policies, 1988-1992
All Voters
(cell entries are averages)

	Feminists (0 to 100)			Women's Role (-3 to +3)		
	1988	1992	Change	1988	1992	Change
Overall	52.6	52.4	-.2	1.35	1.76	+.41
Democrats	58.3	60.7	+2.4	1.32	1.92	+.60
Independents	52.7	52.2	-.5	1.52	1.88	+.36
Republicans	46.5	41.8	-4.7	1.22	1.39	+.17
Party Difference	11.8	18.9		.10	.53	

	Abortion (-2 to +2)			People on Welfare (0 to 100)		
	1988	1992	Change	1988	1992	Change
Overall	.37	.67	+.30	49.2	50.1	+.9
Democrats	.31	.88	+.57	53.7	55.2	+1.5
Independents	.52	.75	+.23	48.5	48.6	+.1
Republicans	.30	.32	+.02	45.1	45.3	+.2
Party Difference	.01	.56		8.6	9.9	

	Increase Government Services (-3 to +3)			Gov't Ensure Standard of Living (-3 to +3)		
	1988	1992	Change	1988	1992	Change
Overall	.01	.02	-.02	-.53	-.35	+.18
Democrats	.43	.53	+.10	.02	.19	+.17
Independents	.17	.03	-.14	-.62	-.39	+.23
Republicans	-.56	-.66	-.10	-1.04	-1.03	+.01
Party Difference	.99	1.19		1.06	1.22	

Table II -- Continued.

Changing Attitudes toward Other Social Groups and Policies, 1988-1992
All Voters
(cell entries are averages)

	Job Discrimination Protection for Blacks (-1 to 1)			Affirmative Action in Hiring for Blacks (-2 to +2)		
	1988	1992	Change	1988	1992	Change
Overall	.09	.08	-.01	-1.04	-1.17	-.07
Democrats	.22	.26	+.04	-.69	-.79	-.10
Independents	.13	.06	-.07	-1.09	-1.30	-.21
Republicans	-.09	-.11	-.02	-1.41	-1.50	-.09
Party Difference	.31	.37		.72	.71	

	Moral Traditionalism (-8 to +8)			Egalitarianism (-12 to +12)		
	1988	1992	Change	1988	1992	Change
Overall	-1.92	-1.60	+.32	2.45	3.34	+.89
Democrats	-1.40	-.74	+.66	3.73	4.97	+1.24
Independents	-1.44	-1.37	+.07	2.72	3.30	+.58
Republicans	-2.89	-3.02	-.31	.84	1.22	+.38
Party Difference	1.49	2.28		2.89	3.75	

Table III.

Connection between Gay-related Attitudes and Gender-related Attitudes, 1988-1992
All Voters

Correlation in 1988

	Gays	Gay Rights	Feminists	Women's Role	Abortion
Gays	1.00				
Gay Rights Policy	.51	1.00			
Feminists	**.26**	**.22**	1.00		
Women's Role	**.21**	**.27**	.24	1.00	
Abortion	**.26**	**.26**	.18	.34	1.00

Correlation in 1992

	Gays	Gay Rights	Feminists	Women's Role	Abortion
Gays	1.00				
Gay Rights Policy	.52	1.00			
Feminists	**.41**	**.39**	1.00		
Women's Role	**.30**	**.25**	.27	1.00	
Abortion	**.31**	**.27**	.26	.35	1.00

Change in Correlation, 1988 to 1992

	Gays	Gay Rights	Feminists	Women's Role	Abortion
Gays	.00				
Gay Rights Policy	.01	.00			
Feminists	**.15**	**.17**	.00		
Women's Role	**.09**	**-.02**	.03	.00	
Abortion	**.05**	**.01**	.08	.01	1.00

Table IV.

Bivariate relationships between Gay and Gender attitudes and Comparative Candidate Evaluations, 1998 and 1992[1]
All Voters

Predictor	1988	1992
Gays (0 to 100)		
b	.42	.47
(t-stat)	(8.12)	(11.61)
R^2	.05	.08
Gay Job Discrim Policy (-2 to +2)		
b	5.46	8.68
(t-stat)	(6.19)	(13.28)
R^2	.03	.10
Feminists (0 to 100)		
b	.64	.87
(t-stat)	(10.36)	(19.48)
R^2	.08	.19
Women's Role (-3 to +3)		
b	2.55	5.34
(t-stat)	(3.40)	(8.12)
R^2	.01	.04
Abortion (-2 to +2)		
b	3.24	7.28
(t-stat)	(3.56)	(10.26)
R^2	.01	.06

[1] The dependent variable is the difference between the respondents' feeling thermometer ratings of the Democratic candidate (Dukakis in 1988, Clinton in 1992) and the Republican candidate (Bush in each year). The scale ranges from -100 to +100.

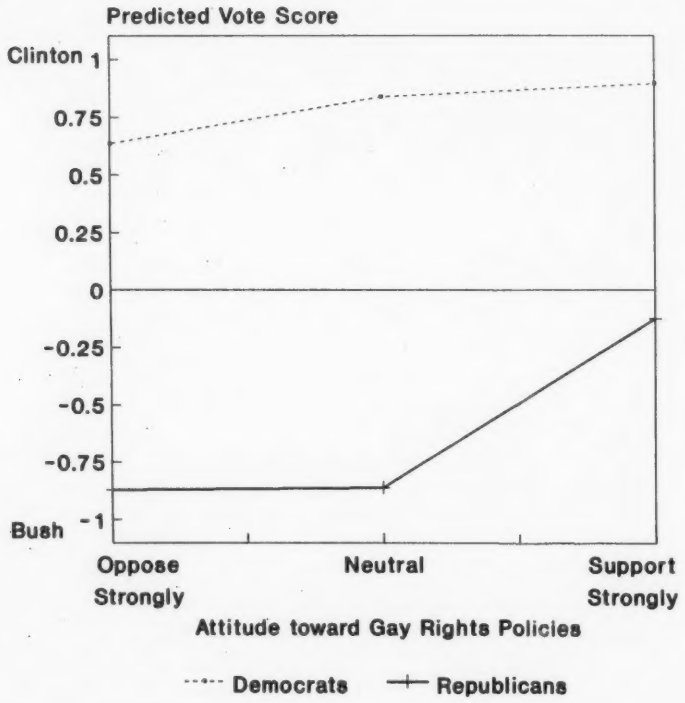
Table V.

Impact of Gay and Gender-related Attitudes on the 1992 Vote[2]
(entries are unstandardized regression coefficients with t-stats below)

Predictor	Overall	Democrats	Republicans
(n)	1113	449	322
Constant	.14	.78	-.85
Attitude toward Gay Rights	.27	.06	.74
Neutral (0) to Positive (1)	(3.27)	(.55)	(4.18)
Attitude toward Gay Rights	-.15	-.20	.01
Neutral (0) to Negative (1)	(-2.01)	(-1.97)	(.09)
Attitude toward Gays	-.06	.11	-.08
Neutral (0) to Positive (1)	(-.56)	(.86)	(-.28)
Attitude toward Gays	-.09	.03	-.02
Neutral (0) to Negative (1)	(-1.39)	(.37)	(-.23)
Attitude toward Feminists	.15	.05	.06
(-1 to +1)	(2.24)	(.47)	(.59)
Attitude toward Women's Role	-.03	.03	.02
(-1 to +1)	(-.66)	(.54)	(.34)
Attitude toward Abortion	.08	.01	-.01
(-1 to +1)	(2.56)	(.11)	(-.12)
R^2	.61	.24	.39

[2] The dependent variable is vote for either Bill Clinton (+1) or George Bush (-1). "Overall" = all party groups who voted for either major party candidate. Party identifiers are defined by their answer to the root party ID question. This equation included the following additional variables as controls: gender; race; "political generation cohort" (whether first voted in 1930s-50s; '60s-70s, or '80s); south/nonsouth residence; education; family income; subjective social class (lower/working, middle, upper middle/upper); religious denominations, divided by religion very high importance/not very high; beliefs about the Bible; frequency of reading the Bible; marital status; index of ethnic group/immigrant ratings; attitudes towards blacks; thermometer rating of environmentalists; policy opinions on defense and aid to the poor; willingness to pay more in taxes; changes in family finances past year; perception of the state of the US economy past year; opinion on whether country is on right or wrong "track"; and partisan identification (in overall voter equation). The constant reported in the table is adjusted to represent the predicted vote score when all of these control variables are set at their means.

Figure 1
Predicted Vote Scores by Party ID and Attitude toward Gay Rights Policies



Vote is scored Clinton = 1 and Bush = -1

DAVID GERGEN AND WHITE HOUSE COMMUNICATIONS STRATEGY

Stuart Streichler
Johns Hopkins University

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Over the last twenty years, David Gergen has formulated and implemented communications strategy in four administrations. This paper analyzes his role in the development of White House communications in this period. Section I examines President Nixon's 1972 re-election campaign, which became a model for Gergen on how to package the President and manage the news. This Section focuses on activities in which Gergen participated, using his handwritten notes of White House meetings. Section II describes how Gergen, countering President Ford's move dismantling the White House communications operation in light of its "notorious reputation" after Watergate,[1] revitalized the Office of Communications following the Nixon model. Professor John Maltese has observed that "Nixon's techniques were followed most successfully" by the Reagan administration.[2] Section III presents an in-depth study of the communications strategies employed to announce and defend a particularly illuminating policy decision during the early Reagan years, when Gergen was fully in charge of White House communications. Finally, Section IV explores the direction in which Gergen has taken the Clinton White House in the last two months as well as the Presidency in the last two decades.

I. White House Communications in the 1972 Campaign

Gergen began his in-and-out service in the White House during the Nixon administration, when the Office of Communications was in its infancy. He learned the art of White House communications from Charles Colson, who, though nominally Special Counsel to the President, gained control over communications functions in 1971. Colson's greatest achievement came in the 1972 campaign, when he masterminded public relations for the entire administration. As Colson

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1 Mark J. Rozell, The Press and the Ford Presidency (Ann Arbor: University of Michigan Press, 1992), 183.

2 John Anthony Maltese, Spin Control: The White House Office of Communications and the Management of Presidential News (Chapel Hill: University of North Carolina Press, 1992), 3.

later commented, the Nixon White House came "as close to managing the news as you can do" in that year.[3]

In a word, control was the fundamental principle underlying communications strategy in the Nixon White House. When the Nixon White House announced the appointment and job description of the first Communications Director, Herbert Klein, the New York Times noted his unprecedented "broad mandate" to exercise "unusual supervisory powers over all Government information services."[4] When Colson took over, he extended that mandate to highly partisan political actions. Whether for national political campaigns or the administration of government, the task was the same--to centralize control over the communications of a sprawling apparatus.

The Nixon White House followed an important corollary principle--disguise the degree to which the White House exercised control. This enabled the White House to shield the President from attack. Agency officials touting the White House line could be lightning rods in the first line of defense. Also, disguising the actual degree of control held out the promise of exerting greater influence over public opinion. With careful orchestration, the White House created the illusion of apparently spontaneous public shows of support, an illusion that would be lost if it were known that the White House was the driving force behind the actions. For example, Republicans across the country submitted to their local newspapers letters to the editor which were in fact ghostwritten at the White House. Colson set up "supposedly independent" citizens' committees "as fronts for the White House" to circulate political advertisements in newspapers.[5]

Nixon's success in managing the news for the campaign was largely attributable to the so-called "attack group" which carried out White House communications under Colson's direction and supervision. As Colson described it, the group implemented the White House line by determining "who would say it and how we would get it out and who would release it

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3 Ibid.

4 Ibid., 27. One of the most basic tactics in centralizing control over communications involves getting out the administration's "line-of-the-day." According to Haldeman, President Nixon specifically authorized the creation of the Office of Communications to address the "constant problem of the non-unified `line.'" Ibid., 24.

5 The White House also set up a telephone bank to "generate calls of complaint" to the media about news coverage. Ibid., 71-73. When Gergen and others wrote the script for the "whole" Republican convention in 1972, they choreographed demonstrations of support to make them look "spontaneous." Ibid., 96; Joseph C. Spear, Presidents and the Press: The Nixon Legacy (Cambridge: MIT Press, 1984), 181.

and which one of the Cabinet members would go where and what kind of surrogate program we'd have and how we would respond to attacks."[6] The surrogate program was "an essential part" of President Nixon's campaign strategy. The White House assembled a variety of Cabinet officials, Republican leaders, Congressmen, labor leaders, and others to travel around the nation speaking on Nixon's behalf.[7] According to campaign journalist Theodore White, the attack group "choreographed the movements of Nixon campaign `surrogates' across the country, and orchestrated with enthusiastic malice their statements, attacks and ripostes designed to take air time and headlines from George McGovern and make McGovern look like a fool."[8]

Gergen was a member of this attack group, and he recorded their discussions in handwritten notes which are kept by the Nixon Presidential Materials Project of the National Archives.[9] His notes provide documentary evidence of the particular communications techniques employed by the White House. Although many of these techniques are by now well-known, these notes offer an unusually detailed account of exactly how the White House endeavored to control news coverage, promote the administration's position, and enhance the President's image.

With the surrogate program, the White House was able to present a unified perspective on the administration's "line-of-the-day" through a diverse group of apparently independent-minded speakers. To carry out this strategy, the attack group set specific numerical goals of target surrogates for particular issues and actively searched for them. For example, Gergen records a discussion about putting

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6 Ibid., 94.

7 Lou Cannon, "35 `Stand-ins' Campaign For Nixon's Re-election," Washington Post, 1 September 1972, A1. Nixon had used surrogates previously. In the 1968 campaign, Herbert Klein coordinated surrogate speakers who campaigned for Nixon throughout the country. The White House continued to use surrogates after Nixon won the election. Armed with a daily news summary sent by the newly formed Communications Office, Nixon's surrogates handled a wide range of topics from policy issues to hardball political attacks. For example, President Nixon directed that a "system" be set up to supply "attack material on a daily basis to a group of key people on the Hill." Or surrogates promoted the President's policy agenda, discussing issues like Nixon's family assistance plan. Maltese, 18, 35 & 37.

8 Theodore H. White, The Making of the President 1972 (New York: Atheneum, 1973), 293.

9 The attack group included Gergen, Pat Buchanan, Ken Clawson, Gordon Strachan (principal political assistant to Chief of Staff H.R. Haldeman), Al Abrahams (Director of Communications for the Committee to Re-elect the President), and several others. Gergen Notes of Colson Meetings, WHSF, Nixon Presidential Materials Project.

together a statement by mayors to "attack" McGovern on urban affairs. Gergen wrote, "Need 10 mayors/4 on board." In another case, after considering polling data, the group coordinated attacks by Republican leaders and newspaper editors on McGovern's busing position while he was campaigning in Detroit. As Gergen notes the directive: "have [Senator] Dole out there to take him on. Call upon McG [McGovern] to state his position on busing. Also have newspaper eds and Mich delegation take it on."[10]

The White House calculated precisely where to get its message across to maximize the damaging effect against McGovern. Credibility was a key theme for Colson's group; it appears repeatedly in Gergen's notes (e.g., "credibility"-"Do you want to put your trust in this man").[11] The group planned a political advertisement for St. Louis which said "Welcome Sen. McGovern. We're A 1000% Behind You." This referred to McGovern's earlier statement of "1000%" support for his first running mate, Senator Thomas Eagleton from Missouri, who was dropped from the ticket after disclosures about psychiatric treatment.[12] The White House also targeted stories for particular media outlets. Ken Khachigian, another member of Colson's group, worked up "a brief line" about McGovern's replacement vice-presidential candidate, R. Sargent Shriver and his "Confederate ancestors." Khachigian advised Colson that he was trying "to get the story fed into certain segments of Black media and will give it to Black surrogates."[13]

The White House integrated its short-term focus on the line-of-the-day with long-range strategic planning.[14] At the height of the fall campaign, Gergen's notes map out a four-week plan of "Agreed-upon topics." The first week emphasized drugs with the line that "McGovern is weak, soft on drugs, PERMISSIVENESS." The following week, the group planned to turn to "very hard attacks on foreign policy, dangerous naive approach of McG," and the focus of the last two weeks included defense and economic policies.[15]

To execute their plans effectively, White House communications officials left little to chance in marketing President Nixon's appearance, paying close attention to seemingly minor details of presentation to anticipate and shape the news media's response. As a general rule, Nixon aides evaluated events in advance for their probable

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10 Ibid., 13 September 1972 & 20 September 1972.

11 Ibid., 13 September 1972.

12 Ibid., 3 October 1972.

13 Memo, Ken Khachigian to Chuck Colson, 31 August 1972.

14 Maltese, 186.

15 Gergen Notes, 17 September 1972.

effectiveness as news stories. As Gergen later described this process:

> We had a rule in the Nixon operation that before any public event was put on his schedule, you had to know what the headline out of that event was going to be, and what the lead paragraph would be. You had to think of it in those terms, and if you couldn't justify it, it didn't go on the schedule.[16]

Prepared statements were tailored to the length deemed appropriate for maximum control over the news story. "It was a very rigorous system," Gergen recounted.[17] According to Gergen's notes, speechwriter Pat Buchanan was specifically directed to draft "1 1/2 pp." for Dole at one point.[18]

Colson's attack group also monitored the results from previous efforts, and if, as Gergen's notes record, there was "too little play last time" for an issue that deserved further attention in their view, they would "go w/ another TV statement." If one surrogate had not attracted attention, another could be found to make the point. Gergen notes, for example, that Nixon's campaign director Clark MacGregor "didn't get any news. Ask Reagan [then Governor of California] to hit hard."[19]

Colson's group recognized and exploited institutional constraints on news reporters operating on tight deadlines. Colson in particular understood that timing was critical, and he scheduled announcements to obscure bad news and achieve maximum play for good news, as well as to keep McGovern continually off balance. Gergen notes how Colson planned one response to the forthcoming indictments of the Watergate burglars: "Indictments=big story of day. Will delay release of financial reports until Saturday + to Monday then call by" MacGregor "for McG + Shriver to disclose their own."[20]

Colson unabashedly used leaks to gain favorable news coverage while simultaneously attacking unfavorable stories which resulted from leaks. He tried to manipulate news stories to help Maurice Stans, Nixon's campaign finance chairman, who was under investigation after it was discovered that a campaign contribution had ended up in a Watergate burglar's bank account. Taking the offensive, Stans was preparing to file a $5 million libel suit against McGovern's national campaign director, Lawrence O'Brien. Colson ordered a leak, as Gergen's notes describe it: "libel suit coming out

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16 Hedrick Smith, The Power Game: How Washington Works (New York: Random House, 1988), 405.

17 Maltese, 94.

18 Gergen Notes, 13 September 1972.

19 Ibid., 11 September 1972 & 25 September 1972.

20 Ibid., 15 September 1972.

today leaking the fact that his [Stans'] wife is dying at CC's [Colson's] insistence, even though." Gergen mysteriously dropped the subject at that point.[21]

Just the previous day, Colson had ordered a speech "for Dole attacking GAO for leaks." While the General Accounting Office, the investigative body for Congress, was looking into Nixon campaign finance operations, Dole charged the Democratic Party with several campaign violations. Information was leaked to the Washington Post suggesting that Dole's allegations were unfounded. Colson directed Buchanan to prepare an attack for Dole, which was picked up by the Post, reporting Dole's charges of GAO's "unconscionable" news leak and "an outrageous breach of objectivity that casts a partisan pall over the GAO."[22]

When the election was over, the attack group remained a force in White House communications, "promoting counterattacks to the Watergate publicity" in 1973.[23] Gergen was promoted to head up Nixon's speechwriting staff, and he played an active role in coordinating the President's legal and public relations defense.[24] As Watergate ended Nixon's presidency, it also spelled the end of White House communications as practiced in the Nixon White House, at least in the short term.

II. Gergen in the Ford White House

This Section is designed to make essentially one point: President Ford, in the wake of Watergate, cut the Office of Communications down to size; Gergen then revitalized the Office. Gergen's model, as he says, was Colson's 1972 campaign operation.[25]

After Nixon resigned, President Ford quite naturally sought to make a clean break from Watergate and the Nixon presidency (notwithstanding his pardon of Nixon, which had the opposite effect). Robert Hartmann, in charge of Ford's speechwriting staff, fired all Nixon speechwriters, including Gergen, who moved to the Treasury Department to work for William Simon. Ford's staff determined to modify or

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21 Ibid., 14 September 1972.

22 Ibid., 13 September 1972; Bob Woodward and Carl Bernstein, "GOP Chief Labels GAO Leak Partisan," Washington Post, 14 September 1972, A23.

23 Dom Bonafede, "Staff, Style Changes Slow in Coming Despite President's Post-Watergate Reforms," National Journal, 21 July 1973, 1061.

24 Bob Woodward and Carl Bernstein, The Final Days (New York: Avon, 1976), 169.

25 Maltese, 136-37.

completely eliminate the Office of Communications. Margita White, who later served as Ford's communications director, said that "there was still a great deal of sensitivity to the impression of that office left by the Nixon White House."[26]

As a result of these concerns, the Office of Communications was reduced in size and power. On the organizational chart, the Office was made to answer to the Press Secretary. The Office was stripped of its name and its most significant responsibilities. As Professor Maltese has summed it up, the functions undertaken by the Office of Communications in the Nixon White House included: (a) control over the release of information throughout the executive branch; (b) a political role generating public support for the President; and (c) a role as liaison serving the needs of local news media outside Washington. Much of the Office's power came from its control and political functions. President Ford considered these two functions inappropriately exercised in the Nixon presidency. As a result, he directed his staff to eliminate the political function and modify the control function to a form of loose coordination.[27]

In December 1975, Gergen returned to the White House as special assistant to Chief of Staff Dick Cheney. Gergen advocated that the White House restore the control and political functions in one office charged with overall responsibility for communications. With two other aides, Gergen developed a plan to form a "Communications Group" to enhance coordination of news throughout the administration and to plan events in the White House. Particularly with the upcoming election, Gergen was not disturbed by the political function. In an interview with Professor Maltese, Gergen said, "I think it's part of how you run a decent White House. There are some people who think it's too political. But I think if you've got a president who's running for office, you've got to do it."[28]

Following Gergen's lead, the White House established the Communications Group. By April, Colson's model was put into effect, with the Group planning "lines" for surrogate speakers, deciding what the President would announce, and controlling announcements throughout the executive branch.[29] Three months later, Gergen was chosen to head up the completely revamped Office of Communications. Gergen reported directly to Ford's chief of staff, and he acquired control over several offices, including the Television

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26 Maltese, 135; Rozell, 183.

27 Ford favored the liaison role, which he retained. Maltese, 118.

28 Ibid., 137.

29 Ibid., 138.

Office, the Presidential Spokesmen's Office, the Research Division, and Editorial Services. Gergen supervised writing the script for the Republican convention, a task which he had performed in the 1972 convention.[30] The "line-of-the-day" was planned and implemented. At a meeting on August 7, 1976, Gergen instructed his staff, "I would like to think everyday we can focus on the event for that day and the next day that we want to have on TV."[31] The White House made "aggressive use of surrogate speakers," which turned out to be an especially significant development in the 1976 presidential debates, where the spin doctor was born.[32]

III. The Reagan Administration's Bob Jones Decision

One of Gergen's former colleagues once said that Gergen "made a conscious decision" when Reagan was elected to "sell this presidency with whatever resources he could use."[33] Gergen's overall role in shaping "the communications strategy that sold the Reagan revolution" is well-known.[34] This Section takes a lesser-known case to analyze Gergen's role in White House communications during the Reagan administration. The vehicle chosen for study is the Bob Jones decision, when the administration abandoned longstanding IRS policy and announced that it would restore tax exemptions to racially discriminatory private schools.[35]

The Bob Jones case figures prominently in recent civil rights history.[36] In response to Brown v. Board of Education

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30 Ibid., 140-45.

31 Rozell, 203.

32 Maltese, 147.

33 David Hoffman, "Gergen to Leave White House in 1984, Return to Academic Life," Washington Post, 9 December 1983, A3.

34 Dan Balz, "Gergen: A Sympathetic Critic Looking for `New Answers,'" Washington Post, 30 May 1993, A26.

35 The Bob Jones case presents several advantages for in-depth study of Gergen's role in White House communications. It occurred when Gergen was unquestionably in control of White House Communications. Frank Ursomarso was Reagan's first communications chief; Gergen served as Staff Director initially. When Ursomarso left, the communications and press functions were reorganized before Gergen officially became Communications Director. Additionally, an unusually detailed record consisting of key internal memoranda document the administration's public relations strategy and policy-making process in this case. Bob Jones is also helpful because White House communications strategy ultimately failed, and, like other cases of political communication failure, it provides "useful illustrations of several fundamental traits of political communication." Robert E. Denton, Jr. and Gary C. Woodward, Political Communication in America, 2d ed., Praeger Series in Political Communication (New York: Praeger, 1990), 8.

36 461 U.S. 574 (1983).

and subsequent federal desegregation efforts, many Southern communities established private all-white schools, sometimes called segregation academies. Ordinarily, private schools can qualify for tax-exempt status under federal law. Tax-exempt organizations avoid paying federal income tax, and gifts to these organizations are tax-deductible contributions. Recognizing that this tax break for all-white schools amounts to a subsidy for segregated education, the federal courts pressed the IRS to withhold tax exemption from private schools that discriminated on the basis of race. During the Nixon administration, the IRS adopted the policy declaring such schools ineligible for tax-exempt status.

When two fundamentalist Christian schools, Bob Jones University and Goldsboro Christian Schools, challenged this policy, the Justice Department defended the IRS at every step, until its brief on the merits was due for filing in the Supreme Court on January 8, 1982. On that day, the Treasury Department announced that it intended to revoke the IRS's antidiscrimination policy and restore exemptions to racially discriminatory schools, and the Justice Department filed a motion in the Court which argued that the case was now moot and should be dismissed.

At first, the administration's communications strategy was designed to control the timing and manner of the announcement of the potentially embarrassing news. As Gergen explained his formula, "It was one of the first rules I learned when I arrived in Washington. If you've got some news that you don't want to get noticed, put it out Friday afternoon at 4 p.m." The reason for this, as one Reagan official colorfully explained, is that a 4:00 p.m. Friday announcement typically vanishes into "the Bermuda Triangle of news." By then, Washington has closed shop for the weekend. Among other things, Saturday newspapers have low circulation, columnists have written their pieces for the Sunday papers, and potential opponents in Congress have left Washington for their home districts.[37]

The logic behind the timing strategy used in Bob Jones was described point-by-point in internal Treasury Department memoranda. Writing to Deputy Secretary R.T. McNamar, Assistant Secretary for Public Relations Ann Dore McLaughlin explained:

> A 4:00 p.m. release of documents allows time for wire service stories to meet a.m. newspaper deadlines and make 6:00 p.m. evening television broadcasts. Release of your statement at 4:00 p.m. insures that the first wire stories out--and thus the most widely used,

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37 Stephen Engelberg, "The Bad News Hour: 4 P.M. Friday," New York Times, 6 April 1984, A20.

> especially by the broadcast media--will contain our rationale. An earlier release would give the media more time to conduct interviews with interest groups and thus politicize the story. A later release--one too late for the evening TV news--might cause the networks to hold the story until the next day, which would result in the same kind of expanded political story.[38]

The manner of the Bob Jones announcement was carefully planned. The documentary record reveals the degree of coordination between the White House and public affairs officials in the executive departments involved. Since Gergen had taken control of communications, the White House was in daily contact with public affairs officials in executive departments.[39] Reviewing the plan in a memorandum to Gergen and the Public Affairs Director for the Justice Department, McLaughlin stated that it was "still an open question whether the release should come from Treasury or Justice." She then described the "suggested strategy for the release." McLaughlin detailed precisely which documents would be given to reporters--a press release which she attached with her memo and a copy of the Justice Department's motion in the Court. The motion would be filed, McLaughlin said, "with simultaneous release of press documents" at 4:00 p.m. Finally, she discussed the need to hold "a background briefing" for selected legal reporters, in the belief that this was "necessary ingredient" due to the "complexities of the case."[40]

The administration used another tactic. The administration announced on the same day another important, and difficult, legal news story--the settlement of major antitrust actions against IBM and AT&T. Taken together, these two stories could overload the capabilities of even the best legal reporters.

Notwithstanding the administration's efforts to suppress coverage, the announcement was greeted by a "firestorm." The White House badly underestimated the interpretive abilities of the news audience and the potential for sustained political opposition.[41] To mollify the public and to evade

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38 Memo, Ann Dore McLaughlin to Deputy Secretary McNamar, 5 January 1982.

39 Dick Kirschten, "In Reagan's White House, It's Gergen Who's Taken Control of Communications," National Journal, 25 July 1981, 1330.

40 Memo, Ann Dore McLaughlin to David Gergen and Tom DeCair, 7 January 1982.

41 Martin Linsky, Impact: How the Press Affects Federal Policymaking (New York: Norton, 1986), 111-16. Gergen later suggested that the strategy backfired partly because scheduling the announcement late

accountability, the White House staff devised a fallback communications strategy. They started by framing the whole question in the best light possible.[42] This was accomplished by identifying two distinct issues (administrative agency abuse and civil rights) and playing one off against the other. In that way, the stage was set to claim that, with concern over IRS abuse driving the decision, the President and his staff had overlooked the civil rights issue.

Accordingly, the White House tried to provide the President with political cover. When Gergen briefed the press, he reportedly "portrayed the President as having undertaken an important initiative to curb the bureaucracy only to discover that his action had unfortunate fallout in race relations."[43] Gergen indicated that Reagan was not fully apprised of the civil rights aspects and had only concurred in the decision reached by Treasury and Justice. Other aides insisted that, at most, the President was informed about the decision two days before it was announced.[44]

A key public document in the fallback communications strategy is the "Statement by the President," which Gergen read to the White House press corps. This Statement is notable for its deployment of several rhetorical devices in such a small space. It states the President's views as incontrovertible general principles in strong, and unequivocal, language. Reagan's personal view on civil rights is emphasized: "I am unalterably opposed to racial discrimination in any form." Then, the Statement implicitly equates the problem of administrative abuse with civil rights concerns: "I am also opposed to administrative agencies exercising powers that the Constitution assigns to the Congress." That single sentence does a lot of work to counterbalance the civil rights issue. It expresses general concern for constitutional government and disclaims any self-interested play for power on the part of the President (Congress's role was at stake). With the following sentence, which states that agencies "cannot be allowed to govern by administrative fiat," the Statement exploits the fact that

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Friday "is such an obvious device, you must be careful in using it." Engelberg, A20.

42 See Doris Graber, Public Sector Communication: How Organizations Manage Information (Washington, D.C.: CQ Press, 1992), 242.

43 The decision was solely designed, Gergen said, "to carry out the President's view that administrative agencies should not have unfettered authority to set national policy." Howell Raines, "President Shifts View on Tax Rule in Race Bias Cases," New York Times, 13 January 1982, A1.

44 Dean Reynolds, UPI Washington News, 12 January 1982, Nexis; Howell Raines, "Reagan Aides' Slip Blamed for Dispute on Tax Exemptions," New York Times, 17 January 1982, A1.

the IRS was involved. This is one administrative agency with which practically everyone comes into disagreeable contact. All of this is now arrayed against the civil rights concern. The Statement closes by emphasizing that administrative abuse was indeed "the sole basis" for the decision. This is coupled with the President's promise of action in the form of submitting legislation.[45]

Besides providing cover for the President, aides tried to distance the whole White House from the initial decision. Their strategy depended upon convincing the press and public that significant civil rights concerns escaped notice. This was made difficult by the fact that the case was discussed by senior staff at the White House before the announcement, including Gergen, Reagan's highest-ranking advisors--James Baker, Michael Deaver, and Edwin Meese--and Fred Fielding, White House counsel. To address this problem, Gergen explained to the press that the question presented at that meeting "sounded to us like a narrow legal issue." Gergen added that he personally "didn't understand its wider implications."[46] This specific language was repeated in several news stories, sometimes without attribution, giving it the appearance of a "line" devised and put out by the White House.[47] That line brilliantly exploits news audience preconceptions: the White House is a busy place; decision-making is fast-paced; who could keep tabs on everything going on, particularly when arcane legal issues obscured broader policy implications?

But these attempts to deflect accountability were undermined by the facts as they emerged. Eventually, it

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45 This was the only legitimate remedy, the White House later suggested, because the IRS policy had "no basis in law." The Supreme Court took a different view, holding that the policy was "wholly consistent with what the Congress, the executive, and the courts had said." 461 U.S. at 512. The deputy solicitor general also disputed the White House on this point, as he signed the Government's brief only after adding a footnote noting his disagreement with the Reagan administration's position. Brief of the United States, 1.

46 Reuters, 19 January 1982, Nexis. Using agencies to issue public statements "has the prime virtue of `Deniability.' Some space or distance can always be placed between the statements of one official, and the views of the executive, if such a statement becomes a liability to the administration. It can be disowned, downplayed, ignored, `explained' in the proper context, and--on occasion--repudiated." Denton and Woodward, 131.

47 For example, Time reported that when Baker asked about Bob Jones at the meeting, "Meese assured him that he and Fielding had considered all the implications. Meese described the matter as a narrow legalistic change and seemed oblivious to the moral and political issues involved." Walter Isaacson, "Pirouetting on Civil Rights: Reagan Goes Round and Round on Tax Breaks for Schools," Time, 25 January 1982, 24.

became known that Reagan had approved the proposal to reverse the antidiscrimination policy several months before the decision was announced. At a press conference, President Reagan admitted that he was "the originator of the whole thing."[48] Moreover, many found Reagan's pro-civil rights claims difficult to believe in light of subsequent events. When a majority of attorneys in the Justice Department's Civil Rights Division protested the administration's actions in late January, a White House spokesman said that they could look for work elsewhere.

Significantly, while Gergen orchestrated communications strategies trying to demonstrate Reagan's strong support for civil rights, the Justice Department held fast to its official legal position opposing the IRS. Viewing the case as moot, the Justice Department continued to seek dismissal until a lower federal court blocked the administration indefinitely from granting tax exemptions to racially discriminatory schools. Only then did the administration accede to full hearing in the Supreme Court. Still, the Justice Department refused to defend the IRS position, leading to its unusual request that the Court appoint another party to represent that view.[49] The inconsistency between White House public pronouncements and the position before the Court prompted Harvard Law Professor Laurence Tribe to accuse the administration of an "attempted cover-up."[50]

The White House response was marked by a confusing set of halfway measures. The scope of Reagan's proposed legislation was unclear. When Gergen announced it, he could not specify whether Reagan's legislation would be as comprehensive as the IRS regulations. If Congress failed to enact new legislation, the Treasury's General Counsel stated, the administration would restore tax exemptions to racially discriminatory schools applying for exempt status. Initially, Gergen was unable to clarify whether the proposed legislation would apply against the two schools involved in the pending case, though the Justice Department had, before the policy reversal, labelled those schools "blatantly discriminatory." Later, the White House decided that it

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48 "Reagan Accepts Onus over School Policy Change: Legislation Introduced," Facts on File, 22 January 1982, 25. Congressman Lott (R-Miss.) had pressured the agencies to reverse the IRS policy by pointing to Reagan's handwritten statement apparently approving reversal.

49 By order dated April 19, 1982, the Court invited William T. Coleman, Jr., former Secretary of Transportation under President Ford, to submit an amicus curiae brief defending the IRS position abandoned by the Justice Department.

50 Statement of Laurence H. Tribe, Congress, House of Representative, Committee on Ways and Means, Administration's Change in Federal Policy Regarding the Tax Status of Racially Discriminatory Private Schools, 97th Cong., 2d Sess., 4 February 1982, 15.

could not renege on a "pledge" made to these two schools, so they would be granted tax-exempt status, which could be withdrawn if Congress so provided.[51]

In this case, the Office of Communications had a difficult task to perform. It was not easy to convince the press and the news audience that a group of senior advisors including several lawyers (Gergen was a Harvard law graduate) completely missed the civil rights point when they considered the decision. In fact, Gergen had received an advance copy of the Treasury's announcement. This two-page press release stated explicitly that the IRS "will no longer revoke or deny tax-exempt status" for educational organizations which "did not adhere to certain fundamental national policies, such as those forbidding discrimination on the basis of race."[52] And the attempt to bury the announcement, of which Gergen was well aware, manifests the clear understanding that the decision was indeed bad news for the President.

IV. David Gergen, the Presidency, and Today's "Captive Public"[53]

In the belief that his "politics and policies" were suffering due to pervasive failures in communications, President Clinton reached out to David Gergen. Once hired, Gergen defined his position in the Clinton White House "at the intersection of politics, policy, and communications."[54] In Gergen's conception of that intersection, communications is at the forefront in the battle for a "successful presidency."[55] His thinking about White House communications has had a pronounced effect in the last two months. Some journalists have been quick to praise Gergen for reversing Clinton's early slide.[56]

It is too early for a scholarly assessment of Gergen's role in the Clinton administration. However, it is possible

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51 Lee Lescaze, "U.S. Shifts on School Exemptions," Washington Post, 13 January 1982, A1; Howell Raines, "President Shifts View on Tax rule in Race Bias Cases," New York Times, 13 January 1982, A1.

52 "Treasury Establishes New Tax-exempt Policy," Treasury News, 8 January 1982, 1.

53 Benjamin Ginsberg, The Captive Public: How Mass Opinion Promotes State Power (New York: Basic Books, 1986).

54 John M. Broder, "Gergen Reveals He Has Sweeping Power," Los Angeles Times, 8 June 1993, A16.

55 David Hoffman, "Gergen to Leave White House in 1984, Return to Academic Life," Washington Post, 9 December 1983, A3.

56 Mary McGrory had Gergen "taking bows." Mary McGrory, "Playing the Press Game," Washington Post, 22 June 1993, A2.

to evaluate Gergen's role in the development of White House communications over the last two decades and the direction in which he has taken the Presidency up to this point. Gergen has previously indicated that his communications strategies comprise a response to his concern that the Presidency was an "institution that was failing."[57] Using examples mostly drawn from the Clinton White House, this Section raises questions about the precise effect Gergen's communications strategies have on the Presidency and the implications for institutional change.

Gergen's tripartite division of policy, politics, and communications suggests a mode of analysis. What effect does communications strategy have on policy and on politics at the Presidential level? Promoting sound policy is obviously beneficial. Less obvious are the ways in which communications strategies can undermine the development of public policy.

In some cases, White House communications strategy has a disabling effect on the policy process, assuming that policy stands a better chance of becoming more thoroughly developed and more widely accepted over time when the President engages in open debate about essential elements of a concededly necessary policy initiative. But with communications playing a central role, this kind of serious and open policy-making falls in disfavor. Clinton's economic policy, the centerpiece of his program to date, provides a recent example. Many voters turned to Clinton last November based on the economic issue, and change was the basic theme running through the election. Since Gergen acquired control over White House communications, administration officials were privately directed to emphasize the theme of change without providing any basic details of the economic plan. A secret White House memo entitled "Hallelujah! Change is coming!" was leaked to the press in mid-July. This memo directed officials to get out the message that "this is good, and this is change," while "demurring" on details. The basic idea was simply put--the policy was "good for the country, good for the economy and good for middle-class working families." The memo focused on how to present the case: "Never forget that the optimism, energy, enthusiasm you project is vital. . . . Your body language, attitude and confidence will be infectious." The White House declined to identify the memo's author, though, in accordance with Gergen's beliefs, the White House set up meetings with public affairs officials

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57 Hoffman, A3.

in several departments to coordinate how to "spread the good news."[58]

A President who pays particularly close attention to communications can also become risk-averse in policy development. Either he may quash a bold policy initiative at its inception or flatten a risky policy beyond recognition. President Clinton's efforts regarding gays in the military illustrate this point. Whatever one's views on this issue, Clinton had taken a controversial stand in January. Although several factors were operating besides communications strategy, Gergen was a key player in redrafting the policy this summer, meeting with Pentagon officials shortly before the President outlined his watered-down version. By then, Clinton's position was rendered incoherent on key points. In testimony before Congress, Defense Secretary Les Aspin contradicted the President's statement on how the policy would be implemented. The question was essentially left for the federal courts to resolve. Whatever the contours of this policy, there was no question about the communications strategy when the President made his announcement. The White House staged the President's address before an audience composed of military leaders, including the Joint Chiefs. The occasion was designed to convert a problem issue into a demonstration of the President's strength.

Besides disabling policy development, communications strategies can have the effect of enabling the adoption of fundamentally flawed policy. This can occur where communications strategy holds out the promise of obscuring the policy from public view. The Bob Jones case provides a good example of this. Or, the decision to adopt a particular policy may be predicated upon the strategy of misleading the public. For example, Reagan's Budget Director David Stockman has said that the White House understood the "voodoo economics" underlying Reaganomics, yet misinformed the public with its public relations strategy. Stockman gives credit to Gergen particularly for "put[ting] the ball over the goal line" on this issue.[59] In some cases, the President may make a policy decision based on communications concerns which inappropriately reinforce or even trump other relevant factors. It may be difficult to resist the temptation presented by the right kind of military venture, with its likely uptick in the President's approval ratings.[60]

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58 Ann Devroy, "Hallelujah! for Economic Change: New White House `Message Team' Aims to Sell Clinton Budget Plan," Washington Post, 17 July 1993, A4.

59 American Political Network, Hotline, 12 July 1993, Nexis.

60 Barbara Hinckley, The Symbolic Presidency: How Presidents Portray Themselves (New York: Routeledge, 1990), 29-30.

Besides the implications for policy, White House communications strategy can have a negative effect on Presidential politics. In its short history, the Office of Communications has engaged in a wide range of political activities, either immediately preceding an election or in an ongoing campaign to build public support for the President. At its worst, this disrupts the political process when it takes the form of systematic efforts to manipulate public opinion, as Charles Colson did. More subtly, Gergen's scripts for political conventions and other activities played a "major role" in Presidential campaigns.[61] Even the controlled deployment of surrogate speakers by itself alters the political landscape.

Moreover, White House Communications can indirectly affect the political process in its attempts to relieve the President of political accountability. This can take the form of deflecting attention from policies or problems that are known to be disfavored by the public. As in the Bob Jones case, one strategy consists in offering post hoc rationalizations to curry favor with the public. One condition for evading accountability is the White House's ability to take advantage of the institutional shortcomings of the news media. The White House uses several techniques to exploit the press. It can release potentially embarrassing information when the press will have difficulty covering it. The Clinton White House released its report on the Travel Office affair on the Friday before the long July 4th weekend, when attention was focusing on the upcoming economic summit in Japan. Or the White House can set one big story against another. President Clinton announced the policy on gays in the military on the same day that FBI Director William Sessions was fired. In this way, the White House turns aside the threat posed by a watchdog press.

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In The Captive Public: How Mass Opinion Promotes State Power, Professor Benjamin Ginsberg complicates the conventional view about the role of public opinion in western political democracies. Essentially, he argues that, while public opinion rules in contemporary democracies, "it is precisely its deference to public opinion that functions to expand the modern state's power." Ginsberg traces a long-term historical process which has obvious differences from the subject of this paper.[62] Yet his theme aptly

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61 Michael Baruch Grossman and Martha Joynt Kumar, Portraying the President: The White House and the News Media (Baltimore: Johns Hopkins University Press, 1981), 26.

62 Professor Ginsberg explains that "the transformation of mass opinion into a formal and institutional part of the political process"

characterizes David Gergen's White House communications strategy over the last two decades. The White House, under Gergen's leadership, has converted the President's deference to public opinion, driven by necessity,[63] into an exercise in self-empowerment.

In the end, though, the communications strategies which appear to bring greater power to the President may produce only short-term gains. Packaging seems indispensable, and abandoning presidential leadership on difficult policy choices a given. Such success is bought at the expense of long-term loss in genuine influence and power. Many of the communications strategies described in this paper bear the mark of an incomplete sense of Presidential power, ultimately self-deceptive. When the hard choices in policy debate are so often reduced to imagery, the cumulative effect fuels public expectations which are bound to exceed any President's abilities.[64]

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enabled democratic governments to "domesticate mass belief, regulate the content of popular opinion, delimit the impact of mass opinion, and harness the power of mass opinion for their own purposes." For example, by extending the right to vote and holding regular elections, the state displaced actions, like rioting, which were less susceptible to government controls. Ginsberg, x, 6 & 48.

63 Recent trends in the President's "dependence" on public opinion have been noted, Maltese, 3, as the President has become "increasingly susceptible to the centrifugal forces of public opinion." Samuel Kernell, Going Public: New Strategies of Presidential Leadership (Washington, D.C.: CQ Press, 1986), 212.

64 See Theodore J. Lowi, The Personal President: Power Invested, Promise Unfulfilled (Ithaca: Cornell University Press, 1985).

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CONSTITUENCY DESPERATION AND BUDGET CUTS:

HOW THE DESPERATE BECOME MORE POLITICALLY ACTIVE

Ruth Ann Strickland
Political Science/Criminal Justice
Appalachian State University
Boone, North Carolina 28608
704/262-6169 or 262-3085
FAX: 704/262-2947
BITNET address: STRCKLNDRA@APPSTATE

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CONSTITUENCY DESPERATION AND BUDGET CUTS:

HOW THE DESPERATE BECOME MORE POLITICALLY ACTIVE[1]

By Ruth Ann Strickland

Budget Reductions and Desperation

In his re-evaluation of the "Washington establishment" thesis, Morris Fiorina (1989: 111) asserted that members of Congress still rely heavily on constituency service to get re-elected and therefore, safe districts remain safe, which allows Congress to promote particularistic, parochial concerns and avoid major policy changes. Later in his evaluation of the Washington establishment, Fiorina (1989: 132-133) put forward an interesting set of hypotheses about the ironic effects of budget cuts on constituencies and casework. Specifically, Fiorina addressed what happened after the Reagan budget cuts by noting that particular interests became desperate and political activity increased. This raised the question of whether this reaction always happens after budget cuts and implied in Fiorina's assessment of the Reagan era is a theory that might apply to future administrations that engage in budget reduction activity. This theory may be broken down into four statements:

(1) Budget cuts produce desperate constituencies.
(2) These desperate constituencies become more politically active.
(3) Sentiment for less government declines after budget cuts, particularly after desperate constituents communicate their desperation.
(4) The importance of electoral constituency service increases after budget cuts.

This paper tests whether the desperate really become more politically active after budget cuts and whether sentiment for less government declines after budget cuts across two administrations--the Reagan and Bush presidencies. Given these two conditions, the importance of electoral constituency service is expected to increase after budget cuts.

Measuring Constituency Desperation

To test this, budget cut periods during the Reagan and Bush administrations are examined. Public opinion polls (when available) are used to test sentiment toward more or less government before and after three budget cut eras. In addition, periodicals and magazines analyzed for signs of increased constituent activity and constituency service before and after budget cut eras.

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[1] I extend special thanks to my two research assistants, Matt Schweizer and Keith Erwin. Without their frequent trips to the library, this research would not have been possible. Of course, the author is responsible for the findings in this paper.

Peterson's (1990-1991: 544) measure of group influence serves as one way to isolate special interest group influence by looking at programs that are not of great importance to the political strategies of the two major political parties and their congressional and presidential candidates. In addition to this measure of interest group influence, desperate constituencies are identified where the linear trend in federal funding drops suddenly or if the spending trend were upward, the rate of increase could decline. It is not necessary for an absolute decline in expenditures to occur. Therefore, desperateness will partially be defined in terms of spending changes.

Constituency demand and desperateness will be measured indirectly by examining where various interests put their money. How much PAC money is spent in the three functional areas would be one indirect measure of constituent demand--assuming groups put their money where their interests lie and also expect some kind of constituency service for their donations. It is hypothesized that PAC monies from constituencies affected by budget cuts will increase after a budget cut.

At this exploratory stage of the project, Fiorina's hypothesis that the importance of electoral constituency service increases after budget cuts will not be tested here. In subsequent work I will test this part of the theory as well. Congressional response to constituency demand will be measured by examining the Congressional Record for the number of speeches aimed at placating demanding, desperate constituencies. Eventually, I will look at the number of bills introduced that affect the various demanding constituencies and will eventually collect congressional newsletters targeted at desperate constituencies.

Budget Cuts in the Reagan and Bush Administrations: Three Budgets Compared

In March 1981, President Reagan submitted President Carter's proposal to cut $56 billion to Congress. At the same time, the Reagan budget called for tax cuts, social spending cuts and a large increase in military expenditures. On March 23, 1981, the Republican controlled Senate Budget Committee approved the Reagan plan with only minor changes. Fourteen Senate committees were ordered to alter their programs to accommodate cuts of $36.4 billion for fiscal year 1982. In April 1981, the Democratic controlled House Budget Committee passed a budget resolution allowing for $15.8 billion in spending cuts. The tide turned in President Reagan's favor in May 1981 when 63 Democrats in the House joined forces with the House Republicans to substitute and accept the Reagan budget for the House Budget Committee version. The Senate followed suit and also passed the Reagan budget. In conference committee, the House and Senate members targeted the programs to be cut and worked out differences between the House and Senate budget bills. By the end of July 1981, the House and Senate adopted a reconciliation bill that reduced fiscal 1982 spending by approximately $35.2 billion, with overall reductions of $130.6 billion for fiscal years 1982-1984. At this time, total budget outlays were $695.5 billion and the deficit was $37.7 billion. (Congressional Quarterly Almanac, 1981: 257).

In 1985, Congress under pressure from the White House struggled to reduce the budget deficit. Not even one of the thirteen fiscal appropriations bills had passed by October 1, 1985. The budget for FY 1996 was laden with continuing resolutions since only six of the regular annual appropriation bills had been enacted into law by the December 1985. Programs funded under the remaining seven bills were covered by an omnibus spending package. Delays n passing funding bills forced Congress to use short-term continuing resolutions to prevent a governmental shutdown. President Reagan vetoed a $13 billion funding bill for Treasury, the Postal Service and other related agencies because he claimed more spending than he requested. At the same time, he signed several appropriations bills that exceeded his requests, including a funding measure for the Department of Housing and Urban Development, the Department of Labor, the Department of Health and Human Services, and the Department of Education and the Departments of Commerce, Justice, State and the judiciary (Congressional Quarterly Almanac, 1985: 315).

In February 1989, President Bush sent a budget package to Congress with a capital gains tax cut included. No specific spending cuts were designated. The sticking point in the FY 1990 budget was over how $5.3 billion in new revenues were going to be raised. The House and Senate conferees ask the House Ways and Means and the Senate Finance committees to find the $5.3 billion in addition to $28 billion in budget cuts. The conference report was approved in the House and Senate in May 1989. In September, the House Budget committee sent a new budget to the House without recommendation due to conflicts over the proposed capital gains tax cut. Through some gimmickry, this new budget met Gramm-Rudman-Hollings targets. Four days into the new fiscal year, the House passed a budget but it was $2 billion over the allowable deficit targets. The Senate Budget Committee proposed a similar budget. In mid-October, President Bush asked for Gramm Rudman automatic spending cuts to take effect. Congress in November voted to extend federal borrowing authority. Later that month, Bush took the capital gains tax cut out of his budget request and then the House and Senate acted quickly to pass a deficit reduction package, with some Gramm-Rudman cuts as well as $2.9 billion in taxes (Rosenbaum, 1993: 4).

Although most domestic discretionary spending rose by an eighteen percent real growth rate after the budget cuts of 1982, there were strategic cuts during the Reagan Revolution that accounted for 76 percent of all bureau level budget cuts (Cogan and Muris, 1990). The Reagan administration, in particular, sought to reduce the scope of the federal government's domestic policy sphere even more than Presidents Nixon or Ford. In the budget proposals, it requested retrenchment in all domestic spending as well as tax and spend devolution to the state governments. The Reagan domestic spending cuts were fairly extensive in that they reversed previous spending patterns. Although current dollar spending stayed stable from 1981 to 1989, real spending declined by one-fourth. The GNP share of expenditures for domestic programs was cut by one-third and closely resembled comparable levels of expenditures in the 1960s (Ippolito, 1990: 219-220). While domestic spending decreased, spending on defense dramatically increased and Reagan successfully whipped the 97th Congress into line with his budgetary priorities and cuts (Hogan, 1988; Peters, 1981; Schick, 1981; Webster, 1991). Generally the cuts were derived from three areas:

(1) programs not central to a national purpose but aimed at local communities, ie. the cuts in subsidies to Amtrak and the Urban Mass Transit system;
(2) programs whose budgetary allotments depend on the rise and fall of energy prices, i.e. the low-income home energy assistance program; and
(3) programs that had little or no effect on normal government operations, i.e. cuts in the Postal Service (Cogan and Muris, 1990: 40-41).

Of these areas, the energy, transportation and interior programs will be the focus of analysis. The trend in spending and cuts will be examined in these three areas because dramatic cuts were made in these areas and they provide a test of how affected interests react to cuts. Also, these areas represent activities engaged in by the federal government that are not of paramount interest to either of the two major political parties--they fit Peterson's residual category since they have not typically been central to the political platforms or strategies of the two parties, the presidential candidates or congressional leaders.

The Interest Group Society: Too Much Influence Peddling?

Many Americans are members or have expressed a desire to join or contribute to special interest groups. A 1981 Gallup Report found that as many as twenty million Americans were members of special interest groups and another twenty million had given money to these groups within a year's time frame (Gallup Report, August 1981).

Influence peddling and its impact on Congress has been a source of much speculation in the press and among academics. In the popular press, much has been made over the "can't do government" and the paralysis inspired by special interest groups and shortsighted leadership (Glazer, 1989; Goodgame and Hornik, 1989; Novack, 1989; Navarro, 1984; Parker, 1987). In an anecdotal case study, Green (1982) documented specific instances where members of Congress admitted the influence of PACs and PAC contributions on their votes. Much evidence presented in popular magazines reinforce the notion that special interest groups are storming the citadel and winning favor to avoid the budget cutter's ax ("Budget Cuts--Where the Ax Falls," 1980; "Lobbies Turn the Screws on Capitol Hill," 1980; "7 Who Work the Halls of Congress," 1980; Bethell, 1981; Corn, 1989).

Information presented on lobbyists often labels them as "hidden persuaders" or as the power brokers behind the scenes with almost unlimited influence (Sheler, 1983). Hubert Marshall, a political science professor at Stanford, has argued that public policy in the U.S. is determined by "subgovernments" or "iron triangles" where executive agencies, congressional subcommittees and interest groups establish close ties and dominate public policy in specific functional areas. The impact, in his view, has been to subordinate the public interest to a string of special interests ("Special Interests in Control," 1984).

Groups, who fear budget reductions, have expressed concern and have even developed a lobbying strategy to cope with their worst fears (Louviere, 1980; Pagliaccio and Gummer, 1988; Starobin, 1989). Various groups continue to toot their own horns, claiming they have an impact on governmental policy (Kaplan, 1988; Scheuring, 1982; Gersh, 1988). There is no doubt that interest groups will continue to be influential. Yet, how influential are they during budget cut eras? Do they become desperate and therefore more politically active?

Interest Group Response to Budget Reductions

In response to budget cuts, lobbyists often organize to counterattack or to either restore funding for their special cause or at least reduce the scope of the budget reduction. Immediately groups mobilized to counter the proposed Reagan budget cuts and in age old rituals started applying pressure from home in letter writing campaigns and in Washington D.C. through marches as well as giving campaign assistance to their political allies in Congress (Schiffres, 1981).

Because the costs of running for a congressional or Senate seat have risen dramatically since the first Congress convened in 1789, many have also wondered whether seats in Congress have been placed on the auction block. Some fear that the days of general campaign appeals to voters have been replaced by special interest campaigns where candidates have to respond to, make promises to, and meet demands of each special interest or face retribution in the form of electoral defeat (Lang, 1980). Even members of Congress, such as Senator David Boren (D-Oklahoma), worry that PAC monies and PAC ratings and the narrow focus of their agendas are distorting the decisionmaking process. As Boren (1990) stated: "Our decisionmaking process is being held hostage to special interests that PAC's represent." Another Senator, Robert Byrd (D-West Virginia), has also been a part of the backlash against special interests and influence peddling, and has engaged in efforts to gain control over the appropriations process through lobbying reform proposals (Alston, 1989).

The scholarly literature is divided over the impact of special interests on voting patterns or on the appropriations process. More than one study has concluded that PAC contributions have not affected the voting patterns of representatives (Grenzke, 1989; Wright, 1989). On the other hand, many have claimed we have the best Congress that money can buy and that on less visible interests, campaign contributions are more likely to have an impact on the legislative process (Schroedel, 1986; Jones and Keiser, 1987).

There are indications that moneyed interests do indeed hold sway in the legislative decisionmaking process by altering members' patterns of legislative involvement (Hall and Wayman, 1990). Despite these indications, studies caution against characterizing interest groups as the greatest threat to democratic government and labeling them as dictators of congressional outcomes. In recent years, scholars have noted a paradox--the more interest groups proliferate, the less influence they have (Salisbury, 1990; Petracca, 1992).

Some scholars have complained that special interest group activity has biased the U.S. Congress toward pork barrel spending and higher and higher rates of government spending. Because special interests are organized and have greater opportunities to communicate demands than the unorganized public, they will distort the amount and composition of government spending (Lee, 1989; Coughlin et.al. 1990; Mueller, 1986). Some economists have gone so far as to argue that as countries mature, special interests literally take over and distort the allocation process so badly that economic growth stagnates (Olson, 1965; Tullock, 1959).

Others claim that the impact of special interests on congressional candidates and their spending choices may be exaggerated and that spending of PACs when compared to the trillion dollar budget is minuscule (Abramson and Penner, 1990: 79). Depictions of groups wining and dining legislators and pumping monies into their political campaigns may distort the fact that interest groups have other policy goals besides increasing their budget shares. Many groups may not deal with budget concerns until a precipitating event, such as a proposed or actual budget cut in their funding levels (Rubin, 1993: 14). Further, it is asserted that interest groups themselves are so disorganized, not really understanding what their own interests really are, and juggling competing agendas, that they experience only minor legislative successes at best (Ornstein and Schmit, 1990).

Much of the literature has focused on how interest groups seek to assert control over Congress and how they lobby for pork barrel or legislation amenable to their interests, but less has been written about their response to budget cuts. The assertion raised by Fiorina (1989) that budget cuts produce desperate constituencies makes sense intuitively. The idea that they will become more politically active will be tested by examining general PAC expenditures, and when possible, functional spending in the areas of energy, interior and transportation before and after budget cuts. It is expected that PAC expenditures will rise, in reflection of a group's desperation, after a budget reduction has been levied against it. As the desperate interest groups communicate their desperation within and across their respective communities, it is expected that sentiment for less government will decline. This will be explored by analyzing public opinion toward government activity from 1980-1992.

Budget Cuts Produce Desperate Constituencies

In The Power of the Purse, Richard Fenno (1966) observed that proposals to cut specific programs tend to produce specific opposition. Even in 1965 many members of Congress were unhappy with the overall size of the budget but they were not particularly able to cut particular items in appropriations bills nor were they effective in reducing spending by cutting specific programs (Gilmour, 1990). Perhaps this is why the Reagan revolution, and the subsequent cuts that were made during his tenure, stands out as a landmark era in budgetary politics. Reagan's successes in 1982 represented the largest budget cuts in recent American history and some even compared his beginning as a new president to Franklin D. Roosevelt's first one hundred days in office (Savage, 1988: 207). As proposed, the 1982 budget meant that every American

from every sector of American life would feel the squeeze (Karmin and Morse, 1982; Davenport, 1981; Posner, 1981).

In contrast, President Bush often restored funds for programs that President Reagan tried to either abolish or significantly cut. In the first two budgets proposed by Bush, some program terminations were suggested but no domestic program was actually ended. In the last two years of office, the Bush administration put forward more than a dozen new and costly initiatives. Among some who had sympathies for the Reagan agenda, Bush earned the title of a "kinder, gentler, bigger spending president" (Moore, 1991). In the infamous Battle of the Budget in 1990 where President Bush agreed to tax increases in exchange for reductions in planned spending, many tough choices were not made and it illustrated that Republicans and Democrats alike did not have the courage to make major spending reductions (Gleckman, 1990). President Bush, on record for breaking his "no new taxes" pledge, may have made the compromise that sealed his electoral fate later in 1992 as the budget deficit issue loomed larger than life in the minds of anxious American voters--an image ironically created by Ronald Reagan's rhetoric throughout the 1980s.

To partially measure the effect of budget cuts on affected constituencies during the Reagan-Bush years, a literature search through popular press and interest group-focused journals was conducted from 1980 until 1991. Numerous groups reacted vituperatively to cuts--especially during the Reagan years. As spending cuts diminish and funding is restored, the reactions from affected interests demonstrate concern as always about funding levels but the level of rhetoric is noticeably toned down. Budget appropriations data was collected between FY 1980 until FY 1991 to provide the overall picture of percent increases and decreases in budgets for selected energy, transportation and interior programs. The data outlining budget appropriations for energy, transportation and interior programs are displayed in Tables 1-2.

(Place Tables 1-2 about here.)

Desperate Reactions from Energy Program Cuts: Heavily criticized and under scrutiny for dismantlement during the early years of the first Reagan administration, the Department of Energy was an easy target for budget cuts. First established in 1977 by President Carter, the Department of Energy (DOE) was slated to fade away due to neglect and a changing energy environment (Sheets, 1981). Controversy and hostility surrounded Reagan's proposed abolishment of the Energy Department. The process used to dismantle the Energy Department was referred to as "cannibalization"--whereby other agencies would be reorganized to takeover the former DOE's responsibilities (Raloff and Tangley, 1982; Velocci, 1982). Naturally many in the energy conservation industry and other energy related occupations or fields were concerned that once the Department of Energy was dismantled, there would be less concern about energy policy and a smaller market for energy related products or services. From 1980 to 1981, budget appropriations for the Energy Department decreased by 20.6 percent. But between 1981-1982, a whopping 59.2 percent decrease occurred.

After the 1982 budget cuts, the scientific community was befuddled by the priorities of the Reagan administration. From 1982 to 1983, energy appropriations declined by 26.5 percent. Funding for research was cut and numerous directors of laboratories and research projects reacted vehemently and immediately in their specialized academic journals (Peterson, 1983). Others complained about the proposed cuts in the 1983 budget in research and development and non-nuclear programs. John Tirman (1984), the senior editor at the Union of Concerned Scientists, criticized cuts in energy programs that dealt with the development of alternatives (such as solar, wind, biomass and other technologies) and noted the administration's bias against renewable energy sources.

Under proposed 1983 budget cuts, almost all non-nuclear programs were slashed and some DOE operations were eliminated altogether. Members of Congress began to coalesce against budget cuts and some such as Senator Charles Percy (R-Illinois) vowed to restore DOE funding the same way he helped kill the ABM system and the supersonic transport. The American Public Power Association (APPA), a group that represented approximately 2,200 electric utilities, was one group among the energy industry trade groups to lobby for DOE's survival. The APPA's executive director argued that abolishing DOE would convey the false impression that energy problems are no longer a matter for governmental concern. The renewable energy industry would be hardest hit since government's involvement was to be slashed drastically--thereby discouraging development of renewable energy sources. One spokesman for the Solar Energy Industries Association, William S. Bergman, claimed that the high technology side of the renewable energy business would collapse (Velocci, 1982). Budget appropriations for energy rose by 48.5 percent between 1983 and 1984. This could be attributed to interest group backlash against the budget reductions in previous years. Yet between 1984 and 1985, they decreased again by 18.2 percent.

Set up in the early 1970s to stockpile crude oil, the Strategic Petroleum Reserve was to be our insurance against future oil embargoes. Much controversy surrounded the Strategic Petroleum Reserve (SPR) and despite advice to the contrary, the SPR was drastically cut (Cameron, 1980; Stone, 1980; Stone 1981; Frank, 1982; "Keep on Filling," 1983; "Fill the Petroleum Reserve," 1985; "Don't Let Oil Reserves Slip Away," 1986; Marshall, 1986). Although most commentators supported increasing stockpiles in the SPR, the Reagan administration seeing no end in sight to the oil glut in the early-to-mid 1980s, wanted to stop filling the SPR in September as one of its cost-savings measures (a.k.a budget cut). Due to the SPR's management problems, even its most ardent supporters and possible allies could not defend it strongly due to the fact that much of the oil in reserve could not easily be moved an processed in the nation's refineries (Starr, 1985).

From 1981 to 1985, much of DOE's budget was diverted into military/defense spending. Research and development monies were continually cut, except in high energy and nuclear physics. Biomedical researchers were disturbed by the FY 1986 budget that would cut Biomedical and Environmental Research from $190.5 million in FY 1985 to $186.3 million in FY 1986 and by the proposed six percent cut in NIH funding (Tangley, 1985).

Taking an initial small budget reduction in 1989-1990 of 6.3 percent, and a larger decrease of 39.7 percent from 1990-1991, there were some rumblings particularly among those interested in the Super Collider and fusion energy programs (Hamilton, October 1990). Between 1991-1992, appropriations for many energy programs rose (overall by 43.8 percent) and some of those disgruntled by earlier cuts in research and development were markedly more optimistic in outlook. Funding for renewable energy sources and civilian research and development rose and even though some cuts took place, generally there was a feeling that there was an overall budget boost for energy science (Hamilton, 1990; Charles and Crawford, 1990; Hamilton, 1991; Norman, 1991; Goodwin, 1992; Crawford, 1990).

From 1981 to 1989, DOE's research and conservation programs were cut significantly and the fill rate of the Strategic Petroleum Reserve was also reduced dramatically. The low-income home energy assistance program was reduced by $1 billion. Reactions to these cuts at times bordered on vitriolic and could be characterized as desperate (Cogan and Muris, 1990).

Desperate Reactions from Transportation Program Cuts: Although appropriations rose for transportation programs between 1980 and 1981, fear was triggered among transportation constituencies by the Reagan budget for fiscal year 1982. President Reagan proposed massive cuts of up to $4.6 billion in mass transit across 1981 through 1986. During this same period, funds for airport expansion would be reduced by one-third under the Reagan plan. Between 1982 and 1986, $12.6 billion was to be cut from federal highway funds and states would have to take on more road maintenance responsibilities Maloney, 1981; McGrath, 1981; Kelly, 1981). Municipality leagues across the country were particularly concerned about the elimination of federal operating assistance and how they were going to meet public transit finance needs (Sharer and Garrity, 1982). Between 1981 and 1982, appropriations for transportation programs were reduced by 15.3 percent.

Congress agreed to cut $500 million from highways, $198 million from mass transit, $271 million from Amtrak, $355 million from Conrail, $152 million from airports and $14 million from ship construction subsidies. Few would escape the impact of such cuts. Rail passengers faced higher fares and subway and other mass-transit riders faced slowdown or abandonment of some projects under construction ("Those Budget Cuts--Who'll Be Hit Hardest," 1981).

Alarmed reactions came from the targets of budget cuts, such as Amtrak. Amtrak, since its beginning in 1971, had been subsidized by government but not without great travail. During the 1971-1981 period, it was the target of budget cutters in every administration. Twice before during this time frame presidents had targeted it and the Reagan administration was the third to seek vast reductions. Previous presidents had not succeeded in their efforts primarily due to constituencies who depended on passenger trains voicing their concerns in Washington (Doan, 1981).

Amtrak managers and some Amtrak supporters feared that the budget cuts would mean loss of passenger service in 36 states as less profitable routes were closed, raising fares and eventually strangle the company. The National

Association of Railroad Passengers expressed support for Amtrak, opposing the budget cuts, and held that Amtrak needed broad based political support to survive. This organization also argued that buses and airlines received government subsidies indirectly and cited that the U.S. was the only country in the world that expected its passenger railway system to turn a profit (Frailey, 1981; Doan, 1981).

Consistently the Reagan administration proposed canceling all subsidies to Amtrak. In debate in Congress on whether to end the federal subsidy to Amtrak, the American Bus Association president argued that Amtrak was not the issue--the real issue was whether there was a national commitment to a national transportation system. Senator Arlen Specter (R-Pennsylvania) argued that preservation of Amtrak was of great national importance and proposed a restoration of funding (Congressional Digest, 1985). For budget cuts in the Urban Mass Transit Administration alone, see Table 3.

(Place Table 3 here.)

In addition to cutting Amtrak, Reagan proposed in 1986 ending subsidies to other rail lines and even included elimination of air service to 142 small towns. Affected interests vocalized concerns about the elimination of the Essential Air Service program and advertised the names of the Senate Appropriations transportation subcommittee and in effect, asked the readership to note this ominous development (Alm and Morse, 1985; "Budget Omits Essential Air Service Plan," 1985). Doug Bandow (1985), a senior fellow at the Cato Institute and a former policy advisor to President Reagan, applauded Reagan's efforts to cut mass transit spending and argued that mass transit systems were not cost-effective.

Despite Reagan efforts to ban all funding for new rail systems, Congress, with the passage of a five cents gasoline tax with one penny set aside for mass transit, was able to thwart the ban. Still the competition for shrinking federal dollars was fierce--producing desperate constituencies from San Diego to Houston to New York City. As many as 31 cities sought federal assistance in the financing of about 50 rail projects by late 1985 (Tifft, 1984; Skrzycki, 1984). Managers of subway systems faced radical size reductions and in major cities such as Miami and New York, this represented a transformation of urban mass transit ("Massive Cuts for Mass Transit," 1986). After the budget cuts took effect, city officials, economists and policy analysts warned of impending disaster in the form of rising transportation costs and deteriorating infrastructure (Gleckman and Ichniowski, 1986). Although transportation appropriations from Congress rose between 1983 and 1985, they declined between 1985 and 1987.

The American Association of State Highway and Transit Officials called for a twenty percent increase in annual expenditures on the nation's highways in 1988; the Federal Railroad Administration simultaneously called for over $600 million to maintain short-line railroads and The Road Information Program published research that claimed that 62 percent of all paved highways were in fair to very poor condition. Thus, pressure for increased spending on transportation programs mounted (Marshall, 1989). From 1988 to 1991-1992, appropriations for transportation were increased with Secretary of

Transportation Skinner laying out plans for 10-20 new airports and supporting construction of light-rail surface-train lines (Barry and Glastris, 1989). Desperate constituents received some relief at last.

Desperate Reactions from Interior Program Cuts: Starting under the Carter administration, cuts were unveiled that alarmed conservationists and environmentalists. In particular, President Carter targeted the Land and Water Conservation Fund (cutting the budget request of $580 million to $223 million) and the Park Service (reducing its land acquisition budget from $187 million to $52 million). In blatant appeals, the National Parks magazine alerted members of the National Parks and Conservation Association (NCPA) to upcoming committee hearings in the House and urged them to write their representatives and ask them to "hold the line on the LWCF by providing at least $580 million" ("Administration Tries to Slash Funds for Parklands," 1980: 29). By August 1980, further updates were given on the status of budget cuts for the National Park Service, arguing that the cuts taking place in committees at that time would severely undermine the ability of the Park Service to continue routine maintenance. Progress was made on the Land and Water Conservation Fund (LWCF) as $160 million was added to the administration's requested budget. NCPA members were again urged to write their congress members and urge restoration of the cuts made in the Park Service and the LWCF ("Budget Cuts Would Impoverish Parks," 1980: 28-29).

In reaction to budget cuts, the NCPA instigated information campaigns--trying to convince Congress and the president that the Park Service needed more funds not less to meet its growing needs. Fears were expressed that politics and budget cuts would destroy the national parks (Lienesch, 1981; Frome, 1981a). When the Reagan administration proposed rescinding most of the remaining FY 1981 funds, the rhetoric from the NCPA and other affected constituencies sounded more desperate as they worried about how states that had not spent or obligated their share of funds would be affected. Secretary Watt's philosophy is criticized, as conservationists sought a more activist role in improving the infrastructure of the parks (Maguire, 1981; Frome, 1981b).

By 1982, the language is more vitriolic toward the Reagan administration:

> "The new Administration, while giving lip service approval to the program's effectiveness, has wielded its budget ax with a vengeance against the LWCF, proposing a massive 90 percent cut in fiscal year 1982 alone...Why is the Department of Interior so committed to crippling this program?" (Lienesch, 1982: 10)

With a $90 million rescission approved for 1981, conservationists faced multiple budget battles with the Reagan administration. Trying to counter the critics of LWCF, the NCPA discussed the LWCF's background and successes and expressed disbelief in Secretary Watt's type of "stewardship" (Lienesch, 1982; Hoffman, 1982). Watt's policy to sell of public lands to pay off the national debt was derided and ridiculed (Shanks, 1983). The president of the NCPA noted that its members should continue to step forward and convince the

Department of Interior to alter its destructive course (Pritchard, 1982; Pritchard, 1983). Between 1982 and 1983, funds for the Interior department rose by 8.3 percent and funding remained stable into 1984. The funding levels may have remained stable due to constant vigilance as conservationists noted the status of each bill in Congress and testified in Congress is support of various pieces of legislation (Malone, 1983).

By 1984, Watt was replaced with Secretary Clark and the NCPA met with him to ask for more funding and to air their environmental and preservationist concerns (Pritchard, 1984). Between 1984 and 1985, funding for the Interior department rose again by 10.2 percent. However in another round of budget cuts, it was reduced by 4.6 percent in 1985-1986. Patches of dilapidation began showing up in the parks--buildings that were run down and crumbling roads. Reagan's planned cuts for FY 1985 made many fear that these patches would expand and serious damage to wildlife, vegetation and buildings would be incurred ("Patches Showing Up in National Parks," 1985). For budget cuts in Fish and Wildlife Services alone, see Table 3. In fiscal years 1982, 1985 and 1986 it was cut dramatically. Efforts to get more funds to support the national forests were renewed with increased vigor after proposed budget cuts in 1986 (Hagenstein, 1986).

By 1988, budget appropriations for the interior department were on the rise again and most efforts of the NCPA were aimed at maintaining these funding levels. With rising fortunes, desperate rhetoric leveled off and more emphasis was placed on avoiding any more deep cuts (Lienesch, 1988; "Congress Takes Steps Toward LCWF Trust Fund," 1988; "Stewardship Meets the Bottom Line," 1988).

Hypothesis #1: As budget cuts increase constituency desperation, PAC expenditures from affected interests will rise after a budget cut cycle.

Studies show that interest groups who seek to exercise influence over Congress typically attach themselves and express their preferences to committees that deal with allocation of resources in their functional policy areas. The rational PAC or interest group realizes that they are more likely to encounter a more sympathetic set of legislators at the committee or subcommittee stage. Thus, the rational interest group seeks to invest its resources where the highest payoff is likely (Berry, 1984; Kingdon, 1981).

If interest groups believe that to get the maximum benefit, they must focus their resources on committee members who are relevant to their cause, then the same logic would seemingly apply when interest groups are threatened by budget cuts. When budgets are cut, it is expected that interest groups in desperation would re-double their efforts and try to restore budget allocations to previous spending levels by focusing their resources on appropriations-related committees. It is expected that interest group and PAC (non-party) spending in general and also specifically focused spending for or against particularly members of Congress who serve on appropriation subcommittees in the areas of energy, transportation and interior will increase dramatically after budget cuts. In the Appendix, the members of the appropriation subcommittees on energy, transportation and interior from 1979-1992 are listed. (See the Appendix.)

Communication costs data obtained from the Federal Election Commission from 1979 through 1991 will be used to measure specific interest group expenditures for and against specific members of Congress, those members on the appropriations subcommittees that handle transportation, energy and interior budgetary concerns.[1] In addition to an examination of communication expenditures for and against specific members of Congress. Independent non-party expenditures for U.S. Senators on relevant committees will also be analyzed from 1979 through 1990. (See Tables 4-7.)

(Place Tables 4-7 here.)

After examining this Federal Election Commission data on PAC spending and the communication costs data, there is mixed support for the hypothesis at best. Use of Federal Election Commission communication costs data was an effort to focus on how specific affected groups reacted to budget cuts but this data too is limited because it vastly underestimates the monies channeled toward members of Congress.

The communications costs data illustrate that from 1979 until 1990, the percentage of costs associated with transportation appropriation subcommittee members jumped from 9.2 percent in 1979-1980 to 13.8 percent in 1989-1990 in the transportation area. Overall, communication costs by specific PACs or interest groups directed at all Congress members rises to $23,349 in 1985-1986 and overall costs decline to none in 1991-1992. Communication costs directed toward energy appropriation members climbs from .9 percent in 1979-1980 to 12.9 percent in 1987-1988 of all costs expended, with no costs found in 1989 through 1992. Communication costs aimed at all members of Congress from energy-related groups remained stable at approximately $17,000 then dropped in 1985-1986 to only $1,745 but rose again to 13,741 in 1989-1990. With no communication costs recorded in 1979-1980 for interior-related interest groups, costs directed toward members of Congress in general were $6,449 in 1983-1984 with 6.3 percent of the expenditures directed toward interior appropriation subcommittee members. Communication costs directed toward members of Congress by interior-related increase from $4,429 in 1985-1986 to $6,369 in 1987-1988, with no expenditures found for 1989 through 1992.

Generalizations about interest group reactions to budget cuts are almost impossible to make from this initial examination of non-party contributions to Senators on appropriation subcommittees in the three functional areas of transportation, energy and interior. This data does not necessarily lend support to the hypothesis because there are numerous reasons for increased general PAC spending, such as the increased costs of campaigns, a tendency for PACs to donate more to entrenched, powerful incumbents and increased PAC spending during the year that an incumbent seeks re-election.

Nine Senators (or 43 percent of those serving on the transportation appropriation subcommittee from 1979-1990) evidenced increased PAC expenditures in at least three consecutive two-year election cycles. Seven of the eight experienced increased non-party contributions after the 1981-1982 budget cut era and two of these were running for re-election in the 1983-1984 cycle. No trend is discernable because after the 1986 budget cuts, non-party contributions did not increase for most of these Senators and when they did

increase there were three Senators seeking re-election in the 1987-1988 cycle.

Thirteen Senators (or 56 percent of those serving on the energy appropriation subcommittee from 1979-1990) evidenced increased PAC expenditures in at least three consecutive two-year election cycles. All of them experienced increased non-party contributions after the 1981-1982 budget cut era but five were running for re-election in the 1983-1984 cycle. No trend is discernable because after the 1986 budget cuts, non-party contributions increased for seven of the Senators; four were seeking re-election in the 1987-1988 cycle and three were not. There were no increased non-party contributions for six of the Senators in the 1987-1988 cycle.

Thirteen Senators (or 52 percent of those serving on the interior appropriation subcommittee from 1979-1990) evidenced increased PAC expenditures in at least three consecutive two-year election cycles. All of them experienced increased non-party contributions after the 1981-1982 budget cut era but seven were running for re-election in the 1983-1984 cycle. After the 1986 budget cuts, non-party contributions increased for seven of the Senators; three were seeking re-election in the 1987-1988 cycle and four were not. There were no increased non-party contributions for six of the Senators in the 1987-1988 cycle.

To supplement this PAC spending data and to obtain a better test of the hypothesis, an analysis of independent expenditures from the groups and PACs affected by the budget cuts on members of the House as well as the Senate will prove more useful in future research. At this writing of the paper, the author was unable to obtain and analyze all the available data.

Hypothesis #2: Sentiment for less government declines after budget cuts, particularly after desperate constituents communicate their desperation.

With the Reagan rhetoric aimed at "getting government off the backs of the people," calls for budget reductions and cuts in government waste became popularized. A Roper Organization and American Enterprise Institute poll taken in 1981 revealed that 53 percent of those polled thought the federal government had too much influence in their daily lives (American Enterprise, 1993). Various public opinion polls taken prior to the first round of Reagan budget cuts indicate a receptive public mood. In February 1981, a Gallup Report survey indicated that 48 cents of every dollar collected by the Federal government was wasted in the public's judgment (Gallup Report, February 1981). At the same time, the public has tended to support increased defense spending as 51 percent polled in March 1981 indicated that too little was being spent on defense--again, coinciding with the agenda of the Reagan administration (Gallup Report, March 1981).

By October 1981, during the Reagan Revolution, many of those polled embraced Reagan's New Federalism by putting more faith in state governments than the federal government. In addition, more Americans (46 percent) in 1981 than those polled in 1979 (43 percent) believed big government was a bigger threat to the nation than big business or big labor (Gallup Report, October 1981).

In September 1982, after the budget cuts were passed, the public still favored giving state governments more financial responsibility for social programs over the federal government but only 34 percent favored a decrease in government spending for social programs, such as health, education and welfare while 66 percent opposed such a decrease. When asked in January 1983 whether social programs should be cut further to help reduce the budget deficit, 52 percent disapproved and 41 percent approved of such cuts--a sign of disaffection with the Reagan agenda. By this time, the public was more amenable to reductions in defense spending, with 57 percent approving and 36 percent disapproving cuts in defense spending (Gallup Report, 1983).

When asked in 1984 about their awareness of the Reagan budget for 1985, 48 percent of those polled had heard of it and 48 percent had not. Based on those who were aware of the proposed budget, 69 percent felt the budget was too large and only four percent thought it was too small; seventeen percent thought it was about the right size. When asked where spending cuts should be made, 57 percent favored cutting the military and 22 percent favored cutting social programs; eleven percent favored cuts in both (Gallup Report, April 1984). Later in 1984, 74 percent of those polled nationally favored increased spending in social programs such as education an Medicare while 24 percent opposed it. Eighty-eight percent favored maintaining cost-of-living increases on Social Security benefits (Gallup Report, October 1984). Opinion once again was out of step with the Reagan administration's proposed cuts of social domestic programs.

As the Reagan budget in 1986 proposed deep cuts in social programs and greater increases in defense spending, public opinion seemed to solidify in the opposite direction. Of those polled in 1985, public opinion ran four to one (or 46 percent to 11 percent) that too much rather than too little had been spent on defense and military programs. On the other hand, the public (42 percent) stated in the Gallup poll that too little was being spent on social programs and only 22 percent felt too much was being spent on them (Gallup Report, March 1985).

Generally, of those polled on Reagan's record on reducing the size of government, 29 percent thought it had gotten much better or somewhat better; 26 percent believed it had stayed the same and 31 percent believed it was somewhat worse or much worse (Gallup Report, April 1985). In mid-1985, when asked on ways to reduce the deficit again, the public still disapproved of cutting government spending on social programs by 55 percent and a majority (66 percent) approved of cutting defense spending. A dramatic 87 percent disapproved of cutting entitlement programs such as Social Security and Medicare while only nine percent approved (Gallup Report, June 1985).

By 1986, the top priority for the nation (59 percent in the Gallup poll) was reducing the deficit by cutting defense spending. A slight majority disapproved of cuts in social spending (51 percent) and 88 percent disapproved of cuts in entitlements. As the Reagan budget called for deep cuts in education and welfare increases but sharp increases on military spending, it was clearly out of step with the priorities of most Americans polled. (Gallup Report, 1986).

With 76 percent of Americans in 1987 opposing cuts in social programs as a way to deal with deficits and 88 percent disapproving of entitlement program cuts while 58 percent approve cuts in defense spending, the trend that the Reagan administration is not in line with public priorities becomes more pronounced (Gallup Report, May 1987). By 1988, a poll of registered American voter indicated clearer, more fixed priorities as 67 percent advocated increased government spending for health care, 66 percent wanted increased federal expenditures to improve the quality of public education and 44 percent called for increased funding of food programs for low income families. Only 26 percent and 17 percent advocated increased spending on the space program and the military respectively (Gallup Report, 1988).

Previous to the Bush Administration, the public had by wide margins opposed higher taxes to reduce the federal budget deficit (Gallup Report, August 1987; Gallup Report, 1986; Gallup Report, June 1985; Gallup Report, October 1984; Gallup Report, 1983). By 1989, however, 71 percent believed that President Bush would be unable to avoid raising taxes; they did oppose raising of the federal income tax. A desire for increased government spending and intervention in government programs continued. When spending increases on social programs are linked to new and higher taxes, 63 percent still supported more expenditures on public education; 57 percent still supported greater funding for combatting drugs; 59 percent still sponsored more programs for the homeless and 57 percent still advocated more spending on long term health care programs (Kohut and Hugick, 1989). By this time, the pendulum of public opinion seemed to swing back toward more government activism, not less.

Despite the renewed interest for more government expenditures on social programs, seventy percent of Americans polled in May 1990 stated that budget deficit reduction was very important to them. Forty three percent believed reducing spending was the best way to reduce the deficit while fifty percent believed that a combination of tax increased and spending decreases was the preferred way (Gallup, Jr. and Newport, 1990).

Growing disaffection with government is reflected in 1992-1993 polls. During the election of 1992, polls indicated that of business corporations, government, the news media, community organizations and the average person, government was the least trusted to do what is right--fourteen percent trusted government most of the time to do what is right while 31 percent hardly ever or never trusted government to do what is right. Community organizations were the most trusted, with 54 percent trusting them to do what is right most of the time (Hugick and McAneny, 1992). Seventy percent of those polled in March 1992 were dissatisfied with the overall performance of the national government, with only 28 percent indicating satisfaction. At the same time, 41 percent indicated in 1992 that government should use its powers more vigorously to promote the well being of all segments of the people while 39 percent believed the federal government had too much power. By 1993, 69 percent believed that the federal government created more problems than it solved and 67 percent favored smaller government with fewer services with only thirty percent favoring larger government with many services (American Enterprise, 1993).

In the late 1970s and early 1980s, public opinion was almost equally divided on whether the federal government should expand its role in society and exercise more power. In 1978, for example, 38 percent believed the federal government had too much power and 36 percent wanted it to use its power more vigorously to promote the welfare of all citizens. In 1982, 38 percent again indicated that the federal government had too much power and only 30 percent desired it to use its power more vigorously. Yet by 1986, after major budget cuts in 1982 and 1985, a substantial plurality of Americans (41 percent) favored a more active federal government--one that would look after the well-being of all citizens (Gilbert, 1988: 199-200). By the 1990s, after many budgets for special interest programs had been restored, negative sentiment toward the federal government rises but even in 1992 41 percent still wanted the federal government to use its power more vigorously to promote the well being of all.

Conclusions: The Politics of Budget Cuts

Much has been written about pork barrel and budget allocations made to special interest groups. Less has been written about budget cuts and special interest reactions to them. This exploratory study makes an initial effort to evaluate the politics of budget cuts and the implications they have for interest group behavior and public opinion. Generally, interest groups become more vocal as budget cuts are threatened and after they occur. Heightened desperation is hard to measure directly. An examination of independent expenditures directed at specific members of Congress on key subcommittees where budget allocations declined may offer more insight to how groups exert pressure after budget cut eras. An expanded data base, including more budget cut periods, will also assist in efforts to analyze interest group responses to good times and hard times.

Because "special interests" have been made the pariah of American politics, many Americans perceive that the budget is filled with special interest waste and if only members of Congress would cut out the fat, the deficit would be reduced and we could maintain the status quo with bloated entitlements and all other middle class budgetary perquisites. The facts indicate, however, that not only must special interest group pork barrel be reduced or eradicated but middle class entitlements and social spending that benefits the middle class must also fall under the budget ax--herein lies the major paradox for members of Congress who feel it is their job to deliver the pork to their districts and states and address their constituent concerns.

Three out of four Americans in a Washington Post-ABC News poll believed President Clinton's economic plan did not reduce federal spending enough (Ingwerson, 1993). Yet if President Clinton and members of Congress cut their favorite program or subsidy, there might have been less eagerness from to public to "cut out the fat." Before President Clinton's first address, interest groups mobilized to thwart budget cuts aimed at them (Weisskopf and Mufson, 1993). The politics of budget cuts is fraught with harsh language, such as "shared sacrifice," "reinventing government" and "doing more with less." While Congress in unison agrees that spending needs to be cut more deeply, members can not agree on what spending to cut--surely not the spending for their district or state as recent 1993 budgetary politics clearly

indicated.

Washington's "nasty addiction" to deficits and empty promises fuel the fire of budget cutting politics, making cuts even harder to accept by giving the appearance that they will be arbitrary (the vulnerable, disorganized will feel the ax, not the powerful, well-heeled lobbyists). As stated by Mortimer Zuckerman (1992): "They operate on the theory that before you lead, you have to get elected. The problem is they don't lead after they get elected."

1. Communication costs are those monies spent from January of one year into December of the next year (e.g. January 1, 1985-December 31, 1986). Communication costs are treasury funds spent by interest group organizations to make internal communications which advocate the election or defeat of specific candidates for federal office. The organization does not have to report such costs to the FEC until they exceed $2,000 per election for all candidates. As a result, there is much under-reporting.

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TABLE 1. BUDGET APPROPRIATIONS FOR TRANSPORTATION, INTERIOR AND ENERGY: 1980-1991
(in billions of dollars)

Fiscal Years	Transportation		Energy (Interior-Related)		Interior	
	Budget Request	Actual Approp.	Budget Request	Actual Approp.	Budget Request	Actual Approp.
1980	8.5	8.2	1.9	3.4	4.1	4.2
1981	12.1	11.1	3.8	2.7	3.8	4.1
1982	9.1	9.4	993*	1.1	3.1	3.6
1983	9.7	10.0	443*	808*	3.5	3.9
1984	10.3	10.3	667*	1.2	3.6	3.9
1985	11.1	11.0	899*	982*	4.0	4.3
1986	7.3	9.9	634*	974*	3.7	4.1
1987	6.5	9.8	337*	935*	3.6	4.1
1988	9.8	10.1	1.8	1.5	3.9	4.4
1989	8.8	10.7	1.6	1.6	4.0	4.6
1990	9.9	11.8	1.2	1.5	4.6	5.3
1991	11.7	12.8	531*	904*	5.0	6.1
1992	15.0	14.2	910*	1.3	5.8	6.1

SOURCE: Congressional Quarterly Almanac, 1980-1991

* = denotes that the dollar amount indicated in the table is in millions of dollars, not billions

NOTE: The transportation appropriations included funds for: Office of the Secretary, Coast Guard, Federal Aviation Administration, Federal Highway Administration, National Highway Traffic Safety Administration, Federal Railroad Administration, Urban Mass Transportation Administration, Research and Special Programs Administration and the Office of the Inspector General. The energy appropriations (related agency to Interior) included funds for: fossil energy, naval petroleum and oil shale reserves, energy conservation, economic regulatory administration, strategic petroleum reserves and emergency preparedness and energy information administration. The interior appropriations included funds for: Bureau of Land Management, Fish and Wildlife Service, National Park Service, Geological Survey, Minerals Management Service, Bureau of Mines, Bureau of Indian Affairs, Territorial and International Affairs and Departmental Offices. The budget appropriation data cited here does not include recissions or supplemental funding.

TABLE 2. PERCENT INCREASE/DECREASE IN BUDGET APPROPRIATIONS FOR TRANSPORTATION, ENERGY AND INTERIOR: 1980-1992

	80/81	81/82	82/83	83/84	84/85	85/86
Transportation	+35.4	-15.3	-6.4	+3.0	+6.8	-10.0
Energy	-20.6	-59.2	-26.5	+48.5	-18.2	-0.8
Interior	-2.4	-12.2	+8.3	*	+10.2	-4.6

	86/87	87/88	88/89	89/90	90/91	91/92
Transportation	-1.0	+3.1	+5.9	+10.3	+8.5	+10.9
Energy	-4.0	+60.4	+6.7	-6.3	-39.7	+43.8
Interior	*	+7.3	+4.5	+15.2	+15.1	*

* = indicates that funding level did not change from one fiscal year to the next

TABLE 3. APPROPRIATIONS FOR SPECIFIC PROGRAMS WITHIN TWO FUNCTIONAL AREAS: URBAN MASS TRANSIT AND FISH AND WILDLIFE SERVICES

FY	Urban Mass Transit Administration	Fish and Wildlife Services
1980	2.17 billion	not available
1981	4.61 billion	273.2 million
% +/- '80-81 =	+52.9%	
1982	3.49 billion	250.5 million
% +/- '81-82 =	-24.3%	-8.3%
1983	3.21 billion	not available
% +/- '82-83 =	-8.0%	
1984	3.01 billion	847.2 million
% +/- '83-84 =	-6.2%	
1985	3.03 billion	419.6 million
% +/- '84-85 =	+.7%	-50.5%
1986	2.62 billion	381.5 million
% +/- '85-86 =	-14.5%	-9.1%
1987	2.45 billion	396.3 million
% +/- '86-87 =	-6.5%	+3.9%
1988	2.08 billion	426.1 million
% +/- '87-88 =	-15.1%	+7.5%
1989	2.01 billion	456.7 million
% +/- '88-89 =	-3.4%	+7.2%
1990	1.91 billion	533.5 million
% +/- '89-90 =	-5.0%	+16.8%
1991	1.87 billion	697.5 million
% +/- '90-91 =	-2.1%	+30.7%
1992	1.86 billion	748.2 million
% +/- '91-92 =	-0.5%	+7.3%

% +/- = percent increase(+) or decrease (-) in budget appropriations

TABLE 4. COMMUNICATION COSTS FOR PACS DIRECTED TOWARD MEMBERS OF CONGRESS, 1979-1980; 1983-1992

	79/80	83/84	85/86
Transportation (total)	15,032	14,376	23,349
Mark Andrews	--	--	498
Birch Bayh	554	--	(2.1%)
John Durkin	561	--	--
Thomas Eagleton	131	--	--
Warren Magnuson	132	--	--
	1,378		
	(9.2%)		
Energy (total)	17,551	17,271	1,745
Walter Huddleston	--	331	--
Tom Bevill	--	10	--
Joseph McDade	4	341	--
Gunn McKay	73	(1.9%)	--
Warren Magnuson	73		--
	150		
	(.9%)		
Interior (total)	---	6,449	4,429
William Ratchford	--	253	--
Ted Stevens	--	151	--
		404	--
		(6.3%)	

TABLE 4. COMMUNICATION COSTS FOR PACS DIRECTED TOWARD MEMBERS OF CONGRESS, 1979-1980; 1983-1992 (cont.)

	87/88	89/90	91/92
Transportation (total)	--	13,741	--
Tom Harkin	--	1,902 (13.8%)	--
Energy (total)	12,802	--	--
Tom Bevill	32	--	--
Quentin N. Burdick	32	--	--
Robert Byrd	1,584	--	--
James R. Sasser	8	--	--
	1,656 (12.9%)		
Interior (total)	6,369	--	1,724
Quentin N. Burdick	76 (1.2%)	--	--

SOURCE: Federal Election Commission Index of Communication Costs

NOTE: The transportation PACs/interest groups were: Amalgamated Transit Union (1979-80), Brotherhood of Railway and Airline Clerks (1979-80; 1983-84 and 1985-86), and Transportation Communications International Union (1989-1990). The energy PACs/interest groups: Coal Miner's PAC (1979-80; 1983-84; 1985-86 and 1987-1988) and Mesa Petroleum Company (1979-80 and 1983-84). The interior PACs/interest groups were: Sierra Club (1983-84) and Clean Water Action Project (1983-84; 1985-86; 1987-1988 and 1990-1991).

TABLE 5. NON-PARTY CONTRIBUTIONS TO SENATORS ON APPROPRIATION SUBCOMMITTEE ON TRANSPORTATION, 1979-1990

	79/80	81/82	83/84	85/86
James Abdnor	***	60,240	10,695	1,058,483 +
Mark Andrews	***	4,000	75,600	1,007,338 +
Birch Bayh	***	***	***	***
Robert C. Byrd	***	***	7,600	75,250
Alfonse D'Amato	***	146,855	220,625	859,618 +
Lawton Chiles	***	***	***	***
Thad Cochran	500	30,583	960,361 +	27,986
Pete Domenici	11,750	3,839	783,545 +	8,063
John A. Durkin	***	***	***	***
Thomas P. Eagleton	***	***	***	***
Charles E. Grassley	***	46,300	143,457	963,231 +
Tom Harkin	***	***	775,856 +	76,509
Robert W. Kasten, Jr.	***	9,027	97,576	1,094,239 +
Frank R. Lautenberg	***	***	170,481	71,000
Warren G. Magnuson	***	***	***	***
Charles C. McC. Mathias	***	***	***	***
James A. McClure	3,250	10,281	551,062 +	***
Barbara Mikulski	***	***	***	651,434 +
Jim Sasser	***	***	91,384	154,599
John C. Stennis	***	***	***	***
Lowell P. Weicker	***	***	36,072	59,005

	87/88	89/90
James Abdnor	***	***
Mark Andrews	***	***
Birch Bayh	***	***
Robert C. Byrd	918,764 +	***
Alfonse D'Amato	238,391	***
Lawton Chiles	100	
Thad Cochran	20,000	639,906 +
Pete Domenici	8,100	875,474 +
John A. Durkin	***	3,200 +
Thomas P. Eagleton	***	***
Charles E. Grassley	18,225	***
Tom Harkin	197,820	1,488,317 +
Robert W. Kasten, Jr.	24,165	181,100
Frank R. Lautenberg	1,404,242 +	***
Warren G. Magnuson	***	***
Charles C. McC. Mathias	***	***
James A. McClure	7,650	***
Barbara Mikulski	18,060	***
Jim Sasser	1,387,554 +	***
John C. Stennis	***	***
Lowell P. Weicker	935,823 +	***

SOURCE: Federal Election Commission Reports on Financial Activity
*** = indicates that data were not available for that time period
+ = indicates Senator was challenged for re-election

TABLE 6. NON-PARTY CONTRIBUTIONS TO SENATORS ON APPROPRIATION SUBCOMMITTEE ON ENERGY, 1979-1990

	79/80	81/82	83/84	85/86
James Abdnor	***	60,240	10,695	1,058,483 +
Henry Bellmon	***	***	***	***
Quentin N. Burdick	***	***	3,700	124,050
Robert C. Byrd	***	***	7,600	75,350
Thad Cochran	500	30,583	960,361 +	27,986
Dennis DeConcini	***	***	6,507	150,564
Pete Domenici	11,750	3,839	783,545 +	8,063
Jake Garn	***	48,762	21,460	596,742 +
Mark O. Hatfield	10	13,810	374,359 +	28,439
Ernest F. Hollings, Jr.	***	19,560	21,250	912,622 +
Walter Huddleston	950	76,974	807,979 +	***
J. Bennett Johnston	2,875	89,176	552,885 +	6,350
Robert W. Kasten, Jr.	***	9,027	97,576	1,094,239 +
Warren M. Magnuson	***	***	***	***
Mack Mattingly	***	36,870	100,800	1,030,293 +
James A. McClure	3,250	10,281	551,062 +	***
Harry Reid	***	***	***	797,072 +
Jim Sasser	***	***	91,384	154,599
Harrison H. Schmitt	***	***	***	***
Richard S. Schweiker	***	***	***	***
Arlen Specter	***	18,000	90,536	1,273,101 +
John C. Stennis	***	***	***	***
Milton R. Young	***	***	***	***

TABLE 6. NON-PARTY CONTRIBUTIONS TO SENATORS ON APPROPRIATION SUBCOMMITTEE ON ENERGY, 1979-1990 (cont.)

	87/88	89/90
James Abdnor	***	***
Henry Bellmon	***	***
Quentin N. Burdick	1,058,107 +	***
Robert C. Byrd	918,764 +	***
Thad Cochran	20,000	639,906 +
Dennis DeConcini	982,981 +	***
Pete Domenici	8,100	875,474 +
Jake Garn	2,850	***
Mark O. Hatfield	78,528	961,944 +
Ernest F. Hollings, Jr.	178,750	***
Walter Huddleston	***	***
J. Bennett Johnston	31,500	1,425,158 +
Robert W. Kasten, Jr.	24,165	181,100
Warren M. Magnuson	***	***
Mack Mattingly	***	***
James A. McClure	7,650	***
Harry Reid	***	***
Jim Sasser	1,381,554 +	***
Harrison H. Schmitt	***	***
Richard S. Schweiker	***	***
Arlen Specter	135,972	***
John C. Stennis	1,900	***
Milton R. Young	***	***

SOURCE: Federal Election Commission Reports on Financial Activity

+ = indicates that Senator was challenged for re-election
*** = indicates that data were not available for that time period

TABLE 7. NON-PARTY CONTRIBUTIONS TO SENATORS ON APPROPRIATION SUBCOMMITTEE ON INTERIOR, 1979-1990

	79/80	81/82	83/84	85/86
Mark Andrews	***	4,000	75,600	1,007,338 +
Birch Bayh	***	***	***	***
Henry Bellmon	***	***	***	***
Dale Bumpers	***	0	10,400	503,331 +
Robert C. Byrd	***	***	7,600	75,250
Thad Cochran	500	30,583	960,361 +	27,986
Dennis DeConcini	***	***	6,507	150,564
Pete Domenici	11,750	3,839	783,545 +	8,063
John A. Durkin	***	***	***	***
Jake Garn	***	48,762	21,460	596,742 +
Mark O. Hatfield	10	13,810	374,359 +	28,439
Ernest F. Hollings, Jr.	***	19,560	21,250	912,622 +
Walter Huddleston	950	76,974	807,979 +	***
J. Bennett Johnston	2,875	89,176	552,885 +	6,350
Paul Laxalt	***	***	***	***
Patrick J. Leahy	***	500	67,098	827,781 +
James A. McClure	3,250	10,281	551,062 +	***
Don Nickles	***	23,089	131,172	856,835 +
Harry Reid	***	***	***	797,072 +
Mary Reid	***	***	***	***
Warren Rudman	***	6,697	1,750	12,162 +
Harrison H. Schmitt	***	***	***	***
Ted Stevens	350	22,494	636,798 +	29,236
Lowell P. Weicker, Jr.	***	***	36,072	59,005
Milton R. Young	***	***	***	***

TABLE 7. NON-PARTY CONTRIBUTIONS TO SENATORS ON APPROPRIATION SUBCOMMITTEE ON INTERIOR, 1979-1990 (cont.)

	87/88	89/90
Mark Andrews	***	***
Birch Bayh	***	***
Henry Bellmon	***	***
Dale Bumpers	4,950	***
Robert C. Byrd	919,764 +	***
Thad Cochran	20,000	639,906 +
Dennis DeConcini	982,981 +	***
Pete Domenici	8,100	875,474 +
John A. Durkin	***	3,200 +
Jake Garn	2,850	***
Mark O. Hatfield	78,528	961,944 +
Ernest F. Hollings, Jr.	178,750	***
Walter Huddleston	***	***
J. Bennett Johnston	31,500	1,425,158 +
Paul Laxalt	***	***
Patrick J. Leahy	7,538	***
James A. McClure	7,650	***
Don Nickles	***	***
Harry Reid	103,570	***
Mary Reid	***	***
Warren Rudman	1,500	***
Harrison H. Schmitt	***	***
Ted Stevens	107,283	821,160 +
Lowell P. Weicker, Jr.	935,823 +	***
Milton R. Young	***	***

SOURCE: Federal Election Commission Reports on Financial Activity

+ = indicates the Senator was challenged for re-election
*** = indicates that the data were not available for that time period

APPENDIX: KEY CONGRESSIONAL MEMBERS, 1979-1992

96th U.S. CONGRESS, 1979-1980

HOUSE OF REPRESENTATIVES

Appropriations Subcommittees

Energy and Water Development:

Tom Bevill (AL)	John W. Jenrette (SD)
John T. Myers (IN)	Julian Dixon (CA)
John M. Slack (W.VA)	Clair W. Burgener (CA)
Lindy Boggs (LA)	Edward P. Boland (MA)
Bill Chappell, Jr. (FL)	Virginia Smith (NE)

Interior:

Sidney R. Yates (IL)	Bo Ginn (GA)
Joseph M. McDade (PA)	K. Gunn McKay (UT)
Gillis W. Long (ME)	Ralph A. Regula (OH)
John P. Murtha (PA)	Clair W. Burgener (CA)
Norman D. Dicks (WA)	Robert Duncan (OR)

Transportation:

Robert Duncan (OR)	Adam Benjamin, Jr. (IN)
Silvio O. Conte (MA)	Bennett M. Stewart (IL)
Lawrence Coughlin (PA)	Jack Edwards (AL)
Tom Steed (OK)	Edward P. Boland (MA)
Clarence E. Miller (OH)	William Lehman (FL)
Martin Olav Sabo (MN)	

U.S. SENATE

Appropriations Subcommittees

Energy and Water Development:

J. Bennett Johnston, Jr. (LA)	James A. McClure (ID)
Mark O. Hatfield (OR)	Milton R. Young (ND)
Richard S. Schweiker (PA)	Quentin N. Burdick (ND)
Warren G. Magnuson (WA)	Jake Garn (UT)
James R. Sasser (TN)	Dennis DeConcini (AZ)
Henry Bellmon (OK)	Harrison H. Schmitt (NM)
John C. Stennis (MS)	Robert C. Byrd (W.VA)
Walter Huddleston (KY)	Ernest F. Hollings, Jr. (SC)

Interior:

Robert C. Byrd (W.VA)	Quentin N. Burdick (ND)
Ted Stevens (AK)	John A. Durkin (NH)
Ernest F. Hollings, Jr. (SC)	Milton R. Young (ND)
Birch Bayh (IN)	Mark O. Hatfield (OR)
J. Bennett Johnston, Jr. (LA)	Henry Bellmon (OK)
Walter Huddleston (KY)	James A. McClure (ID)
Patrick J. Leahy (VT)	Paul Laxalt (NV)
Dennis DeConcini (AZ)	

Transportation:

Birch Bayh (IN)	Charles C. McC. Mathias (MD)
James A. McClure (ID)	John A. Durkin (NH)
Robert C. Byrd (W.VA)	Lowell P. Weicker (CT)
John C. Stennis (MS)	Thomas F. Eagleton (MO)
Warren G. Magnuson (WA)	

97th U.S. CONGRESS, 1981-1982

HOUSE OF REPRESENTATIVES

Appropriations Subcommittees

Energy and Water Development:

Tom Bevill (AL)	Adam Benjamin, Jr. (IN)
John T. Myers (IN)	Wes Watkins (OK)
Vic Fazio (CA)	Clair W. Burgener (CA)
Lindy Boggs (LA)	Edward P. Boland (MA)
Bill Chappell, Jr. (FL)	Virginia Smith (NE)
Eldon Rudd (AZ)	

Interior:

Sidney R. Yates (IL)	Norman D. Dicks (WA)
Joseph M. McDade (PA)	Les AuCoin (OR)
Gillis W. Long (ME)	Ralph A. Regula (OH)
John P. Murtha (PA)	Thomas G. Loeffler (TX)

Transportation:

William Lehman (FL)	Adam Benjamin, Jr. (IN)
Silvio O. Conte (MA)	Les AuCoin (OR)
Lawrence Coughlin (PA)	Jack Edwards (AL)
William H. Gray III (PA)	Martin Olav Sabo (MN)
Carl D. Pursell (MI)	

U.S. SENATE

Appropriations Subcommittees

Energy and Water Development:

J. Bennett Johnston, Jr. (LA)	James A. McClure (ID)
Mark O. Hatfield (OR)	Thad Cochran (MS)
Quentin N. Burdick (ND)	James Abdnor (SD)
Mack Mattingly (GA)	Jake Garn (UT)
James R. Sasser (TN)	Robert W. Kasten, Jr. (WI)
Harrison H. Schmitt (NM)	Ernest F. Hollings, Jr. (SC)
John C. Stennis (MS)	Robert C. Byrd (W.VA)
Walter Huddleston (KY)	

Interior:

Robert C. Byrd (W.VA)	Quentin N. Burdick (ND)
Ted Stevens (AK)	Jake Garn (UT)
Thad Cochran (MS)	Harrison H. Schmitt (NM)
Mark Andrews (ND)	Warren Rudman (NH)
J. Bennett Johnston, Jr. (LA)	Dale Bumpers (AR)
Walter Huddleston (KY)	James A. McClure (ID)
Patrick J. Leahy (VT)	Paul Laxalt (NV)
Dennis DeConcini (AZ)	

Transportation:

Mark Andrews (ND)	Thad Cochran (MS)
James Abdnor (SD)	Robert W. Kasten, Jr. (WI)
Alfonse M. D'Amato (NY)	Lawton Chiles (FL)
Robert C. Byrd (W.VA)	John C. Stennis (MS)
Thomas F. Eagleton (MO)	

98th U.S. CONGRESS, 1983-1984

HOUSE OF REPRESENTATIVES

Appropriations Subcommittees

Energy and Water Development:

Tom Bevill (AL)	Bill Boner (TN)
Lindy Boggs (LA)	John T. Myers (IN)
Bill Chappell, Jr. (FL)	Virginia Smith (NE)
Vic Fazio (CA)	Eldon Rudd (AZ)
Wes Watkins (OK)	

Interior:

Sidney R. Yates (IL)	Edward R. Boland (MA)
Joseph M. McDade (PA)	Les Aucoin (OR)
John P. Murtha (PA)	Ralph Regula (OH)
Norman D. Dicks (WA)	Tom Loeffler (TX)
William R. Ratchford (CT)	

Transportation:

William Lehman (FL)	Robert Mrazek (NY)
Martin Olav Sabo (MN)	Lawrence Coughlin (PA)
William H. Gray III (PA)	Silvio O. Conte (MA)
William R. Ratchford (CT)	Jack Edwards (AL)
Bob Carr (MI)	Carl D. Pursell (MI)

U.S. SENATE

Appropriations Subcommittees

Energy and Water Development:

Mark O. Hatfield (OR)	Pete V. Domenici (NM)
J. Bennett Johnston (LA)	John C. Stennis (MI)
James A. McClure (ID)	Robert C. Byrd (W.VA)
Jake Garn (UT)	Ernest F. Hollings (SC)
Thad Cochran (MS)	Walter D. Huddleston (KY)
James Abdnor (SD)	Quentin N. Burdick (ND)
Robert W. Kasten, Jr. (WI)	James Sasser (TN)
Mack Mattingly (GA)	

Interior:

James A. McClure (ID)	Lowell P. Weicker, Jr. (CT)
Robert C. Byrd (W.VA)	J. Bennett Johnston (LA)
Paul Laxalt (NV)	Walter D. Huddleston (KY)
Jake Garn (UT)	Patrick J. Leahy (VT)
Thad Cochran (MS)	Dennis DeConcini (AZ)
Mark Andrews (ND)	Quentin N. Burdick (ND)
Warren Rudman (NH)	Dale Bumpers (AR)
Ted Stevens (AK)	

Transportation:

Mark Andrews (ND)	Alfonse M. D'Amato (NY)
Lawton Chiles (FL)	John C. Stennis (MS)
Thad Cochran (MS)	Robert C. Byrd (W.VA)
James Abdnor (SD)	Thomas F. Eagleton (MO)
Robert W. Kasten, Jr. (WI)	

99th U.S. CONGRESS, 1985-1986

HOUSE OF REPRESENTATIVES

Appropriations Subcommittees

Energy and Water Development:

Tom Bevill (AL)	Bill Boner (TN)
Lindy Boggs (LA)	John T. Myers (IN)
Bill Chappell, Jr. (FL)	Virginia Smith (NE)
Vic Fazio (CA)	Eldon Rudd (AZ)
Wes Watkins (OK)	

Interior:

Sidney R. Yates (IL)	Ralph Regula (OH)
Joseph M. McDade (PA)	Les Aucoin (OR)
John P. Murtha (PA)	Tom Bevill (Al)
Norman D. Dicks (WA)	Tom Loeffler (TX)
Edward R. Boland (MA)	

Transportation:

William Lehman (FL)	Robert Mrazek (NY)
Martin Olav Sabo (MN)	Lawrence Coughlin (PA)
William H. Gray III (PA)	Silvio O. Conte (MA)
Richard J. Durbin (IL)	Frank R. Wolf (VA)
Bob Carr (MI)	Carl D. Pursell (MI)

U.S. SENATE

Appropriations Subcommittees

Energy and Water Development:

Mark O. Hatfield (OR)	Pete V. Domenici (NM)
J. Bennett Johnston (LA)	John C. Stennis (MI)
James A. McClure (ID)	Robert C. Byrd (W.VA)
Jake Garn (UT)	Ernest F. Hollings (SC)
Thad Cochran (MS)	Dennis DeConcini (AZ)
James Abdnor (SD)	Quentin N. Burdick (ND)
Robert W. Kasten, Jr. (WI)	James Sasser (TN)
Mack Mattingly (GA)	

Interior:

James A. McClure (ID)	Lowell P. Weicker, Jr. (CT)
Robert C. Byrd (W.VA)	J. Bennett Johnston (LA)
Paul Laxalt (NV)	Ernest F. Hollings (SC)
Jake Garn (UT)	Patrick J. Leahy (VT)
Thad Cochran (MS)	Dennis DeConcini (AZ)
Mark Andrews (ND)	Quentin N. Burdick (ND)
Warren Rudman (NH)	Dale Bumpers (AR)
Ted Stevens (AK)	

Transportation:

Mark Andrews (ND)	Alfonse M. D'Amato (NY)
Lawton Chiles (FL)	John C. Stennis (MS)
Thad Cochran (MS)	Robert C. Byrd (W.VA)
James Abdnor (SD)	Frank R. Lautenberg (NJ)
Robert W. Kasten, Jr. (WI)	

100th U.S. CONGRESS, 1987-1988

HOUSE OF REPRESENTATIVES

Appropriations Subcommittees

Energy and Water Development:

Tom Bevill (AL)	Bill Boner (TN)
Lindy Boggs (LA)	John T. Myers (IN)
Bill Chappell, Jr. (FL)	Virginia Smith (NE)
Vic Fazio (CA)	Carl D. Pursell (MI)
Wes Watkins (OK)	

Interior/Related Agencies:

Sidney R. Yates (IL)	Ralph Regula (OH)
Joseph M. McDade (PA)	Les Aucoin (OR)
John P. Murtha (PA)	Tom Bevill (Al)
Norman D. Dicks (WA)	Bill Lowery (CA)
Edward R. Boland (MA)	

Transportation/Related Agencies:

William Lehman (FL)	Robert Mrazek (NY)
Martin Olav Sabo (MN)	Lawrence Coughlin (PA)
William H. Gray III (PA)	Silvio O. Conte (MA)
Richard J. Durbin (IL)	Frank R. Wolf (VA)
Bob Carr (MI)	Tom DeLay (TX)

U.S. SENATE

Appropriations Subcommittees

Energy and Water Development:

Mark O. Hatfield (OR)	Pete V. Domenici (NM)
J. Bennett Johnston (LA)	John C. Stennis (MI)
James A. McClure (ID)	Robert C. Byrd (W.VA)
Jake Garn (UT)	Ernest F. Hollings (SC)
Thad Cochran (MS)	Dennis DeConcini (AZ)
Arlen Specter (PA)	Quentin N. Burdick (ND)
Robert W. Kasten, Jr. (WI)	James Sasser (TN)
Mack Mattingly (GA)	

Interior/Related Agencies:

James A. McClure (ID)	Lowell P. Weicker, Jr. (CT)
Robert C. Byrd (W.VA)	J. Bennett Johnston (LA)
Mary Reid (NV)	Ernest F. Hollings (SC)
Jake Garn (UT)	Patrick J. Leahy (VT)
Thad Cochran (MS)	Dennis DeConcini (AZ)
Don Nickles (OK)	Quentin N. Burdick (ND)
Warren Rudman (NH)	Dale Bumpers (AR)
Ted Stevens (AK)	

Transportation/Related Agencies:

Lowell Weicker, Jr. (CT)	Alfonse M. D'Amato (NY)
Lawton Chiles (FL)	John C. Stennis (MS)
Thad Cochran (MS)	Robert C. Byrd (W.VA)
Tom Harkin (IA)	Frank R. Lautenberg (NJ)
Robert W. Kasten, Jr. (WI)	

101st U.S. CONGRESS, 1989-1990

HOUSE OF REPRESENTATIVES

Appropriations Subcommittees

Energy and Water Development:

Tom Bevill (AL)	Robert Lindsay Thomas (GA)
Lindy Boggs (LA)	John T. Myers (IN)
Jim Chapman (TX)	Virginia Smith (NE)
Vic Fazio (CA)	Carl D. Pursell (MI)
Wes Watkins (OK)	

Interior/Related Agencies:

Sidney R. Yates (IL)	Ralph Regula (OH)
Joseph M. McDade (PA)	Les Aucoin (OR)
John P. Murtha (PA)	Tom Bevill (Al)
Norman D. Dicks (WA)	Bill Lowery (CA)
Chester G. Atkins (MA)	

Transportation:

William Lehman (FL)	Robert Mrazek (NY)
Martin Olav Sabo (MN)	Lawrence Coughlin (PA)
William H. Gray III (PA)	Silvio O. Conte (MA)
Richard J. Durbin (IL)	Frank R. Wolf (VA)
Bob Carr (MI)	Tom DeLay (TX)

U.S. SENATE

Appropriations Subcommittees

Energy and Water Development:

Harry Reid (NV)	Pete V. Domenici (NM)
J. Bennett Johnston (LA)	John C. Stennis (MS)
James A. McClure (ID)	Robert C. Byrd (W.VA)
Jake Garn (UT)	Ernest F. Hollings (SC)
Thad Cochran (MS)	Dennis DeConcini (AZ)
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Mark O. Hatfield (OR)	

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Robert C. Byrd (W.VA)	J. Bennett Johnston (LA)
Harry Reid (NV)	Ernest F. Hollings (SC)
Jake Garn (UT)	Patrick J. Leahy (VT)
Thad Cochran (MS)	Dennis DeConcini (AZ)
Don Nickles (OK)	Quentin N. Burdick (ND)
Warren Rudman (NH)	Dale Bumpers (AR)
Ted Stevens (AK)	

Transportation/Related Agencies:

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Pete V. Domenici (NM)	Barbara A. Mikulski (MD)
Jim Sasser (TN)	Robert C. Byrd (W.VA)
Tom Harkin (IA)	Frank R. Lautenberg (NJ)
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102nd U.S. CONGRESS, 1991-1992

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SOURCES: Congressional Directory, 1983-1991 and The Almanac of American Politics, 1980 and 1982

PUBLIC FUNDING OF ABORTIONS FOR LOW-INCOME WOMEN IN NORTH CAROLINA: ONE LIBERAL LAW IN THE SOUTH

Ruth Ann Strickland
Political Science/Criminal Justice
Appalachian State University
Boone, North Carolina 28608
Phone number: 704/262-6169
FAX: 704/262-2947

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Abstract

PUBLIC FUNDING OF ABORTIONS FOR LOW-INCOME WOMEN IN NORTH CAROLINA: ONE LIBERAL LAW IN THE SOUTH

By Ruth Ann Strickland

This paper examines the history of the State Abortion Fund in North Carolina. The political forces behind the origins and continuation of appropriation of public monies for abortion are described and systematically analyzed. The role of political parties, the presence of women legislators, the public opinion of North Carolinians toward abortion and the role of modernizer versus tradtionalist legislators are a few of the political factors cited as contributing to North Carolina's liberal abortion law, especially when compared to restrictive abortion laws passed in other states in the South.

PUBLIC FUNDING OF ABORTIONS FOR LOW-INCOME WOMEN IN NORTH CAROLINA: ONE LIBERAL LAW IN THE SOUTH

By Ruth Ann Strickland

The Public Funding Debate: Morality Versus Redistribution

Common ground between those who favor choice and those who are against choice on the issue of abortion is difficult to achieve. The debate surrounding access to abortion is often framed in bimodal terms with opponents taking intense, mutually exclusive positions. These positions are illustrated by the fundamental dispute over when life begins: either the fetus is a person at conception or not and therefore, either the fetus has rights as a person or not. The moral arguments add intensity to this issue and make compromise difficult if not impossible (Strickland and Whicker, 1992).

The abortion debate is a political and increasingly a religious battle. It pits well-intentioned groups against one another as opponents disagree fundamentally about the scope and role that government should play in determining access to abortions or in protecting the rights of the fetus. Religious conflict is evident as the Catholic Church and some fundamentalist Christian denominations characterize abortion as murder. Beyond this, it is an issue that potentially embodies gender conflict as pro-choicers argue for reproductive choice and modifications of patriarchal control of female social and gender roles in society and anti-abortionists argue for continuance of traditional gender roles (Goggin, 1993; Guth et.al., 1993).

When the issue of public funding of abortion is raised, morality politics and redistributive policy questions make compromise and consensus even more unlikely. Studies that compare state policies on public funding of abortion have indicated that advocacy groups and political forces in the state play the dominant role in shaping outcomes in this policy area (Meier and McFarlane, 1992; Meier and McFarlane, 1993). The purpose of this study is to examine the historical and political forces that led to the passage of the liberal abortion legislation--particularly, the State Abortion Fund--in the the state of North Carolina.

The Hyde Amendments and the Public Funding Debate

In 1977, Congressman Henry J. Hyde (R-Illinois), sponsored the Hyde amendment which limited the use of federal Medicaid funds for abortions to those instances where the mother's life would be endangered should the fetus be carried to term. The U.S. Supreme Court upheld this restriction on access to abortions for poor women in Harris v. McRae, 448 U.S. 297 (1980), ruling that Roe did not institute a new entitlement which would guarantee equal access to abortion (Tatalovich and Daynes, 1988: 184).

Since 1977, the Code of Federal Regulations has specified differing guidelines funding Medicaid abortions varying from only in cases of medical

necessity to including rape and incest to endangerment of the mother's life. Currently the most restrictive interpretation of the Hyde amendment prevails, allowing Medicaid abortions only if the mother's life is endangered. Given this restriction on funding at the federal level, state governments that desired to guarantee low-income women equal access to the abortion right had to subsidize elective abortions with state funding (Tatalovich and Daynes, 1988: 204, 207; Craig and O'Brien, 1993).

Arguments Against Public Funding: The debate over public funding is characterized by morality and redistributive issues. The opponents of public funding of abortion typically rely on moral arguments and are opposed to most or even all abortions, holding that the fetus is a life--a human being--and therefore deserving of protection. Further opponents assert that taxpayer money should not be used to fund the taking of an innocent life and that if a person can not afford an abortion, other options, such as adoption, should be considered. Instead, government should be neutral and restrain itself from rendering any dictates about reproductive choices (Editorial in New York Times, 1993).

Other more moderate opponents claim that public funding encourages a procedure that should be used as rarely as possible and not as a means of birth control. Using public funds to pay for abortions is tantamount to endorsing them. Scarce public monies should be used to fund prevention programs, not to fund sexual recreation that leads to pregnancy. The more extreme opponents argue that abortions constitute mass murder at the taxpayer's expense (Roberts and Gest, 1993).

Argument For Public Funding: Those in favor of publicly funded abortions claim that Roe v. Wade gave women the right to obtain abortions. They also argue that it is immoral to deny someone access to a right simply based on income (Editorial in News and Observer, 1977). They further claim that a right is worthless unless one has the means or capacity to exercise it. An examination of women who sought therapeutic abortion under a very restrictive state law (which permitted abortions if pregnancy threatened the mother's life) revealed that under psychiatric evaluation, 79 percent lacked emotional support from the man responsible for the pregancy and the majority experienced great stress from the interplay of existing problems and an unwanted pregnancy (Belsky, 1992). Such studies verify the need for less restricted access to funded abortions.

Some argue that if other medically necessary procedures are funded under Medicaid, abortions should also be funded--to single out abortion is unconstitutional. Others claim that the Hyde Amendment is unconstitutional on the grounds that government expends monies for the costs of childbirth, but not for abortion. Since pregnancy is a condition that requires medical care, there are two ways to handle pregnancy--abortion or carry the fetus to term. Under the Roe decision, the government is to ensure privacy and under this reasoning, it has no legitimate interest in whether the woman chooses abortion or childbirth. Its primary interest is to protect the health and safety of the mother and if she gives birth, then it should protect the child as well (McConnell, 1991: 1003-1004). To remove abortion from the medical choices open to poor women places government on the side of pregnancy continuance, not

in a neutral position.

Others cite the commitment of time, energy and emotional support needed by a child and assert that the mother who is forced to carry an infant to term may harbor resentment and withhold time, energy and emotional support from the child. If there are no public funds for abortion, low income women, especially teenagers, would be forced into a long term commitment that they may not be ready to handle. Many proponents fear that low-income women, unable to procure an expensive private abortion, will resort to cheaper methods in dollar terms but costly in public health terms--the coathanger, the back-alley abortions (Slifkin and Allen, 1978).

Public Funding of Abortions in the South

Presently thirty states publicly fund abortions only if the life of the mother is at stake. Twelve states fund abortions in most or all circumstances; eight states will only fund abortions in cases of rape, incest or fetal deformity. North Carolina is one of twelve states that provides funds for abortion in most or all circumstances. It is the only southern state to provide funding for elective abortions (Congressional Quarterly Almanac 1989, 298).

All other southern states restrict access to abortion using a variety of techniques. Prior to the Roe v. Wade ruling, six southern states including Alabama, Arkansas, Louisiana, Mississippi, Oklahoma and Texas had laws on the books prohibiting virtually all abortions. Today, most southern states retain a number of restrictions on abortion. For example, five southern states including Alabama, Arkansas, Georgia, Louisiana and South Carolina require that minors notify one or both parents or obtain consent. In addition, Alabama, Florida, Kentucky, Louisiana, Mississippi, Tennessee and Virginia require women to be counseled on abortion and many women must wait 24 hours or more before obtaining abortion services. Three states--Florida, Kentucky and South Carolina--require that women obtain consent or notify their husbands prior to obtaining an abortion (Whitford, 1992; Lacayo, 1992: 29).

Kentucky and Louisiana prohibit usage of public facilities and or personnel in the performance of abortions. In 1992, four southern governors (those in Alabama, Louisiana, Mississippi and South Carolina) advocated criminalizing abortions. Louisiana prevents health care providers from giving advice or referrals on abortions. All southern states (except North Carolina) including Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, South Carolina, Louisiana, Tennessee, and Texas refuse to fund abortions unless the woman's life is imperiled by continuing the pregnancy; Virginia also will not fund abortions unless a woman's life is in danger but will fund them if there rape or incest is involved in the pregnancy (Craig and O'Brien, 1993; Kanigel and Seese, 1992; Lacayo, 1992: 29).

In a study conducted by Halva-Neubauer (1990), North Carolina is labeled an "acquiescer state". The National Abortion Rights Action League (NARAL) has characterized North Carolina as a battleground state, although of these states, it poses the lowest risk for loss of abortion rights should Roe v.

Wade be overturned. It has been ranked the seventh most likely state in the nation to keep abortion services safe and legal (National Abortion Rights Action League, 1992).[1]

In the areas of public funding of abortions and allowing low-income women access to abortions, North Carolina might be labeled a "supporter state". Counting the number of restrictions enacted by state legislatures may not take into account the stringency or leniency of the measures enacted. Also, some restrictions place greater burdens on access to abortion than others. This should be taken into account when considering North Carolina's abortion legislation, a state with the most liberal abortion policy in the South.

Creating and Expanding North Carolina's State Abortion Fund, 1977-1984

With the passage of the 1967 abortion statute, North Carolina's General Assembly became the second state legislature (following Colorado's) to enact a liberal abortion law, permitting the women of North Carolina to terminate a 20 weeks old or less pregnancy if continued pregnancy impaired health, imperiled life or in case of rape, incest or a grave birth defect (Jain, 1972). In subsequent years, North Carolina has established a state fund for low income women seeking elective abortions, once again distinguishing itself as a liberal state.

In the period prior to the enforcement of the Hyde amendment (fiscal year 1976-1977), $1.8 million (90 percent federal funds) funded elective abortions for poor women in North Carolina (Vaden, 1977: 1A). When federal funds were eliminated by the Hyde amendment, state aid for abortions in North Carolina was temporarily suspended from August 1977 to January 1978. In response to the Hyde amendment, Human Resources Secretary Sarah Morrow recommended that state monies be used to assist poor women who could not afford elective abortions.

In January 1978, the N.C. Department of Human Resources shifted $442 thousand from other purposes to continue funding state abortions. At a state Social Services Commission meeting, Dr. Morrow recommended that the state of North Carolina begin paying for these abortions by February 1, 1978. She based her request on the Roe v. Wade decision and the idea that all women, not just the wealthy, should have access to elective abortions. The $442 thousand was exhausted by June 30, 1978 and consequently the department requested additional funds from the legislature ("Morrow to Recommend State Funding of Abortions," 1978: 19; May, 1978: 1, 2).

In February 1, 1978, the state of North Carolina established a State Abortion Fund. Abortions for eligible low income women were funded totally by state monies but at a lower rate than that sponsored by Medicaid funding. The average abortion payment of $442.30 for poor women in 1976-1977 was reduced to $201 (Relos 1993; Vaden, 1978: 26). Governor James B. Hunt in May 1978 gave his support for state funding of abortions for low-income women. In a press conference, he stated: "I don't think it's fair for the rich to have (access to abortions) and the poor not to have it." With Governor Hunt's approval,

Dr. Morrow recommended that the General Assembly appropriate $1 million for a State Abortion Fund (Carroll, 1978: 23).

During the short legislative session in the summer of 1978, state funding of abortions became one of the issues that was hotly debated. Numerous groups mobilized to protest for and against state funding of abortions (Brown, 1978: 17-1; "Abortion Funding Backed," 1978: 34). Interest group and citizen testimony was emotionally charged. Ms. J.C. Honneycutt of Charlotte testified that access to abortion saved her from giving birth to a child that would have been severely retarded and deformed and that approving public funding for low income women was not just a moral or legal issue but a question of survival. A Greensboro insurance man, David Osteen, characterized state funded abortions as similar to genocide under Nazi Germany. Anti-abortion foes sent a wave of letters asking legislators not to fund abortions (May, 1978: 1, 2).

By a 46 to 39 vote, the Joint Base Budget Committee voted to defeat a motion to remove $1 million of state funding for elective abortions. Senator Ollie Harris (D-Cleveland) who led the effort to eliminate the appropriation asked, "Is the North Carolina General Assembly becoming more liberal than the Congress of the United States?" Despite strong protest from anti-abortion groups, the measure prevailed with the support of black legislators and key committee leaders. Representative Harold L. Kennedy (D-Forsyth), in response to Senator Harris, stated that it was not a matter of liberality but rather a question of whether the state of North Carolina was going to discriminate against low-income women who could not afford abortions (May, 1978: 1, 14).

Later in 1978, the State Abortion Fund came under attack from Paul Stam, Jr., then an Apex attorney who was acting president of the Wake County Right to Life association. Stam filed a lawsuit challenging the constitutionality of state funding of elective or medically unnecessary abortions for poor women. Stam, a right-to-life proponent, claimed that a fetus is a person and also asserted that counties were not authorized to collect revenues via taxes to fund elective abortions. In particular, he was concerned about the use of Wake County funds, his home county, to supplement the State Abortion Fund. The North Carolina Supreme Court held in March 1981 that state funding of elective abortions was constitutional but county governments could not levy taxes to supplement funding of such abortions because no specific statute authorized such activity. State and local officials in reaction to the ruling stated that it would have little effect on state funding of abortions since only Wake, Guilford and Mecklenburg counties had some kind of supplemental program (Leland, 1981). Under the North Carolina State Abortion Fund, counties are now reimbursed for the cost of providing abortion services to poor women (Johnson, 1981; Christensen, 1989).

In the 1981 North Carolina General Assembly session, opponents of state funded abortions launched another attack on the State Abortion Fund. Senator Ollie Harris (D-Cleveland), one of the most outspoken abortion foes, tried to cut $900 thousand out of the proposed $1 million budget for elective abortions. His motion to reduce appropriations to the State Abortion Fund from $1 million to $100 thousand was narrowly defeated in a vote taken in the Joint Base Budget Committee. His proposal also specified that the $100

thousand only be used for abortions involving rape, incest or where the mother's life was threatened. Although some members called for a show of hands on the committee voice vote, the committee co-chairperson, Senator Robert Jordan, used the rules to prevent this by claiming that the request came after he had announced the vote (legislative rules hold that request for a show of hands must occur before the committee chair announces the voice vote results). The loss was the second and most critical one suffered by abortion opponents. At that time Senator Harris decided to desist in his efforts to delete abortion money from the state budget (Kelly 1981).

In July 1982, the state legislature increased annual State Abortion Fund appropriations from $1 million to $1,374,500. Between 1982 and 1984, there is a brief lull in the abortion funding controversy. The Democratic gubernatorial administration of Jim Hunt (1976-1984), sympathetic to the issue of public funding of abortion, was replaced by a Republican governor, Jim Martin. With the national mood clearly more conservative combined with a President who avidly opposed abortion rights, the atmosphere was ripe for conflict at the state level over this divisive issue.

Retrenchment of the State Abortion Fund, 1985-1992

Governor Martin (during his 1984-1992 administrations) publicly advocated ending state abortion funds for abortions except in cases of rape, incest or endangerment of the mother's life. In 1985, abortion funding became a visible contentious issue again. Under the Martin proposal, more draconian cuts in the State Abortion Fund were suggested than those proposed earlier by Senator Harris, reducing the fund from $1.3 million to $50 thousand a year (Winston, 1985).

In the 1985 legislative session, the Governor, members of his political party (and some Democrats) in the General Assembly square off against prominent Democratic leaders on the issue of publicly funded abortions. Those against funding for abortion such as Representative Coy Privette (R-Cabarrus), Senator Ollie Harris (D-Cleveland), Representative Frank J. "Trip" Sizemore III (R-Guilford), Representative Theresa H. Esposito (R-Forsyth) and Senator Wendell H. Sawyer (R-Guilford) voiced moral opposition to abortions and also asserted that they had the strength (the votes) to sharply reduce state funding of abortions. Pro-choice advocates such as Representative Liston Ramsey (D-Madison), Representative Daniel T. Blue (D-Wake), Representative Margaret Keesee-Forrester (R-Guilford), Lieutenant Governor Robert B. Jordan III and Senator Anthony E. Rand (D-Cumberland) publicly opposed cutting the fund and argued that abortion access should be equal, not based on class distinctions (Babington, 1985; Winston, 1985).

The interest groups were quite vocal. Paul Stam, still active in the Wake County Right to Life association, dismissed arguments that poor women should have equal access to abortion stating:

> The difference between having money and not is that the person with money can pay for things that others can't. We don't have a Cadillac fund. The choices in transportation are limited. Their choices all over the lot are different Winston, 1985).

Supporters of the abortion fund not only believed that poor women should have the same medical rights as their more affluent sisters but that eliminating the fund would cost millions of dollars. According to the Reverend Deborah J. Steely, coordinator of the N.C. Religious Coalition for Abortion Rights, an estimated $40 million in additional services for newborns and infants, including welfare services, would be drawn from North Carolina taxpayers if the State Abortion Fund was dramatically reduced (Winston, 1985).

Ultimately the State Abortion Fund was reduced in the 1985 legislative battle and compromises were made. The Joint Base Budget Committee narrowly voted to maintain funding. Funding was set at $924,500 (a 30 percent decrease in funding) and additional eligibility requirements were levied. Not only must recipients be North Carolina residents receiving Title XX Health Support Services but they must meet one of the following criteria: impairment of health as a result of pregnancy, victimized by rape or incest, be mentally retarded or younger than age eighteen.

Much debate ensued later when there was a sharp decline in access to and delay in obtaining abortion services for poor women as a result of the "health impairment" stipulation. Although doctors' statements certifying health impairment were not difficult to obtain because most doctors interpreted this phrase broadly to include mental and physical health, many women were confused and did not try to overcome the extra obstacle (White, 1985; Green, 1985). The health impairment stipulation was worded vaguely and did not state that health impairment must be physical. The state Department of Human Resources in its list of possible diagnoses that might warrant a state-funded abortion listed such things as "acute anxiety reaction" or "acute subrational reaction," inferring that emotional and mental disturbances in health are as impairing as being physically unable to carry a fetus to term (Drescher, Jr., 1985).

In July 1989, the U.S. Supreme Court upheld parts of a restrictive Missouri abortion law in Webster v. Reproductive Health Services (109 S.Ct. 3040), permitting restrictions on the use of public facilities and personnel in the performance of abortions and requiring viability tests on the fetus if the woman is twenty or more weeks pregnant. North Carolina legislators and interest groups reacted strongly to the decision. Representative Paul B. "Skip" Stam (R-Wake) stated that the North Carolina General Assembly would probably adopt a Missouri-type law. In fact, before the ruling, Representative Stam had already introduced a bill similar to the Missouri law and anticipated passage in the short 1990 legislative seession. A North Carolina Right to Life lobbyist expressed hope that momentum was on their side in the funding debate but also believed that passing a law like the Missouri law would be very difficult. Representative Sharon A. Thompson (D-Durham) responded that the Supreme Court ruling would activate pro-choice groups and

would force a major battle to guard against eroding North Carolina's liberal abortion law (Christensen, 1989). Pro-choice groups, including the National Women's Political Caucus, National Organization for Women, WomenElect and the National Abortion Rights Action League, reacted by targeting North Carolina state legislative campaigns and lobbied strongly to prevent the passage of more restrictive abortion legislation (Morrill, 1989; Seymore, 1992).

By 1989, state funds for abortions were cut from $924,500 (1985-1988) to $424,400 (1989-1992). Pro-lifers, particularly on the House Appropriations Committee, wanted to slash the fund by 78 percent from $924,500 to $200,000 but the Senate voted to cut the fund to $424,500. Leading the charge to reduce the abortion fund budget was Representative Paul Stam. At his urging, the House Appropriations Committee version would have drastically altered access to abortion services for poor women since it would have limited abortion to victims of rape or incest and those whose "lives" (not health) were imperiled if they tried to carry the fetus to term. It was estimated that under these criteria only 100 women would be eligible per year for state funded abortions (Funk, 1989).

In the 1989 extra session, access to abortion was limited but not as severely as Stam hoped. The General Assembly reduced the gestation time from 135 days to 112 days, thus limiting a state funded abortion to pregnancies of 112 days or less. It also passed a provision that adult women would be eligible for a state funded abortion once in a lifetime obtained under the reason of health impairment. The more liberal Senate version became the law and allowed eligible women to receive state-funded abortions if they were victims of rape or incest or if continuing their pregnancies would "endanger their health." These regulations went into effect in July 1990 (Session Law; Chapter 1066, Sec. 79: 827-828). For fiscal year 1991-1992, the General Assembly appropriated $424,500 for the budget of the State Abortion Fund and regulations and restrictions remained the same as those enacted in 1989.

A Return to Expanding State Abortion Funds, 1993

In the legislative session of 1993, the North Carolina General Assembly once again revisited the issue of state funding of abortions. In the reconciliation between the House and Senate Appropriations Committees, this issue became contentious. The Senate proposed to increase the state abortion fund from $440,000 to $1 million whereas the House plan sought an increase up to $1.4 million (Patterson, 1993: 3C; Patterson, 1993: 3A). In the compromise that emerged from the conference committee, the State Abortion Fund was almost tripled from $424,000 to $1.2 million for fiscal year 1993-1994 (Krueger, 1993: 1A, 10A).

Interviews conducted in June 1993 with various representatives and senators in the N.C. General Assembly indicated that some prior restrictions on access to abortion were removed, notably the "one abortion in a lifetime per adult woman" stipulation and the requirement that a woman visit a state certified physician, rather than the doctor of her choice when determining health impairment.

Of those state legislators that favored public funding of abortion for low income women, many claimed that minors in particular are harmed by families who have a punitive outlook on unplanned, unwed pregnancies and the tendency to punish, not assist, young women who are pregnant brings about great costs to society in the long run. Others who favored public funding argued that the abortion fund is a small investment when compared to the number of unwanted pregnancies that would occur, the AFDC and other welfare costs that would be incurred and the abuse of children by frustrated, unhappy mothers that might occur.

Those state legislators who were opposed to public funding of abortions often cited public opinion in North Carolina as one reason (the fact that 80 percent of North Carolinians polled opposed the use of taxpayer's money for funding of abortions for low income women). They also stated that public monies should not be used to fund private recreational activities and that such funding, if available at all, should be for cases of rape, incest or if the mother's life is at stake due to a continued pregnancy. Others who oppose public funding of abortions argue that abortion constitutes murder of an innocent human being and public monies should not be used for this purpose.

When asked if future restrictions (i.e. parental notification/consent or 24 hour waiting period) seemed likely, most state legislators who were interviewed felt that restrictions would be introduced but none would pass. Most cite the presence of Governor Hunt's administration as a force responsible for the continuation of a liberal abortion law and public funding of abortions in North Carolina. For a brief history of the state abortion fund in North Carolina, see Table 1.

(Place Table 1 here.)

Possible Restrictions on Access to Abortion Services

Since the passage of the liberal abortion law in 1967, numerous efforts have been lauched unsuccessfully to place limits on access to abortion services in North Carolina. See Table 2 for a brief summary of some bills that have been introduced and referred to committees for consideration. At this point, none of these bills have become law. By far the most freqeuntly supported, yet unsuccessful, proposed restriction by legislators is the requirement that unemancipated minors receive parental consent before obtaining an abortion. Arising in almost every legislative session, this restriction garners the most sponsors and if any additional restriction will gain passage in the future, this appears to be the most likely one.

(Place Table 2 here.)

Political Climate and Fluctuations in Abortion Funding

Political Party: The State Abortion Fund was reduced between 1985-1989 because the political climate had undergone a metamorphosis. In 1984, an anti-abortion Republican governor ascended to office. Prior to James G.

Martin's governorship, James B. Hunt, a Democrat, was pro-choice. In subsequent state legislative elections, Republicans, most of whom were pro-lifers, won seats in the General Assembly. At the same time, various strong pro-choice advocates such as Lieutenant Governor Robert Jordan and Senate Majority Leader Anthony Rand were replaced by abortion opponents such as Lieutenant Governor James Gardner and Senate President Pro Tempore Henson Barnes (Christensen 1989).

Modernizers vs. Traditionalists: North Carolina state legislators can be split into two categories: modernizers and traditionalists. The traditionalists tend to represent rural, small towns in North Carolina whereas the modernizers represent larger cities with a more cosmopolitan outlook. The fluctuating fortunes of the State Abortion Fund may be attributed to the basic differences between traditionalist and modernizer legislators. The traditionalist legislators on social issues stress the importance of the patriarchal family and typically oppose public funding of abortions (Luebke, 1990: 55). Traditionalist legislators, particularly on abortion rights, can be found predominantly in the Republican party but also among some conservative Democrats. Although the Democratic leadership has endorsed the State Abortion Fund, it has encountered opposition from socially conservative traditionalist Democrats on important committees, such as the Senate Human Resources Appropriations Committee.

In 1985 when a vote on whether to continue the abortion fund was held in the state senate, there was a tie with all twelve Republican senators opposing the bill and twelve of 38 Democrats also voting "no." All but one of the opposing male Democrats came from a rural area; the three black senators and the four women senators all supported the funding of abortions (Luebke, 1990: 56). This illustrates that if Republicans can ally themselves with social traditionalist Democrats the State Abortion Fund can be challenged and its budget dramatically reduced.

Public Opinion: When North Carolina residents were polled in June 1989, fifty percent supported the Roe v. Wade decision and 52 percent believed abortions should be legal. Sixty percent personally viewed abortion as wrong. Yet 58 percent of those questioned opposed a constitutional amendment that would outlaw abortions. When asked whether they would like to return to the pre-Roe days and allow each state to decide whether abortions should be legal, 54 percent opposed and 39 percent favored such a scenario. When asked who they would most likely vote for between a pro-choice and pro-life candidate, 49 percent would vote for the pro-choice candidate whereas 41 percent would vote for the pro-life candidate; ten percent were not sure who they would support (Mellnik, 1989; Effron, 1989).

When polled again in March 1990, sixty percent of North Carolina residents agreed that abortion should be legal under certain circumstances; 25 percent believed it should be legal under all circumstances and 13 percent opposed it under all circumstances. Over eighty percent agreed that the state should require a parent's permission for abortion if the mother is a minor. Sixty-one percent opposed the spending of North Carolina tax money on abortions whereas 31 percent supported it. In this poll, 98 percent supported abortions if the woman's health was endangered and ninety percent favored the

procedure in cases of rape and incest. Support declined for abortion under other circumstances such as allowing abortion if a child would be deformed or retarded (64 percent) and abortion for an unmarried teenager who would be seriously affected by a pregnancy (34 percent). Overall North Carolinians favor legalized abortion under certain circumstances and were not prone to reversing all abortion rights (Guillory, 1990; Geis, 1990).

Although most North Carolinians (61 percent) oppose public funding of abortion, the abortion fund has survived. Rarely has the issue of public funding of abortion been separated out from the current operations budget. Typically, state funded abortions are part of the general appropriations bill and the public therefore is not able to disaggregate a legislator's support for publicly funding abortions from a vote for the general appropriations bill. Consequently, legislators can protect themselves from a potentially unpopular direct vote on whether public monies should be appropriated for the purpose of state funded abortions for low income women.

Presence of Women Legislators: There has been much debate about whether women in positions of political power would behave differently than men (Saint-Germain, 1989). Typically, women legislators have placed greater emphasis on social and family issues than on economic or business concerns (Thomas and Welch, 1991). Studies have documented that female legislators are much more likely to be pro-choice on abortion than their male counterparts (Darcy, Welch and Clark, 1987); Hill, 1982; Welch, 1984). It has also been shown that at the aggregate level, female state legislators, if represented in state legislatures in large numbers, can have an impact on abortion parental notification policies at the state level but not on public funding of abortions (Berkman and O'Connor, 1993). This also seems to apply to North Carolina in particular.

Women in the North Carolina General Assembly have not been characterized as strongly feminist (Luebke 1990, 55). Historically they have not been represented in large numbers. On restrictive abortion bills introduced since 1979, North Carolina's women legislators have been divided. Republican female legislators are more likely than Democratic female legislators to sponsor restrictive abortion bills. Except for 1979, however, women legislators in the N.C. General Assembly have not sponsored bills that would end public funding of abortions for low income women.

In 1979, for example, two Republican women and one Democratic woman were listed as sponsors on bills that would have prohibited appropriations of public monies for providing or defraying the costs of abortions. These women were: Representative Edith Lutz (D), Representative Mary N. Pegg (R) and Senator Anne Bagnal (R). The N.C. state senate in 1979 had five female senators, four Democrats and one Republican. The N.C. house of representatives had fourteen female representatives, thirteen Democrats and one Republican. In the senate, Anne Bagnal constituted 20 percent of the female vote and was the only female senator to overtly sponsor a bill that would end public funding of abortions for low income women. In the house, one Republican woman and one Democratic woman were listed as sponsors for such a bill, constituting 14.3 percent of the support in the house for this restriction.

In 1985, six women in the state house of representatives, two Democrats and four Republicans, were listed as sponsors on a bill that required parental consent or judicial consent for an unemanciated minor's abortion. The following female legislators supported this restriction: Representative Betsy Cochrane (R), Representative Theresa Esposito (R), Representative Jo Graham (D); Representative Edith Lutz (D), Representative Charlotte A. Gardner (R) and Representative Doris R. Huffman (R). At this time in the house of representatives, there were fourteen women legislators with seven Democrats and seven Republicans. Approximately 43 percent of the female delegation in the house supported the parental consent restriction.

In 1987, when the consent for a minor's abortion bill arose again, six female sponsors in the House of Representatives were found: Representative Betsy Cochrane (R), Representative Theresa H. Esposito (R), Representatives Charlotte A. Gardner (R), Representative Doris H. Huffman (R), Representative Edith Lutz (D) and Representative Beverly M. Perdue (D). Of the nineteen women legislators in the house of representatives during 1987, 31.5 percent were sponsors of the parental consent restriction.

By 1989, eleven female sponsors in the house of representatives were listed as supporting the parental consent bill--eight Republican women and three Democratic women. Many of the same women tend to support the parental consent bill from year to year. Altogether there were 11 Democratic women and 10 Republican women. In total, there were 21 women legislators in the house of representatives during 1989--52 percent of these women sponsored the parental consent provision; 48 percent were not overt sponsors but some of these female legislators could have also supported the provision.

In 1993, one Republican of twenty women in the N.C. house of representatives (constituting five percent of the female population) sponsored a bill that would require informed consent of the pregnant woman before an abortion could be performed. Four Republicans of the twenty women (or 20 percent of the female delegation in the house) sponsored parental consent legislation. Fourteen of the twenty women are Democrats. Five Democratic women sponsored legislation to protect a person's access to health care facilities, a bill ostensibly aimed at the anti-abortion protesters who block access to abortion clinics.

<u>Interest Group Influence:</u> Various interest groups have been vocal and have periodically lobbied the legislature on behalf of or against access to abortion in North Carolina. Groups that have worked toward pro-choice causes include: Women's Health Organization, Planned Parenthood and local affiliates, N.C. Religious Coalition for Abortion Rights, the National Abortion Rights Action League of N.C., National Women's Political Caucus, WomenElect, N.C. Coalition for Choice, and National Organization for Women and local affiliates. Anti-abortion groups who have sought to eliminate and/or restrict abortion services include: Right to Life committees, N.C. Christian Action League, Operation Rescue, National Right to Life, and Life Advocates. These abortion rights' groups and anti-abortion groups were most vocal in the media. Their direct influence is hard to measure. At least two members of the General Assembly were executive directors of one of the groups. Representative Paul Stam (R-Wake) was director of Wake County Right to Life

and Represenative Coy C. Privette (R-Cabarrus) was executive director of the N.C. Christian Action League. Both legislators were opposed to public funding of abortions and were active in introducing additional restrictions on access to abortion.

Most Liberal Law in the South

In conclusion, a confluence of factors explain why North Carolina has maintained a liberal and almost restriction-free abortion law. The most important factor is a Democratically controlled legislature led by a Governor who has remained pro-choice. Except for the years of Governor Martin and the cuts in the abortion fund that occurred during that time, North Carolina's General Assembly has not pushed through any of the expected restrictive legislation that many states enacted after Webster v. Reproductive Health Services. This could be due to the presence of social modernizer legislators who have countered the traditionalists and have voted down measures such as parental notification.

The liberal abortion law could also be attributed to public opinion polls which indicate that North Carolinians largely view abortion as a right and do not wish to see the Roe v. Wade decision reversed. Public opinion polls in other southern states such as Tennessee show that North Carolinians are more supportive of abortion rights than their neighbors. A poll taken in Fall 1991 revealed that only 47 percent of Tennesseans believed the state's law on abortion should stay as it is while 41 percent believed abortion should be allowed only in cases of rape or incest. Forty-four percent of Tennesseans in 1992 indicated that the state should make it harder to obtain an abortion (Wade 1991; Wilkinson, 1992). In South Carolina, 80 percent held that they opposed abortion under all circumstances whereas 61 percent of North Carolinians supported abortion under certain circumstances Kroff, 1990).

With 50 total members in the state senate and 120 total members in the state house of representatives, the presence of women in the North Carolina General Assembly Women has not been large enough to have a significant impact on abortion policy or to launch a feminist agenda. Typically, women legislators in North Carolina have not been considered strongly feminist. In 1979, three female legislators sponsored a bill that would end public funding of abortions for low income women. Other than this exception, other women in the General Assembly chose to oppose abortion funding more quietly or support it behind the scenes.

Compared to other states in the South and even nationally, North Carolina has one of the least restrictive abortion law. The presence and support of crucial Democratic legislators and particularly the Democratic governor, Jim Hunt, has made the State Abortion Fund possible. Given the Jim Hunt was recently re-elected to serve as governor of the state, the support for a liberal abortion policy will most likely continue.

1. NARAL did its rankings by examining the positions of each state's governor and legislative bodies on legal abortion, using floor votes, surveys and assessments of abortion rights and anti-abortion organizations. They also examined the restrictions on abortion present in the state at the time and whether the state had responded to Webster v. Reproductive Health Services by enacting new restrictions. In their ranking, the higher the number (up to 50) the greater the likelihood that a state would seek to prevent or restrict abortion services.

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TABLE 1. HISTORY OF N.C. STATE ABORTION FUND

Date	Event
1967	North Carolina abortion law limits elective abortions to the first twenty weeks of pregnancy
1973	Roe v. Wade ruling is issued by U.S. Supreme Court;
October 1975	Family planning becomes a mandatory service in N.C. under Title XX and abortion services are available as a resource
August 1977	Federal funding for elective abortions (or 90 percent of the total cost of providing abortion services) was eliminated under Medicaid and Title XX programs, thus ending elective abortions as an option for low income women in North Carolina
January 1978	N.C. Department of Human Resources shifts $442 thousand from other purposes to continue providing abortion services to low income women
February 1978	A State Abortion Fund is set up, utilizing only State money to reimburse low income women for abortion services ($150 in the first trimester and $500 for second trimester abortions)
June 1978	The N.C. General Assembly appropriated $1 million to support the State Abortion Fund for fiscal year 1978/1979
July 1979	Income eligibility level was lowered to contain costs within the $1 million appropriation
March 1981	N.C. Supreme Court upheld the use of state monies for elective abortions but struck down county expenditures for that purpose
February 1982	A four month shorfall occurred in the State Abortion Fund budget
July 1982	The N.C. General Assembly raised the annual State Abortion Fund appropriation to $1,374,500
July 1985	The N.C. General Assembly lowered the annual State Abortion Fund appropriation to $924,500 and added more eligibility requirements

TABLE 1. HISTORY OF N.C. STATE ABORTION FUND (cont.)

Date	Event
July 1989	The N.C. General Assembly reduced the annual State Abortion Fund appropriation to $424,000 for fiscal year 1989/1990
July 1990	The N.C. General Assembly limited access to abortion for low-income women by reducing the gestation time under which abortions could be obtained from 135 days to 112 days; the number of abortions that could be obtained due to health impairment were limited to one in a lifetime for women aged eighteen or older
July 1993	The N.C. General Assembly raised the annual State Abortion Fund appropriation to $1.2 million; restrictions on access to abortion services for low income women are reduced

TABLE 2. SAMPLE OF RESTRICTIVE ABORTION BILLS INTRODUCED IN N.C. GENERAL ASSEMBLY SINCE 1979

Bill	Description
H.B. 246 (1979) S.B. 214 (1979)	A bill prohibiting the appropriation or expenditure of public funds for the purpose of providing or defraying the costs of abortions
S.B. 690 (1981)	A bill to prohibit use of state funds for abortions
H.B. 917 (1985)	A bill to require parental or judicial consent for an unemancipated minor's abortion
H.B. 1055 (1985)	A bill to require that advertisements of abortion facilities contain suitable health warnings
H.B. 918 (1985)	A bill to enact the unborn children't civil rights act by limiting the use of funds for abortions
H.B. 1267 (1987)	A bill to allow taxpayers to contribute to the state abortion fund when filing their income tax returns, and to provide that no state funds may be appropriated for the state abortion fund
H.B. 1068 (1987)	A bill to require parental or judicial consent for an unemancipated minor's abortion
H.B. 157 (1987)	A bill to prohibit any state funds being used for elective abortions
H.B. 1231 (1989)	A bill to establish the abortion control act (similar to the Missouri abortion law)
S.B. 122 (1989)	A bill to provide counseling and educational services to adolescent parents and their families and for adolescents that terminate their pregnancies and to provide family-oriented procedures tor notification of pregnancy termination
H.B. 93 (1989)	A bill to require the consent from a parent or a county department of social services for an unemancipated minor's abortion
H.B. 1040 (1991)	A bill to require the social services commission to adopt specific rules to make fetal models available to state abortion fund clients upon request

TABLE 2. RESTRICTIVE ABORTION BILLS INTRODUCED

IN NORTH CAROLINA GENERAL ASSEMBLY SINCE 1979 (cont.)

Bill	Description
H.B. 236 (1993)	A bill to allow taxpayers to contribute to the state abortion fund when filing their income tax returns, to use these contributions along with other contributions to replace state appropriations for abortions, and to codify the guidelines used in determining who is eligible for assistance from the state abortion fund
H.B. 1026 (1993)	A bill to requiring informed consent of the pregnant woman before abortion may be performed
H.B. 1024 (1993)	A bill to require parental or judicial consent for an unemancipated minor's abortion
H.B. 872 (1993) H.B. 985 (1993)	A bill to protect a person's access to health care facilities

SOURCES: Printed Bills Office. Legislative Building. North Carolina General Assembly; Debora W. Whitley. Department of Cultural Resources. State Library of North Carolina.

Oregon's Ballot Measure 9:

Religious Fundamentalism, Gay Activism, and the Political Center

Dr. Nicholas Strinkowski
Department of Political Science
Siena College
Loudonville, New York 12211-1462
(518) 786-5064

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Abstract

In this paper I examine the politics of identity through a case study of Oregon's Measure 9, a1992 Constitutional referendum which would have limited the legal status of homosexuals and given the state an affirmative duty to discourage that behavior. Two major interest groups clashed over the issue: The Oregon Citizens Alliance, a religious conservative organization, and NO ON 9, an association drawing support from a variety of gay rights, civil liberties, and privacy groups. This was a microcosm of a wider national political battle.

The politics of identity became strategy during the '92 campaign. The debate over Measure 9 was a struggle to define the basic values of Oregonians, and to establish what is mainstream and who is truly the outgroup.

The factions who battled over Measure 9 each sought to redefine the opposition as dangerous extremists. The O.C.A. views itself as a group of family oriented Christians upholding "basic, traditional American values." Their goal was to reverse what they saw as a trend toward favoritism or special rights for people whom they viewed as perverted and subversive of those values. NO ON 9 responded by describing the measure as a threat to all citizens, and to the democratic spirit upon which our society is based. They painted the O.C.A. as an intolerant group seeking to exclude from the community anyone who didn't adhere to a narrow, bible-based view of righteousness. Political success hinged upon which group could most successfully define the public image of the other. Ultimately NO ON 9 and a broad coalition of opinion leaders succeeded in isolating the O.C.A. and defeating Measure 9.

Preface

Ballot Measure 9 pitted two different value systems and world views against each other. The campaign was intense, often vindictive, with activists seeing the issues in absolute, black and white terms.

In this paper I am not seeking to prove or disprove the contentions or refute the philosophies of either group. I have tried to present each view fairly, as they themselves would present it, in order to better understand the issues and outcome of the campaign.

Charges of exploitation and hypocrisy were hurled in both directions. I had the opportunity to meet with leaders on both sides. To the best of my determination those I spoke to, while cautious in their conversations with this outsider, were sincere in their beliefs and commitment to the causes they espoused.

Writing this paper has required the use of terminology that is in itself contentious. Traditional conservatives such as the Oregon Citizens Alliance employ the term "homosexual." Liberal and equal rights groups prefer "gay" or "gay and lesbian." I utilize both, without intended prejudice. Generally I use "homosexual" when presenting the OCA views, "gay" when presenting the NO ON 9 outlook.

Text of Ballot Measure 9

The Constitution of the state of Oregon is amended by creating a new section to be added to and made a part of Article I and to read:

(1) This state shall not recognize any categorical provision such as "sexual orientation", "sexual preference," and similar phrases that includes homosexuality, pedophilia, sadism or masochism. Quotas, minority status, affirmative action, or any similar concepts, shall not apply to these forms of conduct, nor shall government promote these behaviors.

(2) State, regional and local governments and their properties and monies shall not be used to promote, encourage, or facilitate homosexuality, pedophilia, sadism or masochism.

(3) State, regional and local governments and their departments, agencies, and other entities, including specifically the State Department of Higher Education and the public schools shall assist in setting a standard for Oregon's youth that recognizes homosexuality, pedophilia, sadism or masochism as abnormal, wrong, unnatural, and perverse and that these behaviors are to be discouraged and avoided.

(4) It shall be considered that it is the intent of the people in enacting this section that if any part thereof is held unconstitutional, the remaining parts shall be held in force.

I. Introduction

On November 3, 1992 Oregon voters, after a long campaign, passed judgement on Measure 9, a referendum to amend the Oregon Constitution to "require that all governments discourage homosexuality, other listed behaviors, and not facilitate or recognize them." [1] When the votes were counted the measure had failed 57% to 43%. The losers vowed to refile and try again.

For Oregon, Measure 9 was the major political event of the year, overshadowing the other eight ballot measures, state and federal races, and even the Presidential contest.[2] The campaign, often compared to a similar debate in Colorado, drew international media attention. The heat of the campaign produced flaming rhetoric, verbal diatribes, and physical assaults. It involved virtually every major political, social, or economic organization in the state. While the issue deeply divided the people of Oregon, it also produced uncommon political alliances.

The author and primary supporter of Measure 9 was the Oregon Citizens Alliance (OCA), a conservative interest group/political party with a religious fundamentalist core. In opposition was an array of gay rights, privacy and civil liberty groups, under the leadership of an ad hoc organization called NO ON 9.

On one level, Measure 9 was a function of the demographics, public attitudes, political history and campaign laws of Oregon. On another, it was a reflection of a broader struggle over American political values. These two groups at odds in Oregon - homosexuals and Christian fundamentalists - are seeking acceptance as part of the mainstream of American life. Each has endured long struggles to make their voice heard. Each has recently moved closer to the center stage, a visible - but not universally accepted - actor in the political drama.[3]

The conflict was forcefully displayed at the 1992 national party conventions. At the Republican event, erstwhile Presidential candidate Patrick Buchanan was given the floor in order to condemn homosexuals and other enemies of American traditional values. Christian fundamentalists were a vocal and visible presence. In stark contrast, the Democratic meeting acknowledged for the first time gay activists and voters as part of their coalition.[4]

Gay rights measures also reached the ballot in Portland, Maine and Tampa, Florida. Voters in the former city chose to uphold an ordinance banning discrimination based on sexual orientation. In the latter, a similar ordinance was repealed.

The battle over Measure 9 was a debate on several questions of identity. One one level, it was a discussion of the proper influence of "gays" (or "homosexuals") and of religious fundamentalists in the Oregon polity. On another, it asked all Oregon voters, even those with no loyalty to either side, to declare who *they* were. Was Oregon the state that would take a step backwards and restore legalized discrimination? Was Oregon the state that would take a strong moral stand against immorality and social decay?

Each side sought to control the terms of the debate by defining themselves and their opposition. In other words, their common strategy was to present their own side in moderate terms, while portraying the opposition as dangerous and extreme. The leaders had an instinctive - if not a conscious - understanding of the old principle that American voters tend to reward the more centrist candidate. In this case, the issue was not a candidate, but two organizations and two societal sub-groups, each representing themselves as the mainstream.

The two factions viewed Measure 9 as a vital struggle of almost apocalyptic proportions. Lon Mabon, Chairman of the Oregon Citizens Alliance, proclaimed:

> This is the culmination of a cultural war that's been going on since the '60's. Oregon is at the cutting edge. We are the first troops of two opposing armies that are engaging each other. We are talking about fundamental questions, about what is right and what is wrong. [5]

On the other side, the Coalition for Human Dignity warns:

> In our estimation the threat of the religious right is both real and immediate. We believe that it extends not only to the rights of lesbian and gay men, not only to women's reproductive rights, but to the very fabric of our civil and human rights and democratic institutions.[6]

This study is based upon research conducted during the summer of 1993. My sources were:

- Interviews with interest group activists, political leaders and journalists (see appendix A)
- Pamphlets, newspapers and other publications from the interest groups active on this issue.
- Newspaper articles and editorials in the Portland Oregonian, the Eugene Register- Guard, and the Salem Statesman-Journal, among others.
- Television and radio newscasts, public affairs programs, and advertisments.
- The 1992 Voters Pamphlet published by the state, containing 34 pages of paid advertisements on Measure 9.
- Public documents filed by registered PACs with the Oregon Secretary of State's Office.

II. The Oregon Case

The Measure 9 campaign was conducted primarily by two organizations: the No Special Rights PAC of the Oregon Citizens Alliance in support, and NO ON 9 in opposition. These groups were the essential fundraisers, strategists and coordinators for their respective sides. However, it must be noted that a large number of additional political, professional, and religious associations contributed time, money, and prestige to the struggle. Each group had their own motives and their own approach. Likewise, a number of prominent individuals took public stands on the measure. The lead groups coordinated this effort, but could not (and did not seek to) totally control it.

The issues of the campaign were tied to the national agendas of religious fundamentalist and homosexual groups. However neither of the major players quite fit these labels. As discussed below, the OCA is not strictly a religious movement, and NO ON 9 was not primarily a "gay" organization.

A. History, organization, and goals of the Oregon Citizens Alliance

"The OCA is an organization of citizens who believe in a traditional understanding of right and wrong. We are organized to try to persuade the citizens that there is a need for a moral base to a healthy society," explains Lon Mabon, Chairman of the Oregon Citizens Alliance. [7]

The OCA is not exclusively a Christian or even a religious organization. However, their literature is replete with references to biblical values and injunctions. Leaders frequently express their philosophy in Christian terms. Churches have provided facilities and a natural audience for meetings and rallies. Mabon observes of OCA members that "Most believe in God.... the one true God, although we attract many who may not be religious, may not be Christian, but believe in moral absolutes." [8]

The religious underpinning is further illustrated by the OCA's connection with Christian Coalition, a national Evangelical political organization founded by Pat Robertson. In 1992 Mabon adressed the Coalition's National Conference. The group responded with a $20,000 donation to the Measure 9 campaign. After the election the two organizations attempted an official union, and the OCA Chairman was named head of the Christian Coalition's Oregon Chapter. This arrangement had collapsed by early 1993. Mabon observed that "the separation was more technical than philosophical." As both groups sought to expand their base in the Northwest they came into competition. It was hard to simultaneously be a competitor and an affiliate. They continue to cooperate where it suits their mutual interests. [9]

Another perspective comes from NO ON 9 director Peggy Norman, who views the OCA as more concerned with obtaining secular power than promoting their religious beliefs. "They're there for the politics, not the religion." [10]

The OCA traces its roots to the1986 Republican primary campaign of Joe Lutz - a fundamentalist minister - against Senator Bob Packwood, a strong supporter of abortion and reproductive rights. Lutz received 46% of the vote against the entrenched, well financed incumbent. This campaign brought together for the first time many of the future activists for the OCA. It also revealed a considerable conservative protest vote within the politically moderate state Republican Party.

A conservative faction, led by T.J. Bailey, won control of the state Republican Central Committee later that year. Running the party, however, proved difficult, as moderate Republican donors repudiated the new direction. The conservatives were forced to yield control in 1987 as the party neared bankruptcy. [11]

Bailey, Lutz, Lon Mabon and Dick Younts formed the Oregon Conservative Alliance in 1987. The name was soon changed to the more inclusive Oregon *Citizens* Alliance.[12]

Within their broad interest of restoring a "moral basis" to society the O.C.A. has expressed three specific goals or concerns: opposition to abortion, weakening of environmental and land use restrictions (what they term the restoration of private property rights), and preventing the official promotion of homosexuality.[13] The group has pursued these goals through grassroots organizing (often utilizing fundamentalist churches), pamphleteering, nominating candidates for office, and sponsoring referenda. They publish newspapers The Alliance, and Freedom Journal on a semi-regular basis, as well as other occasional pamphlets addressing specific issues.

Until 1992, abortion - rather than homosexuality - was their primary focus for organizing. However, their only statewide electoral success came in 1988 with voter approval - at 53% - of Measure 8, which overturned an executive order by Governor Neil Goldschmidt. The order had prohibited discrimination in state employment based on sexual orientation.

In 1990 they ambitiously expanded their activities, sponsoring both a referendum and a candidate for Governor. The referendum, once again called Ballot Measure 8, would have amended the state constitution to forbid most abortions. It was defeated by a considerable margin - 68% to 32%.

Their other action that year was to assume the role of a political party and nominate Al Mobley for Governor. Mobley ran as a "true conservative" against the "liberal" Republican Dave Frohnmayer and the "ultra-liberal" Democrat Barbara Roberts. His key issues were abortion (both major party candidates were pro-choice), environmental de-regulation, and opposition to a sales tax. Mobley garnered about 12% of the vote, mainly at the expense of Frohnmayer, and Roberts became governor.

In 1992 the Alliance chose to temporarily abandon the anti-abortion crusade in order to combat what they saw as the growing power of homosexuals in government, education, and popular culture. Building upon their success of the1988 Measure 8, and a city of Springfield initiative in early 1992, they began circulating petitions for the No Special Rights Initiative, which eventually reached the ballot as Measure 9.

While the OCA is strongly rooted in Oregon, it is clear that they seek influence beyond that state. Even before Measure 9 became widely known the OCA gained national attention because of a 1992 race they did not run. The group had threatened another challenge, this time with a third party candidate, to Republican Senator Bob Packwood. Packwood, well aware of what the Mobley campaign had done to Frohnmayer, entered into negotiations with the OCA. Mabon and other leaders were invited to Washington, D.C. for private sessions with conservative Republican Senators Orin Hatch and Phil Gramm. Reporter Robert Sullivan suggests that this "transformed him from a fringe figure making calls to The Oregonian into a power broker taking calls from the New York Times." [14]

This attention corresponded with the creation of sister groups: the Idaho Citizens Alliance and the Washington Citizens Alliance, and an umbrella group for all three called the United States Citizens Alliance. The latter name strongly implies a plan for further expansion. Chairman Mabon confirmed that they hope to enlarge and diversify: "We'll do maybe 3, 4 or 5 states next election cycle, and we'll stop growing..... where we stop growing." [15]

Whether the future of the OCA is as a party or an interest group is uncertain even to the leadership. Mabon's view is that "we are not a political party.... perhaps we're a quasi-political party. We believe in the strength of the two party system." However, he contends the two party system is endangered as it never has been before. In Oregon in particular candidates are often "Republicrats." Mabon noted that even though it is not a goal to become a political party: "If the Republican gubernatorial nominee in 1994 is a 'Republicrat' ... we will not accept two liberals as our candidates." [16]

Ultimately the OCA chose not to run against Packwood. A few days after the deadline for filing independent candidates, Packwood took a public stand against Measure 9.[17]

B. Oregon law and executive orders on sexual orientation

Nothing in Oregon's laws or Constitution explicitly grants special rights or status based on sexual preference or orientation. In 1988 then Governor Neil Goldschmidt issued executive order EO-87-20 forbidding employment discrimination in state government. This was repealed by the passage of Measure 8 that same year. Measure 8 in turn was nullified by the State Supreme in November1993 (after the Measure 9 vote), thereby restoring the executive order.

Oregon, like many states, has a hate crimes statute which increases the punishment for violent acts committed against individuals because they are members of certain groups. "Sexual orientation" is included along with race, national origin, gender, and religion. There is no statewide law granting any additional recognition or status to homosexuals. Several cities, including Portland, have ordinances which forbid discrimination in employment, housing, or use of facilities on the basis of sexual orientation.

There is currently no official statewide curriculum which supports or promotes homosexuality. Some districts are instituting a diversity curriculum, which teaches tolerance of sexual orientation differences - along with differences in race, gender, religion, and national

origin. Sex education and AIDS prevention classes do present some information on how homosexual intercourse takes place. Guidance counselors have been given materials and training to assist in advising (in a non-classroom setting) students who approach them with problems of sexual identity. The goal of the program is to give such students acceptance and support rather than rejection or moral condemnation. [18]

If Measure 9 were to pass, all such existing state and local laws would be nullified, and future ones prohibited.

C. The Oregon referendum process

Initiative refers to ordinary citizens placing an item on a legislative agenda or a public ballot. Referendum is a popular vote on a policy question. Measure 9 was both an initiative and a referendum.

Oregon pioneered the initiative and referendum process in 1902. Secretary of State Phil Keisling notes that the state "actively encourages the participation of its citizens in direct lawmaking."[19] Oregon voters have the power, without the need for legislative action, to make law and even to amend the state Constitution. Measure 9 was a proposed Constitutional Amendment.

To place an amendment on the ballot, sponsors must gather a number of signatures equal to eight percent of the total votes cast for governor in the most recent gubernatorial election. This meant that in1992 89, 028 signatures were sufficient. Signers must be registered voters. There are no regional or geographical distribution requirements. The No Special Rights petition qualified by the July 2 deadline with 129,000 names.

D. No on Nine groups:

A variety of organizations participated, in some fashion, in the campaign against Measure 9. They ranged from "Queer Nation" to the Catholic Archdiocese of Portland and included the Oregon AFL-CIO. (See appendix B) The largest and most influential player was originally dubbed No On Hate. This was changed to NO ON 9 once the OCA measure qualified for the ballot and was assigned a number.

NO ON 9 was directed by a steering committee elected at a Eugene public meeting. While members of existing civil liberties, privacy, and "gay rights" groups served on this committee, organizations per se were not officially represented. Day to day operations were directed by Peggy Norman, a veteran political organizer affiliated with the Oregon Chapter of National Organization of Women (N.O.W.). She brought to the task experience campaigning against the OCA, including the successful effort against the anti-abortion Measure 8 in 1990, and the failed attempt to stop Measure 8 (which repealed the governors executive order) in 1988.

The NO ON 9 campaign had no shortage of activists, and no shortage of critics both internal and external. Because of the many different groups involved, each with their own priorities and agendas, the coalition was fragile and meetings contentious. Norman described the leadership process as similar to "herding cats." This was exacerbated by some disputes about fundamental strategy, to be described below.[20]

One problem NO ON 9 did **not** face was a lack of funds. The organization collected nearly two million dollars, about 20% of which came from out of state donors. This surfeit of wealth allowed the campaign to implement whatever strategy it chose, and to spend heavily on television and radio.

III. The Strategies

Robert Landauer, editorialist for the Portland Oregonian, concluded early in the campaign that "most of the population would divide quickly on the controversy and could not be converted from the position taken. But the data also suggested that 15-20% of the population still might be swayed and induced to vote." He dubbed this segment the "wedge group." [21]

While Landauer was not involved in strategy making for either camp, his comment sums up the approach that both sides tried to take in the Measure 9 campaign. Each began with a guaranteed constituency which, taken alone, was too small to win the race. Each made a play for middle or moderate voters who were not yet committed on this issue.

The pro and anti Measure 9 forces were mirror images in their overall approach: appear moderate and reasonable with limited goals, paint the opponent as extreme, and accuse the opponent of having a broader, more dangerous agenda than what they admit.

A. The Oregon Citizens Alliance

The campaign for Measure 9 was officially conducted by the No Special Rights PAC, a creation of the OCA. The No Special Rights campaign was more organizationally cohesive than the opposition - which included efforts by dozens of groups. However, the OCA strategy contained contradictory elements, a "good cop - bad cop" duality which may have been a political choice, or may have reflected differences within the organization.

As elaborated below, some of the OCA messages used inflammatory language, clearly designed to appeal to those already hostile to homosexuals. Their other face was disarmingly reasonable and moderate. It's likely the organization was serving two occasionally conflicting goals: the desire to win the referendum, which meant putting together a broad based (but loose) coalition on election day versus the need to build the organization by attracting hard core conservative supporters and donors.

Peggy Norman (who cannot be considered an objective observer of the OCA) suggested that the group deliberately had taken a hard line position on both abortion and homosexuality in order to clearly differentiate themselves from other conservative groups and carve out their own political niche. The OCA wishes to carefully build a solid organization that can be a national player. In this scenario, she suggests, it's better in the long run to lose while affirming a strong position than to win by being moderate. [22]

Another view is offered by Sura Rubenstein, a reporter who has covered the group extensively. She suggests that the group sees themselves as "the 82nd airborne cavalry, the marines, the streetfighters" of the Christian crusade. As such they don't see the need to compromise even if they gain political advantage by doing so. [23]

The techniques employed by the OCA in the Measure 9 campaign had been field tested in Springfield, Oregon in May of 1992. In this case Measure 20-8, a local referendum with wording quite similar to the eventual Measure 9, passed by a vote of 55 to 45. In the Springfield campaign the group successfully utilized the "No Special Rights" slogan, and began emphasizing the creeping gay threat to schools and children. Springfield, however, is not a cross section of Oregon, being both poorer and less educated than the state as whole.[24] To win statewide the organization would have to refine its message and expand its base.

Presented below are the key elements of the OCA battle plan for Measure 9.

1. Use disturbing and provocative imagery to demonize homosexuals. Speak to the existing public discomfort with homosexuality in order to arouse public disgust and fear of them.

What do Oregonians - or Americans for that matter - think about homosexuality? The answer to that is complex, and not easily provided by polls and surveys. Based on my discussion with journalists, activists and pollsters a consensus emerges: A substantial number of voters have little personal knowledge of homosexuals or their practices. While not inclined to persecute this behavior they are *uncomfortable* with it, and are not disposed to give it official sanction or support. [25]

The OCA sought to build upon this discomfort and define homosexuals as a serious threat to society. This process began with the text of the measure itself. The word homosexuality is used three times, and is always accompanied by "pedophilia, sadism or masochism." These four behaviors are to be officially declared "abnormal, wrong, unnatural, and perverse." (Remember this was a *Constitutional Amendment.*) This, in fact, represents a toning down of the measure as originally filed, which included "necrophilia and bestiality" among the behaviors to be discouraged. In support of this connection the OCA cites several authorities, including psychologist Paul Cameron, chairman of the Family Research Institute[26] and Judith Reisman, author of Kinsey, Sex and Fraud: The Indoctrination of a People.[27]

The language of the measure was vividly reinforced by a series of video tapes circulated at OCA meetings, church gatherings and "No Special Rights" rallies. The tapes prominently feature the San Francisco Gay Pride parade, an event featuring public nudity, simulated sadomasochism, and the mocking of religious symbols. It draws a number of controversial and confrontational gay groups, including Queer Nation, Act-Up, and the North American Man Boy Love Association (NAMBLA). [28]

OCA makes it clear that they don't claim all or even most homosexuals are pedophiles, sadists or masochists. However, the people portrayed in the videos "represent the driving force in the homosexual community," according to Lon Mabon. "If you make an analogy to the homosexual community as a passenger car with 6 people in it, all representing different facets of the community, I would say what is represented in the video is the person driving." [29]

2. Warn of a homosexual dark agenda including subverting most major institutions of government and society, recruiting in schools, and lowering the age of consent.

The OCA needed to convince people that a constitutional amendment was necessary to prevent special status for homosexuals. This was difficult to justify based on the current level of homosexual visibility and influence in Oregon. The key point that the OCA made over and over was that homosexual activists *were on the move* seeking to force their lifestyle on every institution in society, and to actively recruit more members. Even if many homosexuals seemed harmless, extreme activists had a sinister agenda. [30] Measure 9 was a roadblock, "a line in the sand," designed to halt this dangerous trend. [31]

A key component of this strategy was to exploit the existence of the North American Man-Boy Love Association, a group that endorses pedophilia and advocates the lowering of the legal age of consent. While NAMBLA does not exist in Oregon, and was specifically excluded from the NO ON 9 team, the Association has marched in the San Francisco and Washington Gay Pride Parades. One OCA publication devotes two tabloid-sized pages to the history and goals of this group. [32]

The No Special Rights campaign constantly warned of the particular danger to children posed by official support of homosexual behavior. One of the most effective OCA weapons was a television ad attacking the Childrens Services Division for placing children in gay foster and adoptive homes. (The practice is rare - but legal) An excited young boy named Ryan is told by a counselor that he's about to meet his new parents. Out in the hallway a gay-male couple nervously waits. We don't actually see their meeting, but as the picture fades to black we hear a confused, plaintive Ryan saying "...but where's my mommy?"

An OCA tabloid entitled "Homosexuality, the Classroom and Your Children" contains the notorious "Billy and Chuckie" story where one twelve year old boy convinces another to engage in homosexual behavior by pointing out "The Police Chief says it's OK. Our teachers say it's OK. The newspaper says it's OK. Even the Governor says it's OK....." [33]

The schools have been a long standing issue for the OCA, above and beyond their current focus on homosexuality. They fear that the American education system is being warped and subverted (on a national basis) by a liberal conspiracy that includes homosexuals, environmentalists, abortion advocates, feminists, internationalists, and "social engineering bureaucrats." If successful, this group will essentially brainwash future generations.[34]

The above mentioned tabloid warns that "Not many parents would choose to allow homosexual activists to teach sex education to their children, however, that is exactly what some educators have planned for Oregon schools." Project 10 (a school counseling program for homosexual youth being considered by some Oregon school districts) is "nothing more than a Trojan horse for the aggressive 'gay rights' movement that recruits children into the homosexual life-style."

They cite many further examples. An eleven page leaflet entitled "Homopromo in Oregon Schools" cites 75 cases, including: The Oregon AIDS Education curriculum which presents homosexuality as another "lifestyle choice," the Portland school district "Outreach Program" for "lesbian and gay youth," and a Eugene High School "gay pride" week with participation from "the militant homosexual group Queer Nation." [35]

Again we see a mirror image effect at work. Opponents of the OCA warned of a conservative conspiracy to takeover the schools, eliminate self esteem and decision making programs, and substitute biblical indoctrination.[36]

It's strangely ironic that both sides also raised the spectre of fascism to condemn the opposition. While it's not unusual for liberals to use this rhetoric agianst conservatives, it is note-worthy when a right wing group calls their opponents "Nazis!" Perhaps this is a testimony to the enduring power of the imagery called up by this label. It was also an attempt on the part of the OCA to prevent the charge from sticking to themselves, instead hurling it back on homosexual activists. Scott Lively asserts that there is both a historical connection between homosexuality and fascism, and a contemporary use of Nazi organizing tactics by the more extreme homosexual groups.[37]

The OCA claimed that a campaign of intimidation was being waged against ordinary citizens who supported their goals. People were afraid to put up lawn signs, wear buttons, or publically promote the measure.[38] The amount of violence and harassment surrounding this Measure was indeed unprecedented, and seemingly directed at both sides. Group headquarters, activists homes, and even churches were vandalized. Prominent leaders faced continual threats.[39]

3. Deny that we are attempting to take away basic rights from homosexuals, or discriminate against them as citizens. Praise the historical struggle against racism in order to deny this ground to our opponents.

This was the heart of the debate. What would Measure 9 accomplish? The NO ON 9 groups insisted that it would mandate discrimination. The OCA replied that it would prevent reverse discrimination in favor of homosexuals. "No Special Rights" became the theme of the campaign and the name of the PAC formed to conduct it. Thus they played to egalitarianism and a general hostility toward affirmative action.

They vigorously refuted any connection between "Gay Rights" and the Civil Rights movement for racial equality. A photo caption in the OCA-PAC publication Freedom Journal reads: "Dishonoring Dr. King: 'Gay Rights' advocates seek to equate the powerful dignified courage of African-American Civil Rights leader Dr. Martin Luther King, Jr. with the militant homosexual agenda typified by sado-masochist proponents." Elsewhere the article invokes the "heroic struggle" of "great civil rights leaders Dr. Martin Luther King, Jr. and Malcom X." [40]

The OCA view can be summarized as follows:
We believe that powerful factions in government and the homosexual community wish to confer minority status upon homosexuals, entitling them to affirmative action and other legal preferences currently given to ethnic and racial minorities. We are seeking to prevent this. Our measure is not aggressive, we are simply trying to defend basic morality and decency. We did not start this fight, the homosexuals did by pushing for special rights. [41]

Homosexuality is a behavior not an "orientation." It is not genetically conferred as is race and gender. OCA Communications Director Scott Lively has commented "there are no homosexuals, only heterosexuals who engage in homosexual behavior." [42] It is a choice, and a bad one at that. As such it does not deserve civil rights protection, nor do homosexuals need such protection. Their right to speak, write and assemble are still upheld by the United States and Oregon Constitutions. [43]

4. Interpret the legal implications of the measure as narrowly as possible, in order to blunt opposition claims that this would have drastic implications for schools, libraries and other institutions.

According to the OCA Measure 9's total impact on society would be minimal: While we do not personally approve of homosexuality, it is not our intention to ban this behavior or to arrest, fire, or otherwise persecute homosexuals. No one should lose their job simply for being homosexual, unless they use their position to promote a homosexual lifestyle.

Furthermore, homosexuals are NOT currently being discriminated against. In fact they tend to be economically *more* successful than the average heterosexual. The Oregon and U.S. Bill of Rights protect homosexuals like anyone else, and will continue to do so. If they want more than this, it can only be seen as a demand for "special rights."

We do not intend to challenge or censor library books available to adults. The minds of children, however, must be protected. Books might be restricted or removed from libraries or curriculums if they promote the homosexual lifestyle.[44]

5. Dismiss critics (such as the press, mainline churches, medical and professional associations, and especially Hollywood) as homosexuals, or dupes of them.

A superb example of this is a cartoon appearing in a tabloid entitled "Vote YES on Measure 9!" A grinning puppeteer labeled "Homosexual Movement" manipulates figures named "Media," "Higher Education," "Politicians," and "Portland Police." An adjacent sign advertises the show: "A Streetcar Named Perversion." [45]

Anthony Falzarano, a minister and self-indentified ex-homosexual who spoke at No Special Rights meetings, declared that the media "are controlled by homosexuals in very high positions." [46]

The Alliance also seemed to take a certain pride in being the underdog, in fighting their righteous battle in the face of "the entire Oregon establishment.....every major institution." In their eyes, given these enormous odds against them, whatever public support they get is a heroic accomplishment. [47]

Lacking the funds for heavy media buys, the OCA message was carried by a grassroots campaign. The leadership, especially Mabon, Lively and OCA-PAC Director Philip Ramsdel, traveled frequently and maintained close contact with the local branches. The organization claimed five to six thousand hard core volunteers, organized at a county and precinct level. Activists reached voters through personal contact, church groups, and publications. Over 700,000 copies of the tabloid "Homosexuality, the Classroom and Your Children" were printed and distributed during the campaign.[48]

B. No On Nine

NO ON 9 recognized the importance of appealing to the middle ground. Peggy Norman, Campaign Director for the group observed, "My job as manager was to cast a net so wide that most Oregonians fit in my net. My job is to take in as many people as possible and leave them (the OCA) isolated." [49]

In pursuit of this goal the NO ON 9 leadership made a fundamental strategic choice: **Do not make homosexuality the issue.** Do not get into a battle with the OCA over gay rights or the moral standing of homosexuality. This is not a referendum on whether you like homosexuals! It is about discrimination.

This was a carefully considered decision based on practical experience, as well as polling and voter research. Norman explained:

> We didn't want the campaign to be about "are gay people good or are they bad?" You'd lose a referendum on that. People aren't there yet. You can't fight on those terms. You can fight about discrimination, you can fight about what kind of a state we want to be. Are we inclusive, or do we want to push people out?
>
> Our message, the thing that most people could support, was that they did not want discrimination, they did not want it even if they did not agree with homosexuality, even if they did not know a homosexual, even if they did not like homosexuality. That's where I think most people in this country are.[50]

NO ON 9 presented voters with moral, philosophical and practical reasons for opposing the measure, without having to support homosexuality. Norman again: "We made it possible for people who weren't ready to say homosexuality is OK to vote NO ON 9."

A particularly challenging aspect of this strategy was how to handle the issue of pedophilia. The OCA frequently sought to associate homosexuality with child sexual abuse (as well as sadism

and masochism). In publications and videos they cited the North American Man-Boy Love Association (NAMBLA) as part of the homosexual activist faction. NAMBLA in fact has no chapter in Oregon, and the NO ON 9 steering committee explicitly denied them a role in the anti-9 effort. Other OCA publications cited statistics on homosexual promiscuity and described alleged behaviors such as rolling in excrement.

Norman decided that to actively refute these charges would waste NO ON 9's time and emotional energy, and perhaps only reinforce the connection in voter's minds. Such a debate would have to be conducted on the OCA's terms and turf. Therefore, most of the "bizarre sexual practices" accusations were never acknowledged by NO ON 9. When gays were accused of pedophilia the standard response was: "pedophilia is a serious crime. If you know anyone engaged in this behavior, report it to the police."[51]

Not surprisingly, the strategy of not directly affirming homosexuality caused confusion and resentment among some gay organizations. Some animosity toward the NO ON 9 leadership still lingers.[52]

The tactics used by the groups opposing Measure 9 can be summarized as follows:

1. Emphasize that this is a civil rights issue, a question of arbitrary discrimination against a certain segment of society. Point out that this contradicts American traditions and Oregon traditions. It would be the first backwards step on civil rights in decades.

A slogan often seen on NO ON 9 literature reads "discrimination is not an Oregon value." [53] Former Republican gubernatorial candidate Dave Frohnmayer observed:

> It will give Oregon a really ugly name. It will be the first state in a century to authorize discrimination against a group that's not favored. The campaign seems a deliberate attempt to exploit differences, to exploit prejudice. And I don't like it. It don't think it's American. I don't think it's Oregonian. [54]

Worst of all, this discrimination would be part of the Oregon *Constitution*. It could compel state employees and ordinary citizens - against their will - to practice discrimination. Ironically, Measure 9 would expose people to the very sexual concepts that the OCA condemns. The fundamental law would contain words like "homsexuality, pedophilia, sadism, and masochism." A NO ON 9 pamphlet warns "We'd have the first X-rated constitution in America." [55]

2. Interpret Measure 9 as broadly as possible. Describe its potential impact on a variety of institutions including schools, libraries, and any professional or business requiring a state or local license.

Much of the Measure 9 debate centered on the practical, legal impacts of it becoming part of the Constitution. Each side tried to promote their own interpretation of this, with the OCA presenting the effects as limited and benign (a roadblock, not a rolling back of rights), and the anti-9 activists foretelling a legal and political nightmare, leading to a statewide witch-hunt for gays. Editorialist Landauer exemplified this by entitling his series "The Oregon Inquisition."

The consensus of the legal comunity was that the measure indeed was exceedingly vague. [56] This allowed the NO ON 9 group to plausibly foretell dire consequences if the measure were implemented. The crux of their argument was that the state would become more intrusive into the lives of ordinary citizens, gay or otherwise. In commanding that the state not "facilitate" homosexuality, the measure could be reasonably interpreted as forbidding the use of public buildings, parks or properties by homosexual groups. Even police protection might be denied to

them. Public employees were at risk of being fired or transferred. Furthermore, any doctor, nurse, lawyer, accountant, real estate broker, hairdresser, or other professional with this orientation might lose their licenses to practice. These sanctions could be imposed on anyone who was gay or perceived to be gay.

It was also suggested that any book or literary work written by a homosexual (including long dead ones) would need to be removed from publicly funded libraries. Moreover, since the state would have an affirmative duty to discourage homosexuality, books were in danger that presented gays in a favorable *or even a neutral light.* Public schools could no longer decide how - or if at all - to teach about homosexuality and related issues such as AIDS. They would have an affirmative duty to introduce the concept of homosexuality into the classroom in order to condemn it. [57]

Once these issues were laid down the next step was to personalize them. Rather than simply citing statistics, they used individual teachers, librarians, and other professionals in ads and press releases to give discrimination a human face. This was easy to implement since virtually all professional associations in the state were already supporters of NO ON 9. (See Appendix B for examples.)

Even if these extreme interpretations did not come to pass, the measure would generate lengthy and expensive court cases, tieing up the states money and legal talent for years to come. "It would provoke costly legal challenges that would drain Oregon's tax dollars at a time we should be uniting our resources to battle the real problems facing all of us." [58]

3. Argue that passage of Measure 9 would be the first step down a slippery slope to oppression. If we stand by and allow gays to be targeted, then ethnic and religious minorities will be next.

One of the most frequently quoted authorities was German cleric Martin Niemoeller, who is credited with a a famous poem warning of the folly of inaction when faced with the persecution of others.[59]

The OCA was identified as being part of a much larger, nationwide, religious conservative conspiracy trying to seize control of political institutions and institute a bible-based agenda that would be both regressive and repressive. This view is well stated in a booklet entitled Rolling Back Civil Rights published by the Coalition for Human Dignity:

> (I)t would be a grave mistake to think of the OCA as a narrowly focused "single issue" group intent only on attacking the rights of lesbians and gay men. Rather it is a *political* organization which is part of a *social movement* intent on rolling back civil rights, infiltrating and transforming secular institutions, and ultimately grasping for state power. [60] (emphasis in the original)

4. Make the Oregon Citizens Alliance part of the issue. Make it clear that Measure 9 is their tool and serves their ends.

As discussed above, the OCA questioned the sexual orientation of their critics, whether they came from the media or opposition groups. The anti-9 forces also sought to personalize the race by attacking the sponsors of Measure 9. Early polling done by NO ON 9 showed that the OCA had a strong negative rating (49%) among likely voters.[61] An Oregonian poll later in the campaign showed revealed that 39% saw the OCA as "an ultraconservative fringe group that does not represent mainstream Oregonians."[62] It therefore made good tactical sense to constantly keep the OCA in the spotlight.

This attack had two prongs. First, marginalize the OCA. Present them as being far outside the normal political spectrum. An early Campaign for a Hate Free Oregon pamphlet announces that

"we are a broad based coalition of individuals and groups," while "they are radical right wing political organizations." [63] A subsequent flyer quotes a Daily Astorian editorial which declares "Oregon's linear descendant of the Ku Klux Klan is the Oregon Citizens Alliance." [64]

Secondly, the fiscal and personal integrity of the group was questioned. NO ON 9 helped publicize the OCA's long standing financial disputes with the IRS, creditors, and landlords. Much was made of the case of fundamentalist minister and OCA co-founder Joe Lutz. Lutz, after unsuccessfully challenging Senator Bob Packwood with a campaign based on traditional values, deserted his wife for a married woman from California. [65]

The OCA were charged with manipulating the special rights issue to provide financial support for themselves and their organization. A NO ON 9 pamphlet pointed out that the OCA employed the entire Mabon family. (Lon Mabon's wife, children, and parents all have positions in the organization.) Although the Alliance is constantly pleading poverty, Peggy Norman asserts that Measure 9 has been a "cash cow" for the group. [66] Journalist Frank Mungeam concurred that the homosexual issue has been a "hot button in conservative wallets." [67]

NO ON 9 directly attacked the OCA as an organization, but generally avoided targeting individuals. Some gay organizations, however, have turned OCA leaders into negative icons. Gay newspapers and pamphlets often featured photographs of Mabon and Lively with the diagonal "no" symbol from international road signs. Political cartoons have been particularly vicious. One of the milder ones presents a profile of Mabon with the caption "This could have been prevented, wear a condom every time you have sex!!" [68] A broadsheet circulating in Portland presents the lyrics of "The Lon Mabon Rag" including lines such as "Lon Mabon started the OCA 'casue he said he had a better way, If you want to make the world a better place, you gotta hate everybody who's gay." [69]

5. Recruit moderate and conservative political, religious and cultural figures to oppose Measure 9. Make the OCA and their proposition appear extreme and isolated from mainstream life.

Measure 9 was opposed by an incredible roster of Oregon opinion leaders. Dave Frohnmayer, former state Attorney General, Republican gubernatorial candidate, and current Dean of the University of Oregon Law School is arguably "the most respected Republican in the state." [70] He condemned the measure both in editorials and in a NO ON 9 television ad.

Perhaps the high point of this phase of the campaign was a joint T.V. appearance by Carol Augur, Executive Director of the State Democratic Party and Craig Berkman, then Chairman of the Oregon Republican Party, jointly urging citizens to vote "No on 9." Other strange alliances included Senator Bob Packwood and his opponent, Representative Les AuCoin, who at the time were locked in a close and bitter Senate race.

While several conservative Catholic groups came out in support of Measure 9 (see Appendix B) Archbishop William Levada, head of the Archdiocese of Portland publicly condemned the measure and urged Catholics to vote against it.

6. Point out that "Measure 9 is bad for business." Suggest that Oregon would be damaged economically by boycotts and cancellation of tourist and convention business if Measure 9 passed. The film industry in particular would shun us. [71]

The boycott tactic had been applied by national organizations against Arizona for that state's cancellation of a Martin Luther King, Jr. holiday. More recently, and closer to home, Idaho was

threatened with economic retaliation by Pro-Choice groups of they passed a strict anti-abortion law. (Governor Cecil Andrus vetoed the bill.) Colorado, of course, would face a boycott after it passed Proposition 2 which denied minority status based on sexual orientation. The groups most likely to resent Measure 9 represent activities such as tourism, conventions, and film - growth industries for the state.

7. Refute the claim that gays are seeking special rights.

While the NO ON 9 organization avoided a defense of the homosexual community as such, it was imperative that they blunt the "special rights" charge by asserting that "Equal Rights are Not Special Rights." They asked rhetorically "Is the right to work a special right? Is the right to housing a special right? Is the right to public accommodation a special right?" [72]

8. Defend the right to privacy, the right to be left alone in your own home and bedroom.

This was not a theme pushed by the NO ON 9 campaign, but some ancillary groups - such as the previously established Right to Privacy PAC - did raise it. From a legal standpoint privacy rights cannot be used to protect homosexual activity due to the Supreme Court decision in Bowers v. Hardwicke (1986), which upheld a Georgia anti-sodomy law against privacy claims.

9. Attribute rising levels of violence toward gays to the atmosphere created by the OCA.

Police statistics show an increasing incidence of violence and intimidation against gays during the Measure 9 campaign. The offices of NO ON 9 and several supporting groups were ransacked. (On the other side, OCA members also claimed to be victims of threats and harassment. They repeatedly condemned the use of violence by either side.[73])

While not contending that the OCA directly sponsored violence, NO ON 9 nevertheless blamed them for creating a climate of hatred in which violence florished. A pamphlet citing the Oregon AFL-CIO and Ecumenical Ministries, respectively, asserts that "The Oregon Citizens Alliance efforts encourage divisiveness and hatred in the workplace and the community at large..." and "The OCA initiative promotes a climate of bigotry, hatred, and discrimination." Another leaflet states explicitly that the initiative "will exacerbate the fear and violence toward the gay and lesbian community."[74]

Measure 9 opponents made the most of an incident in October when OCA Communications Director Scott Lively physically ejected from a No Special Rights meeting a photographer for a gay and lesbian newspaper. While the degree of force did not warrant criminal charges, Lively was subsequently found liable for damages in a civil suit. (This case is now on appeal.) NO ON 9 presented this in a television ad as an example of OCA's latent violence and religious hypocracy. [75]

NO ON 9 delivered their message through pamphleteering, public rallys, networking with established interest groups, press releases, and television and radio advertising. Due to their extremely successful fundraising they could afford to utilize television to a much greater extent than the No Special Rights PAC. The OCA's Mabon claimed that "the opposition spent more on media *in the last weekend before the election* than we spent *in the entire campaign.*" [76]

IV. The Media

The news media were a powerful third force in the Measure 9 process. The breadth and volume of their coverage were virtually unprecedented. Their impact may have equaled that of the campaign organizations.

Measure 9 received heavy coverage in both print and broadcast media, almost to the exclusion of other ballot issues. A difficult issue for journalists was how to maintain fairness and neutrality on an issue of such great emotional resonance. More importantly: how do you remain fair when one faction (the OCA) is repeatedly condemning you and your entire profession?

The OCA, and the Christian Right generally, is highly critical of the mainstream media. As previously discussed, the media - along with Hollywood and much of the education establishment - are seen as part of the liberal conspiracy. The Measure 9 coverage only served to reinforce this judgement in the eyes of the OCA. By the end of the campaign the leaders of the Alliance had simply stopped talking to the press, (including The Oregonian, the state's largest newspaper.) Several papers faced advertising and circulation boycotts. Robert Landauer, in the process of writing the "Oregon's Inquisition" series was threatened by anonymous phone calls. These were serious enough that US West tapped his phones to in an effort to catch the callers. [77]

This obviously increased the difficulty reporters faced in being neutral. Most reporters, in hindsight, feel that they were objective, especially given the difficulty of working with the No Special Rights group. "The OCA got very balanced coverage. We bent over backwards to insure that we were being fair" commented The Oregonian's Rubenstein. [78]

One sign of this fairness is that several print journalists complained of being "hammered from both sides" in the campaign.[79] The Oregonian's Brian Meehan observed that "both sides were trying to manipulate the media." Editor Michele McClellan continued that "People in groups think we should present their message unfiltered, unchecked. We decided to be equally critical intellectually." [80]

Reporter Rubenstein elaborated on this. "We took extra pains to present their position carefully and accurately and not put spins on things. That does not mean that we report what they say without context or background, or that we report it uncritically. I think the OCA has a difficult time hearing that they might be wrong." [81]

Lon Mabon sees it quite differently. "The print media coverage was atrocious! outrageous! We could have gone down and put a sign over The Oregonian saying 'Headquarters for NO ON 9.' They lent their institution as a vehicle for our opponents." [82]

Some neutral observers, while not as intense as Mabon, agreed that the media was biased against Measure 9. "This ran through their reporting as well as the editorial side" suggested pollster Tim Hibbetts.[83]

ALL major (and most small) papers in the state took an editorial stand against Measure 9. The Oregonian went to extraordinary lengths by running the12 part editorial series "Oregon's Inquisition." Essayist Landauer pulled no punches in his condemnation of Measure 9 and the OCA. "A vote for 9 ... will express approval for the OCA deceivers and manipulators who bear false witness against our neighbors." "(T)heir ghastly gospel.... is a bizarre, sloppy mixture of stereotype and malice toward homosexuality and homosexuals." [84] Measure 9 "would be like a knife severing an artery and draining the life blood of our national declaration of freedom." [85]

This culminated in an unprecedented front page editorial by the President and Publisher, Fred Stickle. His description of his own attitudes on this issue showed him to be the sort of voter NO ON 9 was trying to reach: "I do not and cannot endorse homsexual acts." However, "(a)nyone fearful of any erosion of our basic rights as Americans must ask, "Where will this lead? What section of our citizenry will be singled out next? I urge you to join me and Oregon's religious,

political, educational, business and community leaders, and clear thinking citizens throughout the state in defeating Measure 9." [86]

V. The Outcome

On November 3, 1992 the voters gave their evaluation of the Measure 9 campaigns. Statewide the proposition was defeated 57% to 43%. Support for the measure was strongest in rural counties and smaller cities. It was weakest in the three major metropolitan regions of Portland, Eugene, and Salem. In the city of Portland it was crushed more than 2 to 1.

Exit polling conducted for the Oregonian shows that supporters of Measure 9 tended to be rural, religious, Republican, and lacking a college education. This is the traditional support base for the OCA. The education question illustrates this graphically. The measure *won*, with 55% among those with high school education or less, but received only 35% from college grads, and 22% from voters with post-graduate degrees.

The religion question also yielded some interesting results. The measure passed with over 70% from those calling themselves "born again" fundamentalists. "Regular church goers" approved it with 60%. Catholics voted *against* the measure by over 66%, suggesting that the stance of Archbishop Levada played a crucial role in the measure's defeat. [87]

The results also reflected Oregon's deep-seated split between traditional rural and expanding urban cultures. The measure won in a majority of counties in the state, but was defeated badly in the Portland metropolitian region. Multnomah County, most populous in the state, rejected it with 69%. More critically, suburban voters in Washington and Clackamas county opposed the measure with 65% and 58% respectively.

VI. Analysis

Why did Measure 9 lose?

Ellen Lowe, spokesperson for Ecumenical Ministries and NO ON 9, concluded that Oregonians "agreed with (the) campaign message that Measure 9 was discriminiation in disguise and that it affected every single person, not just the gay and lesbian community. They recognized that it was a matter of basic civil rights and equal rights." [88]

Editorialist Landauer echoed NO ON 9's self analysis. "A moral majority, including many who do not condone homosexuality, saw the measure as repugnant to their ethical standards of fairness."[89]

Private polling done by NO ON 9 indicates that voters heard the messages put out by the two campaigns. According to Peggy Norman, the number one reason given by respondents who voted against Measure 9 was "they believed it would cause discrimination." The second most common response was that they feared "the danger to us all" if such a measure passed.[90]

The main response given by yes voters was "if they didn't pass Measure 9, homosexuals would get special rights." [91] The OCA's emphasis on pedophelia and recruitment in the schools also found fertile soul. While women on a whole were more likely than men to vote against Measure 9, women with school-aged children tended to support it. [92]

There is a consensus of opinion from activists, journalists, and this observer as to some of the reasons for the outcome.

1. The extreme wording of the measure alienated many moderate voters who otherwise may have been supporters. Even Lon Mabon conceded that the phraseology of the measure was bad from a political - but not a moral - standpoint. "The language allowed them to create secondary issues and divert our energies from the main things." [93]

2. NO ON 9 was more politically skilled both in the content of their message and in their use of the media. They tailored their message to the median or wedge voter. They successfully defined the issues and their opposition so as to make Measure 9 appear extreme and dangerous.[94]

3. While money alone does not win elections, financial superiority enabled NO ON 9 to dominate the media campaign. The OCA claimed they were outspent six to one by their opposition. Figures in the Secretary of State's Office show a more modest edge: NO ON 9 spent $1,754,054 compared to $537, 795 by the OCA. [95]

4. Virtually all major political and institutional figures opposed the measure. The coalition of parties, unions, industry groups, civic leaders, newspapers, religious groups, and prominent individuals was overwhelming. A particularly vital piece of this coalition was Archbishop Levada. Oregonian reporter Brian Meehan felt that Levada's stand influenced a large number of middle-of-the road voters who needed guidance on this issue.[96]

The OCA recognized the power of their opposition. Mabon observed that "an unprecedented array of institutions, associations, media, and public officials took a stand against Measure 9. Almost literally the whole establishment of the state was against us." [97]

5. A more controversial suggestion is that Oregon, at least in the urban regions where a preponderance of the voters live, is a liberal, tolerant state. In the absence of any campaign efforts the natural vote would support gay rights. In other words the campaign - for all its sound and fury - signified little.[98] This point can be somewhat rebutted by pointing to the conservative direction the voters took on Measure 8 (1988), the only previous statewide referendum involving gay rights.

The Measure 9 opposition tried hard to de-emphasize homosexuality, and reach out to a mainstream audience. However, several journalists who covered the campaign felt that NO ON 9 was unsuccessful in these efforts. They were guilty of "preaching to the choir" both ideologically and geographically. Reporter Meehan observes: "The NO ON 9 campaign takes a lot of credit for defeating the measure. I'm not sure that credit is well placed. Most of their stuff was tailored to basically the gay community, a spirit of gay affirmation." Editor McCllellan ads that "the NO ON 9 campaign was very Portland based. Most of the switchable votes were outside that area." [99]

Other observers felt that gay groups were too visible and too assertive, making a number of moderate voters nervous.[100] A particular problem was the early Anti-9 slogan of "No on Hate." Many ordinary citizens who were not natural partisans of the OCA nevertheless felt uncomfortable with homosexuality. Accusing them of "hate" only alienated them and made them more likely to vote "yes."[101] The anti-9 leadership themselves recognized this and eliminated "hate" from their name and literature.

Surveys taken during the race shed some interesting light on this question. It should first be noted that polls are often problematic when the respondent is being asked to admit a prejudice, or an attitude that may be seen as socially undesirable. This was demonstrated in Oregon back in1988. Surveys showed Measure 8, (which repealed the Governor's order banning

discrimination against homosexuals), losing by a significant margin. It eventually passed with 53% of the vote.[102] More recently, polls in Springfield had shown Measure 20-8 losing. It too won.

Nevertheless, the surveys taken in the 8 weeks before the Measure 9 election show surprising consistency. On September 15 The Oregonian found that 57% were ready to vote "no," with 27% yes, 16% undecided. On October 4 the "no" figure remained the same, with 8% having moved from "undecided" to "yes." A KATU-TV poll in late October found 60% opposed, 34% in favor, and 6% undecided. The variation between the "no" vote in the polls and the actual election figures are all within the survey's 3.5% margin of error.[103]

One could make a prima facie argument that all of the money and effort expended by the Measure 9 opponents had little effect on public opinion. They were unable to add to their early support. In fact, virtually all of the undecided voters went to the other side. This casts serious doubts on the strategy (or perhaps *the execution of the strategy*) employed by NO ON 9.

However, some good counter-arguments can be made in support of NO ON 9. As noted above, polls on this sort of issue are notoriously unreliable. The seeming consistency of responses may actually mask substantial movement in opinion. In other words, a certain percentage of the respondents who claimed to oppose Measure 9 in September may actually have been lying in order to cover potentially embarrassing views. In the subsequent weeks some of these voters may have changed their real opinions to match their previously declared views.

It is not necessarily surprising that the OCA gained the votes of the early undecided respondents. Studies have shown that voters who make up their minds late in an election tend to be those with lower levels of education, income and political interest. This is exactly the demographic in which the OCA was most successful. In other words, the undecideds were natural "yes on 9" votes, and it's unlikely that the "no" forces could have won them over by any means.

Lastly, while the No on 9 forces may have failed to add to their early edge, they also did not lose any of it. The importance of holding a lead is not to be dismissed. If the group had been complacent, or had employed tactics that backfired (such as more aggressively defending homosexuality) it is quite possible that less committed supporters would have moved to the other side. As NO ON 9's Norman admitted "their people bought theirs. Our people bought ours, and we had more of a population going our direction." [104]

VII. Conclusions

There is an ongoing struggle by religious and secular conservatives to define the terms of political debate in this country. The catchword for this range of issues is "traditional values."

At the same time, the gay community is gaining in economic and cultural significance. [105] The struggle for political recognition and societal acceptance continues. This is a situation sometimes known as "stratification inconsistency" and is a precursor to political activism.

There is likely to be a continuing battle at the national, state and local level, both in legislatures and - where possible - through referendums. A substantial segment of the voting public is not committed to either camp. They are uneasy with homosexuality, yet offended by the narrow moralizing and exclusionary rhetoric of the religious right. As in Oregon, this is the swing group that both sides must attempt to reach out to.

The OCA continues to organize around this issue. The day after the Measure 9 loss, Chairman Mabon announced plans for a revised statewide measure in 1994. Oregon Christian Coalition

head Darrell Fuller added "this is one salvo in a cultural war that Americans will be fighting in the next decade." [106]

In Oregon this war is being waged on two fronts. Recognizing the substantial gap in urban versus rural support for Measure 9, a series of local city and county measures are being promoted in those regions which gave that measure its strongest support. The OCA have also been true to their word concerning the 1994 statewide ballot. Petitions are already being circulated for a new measure, "The Minority Status and Child Protection Act," which avoids some of the more controversial language of Measure 9 while pursuing the same goals.

The OCA's Mabon is confident about the prospects for this new measure, given that it is unlikely to face the massive unified opposition that sunk Measure 9. Meanwhile, NO ON 9's Norman is confident that the OCA has revealed their true nature, and the voters will not be fooled by a redesigned measure. Moreover, the forces that defeated Measure 9 are ready to continue the fight. [107]

The failure of Measure 9 did not end the battle, it only gave the voters a momentary breather.

APPENDIX A

Interviews conducted in June-July 1993.

(note: titles and positions are those held during the Measure 9 campaign)

1. Lon Mabon. Chairman, Oregon Citizens Alliance. Wilsonville, Oregon. June 22, 1993.

2. Phillip Ramsdell. Political Director, Oregon Citizens Alliance. Wilsonville, Oregon. June 22, 1993.

3. Scott Lively. Communications Director, Oregon Citizens Alliance. Wilsonville, Oregon. Phone Interview. June 27, 1993.

4. Peggy Norman. Campaign Director, No On 9. Beaverton, Oregon. June 22, 1993.

5. Marge Work. Steering Committee, No on 9. Member of Parents and Friends of Lesbians and Gays. Portland, Oregon. Telephone Interview. June 10, 1993.

6. Denise Thompson. Director, Right to Privacy PAC. Portland, Oregon. Telephone Interview. June 9, 1993.

7. Craig Berkman. Chairman, Oregon Republican Party, Portland, Oregon. June 24, 1993.

8. Robert Landauer. The Oregonian, Portland, Oregon. June 2, 1993. Phone Interview.

9. Michelle McLellan. Assistant City Editor, The Oregonian, Portland, Oregon. June 21, 1993.

10. Sura Rubenstein. Reporter, The Oregonian, Portland, Oregon. June 21, 1993.

11. Brian Meehan. Reporter, The Oregonian, Portland, Oregon. June 21, 1993.

12. Mary Jackson. Assistant Producer, Northwest Week, KOPB TV, Portland, Oregon. June 23, 1993.

13. Claudia Brown. Host, Northwest Week, KOPB TV, Portland, Oregon. June 23, 1993.

14. Morgan Holm. Radio News Reporter, Producer, KOPB (radio), Portland, Oregon. June 23, 1993

15. Frank Mungeam. Producer-Town Hall. KATU-TV (Ch. 2, ABC). Portland, Oregon. June 24, 1993

16. Jackman Wilson. Editorial Columnist, Eugene Register-Guard. Eugene, Oregon. June 25, 1993.

17. Scott McFetridge. Reporter, Salem Statesman Journal. Salem, Oregon. June 25, 1993

18. Dick Hughes. Editorial Writer, Salem Statesman Journal. Salem, Oregon. June 25, 1993

19. Mark Hass. Reporter, KATU-TV (Ch. 2, ABC). (interviewed in Salem, Oregon). June 28, 1993

APPENDIX B

A Partial List of Groups Taking Public Stands on Ballot Measure 9.

In Favor

No Special Rights Committee
Oregon Citizens Alliance PAC
V.O.I.C.E
Catholic Oregonians for Truth
Oregon Catholics for Life
Christian Coalition
American Family Association Foundation
Concerned Women for America
Eagle Forum

Opposed

American Federation of State, County and Municipal Employees (AFSCME)
Oregon Public Employees Union
Coalition of Labor Union Women
Oregon AFL-CIO
Northwest Farmers Union
Associated Oregon Industries
Urban League of Portland
Democratic Party of Oregon
Ecumenical Ministries of Oregon
Clergy and Laity Concerned
Roman Catholic Archdiocese of Portland
Jewish Federation of Portland
NAACP
American Civil Liberties Union
Oregon NARAL
Planned Parenthood
National Organization for Women
Oregon Psychological Association
Physicians for Social Responsibility
Portland Board of Realtors
Oregon Library Association
Oregon Education Association
Oregon State Bar Association
Oregon Psychiatric Association
Parents and Friends of Lesbians and Gays
Lesbian and Gay Pride
Feminist Women's Health Center
Lesbian Community Project
Phoenix Rising
Right to Privacy PAC

ENDNOTES

1 Office of the Oregon Secretary of State, Election s Division. Official 1992 General Voters Pamphlet, p. 93.

2 Brian Meehan, "Ballot Measure 9 Creates Climate of Fear," The Oregonian, October 17, 1992, p. A1,14.

3 There are dozens, if not hundreds of books on the subjects of Christian Fundamentalist/Evangelical political activity, as well as on the Gay Rights movement. Two that I found useful as background to this discussion were: Religion and Politics in the United States, Kenneth Wald, (St. Martins Press, New York, 1987); Margaret Cruikshank, The Gay and Lesbian Liberation Movement, (Routledge, London, 1992)

4 R.W. Apple, Jr " Gay Rights and AIDS Emerging as Divisive Issues in Campaign," New York Times, August 20, 1992. pp. A1, A17, A23.

5 Sura Rubenstein, "Oregon's Great Divide", The Oregonian, September 20, 1992, p. A18.

6 The Coalition for Human Dignity (1992) "Rolling Back Civil Rights" p. 3., Pamphlet, (Portland, Oregon).

7 Lon Mabon, Interview, Wilsonville, Oregon. June 22, 1993

8 Lon Mabon, Interview, Wilsonville, Oregon. June 22, 1993

9 Lon Mabon, Interview, Wilsonville, Oregon. June 22, 1993

10 Peggy Norman, Interview. Beaverton, Oregon. June 22, 1993.

11 This information taken primarily from S.L. Gardiner Rolling Back Civil Rights, Coalition for Human Dignity, Portland, Oregon. Note: The C.H.D. is a political opponent of the OCA.

12 Gay S. Gassair, Willamette Week, June 17-32, p. 12.

13 "Oregon Citizens Alliance Statement of Principles." Leaflet. Wilsonville, Oregon.

14 Robert Sullivan, "Revolution no. 9" The New Yorker, November 9, 1992, p. 67.

15 Lon Mabon, Interview, Wilsonville, Oregon. June 22, 1993.

16 Lon Mabon, Interview, Wilsonville, Oregon. June 22, 1993.

17 Brent Walth, "Senator Opposes Measure 9." The Eugene Register Guard, September 3, 1992.

18 Bill Graves, "Schools in the Balance," The Oregonian, October 25, 92, p. D1.

19 Phil Keisling 1992 State Initiative and Referendum Manual, Introduction. (Secretary of States Office, Salem Oregon).

20 Peggy Norman, Interview. Beaverton, Oregon. June 22, 1993. also Sura Rubenstein, Interview, Portland, Oregon, June 21, 1993.

21 Robert Landauer, letter to the Bruce Baer Award Committee, April 22, 1993. Landauer in fact wrote these comments *after* the election, but was recalling his thoughts of the previous year.

22 Peggy Norman, Interview. Beaverton, Oregon. June 22, 1993.

23 Sura Rubenstein, Interview, Portland, Oregon, June 21, 1993.

24 John Henrikson, "Blueprint for Bigotry," Willamette Week, August 13-19, 1992, p. 1-15.

25 Including interviews with Michele McCllellan (Portland Oregonian), Frank Mungeam (KATU), Tim Hibbetts (Pollster), Scott McFetridge (Salem Statesman-Journal), and Peggy Norman (NO ON 9).

26 Patrick O'Neill, "Doctors dismiss OCA arguments," The Oregonian, October 1, 1992. (Cameron was recently expelled from the American Psychological Association and condemned by the American Sociological Association.)

27 Brian Meehan, "Two Activists Give Support to Measure 9," The Oregonian,

October 15, 92, P. B4.

28 "No Special Rights" and "Dangerous Behaviors: A Growing Pattern of Abuse," Videotapes. The OCA, Wilsonville, Oregon.

29 Lon Mabon, Interview, Wilsonville, Oregon. June 22, 1993.

30 "Vote YES on Measure 9," Tabloid. OCA-PAC. Wilsonville, Oregon.
"The Gay Agenda," leaflet, No Special Rights Committee, Wilsonville, Oregon.

31 Lon Mabon, Interview, Wilsonville, Oregon. June 22, 1993.

32 "Homosexuality, the Classroom and Your Children" Tabloid. No Special Rights PAC. Tabloid. Wilsonville, Oregon.

33 "Homosexuality, the Classroom and Your Children" Tabloid. No Special Rights PAC. Wilsonville, Oregon. The Police Chief reference is undoubtedly to Tom Potter, Portland Chief of Police whose openly lesbian daughter is also a member of the force. Potter has publicly supported "Gay Rights" causes. Potter resigned in July of 1993.

34 "Examining Oregon's Education 2000 Plan," Tabloid. OCA (Education Reform), Wilsonville, Oregon.

35 "Homopromo in Oregon Schools" OCA Research Department. Leaflet. Wilsonville, Oregon.

36 Peggy Norman, Interview. Portland, Oregon. June 22, 1993.

37 Scott Lively, telephone interview, Wilsonville, Oregon. June, 28, 1993.

38 Scott McFetridge, "Measure 9 supporters keeping a low profile," The Salem Statesman Journal, October 25, 1992.

39 Brian Meehan, "Ballot Measure 9 Creates Climate of Fear," Oregonian, October 17, 1992, P. A1,14

40 "'Gay Rights' degrades Black Americans, other minorities," Freedom Journal Special Civil Rights Edition. OCA-PAC. Wilsonville, Oregon. p.1.

41 "Vote YES on Measure 9," Tabloid. OCA-PAC. Wilsonville,Oregon.

42 Patrick O'Neill, "Doctors Dismiss OCA argument," The Oregonian, October 1, 1992., p. F8.

43 "Pro-Family Answers to Pro-Gay Questions," Pamphlet, No Special Rights Committee, Wilsonville, Oregon.

44 "Vote YES on Measure 9!" Tabloid. Oregon Citizens Alliance PAC, Wilsonville, Oregon.

45 "Vote YES on Measure 9!" Tabloid. Oregon Citizens Alliance PAC, Wilsonville, Oregon.

46 Robert Sullivan, "Revolution no. 9" The New Yorker, November 9, 1992, p. 67.

47 Lon Mabon, Interview, Wilsonville, Oregon. June, 1993.

48 Brian Meehan and Bill Graves, "OCA stirs emotions with its second flyer, " The Oregonian, September 25, 1992, p. D1.
Sura Rubenstein, "OCA Banking on its Grassroots Network," The Oregonian, October 10, 1992, p. D4.

49 Peggy Norman, Interview. Portland, Oregon. June 22, 1993.

50 Ibid

51 Ibid

52 Peggy Norman, Interview. Portland, Oregon. June 22, 1993. also , Brian Meehan, Sura Rubenstein, Interview, Portland, Oregon, June 21, 1993.

53 "Nine Reasons to Vote NO on 9" (Political pamphlet) NO ON 9, Portland, Oregon 1992.

54 Brian Meehan, "Constitutional Scholars Find 9 Vague, Baffling," The Oregonian. September 20, 1992, p. A18.

55 "It's a Danger To Us All," Pamphlet. NO ON 9, Portland, Oregon.

56 Brian Meehan, "Constitutional Scholars Find 9 Vague, Baffling," The Oregonian. September 20, 1992, p. A18.

57 "The OCA's Ballot Measure 9: Impact Statement No. 1," Pamphlet. NO ON 9 . Portland, Oregon.
"Information Sheet." Pamphlet. Campaign for a Hate Free Oregon, Portland, Oregon and "What happens if Measure 9 passes." Pamphlet. NO ON 9, Portland, OR.

58 "What happens if Measure 9 passes." Pamphlet. NO ON 9, Portland, OR.

59 "In Germany, they first came for the Communists,
and I didn't speak up because I wasn't a Communist.
Then they came for the Jews,
and I didn't speak up because I wasn't a Jew.
Then they came for the trade unionists,
and I didn't speak up because I wasn't a trade unionist.
Then they came for the Catholics,
and I didn't speak up because I was a Protestant,
Then they came for me,
and by that time no one was left to speak up."

60 The Coalition for Human Dignity (1992) "Rolling Back Civil Rights" p. 3., Pamphlet, Portland, Oregon.

61 Peggy Norman, Interview. Portland, Oregon. June 22, 1993

62 Unsigned, The Oregonian, October 11, 1992, p. A1.

63 Campaign for a Hate Free Oregon, "Information Sheet". Pamphlet. Portland, Oregon.

64 No On 9, "Who Supports Discrimination? Who Opposes Discrimination?," Pamphlet. Portland, Oregon.

65 No On 9, "Say No to the OCA," Pamphlet. (Portland, Oregon)

66 Peggy Norman, Interview. Portland, Oregon. June 22 , 1993

67 Frank Mungeam, KATU-TV, Interview , Portland, Oregon, June 26, 1993.

68 The Oregon Witness, Journal of the Coalition for Human Dignity, Vol 2, No. 1, July, 1992. p. 2.

69 Steve Spratt and Lee Spratt, "The Lon Mabon Rag", broadsheet.

70 Peggy Norman, Interview. Portland, Oregon. June 22, 1993

71 "9 Reasons to vote No On 9." Pamphlet, NO ON 9. Portland, Oregon.

72 "9 Reasons to vote No On 9." Pamphlet, NO ON 9. Portland, Oregon.

73 Brian Meehan, "Constitutional Scholars Find 9 Vague, Baffling," The Oregonian. September 17, 1992, p. A18

74 "Who Supports Discrimination? Who Opposes Discrimination?," and "9 Reasons to vote No On 9." Pamphlets, NO ON 9. Portland, Oregon.

75 Sura Rubenstein, "OCA Issues New Series of TV ads," Oregonian, October 22, 1992. p. D5.

76 Lon Mabon, Interview, Wilsonville, Oregon. June 22, 1993.

77 William A. Hilliard, Editor. Letter to Bruce Baer Award Committee, April 22, 1993.

78 Sura Rubenstein, Interview, Portland, Oregon, June, 1993.

79 Jackman Wilson, Interview. Eugene, Oregon. Michele McClellan of the Oregonian said essentially the same thing "we were taking heat from both sides." Dick Hughes of the Salem Statesman Journal responded"We were hated by both sides."

80 Brian Meehan, Michele McClellan, Interviews, Portland, Oregon, June 21, 1993.

81 Sura Rubenstein, The Oregonian, Interview, Portland, Oregon, June 21, 1993.

82 Lon Mabon, Interview, Wilsonville, Oregon. June 22, 1993.

83 Tim Hibbetts, Telephone Interview. Portland, Oregon. August 16, 1993.

84 Robert Landauer, "Oregon's Inquisition, Pt. I, The Oregonian, October 11, 1992, P. C6.

85 Robert Landauer, "Oregon's Inquisition, Pt. VIII, The Oregonian, October 23, 1992, P. C8.

86 Fred A. Stickle, "To the People of Oregon," The Oregonian, November 1, 1992, p.A1.

87 Brian Meehan, "Measure 9 Reveals Deep Splits Among Oregon Voters," Oregonian, November 5, 1992, PA1.

88 Sura Rubenstein, "OCA Issues New Series of TV Ads," The Oregonian, October 22, 1992, p. D5.

89 Bruce Landauer, Editorial, The Oregonian, November 3, 1992.

90 Peggy Norman, Interview. Beaverton, Oregon. June 22, 1993.

91 Peggy Norman, Interview. Beaverton, Oregon. June 22, 1993. Because this issue is still being fought at the local level and in a likely 1994 statewide ballot measure, Ms. Norman was unwilling to share the exact questions and figures from the poll. Essentially, she felt that the poll contained information that could help the other side in the next round.

92 Based on summary of NO ON 9 polling given by Peggy Norman, op. cit.

93 Lon Mabon, Interview, Wilsonville, Oregon. June 22, 1993.

94 Tim Hibbetts, Telephone Interview. Portland, Oregon. August 16, 1993.

95 Oregon Secretary of States Office, Preliminary Contributions and Expenditures Summary.

96 Brian Meehan, Interview, Portland, Oregon , June 21, 1993.

97 Lon Mabon, Interview, Wilsonville, Oregon. June 22, 1993

98 This was suggested by Frank Mungeam (KATU-TV).

99 Brian Meehan. Michele McClellan. Interviews, Portland, Oregon. June 21, 1993.

100 Michele McClellan. Sura Rubenstein. Interviews, Portland, Oregon. June 21, 1993.

101 Frank Mungeam (KATU-TV). Interview, Portland, Oregon. June 25, 1993.

102 Sura Rubenstein, "Oregon's Great Divide," The Oregonian, September 20, 1992, p. A18.

103 Sura Rubenstein, "Oregon's Great Divide," The Oregonian, September 20, 1992, p. A18.

104 Peggy Norman, Interview. Beaverton, Oregon. June 22, 1993.

105 "A Market That's Educated, Affluent and Homosexual," New York Times, September 23, 1992. p. B27.

106 Scott McFetridge, "'92 Anti-gay rights initiative failing," Salem Statesman-Journal, November 4, 1992, p. 7A.

107 Lon Mabon, op. cit., Peggy Norman, op. cit.

Overseeing a War: The 1961 Military Commitments*

David Sylvan
Graduate Institute of International Studies, Geneva
(sylvan@hei.unige.ch)

Stephen Majeski
University of Washington
(majeski@u.washington.edu)

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Abstract

During 1961, South Vietnam moves from one status to another. It begins the year as an ordinary client state in the U. S. empire; within months, it has become a state with extraordinary problems. In the views of many U. S. officials, only the United States can solve these problems; and such a solution requires the use of significant American military means. To other officials, it is imperative to avoid a commitment of U. S. troops. The way in which debate unrolls clearly indicates, however, that as the policy space shifts, it also shrinks in size to a single course of action—albeit one with major consequences.

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In 1961, the U. S. empire was near its apogee. American fleets circled the globe; American armies were stationed on every continent. Scores of countries were on the U. S. "side" of the cold war "truce lines,"[1] countries whose internal affairs as well as external alignment were looked after by officials in Washington. When John Kennedy took office as President and pledged to "pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty,"[2] he was simply expressing an attitude shared by thousands of U. S. officials and, no doubt, by millions of ordinary citizens as well.

1 Client States

The basic building blocks of the empire were client states. These were recognized by policy makers in Washington as countries with, minimally, non-communist regimes; in most cases, client states were governed by anti-communist rulers. For U. S. policy makers, the operative rule was to maintain client states as non- or anti-communist. This, as it turns out, was a constant task, not because each client was in imminent danger of overthrow, but because, like Gatsby's green light, a completely satisfactory regime was a goal that always receded over the horizon. Client regimes could always be improved upon: suspect ministers evicted, leftist unions suppressed, democratic forms observed more carefully. Add to this the fact that the vast majority of client states were located in what was then known as the "underdeveloped areas"[3] and we can begin to understand just why the array of imperial tasks was apparently endless.

All empires have bureaucracies, but that of the U. S. empire was particularly extensive. Each client state had, located within its boundaries, a U. S. administrative apparatus whose size dwarfed the diplomatic machinery of other states. The central figure,

[1]The expression is from a memorandum from Walt W. Rostow to President Kennedy, 11 November 1961. This document, along with the other archival materials cited in this paper, is entered in a document flow that we have constructed. Each entry in the flow is marked with its provenance (in this case, the John F. Kennedy Library, NSF Country File, Vietnam) and title (in this case, none), and that information is available from us on request. It should be noted that many documents are contained in two or more archives; for 1961, a large number of documents (about a third of those in our flow) have been published in *Foreign Relations of the United States, 1961–1963. Volume I: Vietnam 1961* (Washington: United States Government Printing Office, 1988).

[2]Theodore C. Sorensen, *Kennedy* (New York: Harper & Row, 1965), 246.

[3]The phrase is ubiquitous in the early 1960s. A classic example is W. W. Rostow, *The Stages of Economic Growth: A Non-Communist Manifesto* (Cambridge University Press, 1960), 140. Strictly speaking, the "development" status of states was independent of their imperial status. Thus, industrialized countries with fairly high levels of per capita income could have regimes whose composition and rule was a matter for continual action by U. S. officials; a good example is Italy. By contrast, countries like Britain were not clients in most senses of the term, even though they were part of the empire. The notion of empire that we are using here is linked to a concept of rule that is more Weberian than Leninist. See Max Weber, *Economy and Society* (Berkeley: University of California Press, 1974), vol. 2, ch. 9, pts. 3–4. As regards the U. S. empire, our ideas have much in common with Franz Schurmann, *The Logic of World Power: An Inquiry into the Origins, Currents, and Contradictions of World Politics* (New York: Pantheon, 1974); see also Bruce Cumings, *The Origins of the Korean War, Volume II: The Roaring of the Cataract, 1947–1950* (Princeton: Princeton University Press), chaps. 1–5.

of course, was the U. S. ambassador; as head of mission, he (the number of women ambassadors in those years was minuscule) was at least nominally in charge of all U. S. governmental activities in the client state. Typically, those activities involved officers of the State Department (political, consular, public affairs, and commercial); the Agency for International Development, the United States Information Agency, the Central Intelligence Agency, and the Defense Department. This last group included not only military attachés, but also officers (and enlisted men) involved in military assistance. To be sure, most U. S. missions were the scene of considerable bureaucratic infighting: each agency jealously guarded its administrative authority and worked to undercut other offices. Nonetheless, the ambassador was usually given the legal authority to oversee the activities of all U. S. officials.

However, the real importance of the ambassador lay in personal contacts rather than organization charts. For the ambassador was appointed by the President of the U. S. and was his representative to the head of state (and head of government) of the country to whose government he was accredited. In client states with weak economies or shaky regimes, the U. S. ambassador was effectively a proconsul, more powerful than any local officials. Time and again, we find ambassadors meeting with Prime Ministers and Presidents of "their" client states, often on short notice, and on an extraordinary array of subjects. It follows from this that the ambassador was often a participant in the culture of high level foreign policy making regarding that particular client state; indeed, for ordinary client states, high level Washington policy makers not only deferred to the ambassador but rarely bothered even to think about, much less make, policy.[4]

The other administrative machinery involved in running the empire was located outside the client state. Some of it was in intermediate locations, such as military bases in other countries. The largest of these bases were often small fiefdoms of Pentagon and other officials, responsible for contingency plans and monitoring cable traffic between various client states and Washington. A classic example was (and is) located in Hawaii: the Commander in Chief, Pacific (CINCPAC) not only controlled the 7th Fleet, but had attached to his command army, air force, and marine officers, CIA officials, and even a "political adviser" from the State Department. Since the 1950s, CINCPAC had as a principal task the oversight of U. S. military and other efforts in East Asia.[5]

Washington, of course, was the center of the empire. Every agency, and often sub-agencies as well, had "desks" devoted to client states—usually one desk per state. Desk officers were assigned to monitor developments in the clients, both as they were reported from the missions and, to a lesser degree, through other means. Desks, in turn, were grouped by region, and regional officers were the go-betweens by which high level officials stayed in touch with the field. From time to time, desk and regional officers would be brought together from different agencies onto "task forces" or "working groups" concerned with particular countries or areas. In this way, we can see that the very

[4]It is hard to say whether U. S. ambassadors are still as important as they were in the heyday of the empire. On the one hand, modern communications make it easier for Washington officials to give instructions and receive information in "real time." On the other hand, ambassadors to client states are usually considered by Washington to have a certain expertise by dint of their location, and this no doubt leads to a certain deference toward them.

[5]See Schurmann, *Logic*, for an interesting account of CINCPAC.

structure of the U. S. foreign policy apparatus, in spite of its formal functional divisions, was built around the operation and oversight of the empire.[6]

The notion of client states, and of administrative machinery concerned with such states, helps to explain the existence of numerous U. S. foreign policy doctrines during the cold war. Thus, the Truman doctrine and the doctrine of containment were not concerned so much with the protection of abstract geographical coordinates but instead with how particular non- or anti-communist regimes could be maintained against both internal attack and external subversion.[7] In fact, many doctrines and policies couched in general or universal terms turn out, on closer examination, to have been elaborated as arguments about problems in particular client states; it is precisely when client states cease to be ordinary that high level policy makers get involved and formulate policies that, subsequently, are elevated to the level of doctrine for other, ordinary, clients.

2 South Vietnam as Ordinary

Until the Kennedy Administration, South Vietnam was an ordinary client state. In 1960, for example, the standard collection of U. S. officials could be found in Saigon: the State Department officers, of course, along with foreign aid officials, military assistance personnel, foreign aid staff, intelligence operatives, and so on. To be sure, the South Vietnamese state was new. It had been created in 1954, as a consequence of the Geneva Accords that put an end to the French war (and empire) in Indochina. This newness, however, was hardly distinctive in an era of rapid decolonization. Indeed, the newness was an asset for the regime of President Ngo Dinh Diem, whose freshly created country was a locus of U. S. attempts to show that here, at least, was a place where things could be done right the first time around. Diem's survival as the head of an independent state, in the face of domestic enemies and next door to a communist regime, was taken as evidence for how other U. S. client states should be run. "President Diem," one liberal senator said, "is not only the savior of his own country, but in my opinion he is the savior of all Southeast Asia."[8]

However, by late 1959, the South Vietnamese government was facing a guerrilla war. U. S. officials gradually linked the insurrection not only to the supposedly inherent proclivities of communists to make trouble, but to the dictatorial and repressive nature of the Diem regime. In March of 1960, for example, the U. S. ambassador to South Vietnam

[6]In a world of territorially demarcated sovereign states, one might expect foreign policy officials to divide their tasks by states. However, the U. S. policy making apparatus is built not so much around the simple reporting of information between headquarters and the field as around the (attempted) solution of client state problems. Hence the extent of the apparatus and the concern with regional and agency coordination. In this sense, recent claims about "nonterritorial functional space" are precisely incorrect. John Gerard Ruggie, "Territoriality and beyond: problematizing modernity in international relations," *International Organization* 47, 1 (1993), 165.

[7]This is a distinction that standard treatments of the cold war usually elide. See, for example, the misleading discussion of "drawing lines" in John Lewis Gaddis, *The Long Peace: Inquiries into the History of the Cold War* (New York: Oxford University Press, 1887), ch. 4. Elsewhere, we have dealt with the process of how policy making involves the prior constructing of places as states: "Rhetorics of place characteristics in high level U. S. foreign policy making," in Francis A. Beer and Robert Hariman, eds., *Refiguring Realism: International Relations and Rhetorical Practices* (forthcoming, 1994).

[8]Mike Mansfield, *Congressional Record*, vol. 103, 6759.

complained that "the government has tended to treat the population with suspicion or to coerce it and has been rewarded with an attitude of apathy or resentment."[9] This analysis led to greater political oversight by the American embassy; it also led to increases in the number of CIA and military officials. The latter, of course, had to report to CINCPAC, and so the U. S. administrative machinery quickly took on the appearance of a miniature Washington in the middle of Saigon.

Up to this point, the guerrilla war was not a novel experience for the U. S. Many American clients states were beset by guerrilla wars which, though they would heat up from time to time, were usually able to be kept at a manageable level. Guerrilla wars, it was thought, were to be expected in "underdeveloped areas" and the U. S. had a fair amount of experience in dealing with them.[10] The Philippines was considered a particularly good example of an ordinary guerrilla war; indeed, at the time, Southeast Asia was considered a region in which such wars were to be expected.[11] In South Vietnam, though, the war began to broaden and shows few signs of being kept at an acceptable level. By September of 1960, the U. S. ambassador wrote that the "Diem government is in quite serious danger" and that if "Diem's position in country continues deteriorate...it may become necessary for U. S. government to begin consideration alternative courses of action and leaders in order achieve our objective."[12]

Nonetheless, Diem's government was not yet in imminent danger of collapse. The Americans on the spot—notably the ambassador and the chief of the Military Assistance Advisory Group (MAAG)—were able to devise plans without extensive involvement by Washington. When Kennedy conferred with Eisenhower immediately before taking office, the Asian client state presented to him as distinctly extraordinary (and warranting U. S. intervention) was Laos, not South Vietnam.[13] Laos, indeed, occupied far more of the new administration's time during its first few months in office than did South Vietnam. Still, South Vietnam was moving into a different status. Six days after he was inaugurated, Kennedy told an aide that "this is the worst one we've got, isn't it?"; two days later, he set up a "Vietnam Task Force."[14] If the time that Kennedy and his officials had to spare on South Vietnam was initially less than for Laos, this was not so much because the former was less important to them than the latter, but because, as the quip at the time had it, the situation in Vietnam was critical but not hopeless, whereas the situation in Laos was hopeless but not critical.

By 1961, then, South Vietnam had moved from being an ordinary client state into a more worrisome status. High ranking officials in Washington began to concern themselves with the details of local currencies, cabinet squabbles, topographical features, and the dates

[9]Durbrow to State, 7 March 1960.

[10]See, for example, the unusually calm discussion of guerrilla wars in Rostow to Rusk, 6 January 1961.

[11]One finds the same matter of fact concern about communist guerrilla operations in Latin America in the 1960s.

[12]Durbrow to State, 16 September 1960.

[13]Kennedy-Eisenhower meeting, 19 January 1961.

[14]Kennedy to Rostow, 26 January 1961; Record of Meeting, 28 January 1961.

on which rainy seasons would start and end. South Vietnam, in short, had become a subject of high level policy making.

3 Quid Pro Quo or Reassurance

The initial phase of high level policy making toward South Vietnam opened when a counterinsurgency program (CIP) put forward by the U. S. mission was accepted. What the mission proposed was essentially to reorganize the South Vietnamese military and other security-related agencies for more efficient anti-guerrilla work; a 20,000 man increase in the armed forces was also called for, as were various political reforms. Kennedy approved the plan early in office, on the very day that the Vietnam Task Force was set up, and the mission in Saigon was notified of this approval several days later.[15]

The State Department and the embassy then set about getting the South Vietnamese government to accept the CIP. This was a somewhat difficult process, as Diem and his officials balked at both the budgetary costs of the plan and the political reforms demanded of them. As time wore on, some U. S. officials began to become impatient. They asked the ambassador why at least certain aspects of the plan could not be "implemented as promptly as possible to further strengthen defenses Viet-Nam." Durbrow replied that the CIP called for the concurrence of the South Vietnamese government on numerous points, and that until Diem gave his approval, things could not move ahead. He promised to keep pushing Diem and Thuan, but feared that it might be necessary to ask that a strong personal message be sent by Kennedy to Diem.[16] Matters continued in this vein for some time, with Durbrow continuing to recommend the use of pressure so that Diem would give in on political reforms.

These delays, and occasional suggestions that military aid be withheld to coerce Diem's agreement to the CIP, led some in the military to propose an alternative policy. Thus the MAAG chief, Lionel McGarr, recommended implementing the U. S. portion of the plan by such means as shipping new equipment to South Vietnam. A high-ranking general from the Pentagon traveled to Southeast Asia and recommended the same thing; so too did the Joint Chiefs of Staff (JCS).[17] Eventually, Durbrow's tour of duty was over and, immediately after he left, Diem signed several of the directives Durbrow had been pushing. Even then, Diem dragged his feet and some in the State Department wanted to maintain pressure; this led to an explosion from General Lemnitzer, chairman of the Joint Chiefs of Staff, who insisted that the U. S. move forward regardless of what Diem agreed to do or actually did.[18]

As these bureaucratic struggles were going on, the administration was racked with concern over Laos. Upon taking office, Kennedy had changed U. S. policy: instead of aiming for an anticommunist Laos, American efforts would henceforth be directed at a

[15]Saigon to State, 4 January 1961, enclosure 1; Record of Meeting, 28 January 1961; State to Saigon, 3 February 1961.

[16]State to Saigon, 1 March 1961; Saigon to State, 8 March 1961.

[17]McGarr to Defense, 3 March 1961; Trapnell to JCS, 28 March 1961; JCS to McNamara, 11 April 1961.

[18]McGarr to Felt, 6 May 1961; Lemnitzer to JCS, 8 May 1961.

neutral Laos. This policy, however, presumed that communist guerrillas could not be permitted to take over the country; otherwise, a coalition or noncommunist government would evidently be impossible. Given the incompetence of rightist Laotian forces, Kennedy and his people thus had to aim for a ceasefire, behind which negotiations for a neutral government could then take place. How, though, to get a ceasefire? Evidently by military pressure; and so for six weeks, from mid-March to early May, the primary issue was whether, and if so, how, to send enough U. S. forces in the direction of Laos that the Soviet Union would pressure communist guerrillas to agree to a ceasefire. Kennedy subsequently came to believe that his saber rattling had been pointless (the ceasefire apparently began when a colonel from the rightist forces accidentally ran into a guerrilla patrol; the two sides negotiated a local ceasefire on the spot); even so, the first phase of Vietnam policy making is overshadowed by Laos.[19]

Frustration, then, is what motivated Kennedy to order that a special report on South Vietnam be produced for him in eight days' time. Frustration, that is, at both the slowness with which the State Department was recommending that the CIP be implemented, as well as at the chaos in Laos.[20] The report went far beyond what State and Defense had until then been advocating. Its authors argued that the U. S. objective was not only to "prevent Communist domination of South Viet-Nam" but to "impress on our friends, the Vietnamese, and on our foes, the Viet Cong, that come what may, the U. S. intends to win this battle." To this end, they proposed increasing the size of the MAAG, engaging in covert operations and unconventional warfare, paying for increases in South Vietnamese forces, working on a financial plan (which implied more U. S. economic aid), starting negotiations on a bilateral treaty, and sending Vice President Johnson to South Vietnam (and elsewhere in Southeast Asia) to build confidence in the U. S. Kennedy approved these recommendations, thereby relegating the CIP quarrels to the background.[21] South Vietnam was decidedly no longer an ordinary client state.

Johnson returned from his trip saying dire things. Diem and other leaders, he claimed, were worried about whether the U. S. would support them when the chips were down. The time for pressure had gone; the agenda now was one of reassurance. Kennedy's pursuit of a ceasefire in Laos and his refusal to engage in a massive military intervention in that country were so worrisome that if "these men I saw at your request were bankers, I would know—without bothering to ask—that there would be no further extensions of my note." Johnson thus urged an even more expanded program of assistance for South Vietnam than Kennedy had just approved, namely, a three-year plan of increased military and economic aid; he called for "decisive action" and "plung[ing] deeply into the Vietnamese internal situation." This, Johnson said, could face the U. S. at some point in

[19]The Kennedy claim may be found in National Security Council Meeting Notes, 15 November 1961; the patrol story is recounted by Rusk to Senate Foreign Relations Committee, 3 May 1961. Most published accounts of Laos policy making in 1961 are hopelessly out of date and the best that one can do (until the relevant *Foreign Relations of the United States* volume appears) is to consult the archival holdings in the Kennedy Library.

[20]Bundy to Battle, 14 March 1961; McNamara to Kennedy, 20 April 1961; NSC Meeting of 27 April 1961; NSC Meeting of 29 April 1961. We might surmise that Kennedy was also affected by the Bay of Pigs fiasco of 17 April.

[21]Gilpatric to Kennedy, 8 May 1961; National Security Action Memorandum (NSAM) No. 52, 11 May 1961.

the future with the decision to commit major U. S. forces or, instead, to cut U. S. losses and withdraw.[22]

Our image of Johnson as an outsize character should not lead us to the conclusion that this is pure bombast. For Johnson effectively had opened a new phase of policy making, one in which the main policy line he proposed (large increases in expenditures and programs beyond those just decided on) was echoed by a far more pallid character. One of the recommendations Kennedy approved in May was to carry out a financial study. The man chosen for this task was Eugene Staley, research director of the Stanford Research Institute. Staley and his team of experts headed to South Vietnam in mid-June. Within a month, they had produced a report stating that South Vietnam was "under attack in a bitter, total struggle which involves its survival as a free nation." What was needed, in spite of its budgetary cost, was major increases in the level of effort of both Viet Nam and the United States." Such increases would revolve largely around stepped up military and police action (including a possible increase of 30,000 in the size of the armed forces); the group also called for increases in economic and social programs. Given South Vietnam's economic weaknesses, such recommendations meant that the U. S. would have to foot the bill.[23] Doing what Johnson and Staley asked would evidently cost significant money.

Some U. S. officials were not satisfied with the "do more inside South Vietnam" approach. Their concern was that it "may be impossible to save Viet-Nam unless neighboring Southern Laos is secured against the serious Viet Minh/PL penetration which has been building up during the past three months." Accordingly, South Vietnamese, Thai, and Lao troops should move into Laos from South Vietnam and Thailand, secure a major east-west road in Laos, "smash" communist concentrations, and "escape." They would receive support by U. S. arms and advice, "but not U. S. troops." If this operation in turn succeeded, it could be followed by "Operation Porkchop": U. S. and other forces would move into and attempt to hold the Mekong River Valley and as much of Laos to the north as feasible; U. S. occupation forces would "move temporarily" into several Laotian cities.[24] This plan was actively studied, reworked, and debated in the bureaucracy, and though subject to harsh criticism, it was nonetheless a point of reference for some time.[25]

Other planners took the logic still further. If North Vietnam was the source of infiltration into Laos and hence into South Vietnam, why not attack it directly? One idea, put forward in numerous forms, was for the United States to "capture and hold the port of Haiphong." Another, somewhat less spectacular, idea was to institute "maritime control measures" against North Vietnam, up to and including a blockade. Other suggestions were to attack Hanoi, perhaps by amphibious means.[26] The diffuseness of these ideas may be

[22]Johnson to Kennedy, 23 May 1961; Johnson to Kennedy, undated [around 23 May], 1961.

[23]Thuc and Staley to Diem and Kennedy, 14 July 1961; Thuan to Wood, 18 July 1961; R. H. Johnson to Rostow, 27 July 1961.

[24]Cottrell to Johnson and McConaughy, 24 June 1961.

[25]E.g. Special National Intelligence Estimate, 5 July 1961; U. A. Johnson to Rostow, 8 July 1961.

[26]Rostow to U. A. Johnson, 23 June 1961; Rostow to Kennedy, 30 June 1961; Rostow to Rusk, 13 July 1961; W. P. Bundy to Lemnitzer, 19 July 1961; Taylor and Rostow to Kennedy, 27 July 1961; R. H. Johnson to Rostow, 26 July 1961; McGhee to Rostow, 28 July 1961.

misleading; for although Kennedy rejected them, they continued to surface episodically over the next few years, eventually being implemented in Johnson's "Rolling Thunder" bombing campaign.

In 1961, things were different. At a meeting called to discuss the Staley report and the combat recommendations, Kennedy's questions

> showed that the detailed aspect of this military plan had not been developed. It was not clear how great an effect action against Haiphong or Hanoi would have on Northern Viet-nam, nor whether it would be easy to hold what had been taken in a single attack. Similarly, no careful plan has yet been developed for an operation to take and hold Southern Laos. Planning is proceeding, and General Taylor is in close touch with General Lemnitzer. But the President made clear his own deep concern with the need for realism and accuracy in such military planning. He had observed in earlier military plans with respect to Laos that optimistic estimates were invariably proven false in the event.[27]

By contrast, spending more money so that there could be more South Vietnamese soldiers and policemen was considered realistic, and Kennedy approved the Staley recommendations (including the 30,000 man force increase, though without agreeing to specific budget figures as of yet).[28] The goal of reassurance was evidently operative for both South Vietnamese and American presidents.

Notice now how the policy space has shifted. In 1959, South Vietnam was seen as having a rather routine guerrilla movement; by 1960, the situation had grown more serious and U. S. officials had to oversee the war more carefully, for the South Vietnamese could not be trusted to do what they needed to without an explicit quid pro quo. By the spring of 1961, the client state had engaged the attention of high level U. S. officials, who were more concerned with proffering than with pressuring. By the middle of the summer, significant budget outlays were being proposed and American planners were seriously contemplating large scale military attacks outside the borders of the client state. In effect, an entire "business as usual" spectrum of activities has now been excised from the policy space.

4 Frontiers and Floods

One might think that with the large aid increases Kennedy approved, policy making regarding South Vietnam would have become once again the province of lower level officials. In fact, discussions went on unabated at the highest levels of the U. S. government. To some degree, Kennedy had authorized such discussions when he permitted contingency planning to continue. A significant shift in planning occurred, though: officials began to focus on what could be done inside South Vietnam to counteract infiltration. Thus, although the principal plan on the table continued to be some variant of a move into Laos, that main line had a rather shadowy existence, serving mostly as a jumping off point for other proposals. Three such alternatives were put forward.

[27]Memorandum of discussion, 28 July 1961.

[28]NSAM 65, 4 August 1961.

First, recommendations for a "border patrol force" were made. The idea was to have SEATO forces (including U. S. troops) stationed along the borders of South Vietnam with Laos and North Vietnam. The force proposed would not have been large; its function, rather, would have been that of a "plate glass window": allied forces could help "see" infiltration; if they were attacked, they would "shatter," being too small to protect themselves. In essence, this was a plan to have a force that would be both observer and tripwire.[29]

Second, planners in both the State and Defense Departments put forward recommendations for SEATO forces to be sent to the high plateau region of South Vietnam. From there, they could patrol the areas in which they were stationed, thereby freeing South Vietnamese forces to concentrate on engaging the Viet Cong. As the high plateau region is near the Laotian border, SEATO forces could expect to engage in "hot pursuit" of Viet Cong units retreating into Laos. These plans would involve around 5,000 U. S. troops along with contingents from other countries; however, if they were attacked overtly by North Vietnamese or Chinese forces, these numbers would quickly grow. Advocates claimed that the plan could be implemented if there was continued delay in reaching a satisfactory Laos settlement and that a high plateau intervention would complement nicely any SEATO military intervention that might occur in Laos.[30]

Given Kennedy's comments in July, one would expect him to have been opposed to both the border patrol force and the high plateau plan. In fact, both plans had a more glaring problem than one of mere lack of realism. They were predicated on the use of SEATO forces, thereby implying consultation among allies, some of whom (Britain and France) were notoriously cool on any hint of military intervention against guerrillas. If the situation in South Vietnam was urgent enough to require acting before aid programs could be fully implemented, then that meant that other policies would have to be put forward. Ironically, one of the principal advocates of the plateau plan, U. Alexis Johnson, presented enough evidence of the need for rapid action that any SEATO moves began to appear not only uncertain but downright slow. The Viet Cong, Johnson said, had increased in numbers from 7000 in January to 17,000 in September. They had begun to appear in large units and, in September, staged three attacks of over 1000 men apiece. The South Vietnamese government had begun to suffer numerous defeats, and infiltration was on the upswing.[31]

Faced with this urgency, a third recommendation was cobbled together by Kennedy and his advisers. An "unconventional" air force squadron, the "Jungle Jim" team, was to be sent to South Vietnam for training the South Vietnamese (within two months, it was authorized to start bombing operations, using U. S. airmen, inside South Vietnam). Special Forces units of the South Vietnamese army were to be trained and accompanied by U. S. soldiers on missions against Soviet air supply operations inside Laos (this would involve attempts to shoot down Soviet planes). A "white paper" on infiltration was to be prepared for presentation in international forums (thereby influencing public opinion in favor of

[29]Rostow to Taylor, 9 August 1961; Rostow to Kennedy, 17 August 1961; R. H. Johnson to Bundy, 25 August 1961; Rostow to various, 5 October 1961.

[30]JCS to McNamara, 9 October 1961; U. A. Johnson to Kennedy, 11 October 1961.

[31]U. A. Johnson to various, 3 October 1961; U. A. Johnson to Kennedy, 11 October 1961; Kennedy press conference, 11 October 1961; Draft instructions for Taylor, 12 October 1961.

intervention against the North Vietnamese or Viet Cong). Most importantly, Maxwell Taylor, Kennedy's military adviser, was to visit South Vietnam (accompanied by Walt Rostow) to look into the feasibility of various forms of U. S. military intervention and any alternatives to it that might be effective in pursuing U. S. goals.[32]

Armed with the presidential mandate, Taylor left for Saigon. There, he found that the recent string of Viet Cong victories had contributed strongly to a slump in morale. When added to the uncertainty in Laos and the increasingly dictatorial tendencies of Diem, the atmosphere in Saigon was "bordering on panic."[33] On top of this, the government of Saigon seemed incompetent to conduct a war, its armed forces frozen into immobility and seemingly incapable of taking the war to the enemy. The answer, therefore, had to be a two part program: one to restore confidence; the other to remold the South Vietnamese army.[34] Taylor proposed to address the second task by encadring the government and the military of South Vietnam with Americans. These latter would be assigned to military and administrative units at low levels; they would accompany those units on missions; they would infuse those units with American spirit and know-how. This proposal, of course, would require vast increases in the number of advisers, far beyond any kind of MAAG support that had until then been suggested. Along with U. S. personnel would come U. S. equipment: helicopters and light aircraft (to be flown at first by Americans, as no South Vietnamese were yet trained to do so) that could be used for ground support, reconnaissance, and other tasks vital to a truly mobile military force. Thus, the South Vietnamese would learn to fight (and administer) as Americans did.

To restore confidence, Taylor proposed that U. S. troops be sent. Only an action of that sort, he argued, could be "so convincing of U. S. seriousness of purpose and hence so reassuring to the people and Government of SVN." Yet, as Taylor emphasized, the point was to motivate the South Vietnamese forces to fight; this precluded sending a large number of U. S. troops. The way to square the circle was to send a moderate force whose principal task would not be combat. As it turned out, the Mekong had recently flooded in the south of the country. Taylor proposed sending a team of engineers to engage in flood relief and rehabilitation operations. As this unit would be a target for the Viet Cong, they would have to be accompanied by combat troops. Presumably, the latter could at some point be shifted to the plateau or the coast and serve as the opening wedge of larger forces. Alternatively, the detachment could easily be withdrawn after their work on the flood had finished. Such flexibility was appealing to Taylor, and, he thought, to other U. S. officials. South Vietnam, Taylor assured the President, was "not an excessively difficult or unpleasant place to operate"; the "most unpleasant feature in the coastal areas would be the heat and, in the Delta, the mud left behind by the flood."

For all its flexibility, the option of sending troops was understood by Taylor to be a serious matter. It would engage U. S. prestige even further than was already the case. If the 8000-10,000 man force he proposed sending was not enough to accomplish the necessary results, it would "be difficult to resist the pressure to reinforce." For this reason,

[32]U. A. Johnson to Kennedy, 11 October 1961; Memorandum for the record by Gilpatric, 11 October 1961; NSAM 104, 13 October 1961.

[33]Mendenhall to various, 22 October 1961.

[34]Taylor to Kennedy [2 cables], 1 November 1961; Taylor to Kennedy, 3 November 1961.

even though the "risks of backing into a major Asian war by way of SVN are present but are not impressive," Taylor's recommendation presented Kennedy with a policy that clearly involved a "hard commitment to the ground in Vietnam."

Confronted with this Janus-faced recommendation, Taylor's Washington colleagues fell into two camps. On one side were those who approved of a commitment (as well as the encadrement plan) and followed Taylor's reasoning to its logical terminus. Secretary of Defense McNamara, for example, argued strongly that "major units of U. S. forces" should not be introduced into South Vietnam unless U. S. officials are willing to "commit the U. S. to the clear objective of preventing the fall of South Vietnam to Communism and that we support this commitment by the necessary military actions."[35] Those actions, McNamara made clear, were quite extensive: he reckoned that if "Hanoi and Peiping" intervened overtly, 205,000 U. S. troops might have to be sent (40% of the number reached in 1968). Secretary of State Rusk, after first opposing the flood relief plan, then turned around and, with McNamara and Lemnitzer, drafted a recommendation that would have placed U. S. forces south of the 17th parallel (i.e. not in the Delta for flood relief) so that South Vietnamese forces could be relieved and so that an overt invasion could be countered.[36] This plan, it will be recognized, bears a certain resemblance to the plateau plan debated a month previously.

On the other side were those to whom the idea of sending troops was ludicrous, dangerous, or both. This group was a curious collection of country specialists, military men, and dovish political appointees. All agreed that a small detachment of U. S. troops would be shot at and harassed; all agreed that calls would then arise for further intervention, which would, by its nature, have to be large scale and long term. References were made to the U. S. experience in Korea and the French disaster in Indochina. Fears of Chinese intervention were expressed, as of U. S. domestic extremism. Most of the members of this group agreed with Taylor's other proposals, though some wanted to go beyond to overthrow Diem, while others wanted to negotiate.[37] The most important member of the group, though, was Kennedy himself. He was, as Taylor recognized, "instinctively against the introduction of U. S. forces."[38] And so, between 8 November and 10 November, the President engineered a dovish recommendation out of Rusk and McNamara.[39]

[35]McNamara to Kennedy, 8 November 1961. McNamara would make the same argument in 1965 regarding U. S. combat troop deployments.

[36]Rusk draft to Kennedy, 7 November 1961; Rusk, McNamara, and Lemnitzer draft to Kennedy, 8 November 1961. Neither memorandum was formally submitted to Kennedy, although he likely was informed of both.

[37]Felt to Washington, 18 October 1961; Cottrell to Taylor, 27 October 1961; Galbraith to Kennedy, 3 November 1961; Ball to Kennedy, 7 November 1961. Others not in the charmed circle of high level policy makers made similar arguments to the President: Mike Mansfield, for example (2 November 1961); Chester Bowles (3 November 1961); Indian Prime Minister Nehru (6 November 1961); and John McCloy (9 November 1961).

[38]Meeting, 4 November 1961.

[39]Rusk and McNamara to Kennedy, 11 November 1961.

Their memorandum began with a series of statements about how bad it would be if South Vietnam, a nation of 20 million, were to be "transferred" to the "communist bloc." However, what followed was an interesting piece of reasoning:

> It seems, on the face of it, absurd to think that a nation of 20 million people can be subverted by 15–20 thousand active guerrillas if the Government and people of that country do not wish to be subverted. South Viet-Nam is not, however, a highly organized society with an effective governing apparatus and a population accustomed to carrying civic responsibility....the employment of United States combat forces...involves a certain dilemma: if there is a strong South Viet-Namese effort, they may not be needed; if there is not such an effort, United States forces could not accomplish their mission in the midst of an apathetic or hostile population.

As a result, although the U. S. government should "take the decision to commit ourselves to the objective of preventing the fall of South Viet-Nam to Communism" and thus "recognize that the introduction of United States and other SEATO forces may be necessary to achieve this objective," the Pentagon should only "be prepared with plans for the use of United States forces in South Viet-Nam." The rest of Taylor's recommendations—encadrement, helicopters, and so forth—were echoed, but on the critical point of sending U. S. combat troops, the recommendation was, once again, to wait.

We do not wish to leave the impression that Kennedy's ghostwriting left only a collection of minor changes from the status quo. When, later that day, Kennedy approved the other Taylor recommendations, he was setting in motion a massive military assistance program that Americanized the war in most senses of the term. By the time of Kennedy's death, nearly 20,000 advisers had flowed into South Vietnam for encadrement, helicopter flying, and other of the activities that Kennedy approved. In 1965, when Viet Cong regiments began to annihilate South Vietnamese Army units, they were armed with the weapons that Kennedy's approval had made possible; and they were facing a country in which the United States presence was so overwhelming that to withdraw seemed to officials in Washington to be the height of humiliation. In the meeting at which he approved the Taylor recommendations, Kennedy explicitly demurred at making the commitment his advisers called for.[40] It appears that he was fooling himself.

By 11 November, then, the policy space had both shifted and shrunk. Shifted, in the sense that recommendations were no longer concerned with oversight, as in early 1961, or with "more of the same," as in the spring and summer. The issue at hand was now one of Americanizing the war, while pumping up morale enough that the regime did not collapse around the U. S. cadres. But the policy space had also shrunk. Gone (at least for the time being) were the ideas of sending troops to Laos or to North Vietnam itself. Gone too were the various plans for sending troops to South Vietnam. Already, we can see this shrinkage in the fourth (most recent) phase of policy making: the main line (flood plus other recommendations) and the subsidiary lines (some troops in the north plus other recommendations; other recommendations only) chased each other around a region far smaller than in the preceding two phases. The options, though escalating, were narrowing.

[40]Kennedy, list of questions, 11 November 1961; Meeting notes, 11 November, 1961.

5 An End to Determination?

Two days after the decisions of 11 November, a draft NSAM circulated throughout the circle of high level policy makers. The draft had been prepared by the President's Special Assistant for National Security Affairs, McGeorge Bundy, who by this time had some rather caustic comments about his boss.[41] With good reason, one might think, as the document deleted the reasons for U. S. policy (the dangers from the fall of South Vietnam, etc.) along with the commitment that concerned Kennedy so much. Bundy's draft simply began with Kennedy's approval that the Defense Department be prepared to come up with plans; then segued into the by now standard list of other Taylor recommendations. Then, however, came a remnant of the 11 November memo: it was to "be considered" (by whom, one wonders) that "at the appropriate time" there be made a "private approach to the Soviet Union that would include: our determination to prevent the fall of South Viet-Nam to Communism by whatever means is necessary." The idea of raising South Vietnamese morale had disappeared; but the Soviet Union was still to be warned off.

Again, hawks and doves pulled at this document in opposite ways. Rostow, in a veiled fashion, and McGeorge Bundy, more overtly, tried to put back on the agenda some type of commitment to use force.[42] Bundy went so far as to say that with such a commitment, "the odds are almost even that the commitment will not have to be carried out." Rostow contented himself with a list of cases in which the U. S. use or threat of force "on our side of the line" got the U. S. "home free."

On the other hand, figures such as Harriman and Galbraith proposed to augment the Taylor recommendations with political strategies: diplomacy, for Harriman (an approach to the Soviet Union); or a jettisoning of Diem, for Galbraith; or a multilateral approach, for both.[43] Of necessity, such strategies would involve softening or dropping the language about determination. Kennedy was sympathetic to these arguments, commenting repeatedly that the issues in South Vietnam were vague (so much for U. S. determination or the dangers of the fall of South Vietnam) and that it was no wonder the U. S. had little support from its allies or from world public opinion. Under these circumstances, it was imperative that U. S. actions seem unprovocative so that not only world but American public opinion (and Democrats in Congress) could be brought along.[44]

These last comments were made in a meeting on 15 November (two days after Rusk had informed the French and British of the encadrement decisions); later that day, Kennedy was still worrying over the lack of allied support and the reactions of the enemy.[45] Small wonder, then, that when he wrote to Khrushchev on 16 November, he described support for Diem's government only as a "serious obligation" and said only that "we will

[41]"His feeling is the Pres does not know what he is approving." Conversation between Rusk and Taylor, 13 November 1961.

[42]Rostow to Kennedy, 14 November 1961; McG. Bundy to Kennedy, 15 November 1961.

[43]Harriman to Kennedy, 12 November 1961; Galbraith to Kennedy, 20 November 1961, 21 November 1961.

[44]Kennedy to Rusk and McNamara, 14 November 1961; Notes on National Security Council Meeting, 15 November 1961.

[45]McG. Bundy points for discussion with Rusk, 15 November 1961.

undertake such measures as the circumstances appear to warrant." Both Laos and Vietnam, Kennedy went on to write, "are at a distance from our own countries and can be considered areas in which we ought to be able to find agreement."[46] Such wording suggests a decision on Kennedy's part to drop any reference to determination to prevent the fall of South Vietnam; this is precisely what we find in the NSAM finally issued with reference to the Taylor report. "The U. S. Government," we read, "is prepared to join the Viet-Nam Government in a sharply increased joint effort to avoid a further deterioration in the situation in South Viet-Nam." After that comes a simple list of the Taylor recommendations that have been approved—without, of course, any reference to U. S. troops. That is the end of the document.[47]

Thus, the final phase of 1961 Vietnam policy making is one that ends in a single point. The policy space has shrunk drastically, and all that is left is quibbles over whether an intent to carry out a commitment might excuse the intender from having actually to carry out the commitment. From this point on, at least until Diem's death, policy making about U. S. forces and who (if anyone) shall fight the war consists of pirouettes about technical (if morally important) issues: defoliation, napalm, forced resettlement of villagers, and so forth. Small wonder, then, of the shock that Diem's death causes: it, and the disintegration of the South Vietnamese army, finally force U. S. policy makers to confront the world that they have made.

[46]Kennedy to Khrushchev, 16 November 1961.

[47]NSAM 111, 22 November 1961.

Muted Radicals: The Emerging 'New Populism' in West European Party Systems

Paul Taggart
Department of Political Science
University of Pittsburgh

(From October 1993:
School of Social Sciences
University of Sussex
Falmer
Brighton BN1 9QN
UNITED KINGDOM)

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1 INTRODUCTION: THE NEW POPULISM

The 1980s and early 1990s have witnessed, not without some sense of alarm, a rising tide of right-wing extremism.[1] Attacks on foreigners have occurred with an ugly regularity in countries like Germany and France. Anti-immigrant sentiment on the streets has been matched by electoral success of parties like the French National Front and the German Republicans. At the same time, many new parties have sprung up, some of which share an agenda with the racist right, but others stress radical regionalism, anti-political sentiments, or frustration with taxation polices more than immigration issues.

The Austrian Freedom Party has come up from near dissolution to gain 16.6% of the vote -- its best ever share of the national vote -- in the 1990 election with a charismatic leader and an agenda focused against immigration. The meteoric rise of the Northern Leagues in Italy has provided the only rising star in an otherwise imploding political system with the party stressing its distance from Rome and professing a radical regionalism. Switzerland has seen its own regional league in the Ticino League which has joined the Automobilist Party as two of the newest parties in the political system, both clearly on the right. In Scandinavia the long established Danish and Norwegian Progress Parties that emerged as anti-taxation parties finally found a sibling in Sweden were New Democracy broke through in a seven month period to gain election to the Riksdag in 1991. In Belgium, the radical nationalist Flemish Bloc achieved its best national electoral performance in the 1991 election. All these parties have combined elements of nationalism with neo-liberal economic policies, and have presented this package in a style that confronts political systems while, simultaneously, operating comfortably within the realm of parliamentary politics.

It has been tempting to see a tide of right wing extremism sweeping across Western Europe, but a closer examination reveals two trends. The success of avowedly racist and neo-fascist movements has been limited in its parliamentary aims, and has gained most publicity in street battles rather than in ballot box contests. Those parties that have been electorally successful have shared certain features that cast doubt on their simple

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[1]With this tide of political activity has also come a wave of academic studies. Much of the academic coverage has been of an explicitly comparative nature. There have been a number of special issues of prominent journals devoted solely to this issue. In West European Politics, Vol.11, No.2, 1988 an issue was devoted to Right-Wing Extremism. More recently the European Journal of Political Studies, Vol.22, No.1, 1992 and Parliamentary Affairs, Vol.45, No.3, 1992 have followed suit. For comparative books consult Merkl & Weinberg (1993), Hainsworth (1992), Cheles, Ferguson & Vaughan (1991) and Ford (1992).

categorization as being of the far right. Betz has termed these parties the "radical populist right" (Betz, 1993) and Ignazi has called them the "new right-wing" parties (Ignazi, 1992). We wish to suggest in this paper that they represent the "New Populism". In order to justify the use of this term, this paper presents a definition of the New Populism and a theory of their emergence.

2 DEFINING THE NEW POPULISM

In order to cut across the different dimensions of the New Populism we will address the beliefs of its elites, the organization and strategy that those beliefs engender and the electoral bases to whom the incarnation of these beliefs, as a party, appeals.

2.1 Ideology

In ideological terms, the New Populism is *on the right, against the system, and yet in the 'mainstream'*. It is right-wing, anti-system and populist. It is of the people but not of the system. It sees its own existence as the repudiation of any idea that politics as usual is a politics that has worked. This anti-system orientation has had implications for how the party both organizes and behaves. It enjoys "breaking the rules" because they are the rules of a system it sees as defunct.

The term "populism" is a notoriously difficult term. It is employed here (admittedly guardedly) to stress two elements that seem to run throughout the various meanings. These two elements are its negativity and its breadth. It is these factors that place the New Populism on the right and "in the mainstream". The anti-system element is drawn from the same sources from which have also sprung the New Politics.

Hofstadter emphasized in his examination of American populism that it was nativistic and anti-Semitic (Hofstadter, 1955). The idea of intolerance often seem to central to analyses of populism. We see, in populism then, a strong element of the negative. It is opposed to the system. It is opposed to those that run the system. And it frequently invokes a notion of "the people" that is characterized more by who it excludes than by who it includes. High on the list of the excluded for the New Populists are politicians, immigrants, bureaucrats, intellectuals and welfare recipients. While the list varies slightly from country to country according to circumstances, the core logic of exclusion remains a constant. In his examination of the Kansas populists Walter Nugent terms this a "selective nativism" (Nugent, 1963: 9) and we see something of that in the New Populism with its emphasis upon the politics of race and immigration. When the New Populists talk of the "ordinary man" and his exclusion from contemporary politics it sometimes seems to be an evocation of the excluded rather than the included.

The "people" have always been central to the rhetoric of

populists. As Lawrence Goodwyn notes, it is this mass nature of populism that has been so vital to the accepted academic interpretations of populism (Goodwyn, 1991). It is the breadth of New Populists' constituency that is the well-spring for the New Populists' indignation at their exclusion from political life. While they may not of the elite ("the political class") they are the many ("the mainstream").

The reason for describing the New Populism as "New" is two-fold. First, it is to stress that this is a historically-contingent manifestation of populism that, although bearing strong similarities to other populist movements, has some idiosyncratic features that render it distinct. The second reason for the "New" lies in the common basis that it shares with New Politics movements. In many ways, the New Populism lies across the same fault lines which have given rise to the New Politics movements. It clearly faces a different direction but it shares the same anti-system orientation and is a consequence of the particular social, political, and economic changes that we may characterize as the "post-war settlement". This settlement can be portrayed as the consensus that grew around ideas such as social democracy, the welfare state, corporatism and Keynesianism in most West European countries following the end of the Second World War. The New Populism has emerged as the post-war settlement has effectively broken up. The crises of the post-war settlement have served as the facilitators of the New Populism.

The reason that many observers conflate the New Populism with neo-fascism is that they both lie somewhere on the right of the political spectrum. Although many New Populists seek to deny the efficacy of the left-right distinction, there is more tenacity in that distinction than they would like to see.[2] The denial of being on the right may well be a rhetorical device that serves to avoid alienating those on the left that are attracted by parts of its appeal. There is a good strategic reason for the New Populists cultivating an electoral base that crosses from the left to the right. In terms of activist beliefs and program orientation, there can be little doubt that the New Populism lies on the right.

The New Populism is markedly neo-liberal in its economic orientation. The market is the legitimate and effective site for conflict resolution. The state is viewed as largely illegitimate, over-extended and ineffective. Liberty is a key concept for the New Populism. This liberty is defined in negative and individual terms. For the New Populists, freedom consists largely of the absence of state restraints on individual action. They are unmistakably parties of the right.

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[2]Some commentators also have argued that the left-right distinction is now little short of meaningless. See, for example Krejcí (1991).

The leader of the Lombard League, Umberto Bossi declared after their election success in 1992: "This was just the first blow against the system, the second will be decisive" (quoted in Ruzza & Schmidtke, 1993: 1). New Populism exists as a reaction to certain systemic and political factors (which we shall explore below). It is therefore not surprising to find that a core belief for them is that the "system" has failed. In identifying the "system" which those who people it, the New Populists are betraying their populist roots. This anti-system attitude can manifest itself in an anti-party ideology. Such a position has important implications for the way they operate as parties. It also gives rise to the quintessential dilemma that they share with New Politics parties: how to be an effective party at the same time as being an "anti-party".

It is the exclusionary element of their ideology that justifies their description as populist. In rhetorical terms, this exclusion is usually expressed in terms of their representation of the "mainstream". The New Populism is an appeal to majority politics: it argues that corporatism and the growing strength of interest groups have, in effect, excluded the middle ground and alienated the "ordinary" voter. Of course, such an appeal makes some very contentious assumptions. It assumes that the multi-cultural vision of society is illegitimate and implies that the ordinary person is working in the private sector, white and probably male.

The New Populist parties differ from neo-fascist parties in a number of ways. The most concrete difference is also very difficult to verify but is related to historical continuity: neo-fascist parties tend to have some direct link to the fascist parties of the previous era while New Populist parties appear to lack such a historical link. For example the Italian Social Movement was formed in 1946 by Fascists set on maintaining the tenacity of their ideas in the face of the defeat of the regime (Chiarini, 1991). Other neo-fascist parties have been associated with a fascist tradition. Ignazi makes a similar point in his differentiation between old and new extreme right parties (Ignazi, 1992: 9-11) and provides us with a list of those extreme right parties linked to fascism.

Table 1 Extreme Right Parties with Fascist Connections

Country	Party
Germany	NPD
	DVU
Greece	EPEN
Italy	MSI
Netherlands	CP'86
Portugal	PDC
Spain	FNs
United Kingdom	NF
	BNP

Source: Ignazi (1992: 10)

The second difference is that, while New Populist parties often have an explicit of implicit anti-immigrant stance, this is rarely the sole source of their identity. The anti-immigrant stance is often conflated with other salient issues. For example the Swiss Automobilist's Party was formed as a reaction to the demands of environmentalists. The Scandinavian New Populist parties are most famously associated, sometime primarily, with an anti-taxation agenda. The Italian Lombard League has, as its ideological centerpiece, a commitment to regional devolution and is often analyzed primarily as a regional movement -- albeit an exceptional one (Ruzzo & Schmidtke, 1993). In contrast, the neo-fascist parties, while they do develop other policy positions, are almost exclusively anti-immigrant parties.

New Populism, like neo-fascism, is an ideal type party. We should consider both as ideals towards which parties of the far right may gravitate. Some parties are more unequivocally New Populist than neo-fascist. A further complication is that New Populism and neo-fascism are not *necessarily* contradictory in theory. A neo-fascist party may assume a New Populist orientation, or a New Populist party may move towards a neo-fascist agenda if it begins to stress the immigration issue to the effective exclusion of all others. However, in practice, parties do tend to be either neo-fascist or New Populist. The examples of parties that blur the distinction are the Republicans in Germany or the Flemish Bloc in Belgium.[3]

2.2 Organization

New Populist parties have two qualities that pertain to their organization: they are very centralized and they set great store in the leadership which is both personalized and charismatic. These characteristics are not, in themselves, peculiar to New Populist parties, but they do point to a central point about such parties: that they can reconcile anti-systemic elements with organizational

[3]We will explore individual cases in more detail below.

elements that ensure their institutional and electoral survival.

The element of charismatic leadership is essential to the nature of the New Populism. New Populism is an explicit attempt to offer models of party *qua* party that differ from prevailing models, and because the prevailing party model is that of the "catch-all" professional-bureaucratic party, charismatic forms are themselves a form of protest. The other alternative, of course, is the New Politics model of devolved, decentralized leadership.

A simple rule of thumb to decide whether to exclude a party from the list of New Populist parties is to see if there is a name of an individual leader that comes to mind with the name of the party. If there is no such association, then the party will probably not be a New Populist phenomenon. In identifying such parties across Western Europe it is easy to single leaders whose names seem inextricable from the parties they lead (or led). In one case the name has been more than identified with the party: the Norwegian Progress Party was originally called the Anders Lange Party. In its latter incarnations it was revived under the leadership of Carl I. Hagen. Mogens Glistrup's name goes with the Danish Progress Party, Veikko Vennamo's with the Finish Rural Party, Le Pen's with the French National Front, Ian Wachtmeister and Bert Karlsson's with the Swedish New Democracy Party, Umberto Bossi's with the Lombard League, Jörg Haider's with the Austrian Freedom Party and Franz Schönhuber's with the German Republicans. Clearly other non-New Populist parties are also identified with particular leaders so this is merely a minimal criteria for New Populist parties. For the New Populist parties, the charismatic basis of their leadership is an essential element because it represents a symbolic challenge to the prevailing models of party organization.

It is partly a consequence of the centralized structure that New Populist parties employ charismatic leadership. In seeking to reject the traditional idea of a political party, the New Populists construct a party organization that explicitly challenges the model of bureaucratic and hierarchical structure associated with mass parties. This means that they employ centralized organizational patterns. Where the traditional parties are strictly hierarchical, New Populists aim to be selective and small in structure. An example of this would be Sweden's New Democracy which has striven to make its national party independent of the encumbrances of the local or county levels, with the justification that this allows a direct line of communication between the "people" and the national elites (Taggart & Widfeldt, 1993). The regional basis of some of the New Populist parties (the Italian Northern Leagues and the Swiss League of Ticino, for example) can also be seen as an attempt to reject the basic rules of party organizing that usually result in parties that are explicitly national in scope. It is an essential element of the Lombard League that it has advocated a radical form of federalism and of "macroregions" (Miglio, 1991;

Thompson 1993). It is a combination of unorthodoxy with centralization and personalized leadership that leads Dwayne Woods to describe the Lombard League as "a centralized political movement with decision-making concentrated in the hands of Bossi and national committee of his supporters" (Woods, 1992b: 125). Such a description is typical of the organizational form favored by the New Populists.

2.3 Electoral Base

The final element of New Populists that makes them distinct is their electoral profile. The contours of the New Populist base clearly overlap with profile of the extreme right that has traditionally been drawn. Neo-fascist movements have traditionally been portrayed as having an inner city, working-class, protest constituency (e.g. Whitely, 1979), or as poor and under-educated and predominantly male (e.g. Husbands, 1992: 120). In terms of some basic demographic characteristics we can summarize from the literature that neo-fascist parties draw from poor, under-educated, urban and male constituencies (Falter & Schumann, 1988). The New Populists are drawing from that constituency but the net is cast somewhat wider.

The reason for assuming that New Populists will draw from a wide range of electors than neo-fascists, is that New Populism is, at root, at least in the electorate, a protest phenomenon. If the parties are successful at portraying themselves as a different type of party, then they will be at relative liberty to attract voters from across the political spectrum because they have not defined themselves out of any particular ideological milieus. In a similar vein, they aim to mobilize the citizens who have previously expressed their dissatisfaction with the dominant parties by simply not voting. It is because their ideology contains the idea that they are a "mainstream" phenomenon that they can, and do attract voters from across a broad range. Within this swathe there is a clear propensity for some demographic groups to be attracted to the New Populists. This means that, at one and the same time, they can portray themselves as beyond the sullied constraints of normal class-centered electoral base-building, and yet count on the support of a core group of voters -- albeit a small group.

The New Populist constituency is predominantly male. On a wider note than neo-fascism, it is not necessarily poor or unemployed, but is employed in the private sector. It is not poorly educated but does draw from the middle to low educational strata. It also draws from a wide range of prior voting positions and may draw in those that previously did not take part in elections. It is also predominantly young with those who are voting for the first time having fewer ties to break with the established order. We may see examples of this in a number of parties.

Mitra's study of the French National Front demonstrates how there is an over-representation of the youngest cohort (18-24) in the party's electorate (Mitra, 1988: 54; cf. Safran, 1993) and also shows that the National Front's vote actually increases with higher levels of education (Mitra, 1988: 56). Nonna Mayer and Pascal Perrineau also demonstrate that Le Pen's voters "cross the left-right divide more often than any other electorate" (Mayer & Perrineau, 1992: 127-8). Andersen demonstrates that the Danish Progress vote is predominantly from the private sector (Andersen, 1984; Peters, 1991: 180). This author has shown that Sweden's New Democracy crosses from left to right, draws the previously apathetic and is predominantly male and private sector in its support (Taggart, 1992). Eva Kolinsky demonstrates that the German Republicans are disproportionately male (Kolinsky, 1992: 82) while Veen, Lepszy and Mnich concur with this conclusion and also point out that the voters are disproportionately young "'homeless' pool of voters" (Veen, Lepszy & Mnich, 1993: 31). There is a clear profile that emerges when we compare New Populist voters.

Summarizing we can say that New Populist parties are recognizable along three dimensions:

- ***Ideologically*** *the parties are on the right, anti-system in orientation, and claim to be speaking for the "mainstream" of society.*
- ***Organizationally*** *the parties are characterized by strongly centralized structures with charismatic and personalized leadership as an integral component of their development.*
- ***Electorally*** *the parties are defined by a constituency that is disproportionately male, private sector, young and which draws from a wide range of political orientations.*

Table 2 below provides us with a typology of New Populist and Neo-fascist parties in seventeen West European countries. The differentiation is based upon the above three criteria. It includes those parties on the far right that are still active or have been active in the past. The focus is primarily upon those parties that have taken part in elections. This is essential to all New Populist parties as they do not usually derive from a social movement basis. It excludes extra-parliamentary far right movements whose focus is racist violence (see Ford, 1991). The table includes, with the names of the parties, their best national electoral performances. The reason for this is that we are focussing on those parties that can truly said to be national phenomena.

Table 2 New Populist and Neo-Fasci

Country	New Populist Party	Best Vote(
Austria	Freedom Party (FPÖ)	17 (90)
Belgium	Flemish Bloc (VB)	7 (91)
Denmark(2)	Progress Party (FRP)	16 (73)
Finland	Rural Party	11 (70)
France(3)	National Front (FN)	12 (93)
Germany	Republicans (REP)	2 (90)
Greece(4)	-	
Italy	Northern League(5)	9 (92)
Ireland	-	
Luxembourg	-	
Netherlands	-	
Norway	Progress Party (FRPn)	13 (89)
Portugal	-	
Spain	-	
Sweden	New Democracy (Nyd)	7 (91)
Switzerland	Automobilists Party	5 (91)
	Ticino League (LT)	1 (91)
United Kingdom	-	

Sources: Hainsworth (1992); Cheles, Ferguson & V
1989-1993); West European Politics Election Repo
Thomas & Arter (1988); Urwin & Paterson, 1990; M
Notes:
(1) Best Vote refers to the highest level of the
elections and therefore excludes both regional a
(2) FRP did receive 9.0% in 1988.
(3) French figures are for vote in 1st ballot.
(4) EPEN was dissolved in September 1989.
(5) Northern League incorporates the Lombard Lea
Autonomous Piedmont League.
(6) The Swiss NA changed its name to Swiss Democ

ıscist Parties in Western Europe

ote(1)	Neo-Fascist Party	Best Vote
	-	
	National Front (FNb)	1 (91)
	-	
	-	
	-	
	National Democratic Party (NPD)	4 (69)
	German People's Union (DVU)	.6 (87)
	National Political Union (EPEN)	.6 (85)
	Italian Social Movement (MSI)	9 (72)
	-	
	-	
	Center Party (CP'86)	-
	Center Democrats (CD)	.9 (89)
	-	
	Christian Democratic Party (PDC)	1 (79)
	National Front (FNs)	2 (79)
	-	
	National Action(6) (NA)	4 (83)
	National Front (NF)	.6 (79)
	British National Party (BNP)	

& Vaughan (1991); Financial Times (various
Reports (Various, Vols.14-16, 1991-3); Elder,
); Mackie & Rose (1991).

the national vote gained in national
al and European elections. Year in brackets.

. NF got 6% in 2nd ballot in 1993

League, the Venetian League and the

emocrats (SDs) in 1990.

9

Table 2 allows us to draw some important conclusions. The first conclusion is that the table illustrates why the New Populism is such a pertinent topic at this time: the New Populist parties are clearly in the ascendancy. The best election results have been gained mostly in the past few years. The two parties which seem to buck this trend by gaining their best result at an earlier time have both experienced revivals. The Danish Progress party dropped to 4% in the 1984 election but revived its support to 9% in 1988. Similarly the Finnish Rural Party dropped to a low-point of 4% of the vote in 1975 but pushed this back up to 10% in 1983. There does seem to be a wave of New Populism sweeping across West Europe.

In contrast, the neo-fascist parties have not, on the whole, been as successful as the New Populist parties in the recent period with many of them gaining their best results in the period before the success of the New Populists. The other comparison allows us to conclude the neo-fascist parties have never been as electorally competitive as the New Populists. Where most of the New Populists have garnered over 5% of the vote at one time or another, the neo-fascist parties have consistently failed to gain this level of support. By conflating these two tendencies commentators have confused what is, in reality, a very clear picture. New Populism is growing in electoral muscle and has been more successful than neo-fascism among voters.

The second conclusion that may be drawn from table 2 is that the electoral strength of German neo-fascism and New Populism has been unduly stressed. It has to be acknowledged that the far right have done very well at gaining representation at the Länder level.[4] This has yet to be translated into a national shift. Clearly, with Germany's Nazi legacy, any rumblings of the far right are bound to incur more attention than they would in other countries. But the electoral performance at a national level does not yet merit such attention. Indeed the danger is that an over-emphasis on the German case has occluded those cases where the far right has assumed a more dangerous position. The emphasis on Germany's far right may well follow from the rise of extra-parliamentary violence against immigrants which may be at the highest level of any European country. But this does not amount to the same thing as a rise of the far right in electoral terms. It behooves us to be clear about which phenomenon we are addressing: racist violence or the electoral rise of the far

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[4]Their greatest successes have so far been in Baden-Württemberg where the Republicans took 11% of the vote and 15 seats and the DVU took 6% of the vote and 5 seats in Schleswig-Holstein in 1992 (Financial Times, April 6, 1992: 1; Financial Times, April 7, 1992: 1). In a state election in Bremen the DVU gained 15% of the vote and six seats in the parliament in 1991 (Financial Times, October 1, 1991: 22).

right.

The third conclusion can be drawn from the fact that none of the three countries which have experienced transitions from authoritarian rule in the post-war period have given rise to New Populist movements and, perhaps even more surprising given the fascist past, none of the neo-fascist parties have gained more than a single percentage of the vote. Panayote Elias Dimitras concludes a study of the extreme right in Greece with the comment that "most observers...agree that in the near future, unless there are dramatic developments, no extreme right party will play a significant role on the Greek political scene" (Dimitras, 1992: 267). In the same volume, Tom Gallagher describes the marginalization of the far right in Portugal that has resulted from Salazar's period of military dictatorship in which he suppressed any movement of the far right as he saw this as a threat: the result was that the contemporary far right has been denied a historical basis (Gallagher, 1992: 243). John Gilmour concludes his study of the Spanish far right with the observation that the extreme right "wallowing in nostalgia and traditionalism, is now nothing more than a marginalized movement which appears to be set on a downward course into oblivion" (Gilmour, 1992: 229).

These three countries, due to their authoritarian periods, did not experience the consensus of the postwar settlement in the same way as the rest of Western Europe. There do seem to be common elements to the three countries' experience. We can perhaps speculate that in periods of consolidation of liberal democracy there is a tendency for the public to eschew extreme alternatives (Gillespie, 1990). Another common feature was the discrediting of highly personalized fascist regimes. We can observe that an extreme form of both populism and fascism had been given a long period in command of a regime. The fact that these states experienced revolutions can be seen as a repudiation of the extreme right. As a result Spain, Portugal and Greece have seen the right forming broad-based alliances to gain wider support and to lose the taint of fascist legacies.

In the following section we will build up a theory that will account for the different levels of New Populist mobilization. In order to do this we can differentiate between three levels of New Populist mobilization: there are those countries with high levels of the vote for New Populist parties; those countries with low levels of the vote for such parties; and those countries that do not have any significant parties that fit the New Populist description. Table 3 below lays out the three clusters.

Table 3 Levels of New Populist Mobilization

	Country	Best Vote(1)	Year
	Austria	16.6	1990
	Denmark	15.9	1973
HIGH	Norway	13.0	1989
	France	12.4	1993
	Finland	10.5	1970
	Italy	8.7	1992
	Sweden	6,7	1991
MEDIUM	Belgium	6.6(2)	1991
	Switzerland	6.5	1991
	Germany	2.4	1990
	Luxembourg	-	-
	Netherlands	-	-
	United Kingdom	-	-
	Ireland	-	-
LOW	Greece	-	-
	Spain	-	-
	Portugal	-	-
	Mean	5.8	

Notes:
(1) Best percentage achieved by New Politics parties in national elections.
(2) Automobilist and Ticino League combined vote.

3 TOWARDS A THEORY OF THE NEW POPULISM

The New Populism has grown as a consequence of the crises of the post-war settlement. It is in the changed socio-economic context that has provided a fertile soil for a nascent New Populism. This means that we can identify variables that indicate this change and they should be correlated with New Populist mobilization. In this section four variables are examined to illustrate a potential basis for a theory of the New Populism. No one set of factors explains the emergence of the New Populist parties alone, but in the nexus of the four, we have an explanation that is theoretically grounded and relatively accurate. The four variables we will examine are levels of postindustrialism, economic strength, party system "cartelization" but we can start with the welfare state.

3.1 Welfare State

The New Populism is contingent upon a developed welfare state. The welfare state is one pillar of the post-war settlement and its growth is therefore an essential pre-requisite for laying the terrain for the New Populists. We would expect therefore to see developed welfare states corresponding with high

levels of New Populist mobilization. The reasons are two-fold: the more developed the welfare state is, the more the traditional class divisions will have been undermined, leaving space for New Populist parties to mobilize these newly dealigned electorate. The second reason gives the reason for the emergence of protest: the more developed the welfare state, the greater the level of crisis that is engendered. As welfare states develop more fully, so we can see more clearly the contradictions inherent within it (O'Connor, 1973). To put this more simply: the social goods provided by the state as legitimation are in greatest demand when legitimacy is low, and legitimacy is lowest at the times that the state can least afford to provide those social goods -- in times of economic crisis. In is into such settings that the New Populists emerge to challenge some of the basic premises of the welfare state.

Gosta Esping-Andersen makes a powerful case for arguing that it is insufficient to catch such a complex phenomenon as the welfare state under one indicator. He argues that there are three different clusters of welfare states that have very different emphases in their social welfare spending: liberal regimes which have a low level of benefits which are targeted at the poorest sectors of society; corporatist regimes where the rights of social citizenship were more broadly attached to class and which use states rather than markets to distribute social goods but without radical redistributive effects; and finally social democratic regimes which, based on ideas of universalism, attempted to extend social goods to all of society and therefore brought welfare as improving mechanism for those who lived below the mean rather than seeing social benefits as a last-ditch safety-net (Esping-Andersen, 1990: 27-28).

The clustering of regime-types is a consequence of Esping-Andersen's central idea that the measure of the welfare state is how far it "de-commodifies" social status: in other words, as the market categorizes citizens in terms of how much they are worth as commodities, so the welfare state, through its universalism, treats each citizen with the same weight thereby detaching them from their commodity value. He constructs a scale out of the de-commodifying potential of social policies in various countries. The scale takes account of the rules and standards of welfare patterns and he includes how wide the eligibility rules are, how much income replacement is allowed for, and how much protection there is for the basic social risks of unemployment, old-age, disability and sickness (Esping-Andersen, 1990: 47). Combining the de-commodification effects of pension, sickness and benefits, he comes up with a ranking of welfare state regimes. The

relevant results are laid out below.[5]

Table 4 Rank Ordering of Welfare State in Terms of Combined De-Commodification, 1980

Country	De-Commodification Score
Sweden	39.1
Norway	38.3
Denmark	38.1
Netherlands	32.4
Belgium	32.4
Austria	31.1
Switzerland	29.8
Finland	29.2
Germany	27.7
France	27.5
(Japan	27.1)
Italy	24.1
United Kingdom	23.4
Ireland	23.3
(Canada	22.0)
(New Zealand	17.1)
(United States	13.8)
(Australia	13.0)
Mean	27.2

Source: Esping-Andersen (1990: 52)

As we can see from the clustering that Esping-Andersen identifies around the mean, we can make some geographical generalizations about where we will find the different regime types. The liberal regimes are basically the Anglo-American democracies, while the corporatist regimes are those of contentional Western Europe, and the social democratic regimes are, not surprisingly, those of the Nordic region. However, for the purposes of New Populist mobilization we can dichotomize the listing around the mean giving us "high" and "low" levels of welfare state de-commodification. Figure 1 below illustrates that strength of this relationship between welfare state development and New Populist mobilization.

[5]Esping-Andersen deals with nations outside the purview of this paper and does not include all the countries with which we are dealing.

Figure 1 New Populist Mobilization and Welfare State De-Commodification, 1980

Levels of New Populist Mobilization	Welfare State De-Commodification, 1980: HIGH	Welfare State De-Commodification, 1980: LOW
HIGH	Austria Denmark Norway France Finland	
MEDIUM	Switzerland Germany Belgium Sweden	Italy
LOW	Netherlands	United Kingdom Ireland

Correlation Coefficient = .478
Source: Tables 3 and 4.

Figure 1 above demonstrates a strong relationship between the most de-commodifying welfare states and New Populist mobilization. The Netherlands is the only country definitely in the wrong box, while Italy also demonstrates that there is not a pure fit (remembering that those categorized as having LOW New Populist mobilization do not have any relevant New Populist parties). We can however speculate that those countries with either social democratic or corporatist welfare regimes are likely to give rise to significant New Populist mobilization. Thus, this factor may be a good explanation of negative cases of New Populist mobilization.

3.2 Postindustrialism

One of the most important changes in the socio-economic context of Western Europe in the past few decades has been the shift to a postindustrial economy. As the economies have transferred their foci from industrial manufacturing to the service sector, the surrounding societies have been profoundly changed. With this change has come economic restructuring, industrial class decomposition and the emergence of new cleavages. And with these changes has come the undermining of the pillars of the post-war settlement. The weakening of labor movements undermines corporatist structures. The globalization of the economy and the attendant growth of supra-national governing bodies (e.g. GATT and EC) weaken the ability of national governments to control domestic economies through old-

fashioned demand-management tools.

As the New Populist parties are a postindustrial phenomenon, we would expect to find a relationship between how postindustrial the economy has become and how much New Populist mobilization we can see: the higher the level of employment in the service sector the higher the rate of New Populist mobilization. The reasons for expecting a relationship between postindustrialism and New Populist mobilization are two-fold. First, at the more abstract level, it is the postindustrialization of the economy that has contributed to the undermining of the post-war settlement. Second, and more substantively, this undermining has been effected through changing class constellations and thereby whittling away the power of the labor movement, upon which social democracy and corporatism were dependent. It is not so much what postindustrialism has created, but rather what it has undermined, that justifies our attention on the shift to a new economic base.

Daniel Bell categorized those countries which have more than half the total work-force employed in the tertiary sector as postindustrial states (Bell, 1974). Since Bell first established this criteria all but two of the West European countries under examination here have become postindustrial. This gives us a very low amount of variance. We can therefore use the criteria of employment in the service sector of the economy but we need to supplement this with additional information.

Simply measuring the percentage in the work-force employed in the service sector does not measure the degree to which the individual lives of citizens have been transformed by the information revolution. As we are focusing on mass politics, we need to capture the degree to which the work and domestic spheres have been transformed by the macro changes of a shift to services. One way of doing this is to provide a measure of postindustrialism that includes both the percentage of those employed in the service economy and also the spread of information technology. This can be done by including the number of telephones in a country as a statistic. Telephones are an essential instrument of informationalizing economies and the greater their presence, we can also assume that they have become greatly incorporated into everyday (i.e. non-working) lives. Table 5 below provides a ranking of the postindustrialism of our seventeen countries through a combination of these two statistics.

We can see from the table that Switzerland and the Scandinavian countries are the most highly postindustrialized, while the newer West European democracies of Portugal, Greece and Spain represent the extremes at the other end of the spectrum, along with Ireland. We can dichotomize the results so that those above the average can be categorized as having a (relatively) "high" level of postindustrialism and those below as having a (relatively) "low" level of postindustrialism.

Table 5 Levels of Postindustrialism, 1988

Country	Service Sector Employment(1)		Telephones(2)		
Switzerland	59.2	x	1 334	=	78 972.8
Sweden	66.7	x	890(3)	=	59 363
Denmark	67.1	x	783	=	52 539.3
Norway	67.1	x	622(4)	=	41 736.2
France	62.9	x	614	=	38 620.6
Finland	59.6	x	615	=	36 654
Germany	56.1	x	641(5)	=	35 960.1
United Kingdom	68.0	x	521(4)	=	35 428
Belgium	69.3(3)	x	414	=	28 690.2
Netherlands	68.8	x	410(5)	=	28 208
Luxembourg	65.0	x	425(5)	=	27 625
Italy	57.7	x	448	=	25 849.6
Austria	54.5	x	460(6)	=	25 070
Spain	53.1	x	381	=	20 231.1
Greece	46.2(3)	x	273	=	17 232.6
Ireland	56.8	x	235(6)	=	13 348
Portugal	44.2	x	166(6)	=	7 337.2
Means	60.1		548.9		33 697.9

Source: Data taken from OECD (1990).
Notes:
(1) As percentage of the working population employed.
(2) Per 1,000 inhabitants.
(3) 1987
(4) 1984
(5) 1986
(6) 1983

New Populism will tend to emerge in postindustrial societies because the traditional right has become identified with the interests of corporate capital. Lost in the gap between the corporatized economy and the bureaucratized state lies the central rhetorical constituency of the New Populists - "small business". The globalization and dependence upon high-cost high technology of the postindustrial economy forces companies to operate in an environment that is conducive to large-scale operations. The "small people" of which the New Populists speak are those that operate in small businesses. The New Populists are rightist reaction to the displacement of political and economic norms that has taken place under the shift to a postindustrial society and that has engendered profound crises of the post-war settlement. The relationship between New Populist mobilization and postindustrialism is illustrated below in Figure 2.

Figure 2 New Populist Mobilization and Postindustrialism

Levels of New Populist Mobilization	Postindustrialism: HIGH	Postindustrialism: LOW
HIGH	Denmark Norway France Finland	Austria
MEDIUM	Switzerland Sweden Germany	Belgium Italy
LOW	United Kingdom	Netherlands Luxembourg Ireland Greece Spain Portugal

Correlation Coefficient = .421
Source: Tables 3 and 5 above.

Predicting New Populist mobilization on the basis of postindustrialism does present us with a number of cases that seem to go against the expected relationship. Finland and Austria do not have the levels of postindustrialism that we might expect, given their high levels of New Populist mobilization. Whereas Finland is only just below the average with 59.6%, Austria is very low on the scale (54.5%). At the other end of the scale the United Kingdom, Luxembourg and the Netherlands all qualify as being highly postindustrial but are without New Populist mobilization. Postindustrialism does however work in differentiating the new Mediterranean democracies of Greece, Spain and Portugal which cohere on other variables in the same way.

3.3 Economic Strength

Underlying the post-war settlement has been the premise of economic growth. With a strong economy comes the ability to construct and to fund a strong and universal welfare state. With the resulting levels of stability comes a greater likelihood of corporatist modes of decision-making. It was with the oil shocks of the 1970s that a death blow was dealt to the unquestioned economic growth of Western Europe, and so came the crisis of the post-war settlement. It is reasonable to expect that those countries that have been most economically successful are to be

more prone to the emergence of new protest movements that stem directly from the crises of the post-war settlement. We can compare the relative economic strength of seventeen West European countries. The results of such a comparison are laid out in Table 6 below.

Table 6 Relative Economic Strength, 1988

Country	GDP Per Capita(1)
Switzerland	27 581
Sweden	21 546
Finland	21 287
Norway	21 241
Denmark	20 926
Germany	19 581
Luxembourg	17 592
France	17 002
Austria	16 748
Netherlands	15 461
Belgium	15 180
Italy	14 430
United Kingdom	14 413
Ireland	9 182
Spain	8 722
Greece	5 244
Portugal	4 265
Mean	15 905.9

Source: OECD (1990).
(1) US $.

The table clearly shows how the Scandinavian states generally rank very highly whereas the new Mediterranean democracies are grouped together at the bottom of the table with Ireland. As a more all embracing measure we can categorize those countries above the mean as having "high" relative economic strength and those below as "low".

We can systematically lay out the relationship between relative economic strength and New Populist mobilization. This is done is Figure 3 below. The figure demonstrates a very clear relationship between New Populism and economic strength. Luxembourg represents the only clear exception to the relationship. The case of Italy might perhaps give strength to those who argue that the Northern Leagues are peculiarly Italian phenomena whose rise is unrelated to the far right elsewhere in West Europe (Thompson, 1993: 8). While the strength of the rise of the Lombard League in recent years might well be accounted for by the particular decomposition of the Italian party system in

the past two years, the similarities that exist with other New Populist parties justifies its inclusion in this category. The case of Italy demonstrates that the socio-economic factors can be enhanced by particular national contextual factors.

Figure 3 New Populist Mobilization and Economic Strength

Levels of New Populist Mobilization	Economic Strength: HIGH	Economic Strength: LOW
HIGH	Austria Denmark Norway France Finland	
MEDIUM	Switzerland Germany Sweden	Belgium Italy
LOW	Luxembourg	Netherlands Ireland United Kingdom Greece Spain Portugal

Correlation Coefficient = .557
Source: Tables 3 and 6 above.

A consideration of the variable of economic strength in the different cases demonstrates that the New Populist parties are not a function of economic weakness. The New Populists have emerged on the crest of economic prosperity. While many of the strongest economies of Western Europe have seen profound downturns in recent years, they have turned down from a position of economic height. This is not to imply that the New Populist parties are the result of the increased prosperity of the protestors. The figures are aggregate and, as relative deprivation theory suggests, the result of an increased disparity between individual feelings of satisfaction and aggregate levels of prosperity can be increased political activism.

3.4 Party System Cartelization

T.J. Pempel has noted how some liberal democracies have become subject to one-party dominance and he refers to such cases as "uncommon democracies" (Pempel, 1990a). In these countries the dominant parties "must dominate the electorate, other

political parties, the formation of governments, and the public policy agenda (Pempel 1990b: 4). The two West European cases that fit Pempel's criteria are Sweden and Italy with their dominance exercised by the Social Democrats (SAP) and Christian Democrats (CD) respectively. But he also makes the point that we need to examine not only the party that is dominant but the relationship of the party to the regime in which it is dominant (Pempel, 1990b: 30). Such one-party dominance has an important impact on social coalitions: Esping-Andersen illustrates how Sweden's SAP has used its position of dominance to ensure its continued longevity in government by creating social alignment favorable to the party (Esping-Andersen, 1985). Such dominance raises doubts about the nature of representative democracy (Pempel, 1990b: 7) and it clearly represents systems which have a high degree of unresponsiveness to demands from both left and right. But differentiating between one-party dominant regimes and others does not allow us to contrast the degree of responsiveness of West European states because it only applies to two cases.

Recent observers have suggested that Kirchheimer's model of the catch-all party has been superseded by a new form of party which is dominant. Richard Katz and Peter Mair suggest that we are witnessing the emergence of the "cartel party": this party type is "characterized by an interpenetration of party and state which has developed to a degree which increasingly transforms the party into a part of the state, and by a pattern of inter-party collusion in which the need for collective organizational survival appears to assume priority over individual partisan gains or losses" (Katz & Mair, 1992: 20). This description can be given a wider sweep. What we are here suggesting is that many West European party systems are becoming "cartelized". The challenges that the established parties have had to face from social changes that have robbed them of the security of their electoral bases and given rise to issue-oriented, volatile voters, has forced many major parties into the situation where it is only through inter-(old)-party co-operation that they can prevail in office or in power. We can define the "cartelization" of the party system as the securing of power for a small number of parties through overt or covert co-operation and premised upon a foreshortening of the "policy distance" between the affected parties.

Perhaps the best example of a "cartelized" party system is the of Austria. From 1949 until 1966 a Grand Coalition of the Austrian People's Party (ÖVP) and the Socialist Party of Austria (SPÖ) held office and the SPÖ has been in the cabinet continuously from 1945 until the present except for a period when the ÖVP ruled alone for four years (1966-70). Explaining the two main reasons for the importance of parties in Austrian politics, Kurt Richard Luther writes: "First, it is primarily the parties who mobilize their respective subcultures and it is through party

structures that subcultural interests are aggregated and the subcultural political elite recruited. Second, it is above all between the elite of the political parties that the overarching accommodation occurs" (Luther, 1992: 46). To put it more bluntly the accommodation of elites that is inherent in consociationalism requires established major parties to act as a cartel.

Those countries that are usually described as examples of consociationalism are prime candidates for having cartelized party systems. The requirements of elite co-operation and a broad consensus about the need to maintain the long-term stability of the political system that consociationalism requires, will push such systems to party systems which will see cartelization. Thus, with Sweden and Italy, we may include Switzerland, the Netherlands, Austria and Belgium in our list of cartelized party systems. But this process of increased cartelization is not confined to consociational and "uncommon" democracies.

The situation of the Federal Republic of Germany presents us with another potential case of cartelization. In the post-war period we have only seen one "Grand Coalition" (1966-69) but we have, in recent years heard frequent calls for another such arrangement to deal with many of the serious difficulties facing the newly-unified Germany. Regardless of this, we also have the reality of center-left and center-right coalitions alternating in power at the behest of the Free Democratic Party. This small party has had its position described as that of "Kingmaker" because of the power that its position of balance gives it (Financial Times, June 12/13, 1993: 2). From the outside, especially with new parties breaking through to the Bundestag (the Greens in 1982), it appears that three parties have dominated German government positions and have done so with a degree of conformity on basic policy questions.[6]

The final group of countries that we can include in the list of cartelized party systems are those famous for being "consensual" polities -- the Nordic states. Elder et al. define consensualism as having three dimensions: a low level of conflict over the basic rules of the political process; a low level of conflict over the exercise of power; and a high degree of concertation in the creation of public policy (Elder, Thomas & Arter, 1988: 10-11). Although they do conclude that there has been, in recent years, some decline in consensus, it is clear that, for most of the post-war period Norway, Denmark and Sweden have been characterized by "the distinctively Scandinavian culture of consensus and the structures for conciliation and arbitration which have been built up during the twentieth

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[6]The most obvious example recently would be the SPD's co-operation in amending the Basic Law to change the rules regarding immigration (Financial Times, May 27, 1993: 1).

century" (Elder, Thomas & Arter, 1988: 221).

Denmark perhaps deserves some more articulation of the argument as to why it is cartelized. If we look at the party system of Denmark it can be divided into two periods: before and after 1973. The 1973 election completely changed the party system by breaking away from the heavily cartelized hold of the five major parties over the Folketing. However, despite the "earth-shattering" nature of the 1973 election, this has not been repeated and, while there are more parties now represented at the national level, Borre points out that this has not affected the basic stability of the bloc system (Borre, 1984: 361). In addition, Pedersen argues that the position of the Social Democratic Party comes close to being one of dominance (Pedersen, 1991: 95). Also we should note the emergence of New Populism in Denmark with the Progress Party followed hard on the heels of that period of strong cartelization.

We can therefore conclude our list of cartelized systems by adding Norway, Finland and Denmark. Figure 4 below tabulates the relationship between cartelized party systems and New Populist mobilization.

Figure 4 New Populist Mobilization and Party System Cartelization

		Party System Cartelization: Cartelized	Party System Cartelization: Non-Cartelized
Levels of New Populist Mobilization	HIGH	Austria Denmark Norway Finland	France
	MEDIUM	Switzerland Germany Belgium Sweden Italy	
	LOW	Netherlands	Luxembourg Ireland Greece Spain Portugal UK

Correlation Coefficient = .511
Source: Table 3 and text.

Figure 4 clearly displays a strong relationship between

cartelization and New Populist mobilization. The only two anomalies are the Netherlands and France. The French case is complicated by the shift from the Fourth to the Fifth Republic in the 1960s. Prior to that the dominance of De Gaulle could be seen as an example of one-party dominance. The picture is however further confused by the constitutional division between president and prime minister and the resulting two periods of "cohabitation" (1986-88 and 1993-) that have taken place under the Fifth Republic. France, during the whole post-war period, cannot be unequivocally described as either one-party dominant or as having a cartelized party system and therefore must stand as an anomaly here.

The figure does demonstrate that, once again the new Mediterranean democracies are grouped together in the company of Ireland. There is a clear relationship between party system cartelization and New Populist mobilization.

Table 7 below places all the variables we have examined together and groups the countries in the three sets according to their levels of New Populist mobilization. By looking at some of the countries in turn we can demonstrate the efficacy of the theory.

The chart predicts with complete accuracy the levels of New Populist mobilization in eleven countries. Of those countries with high levels of New Populist mobilization only France does not fit exactly. In the middle range only Belgium and Italy, both countries that have been experiencing constitutional debates recently, do not match exactly. Of the other countries with a high level of New Populist mobilization, there are high levels of welfare state, economic strength, postindustrialism and party system cartelization. At the other end of the spectrum Ireland, Greece, Portugal and Spain fit the theory perfectly with low levels of postindustrialism, economic strength, welfare state development, and low levels of party system cartelization.

The three cases which are the most anomalous are Italy, Belgium and the Netherlands. Party system cartelization appears to be an important factor in the case of Italy. Italy would not have New Populist mobilization on the basis of only the socio-economic factors. Its high level of party system cartelization has resulted in medium levels of New Populist mobilization with the Northern Leagues (Woods, 1992a; 1992b; Thompson 1993). The current dissolution of the Italian political system into the morass of criminal and legitimacy crises seems to lend weight to the thesis that the cartelization has been a crucial factor. Public dissatisfaction with the political class as a whole seems to have been a consequence of a highly cartelized political system and the ensuing demise of the power bases of these parties.

Table 7 Factors Influencing New Popu

	Welfare State		Postindustrialism		Ecc
Country	High	Low	High	Low	H
Denmark	X		X		
Finland	X		X		
Norway	X		X		
France	X		X		
Austria	X			X	
Switzerland	X		X		
Sweden	X		X		
Germany	X		X		
Belgium	X			X	
Italy		X		X	
Ireland		X		X	
Greece	-			X	
Portugal	-			X	
Spain	-			X	
United Kingdom		X	X		
Luxembourg	-			X	
Netherlands	X			X	

opulist Party Mobilization

Economic Growth		Cartelization	
High	Low	High	Low
X		X	
X		X	
X		X	
X			X
X		X	
X		X	
X		X	
X		X	
	X	X	
	X	X	
	X		X
	X		X
	X		X
	X		X
	X		X
X			X
	X	X	

4 CONCLUSION

In dealing with the New Populism, we have argued that, by separating this phenomenon from that of neo-fascism, we can see that the growing strength of the far right at present largely derives from the growing strength of the New Populism. We can identify the ideological, organizational and electoral facets of the New Populism. Having done this we can see how the New Populism is explicable as the result of a nexus of socio-economic, and political factors.

In conclusion we can stress three points. The first conclusion that we can draw from all this is that the rise of the New Populist far right is tied to long-term economic success (in the sense of a strong, welfare state economy) rather than to the phenomenon of economic down-turn. This again demonstrates how the bases of neo-fascism (often assumed to be rooted in economic depression) are distinct from those of New Populism.

The second conclusion that we can draw is that cartelization of the party system seems to have a strong bearing on the degree of New Populist mobilization. While states can have all the socio-economic factors associated with New Populism, having a highly cartelized party system can be as important as all those factors combined. We can see this in the meteoric rise of the Northern Leagues in Italy. The New Populism is therefore a profoundly political phenomenon both reflecting and seeking to change the politics of Western Europe.

The final conclusion that we can draw is that, by separating the electoral facets of the New Populism from the racist violence of neo-fascism, we can see that an over-emphasis on the German situation has obscured the real picture: this picture is of efficient, centralized parties operating across Western Europe. The success of these sharp-suited far rightists is not unrelated to the growth of extremist violence of the boot boys, but we have a clearer picture if we separate the two phenomena. Defining New Populism is a start to such a process.

The New Populism is important because it sometimes explicitly shares, and sometimes hints at, the agenda of the extra-parliamentary extreme right. The muted radicalism of the New Populists has lead to great success at entering parliaments and has the potential to transform party systems. As a nascent, but apparently effective force for change -- perhaps radical change -- the New Populism represents a formidable protest force. It both reflects changes in contemporary society and also is attempting to enact political change. In its potent cocktail of muted radicalism, anti-system attitudes and a right-wing populism, the New Populism is set to make its presence felt across Western Europe.

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THE U.S.-JAPAN DISPUTE OVER RICE LIBERALIZATION: INSIGHTS FROM PROSPECT THEORY

Jeffrey W. Taliaferro

Department of Government
Harvard University
Littauer Center M-22
Cambridge, MA 02138

(617) 495-2148
Fax: (617) 495-0438

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THE U.S.-JAPAN DISPUTE OVER RICE LIBERALIZATION: INSIGHTS FROM PROSPECT THEORY[1]

The current round of world trade negotiations (the so-called Uruguay Round) of the General Agreement on Tariffs and Trade (GATT) is now in its seventh year. The negotiations have repeatedly stalled over agriculture - a sector that accounts for only thirteen percent of world trade. The question of agricultural liberalization within the international trade regime is an area in which domestic politics place constraints on agreements reached at the international level. Previous GATT negotiating rounds excluded agriculture. Due to domestic politics, which are the root of agricultural trade barriers and export subsidies, GATT members considered the farm sector beyond the scope of the negotiations.[2] This is no longer the case. When representatives of the GATT member states met to launch the latest round of negotiations in Punta del Este, Uruguay in September 1986 they agreed that trade distorting agricultural policies would be included.

The United States has been the principal advocate of agricultural liberalization in the Uruguay Round much to the consternation of its main trading partners, the European Community (EC) and Japan. Japan's almost total ban on rice imports has become a source of contention with its GATT partners, particularly the United States. The Uruguay Round was due to conclude at the December 1990 GATT meeting in Brussels. American trade negotiators were on the verge of accepting a minimum access solution to the closed Japanese domestic rice market, before the talks collapsed

over a farm subsidy dispute with the EC. In June 1991 Prime Minister Toshiki Kaifu was supposed to announce that the Japanese government would agree to a minimum access solution during a scheduled meeting with President George Bush in Maine. A few days before Kaifu's visit the U.S. hardened its position. The Bush Administration said that it would regard a three, five, or even a ten percent partial opening of the Japanese rice market as insufficient. What accounts for this shift in the American negotiating position? I will argue that prospect theory, as opposed to a rational choice (expected utility model) can better explain this shift in the American position.

Prospect theory is a cognitive psychological theory of decision-making under risk. It posits that actors evaluate outcomes with respect to deviations from a reference point than with respect to net asset levels, that their identification of that reference point is the key variable, and that they give more weight to losses than to comparable gains. The theory predicts that individuals are generally risk averse with respect to gains and risk acceptant with respect to losses.[3] A shift in the reference point can lead to a reversal of the actors' preferences among several outcomes. This hypthosized pattern of loss aversion and the importance of framing has received tentative confirmation in a series of laboratory experiments.[4] The shift in the American negotiating stance is consistent with many predictions of prospect theory including a reversal of preferences due to a change in reference point and the selection of risk averse options in the domain of gains and risk

acceptant options in the domain of losses. If Kaifu had presented Bush with a minimum access solution (which is what the U.S. had been prepared to accept at Brussels) the result would have been a disaster for either the entire American negotiating stance on agriculture in the Uruguay Round or for U.S.-Japan relations. The Bush Administration insisted on a full liberalization solution, knowing that such a solution would be unacceptable to Japan.

The first section of this article will briefly review the historical background of agricultural protection in postwar Japan, the constraints that various Japanese domestic actors place on agricultural negotiations at the international level, and how the rice issue became included on the agenda for the Uruguay Round. The next section will discuss two critical junctures in the negotiations: the collapse of the Brussels meeting in December 1990 and the Eagleburger Memorandum of June 1991. This will be followed by a discussion of what a rational choice model would lead one to predict about the American negotiating stance and why such a model does not fully explain the change in that stance. Finally, the last section will show that prospect theory provides a better explanation for the seemingly anomalous shift in the American negotiating stance on the opening of Japan's rice market.

AGRICULTURAL PROTECTION IN POSTWAR JAPAN

Before discussing why the rice liberalization issue became a source of contention in the Uruguay Round it would be helpful to discuss how Japanese domestic politics created and perpetuate

protectionist agricultural policies. These agricultural policies led the conflict between Japan and its principal trading partners. Various Japanese domestic actors, both in the state and society, decided Japan's preferences in world trade negotiations and placed constraints on Japanese leaders.

Japan has a long history of government intervention in the production and marketing of basic food stuffs, including rice, beginning in the 1920s'. [5]Sharp declines in average farm income throughout the 1950s' and the political influence of the farmer's cooperative (Noyko) led to calls for agricultural protection. [6]The over-representation of rural districts in postwar Japan made the ruling Liberal Democratic Party (LDP) dependent on the support of rural voters. This made Japanese elites particularly vulnerable to these demands for agricultural protection. The government responded by enacting the Basic Agricultural Law (ABL) of 1961, which sought to create equity between farm and non-farm incomes through structural adjustments.[7] The government also enacted an import ban on commodities that provided the largest percentage of farm income, including livestock products, fruits, vegetables and rice.[8] Any short falls in rice earnings for Japanese farmers (most of whom are part-time and cultivate small plots of land) are made up by a subsequent increase in government's purchase prices for rice.[9] This policy created an engine for rapid increases in rice prices.[10] In 1960 the producer price of rice was slightly over the import price. By the late 1970s' the producer price had risen to three or four times the world price.[11] Japanese policy makers came

to rely on increasing rice prices as a vehicle to maintain farm incomes at levels commensurate with urban incomes.

The rice import ban has had domestic and international consequences. Yujiro Hayami writes: "The same economic forces that have raised agricultural protection in Japan has increased foreign protest against it. The rapid shift in comparative advantage from agriculture to manufacturing has resulted in a surge of industrial exports from Japan: this has created severe industrial adjustment problems in the countries whose market have been penetrated by Japanese manufacturing products."[12] In the 1980s' Japan's agricultural protection became a source of conflict with its major trading partners, particularly the U.S. How agricultural protection, particularly Japan's rice import ban, became included on the Uruguay Round's agenda will be discussed below. By the mid 1980s' agricultural protectionism, particularly the rice ban and high domestic rice prices, produced deep cleavages in Japanese state and society. Certain domestic actors have benefitted from the continuation of these policies, while others have not. These actors can be divided into two groups: a status quo coalition and a market opening coalition.

<u>The Status Quo Coalition</u>:

The ruling Liberal Democratic Party (LDP), which is dependent on rural voters, has an interest in agricultural protectionism. The agricultural sector's influence is enhanced by the inclusion of agricultural interests in the Policy Research Council (PRC), the

party's policy-making body. Within the PRC, the agricultural "policy tribe" is the most influential.

The Recruit Scandal damaged the LDP's reputation among rural voters, resulting in the party's July 1989 defeat in elections for the House of Counselors. Stunned by the election results, the LDP attempted to stop the erosion of its support among rural voters. LDP leaders pledged that they would not allow even a "single grain of rice" to enter Japan.[13] Within the party, the barriers to agricultural liberalization and rice liberalization in particular, are both political and psychological. Many LDP politicians believe that their party would court disaster if it opened Japan's rice market.[14]

The Japanese Cabinet has traditionally opposed any liberalization of the rice market. "Japan proposed in the GATT negotiations in November 1989 that basic food stuffs should be exempt from import liberalization requirements, arguing that countries heavily reliant on food imports need to maintain self-sufficiency in basic food stuffs in the interests of food security."[15] For rice, the cabinet has interpreted "food security" to mean 100 percent self-sufficiency. Government officials have used this "food security" argument to justify the closed rice market and high domestic rice prices to both Japan's trading partners and Japanese consumers.

The Ministry of Agriculture, Forestry and Fisheries (MAFF) is the strongest governmental advocate of continued agricultural protection. MAFF derives its power from a mutually beneficial

client-patron relationship with the agricultural sector. Full liberalization of the rice market could drastically reduce the ministry's direct influence over the economy.

The opposition Social Democratic Party of Japan (SDPJ), the Kometio ("Clean Government" Party), the Democratic Socialist Party (DSP) and the Japan Communist Party (JCP), like the LDP, agree that Japan must not liberalize its rice market. They support agricultural protection to lure rural voters away from the ruling LDP. Nokyo, the national farmers' cooperative, is another strong opponent of rice liberalization. The organization, which functions as a semi-administrative arm of MAFF, would loss much of its income if the rice market were ever liberalized. Most farmers also support the rice import ban. Rice provides a source of income for the large number of small, part-time farmers. Liberalization would force many of these inefficient farmers to leave agriculture altogether. Finally, consumer organizations, support the rice import ban on the grounds of "food safety," despite that the fact the ban results in higher food prices.

<u>The Market Opening Coalition</u>:

Other actors in Japan are or at least perceive themselves to be disadvantaged by continued agricultural protectionism, particularly the rice import ban. The Ministry of International Trade and Industry (MITI), like the domestic manufacturers its represents, has begun to support rice liberalization. MITI and many in the business community do not want Japanese manufacturers'

access to markets abroad to be jeopardized by closed agricultural markets at home.[16] The Ministry of Finance (MOF) has long opposed protectionism because of the tremendous strains that agricultural subsidies place on the national budget. The Ministry of Foreign Affairs (MOFA) opposes protectionist policies because of the strain that they place on Japan's bilateral and multilateral relationships.[17] Although they lack an effective role in the policy process, some Japanese farmers and consumers oppose the rice import ban. Finally, some of Japan's national daily newspapers, have become vocal supporters of opening the rice market.[18]

The elimination of Japan's rice import ban would require the approval of both houses of the Japanese Diet (parliament). Neither the LDP nor any of the opposition parties would support the complete opening of the domestic rice. The members of the market-opening coalition do not have the power to eliminate the import ban. MOFA, MOF and MITI have limited influence in setting national agricultural policy. Given the preferences of various Japanese domestic actors, Japanese trade negotiators could not agree to the complete liberalization of the rice market. With the preferences of these Japanese domestic actors in mind, let us turn to how the rice issue became included on the Uruguay Round's agenda.

CONFLICT AT THE URUGUAY ROUND:

The idea for the next round of world trade negotiations under the auspices of the GATT emerged from a 1982 meeting between President Ronald Reagan and Prime Minister Yoshiro Nakasone. Japan

and the United States jointly sponsored the call for a new GATT round at the 1985 G-7 summit in Bonn. At a 1984 meeting of GATT members in Geneva the Japanese representatives said that their agenda for the new round included: the improvement of the trade prospects for LDC's; the reversal of the erosion of discipline within the GATT system, and; the reform of the GATT to improve its ability to cope with the trade challenges of the 1980s' and 1990s', including strengthening its disputes settlement procedures and widening LDC participation.[19]

One of Japan's principal objectives was to use the negotiating procedures of the GATT to place restraints on the American tendency to deal with industrial disputes unilaterally. The Japanese lacked incentive to include agriculture in the bargaining, since doing so would call into question their "food security" doctrine. Other GATT members had different priorities. At the opening session of the new round at Punta del Este, Uruguay in 1986, the United States, with the support of the newly formed Cairns Group of agricultural exporters, placed agriculture on the round's agenda (along with fourteen other issue areas).

Japan's rice import ban clearly violates existing GATT rules. "Without firm footing in either GATT legality or exceptionalism, the Japanese government has augmented its international defense of the food security position with more oblique economic and political rationales, some more tenable than others."[20] Japanese officials emphasized their recent record of farm market opening measures (eg, beef and citrus) as evidence of their unilateral contribution to

world agricultural trade expansion and the need for Japan to maintain self-sufficiency in rice. Japan unsuccessfully tried to incorporate the "food security" doctrine as a GATT regime principle.

Putting Rice on the Bargaining Table:

The American farm sector placed the rice issue on the Uruguay Round's agenda. In September 1986 the U.S. Rice Millers' Association (RMA) filed an "old" section 301 complaint against Japan with the Office of the U.S. Trade Representative.[21] Neither the American nor the Japanese governments wanted to discuss the rice issue in a bilateral context. Trade Representative Clayton Yeutter rejected the RMA petition on the grounds that the rice issue should be resolved in the Uruguay Round, rather than in bilateral negotiations. "Yeutter, however, did set a one year deadline for the Japanese to be forthcoming on the issue."[22]

In the following months Japan did make some concession on other products, including the importation of American beef and citrus products, in the hopes that such actions would cause the U.S. to ignore the rice issue. The Reagan Administration had a different viewpoint. "In order to get concessions from Japan on beef, citrus, and processed products, U.S. trade negotiators had been forced to provide assurances that Japan would not be placed under comparable bilateral pressure any time some to open up [sic] its rice market."[23]

In September 1988, just two months before the presidential election, the RMA filed a petition under section "super 301" of the 1988 Trade Act with the U.S. Trade Representative. The petition requested a modest ten percent opening of the Japanese rice market over the next four years. "The rice millers erroneously assumed that the passage of the tough new U.S. trade law and its 'super 301' provision for attacking bilateral market access problems, plus the heightened political sensitivity of farm and trade issues in the 1988 presidential campaign, would oblige the administration to launch an attack on Japanese rice policy.[24] Yeutter came under intense congressional pressure to take action under "super 301" to force Japan to open its rice market.[25] Again, Yeutter rejected the RAM's petition and reiterated the administration's wish to resolve the rice issue in the Uruguay Round negotiations, than in bilateral talks.

U.S.-_Japan Multilateral and Bilateral Roles in the Rice Issue:

Japanese leaders had hoped that little attention would be devoted to the rice issue since the principal source of disagreement over agricultural trade in the Uruguay Round was between the U.S. and the EC on the issue of farm subsidies. To them, since the U.S.-EC dispute remained to be resolved, there was little to fear with respect to the rice issue. The American trade negotiators had a completely different set of motivations.

The U.S. had hoped to win Japanese concessions on rice liberalization was a way to isolate, and thus bring greater

pressure to bear on the EC to liberalize its own agricultural markets.[26] The Reagan and later the Bush Administration linked Japanese rice concessions, to EC agricultural concessions and general GATT agricultural reforms, and both areas to the successful completion of the Uruguay Round. Figure 1 illustrates these strategic linkages from the American viewpoint.

(Figure 1 about here)

Rapkin observes that the U.S.'s role as demanduer in the Uruguay Round's agricultural negotiations derives from two mutually reinforcing motivations. First, the U.S. wants to use liberalization within GATT to arrest or reverse the loss of world market share to the EC's heavily subsidized agricultural exports. Second, both the Reagan and Bush Administrations hoped to use liberalization to trim the mounting budgetary costs of their agricultural support policies, including the growth of American export subsidies used to combat EC agricultural subsidies.[27]

To get these objectives, American trade negotiators introduced the so-called "zero option" at the July 1987 Uruguay Round meeting in Geneva. Their proposal called for the complete abolition of production and trade-distorting agricultural subsidies and non-tariff barriers. Non-tariff barriers were to be eliminated through "tariffication" - the initial conversion to tariffs of non-tariff barriers, followed by the reduction of tariffs to "zero" within ten years. Not surprisingly, the American "zero option" did not receive an enthusiastic reception from the EC and Japan.

Figure 1: Linkages at
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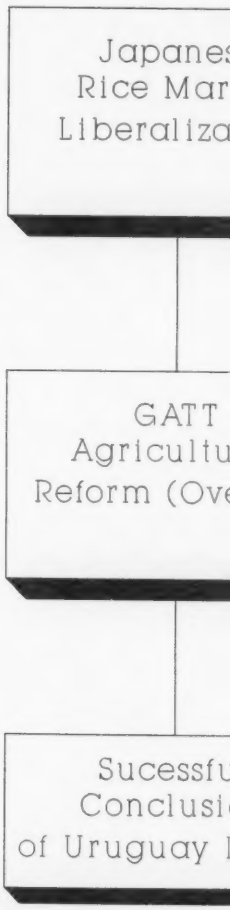

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Rapkin notes that the U.S. also played two overlapping roles vis a viz Japan on the rice issue. First, the U.S. cast itself in the role of "good cop" by acceding to Japan's wish to handle the rice issue within the multilateral context of the Uruguay Round. The U.S. also cast itself in the role of "bad cop" by hinting at the possibility of bilateral pressure if Japanese concessions were not forthcoming. "For instance, Under Secretary of Agriculture Richard Crowder's warning in Tokyo of 'all kinds of bilateral action (if Japan fails to make concessions on rice in the Uruguay Round) makes explicit the sense in which the threat of eventual ('super') 301 action on rice has loomed over the whole negotiating process."[28] U.S. Trade Representative Carla Hills warned that Japan would be partially responsible for the failure of the entire Uruguay Round "[I]f Japan finds itself unable to negotiate on agriculture, which includes rice."[29] At times Bush Administration officials cloaked their "bad cop" role in larger multilateral concerns and played upon Japanese fears of international isolation. For example, Hills stated: "If the second largest industrialized market in the world, a market spreading the rest of the world with manufactured goods, but refusing to take the agricultural output of poor nations that having nothing to sell, you can be sure that the poor nations will not stay at the bargaining table."[30]

There were still some factors that placed limits on the effectiveness of American pressure. First, while the U.S. and Japan may disagree on agricultural trade, both countries have an interest in the general success of the Uruguay Round. Second, "another

consideration is the fact that Japan's large and growing market for agricultural products provides Japan with countervailing leverage."[31] Third, there has at least the possibility that if American pressure on the rice issue became too intense Japan might retaliate in an unrelated area that is of concern to the U.S. For example, a group of Diet representatives warned then-Secretary of Agriculture Yeutter that if the U.S. chose to deal with the rice issue in a bilateral format Japan might decrease its purchase of U.S. treasury bills and its economic aid to developing countries.[32]With these events and factors in mind, let us examine the two critical junctures in the Uruguay Round negotiations: the collapse of the Brussels talks in December 1990 and the Eagleburger Memorandum of June 1991.

Collapse in Brussels:

The Uruguay Round was scheduled to conclude at a meeting of GATT members in Brussels, Belgium in December 1990. While agreements had not yet been concluded in the other fourteen issue areas, the agricultural talks proved to be the most contentious.

Reductions in internal agricultural supports, imports barriers and export subsidies were the items on the table. Table 1 summarizes the negotiating positions of the U.S. the EC, Japan, and a last minute compromise proposal submitted by the chair of the GATT's agriculture working committee, Swedish Agriculture Minister Mats Hellstrom. (Table 1 about here)

By this stage in the negotiations the U.S. had softened is

TABLE 1: COMPARISON OF THE NEGOTIATING POSITIONS AT BRUSSELS (December 1990)

	Internal Support Reductions	Internal Barrier Reductions	Export Subsidy Reductions
U.S. Proposal	75% (1990-2000)	75% (1990-2000)	90% (1990-2000)
EC Proposal	30% (1986-1996)	conditional introduction of tarrifs no targets pledged rebalancing	no concessions offered
Japan's Proposal	30% (1986-1996)	no opening of rice market	elimination in phases
Hellstrom Proposal	30% (1990-1995)	30% (1990-1995) 5% compulsory minimun access	30% (1990-1995)

Adapted from David P. Rapkin, "Rice Liberalization and Japan's Role in Uruguay Round: A Two-Level Game Approach." Paper presented at the annual meeting of the International Studies Association, Atlanta, Georgia, 1992.

"zero option" position. American trade negotiators no longer demanded the complete end of all agricultural supports and protection, although the targets that they proposed were still considerably higher than the EC and Japan were willing to entertain.[33] The U.S. insisted on a seventy five percent reduction in both internal supports and important barriers, with a ninety percent reduction in export subsidies. These reductions were to take place over a ten year period beginning in 1990. In other words, at this point the U.S. was willing to accept a minimum access solution to foreign agricultural markets, including the Japanese domestic rice market.

The EC refused to offer any concessions on the reduction of export subsidies and would only agree to a thirty percent reduction in internal supports over the course of ten years, retroactive to 1986. Using 1986 as a "base year" was completely unacceptable to the U.S. because in that year world farm prices had been particularly low, therefore subsidies had been particularly high.[34] Also, the EC insisted upon "rebalancing" - a provision by which some protection or support currently at low levels would be allowed to rise to create a balance with those that are reduced from considerably higher levels.[35]

The Japanese proposal also conceded very little. Japanese negotiators were willing to agree to a thirty percent reduction in internal supports for various products (including rice). Their proposal, like the EC's, would be retroactive to 1986. "While calling for a phased elimination of export subsidies, Japan, which

does not subsidize its scant agricultural exports, made no specific demands on this count - probably holding this card in abeyance until it could be used to bargain down any concessions on rice it might be forced to make should the U.S. and the EC reconcile their differences."[36] MAFF Minister Tomio Yamamoto and other Japanese trade officials still refused to make any concessions on the rice issue, citing the "food security" doctrine.[37]

The last minute compromise "Hellstrom" proposal called for thirty percent reductions in internal supports, import barriers and export subsidies over the next five years. The U.S. delegation supposedly considered this proposal, but in the end neither endorsed nor rejected it.[38] The compromise "Hellstrom" proposal caught the Japanese delegation, which had hoped the rice issue would not be discussed at all, completely off guard. If the proposal had been included in a new set of GATT rules, Japan would have been forced to accept a five percent (of domestic consumption) minimum access for rice imports, which would have amounted to the importation of 500,000 tons of rice each year.[39] The Japanese refusal to make any concessions on rice amounted to a rejection of the best deal they could have received at the Uruguay Round. The Japanese delegation neither formally rejected nor endorsed the Hellstrom proposal, but instead sat on the sidelines of the American-EC dispute.[40] The EC delegation refused to make any further concessions and the U.S. delegation walked out of the talks on December 10.

After the collapse of the Brussels talks, many in the Japanese

government and the ruling LDP began to recognize the need for some concessions on the rice issue to secure a successful completion of the entire Uruguay Round. MITI Minister Kabun Muto publicly said that his ministry supported a partial opening of the rice market; remarks that ran awry of MAFF and led to his replacement.[41] Foreign Minister Taro Nakayama cast the issue in terms of the need to complete the GATT round to counter the trend toward European and North American regional trading blocs. LDP Executive Council chair Takeo Niskioka, who came to favor a partial opening before the July G-7 summit in London, argued: "If Japan has to compromise (on the rice issue) anyway, it should get the upper hand at the Uruguay Round negotiations by making concessions voluntarily and at the earliest possible date."[42] MAFF officials opposed any attempt to deal with the rice issue bilaterally during the winter and spring of 1991.[43]

The Eagleburger Memorandum (June 1991):

In the months following the collapse of the Brussels talks, Japan's non-negotiating stance drew harsh criticism abroad. According to a report by the Japan Economic Institute: "[C]ommentators on three continents feel that Japan, at best, had earned a grade of 'incomplete' on perhaps even failed in an early test of its willingness to play a world leadership role."[44] Some in the Japanese media linked Japan's passive stance in the GATT agricultural talks to the government's late and reactive response to the Persian Gulf Crisis. Privately some government and LDP

officials said the Hellstrom proposal would have been better that an American tariffication proposal, since the latter would require the reduction of tariffs later.[45]

In the spring and early summer some government, LDP and private sector officials hinted that Japan might be ready to agree to a partial (quota based) opening of its rice market.[46] In late May Prime Minister Kaifu, LDP boss Shin Kenemaru, Chief Cabinet Secretary Misoji Sakamoto, former Prime Minister and LDP faction leader Noburo Takeshita, and LDP Secretary General Keizo Obuchi made a series of pro-market opening statements.[47] Just before a scheduled meeting between MAFF Minister Kondo and U.S. Secretary of Agriculture Edward Madigan in Denmark an unnamed MAFF official hinted to the press that Japan was prepared for a partial rice market opening.[48] When questioned about the validity of the statement, Kondo said that it was too early to make any political decisions on rice.[49]

In early June Kaifu was scheduled to meet with President Bush at Kennebunkport, Maine, a few weeks before the G-7 summit in London. Topics on the agenda included aid to the Soviet Union, the situation on the Korean peninsula, and the lack of progress in the Uruguay Round. There was a wide speculation that Kaifu might deliver a "gift" of partial rice market opening during the meeting with Bush.[50]

Just before Kaifu's visit the U.S. intervened to thwart this "gift" of a partial rice market opening. Deputy Secretary of State Lawrence Eagleburger sent a memorandum to the American Embassy in

Tokyo, the contents of which were promptly made known to both the Japanese government and the press. The memorandum reiterated the American insistence on tariffication and said that the Bush Administration would regard a three, five or even a ten percent opening of the Japanese rice market as insufficient.

Why did the United States, which appeared to have been prepared to accept a partial opening of the Japanese rice market at Brussels, harden its negotiating stance just days before Kaifu's visit? The following sections present two competing theoretical explanations for this seemingly anomalous shift in the American negotiating position.

A RATIONAL CHOICE EXPLANATION:

Rational choice or expected utility models are powerful tools for examining microeconomic and political decision making. Rational choice models have been defended on the grounds that people are generally effective in the pursuit of their objectives and that the axioms of expected utility theory are intuitively compelling.[51] Bruce Bueno de Mesquita notes that expected utility models' rationality assumption means: "[a] policy maker will never chose an action that is expected to bring less value - or utility - than some alternative policy . . . Being rational simply implies that the decision maker uses a maximizing strategy in calculating how best to achieve his goals. The rationality assumption tells us nothing about how actors form their preferences, but rather shows how actors behave, given their preferences."[52] Expected utility

theory views choice as a maximization process. Neoclassical economics (from which rational choice originated), in its treatment of rationality, is silent about the content of goals and values, and postulates global consistency of behavior. It also postulates "one world" - the notion that behavior is objectively rational in relation to its total environment.[53]

Expected utility theory has four substantive assumptions: cancellation, transivity, dominance, and invariance.[54] Cancellation refers to the elimination of any state of the world that yields the same outcome despite one's choice. Only one state of the world will actually be realized, which makes it reasonable to evaluate the outcomes separately for each state.[55] Choice between outcomes should therefore only depend on states in which such choices yield different outcomes. The transitivity of preferences assumption is satisfied if it is possible to assign to an option a value that does not depend on other available outcomes. Transitivity is likely to hold when options are evaluated separately, but not when the consequence of an option depends on the alternative to which it is compared. The dominance assumption holds that if one option is better than another in one state and at least as good in all other states, the dominant option should be chosen. Finally, the invariance assumption holds that different representations of the same choice problem should yield the same preferences. That is, the preference between options should be independent of the description of those options.[56] Invariance and dominance are deemed essential to rational choice models.

An expected utility model of the U.S. negotiating stance with respect to the Japanese rice market would represent the choice problem facing the Bush Administration as follows.

$$Pf \times Uf > Pm \times Um$$

Pf: the probability of full liberalization of Japan's rice market

Uf: the utility (for the U.S.) of full liberalization

Pm: the probability of a minimum access solution

Um: the utility of a minimum access solution

An expected utility model would argue that the United States needed a full liberalization of the Japanese rice market to isolate and thus pressure the EC into reducing its own trade distorting agricultural policies. Japanese and EC concession would lead to a successful completion (for the U.S.) of the agricultural negotiations and of the entire Uruguay Round. In the minds of American officials the agricultural negotiations with Japan were linked to the agricultural negotiations with the EC and the general success of the Uruguay Round. A minimum access solution to the rice issue would have a lower utility for the U.S. than would a full liberalization solution, though the probability of obtaining the former was much greater than the probability of obtaining the latter. At Brussels Japanese trade official did not explicitly accept, nor did they reject the Hellstrom proposal, which would have required a partial liberalization of the Japanese rice market. In the spring of 1991 Japanese leaders publicly said that they

would be willing to accept a minimum access solution. The decision to thwart Kaifu's "gift" of a minimum access solution could be seen as an attempt by the Bush Administration to force Japan back to the bargaining table in the hopes that Japanese trade officials would eventually concede to a full liberalization solution.

If a full liberalization solution would have yielded a higher expected utility for the U.S. throughout Uruguay Round negotiations, then why were American trade negotiators prepared to accept a minimum access solution at the last minute of the Brussels' talks? At that point it would appear for the U.S. the utility of a minimum access solution was greater than that of a full liberalization solution. From the December 1990 to June 1991 the U.S. negotiating stance shifted from an option that offered a higher utility (full liberalization) to one that offered a lower utility (U.S.compromise proposal at Brussels; minimum access) and then back to one that offered a higher utility (as expressed in the Eagleburger Memorandum). This appears puzzling from a rational choice standpoint. The American side knew that a full liberalization solution would be unacceptable to the Japanese throughout negotiating process. The only new information that the U.S. received in the months between the two crucial junctures was that the Prime Minister and other senior LDP leaders would be willing to entertain a minimum access solution - a proposal that American trade negotiators had been prepared to accept at Brussels.

Throughout the agricultural negotiations at the Uruguay Round the United States American faced a single choice problem: both the

rice dispute with Japan and the farm subsidies dispute with the EC had to be resolved to complete the talks successfully. Yet, the Bush Administration appears to have viewed the Brussels talks and Kaifu's proposed "gift" as two different choice problems. At the last minute of the Brussels talks American trade negotiators considered accepting any deal that they could get with respect to the rice issue. By the summer of 1991 the administration realized that a minimum access solution to the rice issue would have ramifications for the farm subsidy dispute with the EC. This shift in the American negotiating position seems to violate the invariance assumption of rational choice. If the Bush Administration linked the outcome of the rice dispute with Japan with the outcome of the other agricultural disputes with the EC then the administration should have selected the outcome that offered the highest expected utility at <u>both</u> junctures in the Uruguay Round negotiations. To account for the shift in the American negotiating stance one must employ a different model.

A PROSPECT THEORY EXPLANATION:

Prospect theory offers an alternative model of decision-making under risk. In sum, "the theory predicts that individuals evaluate outcomes with respect to deviations from a reference point rather than with respect to net asset levels, that their identification of this reference point is a critical variable, [and] that they give more weight to losses than to comparable gains . . . "[57] Prospect theory predicts that people are generally risk averse with

respect to gains and (surprisingly) risk acceptant with respect to losses. The importance of loss aversion and how individuals frame decision problems have received tentative confirmation in a series of diverse and robust tests using large numbers of subjects.

Prospect theory has two phases: a framing and editing phase and an evaluation phase. During the framing/editing phase the individual does a preliminary analysis of the decision problem, which in turn "frames" the various options, contingencies and possible outcomes.[58] In other words, people first chose a reference point (or aspiration level) and then assess the gains and losses of the various options/prospects from that point. During the editing phase the individual evaluates the edited options and selects preferred one. As Janice Gross Stein notes:

> Outcomes that are above the reference point are treated as gains while those outcomes that fall below are considered losses. Because people are generally averse to loss, whether an outcome is treated as a gain or a loss has a significant impact on the choice they make. When an identical outcome is reframed as a loss as opposed to a gain, people reverse their preferences and make a different choice.[59]

Stein provides a good example of the impact of the reference point on the assessment of gains and losses.[60] An author had expected to write ten pages of an article in one day but, instead wrote only five. She is more concerned with the "loss" of five pages than the "gain" of five pages in the total length of the article to be completed. The author's reference point was her expectation. Instead of considering how much she had written (net gain), the author estimates loss (here five pages) from the

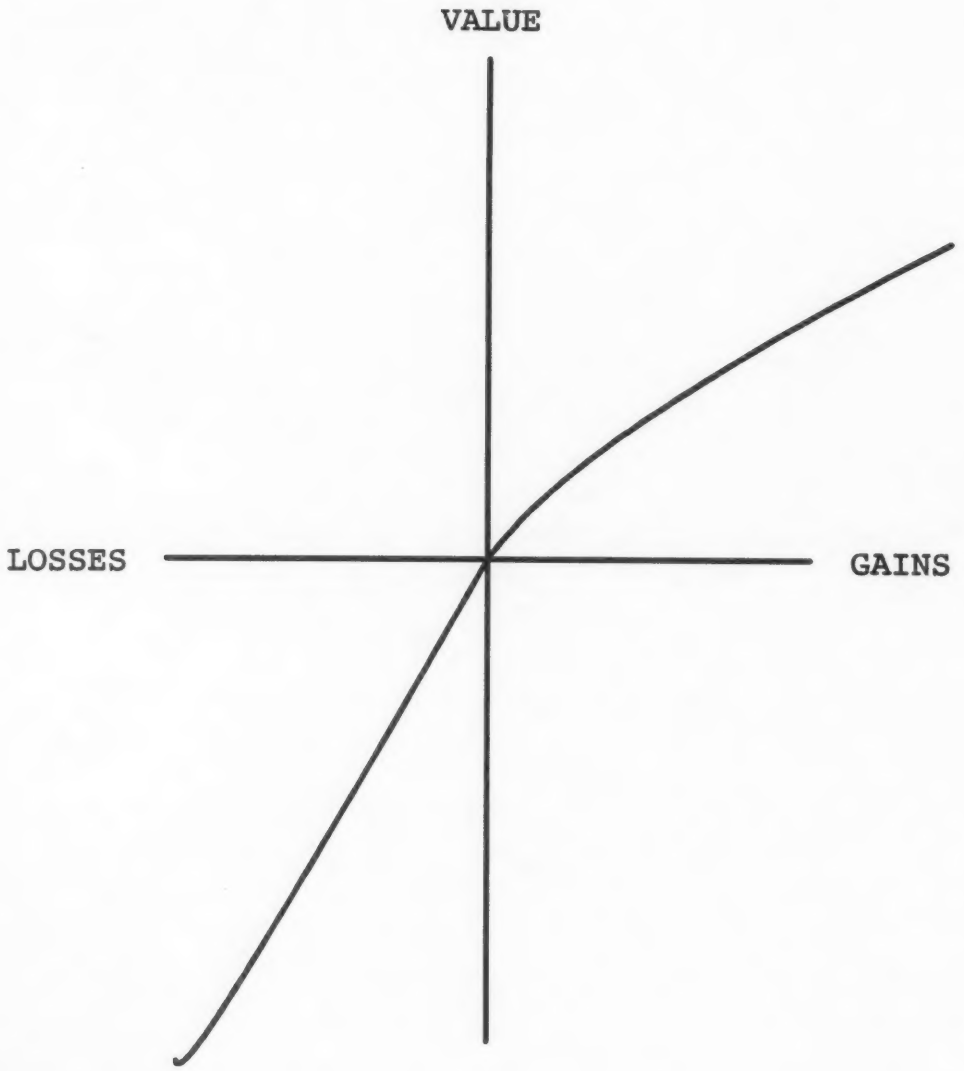
reference point she had chosen (the expectation of writing ten pages in a day). She did not consider her total assets (the five pages she actually wrote) but instead the deviation from her reference point.

Quattrone and Tversky observe that expected utility theory and prospect theory yield very different predictions. "The classical theory predicts risk aversion independent of the reference point, whereas prospect theory predicts risk aversion in the domain of gains and risk seeking in the domain of losses (except small probabilities)."[61] Also, shifts in the reference point will have predictable effects on individual's preferences. This violates the invariance assumption of expected utility theory. If a decision problem is framed as a gain (ie, the problem is a matter of achieving a gain) people tend to chose more risk averse options. Conversely, if it is framed as a loss (ie, the problem is a matter of averting a loss) people tend to chose more risk acceptant options. Levy notes, that the marginal utility of gains decreases faster than the marginal disutility of losses.[62] Figure 2 illustrates a S-shaped value function:

(Figure 2 about here)

Finally, prospect theory posits that people tend to outweigh outcomes that are certain as opposed to those that are merely probable. This certainty effect often magnifies risk aversion with respect to gains and risk seeking with respect to losses, unless the probabilities involved are very small. Individuals will chose

FIGURE 2: HYPOTHETICAL VALUE FUNCTION



a "sure" gain rather than take a chance with a "larger gain" that is probable, even if the larger gain has a higher expected utility.[63] Individuals also take a chance on a larger loss that is merely probable rather than face a loss that is certain, even when the certain option would minimize expected loss.[64]

Although cognitive psychologists developed prospect theory in recent years several political scientists had applied it to examine decision-making in both domestic politics and international relations.[65] There are, still, some potential problems with the theory's application to political contexts that should be considered. First, there is no formal theory of framing that identifies the reference point decision makers are likely to chose when faced by a particular decision problem.[66] Unlike laboratory experiments where the researcher sets the frame, a political scientist must rely on empirical data regarding the aspirations and expectations of actors. In the present case, such data includes press accounts of how the U.S. perceived the problem and personal interviews with Bush Administration official who were either involved in the negotiations or who reported to those who were.[67] Second, prospect theory is a theory of individual decision making. In international relations decisions are often made in group settings. But, here the problem is somewhat mitigated by the fact that the notification that the U.S. rejected a minimum access solution came from a single official: Deputy Secretary of State Eagleburger. There appears to have been little disagreement within the administration concerning the Brussels talks and Kaifu's

proposed "gift" of a minimum access solution. The Bush Administration chose a single option and Eagleburger executed it. Third, some may object to the application of a theory developed in one discipline to eluminate problems in another. Still as Barbara Farnham notes, one came make the same objection about the application of expected utility theory. Fourth, there are problems associated with the application of a theory developed in a highly structured environment to a political setting. Again, this problem is not confined to the use of prospect theory. Farnham comments: "The fact that differences between the laboratory and the political arena clearly do matter, however, does not necessarily mean that theories about decision-making developed in experimentally derived settings should be avoided when explanations are sought for behavior in the vastly more complex environment characterizing the political context. This, after all, is where many of the most interesting problems are found."[68] Finally, Levy observes that there is the extremely difficult problem of defining what we mean when we say that one prospect is riskier than another and learning how decision makers actually compare relative risks among options.[69] In multilateral trade negotiations, the definition of "risk" and how decision makers compare relative risk is a much easier task than in other international relations context, such as war and deterrence.

To apply prospect theory to the present case, one must assume that the Bush Administration had an interest in reaching some agreement on the rice issue and concluding the Uruguay Round. In

multilateral trade negotiation, "risk acceptant" means adopting a negotiating position at the bargaining table knowing that the odds of one's bargaining partners accepting it are small. This also includes the selection of an option in the knowledge that one's bargaining partners could not win domestic ratification, even if a tentative agreement were reached at the bargaining table.[70] A "risk averse" option involves the adoption of a negotiating stance that one knows the other side could agree to, even if such a stance will bring a lower expected value than other possible options.

To operationalize the terms "risk averse" and "risk acceptant" in a trade negotiation the researcher must show that one side's trade negotiators were aware of the preferences of and the domestic constraints facing the other side's trade negotiators. Here, American officials were very much aware that while a full liberalization scenario was not acceptable to Japan. They were also aware that the Japanese would agree to a minimum access solution in the spring and early summer of 1991.

At the last minute of the December 1990 Brussels talks the reference point or aspiration level for the Bush Administration was the expectation of reaching any agreement on the rice issue and then isolating the EC with respect to farm subsidies and import barriers. Recall that at this point American trade negotiators had dropped their insistence on the so-called "zero option." The actions of the American negotiators suggest they did link the outcome of the rice issue with the greater problem of EC agricultural liberalization and the completion of the Uruguay

Round. By June 1991 the reference point for the administration had shifted to a full liberalization of the Japanese rice market. This shift in the reference point might be explained by the fact that officials began again to see the linkages between the rice issue, the greater problem of EC agricultural liberalization, and the successful completion of the Uruguay Round.[71] The pro-partial opening statements of Kaifu, Nakayama, Kanemaru, and other prominent Japanese leaders in May and June, prompted this shift in the American reference point.

In June 1991 the Bush Administration was in the domain of losses with respect to the rice issue and the agricultural talks as a whole. The decision to intervene unilaterally to thwart Kaifu's attempt to resolve the rice dispute is consistent with the predictions of prospect theory. The administration faced a loss if Kaifu had been allowed to offer his minimum access "gift" to Bush in July. The acceptance of the "gift" would have been the risk adverse strategy for the United States. Such a strategy would have resolved the U.S.-Japan rice dispute, but it would have also forced the Americans to make concessions to the EC with respect to the ongoing farm subsidy dispute. The Americans, in making a bilateral deal with one bargaining partner, would have been forced to make concessions to the other. Since the administration's aspiration (at this time) was to get the Japanese and EC to eliminate all trade distorting policies such a strategy would have had a lower expected value for the United States. Yet, had the administration adopted this strategy, it would have resolved an ongoing dispute with one

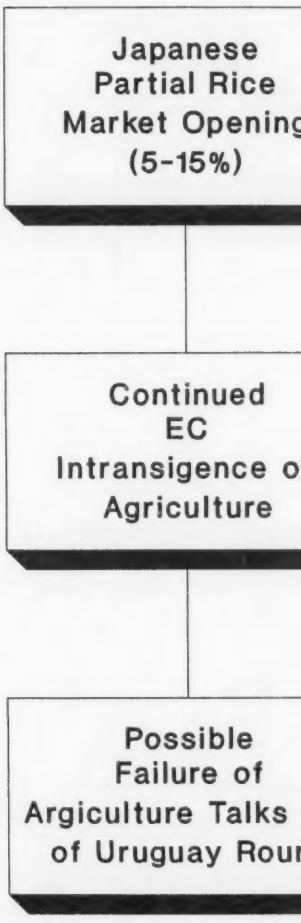
of its trading partners and could have focussed its full attention on the other.

(Figure 3 about here)

If Bush had accepted the Prime Minister's gift the President would have undermined the entire American negotiating strategy on agriculture at the Uruguay Round. An American-Japanese bilateral deal would have caused the members of the EC (particularly France) to insist on smaller or no reductions in internal and export subsidies. The EC would have also remained intransigent on the question of import barrier reductions. This option would have produced smaller losses in that while American rice producers would have gained partial access to the Japanese rice market, the administration wanted a full access solution. In addition, the EC would have remained intransigent under this scenario. On the other hand, if Bush had explicitly rejected Kaifu's gift the result would have been a disaster for U.S.-Japan relations. Kaifu would have been embarrassed and his power base within the LDP and the Diet (which was already weak due to his government's handling of the Persian Gulf Crisis and War) would have been further undermined. In either scenario, if Kaifu had been allowed to offer the "gift" the result would have been a disaster for the United States.[72]

In sending the Eagleburger Memorandum, the administration adopted a "risk acceptant" strategy. The memorandum clearly signalled that the administration would not handle the rice issue in bilateral negotiations, since doing so would undermine the

Figure 3: U.S. Risk Av



Averse Strategy

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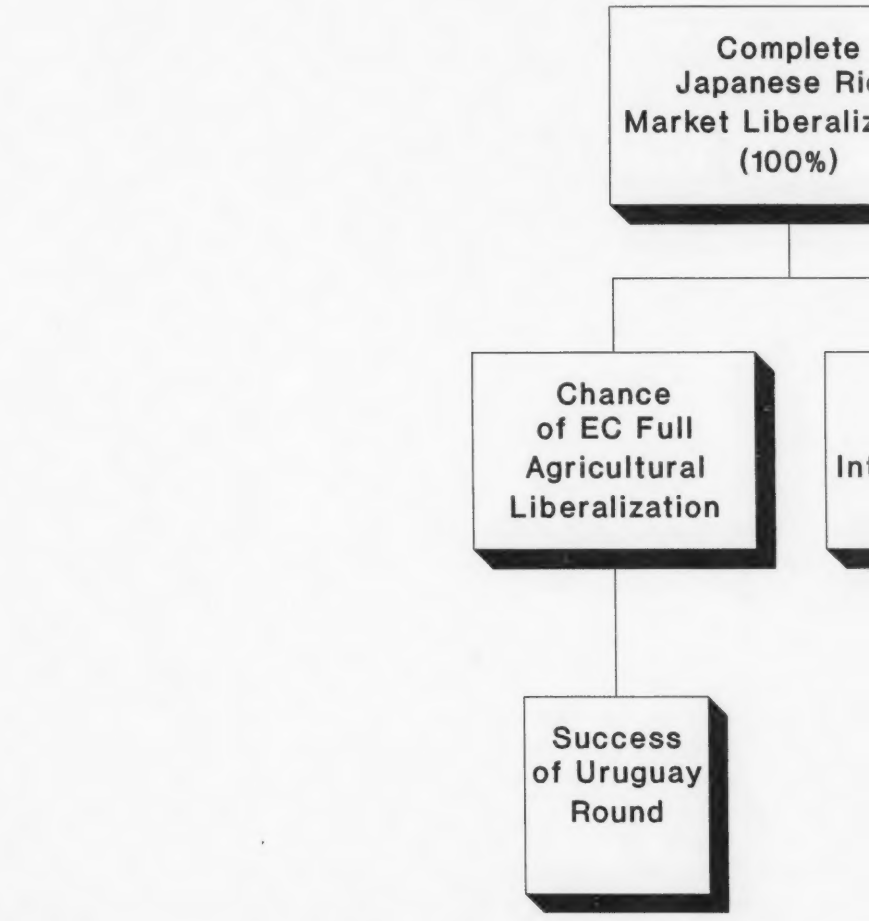
entire American negotiating stance at the Uruguay Round.[73]

(Figure 4 about here)

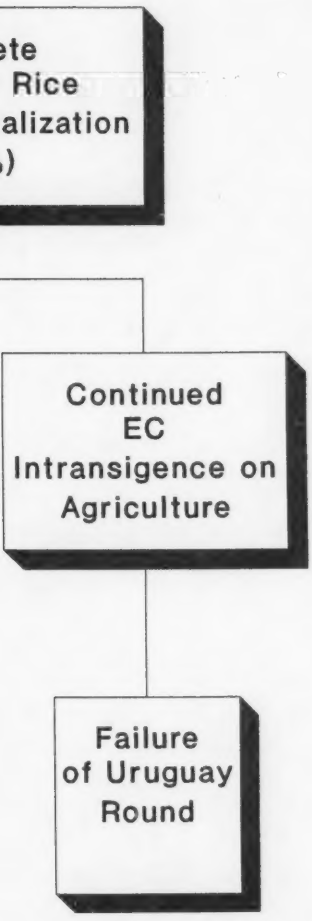
By saying that it would regard a three, five or even a ten percent opening of the Japanese rice market as insufficient, the administration risked certain Japanese rejection of a full liberalization option to preserve the general American negotiating strategy on agriculture at the Uruguay Round. On the other hand, at least the EC and other GATT members could not use an American-Japanese minimum access deal as a precedent to insist on partial liberalization or continued protection for their agricultural markets. American unilateral action to thwart Kaifu's "gift" might have harmed U.S.-Japan relations. The Eagleburger Memorandum did not increase the probability that the EC would be willing to make further agricultural concessions at future Uruguay Round meetings. By insisting on full liberalization as a way to resolve the rice dispute the Bush Administration risked the possibility that neither Japan nor the EC would make further concessions in the agricultural talks.

In terms of persuading Japan to liberalize its rice market the Eagleburger Memorandum was a failure. Just after the memorandum became public Chief Cabinet Secretary Sakamoto insisted that Japan would not agree to a partial liberalization solution and that rice and other agricultural issues should be handled in the Uruguay Round, not bilaterally.[74] The Kaifu and later Miyazawa governments reverted to their traditional reactive stance on the rice issue.

Figure 4: U.S. Risk Ac



Acceptant Strategy



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assumption. Bush Administration officials began to see the resolution of the rice issue had implications for the ongoing agricultural dispute with the European Community and the general success of the Uruguay Round. This reframing of the rice issue caused a reversal of American preferences that cannot be explained given the substantive assumptions of rational choice.

The shift in the American negotiating position is consistent with many predictions of prospect theory including a reversal of preferences due to a change in the reference point, and the tendency for individuals to select risk averse options in the domain of gains and risk acceptant options in the domain of losses. From the perspective of prospect theory, the shift in the American negotiating stance does not seem anomalous. In sending the Eagleburger Memorandum, the Bush Administration chose a gamble with smaller but certain losses. If Kaifu had been allowed to present the "gift" of partial rice market opening the result would have been a certain disaster for either the entire American negotiating stance on agriculture at the Uruguay Round or for U.S.-Japan relations. Had the Bush Administration accepted the "gift" it would have received partial access to the Japanese rice market but the EC would have remained intransigent on the elimination of farm subsidies. The U.S. would have gained over the status quo, but such a solution would have fallen short of the American reference point. If the U.S. had rejected the "gift" the status quo would have been preserved, but relations with Japan would have been strained. By thwarting Kaifu's move the U.S. risked Japanese rejection of a full

liberalization solution to the rice issue to preserve its total negotiating stance at the Uruguay Round. The chosen strategy did not increase the chances that the EC would make further concessions at the bargaining table. Finally, this paper has sought to build upon the growing number of works that have applied prospect theory to problems in international relations. The paper offered definitions for "risk averse" and "risk acceptant" options in international trade negotiations. Both definitions require that one sides negotiators be aware of the preferences and constraints placed on their opposite numbers by domestic politics. Here American officials knew that a full liberalization solution would be unacceptable to the Japanese, given the repeatedly stated preferences of various Japanese domestic actors. The pro-partial opening statements of Japanese leaders in the spring of 1990 led to a change in the American reference point. Although American officials had been prepared to accept a minimum access solution at Brussels, the pro-partial opening statements of Japanese leaders caused the Bush Administration to remember that the outcome of the rice dispute was linked with the ongoing farm subsidies talks with the EC and the successful completion of the Uruguay Round. This study suggests that in international trade negotiations knowledge of the other side's preferences and motivations might trigger a change of frame. The attempt to apply prospect theory to this case not only explains an anomalous shift in the American stance on the liberalization of Japan's rice market, but also suggest a possible direction for advancing the theory itself.

FOOTNOTES

1. I am indebted to Jack S. Levy, Yuen Foong Khong, Karrisa Price, and Brian Woodhall for comments on earlier drafts of this paper.

2. Fred H. Sanderson, "Overview," in Sanderson (ed), Agricultural Protectionism in the Industrialized World. (Washington, D.C.: Resources for the Future, 1990), p.9. See also Timothy E. Josling, Fred H. Sanderson and T.K. Warley, "The Future of International Agricultural Relations: Issues in the GATT Negotiations," in Sanderson (ed), Ibid.

3. Jack S. Levy, "An Introduction to Prospect Theory," Political Psychology. 13(1992), pp. 171-186.

4. See Amos Tversky and Daniel Kahneman, "Rational Choice and the Framing of Decisions," in Robin M. Hogarth and Melvin W. Reder, (eds) Rational Choice: The Contrast Between Economics and Psychology. (Chicago: University of Chicago Press, 1986), pp. 86-89. See also George A. Quattrone and Amos Tversky, "Contrasting Rational and Psychological Analysis of Political Choice," American Political Science Review. 82 (1988), pp. 719-736.

5. For a detailed discussion of the history of agricultural protection in Japan since the 1920's see David P. Rapkin, "Rise Liberalization and Japan's Role in the Uruguay Round: A Two-Level Game Approach." Paper presented at the Annual Meeting of the International Studies Association, Atlanta, Georgia, 1992, p. 4-18. See also Kenzo Hemmi, "Agriculture and Politics in Japan" in Emery Castle and Kenzo Hemmi (eds) U.S.-Japan Agricultural Trade Relations. (Baltimore: The Johns Hopkins University Press, 1982).

6. See Aurelia George, "The Politics of Liberalization in Japan: The Case of Rice." Pacific Economic Papers. no. 188. Canberra: Australia-Japan Researche Centre (October 1988). See also Michael R. Reich, Yasou Endo and C. Peter Timmer, "Agriculture: The Political Economy of Structural Change in Thomas K. Mc Graw (ed) America versus Japan. (Boston: Harvard Business School Press, 1986), p. 156; Aurelia George and Edward Saxon, "The Politics of Agricultural Protection in Japan" in Kym Anderson and Yujiro Hayami (eds) The Political Economy of Agricultural Protection: East Asia in International Perspective. (Sydney: Allen and Unwin, 1986) pp. 91-92.

7. See Yujiro Hayami, Japanese Agriculture Under Siege. (London: Macmillan, 1988). Hayami writes that the ABL: "specifies that the farm - non-farm income parity objective should be achieved mainly by structural adjustments including, above all, expansion in operation farm size (Article III, Section 3), together with a shift in production to the commodities of rising demand (Article III, Section 1) and improvements in land infrastructure and agricultural

technology". (p. 77)

8. The rice import ban does have several loopholes. Hayami observes: "While the import of rice and wheat are severely limited, spaghetti from Italy, biscuits from England, arare (rice cookies) and mochi (rice cakes) from Thailand are flooding into the Japanese market." Hayami, p. 127.

9. Under the Food Control Law of 1942 , the Japanese government is empowered to set prices for staple foods (including rice), purchase them from producers and distribute them to consumers. The law is administered by the Food Agency of the Ministry of Agriculture, Forestry and Fisheries (MAFF). See Rapkin, p. 8.

10. Hayami, p. 168.

11. Ibid, p. 168.

12. Hayami, Japanese Agriculture Under Siege, pp. 10-13. See also Hayami, "Japan" in Fred Sanderson (ed) Agricultural Protectionism in the Industrialized World. (Washington, D.C.: Resources for the Future, 1990), p. 181.

13. The LDP's "not a single grain of rice" pledge succeeded in halting the erosion of its support among rural voters. A story in the February 6, 1990 issue of the Asahi Evening News noted: "The agricultural cooperatives reverted to their customary backing of LDP candidates and support for the conservative party rose about 20 percentage points between the July Upper House elections and early February 1990, reaching levels of 56-57 percent."

14. See Elpido R. Sta Romana, "The Politics of Liberalization of the Japanese Agricultural Market," Department of Japanese Studies, Research Paper No. 12, University of the Philippines (July 1991). Romana conducted a survey of LDP politicians, Nokyo chairman, and bureaucrats from four ministries (Foreign Affairs, Finance, International Trade and Industry, and Agriculture, Forestry and Fisheries) on the subject of agricultural liberalization. When asked how the LDP might fair in a hypothetical post-liberalization general election, 47 percent of the politicians surveyed expected the party's losses to be "great".

15. Rapkin, p. 22.

16. George and Saxon, p. 103.

17. Aurelia George, "Japan's America Problem: The Japanese Response to U.S. Pressure," The Washington Quarterly, vol. 14, no. 3 (Summer 1991), p. 11.

18. "An editorial in the Asahi Evening News (January 8, 1990) summed up the media position quite succiently: "Japan in order to maintain its credibility and good faith with its GATT partners will have to accept partial liberalization of the rice market one way or another.'" in Rapkin, p. 38.

19. Gordan C. Huffbauer and Jeffrey J. Schott, Trading for Growth: the Next Round of Trade Negotiations. (Washington, D.C.: Institute for International Economics, 1985), p. 29; Rapkin, p. 50.

20. Rapkin, p. 53.

21. Robert L. Paarlberg, "The Upside-Down World of U.S.-Japan Agricultural Trade," The Washington Quarterly. vol. 13, no. 4 (1990), p. 139; Rapkin, p. 60. The RMA petition was timed to precede the commencement of the Uruguay Round by one month and the 1986 Congressional elections by two months.

22. Ibid, p. 139.

23. Ibid, pp. 139-140.

24. Ibid, p. 140.

25. in mid October a bipartisan group of thirty four U.S. senators wrote a public letter to Yeutter urging such action. The group included Senators Pete Wilson (R-California), Phil Graham (R-Texas) and Lloyd Benson (D-Texas, who was also the Democrat's vice-presidential nominee). Texas and California, the two biggest rice producing states, are also key states in the Electoral College.

26. Rapkin, p. 58.

27. Rapkin, p. 58.

28. Nihon Keizai Shinbun, April 17, 1990, quoted in Rapkin, p. 62.

29. Japan Times Weekly Edition, November 25-December 1, 1991, quoted in Rapkin, p. 62.

30. Nikkei Weekly, November 23, 1991, quoted in Rapkin, p. 63.

31. Ibid, p. 63.

32. Mainichi Daily News, July 22, 1990, quoted in Rapkin, p. 64.

33. Ibid, pp. 65-66.

34. "Reportage on GATT Proceedings," Foreign Broadcast Information Service Daily Reports for East Asia. (hereafter cited as FBIS), 5 December 1990, p. 5.

35. Ibid, p. 5; see also Rapkin, p. 66.

36. Rapkin, p. 66.

37. It should be noted that Japanese officials in Brussels were under considerable public pressure not to make any concessions on the rice issue. Some 250,000 farmers from Japan, the U.S., and E.C. countries held rallies in Brussels against agricultural liberalization while the GATT talks were underway. See "See Farmers Rally Against Talks," FBIS 3 December, 1990, p. 1.

38. Rapkin, p. 67.

39. "Japanese Delegation Maintains 'Low Profile' at Talks," FBIS 10 December, 1990, pp. 3-4.

40. "Developing Nations Sound Off at GATT Talks," FBIS 10 December, 1990, pp. 1-2.

41. Rapkin, p. 69; See also "Kaifu Tries to Ease Discord Over Rice Issue," FBIS 11 December, 1990, p. 4.

42. Nikkei Weekly, June 8, 1991, quoted in Rapkin, p. 70.

43. See "Yamamoto Opposes Rice Talks with U.S.", FBIS 4 June 1991, p. 6

44. Japan Economic Institute Report, 4B, December 21, 1990, quoted in Rapkin, p. 69. See also "Japan Delegation Maintains 'Low Profile" at Talks", FBIS 10 December 1990, pp. 3-4.

45. According to one LDP Diet member: "Partial liberalization, in other words, by around three percent of the rice market, would be better than tariffication that could end up with full opening." Quoted in "Government-LDP Panel on GATT Talks Set Up", FBIS 11 December 1990.

46. Gaishi Hiraiwa, the chairman of Keidanren, publicly stated that the government might be ready for a partial opening. See "Keidanren Head Hints At Rice Market Opening", FBIS, 4 June 1991, p. 1. Massaru Haymi, chairman of the Japan Council of Corporate Executives (Keizai Doyukai), make similar statements. See "Executives' Chairman Urges Rice Liberalization", FBIS 4 June 1991, pp. 4-5.

47. "Agriculture Minister Remarks on Rice Talks", FBIS, 25 June 1991, p. 8.

48. The MAFF official said: "I thoroughly acknowledge the possibility [of Japan's partial liberalization of the rice market]. The name of the game is timing." Quoted in "Farm Sources Hint at Partial Rice Market Opening", FBIS 6 June 1991, p. 1.

49. "Agriculture Minister Reverses Rice Statement", FBIS 10 June 1991.

50. Personal interview with William L. Brooks, December 17, 1992. At the time of the interview Brooks was director of the Japan Desk in the Bureau of Intelligence and Research at the U.S. State Department. He had previously been assigned to the American Embassy in Tokyo. For more on the speculation concerning Kaifu's partial opening "gift " see Rapkin, p. 71; "Further Remarks" FBIS 17 June 1991, p. 4.

51. George A. Quattrone and Amos Tversky, "Contrasting Rational and Psychological Analysis of Political Choice," American Political Science Review. 83(1988), p. 713.

52. Bruce Bueno de Mesquita, The War Trap. (New Haven: Yale University Press, 1981), pp. 29-31.

53. Herbert A. Simon, "Rationality in Psychology and Economics," in Robin M. Hogarth and Melvin W. Reder (eds), Rational Choice: The Contrast between Economics and Psychology. (Chicago: The University of Chicago Press, 1986), p. 26.

54. Tversky and Kahneman, pp. 68-69.

55. Ibid, p. 68.

56. Ibid, p. 69.

57. Jack S. Levy, "An Introduction to Prospect Theory," Political Psychology. 13 (1992), p. 171.

58. See Tversky and Kahneman, "Rational Choice and the Framing of Decisions," in Hogarth and Reder (eds) Rational Choice: The Contrast Between Economics and Psychology. (Chicago: The University of Chicago Press, 1986), pp 86-89. See also Quattrone and Tversky, "Contrasting Rational and Psychological Analysis of Political Choice," American Political Science Review. 92 (1988), pp. 719-735.

59. Janice Gross Stein, "International Cooperation and Loss Avoidance: Framing the Problem," International Journal. 47 (1992), pp. 213-214.

60. This example is adapted from Stein, p. 214.

61. Quattrone and Tversky, p. 721.

62. Levy, "An Introduction to Prospect Theory," Political Psychology. 13 (1992), p. 181.

63. Stein, pp. 218-219.

64. Ibid, p. 219.

65. See for example: Barbara Farnham, "Roosevelt and the Munich Crisis: Insights From Prospect Theory," and Rose Mc Dermott, "Prospect Theory and International Relations: The Iranian Hostage Rescue Mission," in Political Psychology. 13 (1992), pp. 187-263. See also Michael Mastanduno, "Framing the Problem: The Bush Administration and the Structural Impediments Initiative," and Louise Richardson, "Avoiding and Incurring Losses: Decision-Making During the Suez Crisis," International Journal. 47 (Spring 1992), pp. 235-264 and 370-401.

66. Stein, p. 214; Levy, "Prospect Theory and International Relations: Theoretical Applications and Analytical Problems," Political Psychology. 13 (1992), pp. 295-296; Eldar Shafir, "Prospect Theory and Political Analysis," Political Psychology. 13 (1992), pp. 313-314.

67. These include personal communications with William Brooks and Suzanne Early. Early served as Assistant U.S. Trade Representative for Agricultural Affairs in the Bush Administration.

68. Franham, p. 327.

69. Levy, "Prospect Theory and International Relations: Theoretical Applications and Analytical Problems," p. 300.

70. See Robert D. Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," International Organization. 42 (1988), pp. 427-460.

71. To date very little work has been done on the source of frames or the causes of frame change in real life situations. Several scholars have suggest various sources of frame including affect (Farnham, 1992; Cusimano, 1993), and analogical reasoning (Richardson, 1992). I am suggesting that information regarding a previously ignored portion of the decision problem might trigger a change in frame. In this case, the pro-minimum access solution statements made by Kaifu and other Japanese leaders might have caused Bush Administration officials to remember that the outcome of the rice dispute was linked to the talks with the EC and the overall success of the Uruguay Round. American officials seem to have forgotten this fact in Brussels.

72. Personal communication with William Brooks, December 17, 1992.

73. Ibid, December 17, 1992.

74. "Sakamoto Comments on U.S. Stand," FBIS. 12 June 1991, p. 4.

Presidents as Candidates and the Principal-Agent Model

Kathryn Dunn Tenpas, PhD
Leiden University, The Netherlands
University of South Florida

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"...I will do what I have to do to be reelected."

--George Bush, December 23, 1991[1]

With this statement, remarkable in its candor if not in its sentiment, George Bush set the tone for his reelection campaign. However, the meaning of this Machiavellian-sounding statement is unclear. One interpretation of this statement is that President Bush is expressing an intent to draw on all available resources related to the office of the president which might benefit his reelection campaign. If so, President Bush is neither the first nor the last president to use the presidency to his electoral advantage.

Since 1956, seven out of eight first-term presidents have sought to retain their office for another four years.[2] Interestingly, however, research on the subject of presidential campaigns tends to treat these events solely as electoral phenomena (e.g. assessing the electoral process, campaign strategies or structure), rather than examining the institutional issues that arise when presidents seek reelection. That is, how does the quest for reelection alter the behavior of the president and thus the institution of the presidency? Or, how does this external event which requires substantial presidential time and resources affect the president's capacity to govern? Addressing both of these questions, however, would produce several papers, so I have chosen to focus on behavior associated with presidents as candidates.[3] More specifically, I will adopt a theoretical construct as a means of explaining aspects of presidential behavior during a reelection campaign.

Even a casual observer can see that the reelection campaign alters the behavior of incumbent presidents as they engage in campaign speeches, debates, fundraising and increasing domestic travel. Recognizing that such changes occur as a result of the president's pursuit of reelection, it is worthwhile to study this phenomenon in more

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[1]Devroy, Ann, "New Hampshire Awaits Latest Edition of Candidate Bush," The Washington Post, January 15, 1992, p. A1. Ann Devroy is quoting a statement made by President Bush during an interview with David Frost.

[2]Note that President Kennedy was in fact intending to seek reelection had he not been assassinated. Thus it might be fair to say that President Johnson in 1968 was the only president in the past 36 years who intentionally did not run for reelection. It is also important to point out that the cases of Johnson in 1964 and Ford in 1976 are cases in which presidents were actually seeking **election**, not reelection, because they were not initially elected to office (both were vice-presidents who served the remainder of their predecessors' term in office).

[3]I have addressed these issues in a manuscript entitled, "Presidents, Politics and the Pursuit of Reelection," which is currently under review. Thus, much of the research conducted for this project is utilized in this paper. In terms of research sources, I conducted over fifty interviews with former White House staff and national party staff members, examined documents from presidential libraries and relied on secondary sources and periodicals related to this topic.

theoretical terms. This paper adopts the principal-agent model as a theoretical means of explaining various aspects of presidential behavior which occur during a reelection year. The principal-agent model, an economic model often used to describe business relations, can also be used in the study of politics by conceptualizing the citizenry as the principal and the elected official as the agent.[4] According to Terry Moe, "Democratic politics is easily viewed in principal-agent terms. Citizens are principals, politicians are their agents."[5] This paper begins by providing an overview of the model's principal features. It is then followed by an explanation of its application to the study of presidents as candidates and a discussion of its contributions to the study of the American presidency.

I. Background

Political scientist Terry Moe provides a concise description of principal-agent theory:

> The principal-agent model is an analytic expression of the agency relationship, in which one party, the principal, considers entering into a contractual agreement with another, the agent, in the expectation that the agent will subsequently choose actions that produce outcomes desired by the principal.[6]

Ultimately, this model seeks to explain why organizations (or those involved in a contractual relationship) behave as they do. While this model is typically applied to studies of corporations or firms, conceptualizing the manager as the principal and the employee as the agent, one can also apply it to presidential behavior by conceptualizing the citizenry as the principal and the president as the agent. The model assumes that the citizenry select the presidential candidate (agent) whom it believes will choose actions that will produce outcomes the citizenry desires. In a sense, the citizenry and the president have entered into a contractual agreement in hopes that the agent (president) will produce outcomes desired by his principal (electorate). The theory also assumes that seeds of conflict are inherent in this arrangement. The agent, as a self-interested and rational actor, will sometimes act in ways which are to his (the agent's) benefit; ways which will not always bring benefit to the principal. The self-interested agent will work to maximize his self-interest, and, if detected, such behavior will create a conflict between the principal and the agent. Even if such behavior is not detected, so that no overt conflict arises, the theory suggests that self-interested behavior will reduce the agent's effectiveness as a tool for achieving the principal's objectives.

The principal-agent model possesses three major elements. The first is that a hierarchical relationship must exist between the two parties, that is, it must be understood that the agent's proper obligation is to work in his principal's interest. Second, the

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[4]Moe, Terry, "The New Economics of Organization," in the American Journal of Political Science, 28:4, 1984, p.739.

[5]Id.,p.765.

[6]Ibid.

principal and agent must occasionally have divergent individual interests. And third, the agent must have an informational advantage over the principal.

The theory's first requirement is that a hierarchical arrangement between the principal and the agent exists. Common hierarchical relationships are client and lawyer, stock-holder and shareholder management, and patient and doctor. In this particular case, the hierarchical arrangement consists of the citizenry as the principal and the president as the agent. Under this view, the president, as agent, is accountable to the citizenry for his actions. In theory, the citizenry is equipped with sanctions (e.g. voting against the president when he is up for reelection) and monitoring devices (e.g. following presidential behavior through media coverage) so that it can control the agent's behavior, maximizing efficiency and avoiding conflict.

The second requirement is that principal and agent have divergent interests. It is important to emphasize that the principal-agent model assumes that conflict will arise between the principal and the agent because the agent's self-interest will not always coincide with that of his principle. In many situations, this divergence of interest between the principal and the agent has little importance because the principal can successfully monitor the agent, detecting any agent behavior that is contrary to the principal's best interest and sanctioning "bad" behavior. In other words, using monitoring and sanctions to change the risks and rewards that the agent faces, a principal in many circumstances can insure that the principal and the agent have compatible self-interests. But in other cases, where detection is impossible or expensive, or where no cost-effective sanction exists, principal-agent theory predicts that the agent, as a rational actor, will act in his own self-interest often to the principal's detriment. Such conflicts exist in the relationship between presidents and the citizenry and are this paper's principal subject of analysis.

The theory's third requirement is that the agent must have an informational advantage over the principal. The agent, by virtue of his position, tends to know more about the nature of his job than the principal and to know more about the avenues for achieving the principal's preferred outcomes. How the agent uses this informational advantage depends upon the particular principal-agent relationship. However, it is important to note that the agent as "insider" has knowledge that could potentially assist in his "shirking" (i.e. in pursuing actions that are to the agent's advantage but not to that of his principal).

These three requirements are essential elements of any principal-agent relationship. As a result, the relationship between the electorate and presidents as candidates must possess each of these features if it is to be explained in principal-agent terms.

Before moving on to a particularized examination of presidential behavior, two other concepts -- monitoring and sanctions -- critical to principal-agent theory, deserve special attention. As just pointed out, principal-agent theory suggests that in an effort to maximize efficiency, principals will attempt to prevent agents from acting in their own self-interest. To do this, however, the principal must devise effective methods of monitoring agent behavior. That is to say, a principal who is unable to supervise his agent's behavior is likely to end up with an agent who ignores, rather than maximizes, the principal's interests. Monitoring can be accomplished in many ways. For example, by

requiring the agent to report his activities such as when a lawyer reports the number and content of the hours he has worked, or by looking at indices thought to be good proxies for performance, such as sales volume or total profits. According to Terry Moe, "Employ monitoring and other methods to eliminate 'illicit' shirking, and this in turn encourages efficiency."[7] As this paper demonstrates, however, it is sometimes extremely difficult, if not impossible, to monitor agent behavior.

In addition to monitoring, the principal should have a means of sanctioning what he considers "bad" behavior so as to discourage self-interested behavior that is contrary to the principal's interest. Examples of sanctioning can come in the form of denying bonuses or promotions, or even loss of employment. Whatever their form, their mere existence is thought to deter self-interested behavior, or, in cases where it is used as punishment, to prevent future self-interested activity which is contrary to the principal's best interests.

The difficulty, of course, is that mechanisms for monitoring agents and imposing sanctions are costly. The principal will want to minimize such costs in devising and implementing monitoring strategies or sanctions. Employing monitoring devices and sanctions raises a principal's costs, but their absence raises the risks of agent ineffectiveness in pursuing the principal's objectives. With this background in hand, we can now turn and apply the principal-agent model to the study of presidents as candidates.

II. Presidents as Candidates and the Principal-Agent Model

As mentioned above, the principal-agent theory assumes that the agent, as a rational actor, will act in a self-interested manner. It does not seem controversial to suggest that a president seeking reelection sees reelection as being in his self-interest and we should expect such a president to take actions designed to achieve this goal. The comment by President Bush, ("I will do what I have to do to be reelected."), provides casual evidence of how a president defines his self-interest. Support for this assertion is also provided by Reagan staff member, Lyn Nofziger:

> During the last two years, everything is really aimed at getting reelected. There is more of a focus on politics and less of a focus on principle. There is more of an emphasis on doing things that will help you win even if it's not good for your own policies.[8]

This quote demonstrates the degree to which the president and White House focus on reelection and the degree to which they equate "reelection" with "maximization of the president's self-interest."

In addition to the assumption that the agent is a rational actor inclined to act in his

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[7]Moe, p.763.

[8]Interview with Lyn Nofziger, May 5, 1992.

own self-interest, principal-agent theory assumes that the principal will have a unified, or consistent view as to what outcomes the principal desires. It is my argument that often the president has the opportunity to take actions that are not the ones which the contemporary electorate would prefer, but which nonetheless may enhance the president's prospects for reelection. When detection mechanisms or sanctions are missing, principal-agent theory leads us to expect the president to act on such possibilities, maximizing his reelection chances at the expense of the principal's interest. This section documents two common examples of this: the practice of White House staff tending to non-governmental campaign business at taxpayers' expense, and the selective doling out of government resources in an effort to win votes among particular constituencies.

Reelection-related Behavior

Their seems little doubt that White House staff participates in campaign-related business at taxpayers' expense. According to Republican strategist, Stu Spencer, "The reelection effort overwhelms White House operations. Everyone gets caught up in it."[9] Taxpayer subsidization of non-governmental, campaign-related business is par for the course in modern presidential reelection campaigns. Perhaps the most recent example which highlights this practice was the appointment of Secretary of State James Baker as chief of staff and counsellor to the president. News accounts repeatedly reported that Mr. Baker would "leave his post to oversee the president's reelection campaign."[10] No one could deny that Mr. Baker would play a formidable role in reelection strategy, despite his efforts to maintain a low profile over the course of the campaign. White House press secretary, Marlin Fitzwater defended this "political role" stating "... that there were no legal impediments to Mr. Baker's serving as chief of staff and handling political matters at the same time."[11]

In 1984, Mr. Baker also watched over the reelection campaign from the Reagan White House, though his role was much less publicized. In 1980, however, Hamilton Jordan left his position as chief of staff to run the general election portion of the presidential campaign. If indeed Mr. Baker "ran" the president's campaign in 1992, it seems that he should have been paid by the Bush-Quayle headquarters, not the Bush White House. In addition, it is important to note that such participation is not limited to the highest echelons of the White House staff, a number of lower level White House staff members also tend to campaign business on government time. Such examples can be as subtle as a member of the policy staff reviewing campaign literature pertaining to presidential policy.

Whether legal impediments exist is not the issue. But the lack of legal

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[9]Interview with Stuart Spencer, April 13, 1992.

[10]"Election Notes," The International Herald Tribune, August 13, 1992, p.3.

[11]Horvitz, Paul F., "Bush Appoints Baker As His Chief of Staff, New Agenda Pledged," International Herald Tribune, August 14, 1992, p.2.

impediments to such a practice does not answer whether from the electorate's view, it is a desired practice, and, if it is not, why the practice is able to continue. Since a separate campaign organization, subsidized by public contributions (and eventually federal monies), is created solely for the purpose of getting the president reelected, it seems appropriate that taxpayers should not also be subsidizing White House staff involvement with the campaign, nor does there seem to be any reason to expect that the contemporary electorate would endorse such a practice. Rather, it seems that most members of the polity would prefer that those who engage in such activity should do so at the expense of the campaign organization.

Controlling such behavior through monitoring and sanctions is made difficult, however, due to the agent's substantial informational advantage. In this particular case, the president and his staff are able to conduct much of the business of government, and the business of campaigning, without the electorate monitoring their behavior. Much of what a president does in the course of a day is information that remains within the confines of the White House and access to this type of information is limited, if not completely unavailable. This, of course, is even more true for the president's staff. Voters are simply unable to monitor the nature and degree of White House staff activity.

A second example of agent behavior diverging from the principal's interests is the practice of awarding governmental resources to electorally strategic states. Often in a reelection year, the president, regardless his views of the merits of such actions, strategically allocates grants to key primary states. For example, in the most recent election, President Bush announced millions of dollars of aid and programs for key primary states. Among others, the White House agreed to help finance a project to restore the natural course of the Kissimmee River, shortly before the Florida primary. Similarly, prior to the New Hampshire primary, President Bush doled out a transportation grant to that state. The New York Times described this latter administration action as "engineering a windfall of Federal aid for New Hampshire."[12] Nor was Bush alone; such behavior is par for the course when presidents seek reelection.[13]

The use of government resources for electoral gain is exactly what Tocqueville feared would happen if presidents were eligible for reelection:

> When a simple candidate seeks to rise by intrigue, his maneuvers must be limited to a very narrow sphere; but when the chief magistrate enters the lists, **he borrows the strength of the government for his own purposes**...All public negotiations, as

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[12]Pear, Robert, "White House 'Funnel' Gets Help for States with Primaries Nearing," The New York Times, March 10, 1992, p.A21.

[13]As previously mentioned, research for this paper was part of a much broader project in which I examined presidential reelection efforts from Eisenhower through Bush. Thus, assertions of this kind are made on the basis of previous research efforts.

well as all laws, are to him nothing more than electioneering schemes.[14]

Such behavior is also what has fueled support for the single six-year presidential term.[15] By eliminating the prospects of reelection from the president's "to-do" list, proponents of the six-year term claim that the president will be more focused on policy and less on self-aggrandizing politics. In principal-agent terms, proponents of the single six-year term would solve the problem by changing the president's "self-interest calculus." By eliminating reelection as a plausible presidential alternative, they would reduce the appeal, from the president's perspective, of actions that would otherwise contribute to his reelection prospects.[16]

In any case, examining this practice in light of the principal-agent model, the problem in controlling such behavior is one of sanctions, or the lack thereof. Many citizens may know, for example, that New Hampshire was the recipient of generous transportation grants two weeks before its primary.[17] Within New Hampshire, such a dispersal is likely to be a net political plus for the president. Outside New Hampshire, the voter in California may disapprove, but that disapproval may not produce any consequences, because that voter lacks an effective way to register his or her disapproval, or may be willing to ignore the behavior once the California primary arrives. It is difficult, if not impossible, for the principal to communicate such information. Other options, such as writing directly to the White House to object or registering disapproval in public opinion polls, may do better in communicating to what behavior the principal

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[14]Tocqueville, Alexis de, Democracy in America, (Volume I), New York: Vintage Books, 1945, p.141-142.

[15]For information about the single six-year term, see How Long Should They Serve?, American Enterprise Institute Forums, John Charles Daly, moderator, Charles Bartlett, Walter Berns, John C. Danforth and Jeane J. Kirkpatrick, American Enterprise Institute, Washington, D.C.: April 17, 1980.

[16]Of course their appeal might not be eliminated completely; a president might, for example, still take such action in order to try and help his party's nominee. According to Harold F. Bass, who wrote an article on presidential party leadership transfers, "The general pattern [of presidential participation in the party nominee's campaign] has the retiring incumbent expressing a willingness to be of assistance, then deferring to the nominee regarding the extent and logistics of participation." (p.122) In the case of President Reagan in 1988, Bass noted that, "Reportedly, it [the White House] put its control over the disclosure of information to use on behalf of the campaign; and it sought to influence the timing and contest of regulatory decisions that might have campaign implications." (p.123) This is an example in which the outgoing president might politicize governmental actions in order to help his successor's campaign. See, Harold F. Bass, "Comparing Presidential Party Leadership Transfers: Two Cases," in Presidential Studies Quarterly, Volume XXIII, Number 1, Winter 1993, pgs.115-128.

[17]Indeed, the effectiveness of this as an electioneering strategy depends on people in New Hampshire knowing about it.

objects, but may be less useful in inflicting some "cost" on the president to cause him to change. Until this situation changes -- when better monitoring and sanctioning techniques are developed -- we are unlikely to see a change in the commonplace practice of presidents doling out government resources to electorally valuable states.

Monitoring and Sanctions: At What Cost?

Recognizing the reasons that self-interested agent behavior exists, perhaps it is worthwhile to discuss efforts to develop sanctions or monitoring devices. If such self-interested behavior is not in the "preferred interest" of the public, the principal-agent model would recommend devising methods to eliminate such behavior.

In regard to the first example of White House staff tending to campaign business, there are two principal reasons why the act of monitoring agent behavior is difficult. One reason is that many who serve in the White House have jobs that are inherently political. A second reason is the difficulty in obtaining information about the behavior -- there are no obvious sources which are suitable and available.

A first obstacle to monitoring White House activity in connection with the campaign is the political nature of many White House positions. "It is axiomatic that virtually everything a President does is political in some way, and Administration officials and campaign aides concede that it gets harder to draw the line in a campaign year."[18] For instance, those in the Office of Intergovernmental Affairs are hired for the purpose of maintaining lines of communication with state and local politicians. At many times, this may be a legitimate public function contributing to effective governance. But at other times, such as when an election is approaching, this activity may be pursued mainly to enhance the president's political position, for example to gain information on political concerns and conditions in a particular region where the president is planning to campaign. And, indeed, such contacts may sometimes have multiple purposes. As a result, even if one could discover on a regular basis what contacts and activity are occurring, the mixed nature of the work would still make it difficult to sort out official business from campaign business.

A similar phenomena occurs with members of the Cabinet, who frequently travel the country speaking on behalf of the president. Though they may be asked to deliver speeches in their capacity as Cabinet secretary, it would be difficult to stop them from vigorously promoting the administration line. The presidency is a political institution, and certain staff members are responsible for tending to "political" matters. According to Kennedy aide, Ted Sorenson,

> Were we performing political functions? Of course we were, from beginning to end. The presidency is a political office. I don't make any apology for that. It's intended to be a political office, and the president's senior staff must keep politics

[18]Rosenthal, Andrew, "Line Between Presidential and Campaign Trips is a Fine One," The New York Times, January 18, 1992, p. A7.

in mind at all times.[19]

More recently, Bush press secretary, Marlin Fitzwater scoffed at a reporter's question about his simultaneous roles as White House and political spokesman. He refused to address the ethical aspects of his dual position and instead blamed his role on the Clinton campaign:

> I tell you when a candidate, as Mr. Clinton did, calls the president Pinocchio and just in case you didn't get the point puts out a press release calling him a liar, what does he expect us to do? You think I'm going to say that sounds great Bill, sling a little more mud here, that's terrific.[20]

Most administration officials perceive such criticism to be lacking ground and simply avoid the issue when questioned as Marlin Fitzwater did.

A second reason it is difficult to monitor agent behavior is that such information is extremely difficult to obtain. Even if the principal conceded that in many cases it is difficult to separate campaigning from governing, one could still attempt to monitor in order to control the "easy" cases, where behavior is clearly campaign-related. The problem, however, is that there are no sufficiently complete, timely or accurate sources of how presidential, Cabinet and staff time is spent. The U.S. government publishes the president's schedule in the Public Papers of the President. However, these schedules are notoriously incomplete. Presidential libraries have schedule records for the president and various staff members, though these lack descriptions of what meetings were about, making it difficult to discern whether campaign planning was on the agenda. In addition, such libraries only serve to make such information available after the fact, limiting its utility for monitoring purposes. Thus there is no easy way to determine who in the White House is working on the campaign and how much time they are spending on it.[21] Such a state of affairs renders the prospect of monitoring agent behavior extremely difficult and maybe even impossible.

In regard to this study's second example, that of the president doling out "goodies" to key primary states, the problem with eliminating such agent behavior is two-fold: the

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[19]Kernell, Samuel and Samuel L. Popkin (eds.), Chief of Staff, Berkeley: University of California Press, 1986, p.145.

[20]"Quote-Unquote," International Herald Tribune, September 2, 1992, p.3.

[21]In the spring of 1992, the House Subcommittee on Human Resources conducted a series of hearings on presidential travel. In particular, they were concerned about the small size of the budget allocation for travel relative to the expansive amount of presidential travel. Thus, they requested travel and time records from the White House personnel office for senior White House staff members. A Subcommittee staff member indicated to me that the information requests were not fulfilled for at least two reasons: first, it is not clear that the White House possesses such information and second, it is not clear that it is possible to track such information accurately.

principal's patch-work monitoring effort (voters in some states are aware that the president is utilizing government resources to advance his electoral position while others are not), and the absence of visible sanctions (some voters might sanction the president for such behavior by not voting for him, but the agent is not aware of this).

In this particular case, the absence of sanctions is due largely to the agent's ability to play the principals off one another. Essentially, the agent has a comparative informational advantage, in which he can dole out grants to one state without the knowledge of the principals in other states. Thus, while the principal in New Hampshire may know that the president awarded the state a grant two weeks before the primary, it is unlikely that the principal in Texas, who might oppose such action, will know of this event. The principals have different monitoring abilities and the agent can take advantage of this variation without penalty.

Complicating things further is the fact that while some principals might choose to sanction the president for attempting to "buy votes" by not voting for him in the election, the agent may not get the message because there is no "explanation" that accompanies the vote. Thus the value of the sanction may be lost because without the agent knowing the reason for the principal's disapproval, the sanction can neither serve to punish the "bad" act or deter such behavior in the future. The circumstances surrounding this "conflict of interest" between the principal and agent make it difficult to develop a means for effectively monitoring and sanctioning such behavior.

Given the difficulties associated with monitoring and sanctioning White House staff activity and presidential campaign activity, it is unlikely that the principal will be able to discourage the practice of White House employees tending to non-governmental business or the president doling out government largesse to key primary states. It is important to note, however, that the principal-agent model does not prescribe cures for eliminating self-interested agent behavior (except to suggest broadly that the key is always to develop cost-effective monitoring and sanctioning techniques); it simply provides an explanation for why such behavior occurs (the absence of monitoring or sanctioning techniques). It is beyond the bounds of the principal-agent model to provide solutions once it is discovered that self-interested agent behavior diverges with the principal's best interests; responsibility for finding the means to eliminate such activity lies with the principal.

III. Contributions of the Principal-Agent Model

While this paper has focused on two examples in which presidential (agent) behavior is dominated by self-interest at the expense of the citizenry (principal), one might wonder why the principal-agent theory provides any more insight than a purely descriptive analysis of these events. Furthermore, in an effort to adapt the principal-agent model to the study of presidents as candidates, this paper makes a series of rather basic assumptions about the political environment in which the president and electorate operate.[22] Realizing

[22]For example, this paper assumes that the electorate must do its monitoring directly, not through its surrogates (other presidential candidates, Congress or the press).

that the political context is indeed much more complicated, however, such a first step is necessary in order to bring some theoretical rigor to the study of presidents as candidates. I argue that this theoretical construct is useful for four reasons: it helps account for reelection-related presidential behavior, the model has a predictive component so that we can expect similar behavior from successive presidents, the case demonstrates that the problems of monitoring agent behavior and sanctioning, which are commonplace in many other principal-agent relationships, exist in the political sphere also, and the theory explains limits on presidential behavior as well as accounting for certain types of behavior.

First, by defining the president as a self-interested actor, the principal-agent model accounts for reelection-related behavior. The president as agent "is induced to pursue the principal's objectives only to the extent that the incentive structure imposed in their contract renders such behavior advantageous."[23] During the reelection campaign, the principal's interest is not always at the forefront of a presidential agenda. George Bush's statement that he would "do what he has to do to be reelected" is simply a frank admission of a fact endemic to all presidencies: the primacy of this event and the willingness to overlook the principal's interest in order to get reelected. Thus, the behavior that is associated with presidents seeking reelection should be expected; as a rational, self-interested actor, the president will seek to maximize his own interests, often at the expense of the electorate.

A second contribution of the principal agent model is its predictive component. The theory seeks to explain **why** organizations or members of a contractual agreement behave as they do, allowing one both to look at past behavior and to predict future behavior. If monitoring devices and sanctions do not vary, principal-agent theory leads one to expect successive presidents to act as their predecessors did in the midst of a reelection campaign. Thus it is likely that in preparation for the 1996 campaign, White House staff will participate in campaign planning, and President Clinton will dole out government largesse to electorally strategic states.

Third, applying principal-agent theory to the presidency demonstrates, in a political context, the difficulties of sanctioning and monitoring agent behavior. In regard to White House staff tending to campaign business on government time, the principal has difficulty monitoring such behavior because such information is practically impossible to obtain. In the case of presidents doling out government largesse to electorally strategic states, the agent's informational advantage and the principal's lack of effective sanctions make it difficult for the principal to eliminate such behavior. These monitoring and sanctioning problems are endemic to many principal-agent relations, but it is nonetheless useful to illustrate them in the political context.

Finally, the principal-agent theory explains limits on presidential behavior as well as accounting for self-interested activity. Why is it that certain campaign-related tasks take place in the White House while others are delegated to the campaign committee? Why are there any limits at all to White House involvement in the reelection campaign? For example, why is it that the president does not raise money from the White House for

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[23]Moe, p.756.

the campaign? Perhaps because of the existence of the Federal Election Commission ("FEC"), which monitors campaign contributions and has the ability to sanction illegal campaign financing activities. This Commission may act both as monitor, and as a body with authority to impose sanctions, thereby deterring undesirable presidential and staff behavior in regard to campaign fundraising. The principal-agent model suggests that the principal's ability to monitor certain behavior and the threat of sanctions discourage certain types of self-interested behavior. This theory helps us understand why some reelection-related tasks are performed within the bounds of the White House and why others are not. In summary, rather than relaying such information in descriptive terms, the principal-agent model provides a theoretical construct within which one can understand certain aspects of presidential behavior during a reelection season.

IV. Conclusion

This paper began with a statement by President Bush in which he stated a willingness "to do what he has to do to be reelected." While no one but the President knows exactly what he meant, this theoretical discussion brings us closer to understanding reelection-related presidential behavior. The quest for reelection has a formidable impact on the institution because the president, as a self-interested rational actor, seeks to continue his political career and can only achieve this goal by winning reelection. Given that this event is of paramount importance to the president, it is therefore not surprising that it has a substantial impact on presidential behavior and thus the institution of the presidency. This paper focuses on two examples of self-interested behavior and, in the process, demonstrates the reelection campaign's potential impact on governance: the business of reelection often supersedes the business of governing as staff members turn their attention to the reelection campaign and, the campaign's impact on presidential decisionmaking as decisions become increasingly politicized in light of the forthcoming election.

This contractual paradigm enables one to examine the presidency from a theoretical, rationally-based perspective and, in the process, sheds light on the behavior of presidents seeking reelection. Further, by identifying the electorate as the principal and the president as the agent, this paper introduces a useful perspective from which to study the presidency. To date, scholarship in the field of the presidency has been lacking theory. While this paper by no means eliminates this criticism, it seeks to advance the theoretical discussion of the modern American presidency.

NEW SOCIAL MOVEMENTS AND NEW IDEAS

Sylvia N. Tesh
University of Michigan

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ABSTRACT

New Social Movement theory improves on earlier theories of social movements by calling attention to ideology. But NSM scholars have been more interested in the ideas that members of social movements share than they have been in the ideas that social movements promote. A broader picture of social movements would 1) recognize that one of the major tasks for social movements is to develop and advance new ideas, 2) define movement membership widely enough to include all the people who create the ideas, and 3) acknowledge the importance of debate over the social policies the ideas imply. The environmental movement provides an example.

During the last thirty years, the landscape of American politics has been, if not transformed, at least significantly altered by social movements. While organized citizens' campaigns to achieve real equality, peace, and democracy are not at all new in this country, they have been newly visible since the 1960s, shattering the post-war assumption that all Americans share the same values and goals. Members of the civil rights, anti-war, feminist, environmental and other social movements have demanded, and continue to demand, that both government and private institutions make fundamental changes in the ways they distribute wealth and power, and in the criteria by which they define success.

All of this activity has inspired scholars to develop new theories to understand social movements. The old theory defining social movements mainly in terms of mobs and violence--the theory that explained them as the consequence of relative deprivation (Gurr, 1970; Smelser, 1962)--this got tossed out. In its place we have two different kinds of analyses. One concentrates on social movement organizations and one on movement ideology. The first one, called resource mobilization theory (RM), argues that regardless of how deprived or disenfranchised people are, they don't mobilize without leaders and a variety of other resources. It investigates the structures, tactics, and tensions of the formal movement

associations (Oberschall, 1973; McCarthy and Zald, 1977; Tilly, 1978). The second analysis, usually called new social movement theory (NSM), argues that what truly characterizes contemporary social movements is not their form of organization but their ideological orientation. It examines the shared beliefs, collective identities, and common social background of movement members (Touraine, 1981; Klandermans, Kriesi, and Tarrow, 1988; Dalton and Kuechler, 1990). (Recently some resource mobilization scholars have begun to consider the role of ideology in social movements, developing what they call a "social psychology" of movement organizations, thus bringing the two schools closer together. See Morris and Mueller, 1992)

While each of these new theories provides important insights into social movements, their definitions of social movements are too narrow. Both RM and NSM scholars tend to confine their analyses to the activities and ideologies of people in movement organizations, thus they fail to include in social movements most of the writers, orators, journalists, and public officials who develop and promote movement principles and social goals, and they also leave out ordinary people who advance the movement in countless ways but have never joined a formal movement association. This focus limits our ability to understand the successes social movements have had over the past quarter century in changing the standards by which we judge ourselves as a nation. In addition, because they look primarily at the observable actions and shared

beliefs of the members of movement organizations, most scholars in both traditions pay inadequate attention to the conflicts within movements over the movement's guiding ideas. These scholars thus fail to develop criteria for evaluating the goals and successes of specific movement campaigns.

In this paper I sketch out a broader picture of social movements aimed at addressing these deficiencies. My picture reflects the view of NSM scholars that ideology plays an important part in social movements, but instead of emphasizing the ideas social movements share, it highlights the ideas social movements promote. Instead of concentrating on the ways that social movements recruit new members, it looks at the ways that movements affect non-members. The picture comes in three parts. Part one focuses on movement ideas (noting the dialectic between those ideas and actual events); part two is on the movement members who promote the ideas (extending the definition of membership well beyond social movement organizations); part three examines movement conflicts over the ideas (pointing to their importance for public policy).

In this attention to ideas, I am inspired by Steven Lukes' description of power as the ability of A to influence, shape or determine B's wants and desires (Lukes, 1974)[1]. In Lukes' formulation (which draws on Gramsci's concept of hegemony) the people and institutions who have this power to control other people's thoughts and wishes use it to justify and maintain

inequalities. They subtly promote a way of thinking about the world that is taken by most people for common sense, and which advantages the people and groups already in power, at the expense of others. The effects of this power can be seen in widely accepted but inequitable rules, policies, and practices in both public and private institutions. A number of other scholars develop the same idea. Charles E. Lindblom says there is a "constant elite struggle to win minds to a commitment to such values as order, obedience, the status quo, deference, political docility, and inequalities of income and wealth...(Lindblom, 1990: 89). Murray Edelman describes how governments use language and symbols "to maintain support for policies that deny the great majority the values they cherish..." (Edelman, 1977:151)

But the power to influence what others think and desire can also be employed with the intent of redressing injustices. This is where social movements come in. As Carl Boggs points out, social movements can "constitute counterhegemonic struggles in the Gramscian sense" when they promote "an alternative ideological framework that subverts the dominant patterns of thought and action...(Boggs, 1986:5)." And as Eyerman and Jamison argue, "social movements provide a challenge to the dominant assumptions of the social order, making problematic the self-image of societies...(Eyerman and Jamison, 1991:165)." If this promotion of an alternative ideology is successful, and large numbers of people unconsciously adopt a new common sense consistent with a more

equitable society, then we can expect more just policies and practices to result. I argue in this paper that for social movements one of the major tasks is to develop and foster this kind of new common sense. In order to accomplish their goals, social movements have to get others to change their ideas about what society is and ought to be. A chief way they do so is to promote new moral principles. The principles do two things: they give new meaning to people's lived experiences and they serve as the ethical foundation for new public and private rules, policies, and practices.

IDEOLOGY IN SOCIAL MOVEMENT SCHOLARSHIP

By definition, scholars writing in the NSM tradition are keenly interested in the contemporary movements' values. They typically see these values, however, as the glue that holds a social movement together, not as its creative product (Kuechler and Dalton, 1990; Snow et al. 1986). Their viewpoint is logical and useful, of course. As Kuechler and Dalton point out, once you turn away from studying social movement organizations, you face the problem of defining social movement membership. The concept that movement members are people sharing certain beliefs solves the methodological problem (Kuechler and Dalton, 1990: 280). The concept however, is too thin, too static. In the first place it implies that all the values and beliefs shared by movement members

existed previous to the movement. It does not recognize the role social movements play in creating and developing new values and beliefs. In the second place, it bestows importance on social movements in and of themselves, rather than because of what they do for, or to, other people. It's a inward-looking concept. It's concerned with the way that values influence members of social movements, not the way that social movement values influence the general public. This view of social movements thus ignores not only the question of human agency in social change, but the role social movements play in bringing it about.

The New Social Movement literature is full of examples. Ronald Inglehart, who has documented changes in Western values without paying much attention to their origin, says that a major reason for the rise of the ecology movement is simply that "the public has become more sensitive to the quality of the environment than it was a generation ago (Inglehart, 1990:45)." And Karl-Werner Brand notes tautologically that social movements flourish "in times of spreading cultural criticism," then going on to say that the times themselves "heighten public sensitivity to the problems of industrialization, urbanization, commercialization, and bureaucratization (Brand, 1990: 39.)." Similarly, Cotgove and Duff think that "to support an attack on the central values... of industrial capitalism," the environmental movement just "harness[es] the beliefs about environmental dangers (Cotgrove and Duff, 1980:339)." And Sidney Tarrow fails to consider the

movement's generative role when he says that it is "the collective identities, core discourses, and frames of meaning that link members of social movements and movement networks to one another (Tarrow, 1992:187)."

I do not mean to denigrate the insight that members of social movements share ideologies and ways of seeing the world. Nor am I discounting the importance of social movements in the formation and expression of collective identities. But the reasoning quoted above does not ask how it is that people come to regard conditions as problems, nor does it consider by what process problems become political issues (Gusfield, 1981; Goffman, 1974). Thus it bypasses the actor [2]. If Inglehart and Brand are right, however, and the public is more sensitive now than it once was to the environment and more aware of the problems of industrialization and urbanization, then the environmental movement should get some credit. And if Cotgove and Duff and Tarrow are right and movement members share beliefs about the environment and assign similar meanings to events, then specific people and groups in the movement deserve recognition for developing the ethical principles on which the beliefs and meanings rest.

The environmental movement is, in fact, a good place to start when considering the role social movements play in creating new ways of thinking. A main reason is that it is new. Most Americans over the age of about thirty-five can easily remember a time when

environmental ideas were held only by a few romantics and cranks. Today environmentalist concepts are so widely embraced (Mitchell, 1990) that even when public figures oppose new environmental laws or regulations, they first have to pay obeisance to environmentalism. What makes this transformation in American thought so remarkable is not merely the brief period of time in which it took place, but its uniqueness. Other social movement have only addressed people's ethical relationship to one another; this is the first social movement in history to contend that people have a moral obligation to nature [3]. One common expression of that contention is found in the grassroots toxics groups.

MOVEMENTS INFLUENCE SOCIAL IDEAS

Since the late 1970s many thousands of community organizations have formed to protest local chemical waste sites on the basis that exposure to the waste is dangerous to public health. When, as is almost inevitably the case, epidemiological data fail to demonstrate a relation between exposure to the chemicals and serious diseases in the community (National Research Council, 1991; Tesh, 1993), the members of the organizations invariably reject the scientific findings[4]. What they say, in neighborhood after neighborhood, is that they know <u>intuitively</u> that exposure is dangerous. Whether they explain the lack of scientific corroboration in terms of sloth, incompetence, or corruption

(Gibbs, 1982; Van Strum, 1983) or, more charitably, in terms of scientific insufficiency (Cohen and O'Conner, 1990) they never question their "instinct." They simply know that exposure to synthetic compounds endangers health. It follows that the weakness of the scientific evidence is some sort of a cover-up, and citizens must organize and fight for their health.

Usually the media accounts of neighborhood campaigns against pollution imply that the members of these groups are environmentalists, but the members themselves rarely think so. And in most cases they don't have any of the usual identifying characteristics. They have never sent money to or in any way joined any political organization, citizens' association, or pressure group, let alone teamed up with one devoted to environmental issues. Indeed, the typical grassroots toxics group member has been apolitical up to the time she or he (and it is usually "she") got involved in the neighborhood group (Masterson-Allen and Brown, 1990; Goldsteen and Schorr, 1991; Edelstein, 1988; Levine, 1982). These people do not fit the profile of environmentalists: they are not the upper middle class, college educated liberals who reject American core values, so frequently described by analysts of public interest groups or social movements in general and the environmental movement in particular (McCann, 1986; Schlozman and Tierney, 1986; Paehlke, 1989; Milbrath, 1984). And lest they should take on a new Sierra Clubby identity along with their fight against neighborhood pollution, they are specifically told by at least some of the

political organizers who come to their aid that grassroots toxics groups are not environmentalists [5]

So if they are not environmentalists, it is worthwhile asking where their intuitions and instincts about the dire health effects of environmental pollution come from. They were not born with them. Only a few years ago almost everyone regarded synthetic chemicals fairly benignly. Local industries might emit foul smoke, or pollute local streams with their waste, municipalities might build huge mounds of household and commercial refuse, and while residents may have objected on aesthetic grounds and been aware of the link between exposure and some acute health conditions (Mills, 1954) most people did not, apparently, have an innate feeling that environmental pollution explained cancers, birth defects, or miscarriages. Certainly one reason for thinking differently now is that since 1970 we have an Environmental Protection Agency, symbolizing a need for the environment to be protected. The EPA not only regulates the disposal of chemical wastes, but does so partly on the basis that exposure can cause serious disease. Because of EPA regulations we have new conceptual categories: "hazardous waste landfills" and "hazardous air pollutants," for example, not just city dumps and factory smoke.

But why do we have the EPA and why has it continued to grow? One group of scholars identifies the migration to the suburbs, changing demographics, new expectations about the role of

government, and the pure self interest of political parties, political figures, television broadcasters, and environmental organizations (Landy et al, 1990). Another group assumes that the EPA is a response to a dangerous increase in polluted air, foul water, contaminated soil, species extinction, deforestation and other harms to nature (Silver, 1990; Hays, 1987). It would be foolish to argue that either of these answers is entirely false. But we cannot fully understand the establishment of the EPA or the eventual existence of grassroots toxics groups, without recognizing the writers, scientists, public figures, and political activists who initially developed and promoted radical new ethical principles about nature, and warned that violating the principles has drastic consequences.

Rachel Carson's Silent Spring (1962), was, of course, supremely important. Other publications in the 1960s supported her concepts: for example, Aldo Leopold's A Sand County Almanac (1966), and Rene Dubos' Man, Medicine, Environment (1968). Public interest in these books undoubtedly was partly due to a whole array of earlier writings and activities. As Robert Paehlke notes, environmentalism today owes a debt to Henry David Thoreau (Paehlke, 1989); Anna Bramwell locates the roots of the movement in the period around 1880 when the science of ecology began to acquire normative meaning (Bramwell 1989); Samuel Hays traces the history of environmentalism to the conservationists in the early 20th century (Hays, 1987); Barry Commoner credits the writings of anti-

nuclear scientists in the 1950s (Commoner, 1971).

Whatever the ancestry of the movement, the principles introduced in the 1960s by writers like Carson, Leopold, and Dubos established it in our time. Their tenets were soon enlarged and developed by other people--in books and in magazine articles, in conferences and public fora, in speeches at rallies, in government reports, and Congressional debates (Reich, 1970; Borelli, 1988, Sandbach, 1980). The precepts eventually informed the text and subtext of the magazines, pamphlets, and newsletters produced by the new movement organizations. And they were subtly advanced by sympathetic TV and newspaper reporters. All of these writers and orators had, in fact, been creating environmentalism. Their combined message was that nature belongs in an ethical category, not in a biological one. The message advanced the proposition that the balance of nature is fragile and has its own integrity, existing not for human purposes but simply for itself. It charged people who violated nature's delicate balance with moral shortcomings. And it argued for a new, ecological comprehension of the earth with four principal tenets: everything is connected to everything else, everything must go somewhere, human interference in nature is likely to be detrimental, and anything extracted from nature by human effort must be paid for.[6]

Of course, the writers and orators I refer to did not create these principles in the abstract. Real events inspired them. Plant

and animal species were becoming extinct at an increasing rate, oil tankers were breaking up and fouling beaches, acid rain was killing lakes, ancient forests were disappearing, buried chemical dumps were contaminating drinking water. But these events themselves had no intrinsic meaning, nor did they have any relation to one another. Significance had to be bestowed upon them (Berger and Luckman, 1967; Edelman, 1964). Someone had to say they meant something in the light of some unifying theory or set of mores.

Before environmentalism there was no handy theory. Familiar as they now are, environmentalist principles diverge radically from the concept of humans' relation to nature held by most western peoples up to the mid 20th century. And, in light of, say, today's devastating floods in the Midwest, hurricanes in the South, and drought in the West, it is still reasonable to find bizarre the idea that humans are obligated to protect a fragile nature. If today we "automatically" think of nature as needing protection, if when we think of the environment we "naturally" concentrate more on oil spills, acid rain, chemical dumps, and vanishing species than on floods and hurricanes, these turns of mind are a tribute to the vigor of the environmental movement. If when we learn that someone is worried about pesticide residue in food, we assume she also cares about recycling newspaper, this mental link demonstrates a success of environmentalism.

All social movements try to assign new significance to

experiences, and tie together singular events. Some times they re-invigorate and give moral urgency to familiar but radical concepts (like equality, or democracy) by applying them to new situations and peoples and leavening them with fresh insights. In this way they transform and unite many once-disparate phenomena by making them signifiers of those principles. Take feminism for example. Before there was a feminist movement no one saw any particular relationship among, say, abortion laws, the term Mrs., Playboy centerfolds, and the fact that few men become elementary school teachers. Today feminism, promoting the new concept of sexism and the principle of full humanity for women, connects these things and designates them as public problems[7].

Sometimes social movements develop new moral creeds altogether. Before there was an environmental movement people did not associate the decline of condors with leaking municipal landfills, unusually hot summer weather, pesticide residues in food, logging on federal lands, and lead poisoning among poor children. Today environmentalism, promoting the concept of biological interconnectedness and the principle that human interference in nature is likely to be harmful, merges these phenomena, making them all aspects of one vast social problem, and giving each individual event added significance.

I am arguing here that an analysis of the environmental movement suggests that social movements do more than tie issues

together, and they do more than "frame" them. Many social movement scholars employ Goffman's frame concept to show that movements "punctuate or single out some existing social condition or aspect of life and define it as unjust, intolerable, and deserving of corrective action (Snow and Benford, 1992:137)." But this description overlooks the social movement task of articulating the ethical principles according to which the condition becomes unjust. And it does not recognize the possibility that a movement might actually generate new principles in the first place.

My reasoning means that social movements have two major tasks. One is to develop, enrich, and promote the movement's moral principles so that they come to be seen by non-movement people as simple common sense or as taken-for-granted ethical precepts. The other task is to continually press for the kinds of social change the principles call for, by identifying instances where the principles are violated[8].

The fact that these two tasks are intertwined enriches our understanding of the trouble social movement organizations have inducing legislatures, government agencies, and private institutions to make favorable laws, rules, and policies. Social movements are fighting two battles simultaneously. They have to get policymakers to accept new moral premises, and they also have to get those same policymakers to take actions reflecting the premises. Legislators and heads of industry who still think of the

earth as tough instead of fragile, who are unmoved by ecological concepts of balance and harmony, who view nature largely in terms of its usefulness to human beings--these folks reject environmentalist presuppositions. At issue for them is not merely a particular legislative or policy proposal, but the whole rationale for changing current practices. If environmentalists have been unable to convince these people of the movement's initial principles, the unbelievers are unlikely to accept any aspect of the environment-alist agenda except as a pawn in political trade-offs or when it otherwise serves their self interest.

But public policies arrived at exclusively through trade-offs and bargaining among self interested actors are fragile. They are more susceptible to changing political coalitions than are policies firmly rooted in widely-held moral principles. So it is crucial for environmentalists not only to press for new policies, but to promote the new ethical concepts about nature that sustain them.

All this takes us back to the grassroots toxics groups. The very fact that they do not think of themselves as environmentalists attests to the extraordinary success the movement has had in formulating and championing environmental ideas. The grassroots groups' "intuitive" knowledge that all chemical waste causes disease in the neighborhoods exposed to it--an intuition, I repeat, that is both historically new and still largely unsupported by scientific evidence--is one of the main messages environmentalists

set out to send. The grassroots groups' battles are evidence that environmentalists have successfully classified the discovery of chemical waste or the detection of excess disease as a political issue. Grassroots toxics groups typically care little about other parts to environmentalism (Gibbs, 1982; Brown and Mikkelson, 1990; Edelstein, 1988; DiPerna, 1985) but they have heard and internalized the message that human interference in nature is likely to be harmful. And they are willing to fight hard to defend it.

This helps to explain why members of these groups are never relieved when a new epidemiological study concludes that the synthetic chemical to which they are exposed is not noticeably toxic to humans[9]. It enriches our understanding of why, when waste incinerator companies show that their air emissions are safe, opponents simply switch their fight to concentrate on ash disposal. People in local toxics groups are quite different from the person who learns that the backyard mushroom she has just eaten is not, after all, poisonous. That person probably takes great comfort in the news, attributes whatever symptoms she has to something else, and gets on with her life. Nothing much is at stake for her or anyone else, for no group in our culture promotes a political theory or ethical principle related to mushrooms that could be diminished or advanced by any particular experiences with mushrooms[10]. In the case of synthetic chemicals, however, if a grassroots toxic group abandons the idea that their health could be

harmed by exposure to a particular chemical, they weaken an entire ethical postulate and thus the ideological foundation for the social changes they support.

People's understanding that their fight against exposure to a particular chemical forms part of a much bigger battle may be especially acute in the case of what is now being called environmental justice[11]. Citing data which shows that hazardous waste facilities are more likely to be sited in minority communities than in white communities (United Church of Christ, 1987; General Accounting Office, 1983) a number of activists have extended environmentalism to include a fight against racial inequality (Bryant and Mohai, eds., 1992). In this situation, for a community of African Americans, Latinos, or Native Americans to accept studies demonstrating no link between exposure and disease is to threaten not only environmentalism, but the civil rights movement as well.

BROAD DEFINITION OF MEMBERSHIP

The view of social movements which pictures them at the task of developing and promoting new ethical principles is unconvincing unless it is based on a very broad definition of social movement membership. Most social movement theory--even when it is critical

of the idea that movements can be reduced to organizations--uses language, as Pamela Oliver points out, which assumes movements are formal associations (Oliver, 1989). Along with other NSM scholars, Oliver argues that the concentration on organizations leaves out consciousness--or what others refer to as values, cognition, or ideology (Dalton and Kuechler, eds., 1990; Ferree and Miller, 1985; Cohen, 1985; Morris and Mueller, eds., 1992). But the focus on organizations also defines out of membership large numbers of the movement's most powerful spokespeople as well as many of its most effective promoters.

If it is true, as many social movement scholars say, that one goal of social movement theory is to understand better the formation and communication of collective beliefs (Klandermans, 1992; Tarrow, 1992), we have to look beyond the membership of organizations to see it happening. More precisely, we have to develop a theory of movement membership which has places for all the people who articulate the movement's collective beliefs. And such a theory must recognize the difference between a movement's need to recruit members to its organizations, and its need to recruit new adherents to its ethical principles. When scholars concentrate on the beliefs of members of organizations they cannot account well enough for the social change which is, after all, a movement's basic purpose. Organizations are only a means to that end[12].

As I argued above, social critics begin to articulate the moral principles, ethical beliefs, and social goals that are eventually developed by and characterize a social movement before the movement really forms. They take events and actions which most people had previously seen as unremarkable aspects of conventional life, and transform them into problems. The principles they articulate call new attention to these events, give them fresh meaning, and tie them together. The movement develops as new people interpret and add to these ideas and form organizations to promote them and to press for their expression in public and private policies[13]. But the movement also grows when people unconnected to the organized groups act in ways congruent with its ethical base and articulate new movement ideas.

Consider the every-day activities of ordinary people which promote the movement's principles. Feminists who may never send any money to the National Organization for Women, never participate in a Take Back the Night march, and never join the women's caucus of anything, nevertheless foster feminism when they keep their own names on marriage, call sexist language to the attention of friends and colleagues, or take on traditionally male jobs and attitudes. Environmentalists who may never affiliate with any group dedicated to environmental protection, or participate in the activities such groups sponsor, pave the way for the policies movements work for in such mundane ways as putting recyclables out on the curb, wearing T-shirts with environmental messages, asking grocers to stock

"environmentally friendly" products, and defending the environmentalist position in arguments at home or work.

These are consequential acts. If it is true that the ideology of sexism and racism can be legitimated and perpetuated in thousands of small, individual gestures, turns of phrase, and subtle hints (Martin, 1987; Moraga and Anzaldua, 1981) along with the more obviously discriminatory laws, regulations, and policies, then it should be true the more positive ideology of environmentalism can also transmitted this way. If political power itself can be maintained by the use of language and other symbols (Edelman, 1964, 1977) then the category of "political actor" extends well beyond the boundaries of formal political institutions, and the everyday activities of unorganized environmentalists can be interpreted as mini-challenges to the status quo. A complete picture of the environmental movement would include them among the members.

A complete picture would also include the government actors who propose or promote movement concepts or movement-friendly laws and regulations. Instead of merely reacting to pressure from movement groups (as pluralism would have it) elected and appointed government officials and their staffs regularly take actions that strengthen social movements. It would be a scant picture of social movements which left them out. Consider three examples of such movement members members at work.

During the summer of 1993 Gregory Button, a Congressional Fellow in Senator Paul Wellstone's office, initiated and did all the work on a bill which would create an Office of Environmental Justice at the EPA. No one from a movement organization had asked him to do this. In fact, Button lobbied them, telephoning over a dozen activists in the environmental justice issue--some academics, and leaders of church groups, civil rights groups, and environmental organizations. He described the bill and asked them to pressure key Senators and the White House.

Button says he is not a member of any environmental organization, but he had followed closely the research and the conferences on the unequal citing of hazardous waste facilities and had taken the job with Wellstone partly because he "hoped to be able to influence the debate on environmental justice."[14] He knew that the EPA had already established a small (seven-person) Office of Environmental Equity in the Bush administration, but "wanted to give the office a real Congressional mandate."

The bill he created easily passed the Senate, and Button believes that even if a version does not get through the House, "our bill has already succeeded. Just the processes of introducing it and passing it in the Senate has set off a whole series of events. It's rearranged the interaction between the EPA, the White House, and the Senate. It's legitimated the issue of environmental racism. The major environmental groups are on record about it. The

EPA now has to take the unequal distribution of toxic wastes more seriously."

Button judges that a debate in the Senate about minorities and toxic waste would have occurred eventually, so the point here is not that this particular staffer was crucial. The point is that a government actor--not a member of an organized environmental group --strengthened the fledgling crusade against siting hazardous waste facilities in minority neighborhoods and thus altered the trajectory of the environmental movement.

Joel Hirschhorn is another example of someone who has advanced the movement from a government position. A staff member at the Office of Technology Assessment in the 1980s, Hirschhorn introduced a new concept into the environmental movement. For an OTA report in 1983, he had been researching the waste issue and, in his words, "saw there was the potential for a paradigm shift. I realized that environmentalism was based on reaction, not on prevention."[15] So he began to promote the ideas of pollution prevention and waste reduction. Instead of regulating wastes after they are produced, he argued, it is economically prudent and environmentally logical to prevent, or at least reduce, their production in the first place. "I knew what I was attempting to do. I set out with an agenda. I wanted to change the way environmentalists had thought of the problem. I deliberately tried to influence the movement." He and a colleague gave "hundreds of talks over several years. We traveled

all over the country."

His influence, he thinks, is mixed. "The pollution prevention concept is powerful, but it's not entirely embraced. Industry is afraid of it. And the Big Ten environmental groups didn't back us up. They thought we'd threaten their recycling programs." Nevertheless, the major environmental organizations now uniformly pay at least lip service to the concept of pollution prevention. And so does the EPA [16]. The term has become part of the environmentalist rhetoric. The eventual report Hirschhorn wrote for the OTA has been widely circulated (Office of Technology Assesment, 1986). Four years later, Congress passed the Pollution Prevention Act of 1990. (Hirschhorn wrote some of the key language.) And the idea that industries should prevent waste from being produced, not just try to deal with it afterward, is no longer startling.

The ideas of government actors in even more prominent positions have of course also influenced the environmental movement. Mark Moore argues that when William Ruckelshaus was appointed to head the new Environmental Protection Agency in 1970 he "fostered a general social movement in the direction of environmental protection (Moore, 1988:70)." As the first head of EPA, Ruckelshaus had considerable latitude. He could have directed the agency mainly toward research; or concentrated its efforts on one particular medium--water, say, or air. He could have emphasized health risks, or focussed instead on preserving natural beauty. He

could have established an agency where industry's welfare predominmated. Instead of any of these things, says Moore, Ruckelshaus resolved to concentrate on "pollution abatement," a term meaning that the agency would emphasize setting standards and fining polluters.

It was a decision that would come under Hirschhorn's fire a decade later, and may from some perspectives not have been the right one. But the point is that it was made by a prominent government actor, not by the organized environmental groups (in 1970 most of the current groups had not been started yet), and that it set environmentalism on a particular course. Rucklelshaus' decision reflected a set of principles. Among them were that the general environment was endangered, that risks to public health deserved more attention than the destruction of natural resources, that the quantity of chemicals which industry discharged and emitted should be reduced even without strong scientific evidence of their effect, and that the proper focus of government should be more on what industry does with its waste than on what it does in the production process. The new agency's policies implicitly advanced these principles, affecting the trajectory of the environmental movement.

All the essays in the volume in which Moore's essay appears argue in one way or another against the old pluralist idea that government policymakers do and should merely register the public's

wants and then try to satisfy them[17]. A similar celebration of activist government appears in the analyses of other social scientists who see members of interest groups working together with legislators and executive officers who share their normative and causal beliefs (Sabatier and Pelkey, 1987; Kingdon, 1984; Kelman, 1987). It is time to join these criticisms of pluralism with an analysis recognizing that sometimes government actors actually inspire social movement ideas.

I am not proposing that any member of Congress or any agency employee who acts in some way supportive of environmentalism is as much a member of the movement as is the president of a local Sierra Club chapter. Nor are the ordinary citizens who express their devotion to environmentalism solely by wearing Mother Earth t-shirts in the same league with people who lie down in front of bulldozers. Clearly there are degrees of social movement membership. My point is that members can be identified by their acts, not solely by their institutional affiliations. If the real goal of social movements is to make social change, and if an important means to that end is to change public mores, then the membership of a social movement includes all the people who help to change those mores.

One more such group deserves at least brief mention here. Journalists in both the print and electronic media have enormous influence on social movements. What they cover, how they cover it,

what pictures accompany (or comprise) their stories, who they quote, and when they decide to stop covering a story all help to determine the success or failure of social movements (Gitlin, 1980; Linsky, 1988; Gamson, 1992). Although most studies of the media's influence on politics describe its bias toward the status quo and the constraints on individual reporters who try to present other points of view, interviews with current and former journalists reveal another aspect. Reporters who are committed to a new idea or who consider themselves members of social movements often work hard and successfully to get their perspective out to readers and viewers. No portrait of environmental movement members is complete without including the journalists who use whatever power they have to advertise and legitimate environmentalist ideas.

Some studies of the media provide tidbits along this line. Gamson argues that, depending on the ways that journalists frame issues, media discourse can help to develop political consciousness, and thus aid in the formation of collective action (Gamson, 1992:chap 10). Linsky, noting that the media "are a functional element of the world of public deliberation and decision making (Linsky 1988:213)," offers an anecote showing how a news report on the assasination attempt on President Ford helped to advance the gay rights movement (Linsky, 1988: 219-220). And Gitlin identifies a few journalists who, on their own initiatives, wrote positive stories about SDS in the early years of the student movement. But a really detailed study of the activities of movement

members in the media has yet to be done.

My reasoning in this section implies that people who join grassroots toxics groups are members of the environmental movement by virtue of the fact that they promote movement principles. They have internalized the principles, too, of course, at least some of them. As I argued above, their intuition that exposure to synthetic chemicals harms health is largely a result of taking for granted the environment-alist principle that interfering with nature is wrong. But they also promote and advance that environmentalist axiom every time they base a demand on it.

CONFLICTING IDEAS WITHIN SOCIAL MOVEMENTS

All this talk about environmentalist principles glides over the fact that the principles in any social movement are always in dispute. Environmentalists do agree on a few very basic ideas, but they are in a constant state of implicit and explicit disagreement about what might be called the second layer of principles and about the kinds of public policies the principles dictate. The disagreements reflect different assumptions about the causes of environmental degradation.

One camp ascribes environmental degradation to the public. Scholars and activists in this group chiefly analyze or work more

directly to change what they see as an insufficient commitment by non-environmentalists to environmentally sensitive behavior. The public policy this perspective supports is "environmental education:" a general schooling in ecology and environmental ethics. Because ecology and ethics usually lack political content, the message the public tends to hear is that the environmental problem is caused by their own carelessness and can be halted if they act differently. This is the camp which prescribes recycling, tree planting, and the other Fifty Things You Can Do To Save the Planet. Their perspective individualizes responsibility for environmental progress (Devall and Sessions, 1985; Leopold, 1966; Rolston, 1991).

A second camp assumes the environmental problem is predominantly the fault of the political economy. These scholars and activists analyze or work more directly to transform the nation's distribution of power and resources. They do not count movement progress in terms of participation in recycling campaigns. They reason that the problem originates with the industrial production process (and, even more fundamentally, with the hierarchical social relations which support and generate it). Preaching radical social change, they assign primary responsibility for environmental cleanup not to ordinary citizens but to the owners and managers of industry (Freudenberg, 1984; Bookchin, 1986; Gorz, 1980; Bahro, 1986). A third camp assumes the problem is mainly governmental. Scholars and activists in this group chiefly

analyze or work more directly to eliminate weak laws, poor regulations, inept public officials, or ineffectual government structure. This camp regards government action and pressure by citizens on government actors as the key to environmental cleanup, placing most of the responsibility for environmental improvement in the lap of Congress and the bureaucracy (Kraft and Vig, 1990; Rosenbaum, 1991; Borelli, 1988; Rabe, 1990).

These differing assumptions about causality are important. They hold different communities accountable for failure, favor different public policies for keeping the environment clean, and prompt people and groups within the movement to adopt different criteria for success. Thus, as Deborah Stone notes about public problems in general, there is a "great tug of war between political actors asserting competing causal theories...(Stone, 1989:293)." Only when movement analysts skim over these debates can they fail to be critical of any particular movement goal or accomplishment. Consider the implications if one or the other of the camps predominates.

If the public comes to believe that the environment is endangered because of the ways industrial and agricultural goods are produced and their wastes discarded, then projects aimed at convincing shoppers to buy long-lasting light bulbs or teaching school children to recycle newspapers will seem peripheral at best. On the other hand, if the public thinks that the real cause of

environmental degradation is the demand by consumers for garden pesticides, big cars, redwood decks, and throw-away diapers, then few people will be likely to consider it worthwhile to press Congress to pass laws restricting logging or industrial emissions. Or if everyone agrees that the environmental problem can be pretty well addressed by strengthening the Clean Air Act, the Superfund, and the other environmental laws, then hardly any one will consider it an <u>environmental</u> goal to work for a less hierarchical society.

So while the entire environmental movement believes in and promotes the same basic ecological view of nature and the same lesson that humans have an ethical obligation to protect nature, what those beliefs and ideas come to mean in practice is crucial. Policy analysts who simply celebrate the movement's success in spreading environmentalism (Paehlke, 1989; Milbrath, 1984) miss the point. The critical issue is what variation of environmentalism is being spread, and what public policy goals will predominate among the general public.

When a prominent political figure writes a well-promoted book laying the environmental problem at the foot of Congress (Gore, 1992), when several major industries sponsor an Earth Day television extravaganza defining environmental activism as recycling household waste, when a prestigious mainstream magazine publishes a long article arguing that some form of socialism would best protect the environment (Commoner, 1987), social movement

analysis should take note. These are political actors exercising power to try to affect American ideology. They hope to influence the way nonenvironmentalists construe the cause of environmental problems and respond to policy proposals.

CONCLUSION

I have been sketching out a broader picture of social movements than most New Social Movement scholarship presents. Instead of placing NSM organizations in the foreground and asking about the values and identities shared by members of these organizations, I have begun with the issue of social change. My question has been, "How do social movements affect public and private policy?"

My perspective draws on those scholars who argue that social movements provide new frames for familiar events, promote new social ideas, and propose new cultural values, thus serving as agents of political change (Abrahams, 1992; Boggs, 1986; Eyerman and Jamison, 1991; Gamson, 1992; Klandermans, 1992; Scott, 1990; Snow and Benford, 1992; Tarrow, 1992; Touraine, 1981, 1985). This perspective supplies social change with human agency. Instead of pointing to "forces" and "conditions" to explain change, it identifies actual people and groups of people who behave in specific and public ways to try to alter society's distribution of

resources and power, and its concepts of success and failure. More precisely, this perspective credits social movements with bringing about (at least some of) the social change which distinguishes our age from the past.

I have been arguing that this bringing-about-of-social-change is the task of social movements, and that a principal way they carry out that task is to develop and advance new ideas. Social movements do other things, too. They create organizations; they recruit members; they provide collective identities to certain citizens; and they press policymakers to make new policies. Many scholars have analyzed these functions and realities. But to be really successful social movements also have to change significant aspects of what the general public has always believed to be good, true, and important.

A portrait of social movements which recognizes this formidable task avoids the mistake of confusing movements with movement organizations, credits social movements with victories they themselves seldom advertise, broadens the concept of social movement membership to include the activites of a very wide range of people, and becomes sensitive to the debates within movements over their ethical principles and social goals.

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NOTES

1. Lukes contrasts this kind of power with two far more visible sorts. In one, A gets B to do something B would not ordinarily do. In the other, A prevents B from registering B's grievance. See also Gaventa, 1980.

2. It also comes very close to reproducing the old relative deprivation school which explained social movements as a simple response to social events.

3. I am implicitly dating the environmental movement from the late 1960s because, although it clearly has roots that go back at the very least to the turn of the century, before the late 1960s a concern for the environment had not developed into a genuine social movement with goals for major social change.

4. It is important to note that not only do epidemiological studies of exposure on specific sites fail to find much evidence that environmental pollution causes serious disease in humans, but so do general morbidity and mortality data. Cancer mortality rates (with the exception of lung cancer) have been decreasing for the past 40 years. Cancer morbidity rates, some of which have been increasing, are not easily correlated with exposure to environmental toxins. Adverse reproductive outcomes have not changed since the mid-1960s when statistics began to be kept. For a review of the literature see Tesh, 1993.

At the International Congress on the Health Effects of Hazardous Waste, held in Atlanta in May, 1993, investigators described studies showing a wide variety of health effects from exposure, but the effects were confined to such things as nausea, dizziness, sinus trouble, irritability, and sleep disorders. For a report see "Hazardous Incineration" in Science News 143(21):334, May 22, 1993.

5. At a regional conference of local groups which I attended in 1990, Lois Gibbs, former head of the Love Canal Homeowners Association, and now the executive director of the Citizens' Clearinghouse for Hazardous Waste said to the audience, "We are not environmentalists. Environmentalists eat yogurt and beansprouts and play tennis. We drink Budwieser and go bowling."

6. As I will argue later, there is much debate in the movement over what environmentalism really is, but these basic ideas, (the four "principal tenets" of which I take from Commoner, 1971 chapter two) seem to form the foundation. See also Devall and Sessions, 1985; Nash, 1989. Callicott, 1989.

7. Kristin Luker makes a similar point when she shows how feminists changed the social meaning of abortion, linking it to concepts of rights and freedom. See Luker, 1984.

8. As John Forester points out, "The daily work of social movements...may characteristically take the form not only of strategic and instrumental action, but of communicative action and interaction as well...[B]oth factual and normative claims may be established, shaping belief and political consent..." (Forester, 1982:45)

9. Other explanations are that the public is skeptical of expertise (see Goldsteen and Schorr, 1991) and that the information threatens collective identity (see Friedman and McAdam, 1992).

10. In the case of AIDS, most people were relived when scientists said the virus is not transmitted by casual contact. A minority, however, rejected that research, probably because it undermined their crusade to define homosexuality as immoral.

11. The term environmental justice has been used for nearly a decade by the Citizens Clearinghouse for Hazardous Waste to refer to the goal of all grassroots environmental groups. It was appropriated by activists working against "environmental racism" in the early 1990s.

12. Movement organizations, of course, have internal purposes. For example, they have to keep reproducing themselves. They also have functions. For example, they confer an identity on members. (For a discussion of this dimension see Friedman and McAdam, 1992.) But from a public policy perspective, what is essential about social movements is their role in bringing about social change.

13. Ferree and Miller (1985) provide a detailed and sophisticated description of this process.

14. This and other quotes are from a interview with Button in Washington, July 15, 1993.

15. This and other quotes are from a telephone interview with Hirschhorn on July 13, 1993. Hirschhorn currently heads an environmental consulting firm in Maryland.

16. For an example see the article by Fred Krupp, head of the Environmental Defense Fund, in the EPA Journal for September/October 1990, titled "Win/Win on the Environmental Front."

17. Moore's essay celebrating activist government goes farther than most of the others, however. The book's theme is set down by the editor in the introduction: "The core responsibility of those who deal in public policy--elected officials, administrators, policy analysts--is not simply to discover as objectively as possible what people want for themselves and then to determine and implement the

best means of satisfying these wants. It is also to provide the public with alternative visions of what is desirable and possible, to stimulate deliberation about them, provoke a reexamination of premises and values, and thus to broaden the range of potential responses and deepen society's understanding of itself (Reich, 1988:3-4)."

Public Enemy:

People's Perceptions of Congress

Elizabeth Theiss-Morse

John R. Hibbing

University of Nebraska, Lincoln

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Abstract

The American public is currently upset with politics and, especially, with the Congress; on this point there need be little debate. But we do need a debate on explaining this unrest and placing it in context, and we find such a debate sadly absent from the political science literature. Instead, the major finding relating to public attitudes toward Congress is the curious fact that many citizens like their individual legislator but dislike Congress itself. We must do better than this limited and slightly misleading shibboleth. In this paper, we draw on a major new data collection to provide the first thorough exploration of people's attitudes toward the three major political institutions and particularly toward the Congress. Our results show that people actually are quite fond of Congress as an institution but when they think of Congress as a collection of individual members (which they do most of the time) their opinion turns extremely negative. We proceed to analyze the causes of variations in approval of Congress and we conclude by examining the reasons people support term limits as a mechanism to make Congress better.

People in the U.S. are disgusted with politics and are more than willing to let the world know how they feel. Indeed, the popular press has devoted considerable coverage to public dissatisfaction, the movement to limit legislative terms has met with great success, and Ross Perot in his run for the Presidency certainly tapped into and benefitted from the public disgust. A feature article in the Atlantic Monthly notes, "the signs of discontent with the political status quo are everywhere" (Lind, 1992).

The focal point of this intense public unrest is the first branch of government, the U.S. Congress. Some of the most vociferous congressional critics have been former members. Dennis Hertel (D-Mi.) retired saying he was "angry and frustrated with Congress." Lawrence Coughlin (R-Pa.) similarly cited a "demeaned" Congress as one of the reasons he was leaving. And Edward Feighan (D-Oh.) explained his retirement decision by referring to "a small group of partisan extremists who have set out to destroy the institution" (all quoted in Katz, 1992). Public opinion holds Congress in similarly low regard as recent polls detect record low levels of approval (see, e.g., The Public Perspective, 1992: 86-87).

Yet even given the attention lavished on public disaffection with politics, surprisingly little is understood about people's perceptions of the institutions of government and of Congress in particular. How and what do people think about the institutions

and about Congress? Exactly who is upset and who is satisfied? And finally, who supports major reform proposals and why?

We address these questions drawing on an extensive, new data set that allows us to assess citizens' perceptions of the political institutions in the U.S. and of Congress in particular. After discussing various explanations for public dissatisfaction with the national government, followed by an overview of our own theoretical approach, we investigate people's evaluations of Congress and the other institutions, provide a portrait of the kind of individual who is satisfied (or dissatisfied), and examine in some depth people's support of government reforms, in particular term limits. We conclude with a discussion of the implications of our research for understanding how people think about national political institutions.

EXPLAINING PUBLIC DISAPPROVAL

Two problems immediately confronted by anyone trying to get a handle on public perceptions of Congress in particular and political institutions in general are the lack of strong theory on attitudes toward political institutions and the absence of good data on the topic. We begin by focusing on what might be considered a theoretical vacuum in this area and then consider the lack of good data.

Theoretical Explanations

Most studies of institutional support have relied heavily on

David Easton's (1965) distinction between specific and diffuse support. Specific support occurs when the public is pleased with a particular decision, policy output, or event whereas diffuse support is deeper and not contingent on recent popular actions. This Eastonian view permeates much of the work on attitudes toward the U.S. Congress and other legislatures (see, e.g., Davidson and Parker, 1972; Parker, 1977; Patterson, Hedlund and Boynton, 1975; Patterson and Caldeira, 1990; and Ripley et al., 1992), the Supreme Court (see, e.g., Caldeira, 1986; Tanenhaus and Murphy, 1981), presidential popularity (see, e.g., Mueller, 1973; Kernell, 1978; and many others), and trust in government generally (Miller, 1974; Citrin, 1974).

Easton's theory, however, was designed to apply to the overall political system rather than individual institutions, and is not easily transported to the study of institutional support. First, diffuse support refers to the political system in general whereas specific support refers to specific outcomes and events. Where does support for institutions fall into this theoretical framework? Specific support is too shallow to constitute true institutional support and diffuse support too broad. Relatedly, Easton treats the governmental structure itself as a black box. Since no attempt was made to look inside the black box at its particular institutional parts, it is difficult, if not impossible, to use Easton's theory to gain an understanding of the institutions themselves unless we assume that support for individual institutions follows the same pattern as support for

the entire political system.

In the absence of a firm theoretical grounding, explanations for public attitudes toward political institutions (and especially for recent public unrest) have emerged from every angle and are often superficial and contradictory. We illustrate by briefly summarizing six largely distinct explanations.

The first explanation holds that public dissatisfaction with politics and Congress simply represents what might be termed perennial pique. In essence, people always have a distaste for politics and political institutions, so the recent dissatisfaction is nothing new. Evidence supporting this view can be found in the fact that people in the 1950s favored term limitations at the same level as today (Ladd, 1990). The implication of this view is that, while lack of public esteem for politics and politicians is not something we should ignore, we certainly should not overreact to chronic disappointments over the understandable failure of our political institutions to please everyone all the time.

Contrary to this first view, proponents of the second view hold that something fundamental did in fact change in recent years, thereby causing confidence in political institutions, including Congress, to plummet. However, this "crisis of confidence" is widespread, encompassing political and social institutions. As Lipset and Schneider (1987) point out, confidence in just about all institutions, including medicine, labor, big business, religion, education, among many others,

declined sharply between 1967 and 1971. Confidence since 1972 has varied only modestly, declining after Watergate and increasing briefly around 1984. Proponents of this view argue that explanations for the "crisis of confidence" must address both political and social institutions to be of value.

The third view posits that something is most definitely and seriously amiss with the political system specifically. The clearest explication of this position is found in the widely-cited Kettering Foundation Report (1991), which is based on numerous focus groups conducted around the country. The basic message of the report is that the American public, far from being apathetic and disinterested, eagerly wants to get involved in politics but feels estranged from the political system because of the excessive influence of political insiders and special interests. While the Kettering report does not address the precise cause of the system malfunction, it definitely judges the people good and the system bad.

E.J. Dionne (1991), an advocate of the fourth view, believes "Americans hate politics" because leaders of the political parties and the idea people behind the current strains of liberalism and conservatism are too divisive. Instead of serious talk on serious issues, instead of a willingness to admit that the other side may be correct at times, that issues are complex and that there are shades of right and wrong, the present ideological and party apparatus in the U.S. pushes us toward negative campaigning, banalities, artificially dichotomous

choices, and unnecessary polarization. Indeed, according to this view, the proponents of traditional ideologies and party politics are busy fighting their own internecine battles and the public is left out. According to Dionne, the left and the right must pay attention to middle America and move toward the middle if the public is to cease "hating" politics.

A proponent of the fifth view, Alan Ehrenhalt (1991), argues that it is not the parties or idea people who are the problem but professional politicians themselves. He believes the main source of the problem in the minds of the public is the absence of citizen politicians. The public does not like professionalized politicians nor does it like the professionalized (or institutionalized) nature of the political system as a whole. Government is increasingly defined by long careers, elaborate infrastructures (staffs, perquisites, resources, committees, etc.) and boundedness (unique language, special rules and norms, etc.). None of this plays well with the public. The public wants citizen legislators who serve to promote the commonweal.

Finally, the sixth view holds, contrary to the Kettering report, that the people themselves are to blame for the problems currently facing the political system. Even though the political system is gamely struggling along, citizens are not contributing their fair share--many people do not vote, pay attention to policy initiatives or have much if any knowledge about their member of Congress or about the political system in general. Moreover, according to this view, public demands are often

unrealistic and even contradictory. Citizens decry pork barrel politics in general but are delighted when their own representative is successful in playing the game. They want to decrease their tax burden but increase government benefits. In essence, people are too eager to criticize the political system but not willing to do their part to make the system work.

While these explanations provide a useful array of potential sources of public dissatisfaction, taken together they are more confusing than enlightening. First, the focus of people's disgust remains something of a mystery. Are people upset with the politicians themselves? With the political parties? With the political system in general? Or are people simply upset with some amorphous "everything"? The prevailing explanations do little to clarify the focus of discontent, and we receive minimal help from the traditional literature in political science.

For example, the well-known debate between Miller (1974) and Citrin (1974) over the source of the decline in trust for government centers on whether people are rejecting the political system or the people (leaders) in government. Part of the confusion apparent in the trust literature is no doubt produced by the vague referent "government." To what exactly does this refer? What does a respondent do if he or she trusts the Supreme Court to do what is right most of the time but does not trust Congress to do what is right any of the time? We contend that it is essential to make a distinction among the various elements of government if we are to understand public dissatisfaction. We

must try to sort through people's attitudes toward the three federal institutions, with their distinct structures and standard operating procedures.

A second confusion emerging from the listed explanations results from the muddying of the distinction between government and the people in government. These explanations disagree about whether citizens are upset with the people in government (whether they be politicians, party people or idea people) or with government structures, procedures, and so on. It is essential that we clarify what people are upset about when it comes to political institutions. Is the public dissatisfied with the people who inhabit the institutions or with the institutions themselves? Extant research has not been diligent in making this distinction.

Each institution has its own structure and these structures are bound to affect support. In the case of the Executive Branch, almost no research exists on public support for the institution itself. Since ordinary citizens almost certainly think of the president when they are passing judgment on the White House or the Executive Branch, scholars have done the sensible thing by concentrating on explaining support for the sitting president. An impressive literature has grown around the topic of presidential popularity. We know, for example, that most presidents enjoy high public support early in their term before watching that support dwindle with the passage of the months. Temporary adjustments in this pattern can be produced by

decisive presidential actions, by economic conditions, by wars, and by other relevant conditions and actions (see Mueller, 1973; Kernell, 1978; MacKuen, 1983; and Ostrom and Simon, 1985, to name a few).

Existing research on the Supreme Court looks quite different. Perceptions of the Court are not centered on people at all. Ordinary citizens are not particularly familiar with the personnel of the Court. However, lacking the legitimacy of elections and given its occasional responsibility to act against (or without substantial regard for) public opinion, scholars have been concerned with the ability of the Court to generate support. Much of this research has been conceptual, with only a small number of studies utilizing data on public attitudes toward the Court. One of the more recent and concerted efforts to determine the predictors of aggregate levels of support for the Supreme Court was conducted by Gregory Caldeira (1986; see also Kessel, 1966; Dolbeare and Hammond, 1968; Murphy and Tanenhaus, 1968; Tanenhaus and Murphy, 1981; and Handberg, 1984). Caldeira concludes that while people, due to lack of knowledge and attention, "base judgments on the vaguest and crudest of ideological frameworks," the public "appears to respond to events on the political landscape and to actions taken by the Supreme Court" (1986: 1223).

Finally, less work has been done on public support for the U.S. Congress. Indeed, we know more about the intricacies and correlates of public support for the Iowa state legislature than

we do about the U.S. Congress (see Patterson, Hedlund, and Boynton, 1975). However, early work by Davidson, Koveneck, and O'Leary (1968), Davidson and Parker (1972), and Parker (1977), and later work by Patterson and Caldeira (1990) all point generally to the same conclusion: support for Congress varies from year to year and seems to be at least partially a function of public attitudes toward the president, scandals, the economy, and perceived presidential-congressional relations (see especially Patterson and Caldeira, 1990: 42).

We argue in this paper that to gain an appreciation of public attitudes toward the institutions, we must distinguish among the three branches of government and between the people in the institutions and the institutions themselves. Research in political psychology provides evidence that people have developed, to varying degrees, attitude structures that allow them to make distinct evaluations among various political stimuli (see, e.g., Conover and Feldman, 1984; Erber and Lau, 1990; Hamill, Lodge, and Blake, 1985; Lau, 1989; Lau and Sears, 1986). We therefore hypothesize, first, that people can and do make a distinction between the institutions and the people in government, consistent with Easton's distinction between support for the regime and support for authorities, and that this distinction raises important implications for understanding public dissatisfaction.

Second, we hypothesize that the correlates of public support vary depending on the referent of people's attitudes. We

consider three types of variables: demographic variables such as age, gender, and education; attitudinal variables such as party identification and political efficacy; and levels of political awareness and involvement. For example, the people who inhabit Congress are demarcated along party lines whereas the institution of Congress is not inherently partisan by nature. We therefore expect party identification and ideology to be related to evaluations of the membership of Congress but not the institution of Congress. Determining the type of respondent who is more likely to approve of Congress as an institution and as a collection of individuals will permit a more sophisticated understanding of public attitudes toward Congress.

Finally, any discussion of public dissatisfaction naturally leads to talk of reforms designed to lessen this dissatisfaction. We hypothesize that support for reforms, specifically term limitations, is the result of demographic and attitudinal variables affecting evaluations of the membership and institution of Congress which then affects support for reforms. We therefore create a path model to explain public support for term limitations.

Data

Aside from the theoretical limitations of past research, the paucity of data on institutional support severely constrains what can be studied. Most prior research has relied upon data that are simply not adequate to support careful analyses of variations

in support, with the exception of support for sitting presidents. For the most part, conclusions about public support for Congress and the Supreme Court are based on time series analyses of a question that was asked usually just once a year. The survey questions generating the data are also often inadequate, what with the unknown effects of wording changes, the superficiality of questions, and the lack of relevant supplemental questions and soundings.

To remedy these data problems, we conducted during the summer of 1992 two major data collection efforts. The first was a telephone survey administered to a national sample of approximately 1400 adults in the United States.[1] The second component of our data collection efforts involved a series of eight focus group sessions conducted in four different parts of the country: Nebraska, Minnesota, Texas and New York. Each session consisted of about 10 participants and lasted approximately two hours. The group setting gave people the opportunity to respond and react to each other, which realistically mimics most political discussions. Moreover, the less-structured and more personal setting allowed people to discuss in great detail their opinions and concerns.

The richness of the information derived from the focus

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[1] When interviewers reached a household, they asked to speak to the person in the household who was at least 18 years old and who had celebrated the most recent birthday (see Salmon and Nichols 1983). The interviews lasted about 30 minutes, were conducted between July and October 1992, and had a 57% response rate.

groups combined with the rigor of the data gathered from the national survey provide, we believe, a perfect mixture of depth and breadth in information on the important topic of institutional support. In the following section, we analyze these data in tests of our hypotheses.

PUBLIC EVALUATIONS AND INSTITUTIONAL SUPPORT

In this section, we test three hypotheses. First, as they accord support, do people make a distinction among institutions and between institutions and their members? Second, what leads people to differ from one another in their assessments of the various institutional referents? Finally, what explains people's support for term limits, the major current congressional reform proposal? We address each question in turn.

Evaluations of the Institutions and Their Members

There is no question that in the early 1990s, people were very upset with government, and that Congress was the lightning rod for most of these feelings. But saying, for example, that the public "hates" Congress is not particularly informative. To a greater extent than most institutions, Congress is a complex entity. It is difficult to know what aspect of Congress people think of when they report negative feelings toward it. Thus, one of our major goals is to determine the particular features of American politics that generate various (and usually negative) public reactions.

Richard F. Fenno, Jr. (1975) called attention to an important situation that is now a part of most discussions of public attitudes toward Congress: namely, many Americans have negative views of Congress at the same time as they profess positive views of their own member of Congress. Why so many citizens possess this unusual combination of views came to be known as Fenno's paradox. One of Fenno's answers to this paradox is that "we apply different standards of judgment, those that we apply to the individual being less demanding than those we apply to the institution" (1975: 278; see also, Cook, 1979; Parker and Davidson, 1979). Fenno's point is an important one and has quite rightly been influential.

Still, we wish to suggest that Fenno's point captures only a part of the overall story. Contrary to appearances, the key distinction is not really between the member and the institution; rather it is between all members and the institution itself.

We asked people about their approval of members of Congress as a collectivity. We then repeated the question with regard to the justices on the Supreme Court and then George Bush. In separate questions we also ascertained respondents' approval of the <u>institutions</u> of government, not the people in government.[2] Our analysis shows that the distinct questions for members and for the institutions themselves produced startlingly different results. These results are presented in Table 1. Perhaps the

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[2] See Appendix 1 for the exact wording of these questions and response options.

most striking figure in this collection of marginals is the low approval level for members of Congress as a group. Less than one-fourth of the respondents approve or strongly approve of members of Congress. Approval of George Bush at the time of the survey was 45.8 percent and approval of current justices on the Supreme Court was a whopping 72.9 percent. Compared to members of the Court and "members" of the Presidency, the public does not like members of Congress.[3]

[Table 1 about here]

When the focus shifts to the institutions and not the members of the institutions, the consequences are remarkable. A focus on the institution produces strongly positive feelings across the board. About 95 percent of the public approves of the Supreme Court and the Presidency as institutions, regardless of who is in office, and, most notably, 88 percent of the public even approves of Congress as an institution. Nineteen percent of the respondents even claimed to <u>strongly</u> approve of Congress as an institution.

It is clear that a dropoff is registered for all three bodies as attention is directed away from the institution and toward the individual members--but the dropoff for Congress is of incredible magnitude. The Court witnesses the smallest drop, only 21.5 percentage points. Approval of the Presidency is nearly 50 points higher than approval of George Bush. And

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[3] They do, however, tend to like their own member, as Fenno found. According to our survey results, 67 percent of the respondents approved of their own member.

approval of Congress is nearly 64 points higher than approval of the members of Congress. People do not hate Congress. Rather, they overwhelmingly approve of the institution even as they do not approve of the performance of the people in Congress, excepting their own member.

Who Approves and Who Disapproves?

Determining the type of respondent who is more likely than others to approve of Congress either as an institution or as a collection of individual members will permit a more sophisticated understanding of institutional support. We focus here on three types of variables that may be related to evaluations of Congress: demographic characteristics, political attitudes, and political involvement.

First, people with certain demographic characteristics, such as age, sex, education level and so on, may be predisposed to evaluate the institution or the membership more positively or negatively. For example, older people might be more favorably disposed toward the institution of Congress because they are more thoroughly socialized into supporting the political system. Women and minorities have historically suffered discrimination and this history could lead to greater alienation from Congress in light of its central role in structuring the social system that included discriminatory acts. And the higher people's income, the more supportive they might be since they would appear to have benefitted from the system of which Congress is an

integral part.

The relationship between education and institutional support is more difficult to predict. Researchers seem to assume that educated citizens are more likely to understand, if not fully appreciate, the messy nature of the legislative process. The less educated, in contrast, would tend to be put off by the open disagreements, the procedural wranglings, and the painfully deliberate pace of that process. Research findings, however, typically refute these expectations: education is either unrelated or negatively related to support for Congress (see, e.g., Ripley et al., 1992; Davidson, Koveneck, and O'Leary, 1968).

We also examine the relationship among certain political attitudes and evaluations of Congress. Attitudes that orient people in the political world might be related to how people perceive Congress and its membership. We consider three such attitudes: external political efficacy, party identification, and ideology. First, people who have a strong sense of external efficacy, believing the government is responsive to them, are likely to evaluate Congress more positively. The inefficacious, on the other hand, will likely evaluate Congress more negatively since they perceive government, of which Congress is a part, as unresponsive. Efficacy should therefore be related to both institutional and membership support. Second, party identification and ideology will likely be related to evaluations of the membership of Congress, but not institutional support.

The membership of Congress has been dominated by the Democratic party for the last several decades. It would be surprising if Republicans and conservatives were not more negative than Democrats and liberals about the membership of Congress. The institution of Congress, however, is not inherently partisan and therefore should not be evaluated differently by partisan or ideological groups.

The third and final cluster of independent variables involves political attention and involvement. It is likely that the more people are involved in politics--by being interested, keeping in touch with what is happening in politics through the media, discussing politics with friends and family, and voting--the more they will feel they have a stake in the system. Involvement should therefore be related to approval of Congress as an institution. This same involvement and awareness, however, may be negatively related to approval of the membership of Congress since these people are potentially more aware of negative events, such as scandals, relating to the members.

We expect that the education, income, and interest/involvement variables we utilize will be positively related to evaluations of Congress the institution, since these variables involve basic attachments to and appreciation of the political system. They may be negatively related, however, with evaluations of members of Congress. Just as baseball fans who have played the game at some level may be the most demanding and critical observers of players but among the most loyal supporters

of the game itself, political "fans" who are involved and knowledgeable may be demanding and critical of politicians even as they are supportive of political institutions.

We provide a preliminary test of these expectations by examining the simple bivariate correlations between the variables described and evaluations of the institution and the membership of Congress. The most astounding finding in Table 2 is that the correlates of approval for Congress as an institution (column 2) are so different from the correlates of approval for the members of Congress (column 1). As our theorizing indicated, in several instances a variable was more strongly related to members than to the institution, or vice versa. On the whole, the number of times in which correlations switch directions is noteworthy. Many variables lead respondents to be more supportive of the institution at the same time they lead respondents to be less supportive of members, or to have the opposite effect.

[Table 2 about here]

To be more specific, of the 13 explanatory variables in the table, 10 of them have opposite signs for members as they do for the institution. Only external efficacy is consistently and significantly related to approval of both the institution and its members. Age does not seem to be correlated with approval of either members or the institution, despite our expectation that with age would come more approval. Women and racial minorities, surprisingly, are more approving of the members of Congress but not much different from men or whites when it comes to approving

of the institution.

The findings in relation to education and income are quite suggestive. When considering approval of the institution, education and income are both strongly and positively related to approval. The more education and income a person has, the more likely that person is to approve of Congress as an institution. But the same certainly cannot be said when the focus shifts to approval of the membership of Congress. Here we find that additional income actually diminishes approval. Our measure of education also has a negative sign, but this may be occurring by chance. At the least we can say that there is no evidence that increasing education makes people more approving of the members of Congress as a collectivity.

Party identification and ideology, as we expected, are clearly related to views of the membership. Republicans and conservatives are the least likely to approve of the members and Democrats and liberals the most likely to approve. But these partisan and ideological predispositions matter little when people pass judgment on Congress as an institution.

Finally, a fascinating pattern emerges for the cluster of variables we refer to as political attention and involvement. Though our two media-oriented variables are not strongly related to evaluations of Congress, people who are interested in politics, who discuss politics, and who vote are much more likely to approve of Congress as an institution than are the less involved. At the same time, these same politically interested

and active people are actually less likely to approve of the members of Congress.

Support for Term Limitations

To determine how these variables fit together in a multivariate analysis to explain support for Congress, we used path analysis. In addition, we incorporate into the model support for proposals to limit the number of terms members can serve in Congress. Given the prominence of term limits on the reform agenda of recent years, we wanted to determine the kinds of people who favor term limits. Fifteen states have adopted term limit language of varying sorts. Forty-two percent of Representatives in the House (181 members) is currently limited in the amount of time they can remain, unless the courts declare that such limitations may not be imposed without a constitutional amendment. Term limits are with us for now and may spread further in the 1994 elections. Who is behind this movement? What kind of people are most excited by term limits ideas?

Previous studies have attempted to identify groups in society most supportive of term limits but have not met with a great deal of success. John H. Fund quotes the political director of CBS News as saying that he had "never seen an issue on which there was so little demographic variation" (1992: 225). Rick Farmer notes conflicting findings in surveys on even as elementary a matter as whether partisanship is related to support for term limits (1993: 9). We attempt to provide some answers to

the puzzling question of what explains term limit support.

In our path model, the demographic variables are exogenous and are directly related to the attitudinal and involvement variables. We then expect that the attitudinal variables will be strongly related to approval of the membership of Congress since, as we explained above, the membership is by its very nature partisan and ideological and perceptions of government responsiveness are obviously related to evaluations of the membership of Congress. We expect, on the other hand, that the involvement variables will be most strongly related to approval of the institution of Congress since people who have a greater stake in the system are likely to be most supportive of the institutional structure. Finally, we expect that these demographic, attitudinal, and involvement variables will primarily affect support for term limitations indirectly through membership and institutional approval. That is, people who disapprove of the members of Congress or the institution itself will be significantly more supportive of term limitations than those who approve of either referent.

We took several steps to complete the path analysis. First, we standardized the variables to range from 0 to 1. Second, in order to make the presentation as clear as possible, we report in Figure 1 only the significant relationships among variables. We also refrained from drawing in the significant relationships among the demographic characteristics and the attitudinal and involvement variables (see Appendix 2 for these relationships).

The results of the path analysis are reported in Figure 1. Looking first at the significant correlates of approval, it is clear that in general our expectations are supported. Party identification and efficacy are strongly related to membership approval, and ideology is marginally significant, controlling the effects of demographic characteristics and involvement. Republicans and conservatives are generally less approving and the efficacious more approving of the members. More surprisingly, one involvement variable, discussion, is also related to membership approval: the more people discuss politics with friends and family, the less approving they are of the membership of Congress. Congress would benefit from people not talking about politics. Finally, two demographic variables are directly related to membership approval. Women are significantly more approving than men and the poor are significantly more approving than the wealthy, even controlling attitudinal effects. More on this shortly.

[Figure 1 about here]

What explains approval of the institution of Congress? We find, as expected, that people who approve of the institution of Congress tend to be more highly educated, more efficacious, and more interested in politics than people who disapprove of the institution. Thus, people who have a greater stake in the system and are more involved in politics are more approving of the institution of Congress. A surprising finding is that there are not more involvement variables related to institutional support.

Turning to support for term limits, our preliminary results are sometimes surprising for what does not explain support. Education and efficacy are not directly related to term limits support. Similarly, people displaying more interest in politics, people who vote, and people who discuss politics are not more or less supportive of term limits than the uninvolved. So it seems the factors that usually mitigate support for a reform (education, efficacy, and political involvement and interest) are not directly able to diminish support for term limits as they often do for other reforms. This is an important finding.

What directly affects term limit support? First, two variables, sex and party identification, are directly related to reform support. As expected, Republicans, other things being equal, are significantly more likely to support term limits, but so are women. To our knowledge, the gender gap on term limits has not been discovered in previous research.[4] We believe the persistent support of women and Republicans for term limits is attributable to a perception that the membership of Congress is compositionally unrepresentative. Certain elements of society are believed to be frozen out of the body by virtue of an illicit subculture that has been able to perpetuate its dominance. This subculture is built around Democratic men. Thus, one motivation for supporting term limits is to alter patterns of entry into Congress.

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[4] Some media polls show a slight gap on the issue between men and women, but nothing much is ever made of it.

Second, the extent to which people approve of the members of Congress and of Congress as an institution is strongly and significantly related to term limits support. People who disapprove of the members are much more likely to support a movement to kick members out of office, which of course makes sense. These people think the members are doing a bad job in office, so it makes sense to institute a reform that will limit their stay in office. Term limits give people the chance to elect a new batch of people more regularly, and it is hoped the new batch will do a better job. It is important as well to keep in mind the variables that have an indirect effect on membership approval. People who approve of members are liberal, identified with the Democratic party, efficacious, less likely to discuss politics, women, and the poor. These people are also more likely to oppose term limits through their disapproval of the members (with the exception of women). Conservatives, Republicans, the inefficacious, those who discuss politics, men, and the wealthy disapprove of the membership of Congress and are subsequently more supportive of term limits.

The relationship between institutional approval and term limits is based on a quite different set of variables. People who approve of the institution of Congress are significantly more likely to oppose term limits. Who tends to approve of the institution? The highly educated, interested, and efficacious approve of the institution, and are therefore less supportive of term limits. The less educated, the disinterested and the

inefficacious disapprove of the institution and subsequently support term limits.

CONCLUSION

People do not approve of Congress, but this disapproval is not as indiscriminate as is usually implied. Instead, public views of Congress as an institution and Congress as a collection of politicians could hardly be more different. Three out of every four American adults do not approve of the members of Congress but only one out of ten does not approve of the institution of Congress.

Perhaps more importantly, the correlates of approval for the institution and for the membership are also as different as night and day. Congress as an institution is most strongly supported by the people we would expect--those who feel highly attached to and part of the political system, who are well-educated, and who are interested in politics. The membership, on the other hand, is most strongly supported by women and the poor, by liberals and Democrats, and by people who do not discuss politics. Many of the variables expected to boost approval of members of Congress do not (a sense of political efficacy is the major exception). Education, for example, if anything, is negatively related to approval of the congressional membership.

What this means is that increased approval of members of Congress will not automatically accompany increases in the educational levels or living standards of American adults. A

more interested, involved, active, educated, and affluent public is not necessarily a public that is fonder of the congressional membership. These correlates of public attitudes toward the membership are crucial because, in the larger work of which this paper is a part, we demonstrate that when the public gives its views of "Congress" it almost always divulges attitudes toward the membership. For most people, by default, Congress is its members. Attitudes about the institution of Congress lie deeper and must be tapped with special efforts. Nearly all attitudes toward Congress discussed in an ordinary fashion are tantamount to attitudes toward the membership.

Taken together, these findings indicate that attitudes toward Congress--at least the kind that lead to investigations of "why Americans hate politics" and the like--are unlikely to be improved by educating the public, by improving economic conditions, or by inducing the public to be more involved with the political system. Those who are most upset with the membership of Congress and who are most supportive of term limits, it would seem, will only be persuaded if they are convinced of the congressional system's overall efficacy and its openness to women and Republicans and if they see Congress more in institutional terms than in terms of a collection of individual and unavoidably flawed members. The public support bequeathed to the Supreme Court by virtue of its being perceived more in institutional than in membership terms provides it with valuable cover. The Congress is not so lucky. Its very public,

very open, and very visible systemic venue and rules of procedure invite the public to see it as a collection of overly partisan, bickering, self-serving, political hacks.

All this leads us to concur, at least in part, with the theory (discussed earlier as Theory 1) holding that much of the unrest with the political system and especially with Congress is endemic to the role we ask Congress to play, although it is undoubtedly true that the unfortunate misdeeds of a number of members unnecessarily fan the flames of this unrest. Congress is not only an enemy of the public right now, it is an enemy because it is so public. If we value a separation of powers system (the public enthusiastically does) and if we value the role of a strong legislature in such a system, we must devote more attention to the care and feeding of such a legislature. Its viability should not be taken for granted in a pervasively sour and cynical climate. Moreover, it is not the case that, even if we could magically increase public political education and awareness, attitudes toward Congress would improve. To know Congress is not to love it, unless people can be made to think more often of Congress as an institution rather than merely the sum of its members.

Appendix 1

Survey Question Wordings and Response Options

Feelings Thermometer Ratings:

1. I'd like to get your feelings toward some groups of people in the U.S. government. I'll read the name of a group and I'd like you to rate it using something we call the feeling thermometer. Ratings between 50 and 100 degrees mean that you feel favorable and warm toward that group. Ratings between 0 and 50 degrees mean that you don't feel favorable toward the group and that you don't care too much for that group. You would rate the group at the 50 degree mark if you don't feel particularly warm or cold toward the group.

   a. Using the feeling thermometer, how would you rate the justices currently serving on the U.S. Supreme Court?

   b. How would you rate the current president, George Bush?

   c. How would you rate the current members of Congress?

2. Now, I've asked you to rate some people in government, but sometimes when we talk about the parts of the government in Washington, like the Supreme Court, the presidency and the Congress, we don't mean the people currently serving in office, we mean the institutions themselves, no matter who's in office. These institutions have their own buildings, historical traditions, and purposes laid out in the Constitution. I'd like to know how warm or cold you feel toward these institutions, not the people currently in office.

   a. Using the feeling thermometer, how would you rate the U.S. Supreme Court?

   b. How would you rate the Presidency?

   c. How would you rate the U.S. Congress as an institution?

Approval Ratings:

3. I have a few more questions about the institutions of the government in Washington--that is, the Presidency, the Supreme Court, and Congress. In general, do you strongly approve, approve, disapprove, or strongly disapprove of...

   a. the institution of the Presidency, no matter who is in office?

   b. What about the Supreme Court, no matter who the justices are?

c. What about the U.S. Congress, no matter who is in office?

4. Again, thinking about people in government, please tell me if you strongly approve, approve, disapprove, or strongly disapprove of the way the people are handling their jobs.

a. How do you feel about the way the nine justices on the Supreme Court have been handling their job?

b. What about President George Bush?

c. What about the 535 members of Congress?

d. What about your own Representative in the U.S. House of Representatives?

Term Limits:

5. Some people have suggested that we need to reform some aspects of government. Others think we ought to leave things the way they are. I am going to read you some proposed reforms. Please tell me whether you favor or oppose each reform. If you aren't sure, just say you don't know. If you want the reform explained, please let me know.

a. Limiting the number of terms someone can serve in Congress.

b. Would you say you strongly favor or not very strongly favor term limitations?

Political Attitudes:

6. **Ideology:** We hear a lot of talk these days about liberals and conservatives. Do you consider yourself liberal, slightly liberal, moderate, slightly conservative or conservative?

7. **Party identification:** Generally speaking, do you usually think of yourself as a Democrat, a Republican, an Independent, or something else?

a. [If Democrat or Republican] Would you consider yourself a strong Democrat/Republican or not a very strong Democrat/Republican?

b. [If Independent or other] Do you think of yourself as closer to the Republican or Democratic party?

8. **External efficacy:** [Response options: Agree or Disagree]

   a. People like me don't have any say about what the government does.

   b. I don't think public officials care much about what people like me think.

Political Involvement and Awareness:

9. **Discuss politics:** How many days in the past week did you talk about politics with your family or friends?

10. **Interest:** How interested are you in politics and national affairs? Are you very interested, somewhat interested, slightly interested, or not at all interested?

11. **Vote:** [Response options: Yes, did vote/thinks so or No, didn't vote/doesn't think so]

   a. In 1988 George Bush ran on the Republican ticket against Michael Dukakis for the Democrats. Do you remember for sure whether or not you voted in that election?

   b. In 1990 elections were held for the U.S. House of Representatives. Do you remember for sure whether or not you voted in that election?

12. **Media attention:**

   a. How many days in the past week did you watch the news on TV?

   b. How many days in the past week did you read a daily newspaper?

13. **TV news:** I'd like to ask where you usually get most of your news about what's going on in the world today--is it from the newspapers, radio, television, magazines, or talking with others? [Respondents answering "television" were coded 1, all others coded 0.]

Appendix 2

Relationships among Demographic Characteristics and
Regression Coeffi

Dependent V

Demographic Variables	Efficacy	Party ID	Ideology	Discus
Age	-.04	.02	.16**	.31*
Race	.05	.20**	.04	-.05
Sex	-.01	.03	.05*	.03
Income	.09*	.11**	.12**	.17*
Education	.29**	.02	-.17**	.15*

* $p < .05$; ** $p < .01$.

: 2

and Attitudinal and Involvement Variables:
fficients

t Variables

scuss	Interest	Vote	Media Attn.	TV News
31**	.31**	.85**	.53**	.01
05	-.02	.04	-.03	-.06
03	.04**	.00	.02	-.10**
17**	.08*	.21**	.10**	-.24**
15**	.23**	.29**	.07*	-.20**

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TABLE 1

CONTRASTING SUPPORT FOR THE MEMBERS OF INSTITUTIONS AND FOR THE INSTITUTIONS THEMSELVES

	Percent Approve	Mean Feeling Thermometer
Members of Congress	24.2%	42.6
Institution of Congress	87.8%	65.7
Members of the Supreme Court	72.9%	54.3
Institution of the Supreme Court	94.4%	69.2
Specific President (Bush)	45.8%	47.6
Institution of the Presidency	95.5%	72.2

Feeling thermometer range is 0 (coolest) to 100 (warmest)

N varies but is about 1400 for each response

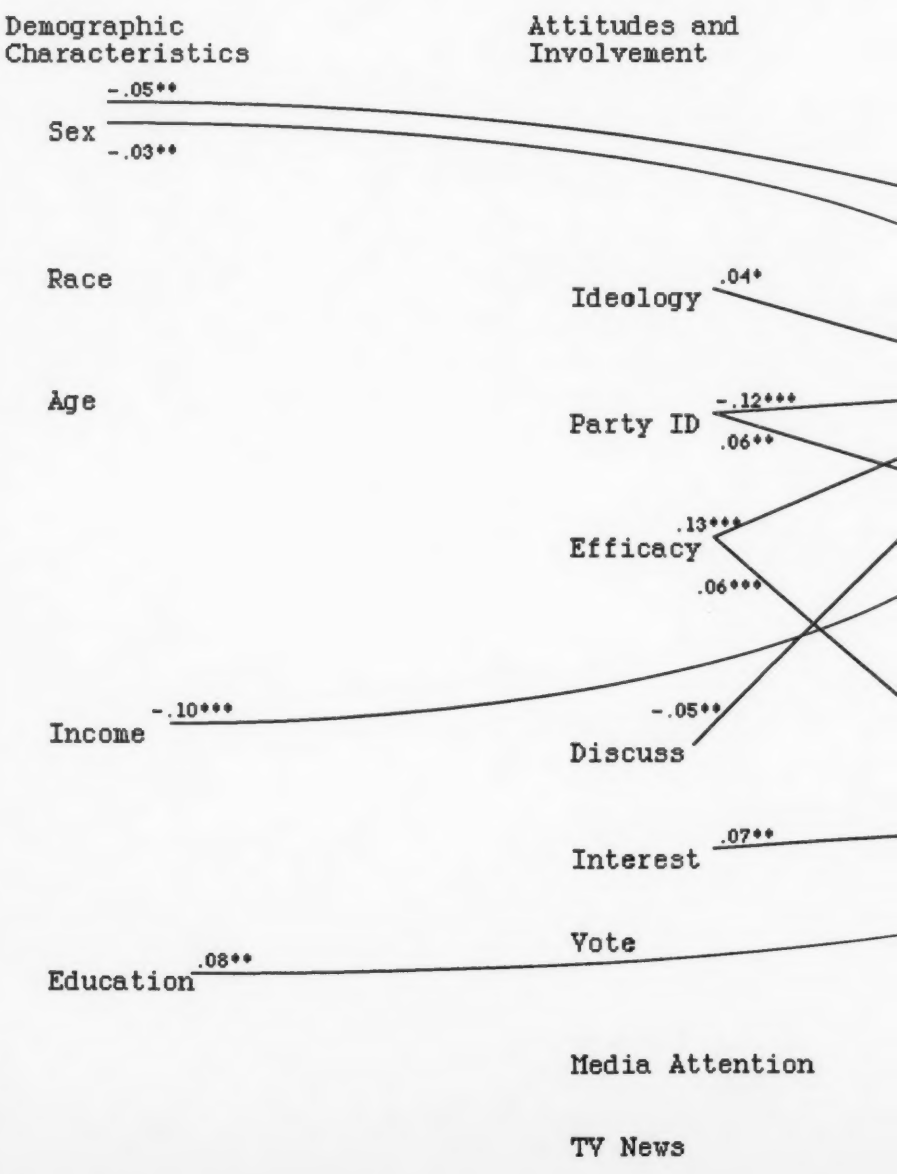
TABLE 2

SIMPLE CORRELATIONS OF DEMOGRAPHIC, ATTITUDINAL, AND INVOLVEMENT VARIABLES WITH COMPONENTS OF CONGRESS

Variable	Members of Congress	Congress as Institution
Age	-.00	.03
Gender	-.10**	.03
Race	-.06*	.04
Education	-.04	.18**
Income	-.14**	.15**
Efficacy	.22**	.18**
Party Identific.	-.21**	-.00
Ideology	-.14**	-.04
Interest	-.09**	.16**
Media Attention	-.01	.04
TV News	.00	-.07*
Discuss Politics	-.10**	.13**
Vote	-.06*	.13**

*=sign. (.05)
**=sign. (.01)

Figure 1. Pe



Note: * p<.10; ** p<.05; *** p<.01.

Path Analysis